
THE RULE OF FORCE VERSUS THE RULE OF LAW: HUMAN RIGHTS, HIERARCHY, AND THE EXISTENTIAL CRISIS OF THE UN ORDER IN 2026

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ABSTRACT

What significance would it hold for international human rights law if those states that drafted such provisions start considering themselves no longer obligated to follow them? The rules-based international order since 1945 has been challenged by an unprecedented existential crisis in 2026. This article argues the erosion of multilateralism by growing legal nihilism & impunity among great powers. Using an interdisciplinary analysis of the 61st session of the Human Rights Council, it shows how U.S. withdrawal from international institutions, China's "illiberal multilateralism" & Russia's "sovereignty-based international relations" have all contributed to the UN's inability to exercise its normative authority.

The research analyses the validity of Article 2(4) of the UN Charter through the case study of Operation Absolute Resolve, the 2026 U.S. military intervention in Venezuela. Comparing the international reaction to Ukraine, Gaza, and Venezuela highlights a "hierarchy of concern" and a "selective application" that undermines the universality of international law. It also identifies the "financial sabotage" on the OHCHR, highlighting a liquidity crisis that has left treaty bodies and special procedures paralysed.

Consequently, to achieve its primary objectives, this research examines alternative radical structural solutions, such as establishing the "Article 109 Coalition" and a "Second UN Charter," to circumvent the veto power of the P5 and prevent a return to an anarchic world governed by the principle of Westphalian states. Furthermore, the paper concludes that the multilateral crisis is a moral and political choice, rather than a legal or technical failure; whether to submit to a world where those who have the power dictate their own laws of coercion, or whether to rebalance that power within an international law-based system based on human rights.

Keywords: Rule of Force, Legal Nihilism, Operation Absolute Resolve, Hierarchy of Victims, Article 109 Coalition, Second UN Charter.

Introduction

The international legal framework that was painstakingly put together in the wake of World War II to create a rule-based system for global governance after a period of anarchic conflict is facing its deepest existential crisis today. In February 2026, on the opening day of the 61st session of the United Nations Human Rights Council (HRC) in Geneva, UN Secretary-General António Guterres presented an extremely grim picture when he said that “human rights are facing a ‘full-scale attack’ and that ‘the rule of law is being outmuscled by the rule of force.’¹” Guterres was not being overly dramatic; he was providing a chilling description of a global system in which international law is increasingly seen by the world's most powerful actors as a “mere inconvenience.”² The collapse of these institutions is evidenced by: The strategic convergence of great power rivalries and other instances of states using financial and other means to undermine multilateral institutions; and the expanding, pervasive, and growing tendency to use the concept of “impunity” as a means to normalise the use of force as the primary means of resolving disputes.³

Research Objectives

- To assess the strategic effects of the competition between the United States, China and the Russian Federation on the ability of the UN Human Rights Council to respond to serious human rights violations.
- To evaluate the effectiveness of the UN's human rights mechanisms, particularly Universal Periodic Reviews (UPRs), Special Procedures and Treaty Bodies, in light of the impending funding crisis from 2025-2026.
- To conduct a doctrinal legal study on the proposed Venezuelan intervention in 2026 in order to determine whether “Operation Absolute Resolve” can be viewed as a “stress test” of Article 2(4) of the UN Charter.

¹ AFP, *Human Rights Outmuscled by 'Rule of Force' Globally, UN Chief Warns*, AL JAZEERA (Feb. 23, 2026), <https://www.aljazeera.com/news/2026/2/23/human-rights-outmuscled-by-rule-of-force-globally-un-chief-warns>.

² António Guterres, *Secretary-General's Remarks to the Human Rights Council [as Delivered]*, UNITED NATIONS: SECRETARY-GENERAL (Feb. 23, 2026), <https://www.un.org/sg/en/content/sg/statements/2026-02-23/secretary-generals-remarks-the-human-rights-council-delivered>.

³ Julia Conley, *UN Leaders Warn Rule of Law Being Replaced by 'Rule of Force'*, COMMON DREAMS (Feb. 23, 2026), <https://www.commondreams.org/news/human-rights-and-un>.

- To examine the “selective application” of international law by comparing how international legal mechanisms have responded to conflicts in Ukraine, Gaza, and Venezuela in order to discover patterns of institutional bias in those responses.
- To evaluate the possibility of structural reform options (the “Second UN Charter” and Article 109 Coalition) being viable reforms to the existing “rule of force” paradigm.

Research Methodology

An expansive interdisciplinary multi-methodological approach has been established in this study.

- **Qualitative comparative case study of legal and political responses:** Through evaluation of legal and political responses to three major conflict cases (Ukraine 2022-2026, Gaza 2023-2026, and Venezuela 2026), the study provides an overall picture of the enforcement gaps and “hierarchy of concern” patterns.
- **Doctrinal legal analysis:** The study includes a systematic examination of the UN Charter (Articles 2(4), 51, and 109), the “Trump Corollary” to the Monroe Doctrine, and China's “Global Governance Initiative”.
- **Empirical and statistical review:** This study examines quantitative data from the 61st session of the Human Rights Council (March 2026) concerning resolution adoption rates (consensus vs. vote), mandate extensions, and budgetary shortfalls for the Office of the High Commissioner for Human Rights.
- **Documentary research:** Primary source materials consist of the U.S. National Security Strategy published in 2025, as well as the Presidential Memoranda (91 FR 2281), and the official transcripts as released by the U.N. Secretary-General and High Commissioner for Human Rights.

