

## Ukraine, Gaza and Beyond Why Nato and Un Human Rights Mechanisms Struggle to end Wars

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**Abstract** :- With the existence of powerful international organizations like the North Atlantic Treaty Organization (NATO) and the United Nations human rights system, the current conflicts in Ukraine and Gaza have shown the deep structural constraints in international conflict resolution. The wars in Russia and Ukraine and the wars in Israel and Gaza show that geopolitical conflicts, selective interpretation of international law, paralysis of the United Nations Security Council through veto, and putting the interests of countries above the interests of people make international peacekeeping mechanisms very weak. This paper discusses critically why NATO and UN human rights regimes are unable to end contemporary wars despite their institutional power. It says that the regional and security-oriented mandate of NATO jeopardizes its capability to act as a global peace enforcement mechanism, and that the UN system suffers both deficits of enforcement and political fragmentation. The paper also identifies the role played by emerging multipolarity, hybrid warfare and competing accounts of legitimacy as obstacles to concerted action in response to armed conflict. The paper, through case studies of Ukraine and Gaza, will show that both institutions are operating within a global order that is increasingly being characterized by power politics as opposed to universal norms. NATO will support and deter using military power, but it does not intervene directly, avoiding the escalation of the situation. Correspondingly, UN human rights mechanisms pass resolutions and reports, but do not have the capacity of binding. The research finds that institutional inefficiency is not just a procedural but a structural transformation that is more rooted in global politics. NATO as well as the UN systems will not overcome the challenge of providing lasting peace in modern conflicts unless the veto power, enforcement mechanisms, and multilateral

coordination are reformed.

**Keywords** :- Ukraine Conflict; Gaza War; NATO; United Nations; Human Rights Mechanisms; International Relations; Global Governance; Veto Power; Conflict Resolution; Geopolitical Rivalry.

**1. INTRODUCTION** :- The international legal and political system after World War II was designed with the main purpose to prevent the largescale interstate war and to reduce the systematic violation of human rights. This framework was anchored on two mutually supporting pillars, collective security under the Charter of the United Nations (United Nations) and regional defense cooperation through the North Atlantic Treaty Organization (NATO). The UN Charter (1945) developed binding principles that included; the prohibition of the use of force by under Article 2(4), peaceful settlement of dispute under Article 33, and collective enforcement of the two articles under Chapters VI and VII. To supplement this, NATO was established under the North Atlantic Treaty (1949), especially under Article 5 which institutionalised a collective defence against armed attacks.

In spite of this normative framework, the current conflicts show that there are major gaps in enforcement. The war in Ukraine, which occurred after the Russian invasion in 2022, has put to the test the effectiveness of the international law, including principles of state sovereignty under Article 2(1) of the UN Charter and norms of territorial integrity reaffirmed in the Helsinki Final Act (1975). Equally, the long Israel-Gaza conflict has brought to fore the difficulties in the implementation of the International Humanitarian Law (IHL), especially the Geneva Conventions of 1949 and the supplementary protocols regarding the protection of civilians in the case of armed conflict.

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In both instances, international responses have strongly depended on diplomatic tools like Security Council resolutions, General Assembly emergency special sessions under the Uniting for Peace mechanism (Resolution 377A(V), 1950) and economic sanctions and humanitarian ceasefire appeals. Nevertheless, these actions are not consistent in their application and they do not always have the ability to enforce them, particularly when the geopolitical interests of strong states are at stake<sup>1</sup>.

The ongoing battles in Ukraine and Gaza hence reveals a structural crisis between normative legal commitments and realpolitik-driven state behaviour. This generates a central analytical issue: in spite of the fact that detailed international legal frameworks and powerful institutions exist, why do mechanisms of collective security and human rights enforcement not effectively prevent or terminate modern armed conflicts?

**2. THEORETICAL FRAMEWORK :-** This paper is based on three prevailing traditions of International Relations (IR) theory, including Realism, Liberal Institutionalism, and Constructivism, which together justify the chronic ineffectiveness of international governance processes in preventing and solving contemporary conflicts. These theoretical prisms can be used to explain why international peace is not always enforced by institutions like the North Atlantic Treaty Organization (NATO) and the United Nations system (United Nations) even in cases where strong legal and normative frameworks exist.<sup>2</sup>

**2.1. REALISM :-** Realism perceives the international system as anarchic where no central authority can successfully impose rules over sovereign states. Survival, security, and relative power are the main drivers of the state as opposed to legal or moral considerations. In this context,

the international institutions are treated as secondary tools that represent the interests of the dominant powers as opposed to limiting them<sup>3</sup>.

