International Journal of Law, Justice and Jurisprudence

E-ISSN: 2790-068
P-ISSN: 2790-0673
IJLJJ 2022; 2(1): 54-64
Received: 28-11-2021
Accepted: 30-12-2021

AK Anya
Ph.D., Professor and Head of Department, Public and International Law, Igbinedion University College of Law, Okada, Nigeria

Rita A Ngwoke
Ph.D., Senior Lecturer and Post Graduate Rep. College of Law Igbinedion University Okada, Edo State Nigeria

Correspondence
AK Anya
Ph.D., Professor and Head of Department, Public and International Law, Igbinedion University College of Law, Okada, Nigeria

Universal effort at heralding man as subject of interest in the regime of municipal law and in the comity of nations

AK Anya and Rita A Ngwoke

Abstract
Objective: The paper considers the need to revisit man's status in juxtaposition to the international community's response in unrestrainedly and comfortably heralding the concomitant effects of globalisation. To examine and demonstrate by analytical approach efforts made to strengthen the philosophical basis for the recognition of man, first of all as a citizen of the state, and secondly as a subject of international law.
Branch of law: International law, Jurisprudence, Constitutional law, Human rights Law and Criminal Law.
Philosophical Basis: Natural law, Normative ethics, Positive Law and Constitutional law.
Instruments: United Nations Charter and Constitution of the Federal REPUBLIC OF Nigeria, 1999.
Findings: The authors conclude that the evolution of international justice imports the philosophy of globalisation of criminal administration and justice. By implication, the past impunity of states from criminal atrocities is henceforth being checked with the establishment of the International Criminal Court. Therefore, this universal perspective operates to support the existence of the recognition of duties of man in international law. Therefore, if a man is a duty bearing subject at international law, he is equally a correct bearing entity.
Professor and Head of Department, Public and International Law: Igbinedion University College of Law Okada Nigeria. Member Organization of the NGO Coalition for the International Criminal Court (ICC) and Associate Member of the American Society of International Law (ASIL). He specialises in Jurisprudence, International Law and Development. For comments and others, this author could be contacted at.

Keywords: Man, international law, philosophy, rights, sanctions, globalisation, development, human, violation, degradation, Jurisdiction, legal personality, suitable bearing, duty bearing, state, persons, nation

1. Introduction
The Present stage of human development in the world has shown that the world is now a global village with the aid of law, science and technology; respect for human rights and recognition of man as' deserving of rights in his capacity as a man. Interdependence of international status and the concomitant effect of the United Nations acting as a fulcrum for rallying states together within the comity of nations.
Furthermore, the campaign for the greater recognition of rights of man as the subject of international law is gaining currency, consequent on the proactive effect of international legal frameworks as well as practices, which insists that what affects human rights in one part of the globe, is an international concern and ought to be placed beyond the jurisdictional attention of the concerned state (s), but should be made the subject of concern by the international community. Against this backdrop, this article seeks to explore the need to strengthen the basis for the recognition of the rights of man under international law. Part two of this work will briefly discuss the relationship between man and international law. Part three will explore the vexing issue of compliance and sanction under international law against the backdrop of certain contemporary developments. Part four will examine the subjects of international law. This examination will begin with the traditional subjects of international law and then consider the controversial position of "individual" as the subject of international law. Part five will analyse some of the philosophical and conceptual basis for recognising the man as the subject of international law. Part six will strive to explore the known challenges towards recognising man or individual as the subject of international law. Finally, part seven will be the concluding part.

2. Man and International Law [1]

Today's substantive issues-from armed conflict to climate change to the financial crisis to terrorism-have generated much new thinking about international legal rules and structures; at the same time, efforts to create new law implicate the interests of, and require the cooperation of, new and existing actors and institutions at many levels of governance [2].

This effort to redress perceived wrong and remedy appalling situations will always regard man as the centre of attraction. But, significantly, respect for human rights and recognition of man as' deserving of rights in his capacity as man has gained global attention and recognition in almost many and varied constitutional democracies from the end of the world wars [3]. In all these events, the man was at the centre of it all. These factors have unwittingly endeared man to the protection of international law.

2.1 The Regime of International Law

Jeremy Bentham invented the expression 'international law'. Bentham urged that 'international law was sufficiently analogous to municipal law' during its growth [4]. International law is incapable of exact precision. This is partly due to the ever-emerging international conventions, covenants, treaties, protocols, agreements, declarations, proclamations, etceteras., arising from friendly states in grasping with the ever challenged gamut of human transactions [5] in pursuit of the needs of the concerned states in the international arena, and the resolutions and decisions of the United Nations General Assembly [6] and the Security Council [7], respectively. It should also be noted that international law is mainly hortatory [8]. Only accredited representatives of states conduct the affairs of the states in the international arena.

Unarguably, even though international law is bereft of a consensus definition, scholars have attempted to hazard an apt description of what the terrains of international law are and should be. But unfortunately, these attempts are purely perspective in origin and, therefore, exhaustive.

Learned writer J G Starke construes international law as that body of law, which is composed for its more significant part of the principles and rules of conduct which states feel bound to observe, and therefore, do commonly observe in their relations with each other, and which includes also:

a) The rules of law relating to the functioning of institutions or organisations, their relations with others, and their relations with states and individuals; and
b) Specific rules of law relating to individuals and non-state entities so far as the rights or duties of such individuals and non-state entities are the international community's concern [9].

The description of international law by Starke appears hell-bent on capturing the vast gamut of activities under international law and equally deserving of attention. However, unfortunately, the effort of the learned author sounds more like a mission statement [10].

International law has practically been described 'as the law of nations' and equally defined [11]. It should be noted the contribution of Jeremy Bentham, who first employed the phrase international law in 1780. He reigned during the classical epoch, which perceived this branch of law as international law.

International law's definition and description are subject to the individual perspective, which is ordinarily influenced by global developments. Also, there is a need to illuminate the definition of Messrs. S A Williams and A L C de Menstra. They perceive international law as The law system containing principles, customs, standards, and rules by which relations between states and other international persons are governed [12].

According to Brierly, the law can only exist in a society, and there can be no society without a system of law to regulate the relations of its members with one another [13]. Therefore, the connotation 'law of nations' presupposes that 'a a society' of nations exists, and the assumption that the whole of the civilised world constitutes in any real sense a single society or community is one, which we are not justified in the making without examination [14].