Literature Review

Academic analysis to date regarding the crisis in multilateralism can be categorised under four significant topics:

- **The Structural Crisis of the Multilateral Legal Order:** In a recent work,

Gruszczynski et al. (2025) described a "mounting crisis" with major powers increasingly pursuing unilateral strategies in order to maximise their own influence on the world stage.⁴ As a result, it has caused a "precipitous" decline in the perceived relevance of UN organisations.⁵ Thus, we are no longer in a liberal international order but have shifted to a fragmented, "polycentric" system where international law will only be applied when convenient.⁶

- **The Disintegration of Universalism:** Mathias Risse (Harvard, 2026) suggests we are experiencing a "disintegration of universalism" as a structural principle.⁷ Literature indicates that universal categories, such as "proportionality" and "prohibition of aggression", no longer have commonly understood meanings and are used as rhetorical tools of bloc politics rather than neutral standards.⁸ This has resulted in the creation of a "hierarchical victim system" wherein legal mobilisation is dependent upon the geopolitical usefulness of the victim population.⁹
- **Neo-Westphalianism and the Primacy of Sovereignty:** Legal scholarship that takes a critical approach has identified a return towards the "Neo-Westphalianism", a state-centric vision, which emphasises "sovereign equality" and "non-interference" as absolute shields, and which is being promoted primarily by China and Russia.¹⁰ This new doctrine is counter to the existing "Post-Westphalian" human rights regime, as it prioritises state security and development over individual rights. Scholars analysing the U.S. 2025-2026 "Trump Corollary" as a similar development that rejects transnational incursions in favour of the "Gunboat Diplomacy."¹¹

⁴ Lukasz Gruszczynski et al. eds., *The Crisis of Multilateral Legal Order: Causes, Dynamics and Implications* (Routledge, 1st ed. 2022).

⁵ *Id.*

⁶ Jędrzej Piekara, *Basic Concepts of Russian Geopolitics After 2022: The Global Majority and Minority*, INST. OF CENT. EUR. (Nov. 27, 2025), <https://ies.lublin.pl/en/comments/basic-concepts-of-russian-geopolitics-after-2022-the-global-majority-and-minority/>.

⁷ Mathias Risse, *Could This Truly Be the End of Universalism? Starting 2026 with Reflections on Gaza, the Maduro Abduction, and Some of the World's Neglected Conflicts (Sudan, Tigray, Yemen, Myanmar, and the Uyghurs)*, HARV. KENNEDY SCH.: CARR-RYAN CTR. FOR HUM. RTS. (Jan. 11, 2026), <https://www.hks.harvard.edu/centers/carr-ryan/our-work/carr-ryan-commentary/could-truly-be-end-universalism-starting-2026>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Doutje Lettinga & Lars van Troost eds., *Debating the Endtimes of Human Rights: Activism and Institutions in a Neo-Westphalian World* (Amnesty Int'l Neth. 2014).

¹¹ Richard J. Kilroy Jr., *The Trump Corollary: An Expansive Vision of US Influence*, RICE UNIV.'S BAKER INST. FOR PUB. POL'Y (Feb. 17, 2026), <https://www.bakerinstitute.org/research/trump-corollary-expansive->

- **Legal Nihilism and the “Rule of Force”:** The concept of Legal Nihilism was first discussed in 2025-2026 as a way to describe how countries with power have completely removed all pretences of providing legal justification.¹² Those Critical Legal Scholars have argued extensively on this topic and point to countries such as Ukraine and Venezuela, where they argue that the International Legal Order is nothing more than a "noble lie," because it has no global enforcement mechanism; therefore, state power and capital can define what the true reality is.¹³

1. The Geopolitical Paralysis: Strategic Rivalry and the UN Human Rights Council

The immobility of the Human Rights Council (HRC) at the United Nations (UN) stems primarily from the deepening strategic rivalry among the United States, China, and the Russian Federation. These three powers have widely different ideological and political systems. However, they are increasingly unifying in their respective disdain for international mechanisms that would limit their executive power or sovereign authority.¹⁴ As a result, the HRC has changed from being an arena for the advancement of universal standards to a primary battleground for the contesting of differing visions of global governance.

1.1. The United States and the Doctrine of Strategic Disengagement

Under President Donald Trump’s second administration term, the policy of disengaging from the multilateral system has been accelerated by terming it as “an outdated model of multilateralism.”¹⁵ In early 2026, the United States also formally left the UN Human Rights Council (the second time in 10 years), and the occurrence of this event is accompanied by an extensive review of all international intergovernmental organisations.¹⁶ All agencies were directed to discontinue participation in as well as providing the funding to any of the 31 agencies of the UN

vision-us-influence.

¹² T.P. Popovych & M.I. Topolnytska, *International Legal Nihilism as a Result of the Crisis of the Global Security Space (on the Example of Ukraine)*, JURIDICAL SCI. ELEC. J., no. 12, 2025, at 66.

¹³ *Id.*

¹⁴ Philippe Bolopion, *World Report 2026*, HUMAN RIGHTS WATCH (2026), <https://www.hrw.org/world-report/2026>.

