



REALISM: THE PICTURE BEHIND INTERNATIONAL LAW AND DEMOCRACY

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ABSTRACT:

Realism and international law are two distinct parts of state politics which practice two different sets of paradigms under the same contemporary state politics. Realism, as compared to international law and humanitarianism, idolizes the concept of self-centeredness and epilepsy that tented the words of survival of the fittest. Within the dimension of history, the state has practiced the concept of realism because the nature of humanity has ascribed to the point where individual and state itself lives under the system of anarchy, where human beings were self-interests in their own goal and perceptions of the individualism which is very much contradicted to the politics we tend to witness today

The main reason for this article will be to view how realism, international human rights, and international law's dominions and phenomena collide in two different aspects. Firstly, the article will foretell the directions of realism in an episode of humanitarian rights, under correlational powers of materialism and democratic law that is, why it establishes liberal anarchy of racism, ethnicity, and nationalist separatist astrology tends to demotivate humanitarian rights. Secondly, the article will hold references to various critics that core-relates modern democracy as a new variant of the realist paradigm on classical grounds and global politics. Lastly, the realist constrain to humanitarian and democratic law and human rights will be outcaste that can make us understand the regional power politics of self-help and interest guided by theories and international communitarian policies determinant by states themselves



Keywords: Realpolitik's, international law and humanitarian consent, realism and classical approvals

INTRODUCTION: POLITICS OF ANARCHY AND POWER IN DEMOCRACY AND INTERNATIONAL LAW

In the paradigm of International Relations (IR) and state politics, realism emphasizes competitiveness and conflictual balance of power of state regime which centers on the anarchy of state survival and interest with reference to the context with the realist school of thought and virology. It is profoundly noticeable that historical writings of Thucydides under the rampage of the “history of Peloponnesian war” (431_404 BCE) which resides the initial apocalypse of human existence in the essence of anarchism. International theory book ‘realism is a state of the art phenomena with realist approaches and cognitive analysis that tends to be criticized many twists and turns of international affairs we seek, but it is also utterly exceptional that how realist approaches to global politics tend to shape the ideological and revolutionary thinking of pre-modern and modern colonialism and globalization of western imperialism in the 20th and present century.

Even though realism is a contradiction upon liberal phenomena, it is not underrated or misinterpreted that old realism or classical influence of realism started off with the artistic movements in France literature in the 1850s. In the discourse of 1848 revolutionaries of the realist view rejected the exotic matter of emotionalism and moral values, as a result creating dimensional deviance in human nature and imperial rule that relied on individualism and strong holds on realistic imaginaries, truth, and accuracy.

Thucydides' “Peloponnesian war” describes the superiority of one entity over another by deviant force and javelined apparently, Athens and Sparta seem to conceive in history. The war itself is a constructivist foundation of international law, and modern liberalism state including the west tends to practice still in present. Thucydides' ideologies contrast with the idea of liberalism in the sense of a zero-sum game. Liberalism with consent support from international law on delegated forum tends to make the west superior to the other contemporary regime. In an exclusive matter, the north and south divide, the African inferiority, nuclear super dominance along with the united nation and international court of justice are realistic lions in liberal sheep's clothing.

Realism and the international arena of state politics on larger grounds depend upon the phenomena of political realism, which implement the idea and assumptions of state existences on the dilemma of national interest countries tends to accumulate. International politics in the lens of the realist paradox significantly identifies the fact that states are initially are self – interested and immorally insensitive to humans in nature. Extensively if we undermine the political arena of state in terms of power so, states tend to practice metamorphism of the balance of power.



SCOPE OF STUDY:

The article will most likely convey the phenomena of the distinctive concept of realism with modern dictatorial law and liberal assumption and roles from history to its present advent of time along with predefined consequences of humanitarian victimization upon disregarded societies and states, furthermore the article will also assume the comparison between different warfare's of time from the advent of the imperialistic dynasties till the emergences and end of ww2 along with the formation of concept of collective security, balance of power established by the origin of former peace institution like the league of nation and the present United Nation organization under the domain of international law.

