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**ESTABLISHING A CONCRETE FRAMEWORK OF
ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS
BY THE UNITED NATIONS**

Mr. Rongeet Poddar*

Introduction

A concrete framework of accountability for international organizations can only be realized if the contemporary discourse on human rights is integrated into the law of international organizations.¹ An assessment of the UN's human rights obligations is necessitated owing to the extensive scope of its activities. The UN has various functions, ranging from maintaining global peace to providing economic aid for vulnerable communities. Consequently, there may be situations wherein the organization's activities detrimentally impact populations residing in several parts of the world.²

At the same time, the UN has committed itself to safeguard human rights in its Charter.³ Following the large-scale devastation and loss of life in the Second World War, it was envisioned as an intergovernmental entity that would champion the human rights cause. Therefore, the question of balancing arises; would the effectiveness of the UN as an international institution be eroded if a stringent regime of accountability is enforced? Moreover, how can responsibility be attributed to the UN for human rights violations? A controversial domain in this regard has been evaluating the

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¹ Jan Wouters, Editorial Introduction: Accountability for Human Rights Violations by International Organizations, 1 HUMAN RIGHTS INT. LEG. DISCOURSE 211 (2007).

² Id.

³ United Nations, United Nations Charter (full text), UNITED NATIONS, <https://www.un.org/en/about-us/un-charter/full-text> (last visited Nov 30, 2021).

impact of the UN Security Council's sanctions regime⁴. Likewise, Bretton Woods institutions have imposed structural adjustment programmes and concomitant austerity measures. The excesses perpetrated by UN peacekeeping forces, including gender-based violence⁵, have also been the subject of concern.

In this paper, the author will elucidate the rationale for binding the UN to a minimum standard of accountability from a human rights perspective. The preliminary step towards making a holistic assessment is identifying the existing human rights standards that the UN is obligated to respect.⁶ As the foremost peacekeeping institution of the world, the UN is expected to comply with accountability mechanisms.

Moreover, the author will evaluate if the immunities available under international law provide a *carte blanche* to the UN when its operations threaten human rights. In this regard, the author has located the specific activities of the UN which warrant an extensive scope of immunity. Since the violations of the UN cannot be subject to the jurisdiction of national courts⁷ for the imposition of liability, forums at the international level are also necessary to adjudicate such redressal claims.

Why recognize accountability for human rights violations?

With greater emphasis on international cooperation, the UN is engaged in functions previously discharged by sovereign states.⁸ In recent decades,

⁴ August Reinisch, *Securing the Accountability of International Organizations*, 7 *GLOB. GOV.* 131, 132 (2001).

⁵ Ved P. Nanda, *Accountability of International Organizations: Some Observations*, 33 *DENVER J. INT. LAW POLICY* 379–390, 383 (2004).

⁶ Gudrun Monika Zagel, *International Organisations and Human Rights: The Role of the UN Covenants in Overcoming the Accountability Gap*, 36 *NORD. J. HUM. RIGHTS* 74–90, 75 (2018).

⁷ Reinisch, *supra* note 4 at 133.

⁸ Frédéric Mégret & Florian Hoffmann, *The UN as a Human Rights Violator? Some Reflections on the United Nations Changing Human Rights Responsibilities*, 25 *HUM. RIGHTS Q.* 314–342, 328 (2003).

notable incidents have brought the excesses of the organization under the scanner. Despite acknowledging the role of its peacekeepers in the cholera epidemic in Haiti⁹, the UN failed to ensure justice for the victims.¹⁰ It rendered a massive blow to the organization's exalted position of reverence.

Moreover, the UN has also been culpable for the lead poisoning of internally displaced persons from marginalized ethnic groups who had been housed in UN-administered relief camps set up on toxic wasteland in Kosovo.¹¹ Similarly, the imposition of economic sanctions by the Security Council has resulted in the impoverishment of Iraqis.¹² There is a glaring 'accountability deficit'¹³ that plagues the UN. As identified by scholars, the doctrine of 'functional necessity'¹⁴ shields the organization from incurring liability.

The UN has been afforded immunity in its constituent instrument such that it does not encounter obstacles while pursuing its diverse range of activities. On the flip side, a wide spectrum of immunity compromises global efforts to address serious human rights violations attributed to lapses on the part of the organization. Traditionally, human rights obligations under international law have been looked at through binary

⁹ Katarina Lundahl, *The United Nations and the Remedy Gap: The Haiti Cholera Dispute*, 88 *FRIEDENS-WARTE* 77–117, 79 (2013).

