SOVEREIGNTY AND HUMAN RIGHTS: COMPLEMENTARY OR ANTAGONISTIC?

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Abstract:
The sovereignty today still constitutes a large part of the reasons for the limitations of the global human rights system, as countries strongly adhere to their sovereignty in the face of the global human rights movement, even if it means violating the rights of their citizens, oblivious to the fact that adherence to the global rules of human rights is essentially an affirmation of the principle of sovereignty. This is because countries have committed to the global rules of human rights by their own will, so the true universality of human rights is based on national action and therefore does not fundamentally conflict between international protection of human rights and the principle of sovereignty.
Key words: *sovereignty, human rights, obstacls, activation, evolution*

INTRODUCTION

Globalization has led to the development of international law and deepened its interaction with national law, where international law now regulates areas that were once within the sovereignty of states. This is particularly evident in the field of human rights, as the provisions of international human rights law contribute to enhancing and protecting human rights in the domestic legal system of states.

Although the debate over national against international human rights protection is not new, its dynamics have changed recently in light of concerns expressed about ensuring the coexistence and harmony of national and international human rights protection systems. Although national and international human rights systems share similar principles, some contend that the latter threatens the former. This raises concerns about the efficacy of national human rights systems and their potential to undermine the global human rights framework.

Currently, there is no debate about the erosion of human rights from the domain reserved for the state, within the framework of individual liberation from the absolute sovereignty of their state. However, even if the state's sovereignty diminishes, it does not disappear, especially since the international standards and institutional frameworks in the field of human rights are based on national action and rely on it. The objective nature of the rules governing human rights creates obligations that fall primarily on states, resulting in rights for individuals in dealing with these states. The departure of human rights from the reserved domain of the state does not mean the end of its role in enforcing and upholding international human rights standards. The state still enjoys broad discretion in dealing with its international human rights obligations, and the consensual and optional nature of international human rights law allows the state not to comply, to comply with reservations and interpretative declarations, or even to restrict and hinder rights after commitments, as well as allowing the possibility of withdrawal from conventions if necessary.

Despite the difference in ways of enforcing international human rights conventions in the internal legal system and the differences in the place that international human rights rules occupy within this system. There is almost a consensus that the relationship between international human rights rules and national rules is embodied through the mutual influence between the three authorities in various national constitutions, as the ratification of international human rights conventions is a shared jurisdiction between the legislative and executive authorities, the judicial authority also plays an important role in interpreting and implementing the conventions.

It is important to note that the connection between human rights and sovereignty is highly complex because the two ideas are always shifting at the textual and practical levels. For this reason, further research is required to determine the exact nature of these tensions. Considering the aforementioned, we will attempt to respond to the following question In light of the contentious relationship between national sovereignty and human rights, how do international and national efforts relate to each other when it comes to ensuring effective legal protection of human rights?
To answer this question, a descriptive and analytical approach was adopted. The descriptive method was used to define the changing concept of sovereignty in light of international changes, while the analytical method was used to clarify the relationship between sovereignty, justice, and human rights based on the principle of integrating national and international mechanisms to protect human rights.

1/ the mutation of the concept of sovereignty from absolute to relative:

