The Drowning Child vs. the Law: Bridging Legal Positivism and Moral Duty

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Introduction

Imagine receiving a distress call that 400 people–60 among them children–are drowning. Technically, these drowning passengers are in Malta's search and rescue zone, but Italy's rescue team is much closer. This faster response time may determine their survival. What should be done?

The Italian authorities ended up sending a rescue team, but not before turning a blind eye to 4 hours and 41 minutes of pleading calls. The Italian government insisted it had no legal obligation. 60 children and a total of 268 people drowned. 9 years of legal battle later, the UN Human Rights Committee found that Italy failed to protect their right to life (OHCHR, 2021). A year later, Italy's domestic court also found defendants guilty but not punishable because the statute of limitations expired.

One could argue that no legal wrong was done from a positivist view–a framework that focuses on law that has been formally posited and practiced. This paper will explore arguments similar to the UN Human Rights Committee's claim that Italy should have done something. Not only because it is required by international law, but also because it is the moral thing to do. From this real-life example of Peter Singer's well-known drowning child analogy, this paper will argue that compliance in international human rights law can increase by incorporating natural law, a moral obligation in agreement with nature applicable everywhere.

Not to mention, this paper will further explore a research puzzle that stems from a tragedy like the above shipwreck. If natural law is so self evident and appealing everywhere, why hasn't it already been universally accepted and posited as the formal law? One may argue that there is a lag between natural law being recognized as morally universal and it becoming codified into formal law. Especially in international law, the large number of stakeholders needed to ratify international law makes this lag more pronounced and has led to sweeping efforts in codifying natural law into international law. Under this assumption, what can be done to have better compliance in international law that is universally appealing but still suffers from low compliance?

This paper will highlight the Nuremberg trials as an example where natural law was not yet fully codified. Egregious violations such as genocide, crimes against humanity, and aggressive war have led to closing this gap faster. This paper will then cover the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR) as examples of a pre-emptive effort to codify universal moral principles before more violations of human rights occur. From the above case studies, the paper will grapple with ways to increase compliance in international human rights law.

Literature Review

This literature review looks closely at the foundations of applying natural law to international human rights law. It will define the legal frameworks underlying this analysis, including natural law, positivist law, and the theory of compliance. Literature on natural law will help define the main idea we seek to discuss in the paper. It will also briefly survey positivist frameworks to offer the opposing viewpoint seen in the Italian shipwreck case. Then, it will look into compliance theory, famously laid out by Kal Raustiala, to look at how to improve compliance in international law. The survey of natural law and compliance theory is also aimed

at helping future efforts of a quantitative analysis that categorizes international law into those that incorporate natural law or do not, and compares their corresponding compliance rates.

Natural law is defined as the right reason in agreement with nature, applicable everywhere, fixed, and perpetual (West, 1981)(Alonso, 2011). Natural law has a normative appeal of how law should be rather than how it already is. Especially for humanitarian disasters like the shipwreck case, natural law lends a more persuasive voice on what should be done rather than what is strictly legal or not. Cicero, a Roman statesman and legal theorist, argues that this universal moral code exists beyond state laws.

Legal positivism, however, is a view that law derives solely from social facts adapted through formal law, rather than inherent moral value (Stanford Encyclopedia of Philosophy, 2025). Some scholars such as HLA Hart even go further in a "separation thesis" that there is no conceptual connection between law and morality. Law can be legally valid even if morally deplorable (Hart, 1961).

John Austin, who is more moderate in his theoretical framing, argues that law must have state consent, territorial sovereignty, command of the sovereign, and a threat of sanction. While it is easy to think of natural law and positivist views to be in direct contrast as shown in the above shipwreck case, the reality is that there is a lag in between recognition of a natural law versus ratification into positivist law. Prosper Weil is the biggest proponent of positivism that acknowledges this lag in how law should be (lex ferenda) rather than how it already is (lex lata). Weil not only argues there is a lag between the two but argues that they should remain rigidly distinct. Weil's argument, however, doesn't answer the question of natural law, as defined. If natural law is so natural and universal, why isn't it already universally accepted and ratified as international law? International institutions are relatively new, and it therefore takes time for natural law to be ratified. Oscar Schachter describes this lag as a "twilight existence" of norms that are not illegal to ignore but carry heavy political and moral costs (Schachter, 1977).