Applying the realist theory in the situation of Ukraine and Gaza, it is possible to explain why the mechanisms of enforcement based on the UN Charter (in particular, Articles 2(4) and 51 on self-defense) are often replaced by strategic calculations. The structure of the Security Council, especially the veto power of permanent members, strengthens the power politics, and collective action depends on geopolitical orientation, rather than on legal consistency.

Factor	Description	Impact on Conflict Resolution
State Interest	Security and territorial survival prioritized	Weak compliance with UN norm
Power Hierarchy	Dominance of major powers	Selective enforcement of laws
Military Capability	Hard power determines outcomes	Diplomacy often ineffective
Veto Politics	UNSC permanent members block action	Institutional paralysis

**2.2. LIBERAL INSTITUTIONALISM :-** Liberal Institutionalism posits that international institutions lead to less uncertainty, greater cooperation, and greater compliance through repeated interaction, norms, and transparency. It presupposes that such regimes, as the UN system and NATO can reduce the state of anarchy by establishing rules that are predictable and collective enforcement mechanisms.

Nevertheless, the current conflict shows that there are structural weaknesses in the enforcement capacity. Although there are instruments like Security Council resolutions, advisory opinions of the International Court of Justice (ICJ) and sanctions regimes, their success solely depends on the compliance of the states.

<sup>1</sup> . United Nations. (1945). Charter of the United Nations. New York: United Nations.

<sup>2</sup> . United Nations General Assembly. (1948). Universal Declaration of Human Rights.

<sup>3</sup> . Geneva Conventions. (1949). Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

Lack of international enforcement apparatus undermines the credibility of institutions<sup>4</sup>.

Institutional Tool	Intended Function	Observed Limitation in Ukraine & Gaza
UNSC Resolutions	Binding peace enforcement	Blocked by veto or non-compliance
Economic Sanctions	Coercive diplomacy	Partial or uneven impact
ICJ Jurisdiction	Legal dispute resolution	Non-binding enforcement
NATO Coordination	Collective security	Restricted to member interests

This disjuncture between the design and enforcement reality of institutions shows that cooperation in geopolitical conflicts of high stakes is conditional rather than guaranteed

**2.3. CONSTRUCTIVISM :-** Constructivism makes a shift towards the material power and ideas and identities and discourses. It posits that social constructions of norms, historical accounts and group identities are the factors that shape state behaviour and not necessarily rational calculations.

Both in Ukraine and in Gaza, conflicting narratives of sovereignty, resistance, occupation, and legitimacy play key roles in influencing international responses. Laws like the Geneva Conventions (1949) and Additional Protocol I have been viewed in varying ways basing on the political lines of thought and perceptions based on identity<sup>5</sup>.

Element	Ukraine Conflict	Gaza Conflict
Dominant Narrative	Sovereignty vs aggression	Resistance vs security
Legal Interpretation	Territorial integrity emphasized	Disputed proportionality standards
Identity Factors	East-West geopolitical divide	Religious-political framing
Global Perception	Polarized alliances	Highly fragmented legitimacy views

<sup>4</sup> . North Atlantic Treaty Organization. (1949). The North Atlantic Treaty (Washington Treaty). Brussels: NATO.

<sup>5</sup> . United Nation General Assembly, 1950, Resolution 377A(V): uniting for Peace

Constructivism thus describes why the same legal standards yield different political responses and unequal results of enforcement.

**Synthesis of Theoretical Perspectives:** A combination of these three theories would indicate that failure of international institutions cannot be explained by one factor but rather by overlapping structural conditions: power dominance (Realism), weak enforcement mechanisms (Liberal Institutionalism), and conflicting normative interpretations (Constructivism).

#### 2.4. COMPARATIVE THEORETICAL SYNTHESIS

Theory	Core Assumption	Key Limitation Highlighted
Realism	Power defines outcomes	Institutions lack autonomy
Liberal Institutionalism	Cooperation is achievable	Enforcement deficit persists
Constructivism	Ideas shape behaviour	Norms are contested

These frameworks, when combined, offer a rich analysis basis as to why the global governance structures are not effective in ensuring modern conflicts are resolved, despite their extensive legal and institutional base<sup>6</sup>.