¹⁵ *Id.*

¹⁶ *Fact Sheet: President Donald J. Trump Withdraws the United States from International Organizations that Are Contrary to the Interests of the United States*, THE WHITE HOUSE (Jan. 7, 2026), <https://www.whitehouse.gov/fact-sheets/2026/01/fact-sheet-president-donald-j-trump-withdraws-the-united-states-from-international-organizations-that-are-contrary-to-the-interests-of-the-united-states/>.

and 35 non-UN organisations.¹⁷

The reasoning for this retreat from global commitment is provided in the National Security Strategy published in November 2025, which posits the “Primacy of Nations” and clearly rejects “sovereignty-sapping incursions” by international organisations that operate across borders.¹⁸ The “Trump Corollary” to the Monroe Doctrine asserts that the US will give precedence to its own security imperatives and national interests above any consideration of international law’s constraints.¹⁹ The fiscal implications of this shift are staggering; the United States is alone responsible for over 95% of the \$1.6 billion shortfall in the UN’s budget for 2025²⁰, hence it is effectively utilising the financial starvation as a weapon of deconstruction of the institution.

1.2. China and the Construction of Illiberal Multilateralism

The United States is pulling back from the international ground and the People's Republic of China is working hard to fill this void by proposing its own alternative to the current global human rights governance framework. Chinese leaders have established four projects to create a new global governance model: The Global Development Initiative (GDI), The Global Governance Initiative (GGI), The Global Security Initiative (GSI), and The Global Civilisation Initiative (GCI).²¹ All of these initiatives are designed to promote Beijing's vision of a “polycentric” world order that gives preference to “sovereign equality” and “non-interference,” rather than universal liberal democratic principles.²²

¹⁷ Céline Kauffmann, *The United States' Withdrawal from International Organizations: A Wake-Up Call to Reform the International System*, IDDRI (Jan. 15, 2026), <https://www.iddri.org/en/publications-and-events/blog-post/united-states-withdrawal-international-organizations-wake-call>.

¹⁸ *National Security Strategy of the United States of America*, THE WHITE HOUSE (Nov. 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/12/2025-National-Security-Strategy.pdf>.

¹⁹ *Id.*

²⁰ *HRC61: Key Issues at the Human Rights Council in March 2026*, INT'L SERVICE FOR HUM. RTS. (Feb. 11, 2026), <https://ishr.ch/latest-updates/hrc61-key-issues-at-the-human-rights-council-in-march-2026/>.

²¹ Col (Dr) D.C.S. Mayal, *China's Global Governance Initiatives: Diplomacy-Intelligence Convergence*, OBSERVER RSCH. FOUND. (Apr. 13, 2026), <https://www.orfonline.org/research/china-s-global-governance-initiatives-diplomacy-intelligence-convergence>.

²² *Id.*

China's Four Pillars of Global Governance (2025-2026)	Strategic Objective	Human Rights Implication
Global Development Initiative (GDI)	Prioritise economic growth and subsistence.	Frames development as the “greatest human right.” ²³
Global Governance Initiative (GGI)	Reform institutions to reflect multipolarity.	Seeks to displace Western human rights paradigms.
Global Security Initiative (GSI)	Dialogue and consultation over intervention. ²⁴	Rejects the use of force for human rights protection.
Global Civilisation Initiative (GCI)	Mutual respect for diverse cultural paths. ²⁵	Challenges the “universal” nature of liberal rights.

China has been able to use its increased financial funding of the UN to build its power and influence in the world. Due to the financial increases, China is now responsible for approximately 20% of the current operational budget of the UN and almost 23% of the peacekeeping budget.²⁶

This leverage is generally used for building coalition groups primarily comprised of countries in the Global South, promoting narratives that stress development and internal stability as the prerequisites for the promotion of Human Rights.²⁷ They are using these coalition groups to shield the states from potential international scrutiny regarding civil and political freedoms.

1.3. Russia and the Guardianship of Sovereign Internationalism

Likewise, the Russian Federation has used the crisis of multilateralism as an

²³ Wang Yi, *Remarks by H.E. Wang Yi at the High-Level Segment of the 61st Session of the United Nations Human Rights Council*, MINISTRY OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF CHINA (Feb. 23, 2026), https://www.fmprc.gov.cn/eng/wjzbzd/202602/t20260224_11862405.html.

²⁴ Col (Dr) D.C.S. Mayal, *China's Global Governance Initiatives: Diplomacy-Intelligence Convergence*, OBSERVER RSCH. FOUND. (Apr. 13, 2026), <https://www.orfonline.org/research/china-s-global-governance-initiatives-diplomacy-intelligence-convergence>.

²⁵ William Jones, *Global Civilization Initiative: A Vision for Peace in a Turbulent World*, CHINA DIPLOMACY (Mar. 16, 2026), https://en.chinadiplomacy.org.cn/2026-03/16/content_118385029.shtml.

²⁶ Col (Dr) D.C.S. Mayal, *China's Global Governance Initiatives: Diplomacy-Intelligence Convergence*, OBSERVER RSCH. FOUND. (Apr. 13, 2026), <https://www.orfonline.org/research/china-s-global-governance-initiatives-diplomacy-intelligence-convergence>.

²⁷ *Id.*

opportunity to promote its version of what it calls “sovereign internationalism.”²⁸ It has framed today's international order as a “Western-dominated” system of arbitrary rules, in contrast to its own vision of “genuine multilateralism” grounded in a selective reading and interpretation of the UN Charter.²⁹ In Russian rhetoric, the “world majority” is viewed as the vast community of nations that are opposed to “Western hypocrisy” and “neocolonialism.”³⁰

To accomplish this, Russia positions itself as the “guardian” of the UN Charter³¹, particularly regarding the principles of sovereignty and non-intervention, while using its veto power to effectively paralyse the Security Council on issues such as Ukraine and the Strait of Hormuz.³² As a result, a ‘law of the jungle’ exists where those with power determine the standards of legality for themselves while leaving those without power subject to the imperialistic ambitions of the powerful.