Kal Raustiala's theory of compliance shifts the question from whether a country has legal obligations to whether states comply with that obligation. Raustiala distinguishes between compliance–states conforming to a rule–versus effectiveness–the rule achieving its intended policy goal (Raustiala, 2000). In other words, even though positivist laws may show high compliance rates, if the regulations fail to address the underlying humanitarian issue as seen in the shipwreck, the law is ineffective.

Compliance theory helps address the research puzzle of how to improve compliance in international law. Raustiala argues that behavioral conformity is most robust when a state's institutional arrangements align with its internal normative commitments (Raustiala, 2000). Harold Koh describes this phenomenon as "internalization" of international norms into a state's domestic legal system (Koh, 1997). Scholars contend that the appeal of natural law principles will exert a comparable intrinsic moral pull (West, 1981). This paper will explore whether framing human rights as universal moral truths, instead of mere social institutions will enhance the legitimacy of natural law and its compliance.

Gap in Literature

This literature review will identify three well-developed areas of research (1) an ongoing jurisprudential debate between natural law and legal positivism; (2) international relations theory on the mechanisms of state compliance; and (3) a thorough historical and legal analysis of the philosophical roots of important human rights instruments.

The gap in literature lies at the intersection of these fields. Although the philosophical argument that natural law offers a stronger basis for moral obligation is commonly asserted, there is a significant lack of research on the process by which a commitment to natural law principles results in greater compliance with positivist international human rights law.

This analysis is positioned to begin bridging the gap between jurisprudence and compliance studies. By utilizing Kal Raustiala's normative alignment and Harold Koh's theory of internalization, this paper argues that natural law is not only philosophical ideal but also a powerful mechanism for internalization. While Raustiala's concept of normative alignment explains compliance as a function of how closely international obligations correspond with a state's internal values and interests, Koh's theory of internalization explains how the international norms become ingrained in domestic legal systems.

When human rights laws are presented as reflections of innate moral truths rather than as externally imposed requirements, they attain the normative resonance necessary for voluntary and long-lasting compliance. This study tests this theory by employing historical case studies of the Nuremberg Trials, the UDHR, the Genocide Convention, and the ICCPR, offering proof of this mechanism in action during the most crucial early stages of the international human rights regime. Through this lens, moral norms can be both a stage of legal development and a powerful force that, once codified, guarantees a more robust and efficient international order.

Hypotheses

This paper will investigate the following hypotheses to address the research question on enhancing compliance in international law.

- H0: The integration of natural law ideologies does not upsurge compliance with civil and political rights.
- H1: The inclusion of natural law concepts into human rights law could boost since states and individuals will see these rights as a moral obligation rather than a legal one.
- H2: The adoption of natural law concepts in human rights law may reduce compliance because the vagueness of these principles may lead to selective interpretation that benefits noncompliance.
- H3: Incorporating natural law principles may promote compliance with civil and political rights because various cultural norms allow states to be more adaptable.
- H4: Human rights law has already been integrated into natural law, which has had no apparent effect on states' adherence to civil and political rights.

Methodology

A well structured case-study method is ideal for this research because it clearly allows an individual to trace the changing relationship between moral principles and legal codification over time. By examining Nuremberg, the UDHR, the Genocide Convention, and the ICCPR in sequence, the analysis captures how natural law moved from moral appeal to declaratory norms, to binding legal obligations. This temporal structure makes it possible to assess whether increased legalization corresponds with improved compliance, or whether moral grounding remains the decisive factor.

Justification of Case Selection

This paper uses a method for picking cases that aim to trace the evolution of natural law principles from moral intuition to binding international legal obligation. The cases of the Nuremberg Trials, the Genocide Convention, the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR) are chosen because they represent key moments in the development of the modern international human rights system.

The Nuremberg Trials serve as a prime example of how natural law principles were explicitly invoked to bypass positivist limitations. At the time of the trials, many of the acts prosecuted were not clearly defined as crimes under existing international law. Nuremberg thus provides a crucial test case to see if moral legitimacy can lead to compliance even without prior legal codification.

The Genocide Convention is selected as it represents the quick codification of a universally recognized moral wrong into binding international law. Genocide was defined as an international crime, based on the protection of humanity itself after the moral shock of the Holocaust. This law makes it easier to examine how moral consensus speeds up the shift from natural law to positive law.

The UDHR and ICCPR are chosen as founding documents of the international human rights system. The UDHR is widely seen as the main basis of international human rights law, while the ICCPR gives binding legal power to many of its moral principles. Together, they form what the Office of the High Commissioner for Human Rights calls the “International Bill of Human Rights.” Their inclusion allows us to explore how compliance behavior is influenced by early moral codification and later treaty-based legalization.