The idea of sovereignty remains mysterious and elusive despite the numerous definitions that have attempted to define its features. While some attribute the credit to the French scholar Jean Bodin in 1576 for detailing and defining the meaning of this concept and giving it fame, others believe that the idea of sovereignty in its various levels is ancient, dating back to the origins, development, and formation of the state system by human societies.[1]
The principle of sovereignty has been the cornerstone of the international community since Jean Bodin highlighted it, serving as the basis for treaties, customs, judicial practices, and international regulatory controls. However, it has not been immune to criticisms that targeted the absolute nature of sovereignty, which has posed significant challenges in a more interconnected international community, especially since sovereignty as a legal concept sanctifies the will, differing from sovereignty as a political concept that gives actual power to the state to enforce its will in the international field.[2]
Sovereignty as defined in the Charter. A concept of limited sovereignty was embraced by the Charter, according to some jurists, while others believed that its provisions solidified the idea of absolute Westphalian sovereignty. This issue stems from differing interpretations of Article 2's first paragraph, which refers to "Sovereign equality." The first group understood it as equality in sovereignty, and the second group translated it as absolute equality. This means that the United Nations was able to intervene in areas that states reserved for themselves by omitting any mention of sovereignty in the Charter.[3]
The idea of sovereignty entered a new phase with the advent of new international factors and the end of the Cold War. From this new perspective, the international system is now seen as global rather than just international. This indicates that ties have widened and that the state is no longer the primary or only actor in international relations, particularly in light of the creation of numerous avenues for people to communicate with the world system. Because of this, the person is now considered an addressee of public international law within the context of the services that regional and international organizations offer him.[4]
Although the concept of sovereignty still retains some fundamental aspects, it has begun to decline due to many global transformations, leaving the state almost incapable of controlling the growing external influences affecting internal principles. This decline is evident through:
- Abundance of legal norms, conventions, and customary laws that impose restrictions on states' sovereignty in exercising their internal competencies.
- Powers of some international bodies in monitoring, investigating, and intervening in matters with regional and global implications.
- Attempts by some dominant states to interfere in the affairs of other countries, either directly or indirectly through economic influence or support for opposition forces.
- International jurisprudence and judiciary's dedication to the supremacy of international law over domestic law.
- Emergence of quality global problems requiring international efforts and political will to achieve effective solutions.[5]

Thus, voices began to emerge advocating for the state's total sovereignty to be subject to the limitations imposed by public international law. The International Court of Justice has stressed in a number of its rulings the importance of making sure that a state's sovereign rights do not conflict with its freely assumed international obligations. This is in line with the Declaration of Rights and Duties of States, which states that states' sovereignty must be subject to international law. The idea of sovereignty has become less popular in world based on interdependence between states[6].

Because international law is imposed on states based on factors that supersede their will and put constraints on their acts because of their relationships with individuals, other states, and international organizations, states are no longer free to act within their borders. Furthermore, limits do not lessen sovereignty because sovereignty is a general principle that benefits all states and is not incompatible with adhering to international law, which is incompatible with submitting to the will of another state. These points show that the theory of absolute sovereignty is not in line with the reality of states' interconnected interests, which necessitate cooperation and mutual dependence.[7]

2/ The problematic relationship of sovereignty to human rights

The recognition of the existence of international human rights entails the involvement of international public law in terms of regulation and protection in a domain that was previously under the exclusive jurisdiction of the state. The transfer of the concept of human rights from the domestic sphere of the state, with its cohesion and consistency, to the realm of international law, with its relative ineffectiveness, is not just an extension of the idea but a fundamental shift that touches upon the foundations of the international system. States that are protective of their sovereignty cannot readily accept such a matter, especially since one of the fundamental pillars of international law is the recognition of national sovereignty.[8]

The transfer of human rights from the reserved internal domain of the state to the areas of international cooperation was not a smooth transition, given that the idea of the reserved domain of state sovereignty is a flexible and undefined concept that expands and contracts according to changing elements that cannot be predetermined. It is conceivable that many issues may move out of the exclusive jurisdiction of the state and gradually fall within the scope of the United Nations' jurisdiction, following the globalization of international legal relations.[9]

The idea of the reserved domain of the state has sparked a legal debate, divided into three opinions: The first view sees that human rights fall within the internal jurisdiction of the state in order to avoid using human rights as a pretext to intervene in the internal affairs of states. The second view sees the necessity of removing all human rights from the reserved domain due to the organized international arsenal to avoid the state's abuse of rights under the pretext of its sovereignty. The third view attempts to reconcile between them by balancing between the role of international law and national law, where international law addresses fundamental rights that have risen to the level of customary rules and peremptory norms, while national law deals with the rest of the rights.[10]