#### 3. NATO AND ITS STRUCTURAL LIMITATIONS :-

The North Atlantic Treaty Organization (NATO) is primarily a collective defence alliance that is established under the Article 5 of the North Atlantic Treaty (1949) which obligated member states to act collectively in case there is an armed attack on any one member. In contrast to universal security institutions, NATO is not obligated under the international law, to operate as a world peace enforcement institution or a humanitarian intercession institution. This structural design creates structural constraints that inhibit its usefulness in modern conflicts that are outside its area of jurisdiction.

#### 3.1. MEMBERSHIP-BASED SECURITY ARCHITECTURE :-

The scope of operation of NATO is limited to its member states and this has created

<sup>6</sup> . Helsinki Final Act (1975). Conference on Security And Cooperation in Europe(CSCE)

a clear barrier between the areas which are under protection and those which are not. Although Ukraine has been heavily assisted in terms of military, logistics and intelligence support under the frameworks of coordination of collective defence by NATO, its non-member status does not grant it formal collective defence guarantees. Such legal difference greatly limits the possibility of direct intervention, even in the case of violations of sovereignty and international humanitarian law.

**3.2. STRATEGIC DETERRENCE AND ESCALATION CONSTRAINTS :-** The existence of a nuclear armed opponent is the main determinant in the operational calculus of NATO. Any direct military action with a nuclear power poses the risk of escalation that can surpass the conventional conflict boundaries. Consequently, the response approach of NATO is characterized more by deterrence, proxy support, and coordination of sanctions as opposed to direct combat engagement, which can be seen as a containment-oriented, but not an enforcement-oriented approach<sup>7</sup>.

**3.3. CONSENSUS – DRIVEN DECISION ARCHITECTURE :-** The institutional decision making process of NATO involves unanimity among states that are members. Although this guarantees political legitimacy, it also brings about delays and compromises to the operational responses. The result can be timid or gradual policy responses, which prevent quick concerted action in changing crises<sup>8</sup>.

**3.4. SECURITY - CENTRIC INSTITUTIONAL MANDATE :-** The fundamental purpose of NATO is based on military security and deterrence as opposed to humanitarian security or enforcement of human rights. Contrary to legal instruments under the international humanitarian law, such as

the Geneva Convention (1949) NATO lacks a direct legal obligation to intervene in civilian protection crises outside its member jurisdiction. This is the reason it has not played much in situations like the Gaza situation where there is no policy omission but rather a boundary of the structural mandate.

Dimension	Structural Feature	Operational Outcome
Jurisdiction	Member-only defence system	Limited intervention scope
Strategic Risk	Nuclear escalation sensitivity	Avoidance of direct warfare
Governance	Consensus-based decisions	Slower crisis response
Mandate Orientation	Military-security focus	Limited humanitarian role

Taken together, these limitations indicate that NATO institutional architecture is geared towards collective defence among member states as opposed to global conflict resolution.

**4. UNITED NATIONS HUMAN RIGHTS MECHANISMS STRENGTHS AND WEAKNESSES :-** The structure of the human rights and peace enforcement architecture of the United Nations (United Nations) consists of several institutional bodies, such as the Human Rights Council, the International Court of Justice (ICJ), the Office of the High Commissioner for Human Rights (OHCHR) and the Security Council. These institutions are collectively aimed at maintaining the international legal norms, ensuring accountability towards the violations, and upholding international peace and security under the UN Charter (especially Chapters VI and VII). Yet, even with this complex structure, there are still severe operational and structural constraints, particularly in high-intensity conflicts, like Ukraine and Gaza<sup>9</sup>.

<sup>7</sup> . Kelsen, H. (1952). Principles of International Law. Rinehart & Company. International Court of Justice. (2004).

<sup>8</sup> . Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)

<sup>9</sup> . International Court of Justice. (2022). Allegations of Genocide under the Convention (Ukraine v. Russian Federation Provisional Measures).

**4.1. SECURITY COUNCIL VETO STRUCTURE :-** The main limitation is that the design of the decision making of the Security Council. The five permanent members of the organization, which includes United States, United Kingdom, France, Russia, and China, have the veto power, thus, any one of them is able to block substantive resolutions. This process, which was originally designed to maintain great-power consensus, is often used to cause institutional paralysis when great-power conflicts involve not only allies but also direct geopolitical interests. As a result, the implementation of binding resolutions under the Chapter VII enforcement measures are usually blocked, undermining the effectiveness of collective security.

**4.2. ABSENCE OF INDEPENDENT ENFORCEMENT CAPACITY :-** In contradiction to domestic systems of law, the UN does not have a centralized instrument of enforcement. The political will and capacity of member states is all that matters when it comes to implementing resolutions. Even the decisions of judicial institutions like the International Court of Justice (ICJ) are based on voluntary compliance or enforcement by the Security Council, which is not regularly activated in politically sensitive cases. This institutional dependence greatly restricts the coercive power of the organization<sup>10</sup>.