These four cases enable comparison across different levels of legalization, enforcement, and moral grounding. This comparative structure is vital for evaluating the paper’s hypotheses about whether incorporating natural law principles improves compliance with civil and political rights.

Nuremberg Trials

The Nuremberg Trials of 1945-1946 marked a historic turning point in international law. After the defeat of Nazi Germany, the Allied powers aimed to hold high-ranking Nazi officials accountable for the atrocities committed during World War II. These crimes included mass murder, enslavement, deportation, and other inhumane acts against civilians. To prosecute these crimes, the Allied powers established an international tribunal under the London Charter of August 8, 1945, which empowered the court to try individuals, not just states, for crimes against humanity and war crimes.

The defendants presented a legal challenge to this tribunal, claiming their actions were lawful under domestic German law or justified by obedience to superior orders. Consequently, the trials became a crucial point for applying natural law principles, which state that the law must align with universal moral truths rather than just positive statutes. By doing so, Nuremberg aimed to bridge the gap between legality and morality after mass atrocity.

Natural Law and Legal Reasoning

The Nuremberg Tribunal represented a conflict between legal positivism, which holds that law is valid if passed by recognized authorities, and natural law, which asserts that laws must adhere to moral and ethical principles. Nazi supporters often used traditional positivist arguments, citing sovereignty or obedience to commands as their defenses. The Tribunal consistently rejected these claims, emphasizing that individuals have duties to humanity that go beyond national law.

Article 6(c) of the London Charter defined crimes against humanity to include “murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war.” This definition highlighted the Tribunal's reliance on moral wrongdoing rather than strict legal violations. By stressing universal norms of human dignity, the court underscored a fundamental principle of natural law: legality must be guided by ethical reasoning.

The American case of Riggs v. Palmer (1889) provides a historical parallel. In this case, a grandson murdered his grandfather to inherit under a will. Although no laws explicitly forbade this, the court ruled that “no one shall profit by their own wrong,” reflecting the natural law principle that morality can take precedence over the literal application of law. Similarly, Nuremberg prosecutors argued that Nazi crimes, while

sometimes permissible under domestic law or orders, violated fundamental principles of humanity and justice. Both cases show that moral accountability can be enforced even when statutory law falls short of ethical standards.

Lag of Natural Law in Practice

Despite its successes, the Nuremberg Trials showed the limitations of natural law within strict legal systems. One significant challenge was the idea of ex-post facto prosecution: defendants claimed they were being tried for actions that were not considered crimes at the time they occurred. This illustrates the delay of legislation in relation to evolving moral standards, where formal laws do not always capture emerging ethical norms.

Another issue was defining the meaning and scope of crimes. Initial prosecutions limited crimes against humanity to wartime acts (the so-called “war nexus”), leaving out many atrocities committed before 1939. Later tribunals under Control Council Law No. 10 expanded the list of inhumane acts to include torture and rape, better aligning legal definitions with universal moral principles. These cases reveal the challenges of turning natural law concepts into enforceable legal structures while maintaining legitimacy.

Tribunal’s Approach to Morality and Law

The Nuremberg Tribunal blended moral reasoning with legal obligations. Defenses based on absolute sovereignty or superior orders were consistently dismissed, emphasizing that formal obedience cannot justify moral wrongs. The prosecution argued that violations of human dignity breach duties owed to all of humanity, not just violations of domestic laws.

Scholars like Paulson note that this approach required recognizing moral grounds as part of legal validity, showing that law achieves justice only when it aligns with ethical principles. By prosecuting crimes against humanity and including them within international law, Nuremberg set a precedent for holding individuals accountable for universal moral violations.

The Nuremberg Trials had ideological and educational impacts. They established that major violations of human rights are the responsibility of individuals, not nations, and that universal ethical norms can define crimes against humanity. The trials raised awareness of legal reasoning and moral principles, educating officials and citizens on the value of justice and human dignity. Notable scholars have highlighted Nuremberg’s foundational role in modern human rights law. Hannah Arendt stated it recognized that crimes against humanity are offenses against humanity. David Luban emphasized the need for individual moral accountability beyond state consent. Antonio Cassese saw the trials as the beginning of modern international criminal law. Judith Shklar noted the transition of moral anger into enforceable legal norms. Martti Koskenniemi highlighted the inclusion of moral reasoning into legal authority. Collectively, these viewpoints confirm that Nuremberg changed international law by rejecting absolute sovereignty, establishing accountability based on universal moral principles, and institutionalizing individual responsibility.