The law of nations sprouted from among a few kindred nations of Western Europe. These nations had a common background in the Christian religion and the civilisation of Greece and Rome [15]. The interactions of these nations were influenced by the rise of the modern state system, which undermined the tradition of the unity of Christendom, and eventually gave rise to those sentiments of exclusive nationalism, which are rife in the world today [16]. Significantly, there was concomitant growth of factors that made states mutually dependent on each other.

Furthermore, when a party to a controversy alleges a breach of international law, the act impugned is practically never defended by claiming the right of private judgment, which would be the natural defence if the issue concerned the morality of the act, but always by attempting to prove that no rule has been violated [17].

3. Compliance and Sanction in International Law: Emerging Development

International rules of law strive towards compliance by states. The effectiveness of international law is measured by the degree of observance by nation-states. This does not suggest that observance is an essential factor in what is or is not law. It is possible for a rule of law to operate without being observed. There are chains of legislation that are observed in the breach [18].

States are inclined towards compliance with developed, recognised and accepted norms ordinarily evolved in customary international law and treaty conventions. The essence of law is to govern human interaction in society. Law is made for man and not the opposite [19]. Pollock has maintained that the only necessary conditions for the existence of law are the existence of a political community and the recognition by its members of settled rules binding upon them in that capacity. International law, on the whole, seems to satisfy these conditions [20]. International law operates in an international political system and is well recognised by the operators of what to expect at any given time.

Against this backdrop, Harris contends that international law is just a system of customary law, upon which has been erected, almost entirely within the last two generations, a superstructure of "conventional" or "treaty-made law", and some of its chief defects are precisely those that the history of law teaches us to expect in a conventional system [21].

Morgenthau has equally remarked that the great majority of the rules of international law are generally observed by all nations without actual compulsion, for it is generally in the interest of all nations concerned to honour their obligations

within the comity of nations [22].

Unarguably, most rules of international law are formulated in legal terms such as identical or complementary interests. For this reason, they generally enforce themselves, as it were, and there is generally no need for specific enforcement action. However, international law requires an obligation on the part of states. The fulfilment of this obligation is hortatory.

In most cases in which these rules of international law are violated, despite the underlying community interests, satisfaction is given to the wronged party either voluntarily or in consequence of adjudication [23].

It is along this line that Morgenthau quips that the great majority of rules of international law are generally unaffected by the weakness of its system of enforcement, for voluntary compliance prevents the problem of enforcement from arising altogether [24]. The primary challenge to whether international law is the issue of enforceability in the international legal system. To a vast majority of international lawyers, enforceability is a requirement or characteristic of any legal system of law. These categories of international lawyers unequivocally believed that international law possessed this singular characteristic, 'even if only in a rough and rudimentary form [25].' One of them observes that international law is: a body of rules for human conduct within a community, which, by common consent of this community, shall be enforced by an external power [26].

Hart, on his part, defines law as a union of primary and secondary rules. Primary rules are those specifying what people must or not do. In other words, primary rules are prescriptive. Furthermore, secondary rules allow a legal system to function in her stead continually. Secondary rules deal with the procedure for making law and how it must be changed or vested in another. It appears that Hart's secondary rules are consistent with his rule of recognition, which informs our opinion of what law is or not. Arguing from this background, it is evident that international law is deficient in quality, apparently because it has not matured to become a self-serving 'system of law [27].'

A vast number of philosophers have equally argued contrarily that international law lacks enforceability due to the absence of sanction. However, be it as it may, Hart concedes that sanction cannot be the litmus test for legal order because laws are obeyed not because of the existence of force or sanctions but rather because they are valid [28]. In this same vein, he maintained that even if international law is not law, it is analogous to law both in function and content [29]. In arriving at this decision, he called to aid the remarks of Bentham in buttressing his views:

Bentham, the inventor of the expression of international law, defended it simply by saying that it was sufficiently analogous to municipal law. To this, two comments are perhaps worth adding. First, the analogy is one of content, not of form; secondly, no other social rules are so close to municipal law as those of international law [30].

3.1 The Contribution of Harold Hongju Koh to Compliance and Sanction

There is a viewpoint paraded by many and sundry that international law is devoid of sanctions. This inclination is erroneous. The eminent scholar Koh in his Frankel Lecture at the Houston University 1998 annual Lecture series, argues whether or not a nation will comply with international law.

It has been argued that the key to understanding whether a nation will comply with international law is to understand the transnational legal process 'whereby an international law rule is interpreted through the interaction of transnational actors'…then internalised into a nation's domestic legal system [31].' Koh contends that obedience to international law arises when a given nation 'adopts rule-induced behaviour because the party has internalised the norm and incorporated it into its internal value system [32].'

Based on the preceding, Koh proffered and urged four kinds of relationships between given international norms and observed these norms: coincidence, conformity, compliance and obedience [33]. Koh concludes that there are three distinct shifts within these norms, from coincidence to conformity, conformity to compliance, and eventually compliance to obedience [34].

The first shift is from a ‘grudging, one-time acceptance to habitual obedience [35].’ In this regard, some states have made strides in attempting to conform to the Vienna Convention on Diplomatic Relations [36], However, it failed to take adequate procedural steps to ensure total compliance [37]. For example, an international norm, such as consular notification, will only transform from an 'external sanction' to an 'internal imperative', especially when the affected state takes the necessary steps to mandate action on the part of its agents. This transition is in line with the provision of article 36 to the Vienna Convention. For instance, in diplomatic relations between states, the Libyan government has grossly violated the provisions of article 36 VCDR by her continued silence on alleged killings of foreign nationals, especially Nigerians, by her peace/immigration officials. If this failure on the part of Libya is juxtaposed with article 36, there is nothing left to add than to state that Libya's attitude towards foreigners is an affront to adumbrated transition from external sanction to internal imperative, which has not yet taken place in Libya [38]. The Libyan authorities' reluctance to recognise this anomaly signals contempt of international law and, consequently, an overt failure to internalise normative behaviour.

The second shift towards obedience is from the ‘instrumental to the normative [39].’ Compliance with an international norm moves calculated compliance to incorporating a rule as part of a 'value-set.' In the United States, for instance, the Supreme Court, the federal government, and the individual states all seem to recognise the obligatory nature of the Vienna Convention and certainly do not advocate non-compliance [40].