2. The 2026 Venezuela Intervention: A Case Study in Aggression

In 2026, the most acute ‘stress test’ for the UN Charter took place on January 3 with the US’s “Operation Absolute Resolve,”³³ which refers to a military intervention in Venezuela and resulted in the capture of President Nicolás Maduro and his wife, Cilia Flores.³⁴ This is an example of how the “rule of force” is overshadowing the “rule of law.”

2.1. Tactical Execution and Humanitarian Impact

This intervention was a high-intensity, short-duration conflict where overwhelming technological superiority was the difference-maker. The Department of Defence and the Central Intelligence Agency (CIA) spent months planning, preparing and

²⁸ Jędrzej Piekara, *Basic Concepts of Russian Geopolitics After 2022: The Global Majority and Minority*, INST. OF CENT. EUR. (Nov. 27, 2025), <https://ies.lublin.pl/en/comments/basic-concepts-of-russian-geopolitics-after-2022-the-global-majority-and-minority/>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Security Council: Russia and China Veto Resolution on Strait of Hormuz*, U.N. NEWS (Apr. 7, 2026), <https://news.un.org/en/story/2026/04/1167261>.

³³ Balakrishnan Rajagopal, *International Law in, and as, Crisis: Legal Breakdown and the Struggle for Transformation*, VERFASSUNGSBLOG (Jan. 23, 2026), <https://verfassungsblog.de/international-law-in-and-as-crisis/>.

³⁴ *International Reactions to the 2026 United States Intervention in Venezuela*, WIKIPEDIA (last visited April 20, 2026), https://en.wikipedia.org/wiki/International_reactions_to_the_2026_United_States_intervention_in_Venezuela.

rehearsing for the operation.³⁵

Operation Absolute Resolve: Military Statistics (January 3, 2026)	Data Point
Duration of Conflict	2 hours 28 minutes (02:01 to 04:29 VET) ³⁶
US Personnel Involved	15,000 troops (Delta Force, 160 th SOAR, Navy, Marines) ³⁷
US Aircraft Deployed	150 (including F-22A Raptors, B-1B Lancers, MH-47G Chinooks) ³⁸
Venezuelan Military Casualties	23-47 personnel killed ^{39,40}
Cuban Security Casualties	32 personnel killed ⁴¹
Venezuelan Civilian Casualties	2 confirmed deaths ⁴²

The operation targeted President Maduro’s compound at the Fort Tiuna in Caracas. Following the strikes, he was transported to the USS Iwo Jima and later flown to New York City to be charged with narcoterrorism and the importation of cocaine in New York.⁴³ There was a swift shift in the political situation in Venezuela due to this intervention. On January 5, Vice President Delcy Rodríguez was sworn in as acting president, who passed an amnesty bill for 621 political prisoners and lifted the oil sanction on all private entities from controlling Venezuelan resources.⁴⁴

³⁵ *Id.*

³⁶ *Id.*

³⁷ Victoria Pedreiro, *U.S. Action in Venezuela and the Limits of International Law*, FORDHAM INT’L L.J. BLOG (Mar. 1, 2026), <https://www.fordhamilj.org/iljblog/ge9pzig88g43k5mb-g85bt-c9htn-szy8-xjdm8-5jkm8-lrwtr-n7ztk-7x8mx-8zle9-jja2d-3l9zt-56mfc-ca8p4-ewlz4-tzaxn-fzf2g-9edzn-8w9yt-clmg3-l3629-9m2ey-j9hbn-fmm4k-km6ec-krhaj-krxse-gljtm>.

³⁸ *Id.*

³⁹ *Forty-Seven Venezuelan Soldiers Killed in US Attack, Minister Says*, REUTERS (Jan. 16, 2026, 6:01 PM UTC), <https://www.reuters.com/world/americas/forty-seven-venezuelan-soldiers-killed-us-attack-minister-says-2026-01-16/>.

⁴⁰ *32 Cubans, 23 Venezuelans Killed in US Special Operation to Capture Maduro*, NDTV (Jan. 2026), <https://www.ndtv.com/world-news/32-cubans-23-venezuelans-killed-in-us-special-operation-to-capture-maduro-10426103>.

⁴¹ *Id.*

⁴² Ryan C. Berg et al., *Imagery from Venezuela Shows a Surgical Strike, Not Shock and Awe*, CTR. FOR STRATEGIC & INT’L STUDIES (Jan. 9, 2026), <https://www.csis.org/analysis/imagery-venezuela-shows-surgical-strike-not-shock-and-awe>.

⁴³ Tiffany Wertheimer & BBC Visual Journalism Team, *From Caracas 'Fort' to New York Court: Maduro's Capture in Pictures and Maps*, BBC NEWS (Jan. 4, 2026), <https://www.bbc.com/news/articles/c5yvxn1wlpzo>.

⁴⁴ *2026 United States Intervention in Venezuela*, WIKIPEDIA (last visited May 5, 2026), https://en.wikipedia.org/wiki/2026_political_prisoner_release_in_Venezuela.