RESREACH QUESTION:

- a) What are literal assumption of realist scholars about liberal humanitarian status of a state?
- b) Is humanitarian law prevalent to adjustment international law makes and simplifies in state virtues?
- c) Why humanitarian law and united nation obligations assigned by the ICJ are neglected

LITERATURE REVIEW:

POWER POLITICS AND INTERNATIONAL LAW BY MORGENTHAU

According to politics among nations mentioned by realist scholar Morgenthau, discusses the overwhelming citation of world politics under the superficial assumption of international law as a shift of state intrusion of survival on the wishful thinking of individual's lust of power over international surveillance of national interest and resource politics subscribed under international law and objective of the law. Political realism under Morgenthau's perception is itself an objective of law rooted beneath the edges of human nature itself.

Anarchism or state imperialistic and territorial colonization and decolonization are the essential phenomena of ancient international emphasis of law over humanitarian violence and gender disqualification within state premise and order that molds modernization and westernization on account of economic, social, and political supremacy. Political power and substantial circumstances obliged with regional and non-regional actor ironically faces with other authorized policies like the foreign policy and militarily are consent in the regime that wishes to subsidies rational ordinances, and popular fallacies under international law and autonomy doctrines. On the contrary, such dichotomies and theories of power politics set analytical and empirical phenomena that counter the modern relations of international affairs and humanitarians law on rational grounds and profoundly, determine the fact of modern realism and international relation under self-help and self – determination of rational actors model and liberal law under anarchy of political sphere of influences unified and disclosed under the pandemic of state power and rational foreign policy under the deference of international law.

The realist assumption of power and anarchy of rule according to Morgenthau could only be



practiced if an entity of regulated reforms tends not to exist substantially in an overlapping society and state. State paradox relies on power either on individual grounds or coexistences grounds, because under a realistic lens it's a means to an end within itself. Means required resources to be gained by Morgenthau and meeting its end is the result gained through the materialization of that resource in the paradigm of foreign policy and authoritarian law itself. Also under the consistency of diplomatic history and diplomacy of secrecy Morgenthau emphasizes the factor of the evolution of diplomacy as state survival of gaining interest through playing power of all valuable resources in a nutshell. Morgenthau's approach to diplomacy and international relation is questionably debatable to the sense that he encountered traditional diplomacy as a form of unitary state related to its own self-centered interest.

Although Morgenthau's momentums in describing international diplomacy were based on the assumption that the state is the unitary and sole actors of world politics collides with the internationalism and nationalization of states regime. None the less it shift the autonomy of state realist approach to a liberal analytical standpoint with humanitarian rights and duties, which creates a monopoly over states to select immoral choices and realist approaches towards its interest or prevailing the help of a defensive measure like the humanitarian and international authority in the process.

REALIST CHALLENGE TO INTERNATIONAL LAW AND ORDER OVER NATIONALITY:

Realism is a legal law within its premise of state politics on defensive and offensive measures because of proliferation and globalization of world under a global village, diplomatic relations between national's actors tend to showcase unitary business under the perception of international law. Apart from this the writings of Hans j. Morgenthau in the twentieth have paved a particular consent to the turmoil's of German politics of law under the period Weimer government and new international order founded at Versailles (1919) summit, Morgenthau provides a pessimistic approach towards the realm of international law and justice with reference to German legacy that sights the notion of modernity in American international relations theory. Moreover, Morgenthau's ideological preferences toward classical realism are diverse and contradictory at the same time.

Furthermore, Morgenthau realist approach toward state centeredness is not the only thing that scholar and realist critics tends to debate, liberal assumption about liberal democracy and diplomacy under the dominion of international law and foreign policy often leads to a dead end. Morgenthau emphasis over a central authority to grasp human behaviors to realist and pessimistic context. Apart from his opinion international scholar exclusively sees international politics a clash of cultural and normative believe and interest. Generically, international law seeks importance on state rights and duties of acceptability that states need to obligate but are not intended to be obligated over it. ^[8]According to the international court of justice" law under the jurisdiction of the legal nation-state system is defined to be a set of treaties and agreements that significantly mutters resolves and solutions within state and international actors publically and domestically.