¹⁰ OHCHR | UN inaction denies justice for Haiti cholera victims, say UN experts, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25851&LangID=E> (last visited Nov 30, 2021).

¹¹ Austin Ramzy, U.N. Offers Regret but No Compensation for Kosovo Poisoning Victims, *THE NEW YORK TIMES*, May 26, 2017, <https://www.nytimes.com/2017/05/26/world/europe/un-united-nations-kosovo-roma-lead-poisoning.html> (last visited Apr 13, 2022).

¹² Elena Katselli, *Holding the Security Council Accountable for Human Rights Violations*, 1 *HUM. RIGHTS INT. LEG. DISCOURSE* 301–334, 306 (2007).

¹³ Kibrom T. Teweldebirhan, *Outsourcing Accountability: States, International Organizations and Accountability Deficit in International Law*, 20 *SOUTHWEST. J. INT. LAW* 313–346, 316 (2013).

¹⁴ *Id.* at 317.

lenses, with the state as the violator and individuals as victims. Consequently, international organizations such as the UN were beyond the ambit of culpability. Moreover, as an intergovernmental institution, the UN has an aura of infallibility about it¹⁵; it has resolved to safeguard human rights in its formative Charter.

In the Reparations case¹⁶, the legal personality of the UN was recognized; it was afforded the status of a subject of international law.¹⁷ The UN is thus a separate legal entity with independent existence; the attribution of legal personality was necessary in light of its functions.¹⁸ According to the ICJ¹⁹, international organizations must abide by their constituent documents, internal rules, the treaties they have assented to²⁰ and ‘obligations incumbent under general rules of international law’.²¹

The ‘responsibility’ and enforcement concerns emerge when international organizations fail to observe their legal obligations.²² The gap between attributing human rights obligations to the UN and incorporating a systemic accountability framework remains wide. Normatively, when the UN is exercising jurisdiction in its functional capacity, it becomes a duty-bearer; safeguarding the human rights of local populations must be

¹⁵ Reinisch, *supra* note 4 at 131.

¹⁶ *Reparation for Injuries Suffered in the Service of the United Nations*, Advisory Opinion, ICJ Rep. 174 (1949), <https://www.icj-cij.org/en/case/4> (last visited Dec 4, 2021).

¹⁷ Zagel, *supra* note 6 at 77.

¹⁸ C. F. AMERASINGHE, *PRINCIPLES OF THE INSTITUTIONAL LAW OF INTERNATIONAL ORGANIZATIONS* 81–82 (2 ed. 2005), <https://www.cambridge.org/core/books/principles-of-the-institutional-law-of-international-organizations/04E1704996E6E64DDBEFAD5446895FBA> (last visited Dec 9, 2021).

¹⁹ *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Advisory Opinion, CJ Rep. 1980 73 (1980), <https://www.icj-cij.org/en/case/65> (last visited Dec 7, 2021).

²⁰ Jan Klabbers, *Reflections on Role Responsibility: The Responsibility of International Organizations for Failing to Act*, 28 *EUR. J. INT. LAW* 1133–1161, 1142–1143 (2017).

²¹ Lindsey Cameron, *Human Rights Accountability of International Civil Administrations to the People Subject to Administration*, 1 *HUM. RIGHTS INT. LEG. DISCOURSE* 267–300, 273 (2007).

²² AMERASINGHE, *supra* note 18 at 384–386.

prioritized. Otherwise, institutional safeguards will merely become a smokescreen to evade liability.²³

How can the UN be obligated to respect human rights standards?

The obligations of international organizations can be traced to their constitutional document or other treaties.²⁴ It has to be identified if the organization's actions impair the human rights of individuals or communities and if the atrocities can be imputed to the measures and policies adopted. Three core arguments are advanced to highlight the 'responsibility' of international organizations to adhere to human rights standards. These could be utilized to fill the void of legal responsibility that arises from the UN's lack of consent to human right treaties.