2.2. The Legal Breakdown: From Unlawfulness to Lawlessness

Legal experts have described Operation Absolute Resolve as a "clear violation" of Article 2(4) of the United Nations Charter, which prohibits the threat or the use of force against the political independence of any country.⁴⁵ The United States has not offered any substantive justification for its use of force in Venezuela in accordance with international law:

- **Lack of Security Council Authorisation:** No UN Security Council resolution was passed granting the authorisation for the use of force against Venezuela.⁴⁶
- **No Self-Defence Justification:** Venezuela did not launch an armed attack against the United States, so there was no basis for the use of self-defence under Article 51.⁴⁷
- **Invalid Invitation:** Even if the United States questioned the legitimacy of President Maduro, he was recognised under international law as occupying a position of effective control over Venezuela's government, and there was no legitimate invitation issued by the sovereign government for intervention by the United States.⁴⁸

The main difference between the US intervention here and previous US interventions (in Panama and Iraq) is that the top administration spokespersons have avoided using terms like international law entirely in regards to this operation.⁴⁹ Rather, they suggest that this operation was simply an enforcement of US arrest warrants, as if the US were executing its own law enforcement operations only on foreign soil and territory.⁵⁰ This 'Putinization'

⁴⁵ *International Reactions to the 2026 United States Intervention in Venezuela*, WIKIPEDIA (last visited May 5, 2026),

https://en.wikipedia.org/wiki/International_reactions_to_the_2026_United_States_intervention_in_Venezuela.

⁴⁶ Balakrishnan Rajagopal, *International Law in, and as, Crisis: Legal Breakdown and the Struggle for Transformation*, VERFASSUNGSBLOG (Jan. 23, 2026), <https://verfassungsblog.de/international-law-in-and-as-crisis/>.

⁴⁷ Victoria Pedreiro, *U.S. Action in Venezuela and the Limits of International Law*, FORDHAM INT'L L.J. BLOG (Mar. 1, 2026), <https://www.fordhamilj.org/iljblog/ge9pzig88g43k5mb-g85bt-c9htn-scyz8-xjdm8-5jkm8-lrwt-rn7ztk-7x8mx-8zle9-jja2d-3l9zt-56mfc-ca8p4-ewlz4-tzaxn-fzf2g-9edzn-8w9yt-clmg3-13629-9m2ey-j9hbn-fmm4k-km6ec-krhaj-krxsc-gljtm>.

⁴⁸ *Id.*

⁴⁹ Balakrishnan Rajagopal, *International Law in, and as, Crisis: Legal Breakdown and the Struggle for Transformation*, VERFASSUNGSBLOG (Jan. 23, 2026), <https://verfassungsblog.de/international-law-in-and-as-crisis/>.

⁵⁰ *Id.*

refers to how the powerful have abandoned any sense of obligation, along with the need to disguise their actions in the language of international standards, and have signified the “end of an era” for the post-1945 world.⁵¹

3. The Selective Application of International Law: A Hierarchy of Victims

In addition, UN human rights mechanisms become increasingly ineffective due to the "selective enforcement" of international law and, as a result, the international community continues to view some victims as more important than others based on how they fit in with the geopolitical landscape.⁵² This has resulted in a “corrosive contrast” that has stripped HRC of its normative authority.⁵³

3.1. Comparative Analysis: Ukraine vs. Gaza vs. Venezuela

The responses to the three crises that occurred internationally indicate that there is a very clear “hierarchy of concern.”

Conflict	Speed of International Legal Response	Predominant Narrative	Enforcement Mechanism
Ukraine (2022-2026)	Rapid (ICC arrest warrants issued within a year) ⁵⁴	“Illegal war of aggression” and “defence of democracy.” ⁵⁵	Massive sanctions and military aid to the victim state. ⁵⁶
Gaza (2023-2026)	Delayed (Limited to preliminary examinations) ⁵⁷	“Self-defence” vs. “Genocide.” ⁵⁸	Paralysed by Security Council vetoes; unenforceable ICJ measures.

⁵¹ Costas Douzinas, *Gaza, Venezuela and International Law*, CRITICAL LEGAL THINKING (Jan. 8, 2026), <https://criticallegalthinking.com/2026/01/08/gaza-venezuela-and-international-law/>.

⁵² Lina Lorenzoni-Escobar & Kevin Crow, *International Law's Crisis of Faith: Double Standards from North to South*, SOCIAL EUROPE (Mar. 11, 2026), <https://www.social-europe.eu/international-laws-crisis-of-faith-double-standards-from-north-to-south>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Hasibur Rahaman et al., *The Selective Application of Justice: Comparing ICC Investigations in Ukraine and Palestine*, 16 OPEN J. POL. SCI. 39 (2026).

⁵⁷ *Id.*

⁵⁸ *Id.*

Venezuela (2026)	Immediate but unilateral (bypasses the UN framework)	“Law enforcement” and “ending a socialist dictatorship.” ⁵⁹ ”	Unilateral military force; subsequent “amnesty” and resource control.
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There is a stark difference between the swift action taken by the ICC and Western governments against the invasion of Ukraine by Russia, compared to the lack of “zealous legal energy” with respect to the attacks on Gaza.⁶⁰ This “selective respect for law” demonstrates to the global public that law is a form of posturing rather than discipline.⁶¹ In Gaza, universal legal standards like “proportionality” and “distinction” have either been purposely declined or ignored, leading to what is described by Harvard academics as the “disintegration of universalism” as an organisational principle.⁶²

3.2. The Complicity of the Global South

The Global South has played an equally culpable role in the selective application of law. Most governments in Latin America and Africa condemned the United States’ intervention in Venezuela on the basis of sovereignty, yet, with regard to the systematic human rights abuses and crimes against humanity being committed by the Maduro regime, the majority of these same governments remained silent.⁶³ The so-called “doctrine of non-intervention” is often used as a shield to protect authoritarian allies from being held accountable for their actions, thus placing the “prerogatives of states above the dignity of human beings” at the top of their priority list.⁶⁴

⁵⁹ Team WOLA, *Unilateral U.S. Military Intervention to Remove Authoritarian Dictator Nicolas Maduro from Power Violates International Law and Sets a Dangerous Precedent for the Region*, WASH. OFF. ON LATIN AM. (Jan. 3, 2026), <https://www.wola.org/2026/01/military-action-venezuela-united-states-maduro-trump/>.