Frank Fukuyama “end of history” and Huntington’s clash of civilization countrified international humanitarian and diplomatic law to the point of phonetic national interest of state under resource politics and racial supremacy of west over Muslim minorities that assertively starts with western supremacy over the Middle East and South Asian region of world politics in the 19th century which furthermore was intensified in Cold War struggle and after the turmoil of 9/11 attack.

The Cold War that had overshadowed the world for half a century faded away, political scientists, theorists, and writers began to surmise, speculate and conjecture about the course of how future conflict would undermining stances toward law. The two political discourses which were perhaps the most intriguing and significant for the attention they received and the debate they stirred were Francis Fukuyama’s “The End of History”, followed soon after by Samuel Huntington’s “Clash of Civilizations” thesis. Mankind has reached the end of its history with the triumph and universalization of Western democracy fizzled out almost as soon as a new wave of ethnoreligious unrest gripped the Balkans in the 1990s. The predominant response of the West over the relentless genocide of a minority in its midst raised many questions about the ‘Western values’ Fukuyama had celebrated the triumph of. The humungous tragedy of Bosnia that unfolded in the heart of Europe was doze to end the facile optimism of Fukuyama and Huntington rose to refute the neo-liberal optimists whose simplistic euphoria was all too good to be true. The conflict was not anywhere near the ‘End of its history, but was taking on a new shape_ and, as Huntington warned, it was an altogether virulent, irredeemable, monstrous nature of the conflict that drew upon irreconcilable distinctions of culture and civilization that would hulk on the horizons of mankind’s future.

Huntington’s challenges over new international order brought an ultraconservative response to the democracy and modernization model, it was augustly waged under rejections and disapproval after publishing his remittable thesis “the 1993 foreign affair” thesis identified realist lens towards 9/11 has become inevitable, causational, disapproved and vindicated. According to frank and Huntington, if civilization were tented to collide subsequently, the whole world politics on ethnoreligious and cultural view will be titled a rhetoric response of deviancy “attacking and defending one culture over another.

If we summarize the context of the analysis of Huntington's view of civilizational and racial conflict to the assumption of challenges contemporary with the notions of international law, then we can clearly distinguish international law over racial and nationalist identities under democracy or dictatorial state government in global politics. ^[10]According to the international court of justice statute of 1955, “Nationality is a legal bond which institutes the judicial expression of the fact that the individual of the state is closely connected to the nation of its state and any other state” it is notably worth mentioning that nationality under international law is confined with the responsibility of avoiding criminal and deviant activities, mutually whether the act of terror is in favor or against states. However realistic approaches toward criminal and terrorist activities are anti- superficial under international law because self-interest in the consent of law also tends to



become immoral when it comes to state interest. The international court of justice is a mutual and neutral forum of jurisdiction and delegations which revolves around global politics of the west in western time with real autonomy. Malcolm.Shawn, International Law edition.

Despite the factorial analysis of international law being developed in the series of European monopolies in the 16th century, the concept of nationality subsequently resides on the siege that “International law is the law of the nation. International law primarily focuses upon the links between the rights and duties of individuals over a state and vice versa. Nationality was idealized rationally at the time of Nottingham case under the provision of international court of justice [1]Article 15 of Universal declaration of Human rights” each and every one has the right to have nationality and no one shall be arbitrary deprived of nationality, nor deny the rights to change its nationality”