The final shift is from coercive means to constitutive means of enforcement of international norms. 'Coercive' means an attempt to force change, while constitutive means seek to 'shape and transform personal identity [41].' For instance, in the death penalty cases involving Mexican nationals in the United States, the former marshal the most significant effort to effect compliance through coercive action [42]. Her interventionist model did push the Vienna Convention issue, especially the provision of article 36, to the forefront of legal debate. This was evidenced by her appeal to the International Court of Justice to stop the execution of all fifty-one Mexican nationals facing death sentences in the United States.

4. State, International Organization and Man as Subjects of International Law: Revisiting the Status of Man

International law has grown beyond the scope of nation-states to encompass other entities like 'man' and 'international organisation'. However, international law's foundations and historical evolution (the law of nations) lie firmly in Western cultures' development and political organisations [43].

This was further exacerbated by the remarkable 'growth of European notions of sovereignty and the 'independent nation-state' [44]. Cumulatively, this required an acceptable method facilitating inter-state relations, which could be conducted by commonly accepted standards of behaviour, and international law filled this gap.

Also, the development of international law emerged in cascading order, entities like states, international organisations and corporations, and individuals. These entities have dominated the realm of international law. First, however, it must be noted that the arbiters of the world order are, in the last resort, the states, and they make the rules interpret and enforce them [45].

More importantly, there is the need to identify how these entities impact international law. Consequent to this, there is the need to consider the issue of legal personality.

4.1 The Issue of Legal Personality in International Law

For this treatise, understanding legal personality in international law will be limited to 'capacities' [46] sed. Capacity here refers to whom or what is competent to act. The determination of guidelines or methods of ascertaining who or what is competent to act squarely on the law rules [47]. Only the rules of select law entities and, *ipso facto*, endow them with 'different legal functions' [48]. Therefore, it becomes absurd to assume that 'merely by describing an entity as a 'person' one is formulating its capacities in law'[49].

O'Connell has assisted by shedding light in formulating the guidelines for determination of a personality in international law, possessing 'capacity':

i. Do the rules of international law establish that this claimant to capacity has the capacity, which it claims?
ii. What exactly is the capacity, which it claims and which is allowed to it, or in other words, just what sorts of legal relations may this entity enter into?

Concerning (ii) above, the question refers to an existing claimant. However, there are situations where the claimant to capacity is a novelty. There is no subsisting rule of international law accommodating the claimant in this case. Does this, therefore, extinguish the proposed interest of the claimant? The answer must be in the negative. The practice of international law has always been to perceive and identify the new claimant, and by implication, as well as through the natural course of the event, the claimant by interaction with the duty-holders [50], operates to itself [51].

Should the entity be recognised as having the capacity it claims to have?

Concerning the above, the issue of recognition is merely a question of taciturn approval of the claim by the duty-holders in international interactions affecting the duty-holders.

Current thinking in this perspective maintains that 'capacity implies personality, but always, it is capacity to do those particular acts'. Therefore, 'personality' is only 'short-hand for the proposition that an entity is endowed by international law with legal capacity [52].

Furthermore, personality may even be extended to accommodate the examination of certain concepts within the law, such as status, capacity, competence, and the nature and extent of particular rights and duties [53].

It is not uncommon to discover that the status of any entity may well be determinative of certain powers and obligations, while capacity will link together the status of a person with certain rights and duties [54].

Significantly, the process of identifying a legal entity is a function of the relevant legal system, 'which circumscribes personality, its nature and definition' [55]. The above premise equally applies to international law. Shaw, in this respect, quips that any particular view adopted of the system will invariably reflect upon the question of the identity and nature of international legal persons [56].

Expressly, the issue of personality in international law necessitates the consideration of the inter-relationship between rights and duties afforded under the international system and the capacity to enforce claims. The rules of international law are the only determinant factors for ascertaining the nature of the entity's capacity in question. The rules include questions whether the personality of a particular claimant depends upon its possession of the capacity to enforce rights. The issue of personality in international law is a relative phenomenon varying with the subsisting circumstances, in that the status of the claimant determines what rights, duties and competencies, are applying in any given situation. These claimants include participants like states, international organisations, regional organisations, non-government organisations, public companies, private companies and later, individuals.

The issue of legal personality may not be extended to all these entities, although they may impact the international plane with some degree of influence [57]. Therefore, international personality is participation plus some form of community acceptance [58]. Modern jurisprudence on the subject of international law has grown to accommodate diverse roles for some of these entities; for instance, the regime of human rights law is understood as those "rights contained in International Bill of Rights and the Convention on the Rights of the Child" as well as other regional human rights treaties like the "European Charter on Human Rights and African Charter on Human and People's Rights;" the law relating to armed conflicts: this concentrates on the need to regulate armed conflicts, even more, catering for the affected victims, inclusive of soldiers involved in the prosecution of the war. The urgency and need to regulate armed conflict is an offshoot of the preamble and provisions to the United Nations Charter, which explicitly states: "We the peoples of the United Nations determined…To practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security…." Furthermore, article 2 of the Charter enjoins member states to eschew threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The essence of the above branch of international law is to widen the degree of participation by entities operating as claimants having enforceable capacity in international law. Regard should also be had to the regime of international

economic law encompassing such regulatory agencies like General Agreement on Trade and Tariff (GATT), World Trade Organization (WTO), International Labour Organization (ILO), Food Agricultural Organization (FAO), International Atomic Energy Agency (IAEA) [59] and etceteras. These entities have created room for international cooperation, thus paving the way for them to become subjects of international law.

4.2 'States' as Subject of International Law

A 'state' in international law attracts no discernible definition. Consequently, there is a compelling need to fathom a working tool to elucidate an understanding of the concept of state in international law. A state could be descriptive if one desires to hazard a tool to compartmentalise the vast and dynamic activities associated with a state without a reliable and acceptable definition [60]. States traditionally used to be the sole recognised subject of international law to become international persons.

Classical international law thinking urges that a state as a person of international law should possess the following qualifications:

a) A permanent population,
b) A defined territory,
c) Government, and
d) Capacity to enter into relations with other states [61].