The human and global nature of human rights has contributed to proposing a perspective on sovereignty that differs from the traditional perspective by shifting the conceptual approach in thinking about the essence of sovereignty from control to responsibility. The duty to protect human rights primarily lies with the state, while the international community assumes responsibility in its place if the state is unable or unstable to fulfill its responsibilities or if it itself violates human rights, leading to a shift from a culture of sovereign immunity to another culture based on international national accountability.[11]

The objective nature of human rights gives rise to a new legal system that eliminates the distinction between domestic and international law. Therefore, it should not be viewed from the perspective of absolute sovereignty or political intervention, but it should be realized that human rights implicitly require cooperation and coordination between states and international organizations. Respecting human rights is an inherent responsibility of states, except in cases where a state fails to fulfill its obligations in human rights activities. Therefore, the international community, through international and regional organizations, must assume responsibility on its behalf, especially since sovereignty can be used as a pretext for violating human rights.[12]

The distinction between three stages in the relationship between the concept of sovereignty and human rights can be identified: The first stage began with the demand for sovereignty and independence by peoples and was centered on the period of decolonization. The second stage involved states achieving their independence, with sovereignty serving as a shield to protect these states from external interference. The final stage represents the constraints imposed on state sovereignty, where human rights are considered the most important considerations that states must adhere to.[13]

Although the state is now bound by broad humanitarian requirements and regional and international standards when it comes to human rights, giving rise to the idea of "responsible sovereignty," the emergence of the sovereign system and the development of the international human rights system are always seen as intertwined due to their mutual contradiction, with optimists believing that human rights pose a threat to the sovereign system and pessimists viewing the former as a genuine threat to the universality of human rights.[14]

Some scholars go so far as to link the relationship between the principle of national sovereignty and human rights to a zero-sum relationship, either human rights are stronger and therefore no authority is above their authority, or sovereignty is stronger and human rights are at risk of state seizure, where the international human rights system is based on two contradictory variables - or may be so - which are the internationalization of human rights and recognition of states' sovereign jurisdiction.[15]

3/ Sovereignty as an obstacle to human rights:

The language used in human rights treaties is that "States Parties" undertake to respect a certain right, enforce it, or enact national laws that guarantee it or prevent any violation of it through appropriate repressive mechanisms. Rarely are there provisions that address individuals directly or guarantee the rights that can be protested internationally without going through national channels the vast majority of international human rights standards are directed towards states, not individuals or groups of individuals.[16]

The decision of nations and their sovereignty play a key part in adhering or not to international documents, hence in principle, commitment to international human rights standards remains a choice, despite some campaigning for the death and disappearance of sovereignty. As governments utilize their sovereign right to disengage from obligations, all methods of doing so—ratification, reservations, restrictions, or obstacles—are intimately related to sovereignty. According to Pierre Henri Imbert, it is foolish to think that reservations are only technical legal issues because they have an impact on and are impacted by the essential elements of sovereignty.[17].

Once the state engages in the global human rights system, it incurs a responsibility towards the actual enforcement of human rights. This responsibility is generally divided into three levels: the duty to respect, the duty to protect, and the duty to implement human rights. The state's responsibility towards human rights is essentially an obligation to achieve the goal (Obligation de résultat) and not just a commitment to exercise care (Obligation de moyen). The state must ensure that all the rights associated with a person's humanity are realized for the individual under its jurisdiction, enabling them to effectively enjoy these rights. Its commitment here is an immediate and decisive commitment.[18]

But some countries use Article 2, paragraph 7 of the United Nations Charter as a pretext to reject the intervention of any state or international organization to protect human rights under the pretext that the article does not allow it. These countries still consider human rights as exclusively an internal matter of the state, but they forget that the same Article 2/07 of the Charter, which they rely on, is matched by 7 other provisions in the Charter that take human rights out of internal jurisdiction and place them within the framework of international cooperation.