⁶⁰ Lina Lorenzoni-Escobar & Kevin Crow, *International Law's Crisis of Faith: Double Standards from North to South*, SOCIAL EUROPE (Mar. 11, 2026), <https://www.socialeurope.eu/international-laws-crisis-of-faith-double-standards-from-north-to-south>.

⁶¹ *Id.*

⁶² Mathias Risse, *Could This Truly Be the End of Universalism? Starting 2026 with Reflections on Gaza, the Maduro Abduction, and Some of the World's Neglected Conflicts (Sudan, Tigray, Yemen, Myanmar, and the Uyghurs)*, CARR-RYAN CTR. FOR HUM. RTS., HARV. KENNEDY SCH. (Jan. 11, 2026), <https://www.hks.harvard.edu/centers/carr-ryan/our-work/carr-ryan-commentary/could-truly-be-end-universalism-starting-2026>.

⁶³ Lina Lorenzoni-Escobar & Kevin Crow, *International Law's Crisis of Faith: Double Standards from North to South*, SOCIAL EUROPE (Mar. 11, 2026), <https://www.socialeurope.eu/international-laws-crisis-of-faith-double-standards-from-north-to-south>.

⁶⁴ *Id.*

4. The Financial Sabotage and Operational Decline of UN Human Rights Mechanisms

UN High Commissioner for Human Rights, Volker Türk, has cautioned that the world “cannot afford a human Rights system in crisis.”⁶⁵ In 2026, the worldwide human rights ecosystem is “hanging by a thread” because of the combined impacts of intentional cuts to funding and the liquidity crisis that is affecting all UN agencies.

4.1. The Budgetary Collapse

The regular budget that was approved for OHCHR by the UN General Assembly for 2026 is reduced by more than \$25.28 million compared to the 2025 budget.⁶⁶ In February 2026, the UN OHCHR had only received 20% of its approved budget for the year and was uncertain when the remaining future instalments would be received.⁶⁷

OHCHR Financial Crisis: Statistical Indicators (2025-2026)	2024 (Actual)	2025 (Estimated)	2026 (Projected/Appeal)
Human Rights Monitoring Missions	11,000 ⁶⁸	5,000 ⁶⁹	Subject to a \$400M appeal. ⁷⁰
Funding Gap (Regular + Voluntary)	Negligible	\$54.5 million shortfall ⁷¹	“Alarming” prospects.
Staff Reductions	-	300 out of 2,000 lost ⁷²	Further closures in 17 countries. ⁷³

As a result of the liquidity crisis, the UN is forced to return about \$400 million in “unspent cash” back to member States in 2027, due to rigid financial regulations that prevent any carry-over of funds, which International Service for Human Rights (ISHR)

⁶⁵ Office of the High Commissioner for Human Rights, *UN Human Rights Office Launches USD 400 Million Appeal to Address Global Human Rights Needs* (Feb. 5, 2026), <https://www.ohchr.org/en/press-releases/2026/02/un-human-rights-office-launches-usd-400-million-appeal-address-global-human>.

⁶⁶ Raphaël Viana David, *UN Financial Crisis: Mapping the Impact for Human Rights*, ISHR (Mar. 13, 2026), <https://ishr.ch/defenders-toolbox/resources/un-financial-crisis-mapping-the-impact-for-human-rights/>.

⁶⁷ *Id.*

⁶⁸ Office of the High Commissioner for Human Rights, *UN Human Rights Office Launches USD 400 Million Appeal to Address Global Human Rights Needs* (Feb. 5, 2026), <https://www.ohchr.org/en/press-releases/2026/02/un-human-rights-office-launches-usd-400-million-appeal-address-global-human>.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

describes as “financial collapse⁷⁴.”

4.2. The Impact on Special Procedures and Treaty Bodies

The HRC (Human Rights Council) relies on independent experts and Rapporteurs known as “Special procedures” to investigate human rights abuses.⁷⁵ Unfortunately, the lack of timely distribution of resources has impacted these specialists.

- **Decline in the number of mandated country visits:** The mandatory country visits have declined due to some committees, like the Sub-Committee on the Prevention of Torture, having cancelled half of the scheduled country visits.⁷⁶
- **Treaty Body Postponements:** The 35 scheduled meetings between the state party and the UN Human Rights Treaty Bodies, which could not take place in 2025 and were postponed, resulted in a backlog of 332 reports awaiting review at the beginning of 2026.⁷⁷
- **HRC Session Reductions:** In an attempt to maintain "extraordinary cost-saving measures," the Human Rights Council (HRC) Bureau limited the length of sessions by 10% and reduced the amount of time allowed for interactive dialogue to one hour.⁷⁸

As a result of reduced funding for the HRC, marginalised groups in conflict-ridden areas, from Colombia to Guinea-Bissau, have suffered due to the UN's limited presence and ability to protect them.⁷⁹ The failure of member states to pay their assessed dues in a timely and complete manner represents a “political choice” which ultimately prevents the HRC from fulfilling its mandate.