4.3 International Legal Framework on Formation of States

An understanding of the state as a legal person in international law will require an examination of the available and subsisting legal frameworks appertaining to states. Such legal frameworks include the following:

A) The Montevideo Convention [62]

This is something akin to a regional convention in international law. The convention espouses the requirements of statehood at customary international law [63]. The attainment of these requirements ordinarily would have entitled a given and designated set of people(s) and perimeter to blossom to a state in international law [64]. Significantly, the emergence of a new state in the international arena is not enough; such a state must place itself at the mercy of other states for purposes of recognition [65]. There are chains of issues on recognising new and emergent states in international law. These issues are best understood in the process of examination of such an emergent state.

I. The New and Emergent State of Kosovo

Kosovo used to be part of the former Yugoslavia. Yugoslavia was then recognised internationally as the "Socialist Federal Republic of Yugoslavia". By inference, she was a socialist state. The problem of armed struggle that ensued in Yugoslavia more particularly, between 1989 and 1991, shortly after the disintegration of the former Union of Soviet Socialist Republic [66], claimed more than two million people, making it the largest massacre in Europe, from infant to maturity, notwithstanding Europe's enormous growth in scientific, intellectual and biological development [67].

Consequently, Serbia broke away from the former Yugoslavia, with Kosovo as one of the constituting provinces. This led to the total collapse of Yugoslavia as a socialist state. However, that was not all; the same unresolved unrest and injustice in a heterogeneous society trailed the new Serbia. Again, this precipitated the secession of Kosovo [68]. Unsurprisingly, the seceding state of Kosovo capitalised on the international law rule of national self-determination [69] in giving vent to her secession pursuit.

Russia did not hide her disdain for Kosovo as an emergent state. Russia was put on the spot when her Dmitry Medvedev remarked in an informal state visit that: "The point of my brief visit was to express support to Serbia at a time when it faces Kosovo's secession. We assume Serbia is a single state whose Jurisdiction covers all of its territories. We will stick to this position [70]." The fury and indignation of Russia were directed against the US, whom they (Russia) had accused of inciting the ethnic Albanians of Kosovo to secede from Serbia [71].

II. The Emergent State of South Ossetia

The internationally recognised territory of Georgia then extends in and over the present emergent state of South Ossetia [72]. The breakaway region of South Ossetia declared its independence from Georgia in the 1990s. Any other international state has not recognised South Ossetia except Russia. The European Union and North Atlantic Treaty Organization have called on Russia and Georgia to dialogue in resolving their differences.

It should also be noted that Russian Peacekeepers have been in South Ossetia for close to twenty years [73]. They are giving South Ossetia the required national defence.

III. The Emergent State of Georgia

As events would have it, more particularly in August 2009, Russia crossed over into an internationally recognised border into the sovereign territory of Georgia [74]. Georgia is one of the breakaway states from the former USSR. If all conditions are met, she is likely to obtain NATO alliance membership before the end of 2009, a move vehemently opposed by Vladimir Putin in early 2009, apparently because the autonomous regions of Georgia are home to many Russians.

President Mikhail Saakashvili of Georgia has always insisted that Russian troops stay out of her South Ossetia province. However, on the other hand, President Dmitry Medvedev of Russia claims that Georgian atrocities in South Ossetia are enormous [75]. The Russian Prime Minister Vladimir Putin has equally claimed that President Saakashvili's actions to subdue the breakaway provinces were worse than Saddam Hussein's [76].

Surprisingly, the claims of Russians of Georgian atrocities in South Ossetia could not be verified, and the United Nations and North Atlantic Treaty Organization have respectively scheduled verification of the claims to stem the crisis in that part of the globe.

In summation, it appears that secession based on the exercise of national self-determination in reaction against oppressive and discriminatory practices on minorities are usually accommodated by the international community as deserving of recognition [77].

B. The United Nations General Assembly Resolution on Declaration on the Granting of Independence to Colonial Territories and Peoples [78]

Drawing from the evolving concept of human rights, the General Assembly considered it reprehensible to have

colonial territories and peoples continue to be administered by foreign and colonial powers. The Assembly declares that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights. Furthermore, such domination and exploitation is contrary to the Charter of the United Nations and impedes the promotion of world peace and cooperation [79].

The declaration insists that all peoples have the right to self-determination; by that right, they freely determine their political status and freely pursue their economic, social and cultural development [80].

The inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence [81]. By implication, such measures already in practice aimed at subjugating colonial peoples-such as limiting their educational achievements, restriction to a particular class of jobs, subtle control of political unions, associations, awareness clubs, social organisations should cease to operate [82].

In the same vein, all armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence and the integrity of their national territory shall be respected [83]. For instance, in the case of South Africa, extra-legal violence was perpetrated to maintain white domination, and it was facilitated by apartheid's implicit claim that blacks were less than human [84].

4.4 General Principles of International Law on Formation of States

The need to examine the general principle of international law affecting the formation and sustenance of the state is worthy of consideration.

A. National Self-Determination

The Article 7 of the Convention on Genocide recognises self-determination as a right appertaining to freedom and independence agitators, labouring under the yolk of colonial domination, and protected by the provision of this convention in the event of the resort to armed conflict and intervention. Subparagraph (4) to article 2 of the UN Charter accommodates any onslaught emanating from such freedom and independence agitators. Kola maintains that the idea that national peoples ought to determine their status and destiny in international relations first appeared and was applied simultaneously as peoples first took control of domestic politics in the late eighteenth century, during the American and French revolutions [87].

For instance, Kosovo's independence can be assessed under the international law of secession. A Canadian lawyer Thomas Franck in response to a hypothesised secession of Quebec from Canada remarked that:

It cannot seriously be argued today that international law prohibits secession. But, on the other hand, it cannot seriously be denied that international law permits secession. There is a privilege of secession recognised in international law, and the law imposes no duty on any people not to secede [88].

While international law does not foreclose on the possibility of secession, it does provide a framework within which individual secessions are favoured or disfavoured, depending on the facts [89]. The key is to assess whether or not Kosovo meets the criteria for the legal privilege of secession [90].

The legal concept of self-determination is comprised of two distinct subsidiary parts. The default rule is "internal self-determination", which essentially protects minority rights within a state. As long as a state provides a minority group with the ability to speak their language, practice their culture in a meaningful way, and effectively participate in the political community, then that group is said to have internal self-determination. Secession or "external self-determination" is generally disfavoured [91].

In other words, external self-determination seems to be a product of armed conflict because it is fraught with uncertainties and political imbroglio, with the dominant part of the disintegrating state, which is often ineffective control of the machinery of government and administration or possibly dominates the machinery itself [92].