The Nuremberg Trials also provide evidence for theories about natural law and compliance. Compliance was obtained despite the absence of prior legal codification because the crimes prosecuted were clearly morally wrong, and universal moral values provided legitimacy that positivist legality could not. Ambiguity in moral principles, such as ex post facto objections, led to doctrinal development, which strengthened legal frameworks for future prosecutions and clarified individual obligations under international law.

Nuremberg Conclusion

The Tribunal established that grounding legal responsibilities in shared moral intuitions enhances compliance and legitimizes enforcement, especially in complex international situations. The Nuremberg Trials illustrate how natural law provides moral authority where formal legislation lags behind ethical imperatives. The Tribunal showcased the essential connection between justice and morality by holding individuals accountable for actions that violated fundamental human principles. Nuremberg illustrated that legal laws are most effective when linked with widely accepted ethical values, resulting in legitimate and lasting compliance. Its historical, doctrinal, and moral contributions continue to influence international law, human rights enforcement, and the idea that natural law principles are vital for bridging gaps between morality and legality. The Trials remain a key case for demonstrating how law, morality, and core human ideals can intersect to create justice even in the most challenging situations.

Foundational Status of the UDHR and ICCPR

Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are regarded as the basic building blocks of today's international regime of human rights. The UDHR is commonly cited as the ethical basis of international human rights by scholars, having been proclaimed in 1948. In fact, Mary Ann Glendon calls the UDHR a common moral language that changed the global expectations of states' conduct, whereas Johannes Morsink describes it as a blueprint of the human rights covenants.

The ICCPR, adopted in 1966 and coming into effect in 1976, made the moral aspirations of the UDHR legally binding through a treaty. Together with the International Covenant on Economic, Social and Cultural Rights, the ICCPR makes legally binding the principles enunciated in the UDHR. The Office of the High Commissioner for Human Rights recognizes specifically that "the UDHR, together with the ICCPR and ICESCR, constitute the International Bill of Human Rights." Subsequent human rights treaties and conventions have almost exclusively used the language of the ICCPR.

Universal Declaration of Human Rights

This part explains how ideas of natural law were anticipated within a universal morality and resulted in the formation of the concept of human dignity that served as the basis of rights even before they were fully legalized.

The Universal Declaration of Human Rights is an essential document because it was one of the first documents to ratify international human rights laws. This document was prepared by delegates from across the world under the United Nations General Assembly and was established on December 10, 1948 (United Nations,1948). It states fundamental rights of every person, which include things like freedom, human dignity, and justice.

The UDHR was adopted on December 10, 1948. As a set of positive law norms, the UDHR best finds its significance within the context of Natural Law. It is neither a treaty nor an international agreement. The UDHR is a statement of a "common standard of achievement" that should inspire legislations towards the realization of the fundamental moral principles. The fundamental premise expressed in the Preamble, "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family," implies that dignity and rights are pre-political realities recognized but not created by governments. By considering these recognitions as foundations of "freedom, justice and peace," the document conveys the idea of Natural Law that the legitimacy of laws rests on their degree of obedience to fundamental truths about human beings (Glendon 2001, 147).

As provided in Article 1, the moral anthropology of the Declaration is: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience…" The basis of the rights in this context is reason and conscience, which is the foundation of Natural Law Theory in that everybody has

access to the principles of justice. It is in the concluding part where it is stated that individuals "should act towards each other in a spirit of brotherhood" that one gets the prelude to the subsequent discussions on the correlative duties. Equality based on reason and conscience provides the rationale for the recurrent statement in the UDHR that similar conditions should be treated in a similar manner under the law, not by virtue of the state's decree but owing to the prior moral status of the individuals who share it and for whom the law should treat them (Glendon 2001; Morsink 1999).