**4.3. UNEVEN APPLICATION OF INTERNATIONAL NORMS :-** The perceived selective implementation also influences the credibility of the human rights enforcement. Such allegation of inconsistency arises when similar violations are treated differently based on geopolitical alliances, regional interests or strategic partnerships. This subverts the principle of universality that is imprinted in such instruments like the Universal Declaration of Human Rights (1948) and the corresponding treaties, weakening normative legitimacy<sup>11</sup>.

**4.4. INSTITUTIONAL DELAY AND PROCEDURAL INEFFICIENCY :-** Procedural latency is another limitation. Fact-finding missions, investigations, and report generation by human rights bodies often have a lengthy timeline due to verification protocols and diplomatic consultations. Conversely, contemporary armed conflicts are dynamic and the civilian and infrastructural impacts are felt in real time. This time gap makes the application of UN interventions in real-life situations of hostilities practically less relevant.

**Table 4.4 Key Limitations of UN Human Rights Mechanisms**

Structural Dimension		Impact on Conflict Response
Veto System	Great-power blocking authority	Decision-making paralysis
Enforcement Gap	No independent coercive force	Dependence on state compliance
Normative Consistency	Uneven application of standards	Reduced legitimacy
Procedural Speed	Slow investigative processes	Delayed response to crises

In sum, although the UN system offers a holistic normative approach to human rights protection and conflict resolution, the system is limited in its ability to act decisively in response to modern wars due to its dependence on political structures, enforcement dependency and operational delays<sup>12</sup>.

**5. CASE STUDY I: UKRAINE WAR :-** The current war in Ukraine is therefore a critical case study which demonstrates how both the North Atlantic Treaty Organization (NATO) and the United Nations system (United Nations) perform under separate and yet, interconnected constraints, which restricts their performance in conflict

<sup>10</sup> . Mearsheimer, J. J. (2001). *The Tragedy of Great Power Politics*. W. W. Norton.

<sup>11</sup> . International Committee of the Red Cross. (2016). *Commentary on the First Geneva Convention*. Geneva: ICRC

<sup>12</sup> . Wendt, A. (1999). *Social Theory of International Politics*. Cambridge University Press.

termination. Although the involvement of NATO is influenced by strategic deterrence and avoidance of escalation, the UN system is limited by the dynamics of institutional design and geopolitical vetoes. The joint outcome is a strong international response architecture with a weak execution of enforcement<sup>13</sup>.

At a more analytical level, the Ukrainian conflict shows that the current international law is more of a guideline of normative expectations than of a regulatory system that is binding. The discrepancy between the legal principles of sovereignty, non-aggression, and territorial integrity, and their selective interpretation in practice, is indicative of the prevalence of the geopolitical calculations over the juridical universality. As a result, what the case highlights is a systemic weakness in the global system of governance: the lack of an independent enforcement mechanism that would guarantee compliance, regardless of power asymmetries<sup>14</sup>.

**6. CASE STUDY I: UKRAINE WAR :-** The Gaza conflict demonstrates a different but equally important drawback in conflict management in the modern global governance system where the United Nations (United Nations) and the North Atlantic Treaty Organization (NATO) demonstrate contrasting yet equally significant limitations in conflict management. The current humanitarian crisis has led to massive civilian casualties and enforced ceasefire remains weak and largely ineffective. At the institutional level, even though the UN General Assembly and the Human Rights Council have passed several resolutions in regard to the situation, these measures lack a binding legal framework and rely on voluntary compliance on the part of the states, which restricts their practical implications on the realities on the ground. The geopolitical divisions between the Western and non-Western blocs are further complicated by deep geopolitical divisions on their

interpretation of core legal principles under the International Humanitarian Law such as legitimacy, proportionality, and self-defence. The conflicting accounts and narratives prevent development of harmonious international response and undermine collective enforcement capacity. Conversely, NATO is institutionally not involved in the conflict because of its narrow regional and treaty-based mandate that limits its scope of operation to member states and Euro- Atlantic security issues. This lack highlights the structural inadequacy of NATO as a regional military alliance that cannot intervene in conflicts that are outside its jurisdiction, and thus, reinforces the larger argument that the international institutions that currently exist are limited by design to respond to complex, asymmetrical, and politically contested conflicts such as Gaza<sup>15</sup>.