According to Borgen, any attempt to claim legal secession "that is, where, secession trumps territorial integrity" must at least show that:

1. The Secessionists are a "people" (in the ethnographic sense);
2. The state from which they are seceding seriously violates their human rights; and,
3. There are no other effective remedies under either domestic law or international law.

The practice of international law and court decisions remains in an evolving stage as to the legal position of a secessionist state, or even much less, the place of national self-determination. Nevertheless, there is no doubt that international law does not frown against it in the latter case.

B. National Liberation Movement

This is closely related to non-self-governing territories and the principles of self-determination. The introduction of the trusteeship system by the United Nations seemingly paved the way for granting of the audience to individual petitioners, inclusive of national liberation movements and colonial territories [93]. For instance, in 1977, the General Assembly Fourth Committee agreed by consensus to permit representatives of certain colonial entities of African Portuguese domination to participate with her in resolving territorial and statehood related issues [94].

4.5 Legal Personalities of International Organizations as Subject of International Law

International organisations can have 'legal personalities' or be 'international persons' subject to international law and 'capable of possessing international rights and duties, including the right to bring international claims [95].

The Charter of the UN and the Charters and Organic documents of other international organisations are silent concerning the status of international organisations, especially in their standing and rights and duties [96]. Apple argues that questions about the legal personality of an international organisation have arisen concerning an international organisation's capacity to:

1) Make claims for breaches of international law:
2) Make treaties or agreements that are valid internationally; and
3) Possess privileges and immunities enjoined by individual nations [97] [Sic.] that is, become and act as subjects of international law [98].

A clear pointer in ascertaining the status of international organisations as a legal personality in international law is the Advisory Opinion of the International Court of Justice in the Reparation for Injuries Case [99]. In 1948, the General Assembly of the UN passed a resolution requesting an advisory opinion from the ICJ on two questions:

1. In the event of an agent of the UN in the performance of his duties suffering an injury in the circumstances involving the responsibility of a State, has the UN, as an organisation, the capacity to bring an international claim against the responsible *de jure or de facto* government to obtain the reparation due in respect of the damage caused (a) to the UN, (b) to the victim or (c) to persons entitled through him?
2. Also. The affirmative reply on point 1 (b), is action by the UN reconciled with such rights as may be possessed by the state of which the victim is a national?

The court's opinion was to the effect that the UN was not created as a centre "for harmonising the actions of nations in the attainment of common ends" but that the UN is comprised of organs and the Charter had invested it with 'specific tasks'.

The court stated concerning the first question:

The court has concluded that the organisation is an international person. That is not the same thing as saying that it is a State, which it certainly is not, or that its legal personality and rights and duties are the same as those of a state. Still, less is it saying that it is a 'Super-state', whatever that expression might mean. It does not imply that all its rights and duties must be upon the international plane, any more than all the rights and duties of a State must be upon that plane. It does mean that it is a subject of international law and capable of possessing international rights and duties and that it can maintain its rights by bringing international claims.

That was not all. The court took time to appraise the criteria for legal personality in international organisations as follows:

a) A permanent association of states, with lawful objects, equipped with organs;
b) A distinction, in terms of legal powers and purposes, between the organisation and its member states;
c) The existence of legal powers exercisable on the international plane and not solely within the national systems of one or more states [100].

There are no hard and fast rules respecting the legal personality of an international organisation; however, in the extreme of cases, resort may be made to constitutional documents of such an organisation in ascertaining the purposes, functions and powers of the concerned organisation.

4.6 Legal Personalities of Man as Subject of International Law

In international law, the history of 'Man as an individual legal person' has attracted a chequered concern [101]. Two contending theories have sought to embellish man's regime in international law. The first is the object theory: it urges that individuals constitute only the subject matter of intended legal regulations. To this end, I conclude that only states and international organisations are the proper subjects of international law.

Significantly, certain international events operated to widen the scope of subjects of international law, thus embracing individuals to be placed within the purview of international law. This concern was amply supported with specific legal fiction aimed at justifying the enlargement of subjects of international law to include individuals [102]. Hans Kelsen had noted that duties placed on states at the international plane are undoubtedly duties placed on individuals since states are comprised of individuals. This was amply justified in the Privy Council Re Piracy Jure Gentium Case [103]; the question arose whether actual robbery was an essential element in piracy in international law. The court thought that any individual guilty of an offence of piracy placed himself beyond the protection of any state. His guilt is no longer a national issue but "*hostis humanis generis".*

International law and practice jurisprudence favours the individual as a recognised participant and subject of international law. After that, the emerging terrain of human rights law has lent credence to individuals as a bearer of rights and duties in international law.

5. Basis for the Recognition of Rights of Man in International Law

It is not unimaginable to conceive an individual as the subject of international law because of the availability of treaty provisions conferring such rights on individuals. Notwithstanding the provisions in such a treaty that the beneficiary of such rights is not authorised to "take independent steps in his own name to enforce the rights is not a notion of disability", that the individual is not a subject of the law. As Lauterpatcht observes, even though the rights in question are vested exclusively in the agency which possesses the capacity to enforce them, it does not also detract from the fact of being subject to the law [104].

Flowing from the above, the 'individual' can acquire rights directly by treaty independent of municipal legislation. This was confirmed in the Opinion of the Permanent Court of International Justice in the case concerning the Jurisdiction of the Courts of Danzig in the matter of Danzig Railway Officials [105]. Poland had objected to the assumption of Jurisdiction by the Danzig court, insisting that her responsibility was only limited to what was owed to Danzig and not the railway officials. The court rejected in its entirety this contention and stated:

It may well be readily admitted that, according to a well-established principle of international law, the *Beamtenabkommen*, being an international agreement, cannot, as such, create direct rights and obligations for private individuals. However, it cannot be disputed that the very object of an international agreement, according to the intention of the contracting parties, may be the adoption by the parties of some definite rules creating individual rights and obligations and enforceable by the national courts. That there is an intention in the present case can be established by reference to the terms of the *Beamtenabkommen.*

Since then, this pronouncement has been infused with animus, triggering the recognition of the rights of man in treaty provisions. As a result, individuals have also been recognised as a subject of international law in Jurisdiction and extradition. Furthermore, protections inuring to individuals qua man, as provided under extradition treaties though made by state parties, are recognised and effected by

municipal courts, showing that man is a subject of international law.