5. Assessing Efficacy: Are Mechanisms "Outmuscled" or Politically Effective?

Although the "rule of force" is widespread, the 61st session of the HRC (held in March

⁷⁴ Adla Massoud, *UN Warns of Risk of 'Imminent Financial Collapse'*, THE NAT'L NEWS, Jan. 30, 2026, <https://www.thenationalnews.com/news/us/2026/01/30/un-warns-of-risk-of-imminent-financial-collapse/>.

⁷⁵ Raphaël Viana David, *UN Financial Crisis: Mapping the Impact for Human Rights*, ISHR (Mar. 13, 2026), <https://ishr.ch/defenders-toolbox/resources/un-financial-crisis-mapping-the-impact-for-human-rights/>.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

2026) revealed that even today, multilateral mechanisms can still provide some political usefulness for middle powers and civil society.

5.1. The 61st Regular Session: Statistical Outcomes

The 61st session was concluded by the council after adopting 38 resolutions.

HRC 61st Session (2026) Resolution Statistics	Data Point
Total Resolutions Considered	38 ⁸⁰
Adopted by Consensus	28 (81%) ⁸¹
Adopted by Recorded Vote	10 (19%) ⁸²
Mandate Extensions	19 (10 thematic, 9 country-specific) ⁸³
UPR Outcomes Adopted	13 states ⁸⁴

There were several notable thematic mandate extensions, including for torture, sexual exploitation of children, and freedom of expression. The following country-specific mandates were renewed:

- South Sudan (25 votes in favour),⁸⁵
- Syria (without any vote),⁸⁶
- Ukraine (25 votes in favour),⁸⁷
- Myanmar (without any vote).⁸⁸

⁸⁰ Universal Rights Group, *Report on the 61st Session of the Human Rights Council*, UNIVERSAL RTS. GRP. (Apr. 3, 2026), <https://www.universal-rights.org/report-on-the-61st-session-of-the-human-rights-council/>.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ Office of the High Commissioner for Human Rights, *Human Rights Council Concludes Sixty-First Regular Session After Adopting 38 Resolutions* (Apr. 1, 2026), <https://www.ohchr.org/en/press-releases/2026/04/human-rights-council-concludes-sixty-first-regular-session-after-adopting-38>.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

A large percentage of the consensus resolutions (more than 70%) indicates that, regardless of the highly polarised environment, there is still a widespread agreement on niche thematic issues, including the human rights of people who are in “street situations” and people with disabilities having access to digital infrastructure in terms of their rights.⁸⁹

5.2. The Universal Periodic Review (UPR) and Soft Enforcement

The most durable of the United Nations Human Rights Council's (HRC) mechanisms, the Universal Periodic Review (UPR), remains intact. In 2026, the HRC adopted results of the UPR for 13 countries, including Belarus, Libya and Honduras.⁹⁰ The fact that Vietnam received the highest number of votes, i.e., 180, from the Asia-Pacific region during its election to serve on the HRC from 2026-2028 also demonstrates how states continue to see the HRC as a space where they can obtain international legitimacy and “refuting distortions” about their domestic situations.⁹¹

However, unfortunately, due to disdain from major powers, the UPR is rapidly diminishing in power. The US's choice not to take part in its own review and the EU's rapidly increasing “implementation gap”, where 61% of recommendations lack progress and 13% show signs of regression, demonstrate that the normative power of the UPR is deteriorating against the sovereign authority of varying degrees of highly developed states.⁹²

6. The "Second UN Charter" and the Article 109 Coalition: Pathways to Renewal

The crisis of multilateralism has triggered a worldwide movement for reforming structures. The “Article 109 Coalition”, started in September 2025, contends that the UN Charter drafted in 1945 is no longer suitable to address the issues of the 21st century.⁹³

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ VNA, *Vietnam Makes Imprints in Human Rights Protection, Promotion*, VIETNAM+ (Apr. 30, 2026), <https://en.vietnamplus.vn/vietnam-makes-imprints-in-human-rights-protection-promotion-post342023.vnp>.

⁹² Civil Liberties Union for Europe, *Liberties Rule of Law Report 2026* (2026), [https://dq4n3btxmr8c9.cloudfront.net/files/wtaqq/LIBERTIES_RULE_OF_LAW_REPORT_2026\(2\).pdf](https://dq4n3btxmr8c9.cloudfront.net/files/wtaqq/LIBERTIES_RULE_OF_LAW_REPORT_2026(2).pdf).

⁹³ DWB, *Article 109 Coalition Pushes for UN Charter Review in New York*, DEMOCRACY WITHOUT BORDERS (Sept. 26, 2025), <https://www.democracywithoutborders.org/37774/article-109-coalition-pushes-for-un-charter-review-in-new-york/>.