Though experience has demonstrated that enshrining rights in constitutions and national laws is insufficient to assure their execution in practice, countries may argue that their national texts provide greater or adequate safeguards of human rights. Several nations with a long list of rights enshrined in their constitutions rank among the worst offenders of human rights. It is important to note that certain nations recognized for their development and prosperity are also the source of this

conduct; it is not exclusive to third-world nations. Women in America continue to experience wage discrimination since they are paid less for doing the same work as men, while immigrants in Europe endure the most severe types of discrimination due to the growth of right-wing movements.[19]

While Western nations have demonstrated their adherence to their sovereignty when confronted with international human rights agreements, France took 14 years to ratify the two covenants, 18 years to ratify the first optional protocol, and 24 years to ratify the European Convention on Human Rights. This is due to the strong adherence to the idea of sovereignty and the disproportionate faith placed in the national legal system in contrast to international agreements. France showed a lack of confidence in the potential for foreign courts to get involved in domestic matters, frequently adopting a defensive stance against any erosion of its sovereignty by "the worrying supranationality "”[20].

It is an exaggeration to think that France is the only one lacking enthusiasm when it comes to human rights treaties, as Mr. "Balmero" pointed out in a report on the International Covenant on Civil and Political Rights that: "If the desire to promote human rights is one thing, then the deep caution of almost all countries about any legal or political action can restrict - directly or indirectly - their freedom of action or national sovereignty is another tangible fact," and it is not without reason that commitment to monitoring mechanisms is always optional.[21].

One nation that fiercely defends its domestic sovereignty is the United States of America, a nation that actively promotes sovereignty abroad. Its human rights stance is marked by paradoxes and stark discrepancies, and its record of ratifications is among the worst. For many years, the US has established internal systems to keep an eye on human rights violations overseas, but it has refused to ratify important human rights accords. The United States declines to ratify on the grounds that the country's constitution makes human rights issues complicated, particularly in light of the procedures Congress has put in place to address these issues, including understandings, declarations, and reservations. The United States ratifies and reserves like one who constructs and destroys, even if it surmounts what it claims are constitutional barriers.[22]

One of the most staunchly sovereignty-holding countries in Asia is the countries that fall under the umbrella of the "ASEAN" organization, which fiercely defended Asian values at the Vienna Conference in 1993. It justified its hostility to the global human rights system as a Western imperialistic innovation that does not align with the requirements of Asian societies. It took 16 years after the Vienna Conference to adopt the Asian Declaration of Human Rights in 2012, which faced numerous criticisms from civil society institutions and the High Commissioner for Human Rights, as a document aimed at consolidating national sovereignty over human rights. Basic rights such as the right to life must be in line with national security requirements, public alliances, and local laws.[23].

Many Arab countries have adhered to their sovereignty, relying on instrumental logic, relying on the pretext of political maturity at times, and the pretext of national unity at other times. It also depends on a pretext economic development and social, It is as if ratifying the universal rules of human rights will hinder the state’s well-being and progress. Arab regimes always exploit the problem of the close relationship with the West as a means of challenging the legitimacy of human rights based on questioning their source and motive. The importance of the concepts themselves is not emphasized.[24].

4/ Sovereignty as a criterion for activating human rights

Jurists almost unanimously agree that the existence of an international obligation on the state is the criterion that separates what falls within the internal jurisdiction of the state. And what comes out of it, even issues that are considered to be at the heart of the jurisdiction reserved for a state, such as its relationship with its citizens and human rights, if the State is bound by any international agreement, have become an international issue and have departed from its internal jurisdiction.[25]

The adherence to human rights norms is optional, since the intense debate and divergence of opinion between jurists on the basis of the binding force of international human rights law has led to the weight of the voluntariness of the doctrine, which is based on the express and tacit consent of States to be subject to the provisions of international human rights law in view of the active role played by

the State in the effective realization of these rights, based on the principle of good faith, which means that the supreme authority of the obligation rests on the will of the State derived from its sovereignty.[26]

States are committed by concluding international treaties, expressing their final commitment to the provisions contained therein, regardless of the form the expression of will takes, whether in the form of signature, ratification, acceptance or accession, as long as this procedure includes expressing consent with the final commitment to the treaty, and a distinction must be made. Between the ratification as an international procedure and the ratification as a constitutional procedure,The first represents acceptance of the treaty in the form of exchange and deposit of ratification documents, while the second refers to an act issued by the competent authority in the state.[27]