Under the provisions of the Charter of the UN, more particularly article 2, a state is restrained from embarking on threats or use of force in international law. However, there is a caveat. A state may indulge in intervention in the territory of another on the grounds of humanitarian intervention, provided such intervention is directed at remedying and redressing gross violations of human rights, either of nationals of the host state or foreign elements within the perimeter of the host state. Intervention at this instance is perceived under international law and practice as consistent with the UN Charter's provisions [106]. Implicit in this practice is the need to place the rights of man beyond any national borders.

The establishment of the Four Power Agreement, especially the Charter annexed to the agreement for the International Military Tribunal for the Prosecution and Punishment of the Major War Criminals of the Europeans Axis [107] tacitly acknowledged the recognition of a peculiar crime against humanity. The essence of this recognition is the centrality of man as the subject of international law.

6. The Challenges of Recognition of Man as the subject of International Law

Many and various international documents recognise human rights as the subject of international law [108]. The constitutions of international public organisations and other specialised agencies of the United Nations and international non-governmental organisations contain provisions that add little to the individual's formal status and procedural capacity. Collectively, these international frameworks goes a long way in exposing the inadequacy of the traditional doctrine and international practice concerning the recognition of the rights of man as the subject of international law [109].

The challenge to the recognition of the rights of man as the subject of international law could best be appreciated from the perspective of rights and duties.

Concerning enforcement of rights of man, in his capacity as man, the overall effect of state interest, domination and representation is visible and overbearing. For instance, in the controversy surrounding Colonel Qadafi, Head of State of Libya, the government of Libya and governments of the United Kingdom and the United States jointly negotiated on behalf of the Two Hundred and Seventy victims of the Lockerbie disaster in 1988 (otherwise known as the Pan Am Flight Disaster) on the one hand and government of Libya and governments of United Kingdom, the United States and France over One Hundred and Seventy victims of Niger Disaster in 1989 (otherwise called the UTA DC 10 Flight Disaster) for compensation that made Libya pay close to Three Billion Dollars [110]. Could it not have been possible for the representatives of the affected victims to enforce their rights in their capacity as a legal person, recognised in international law, rather than enforcement of victims' rights by proxy?

Furthermore, there is still the lurking problem of nationality under international law. The idea subsists that it would be difficult for the individual to make claims or be protected in the international arena without nationality.

7. Conclusion

The myth of the legal personality of the individual at the international arena should, from the perspective of law and practice, be given flesh. Man has come a long way. Man rights ought to be recognised, not only recognition but should be articulated with or without the state influence. The bottlenecks/ procedural restrictions placed at international law, which hitherto has been affecting recognition of rights of man qua man should be addressed.

Significantly, there is a flicker of hope for recognising human rights as the subject of international law. The recent trend in the international arena, coupled with the extant Universal Declaration of Human Rights [111], has shown that the international community is alive to responsibility in ensuring that the recognition of the rights of man as the subject of international law is a venture worthy of pursuing. Also, the position of an individual as the subject of international law seems to be obscured by failure to observe the distinction between the recognition, in an international instrument, of rights enuring to benefit the individual and the enforceability of these rights at his instance [112]. In the Opinion of the Permanent Court of International Justice in the case concerning the Jurisdiction of the Courts of Danzig in the matter of Danzig railway officials [113], the court rejected the traditional argument, barring individuals from becoming subjects of international law. She emphasised that no theory considerations can prevent the individual from becoming the subject of international rights if States so wish.

The evolution of international justice imports the philosophy of globalisation of criminal administration and justice. By implication, the past impunity of states from criminal atrocities committed has equally been clipped with establishing the International Criminal Court [114]. These universal doctrines support the recognition of man's duties in international law. Therefore, if a man is a duty bearing subject at international law, he is equally a correct bearing entity.

8. References

1. Man refers to ‘society’. After all, a society is a collection of men.
2. Theme: American Society of International Law, 2010 Conference in Washington DC. www.ajil.org [visited 17/04/09].
3. The First World war was between 1928 and 1929, while the Second World war came up between 1939 and 1944.
4. HLA Hart, The Concept of Law, 1961, 228-229.
5. The transactions of states are always consistently concluded by agents of the states, who are in the main, Human agents.
6. [From now on the UNGA].
7. [From now on the SC].
8. It binds only in honour. It is debatable whether or not international law contains enforceable sanctions. But see the provisions of chapter VII to the Charter of the UN. See generally, A K Anya, "Pacific. Settlement of International Disputes: Emerging Contemporary Developments,” 2 IULJ, 219-220.
9. Introduction to International Law 9th ed. (London: Butterworth), 1p.
10. It should be noted that the international legal system is still striving to accommodate human rights as species deserving of recognition. See, for instance, Israel's raid at Gaza and the destruction of lives and properties of

Palestinian Arabs and the attendant inaction of the World Community, notwithstanding trifles of aid to the victims.