6.1. The Constitutional Evolution Model

The “Second Charter Proposal for the UN” will create a revolutionary change in how we govern ourselves at the global level, following in the same spirit as the American Constitutional Convention of 1787 in the U.S.⁹⁴ The main goal is to circumvent the veto exercised by China, France, Russia, the UK, and the USA (the Permanent 5 or P5), which makes any substantial or meaningful reform impossible.⁹⁵

Some of the key institutional proposals for 2026 are:

- **UN Parliamentary Assembly:** A publicly accountable, citizen-based body that would sit beside the General Assembly to increase democratic legitimacy and provide public scrutiny for soft enforcement of existing UN laws.⁹⁶
- **Earth System Council (ESC):** A dedicated system of governance to manage risks to the planet through climate change and biodiversity loss, moving from a state-centric, security-focused perspective to a human and planetary approach to security.⁹⁷
- **Veto Override Mechanism:** The ability for both the General Assembly and the Parliamentary Assembly to join together with a combined 2/3 majority vote (of those present and voting) to override a Security Council veto for issues of existential threat to human survival.⁹⁸
- **United Nations Peace Force:** A permanent capacity for preventative diplomacy and peacekeeping operations originally authorised in 1945, but that has yet to be implemented.⁹⁹

⁹⁴ Augusto Lopez-Claros & Andrew Strauss, *Circumventing the Veto: How the Second UN Charter Could Revitalize Global Governance*, GLOBAL GOVERNANCE F. (Dec. 8, 2025), <https://globalgovernanceforum.org/circumventing-veto-second-un-charter-could-revitalize-global-governance/>.

⁹⁵ *Id.*

⁹⁶ <https://www.fikerinstitute.org/publications/reforming-the-un-charter>, <https://www.fikerinstitute.org/publications/reforming-the-un-charter>.

⁹⁷ *Id.*

⁹⁸ Augusto Lopez-Claros & Andrew Strauss, *Circumventing the Veto: How the Second UN Charter Could Revitalize Global Governance*, GLOBAL GOVERNANCE F. (Dec. 8, 2025), <https://globalgovernanceforum.org/circumventing-veto-second-un-charter-could-revitalize-global-governance/>.

⁹⁹ Global Governance Forum, *Protocols Complementary to the Second United Nations Charter*, GLOBAL GOVERNANCE F. (Nov. 4, 2025), <https://globalgovernanceforum.org/protocols-complementary-to-the-second->

These proposals are an attempt to “initiate conversations” regarding how to resolve the current blockage.¹⁰⁰ Even though the political obstacles, especially the opposition from the permanent members (the P5), are immense, proponents of these proposals believe they can mobilise a “critical mass” of countries making up the vast majority of mankind to form a new organisation preserving the historical connections and also developing a functioning system of international relations.

Conclusion: The “Rule of Force” and the Moral Choice of Nations

The ongoing transition from a rules-based society to ‘spheres of influence’ and imperial authority is the defining feature of our current world.¹⁰¹ The use of force has not just outmanoeuvred the law in certain cases, such as Venezuela or Ukraine, but has also begun to write a new rulebook where there is no limit to what powerful countries can do and where there are no rights for those without power.¹⁰²

The UN Secretary-General said in his final statement: “Do not let the erosion of human rights (become) the acceptable cost of political expediency,” which says there is a moral choice that the international community faces.¹⁰³ Multilateral institutions are not failing because they don't have enough tools or knowledge to work with, but rather because of politically motivated decisions made by nations to place the short-term interests of the states above the long-term stability of an international order that is based on rules.

To revive the UN’s human rights mechanisms, the international community should go beyond “realpolitik theatre” and undertake a systemic correction. The essential processes are:

- **Financial Integrity:** Ending the deliberate way in which funding is strategically decreased to undermine international oversight.

united-nations-charter/.

¹⁰⁰ *Id.*

¹⁰¹ Mathias Risse, *Could This Truly Be the End of Universalism? Starting 2026 with Reflections on Gaza, the Maduro Abduction, and Some of the World's Neglected Conflicts (Sudan, Tigray, Yemen, Myanmar, and the Uyghurs)*, HARV. KENNEDY SCH.: CARR-RYAN CTR. FOR HUM. RTS. (Jan. 11, 2026), <https://www.hks.harvard.edu/centers/carr-ryan/our-work/carr-ryan-commentary/could-truly-be-end-universalism-starting-2026>.

¹⁰² António Guterres, Secretary-General, United Nations, *Secretary-General's Remarks to the Human Rights Council [as Delivered]*, U.N. (Feb. 23, 2026), <https://www.un.org/sg/en/content/sg/statements/2026-02-23/secretary-generals-remarks-the-human-rights-council-delivered>.

¹⁰³ *Id.*

- **Symmetry in Accountability:** Enforcing international law equally on allies and enemies so that a hierarchy of concern does not exist in relation to the international response to Ukraine, Gaza and Venezuela.¹⁰⁴
- **Institutional Reform:** Call into force Article 109 of the UN Charter, thus amending the UN Charter so that it can effectively address the global security threats from climate change, artificial intelligence and the rise of great power competition.

If a comprehensive approach to this issue is not undertaken, the multilateral system painstakingly constructed after the Second World War may very well collapse, resulting in an “lawless and wild” world, governed by power and money.¹⁰⁵ The multilateralism crisis is not a simple case of historical inevitability; rather, it is a test of the international community’s belief that power should be constrained by law, or if the fate of humanity, given the absence of laws, will once more be a world of “perpetually unstable structures.”

¹⁰⁴ Lina Lorenzoni-Escobar & Kevin Crow, *International Law's Crisis of Faith: Double Standards from North to South*, SOCIAL EUROPE (Mar. 11, 2026), <https://www.socialeurope.eu/international-laws-crisis-of-faith-double-standards-from-north-to-south>.

¹⁰⁵ Antonio Bultrini, *The US Armed Intervention in Venezuela: All Is Not Lost for International Law (Yet)*, J. ON USE OF FORCE & INT'L L. (2026), <https://www.tandfonline.com/doi/full/10.1080/20531702.2026.2643526>.