International practice has established the conclusion of a two-stage process, beginning with signature, which is considered a first acceptance at the international level, and ending with the submission of the Convention to ratification as a measure by which States parties accept final compliance with the provisions of international treaties and in accordance with the constitutional procedures of each State. Therefore, ratification is a purely national procedure subject to each State's legal specificities.[28]

Since the primary goal of ratification is to gain legitimacy in the eyes of other nations, many countries turn to it as a way to reap its legitimate benefits without actually upholding their commitments. This created a serious rift between policies and practices, and the government started ratifying treaties without seriously enforcing them. The adoption of the treaty may make oppressive human rights practices even worse, and in this case, the treaty system has no influence. Particularly when the administration utilizes ratification to shield its collapsing human rights policies from external world examination.[29]

Perhaps the reason behind the excessive resort to formal ratification is inevitability to Join the international human rights system within the framework of the globalization of human rights and democratic values, but the problem is evident in the fact that most of the Third World countries had limited, if not non-existent, participation in establishing international human rights instruments. Therefore, countries find themselves facing two choices, both of which are difficult:to stay out of the agreement, or Joining it without implementing it internally, Especially since countries that abstain from ratifying find themselves in the position of a potential accused, Therefore, countries resort to incomplete commitment, meaning that they adhere to the treaties, but express a set of reservations .

Reservations are designed to balance the establishment of State sovereignty with its membership of the international community. The reservation is also aimed at reconciling universality and specificity in a multi-civilized world. These dichotomies have created a kind of flexibility in States dealings with international human rights conventions. In particular, since most States are not parties to the initial conventions conclusion, reservations seek to reap the greatest number of signatures and ratifications and thus serve the collective idea of a treaty.[30]

The fact is that the system of reservations to human rights conventions is an "necessary evil." The use of incomplete obligations is better than non-compliance at all. The task is to establish a formal and objective regime governing the specificity of reservations to this range of conventions to regulatory bodies at the global and regional levels. These regulatory bodies have relied on special rules and standards to determine the validity of reservations in order to balance the legal specificity of these rules with the sovereign right of the State that is bound by these norms.[31]

Only to point out that the proliferation of reservations is not always seen as evidence of non-compliance and evasion of international obligations, and vice versa, as the comparative study of the practice of reservations between the European-American and African regional regimes has shown that the lack of reservations does not necessarily mean strict adherence to the substantive norms of the treaty. It can be a sign that States do not take the treaty seriously, and this is clearly reflected in the African Charter on Human Rights, to which only two reservations are made, but it has not produced any tangible effects in comparison with the American and European conventions.[32]

Another manifestation of sovereignty is the possibility of withdrawal. However, the study of the conditions for withdrawal finds that it is incompatible with international human rights norms that create an objective legal system rather than a contractual one. The emergence of certain peremptory norms in the field of human rights and international human rights custom makes adherence to the treaty merely a measure that supports the State ' s commitment to the universal principles of human rights. However, because of the imperatives of international life and an attempt to broaden the geographical scope of the obligation, some international conventions have permitted the possibility of withdrawing from it in order to encourage States to adhere to the universal human rights system.
General international conventions have tended to restrict the possibility of withdrawal, since only three general conventions have permitted withdrawal: the European Convention on Human Rights in article 58 and the American Convention on Human Rights in article 78 and the first Optional Protocol to the International Covenant on Civil and Political Rights in article 12, as opposed to the specialised conventions "Catégoriels," from which the possibility of withdrawal is permitted in view of the controversial nature of the rights protected, including the Convention on the Political Rights of Women in article 8, the Convention relating to the Status of Refugees in article 44, and the Convention on the Rights of the Child in article 52.[33]
In an attempt to activate international human rights standards at the internal level, the conditions for withdrawal were outlined with Complex procedures, different from those contained in the Vienna Convention on the Law of Treaties, and perhaps the most important of them is the prohibition of withdrawal from international human rights conventions except after a certain period of time has passed, as each of the European and the American Conventions For human rights set this period by fiveYears.