11. This falls short of a classical construction of international law. This is unarguably premised on developments surrounding the period of the nation-states. The affairs of international law were limited to only states. States were the only actors. Malanczuk has urged a developmental stage for international law. According to him, there is the pre-classical period (early origin from antiquity to 1648); thereafter, the classical system (1648-1918; and the Modern system (1918 to date). See generally Peter Malanczuk, Modern International Law, Akenhurst's 7th Revd. Ed. 1997;9(10):11.
12. An Introduction to International Law, 2nd ed. 1989, P.1.
13. The Law of Nations, 6th ed. Waldock. 1963, 41-42.
14. Harris DJ, Cases and Materials on International Law 5th ed. (Sweet & Maxwell), 1, 2.
15. Ibid, at 2p.
16. Id.
17. Harris, note 14 at 2, 3p.
18. This is true both in domestic and international rules of law.
19. However, see D Lloyd, The Idea of Law (England: Penguin Books) P. 1. "It should be noted that the feeling, that law inherently is or should be necessary for man in a properly ordered society receives little encouragement from the long succession of leading Western philosophers from Plato to Karl Marx who, in one way or another, have lent their support to the rejection of the law. Hostility towards law has also played an important part in many of the great religious systems of East and West." See Proudhon again, Treatise on Order and Anarchy P.11, "The highest perfection of society is found in the union of order and anarchy
20. F. Pollock, First Book of Jurisprudence, 28p.
21. Harris, supra note 14 at 3.
22. Politics Among Nations 6th ed. 1985;312:313.
23. Harris, supra note 14 at 8. See generally, A. K. Anya "Pacific Settlement of International Disputes: Emerging Contemporary Developments" (2004) 2 IULJ p. 219, P. 225 that The settlement of international disputes in a manner fair and just to the parties involved has been a long-standing objective of international law. It is to be noted that settlement is conducted through defined rules and procedures by international customs and conventions. Furthermore, it is within the judicial competence to articulate injuries and claims of its nationals within the international forum.
24. Id.
25. Harris, supra note 14 at 9.
26. Oppenheim's International Law, 9th ed. 1992, 233. read. by permission of Addison Wesley Longman Ltd.
27. Flowing from the above, it is worth concluding that international law is preoccupied with prescriptive norms (primary rules) but devoid of the amendment and creation process (secondary rule).
28. See generally, Messrs. B. Bazuaye and O. Enabulele, International Law (Benin: Ambik Press), 2006, 4.
29. The principles of international law, concept and method are akin to law, simpliciter.
30. HLA Hart, The Concept of Law (England: Clarendon Press). 1961;229:230.
31. Harold Hongju Koh, The 1998 Frankel Lecture: Bringing International Law Home, 35 Hous. L. Rev. 1998;623:625.
32. Id, at 627. See also Sandra Babcock, The Role of International Law in United States Death Penalty Cases, 15 Leiden J. Int'l L. 367 (2002), (arguing that international law has had a measurable effect on the judgment of critical decision-makers such as judges, juries, governors and parole boards in capital cases). Babcock uses Harold Koh's transnational legal framework to argue that transnational legal actors, e.g. Mexico, Germany, and Paraguay have succeeded mainly in "establishing an international rule of law prohibiting the execution of foreign nationals who have been deprived of their rights to consular notification and access." Id. See again, Justice Sybil Nwaka of Lagos High Court in State v Ahmed Tijani, Vanguard 13th October 2006, p.22: maintaining that Nigeria has internalised international rule of law on the exercise of Jurisdiction (protective) over matters which are inimical to her security, interest and integrity.
33. Koh, supra note 31 at 27.
34. Id.
35. Id, at 628.
36. [hereafter VCDR], 1964.
37. See Foreign Nationals cases in Libya. Nothing is stopping the Nigerian government from responding to the executions of over 200 Nigerians in Libya by submitting a request for an advisory opinion from the International Court of Justice. Conscious of the procedural hurdles faced in the International Court of Justice, the Nigerian government can take the step of protecting her nationals by seeking an international forum willing to consider the judicial merits and implications of continued violations of the Vienna Convention. The opinion can also dwell on judicial guarantees for when a host nation fails to inform a foreign national of his right to contact his consulate. It is interesting to note that the Chicago Police Department has taken steps to notify foreign nationals of their right to contact a consular post in the US. The department has posted signs notifying foreign nationals of their right to contact their consular post. By this step, California became the first state in the US to pass legislation mandating full compliance with the consular notification provisions of the Vienna Convention.
38. The Libya authorities should note the raging news on the execution of foreign nationals, particularly Nigerians should be noted. See generally www.PressTv.news.com [last visited on 18/08/09].
39. Koh, supra note 31, at 628.
40. Micheal Fleishman, Reciprocity Unmasked: The Role of the Mexican Government in Defense of its Foreign Nationals in United States Death Penalty Cases. AJICL 20(2), 359, 405.
41. Koh, supra note 31 at 628.
42. Fleishman, supra note 39 at 405.
43. Malcolm N. Shaw, International Law, 5th ed. (UK: Cambridge University Press). See generally, A, P. 13.Nussbaum. A Concise History of the Law of Nations, rev. edn. New York, 1954; Encyclopaedia of Public International Law (ed. R. Bernhardt),

Amsterdam, International Law. 1984;VIII:127-273. in Historical Perspective, Leiden, ten vols. 1968-79; M. Koskenniemi, The Gentle Civilizer of Nations: The Rise and Fall of International Law, (Trans. And rev. M. Byers), New York, 2000; A. Cassese, International Law in a Divided World, 1986 and Cassese, International Law, Oxford, 2001, P.19; Nguyen Quoc Dinh, P. Dailler and Apellet, Droit International Public, 7th edn, Paris, 2002, P.41 and O. Yasuaki, 'When was the Law of International Society Born? An Inquiry of the History of International Law from an Intercivilizational Perspective'. 2 Journal of the History of International Law, 2000, P. 1. For a generalised Bibliography, see P. Macalister-Smith and J. Schwietzke, 'Literature and Documentary Sources relating to the History of International Law', 1 Journal of the History of International Law, 1999, 136p.