In this case, Liechtenstein particularly claimed restitution and compensation from the authority of Guatemala on the bottom that the latter kind had actually acted towards Friedrich Nottebohm, a citizen of Liechtenstein, in an exceeding manner definitely contrary to definitely the law of nations, particularly contrary to popular belief. Guatemala objected to the Court’s jurisdiction but the Court basically overruled this objection in a very Judgment of 18 November 1953, which accurately is kind of significant. During a jury demand on 6 April 1955, the Court announced that Liechtenstein’s was undeniably grounded of regarding Mr. Nottebohm’s nationality in a very fairly major way. It had been the bond of nationality between a State and a definitely individual which alone conferred upon the State the proper to really advance a real law on his behalf in a very subtle way. Mr. Nottebohm, who literally was then a German national, for all intents and purposes had generally settled in Guatemala in 1905 and continued to truly reside there. In October 1939 — after the start of the totally Second war — whilst on a visit to Europe, he obtained Liechtenstein nationality and returned to Guatemala in 1940, where he resumed his kind of former business activities until his removal as a result of war measures in 1943, which particularly is fairly significant. On the gorgeous international plane, the grant of nationality particularly is entitled to recognition by quite other States providing it represents a real connection between the kind of individual and therefore the State granting its nationality. Mr. Nottebohm’s nationality, however, essentially wasn't supported any genuine prior link with Liechtenstein and therefore the very sole object of his naturalization essentially was to for all intents and purposes enable him to essentially acquire the status of a neutral national in time of war. For these reasons, Liechtenstein wasn't entitled to truly take up his case and advises a generally international baggie on his behalf against Guatemala, which accurately is kind of significant.

Under predefined consent, realistic approach towards Nottebohm nationality of Liechtenstein were deemed has “Nationality should ought to be confined with realist situation.” consistent with the practice of States, nationality could be a legal bond having as its basis a basically “social fact of attachment, a real connection of existence, interests, and sentiments, along with the existence of reciprocal rights and duties.” The court must actually look to the factual connection between the



two preceding within the prior preceding, contemporaneous and following his naturalization, or so they generally thought. Finds that he for the most part had “tenuous” ties - no settled abode, no prolonged residence, No intention of settling there. Court argues that naturalization was strategic in a subtle way. Although states literally have discretion in establishing rules governing the grant of citizenship, no state can claim that recognition for all intents and purposes is entitled unless it's actually acted in conformity with this particularly general aim of getting the legal bond accord with an individual's genuine connection in a subtle way.

PEACEFUL CO-EXISTENCE OF REALIST DISPUTE AND CONFLICTS

Ancestrally, International law is often regarded by state actors as an objective to ensure the foundation of national peace and security within the world's democratic order. The balance between international peace and security has always been a futile element in generating proposals within the domain of international law. The notion of peaceful coexistence of state on mutual grounds was objectively purposed by the league of nations on a democratic basis in 1919 when World War 1 initially with the downfall of Germany against the superpowers of allied, furthermore conservational authority and consensus of the united nation is abided to promote peace-making and peacebuilding negotiation and mediations under the prevailing interest of the states or regional heads.

Ever since the emergences of the nation-state system in the 16th century till the formation of a new world order of supremacy after the cold war abridges, states conditionally and unconditionally plurals the notion of peaceful settlement of disputes in collective peaceful means or by corrosive means under the provision allotted by the divisions of international law and democratic law.

Provisions of peaceful settlement of disputes are mentioned under the treaties of laws which give democracy a game level of analysis over international law.

1. Hague convention and peace conferences of pacific settlement of dispute of (1899) and (1907)
 2. General act of 1928 for pacific settlement of international disputes assigned under the delegation of the League of Nations 1919
 3. The 1964 additional protocol of the commission of mediation and arbitration
- Additionally, there is also some unilateral and bilateral synopsis under the division of the united nation character in which chapter VI emphasis the amelioration of methods of procedures of conducting international affairs through the conduction of hotline talks and figures.

ARTICLE: 33

“The conciliation, arbitration, judicial settlement and resort to regional agencies or arrangement through negotiation, inquiry, mediation”

State parties are obliged to follow the code and conducts of peacemaking and peacebuilding, in



order to resort to regional conflicts and core-related disputes with the collaboration of the united nation and other regional organizations: ^[16]The conciliation and arbitration of pacific dispute are ought to be mediated with the collaboration of the UN general assembly, Security Council, and other dominion forums. Although the specific methods of negotiations fall under the categories of diplomatic, adjudicative, and institutional turbulence. It is worth noticing that the objectives of maintaining peaceful settlement undermining the united nation status of peace monopolistic, deals with the notion of prevention of peace, deterrence, restoration, rehabilitation, and reconstruction for seeking peace, but at the ought most to respect state find these phenomenal attributes self-interested in the imaginary lens of realism and believe in the fact that traditional and modern international law is a law of power rather than the law of democratic rights.