Firstly, the global human rights regime can impose an outward restraint on the UN to the extent the UN has the 'necessary competences'²⁵ for effective compliance. It can be argued that since the mandate adopted in several human rights instruments has assumed the character of customary international law, the UN is obligated to observe them. For instance, the obligation to prevent genocide has been outlined as a *jus cogens* norm.²⁶ The UN's omission to intervene effectively in Rwanda could be classified as a dereliction of duty²⁷ owing to the mandate in its Charter. Moreover, core human rights obligations such as those enshrined in the UDHR are

²³ Case Study: UNHCR-Administered Refugee Camps, , in *THE HUMAN RIGHTS ACCOUNTABILITY MECHANISMS OF INTERNATIONAL ORGANIZATIONS* 174–231, 187 (Stian Øby Johansen ed., 2020), <https://www.cambridge.org/core/books/human-rights-accountability-mechanisms-of-international-organizations/case-study-unhcradministered-refugee-camps/E5220AA5051DA42FEAFBF5DB8D4B8D2F> (last visited Dec 5, 2021).

²⁴ AMERASINGHE, *supra* note 18 at 77.

²⁵ The Responsibility of IOs for Human Rights Violations, , in *THE HUMAN RIGHTS ACCOUNTABILITY MECHANISMS OF INTERNATIONAL ORGANIZATIONS* 29–59, 54 (Stian Øby Johansen ed., 2020), <https://www.cambridge.org/core/books/human-rights-accountability-mechanisms-of-international-organizations/responsibility-of-ios-for-human-rights-violations/226DC082D444E4B5261A488C56143FB6> (last visited Dec 5, 2021).

²⁶ Mégret and Hoffmann, *supra* note 8 at 317.

²⁷ Klabbers, *supra* note 20 at 1160.

integral to the ‘general international law’ as affirmed by scholars.²⁸ Unfortunately, the process of tracing customary rules or general principles continues to be marked by uncertainty and is the foremost reason for the ‘accountability gap’.²⁹

Secondly, the UN is required to follow the mandate of its Charter. Thus, ‘role responsibility’³⁰ can be assigned based on the obligations enumerated in its constitutive document. It must be noted that the international organizations are not parties to human right treaties³¹ which are open only to ratification by states.³² The UN Convention on Rights of Persons with Disabilities is a notable exception as it enables accession by regional integration organizations³³ and yet not the UN. Moreover, accession is contingent on the availability of authorization powers in the formative treaty of an international organization.³⁴ As a result, the monitoring mechanisms set up by treaty bodies or individual complaint procedures can rarely scrutinize UN actions.³⁵

In the absence of specific consent to such instruments, binding the UN to an accountability mechanism may seem like an insurmountable barrier. Article 55 (c) of the UN Charter mandates the organization to ‘promote’ the observance of human rights standards. The corollary is that the UN

²⁸ Bruno Simma & Philip Alston, *The Sources of Human Rights Law: Custom, Jus Cogens, and General Principles*, 12 *AUST. YEAR B. INT. LAW* 82–108, 105–108 (1988).

²⁹ Zagel, *supra* note 6 at 89.

³⁰ Klabbers, *supra* note 20 at 1154.

³¹ Zagel, *supra* note 6 at 75.

³² Mégret and Hoffmann, *supra* note 8 at 316.

³³ *The Responsibility of IOs for Human Rights Violations*, *supra* note 25 at 50.

³⁴ *Id.* at 49.

³⁵ *IO Accountability Mechanisms: Definition, Typology, and Assessment*, in *THE HUMAN RIGHTS ACCOUNTABILITY MECHANISMS OF INTERNATIONAL ORGANIZATIONS* 60–116, 77 (Stian Øby Johansen ed., 2020), <https://www.cambridge.org/core/books/human-rights-accountability-mechanisms-of-international-organizations/io-accountability-mechanisms-definition-typology-and-assessment/F585437FFABDDD6B20E1C21FA424A15C> (last visited Dec 12, 2021).

cannot insulate itself from violation claims against its functionaries. It can be equally culpable of human rights abuses much like a sovereign state – its role as a supra-governmental institution³⁶ makes a structural overhaul imperative in the interest of accountability.

In its advisory opinions, the ICJ has observed that implied powers can be determined by a holistic reading of the organization's mandate.³⁷ Responsibility for atrocities must be elevated to the pedestal of an implied obligation, provided the UN exercises power to further its institutional objectives.³⁸ While immunities may have been expressly laid down to facilitate the discharge of functions, responsibility arises by necessary implication from a human rights-oriented interpretation of the Charter provisions, including Article 1.