A powerful summary of the Natural Law model incorporated into the UDHR is provided by René Cassin, in which he compares the declaration to a Greek temple, with the foundation and steps (the Preamble), four pillars of rights, and a binding pediment. The rights, including both the civil and political freedoms and the social, economic, and cultural guarantees, are safeguarded in the columns; in the pediment (Articles 28-30), the rights are brought together by connecting them with a social and international order that can provide the conditions necessary for their realization. While the article itself provides a positive right to the social and international order, Article 29(2) limits any restrictions solely for ensuring "the just requirements of morality, public order and the general welfare in a democratic society. " The natural law elements of morality, order, and the common good are actually built into these restrictions of rights as well (Morsink 1999, 36–39).Furthermore, the UDHR embodies a teleological view of law, in which the role of the legal system is to create the "requisites for 'human flourishing," rather than merely avoiding the violation of people's interests. Indeed, Articles 25 and 26 of the UDHR identify several basic necessities necessary for an adequate standard of living-food, clothing, housing, medical care, and education aimed at developing "the human personality." Thus, interpreting the UDHR from the perspective of natural law, the declaration lays out the necessities that are required of justice for individuals and families so that freedom can be meaningful. This explains why the Declaration speaks of freedoms but also of concrete necessities. The Declaration assumes that actual freedom is contingent upon the requisites of society being proportional to human dignity (Glendon 2001; Morsink 1999).

Several other provisions also take for granted the presence of natural institutions and capacities that pertain to the state. For example, Article 16 values the family on the principle of “free and full consent,” highlighting the moral agency of individuals and recognizing the importance of the family as an institution in the hierarchy of society. Article 18 provides justification for “freedom of thought, conscience, and religion” (including the right to conversion), affirming the person’s role as a seeker of both truth and moral goodness. Article 27 attempts to strike a balance between cultural participation and respect for the ethical and material rights of authors, including the common good along with individual creativity. The essential idea is that the political authority should serve as a means of enhancing those earlier goods, not as an end that should overshadow them (Glendon 2001; Morsink 1999).

Article 1 sets forth the doctrine of moral equality, while Article 29 states the concept of “duties and limits”: the individual “is under certain duties towards the community,” and any limitations upon his rights are considered “justifiable only if such limitations are determined by requirements of morality, public order and the general welfare” and never aim at destroying the rights of the individual (Article 30). Such a stance does not support the ideas of voluntarism, which is against the connection of the legal system and moral philosophy, and the theory of rights absolutism, in which the right itself can become a tool to destroy its very foundation.

Lastly, there is the UDHR's resonance with the theory of Natural Law, which goes hand in hand with drafting pluralism. For instance, the committee included Thomist-Christian thought, liberalism, and Confucianism among other doctrines. According to Jacques Maritain, it was possible for the framers to "agree on the list" despite their disagreements on the practical foundation of moral judgments and their attempts not to rely on metaphysics of any one doctrine (Glendon 2001). Scholars warn against crediting Natural Law for the UDHR because several natural-law philosophers who were skeptical of human rights were against the UDHR at that time. However, the language used by the UDHR of inherent dignity, reason and conscience, the common good, and just limits reveals that Natural Law concepts were strengthened through ecumenical philosophical collaboration.

UDHR shows how principles of natural law could become widely accepted on a normative basis without the requirement of legal enforceability. The focus on inherent dignity, moral equality, and responsibility towards the community enabled universal acceptance and internalization of the standards of human rights. It therefore reinforces the point that moral authority is indispensable for compliance even prior to legislation.

Genocide Convention

This portion elucidates how an outrageous moral outrage has been quickly turned into law that binds nations.

The Convention on the Prevention and Punishment of the Crime of Genocide, passed in 1948, is perhaps one of the best examples of the process of transforming ideas of natural law into international positive law. Lemkin, who coined the term ‘genocide’, argued that genocide was inherently morally evil and, therefore, ought to be made illegal by international law irrespective of whether states were in agreement or not. As per the convention, genocide refers to any act done with the purpose to commit the destruction of national, ethnic, racial, or religious groups; it is an offense against humanity.

The Genocide Convention is considered one of the bedrock documents by scholars. William Schabas calls it the first international human rights treaty, while Antonio Cassese stresses its significance in the development of the concept of jus cogens norms. Payam Akhavan argues that the law against genocide is the basis of international human rights law. The International Law Commission has confirmed that the ban on genocide is a peremptory norm of international law.

The Genocide Convention is an example of how clear morality narrows the distance between recognition in natural law and codification in positive law. In contrast to the Nuremberg Trials, where enforcement precedes codification, genocide was recognized as a rule of law quickly due to moral agreement.

Hypothesis Application: Genocide Convention

There is strong support for H1 under the Genocide Convention. The universal nature of genocide being a crime against humanity helped the convention to gain widespread acceptance and enduring normative validity.