CONCLUSION:

It is clear from the above that the universality of human rights finds its basis in the necessity of balancing human rights and the sovereign rights of the state. Despite the rise of the individual in the international level ,the state remains the basic component of the international community, as states agree willingly with other countries to determine the legal framework for the rights granted to individuals, There is no escape from compromise between entities trying to preserve their interests within the framework of preserving human rights. This combination of pragmatism and humanity has made international law burdened with legal gaps that allow states the opportunity to maneuver.
Sovereignty today still forms a significant part of the reasons for the limitations of the universal human rights system. States firmly adhere to their sovereignty vis-à-vis the universal movement of human rights, if the equivalent is the violation of the rights of their citizens, they ignore the fact that adherence to universal human rights norms is in essence recognition of the principle of sovereignty. States have freely adhered to universal human rights norms. The true universality of human rights is based on national action and thus does not contradict in substance the international protection of human rights and the principle of sovereignty.
International human rights obligations gain their effectiveness from their integration into the national systems of states so that individuals can invoke guaranteed rights against their states. But the ways to integrate international conventions into internal systems vary according to the legal traditions of countries and the different obligations arising from the conventions.
In other words, universality is founded on the state’s role in enforcing international human rights standards internally, given that the rules of internal law play a vital role in the functioning of the international human rights legal mechanism, making universality a national legal reality dependent on the will of the three authorities within each state.

References

1. FaisalaiyadJaafar,"**The principle of sovereignty in public international law"**Kufa Journal of Legal and Political Sciences,University of Kufa, Volume 01, Issue 14,2012, p. 324.
2. NawariAhlam,"**The decline of national sovereignty in light of international transformations**," Journal of Politics and Law Notebooks, Faculty of Law and Political Sciences, University of Ouargla, Issue 04, 2011,p. 28.
3. Talat Laji Al-Hadidi, **Principles of International Law in Light of International Changes (Globalization)**, Dar Al-Hamid for Publishing and Distribution, 1st edition, Amman, 2012, pp. 94-95. Safwan Muhammad Ahmed and Naif Ahmed Al-Dahi, **"Sovereignty in the Age of Globalization, a study Legal"**, Tikrit University Journal of Humanities, Tikrit University, Volume 16, Issue 04, 2009, pp. 442-443.
4. Saad HaqqiTawfiq,**Principles of international relations**,1st edition,Dar Wael for Publishing and Distribution,Jordan,2000, p. 386.
5. Majed Omran,"**Sovereignty under international protection of human rights"**,Damascus University Journal of Economic and Legal Sciences, Damascus university,Volume 27,n01,2011,p. 446. NawariAhlam,Opcit,p. 29.
6. Muhammad Younis Al-Sayegh,"**The status of sovereignty under a world government - A comparative study"**Al-Rafidain Law Journal,University of Mosul, Vol15,Issue 55, 2012, p. 23.
7. Saad HaqqiTawfiq,Opcit,p. 385.
8. Mustafa Salama Hussein,"**International Reflections on Human Rights**," Egyptian Journal of International Law, Egyptian Society of International Law, No. 40, 1984., p. 192–193.
9. Ahmed Wafi, **International Human Rights Mechanisms and the Principle of Sovereignty**, Ph.D. Thesis, International Human Rights Law, Faculty of Law, University of Algiers 01, 2011, p. 99..
10. Mohamed Kaddour Boumediene,**Human Rights between the National Authority and the International Authority**, 1st edition, Dar Al-Raya for Publishing and Distribution, Amman 2010,p. 82.
11. Yahya Yassin Saud,**Human Rights between State Sovereignty and International Protection**, 1st edition, National Center for Legal Publications, Cairo, 2016, p. 123.
12. Saad HaqqiTawfiq,Opcit,p. 387.
13. Majed Omran,"**Sovereignty under the International Protection of Human Rights,"** Damascus University Journal of Economic and Legal Sciences, Damascus University, Volume 27, Issue 01, 2011,p. 465.
14. Saeed Al-Siddiqi,**"Human rights and the limits of national sovereignty"**,Collective book: Sovereignty and Power,**theaTranscending national and global borders**,Opcit, p p103-104.
15. Saud Ahmed Rayhan,"**The future of sovereignty in light of new international changes:A future analytical study"**,UniversityJournalaNabar for Human Sciences,University ofaNabar, issue01,2012,p. 308.