Thirdly, the UN was formed after the Second World War to safeguard global peace. Therefore, the question arises if states' human rights obligations can be transferred under the 'functional substitution'³⁹ theory since the organization is an extension of collective will. However, this approach of 'automatic' treaty application⁴⁰ is problematic as an international organization has a legal personality of its own, as has been clarified in the Reparations case. In terms of practical implications, the functional autonomy of the institution can also be compromised by a plethora of human rights claims.

Tracing human rights obligations in the ILC Draft Articles

The responsibility of international organizations can potentially arise if they owe obligations as duty-bearers to affected individuals, even

³⁶ Mégret and Hoffmann, *supra* note 8 at 315.

³⁷ Klabbers, *supra* note 20 at 1157.

³⁸ IO Accountability Mechanisms, *supra* note 35 at 96.

³⁹ Zagel, *supra* note 6 at 79.

⁴⁰ *Id.* at 77.

indirectly.⁴¹ The work of the International Law Commission led to the advent of Draft Articles on the Responsibility of International Organizations (‘Draft Articles’) in 2011. It continues to polarize scholars in the field, with the counterpart ILC draft on state responsibility looming large in the backdrop. For some, the nuances between international organizations and states have been ignored. In contrast, the analogous nature of responsibility can be justified as it facilitates the development of a uniform regime.⁴²

The Draft Articles recognized that international organizations are set up by several constitutive instruments. Responsibility is imputed to international organizations for acts considered wrongful under international law. Article 4 of the Draft Articles attributes liability to international organizations for an ‘internationally wrongful act’ resulting from some conduct or omission. Establishing a threshold for the commission is a complex exercise.⁴³ The provision assumes considerable importance as the UN does not bind itself to consent-based treaty obligations under the international human rights regime. Identifying a specific responsibility, such as a principled commitment to human rights, is thus an unenviable task.⁴⁴ Is it strictly restricted to the mandate of the UN Charter to which the organization owes its origins? Moreover, the UN could be forced to adhere to an extensive scope of attribution ranging from its peacekeeping operations to policies adopted in favor of stringent economic sanctions.⁴⁵ It is yet to be ascertained if human rights obligations could be imputed for every act or omission.

⁴¹ The Responsibility of IOs for Human Rights Violations, *supra* note 25 at 43.

⁴² *Id.* at 33–34.

⁴³ Klabbers, *supra* note 20 at 1134.

⁴⁴ *Id.* at 1136–1137.

⁴⁵ The Responsibility of IOs for Human Rights Violations, *supra* note 25 at 30.

The ILC Commentary on the Draft Articles has observed that rules on international responsibility can be derived from the ‘constituent document’⁴⁶ of the concerned organization.⁴⁷ The document has been subjected to criticism as it has not set up an institutional mechanism that encourages greater accountability.⁴⁸ The ILC’s endeavor has not translated into an acceptable convention shaped by political compromise. It is a nascent area in international law and is yet to assume the status of a customary norm owing to limited practice or judicial determinations. At best, the Draft Articles can be classified as emerging principles; it provides the necessary impetus for gradual acceptance of organizational responsibility towards victims of human rights violations. In a bid to replicate its state responsibility norms, the ILC appears to have erroneously focused on the obligations that international institutions owe to the states and not to individuals who bear the brunt of the atrocities.⁴⁹

Is the immunity barrier a precursor for impunity?

Victims as third-party applicants⁵⁰ or states on their behalf in a representative capacity cannot sue the UN before the ICJ to pursue contentious jurisdiction. Once the responsibility of the UN for human rights violations is conceded, robust accountability mechanisms⁵¹ that are accessible by victims must be evolved. The victim-centric approach is at odds with the jurisdictional immunity clauses in the UN Charter. Article

⁴⁶ DRAFT ARTICLES ON THE RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS, WITH COMMENTARIES, (2011), https://legal.un.org/ilc/texts/instruments/english/commentaries/9_11_2011.pdf (last visited Dec 12, 2021).

⁴⁷ Otto Spijkers, Legal Mechanisms to Establish Accountability for the Genocide in Srebrenica, 1 HUMAN RIGHTS INT. LEG. DISCOURSE 231–266, 256 (2007).

⁴⁸ Teweldebirhan, *supra* note 13 at 321.