44. Ibid.
45. Ibid, at P. 12. The vast decisions affecting states, individuals and international organisations are in the main conducted by agents or representatives of states, who through their interactions with one another either during treaty-making or international conferences bring to bear upon individuals and other international entities majority of commitments and duties, which are ordinarily regarded as pointers in that regime of transaction. See generally, the role of agents of international transactions under the Vienna Convention on Diplomatic Relations (VCDR), 1956.
46. This is equally limited to whether or not a particular party at law has the requisite ability to act or be recogni
47. See, for example, the Company and Allied Matters Act, Laws of the Federation of Nigeria, 1990, especially S. 37 on incorporation. Incorporation, a company is clothed with the capacity to sue or be sued in its name, like a 'person'.
48. Harris, supra note 14 at 101.
49. O'Connell, International Law, 2nd ed, New York, 1970;1:80-82.
50. See generally, Hohfeld's ingenious jural scheme on the regime of rights in Dennis Lloyds, Introduction to Jurisprudence, 5th ed. 117p.
51. It should be noted that a novelty in international law, for instance, an emergent state, is bereft of rules of recognition. However, once such a novelty is identified in the international arena, she begins to attract recognition through interaction with the other members of the international community. See generally, A K Anya, An Incubus Prowls Again: Kosovo at the Threshold of Recognition, (Jul 2008-2009) Vol. 1 Pt. 2 Lead city University Law Journal, 286-293.
52. Harris, supra note 14 at 101. See again, H. Lauterpatcht, International Law: Collected Papers, Cambridge, 1975;11:487. N Mugerwa, 'Subjects of International Law' in Manual of Public International Law (ed. M. Sorenson), London, 1968, 247p.
53. Shaw, supra note 42 at 176.
54. Ibid.
55. Ibid.
56. Ibid.
57. It should be noted that some of these entities are limited in the scope of operations due to acceptance.
58. Shaw, supra note 42 at 177.
59. For a list of International and Public organisations, see D. W. Bowett, Law of International Institutions, 4th ed. (London: Stevens & Sons), 1982.
60. Cf. other entities such as trust territory, mandatory territory, etceteras, and the Holy See. The latter presently possess legal capacity as a state, unlike her between 1871 and 1929. See generally, Bowett, supra note 58.
61. It should be noted that the states of Switzerland, the Vatican City and the South Pacific mini States of Kiribati, Naura, Tongo and Tuvalu are not members of the United Nations. Generally, Anya, supra note 50 at 286; Harris, supra note 14 at 102 and Shaw, supra note 42 at 177.
62. Adopted by the 7th International Conference of American States, 1933.
63. Harris supra, note 14 at 112.
64. Anya supra note 50 at 286.
65. Ibid.
66. In during President Gorbachev's administration of government, 1989.
67. See again, Elizabeth Neuffer, The Key to My Neighbour's House: Seeking Justice in Bosnia and Rwanda 33, 159, 166, 2001.
68. That was in early February, 2008.
69. See generally, Edward J. Kolla, "The Revolutionary Origins of the Principle of National Self-determination." International Judicial Monitor, Fall 2009 [12/9/2009]; Anya, supra, "Challenges of Humanitarian Intervention in International Law" 4 Jour. Of Law and Diplomacy No.1, 2007, 131p.
70. President Medvedev made this remark in Serbia prior to his victory at the poll. By this comment, he declared unalloyed support for Serbia against the secession of Kosovo.
71. See generally, Talitha Gray, "To keep is no Gain, To Kill you is no Loss-Securing Justice Through the International Criminal Court", Ariz. Jour. Of Int'l & Comp. Law. This used to be constituted as part of the former USSR. 2003;20(3):646-647.
72. Caleb Howe, "Russia and Georgia at War" (available at Politics daily) www.yahoonews.com [last visited 8/29/2009].
73. Ibid.
74. Mark Impomeni, "Russia Ceases Georgia Offensive" available at www.yahoonews.com [last visited 8/29/2009].
75. Ibid.
76. Kolla, supra note 68 at 1, 2p.
77. G.A. Resol. 1514 (XV) 14th December, 1960.
78. Ibid, at paragraph 1.
79. Ibid, at Para. 2.
80. Ibid, at Para 3.
81. In Apartheid South Africa, blacks were made to attain a limited educational height. Those employed in cosmopolitan areas were restricted to living in the "Bantustans". See generally, Rosemary Naggy, Violence, Amnesty and Transitional Law: Private Acts and Public Truth in South Africa (2004) 1 No. 1 AJLS P. 2.
82. Ibid, at Para. 4.
83. Naggy, supra note 81 at 5.
84. Draft Convention on Genocide, 1948.

85. National self-determination used to be classified as a third-generation agitation. It is the brainchild of developing states. However, see Edward J. Kolla, "The Revolutionary Origins of the Principle of National Self-Determination" (Fall 2009) Int'l Jud. Monitor, P.1, who canvassed the opinion "that the principle arose from the calamity of the First World War."
86. Ibid.
87. As quoted in Suzanne Lalonde, Determining Boundaries in a Conflicted World: The Role of Uit Possidetis 209, 2002.
88. Christopher J. Borgen, "Kosovo's Declaration of Independence: Self-Determination, Secession and Recognition" ASIL Insights. 2008; 12(2):3.
89. Ibid.
90. Ibid, at 4p.
91. Recall that in the failed state of Biafra, the dominant government of disintegrating Nigeria remained in effective control of the machinery of government and administration, at least within the perimeter of the remaining un-seceding Nigeria, that is to say, the whole of Nigeria excepting former Southeastern Nigeria seceding as Biafra then.
92. See note 77 (ante).
93. The UN Committee granted liberation movement observer status. However, this was subject to a minimum effective control of the claimed territory. See generally M. N. Shaw, 'The International status of National Liberation Movements', (1983) 5 Liverpool Law Review, P.19 and R. Ranjeva, 'Peoples and National Liberation Movements' in International Law: Achievements and Prospects (ed. M. Bedjaoui), Paris, 1991, 101.
94. See generally Ian Brownlie, Principles of Public International Law (New York: Oxford University Press Inc.) 2003, P. 57; M. N. Shaw, International Law, 5th ed (UK: Cambridge University Press) 2003, 223p.
95. James G. Apple, 'Legal Personalities' of International Organizations', International Judicial Monitor (Fall 2009), 1p.
96. Ibid.
97. Cf. States as subjects of international law.
98. ICJ Reports 1949, 174.
99. Apple, supra note 95 at 2.
100. See the Nuremberg Tribunal particularly. For incidental philosophical basis, see A. O. Obilade, 'The Golden Age of Normative Legal Philosophy' quoted in Anya, supra note 50 at 290 and The Universal Declaration of Human Rights (UDHR), 1948.
101. This is equally manifest in the natural law origins of classical international law. See generally Hugo Grotius, De jure Praedae Commentarius, 1604; H. Lauterpatcht, Human Rights (New York: Archon Press) 1967, 9, 70, 74p.
102. (1934) AC 586.
103. See note 101 at 22.
104. (PCIJ, Advisory Opinion No. 15) Series B, No. 15, 17, 21p.
105. See generally, Anya, supra note 68 at 51.
106. Agreement of 8th August, 1945.
107. See, for instance, the Constitutions of the World Health Organization, International Telecommunications. Union; International Trade Organization, United Nations Educational, Scientific and Cultural Organisation. See generally, H. Lauterpacht, International Law and Human Right, (New York: Archon. Press) 1968, 26p.
108. But see the Opinion of the Permanent Court of International Justice in the case concerning the Jurisdiction of the Courts of Danzig in the matter of Danzig railway officials, note 104 at 21.
109. Anya, supra, Pacific Settlement of International Disputes: Emerging Contemporary Developments, ed. Prof. M. O. Ogungbe (2004) 2 Igbinedion University Law Journal, 219, 230.
110. UDHR, 1948.
111. H. Lauterpacht, supra note 103 at 27.
112. Ibid, note, 104.
113. Rome Statute, 1998.