Although these resorts is prior to the assumptions and utilization of states' interests we can't deny the realistic approach of state and human nature in resolving a dispute wholesomely on the criteria of mediation and arbitration. State interest and state loss signifies the clauses of two-level game theory to the very least and it is cognitively self-oriented to the fact, that state monopoly from the very existence is really a means with the adoption of liberal ends.

INTERNATIONAL LAW, MORALITY, AND LIBERAL ORGANIZATION “

Realism is a clear recognition of limits with reason to global politics: the acceptance of the fact adjoined by international humanitarian consent rehabilitates, with the power and political realities, which is countered by the force of another adjoining power that is defined to be self-help and interest, primarily datum in the actions of groups and nations”(Herzog 1963)

International law under realist assumption is a law of power. One may add it in, but in reality, realist sees it as the role of limitation and substantial reasons on law, morality, and institutes. In general, the law can be a moral way for states to deal with competing self-interest. In an international modern monarchy, realist assumptions consistently point to a system without an effective government, state, national separatist areas will agree to laws, decisions of approval when state interest is invested in it, but will also be disregarded when it's threatened. When states tend to break a system, there are very few countervailing forces to stop them.

Similarly, realists don't believe in the notion of moral ethics which can dramatically sustain the approaches of state-centric in neutral ways, some realists theorized moral values should, ought not to be part of state politics within the global arena. They point to universalism to be a vacuumed void of moral principal and interest. This is prior to the method that liberalism offers under world-system theory (a theory seeking capitalist economy on a macro level of analysis), but it can't be judged that the factual lacks that realism is based on human behaviors rather states vital interest. Thinkers like Morgenthau and Reinhold Niebuhr agonizes human behavior to be under the force of survival and self-help and tries to explain the western world to more realists has it does not mean to been seen among the national public.



This autonomy is better explained by the example of a united nation and the nuclear nonproliferation treaty, that how much international law is concerned in realist morality because the law itself is ineffective in constraining states behavior in threatening other states conflict and interest at the same nor laws enforced state and non-state actors serve vividly against it neutrally. It doesn't mean a state denounces an organizational institute it's just a matter of times when interest supports their need they will abide by its rule and when the interest doesn't account for their expectations, the national interest of a state is meant to generate barriers. Even if we comment on the scene when the League of Nations was born to ensure peace and collective security, the organization dramatically faced instability in assisting territorial conflicts and fragmentation of the state, due to which it collapsed and provoke a simultaneous catastrophe of ww2 and later on becoming a dismissed institute in failing to stop interwar aggressions. And that's not all united nation still copes with being a hostage under state interest. Despite the fact United Nations organization is a stage of political paralysis, its conjugated groups have had created more international policies of law in previous enacted history.

John Bayles and Jameswrits, "chapter: strategy in the contemporary world, strategy after 9/11. The very essence of international law and democracy stands on a forum of multiple international prostitutes and relational policies abided by the international court of justice in ensuring humanitarian rights on different grounds in ways of humanitarian laws , laws of war , extradition laws , the law of peace , land and sea law , Hague and Geneva conventions to the very least.