⁴⁹ Kirsten E Boon & Frédéric Mégret, New Approaches to the Accountability of International Organizations in: International Organizations Law Review Volume 16 Issue 1 (2019), 16 INT. ORGAN. LAW REV. 1–10, 7 (2019).

⁵⁰ Lundahl, *supra* note 9 at 81.

⁵¹ IO Accountability Mechanisms, *supra* note 35 at 106–115.

103 is a significant bottleneck towards addressing rights violations by efficacious remedies in the domestic jurisdiction. It privileges the mandate of the Charter⁵² over human rights obligations in other instruments.

Moreover, Article 105 prescribes the standard of ‘functional immunity’.⁵³ Accordingly, the UN is entitled to the benefit of a sweeping immunity clause in member states in pursuance of its object. Jurisdictional immunity is not conducive to accountability as victims can be deprived of a remedy.⁵⁴ The expansive scope of UN immunity dilutes the right to access national courts. The Supreme Court of the Netherlands had upheld the absolute immunity of the UN in the Mothers of Srebrenica case⁵⁵, wherein the failure of the UN to prevent genocide in Bosnia and Herzegovina was under scrutiny. Notwithstanding the gravity of allegations against the UN, domestic courts can no longer be an appropriate forum. It necessitates the identification of alternative routes to redress human rights claims.

The Convention on Privileges and Immunities (‘Immunities Convention’), enacted in pursuance of the UN Charter, aims to insulate the organization from claims before multiple domestic jurisdictions. In the absence of an express waiver, Section 2 bars the unilateral intervention of domestic courts in institutional matters. It prevents the slippery slope of inconsistent claims before national courts and myriad judicial pronouncements. Erratic enforcement actions by individual states are also averted.⁵⁶ Otherwise, it would have a spiraling impact and paralyze organizational activities,

⁵² Lundahl, *supra* note 9 at 97.

⁵³ *Id.* at 94–95.

⁵⁴ Edward Chukwuemeke Okeke, *The Tension between the Jurisdictional Immunity of International Organizations and the Right of Access to Court*, in *THE ROLE OF INTERNATIONAL ADMINISTRATIVE LAW AT INTERNATIONAL ORGANIZATIONS* 25–53, 26 (Peter Quayle ed., 2021), <https://www.jstor.org/stable/10.1163/j.ctv1sr6hk4.4> (last visited Dec 10, 2021).

⁵⁵ Lundahl, *supra* note 9 at 94.

⁵⁶ Okeke, *supra* note 54 at 34.

especially those directed towards ensuring peace in conflict-torn regions.⁵⁷ Consequently, domestic courts have been circumspect in entertaining claims against international and often abstain from dispute resolution.⁵⁸

In response to a class-action suit filed by the cholera victims in Haiti, the UN argued that the claims were not maintainable before a national court owing to the applicability of Section 29 of the Immunities Convention.⁵⁹ It incorporates a general provision for dispute settlement by the UN. The clause is only activated to settle disputes ‘arising out of contracts’ or those of a ‘private law’ nature when the organization is a party. Moreover, the contentions have to be resolved by appropriate resolution procedures envisaged by the UN if officials of the organization have been afforded immunity. The Secretary-General must not have subsequently ceded such exemption. The general trend has been to restrict alternative resolution measures to employment-related claims.⁶⁰

The UN refused to recognize Haitian claims as it necessitated a review of its core policy prerogatives.⁶¹ It could not be characterized as a ‘private’ claim within the ambit of Article 29 of the Immunities Convention. Scholars have been critical of the vagueness inherent in the public-private distinction⁶². The UN has weaponized the ambiguity to evade claims before domestic courts as the difference is not streamlined by any determinate standard.

The UN’s position is consistent with the view of certain domestic courts in the United States of America. It had been unequivocally decided that

⁵⁷ Id.at 39.

⁵⁸ Reinisch, *supra* note 4 at 139.

⁵⁹ Lundahl, *supra* note 9 at 80.

⁶⁰ Id.at 81.

⁶¹ Rosa Freedman, *UN Immunity or Impunity? A Human Rights Based Challenge*, 25 EUR. J. INT. LAW 239–254, 240 (2014).