**7. COMPARATIVE ANALYSIS: NATO VS UN MECHANISMS :-** A comparative assessment of the North Atlantic Treaty Organization (NATO) and the United Nations human rights system highlights fundamentally different institutional architectures, operational mandates, and enforcement capacities. While both are central to the post-World War II global order, their structural design determines their divergent effectiveness in addressing contemporary conflicts.

<sup>13</sup> . Brown, C., & Ainley, K. (2009). Understanding International Relations. Palgrave Macmillan.

<sup>14</sup> . Keohane, R. O. (1984). After Hegemony: Cooperation and Discord in the World Political Economy. Princeton university press

<sup>15</sup> . Waltz, K. N. (1979). Theory of International Politics. McGraw-Hill

Dimension	NATO (NATO)	UN Human Rights System (United Nations)
Nature	A collective military alliance focused on collective defence and deterrence among member states under a treaty-based security framework	A global governance and normative system aimed at promoting human rights, international peace, and legal accountability across all member states
Enforcement Power	Relatively strong enforcement capacity within its member states due to integrated military coordination and joint operational structures	Limited enforcement capacity, largely dependent on voluntary compliance by sovereign states and political cooperation
Scope	Restricted to Euro-Atlantic and designated member states, with action primarily confined to treaty participants.	Universal jurisdiction covering nearly all sovereign states under international human rights and humanitarian law frameworks
Decision- Making Structure	Operates on consensus among member states, requiring collective agreement for strategic and operational decisions	Heavily influenced by Security Council dynamics, including veto authority of permanent members, affecting binding resolutions
Effectiveness in War Termination	Effective primarily in collective defence scenarios involving member states; limited operational role in external conflicts involving non-members	Constrained by political disagreements and enforcement deficits, reducing effectiveness in actively terminating ongoing armed conflicts

**Analytical Insight :-** The comparison proves that neither NATO nor even the UN system is a perfectly working global conflict termination system. Their structural differences are reinforcing, yet partial, approaches to international peace, one based on military deterrence, the other on normative governance, both of which are limited by the current geopolitical reality.

**8. BEYOND UKRAINE AND GAZA: GLOBAL IMPLICATIONS :-** International Consequences The debacles in Ukraine and Gaza are signs of more systemic problems:

- Increment in the dependency on bilateral and regional partnerships.
- Decline of multilateralism
- Emergence of strategic independence among the states.
- Federalization of the international legal authority.

These tendencies indicate that the conflicts of the future can be even less controlled with the help of the existing institutions.

**9. POLICY RECOMMENDATIONS :-**

1. Reform Limit or restructure veto authority to

avert paralysis in humanitarian disasters.

2. Empowering Regional Conflict Mediators Empower African Union, ASEAN, and other regional organizations.
3. Hybrid Peacekeeping Models These models combine UN legitimacy and regional enforcement capacity.
4. Mechanisms of accountability of war crimes. Enhance the capacity of the international criminal court enforcement.
5. Conflict Early Warning Systems Invest in AI-powered and data-based early intervention systems.

**10. CONCLUSION :-** The case study of the Ukrainian and Gaza conflicts reveals that the current international peace architecture is extremely constrained in its structure despite the established institutions like the North Atlantic Treaty Organization (NATO) and the United Nations system (United Nations). These institutions were created in a post-1945 geopolitical context that had assumed a relative bipolar stability and greater consensus on the rules that governed the use of force. But the present conflicts show that this assumption no longer corresponds to the realities of an international order that is fragmented and multipolar.

The continuation and intensification of these wars suggest that institutional constraints are not simply a procedural inefficiency but are structural components of world governance. The power asymmetries between states, the superiority of strategic interests to legal obligations, and the failure of enforcement mechanisms to act independently all undermine the effectiveness of international law. Also, the lack of coherence to the global response is augmented by divergent interpretations of sovereignty, legitimacy, and humanitarian intervention.

Both the NATO and UN structures have institutional designs that are given by the historical circumstances that valued the balances of state security, over the universal capacity to enforce. These frameworks are becoming progressively ill-equipped to deal with hybrid forms of warfare, asymmetric conflicts, and crises generated by politics. The resultant incompatibility between normative power and its practical application has been accentuated in the contemporary conflict settings.

However, the main problem is that the institutional architecture fails to correspond with the modern geopolitical reality. The absence of meaningful reforms in decision-making frameworks, enforcement mechanisms, and international cooperation frameworks means that global peace will be highly reliant on the political will of dominant actors as opposed to reliance on the binding authority of international institutions.

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