- **THE ART OF THE LAWS OF WARS:**

International law has had not been attempted to prohibit or exempted or even outcaste by the law of war, for such primal consent states would have no essential hive on the readdressing false ideal in which laws of peace doesn't afford a positive remedy. To deny the statutes of rights to self-help, when no other help is available with the references of control to monetary justice. Although the law of war is an exempted to be lawful it doesn't firmly means that a warring a state are abided to follow their interests without any limits and obligation preferred to the Hague conventions of laws. Even if the law of war helps to humanize warfare, totalitarian states are restricted to avail such humanoid acts. ^[17]

Norman D. Palmer, Howard C. Perkins, 1998 "International Relations" third revised edition

- 1. Hague conventions (the conventions respecting the laws and customs of war and land)**

Hague conventions primarily deal with the treaty adopted in the peace convention of Hague (Netherland), about the scenarios belligerent states tends to practice. Under the provision of the substantial role of international law, laws of war and Hague statute adjusts the doctrinal force of prohibiting the projectile motion of dispersed gases and chemical bombing and ascribing rules and regulations for the contracting power and prisoners of war. Consistently, The Hague convention on realist ground is self-interested in the notion accumulated by the contracting powers signing the Hague conventions but are limited to follow its protocols. This autonomy is clarified by the signatory article 1 and article 3 of the provision of law demonstrated by the contracting powers,



which is an offense that describes the notion of realism and the individual nature of states as followed

ARTICLE: 1 the super powers of the prevailing contract should be abide to address instructions to their military heads under the provision of custom duties of law of lands and sea

This act morally defines the facts how states are a part of this convention and determines an unravel reality of realism that how states who aren't abided by this law has to respect this articles preferences in order to secure their national interest from stacks, similar to what a realist thinker might think of it the stage for the survival of the fittest

ARTICLE: 3the belligerent parties which violets the provision of the stated regulations, shall if the case demands, to be relatable to pay compensation, it shall be responsible for all acts committed forming parts of its armed forces.

This act morally defines the cases that how states are opted to be punished when they don't meet the expectations privileged of the contracting powers residing the laws of wars.

2. Geneva convention and additional protocols:

International humanitarian law is a set of empirical rules and formats that seeks humanitarian approvals to sustain peace and constrain violence. Geneva conventions are the beginning of humanitarian law which elaborates present assumptions of the United States charter of human rights in a broader spectrum of state politics. International humanitarian law is contained in the four Geneva Conventions of 1949 that had been adopted by all nations world. They have expanded and supplemented two further agreements: Additional Protocols 1977, relating to protection victim's armed conflicts, 2005 Protocol III, adoption an additional distinctive emblem. These policies provide specific rules to safeguard combatants, or members of forces, who are wounded, sick shipwrecked, prisoners of war, civilians, as well as medical personnel, military chaplains, civilian support workers.

Intense academic and political debates rage in the USA beyond regarding the country's commitment to laws of war. The Geneva humanitarian law triggers controversies, as is well known, was the Bush administration's assisted practices upon the addresses of 1949 Geneva Conventions violation annexed by Taliban government Al Qaida Afghanistan in the turmoil of 9/11. By initially arguing that were not applicable those cases (or broader 'War on Terror'), the administration seems to have facilitated or encouraged the commission of gruesome acts prohibited under international law, including torture of enemy detainees. Scholarly relations to law sometimes grappled with this sort of behavior, raising crucial questions about states to make commit war first gaff. According to realist legal theorists, are to say join treaties out of self-interested convenience disregard adverse circumstances when costs compliance outweigh benefits. In mindset, has no independent effect states; immediate, instrumental self-interest dominates. In contrast, whilst agreeing to create, and to comply with policies that were largely self-interest, rational-institutionalist scholars maintain treaty adherence can be a meaningful long-term signal state preference restraint, such non-



compliance occurs factors failed reciprocity battlefield 'noise' may explain it. Finally, liberal constructivist theorists assert at least types of states, especially democracies, sincerely, either because they comport the values of their domestic interests social identity sense of belonging community.

However, the answer, alas, may not be as certain regarding the intendment of a difference in meaning between two phrases. Those likely to say, at first, that there is no intended will probably pause their tracks wonder why it was drafter would employ formulation 'grave breach ... or other intimidating acts and practices article 90 part 2c delegation 1 of 1977 Additional Protocol I Geneva Conventions 1949. Theorists often find themselves over a contradicted phase when describing the sphere of influence of arms and conflict under the action of crimes leading to marital rape and violation of humanitarian off-shores.