⁶² Lundahl, *supra* note 9 at 84–86.

the obligation to provide an alternative mode of dispute settlement under Article 29 of the Immunities Convention is not a condition precedent⁶³ for resorting to jurisdictional immunity. The position has also been echoed by the European Court of Human Rights, thereby diluting the right to access courts.⁶⁴ It has been clarified that the limitation on domestic jurisdiction is strictly in pursuance of an object, i.e., to bar interference by individual states does not offer free reign to the UN in the face of human rights violations.⁶⁵ The creation of viable dispute settlement forums for victims is thus premised entirely upon the discretion of the UN.

Access to justice cannot be denied to victims as it is an intrinsic feature of several human rights instruments such as the ICCPR.⁶⁶ The functional immunity that the UN enjoys in the territory of its member states is not absolute in nature.⁶⁷ Instead, it can be limited in scope by a dynamic⁶⁸ reimagination of Charter provisions – the obligations on human rights can be interpreted to have precedence over blanket immunity.

Article 31(3)(c) of the Vienna Convention on Law of Treaties favors treaty interpretation under ‘relevant rules of international law’.⁶⁹ Therefore human rights covenants cannot be relegated to the margin altogether while interpreting the UN Charter. A harmonious reading of the Charter provisions, including Article 103⁷⁰, is possible by providing robust remedies to victims of human rights violations⁷¹. Alternative modes of dispute resolution established under the aegis of the organization offer

⁶³ Okeke, *supra* note 54 at 32.

⁶⁴ *Id.* at 33–39.

⁶⁵ Cameron, *supra* note 21 at 292.

⁶⁶ IO Accountability Mechanisms, *supra* note 35 at 93.

⁶⁷ Freedman, *supra* note 61 at 253.

⁶⁸ Lundahl, *supra* note 9 at 103.

⁶⁹ Zagel, *supra* note 6 at 81–82.

⁷⁰ Katselli, *supra* note 12 at 315–316.

⁷¹ Freedman, *supra* note 61 at 251.

flexibility to the UN without compromising operational necessity.⁷² The independence of such institutional mechanisms ensures that victims can repose trust. However, piecemeal interventions by international organizations fail to inspire confidence in the absence of a clear legal mandate.⁷³

Conclusion

The UN continues to resist⁷⁴ affirming any precedent that attributes legal responsibility when its actions violate human rights. An expansive reading of international human rights instruments and charter obligations enables the recognition of the UN's duties in the wake of human rights violations, whether inflicted by direct causation from faulty policies or by negligence in the course of operations. The organization must evaluate the prospect of acceding to human rights instruments in light of the pervasive sphere of its multilateral activities. Responsibility for atrocities attributable to the UN is nugatory when an effective accountability mechanism remains conspicuous by its absence.

Even though the plight of victims may be highlighted at global forums by non-governmental organizations for stimulating public opinion, such endeavors have a limited impact. Often, states have meager bargaining power to pursue the cause of victims in the UN. The prevalent power dynamics in the world order also prevent states dependent on international aid from demanding accountability. Political leverage is thus never enough to prevent or enable redressal of victims' grievances.

The UN needs to institute a comprehensive human rights audit as a legal mandate in its policymaking and operations. Since national courts remain

⁷² Lundahl, *supra* note 9 at 82–83.

⁷³ IO Accountability Mechanisms, *supra* note 35 at 94.

⁷⁴ Kirsten E Boon and Frédéric Mégret, *supra* note 49 at 2.

restricted for victims in light of functional immunity, claims commissions can also be set up⁷⁵ to undertake independent investigations and award sufficient compensation to victims. The ‘remedy gap’⁷⁶ must be rectified such that a culture of impunity for human rights violations is not normalized. It can only be bridged by concerted political efforts. The UN has to become responsive to the detrimental outcome of its policies and the atrocities inflicted by its functionaries.

In a globalized era where the organization has invested itself as a hegemonic policy determinant, often to the extent of diluting state sovereignty, autonomy cannot be interpreted as a euphemism for impunity⁷⁷. It remains to be seen whether the emerging law of international organizations’ responsibility can make a palpable difference in this regard. Public trust will only be enhanced if the UN foregoes reputational concerns⁷⁸ and instead demonstrates its resolve for acknowledging accountability and setting up independent forums to determine human rights claims. The legitimacy of the international organization rests upon an acknowledgement of its commitment to human rights.

⁷⁵ Spijkers, *supra* note 47 at 264.

⁷⁶ Lundahl, *supra* note 9 at 81–112.

⁷⁷ Katselli, *supra* note 12 at 328–330.

⁷⁸ Lundahl, *supra* note 9 at 93.