16. Jost Delbruck, "**International protection of human rights and states autonomy**", Indiana law journal, Maurer school of law, Indiana university, Vol 57, N° 04, 1992, P 574.
Pierre-Henri Imbert. **Les reserves aux traites multilateraux**, 1 rediton. editions A pedone 1979, P 483.
17. Kheiri Ahmad Al-Kabbash,Criminal Protection of Human Rights, "A Comparative Study," 1st edition, Dar Al-Jama'een, Alexandria, 2002, p.s73–74.
18. Mustafa Al-Filali"An Analytical View of Human Rights through Charters and Declarations of Organizations," collective work: Human Rights, Global, Islamic, and Arab Perspectives, 1st edition, Center for Arab Unity Studies, Beirut, 2005.., sp. 26– 27.
19. Pierr Henri Imbert, «La France et les traites relatifs aux droits de Lhomme», in L'annuaire Français de droit international, Vol 26, 1980, P 39.
20. Ibid, p 42.
21. Muhammad Mohieddin,Summary of lectures on human rights, Dar Al-Khaldounia, Algeria, 2001/2012,P. 79, Ali Mazouz, Cultural Specificities and the Universality of Human Rights, Master's Thesis, Faculty of Law and Commercial Sciences,University of Boumerdes,2005,p. 137.
22. Nicholas Doyle, "The ASEAN human rights declaration and the implication of recent ASEAN intiative in human rights institution building and standards-setting", international and comparative law quaterly, British institute of international and comparative law, Vol 36, Part 1, 2014, P69.
23. GiserGvanvig, "asean, sovereignty and human rights",*www.jus.uio.no/.../asean-sovereignty-and-human-rights---gisle-kv,*P08.
24. Mustafa Al-Filali,Opcit,p. 30. Radwan Ziadeh,The march of human rights in the Arab world,1st edition, Arab Cultural Center, Beirut, Lebanon, 2000ss206 –207.
25. Mohamed Kaddour Boumediene,**Human rights between national authority and international authority**,i1, Dar Al-Raya Publishing and Distribution, Amman 2010, p. 74.
26. Baya Abdul Qadir,The International Covenants on Human Rights between Commitment and Reservation, 1st edition, Dar Houma, Algeria, 2014. p. 74.
27. Muhammad Abbas Mohsen,"**The constitutional organization of the ratification of international treaties, a comparative study"**,Islamic College Magazine,University of Najaf Al-Ashraf, No14, 2011,p. 327.
28. Muhammad Saeed Al-Daqqaq and Mustafa Salama Hussein**,Contemporary International Law**, University Press House, Alexandria, 2016,p. 92.
29. Emilie M.Hafner-Burton and LiyoteruTstsui, **"Human rights in a globalizing world the paradox of empty promises**", American journal of sociology, University of Chicago, Vol 110, N° 5, 2005, P 1386.
30. Habib Hamdoni and HafizaShaqir, **Human Rights of Women between International Recognition and Reservations of Arab States**, 1st edition, Cairo Centre for Human Rights Studies, 2008, p. 94
31. Kargali Mustafa, **Reservation under International Human Rights Law**, Master ' s Note, International Human Rights Law, Faculty of Law and Commercial Sciences, University of Boumerdas, 2006, p. 108
32. Susan Marks, "**Three regional human right treaties and their experience of reservation**",in:Human rights as general norms and a state's right to opt out, reservations and objections to human rights conventions,1st edition,G P Gardner editions,UK,1997,P61
33. Yahya Yassin Saud,Opcit,pp260–261.