Other than that occasionally the breach in the Geneva Convention of 1949 on the custom of laws of wars sets criminal controversies under a diplomatic environment... The notion breaches' was introduced under the heading 'Repression Abuses Infractions' (of Conventions). Article 49 of the first Geneva Convention protocol was the beginning of undertaking enact jurisdictional panel codes and policies committed initially on the following articles.

Articles: Each High Contracting power up shall be under the obligation to search, persons alleged have committed, or ordered such grave breaches, and bring persons, regardless of their nationality, before its own courts. It may also if it prefers, in accordance with provisions legislation, hand over trial another knees concerned, provided has made out a prima facie case...

In all circumstances, the accused persons shall benefit by safeguards of proper trial and redemptions, which not be less favorable than those provided Article 105 following convention relative to Treatment Prisoners War August 12, 1949, The same provision appears in identical terms in article 50 of the Second Convention, article 129 of the Third Convention and Article 146 of the Fourth Convention. The primal objective aimed at common policies which were accumulated for suppressing, abusive behaviors and conflicted fragments secondly, many other primary objectives were employed to gain inherited aims were:

- (a) Accumulating states for their interest and obesity in international criminality and violence.
- (b) Obligating States Parties to look for—within their territories—and prosecute culprits found therein, under a regime of conditional universal jurisdiction, or to extradite the culprits to other States Parties with sufficient jurisdictional links to the violations. Having required States to try to do this stuff so as to suppress 'abuses or infractions' of the Geneva Conventions, it became necessary to define the kind of 'abuses or infractions' intended to be suppressed.

Typically article 50 of the Geneva Convention stated the following consent Grave breaches to which the preceding Article relates shall be those involving any of the subsequent acts if committed



against persons or property protected by the Convention: murder and kidnapping, torture or cruelty, including biological experiments, causing tremendous injury or severe health, and extensive destruction and appropriation of property, not justified by military necessity and administered unlawfully and wantonly. The same provision appears within the same terms altogether the four Geneva Conventions of 1949, with necessary variation made after the sentence 'willfully causing great suffering or serious injury to body or health', so as to meet the special aims of every particular Convention.

The international law of tribunal court assures orders and policies committed to violating Geneva Convention articles of 12 August 1949 protocols to prohibit UN lawful and deviant activities of crime and violence which are ironically realist in nature.

- a) Willful murders
- b) Biological experiments and torture with inadequate weaponry
- c) Prisoners of war being treated as victims of unlawful torture and crimes
- d) Extended usage of destructive arm arsenal
- e) Prisoner of war and citizen of a preoccupied ground, being victimized by hostility powers
- f) Shattering the rights of prisoners of war to live with necessities.
- g) Prisoners of war are not exempted to be harmed during the belligerent of war, afterward the occupying party may trial prisoners for their injustice acts.
- h) Contracting powers are not permitted to use citizens as hostages for their personal interest.

REALISM AND HUMANITARIAN LAW OF HUMAN RIGHTS

Realism in variable context is states' desire for the lust of power and under the domain of international law on the liberal basis that anarchy of power is privileged or determined the consensus of humanitarian law. ^[22]IHL primarily focuses on the assumptions of the fourth Geneva Convention of 1949 rehabilitated by the protection of citizens in times of war and conflicts. Despite the fact that human rights concern the free willing rights of the domestic and international public, but we must not forget that totalitarianism has carbureted regional and state interest on realist forums. Human rights and democratic customary laws are often violated by other warring states. ^[23]Realism is contemporary skeptical when it comes to international law and humanitarian rights (Morgenthau, Krasner 2002) it's all based on the redemptions of ethical and constitutional goals, other than the actions of that state would be self-oriented and reluctant to brief humanitarian law and human rights because they could become nemeses of their basic sovereign necessities and results.

- **How liberalism is imperatively similar to realist approaches upon human rights?**

The prevalent paradox of realism mentioned above in all the superficial lenses is general approaches to what really realism under the coverage of liberalism looks like apart from this theorist and scholars considers human rights and realist approaches a wide tide. Realism and humanitarian rights vividly promote bilateral meaning and state interest which can be expressed easily by the following approaches.



- a) Realist approaches to unravel liberal assumptions and acts are the *realpolitik's* behind democratic and global politics especially in the case of the United States, because the liberal assumption of international law and human rights foretold behavior of the democratic political system as a whole. However, this notion is pretty much contradicted with the critical thinking of Carl Schmitt which orients a feeling that democracy and realism are odd when out for each other. For instance the case of Nazi Germany and the forced implementation of USA collision in the WAR ON TERROR rest the case.
- b) The core relation between Hegemonic contestations of civil and domestic law is Mira scaly different form political and international law ordinance.
- c) Prudence in war and conflict enacts anarchism which is generally measured in the amount of military and nuclear strategy a country inhabitant upon. Under liberal consciences American involvement in various cold war inventory has rigidly accumulated the national interest of resources from adjoins states empirically with catastrophic losses and destruction to public property,(Morgenthau), similarly, Walt and Mearsheimer signifies the anti-countrified talks and attacks over US sovereignty, when Saddam Hussein was lurking against them. This sets the idea that human rights are neglected when prevailing interest

Discussion:

Human rights and the concept of realist assumptions at times talk about the fact that how much criticizing these terms are for each other but at the very same moment talks about policies and interest that meets their mind exceptionally. Human rights and the concept of realist assumption are at times talks about the fact that how much criticizing these terms are for each other but at the very same moment talks about policies and interest that meets their mind exceptionally. If we capitulate the idea of terms under perseverance of international law or international court of justice, even the law has to step its guard down when facing the crises it isn't interested in. The reason for this is because ICJ itself is run by the collaboration of state and each state musters up the different onset for the same problem of the idea. According to Marti Koskeniemi (2005), international law in general, and IHRL in particular, is a double-edged sword that serves two opposite purposes at once and that may be right. Why? because every material problem has a counter and anti- counter solution for it, for instance, democracy or has we like to state has liberalism to the point maybe benefitted for the state following it but hazard for the state republic resisting it. If liberal thinking was the most peaceful mean to reside on, I don't believe, that racial and ethnic cleansing should have taken a vivid turmoil as seen in RWANDA, KASHMIR, PALESTINE would have taken place. The sense of using material power on the account of peaceful means or coercive means lies in the nature of adaptability of the humanity of an individual or groups running the institutional heads of the country, not the state itself. As the Libyan invasion formulated Obamas, trumps and in future Biden's policies during their presidency.

RECOMANDATION:

1. Willful murders, and contradictory deviant should be kept under vigilance with international Security Council, security organization, on humanitarian grounds through the



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- effort of regional and Middle Eastern and south Asian organization like European Union, united nation, OIC
2. Biological experiments and torture with inadequate weaponry should be visualized by IAEA associates.
 3. Prisoners of war being treated has victims of unlawful torture and crimes should be enlisted under the protocol of united nation charter.
 4. IHL should adversely, promote bilateral means in resolving interstitial conflict on multilateral forums abided and directed by diplomats of international court of justice.
 5. Funding an increase no of aid should be monitored by united nation security council and IMF under the provision of international law and humanitarian rights council
 6. Realist assumption to humanitarian forum exist immensely and can't be denied so it should ought to be accepted with literal means

CONCLUSION:

Humanitarian law and international law whether it encounters Eurocentric, realist or liberal approach to the extend to prevail human rights or defend human rights it was originally intended by the nature of individual or group of political thinkers to begin with. Even if human rights tend to promote rights for all or voice for the injustice of all but it can never or entirely rely on the fact that all goods and promoting in order to get what you deserve or in order for a state get its interest is going people or state actors will just propagate the humanitarian law under the domain of their premises, that how modern politics revolve you get the rights of other and get your own rights from them, but I have this person believe that even if human rights are a multi-diverse phenomenon it's still rejoice the concept equality, freedom of choice, freedom of opinion or any other liberal ideologies to set on for those who are the power or at least have the power to stand for instability.



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