H2 gains only weak support, as debates regarding the intent and scope have not affected the basic prohibition against genocide. H3 does not receive any support as cultural diversity cannot be cited as a reason for non-compliance.

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International Covenant on Civil and Political Rights (ICCPR)

This chapter will provide examples of how natural law ideals have been transformed into treaty obligations. This hybrid model brings to the fore the advantages and disadvantages of positivist enforcement procedures.

The International Covenant on Civil and Political Rights (ICCPR) was adopted in 1966 and is the end product of attempts to transform the Universal Declaration of Human Rights' ethical objectives into a binding international treaty. Though its composition is characterized by positivism through state consent in the form of signing and ratification and the creation of the Human Rights Committee to ensure adherence, the Covenant's substance is predominantly shaped by natural law ideals.

The ICCPR preamble begins with the affirmation that the rights enshrined by the Covenant derive from “the inherent dignity of the human person.” This formulation takes an archetypical stance on natural law, where the existence of the rights precedes and transcends state consent; what is being institutionalized is nothing other than the pre-existing reality of the rights. Instead of creating rights through legislation, the Covenant

rests on a moral ontology that takes human dignity and associated rights as facts that need recognition and protection within the legal system. The ICCPR is thus an instance of a natural rights legal system where the legitimacy of the law depends on its accordance with human dignity and justice.

Natural Law as Source, Positivism as Form.

There is an obligation on states under the Covenant to respect and ensure civil and political liberties such as freedom of speech, freedom from torture, fair hearing, and equality before the law (OHCHR 1966). The clarity of these legal duties notwithstanding, their frequent violation raises a key question regarding international human rights laws: the reasons for non-compliance when these duties have been legally recognized. This brings out the fact that legal obligations do not guarantee compliance unless there is moral commitment to the rights involved.

According to Article 1(1) of the ICCPR, “All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development” (UN 1966). In effect, this article embodies one of the central principles of natural law – that political power emanates from individuals’ capacity for morality. As per the ICCPR, civil and political rights can be traced back to human beings’ natural ability to make choices and think.

On the other hand, Article 6 of the ICCPR states that “Every human being has the inherent right to life.” It is worth noting that use of the word “inherent” highlights the ethical fact that the right to life pre-exists the covenant. However, it is crucial to note that Article 6 not only proscribes arbitrary deprivation of life but also obliges the state to make efforts to ensure the safety of individuals' lives whenever there is an identifiable risk. The latter idea is aligned with natural law jurisprudence since the preservation of life constitutes an essential aspect of natural morality, thereby triggering positive duties of care by the state.

This is demonstrated through the case of the Italian shipwreck, which highlights the impact that the principles of natural law have on interpreting the duties of a state based on a positivist international treaty. According to the judgment made in 2021 by the Human Rights Committee, Italy was at fault for its failure to undertake appropriate coordination or prompt action to save lives. Even though Italy had argued that it lacked jurisdiction to take any actions since it had no direct control over the vessel, it became clear that it had the capacity to undertake any action and knew about the looming danger to lives.

However, Article 2(1) of the ICCPR enhances the moral principle of responsibility by stating that states must “respect” and “ensure” the rights set forth in the Covenant. The obligation to ensure implies that mere formality, such as the ratification or submission of reports, cannot suffice. In natural law theory, authority implies responsibility, and hence, by exercising authority, one has an inherent obligation to preserve the fundamental values necessary for preserving human dignity, i.e., life, freedom, and equality.

Even with its robust moral and legal basis, the ICCPR is still subject to compliance problems. The gap cannot be accounted for by theological uncertainty or insufficient institutions. Instead, this points to an issue of lack of internalization, where countries give their consent to the positivist version of the agreement without fully endorsing the moral responsibilities underlying it in natural law terms. In terms of compliance, the ICCPR shows how limited positivist systems of consent can be when the duties seem to be outside, technical, or political.

ICCPR is thus defined as an example of a hybrid treaty. Moral justification of the ICCPR is based on principles like inherent dignity, moral equality, and sanctity of life drawn from natural law. However, the efficiency of the ICCPR lies in its reliance on the state-centered approaches of legal positivism, which causes a contradiction leading to the compliance gap under discussion here. The ICCPR provides ample evidence to support the hypothesis that natural law-based foundations result in improved compliance because they frame the obligation to respect rights as a moral one, not just a legal one. In addition, the inconsistency of state compliance may serve to substantiate hypothesis two by providing an illustration of how ambiguity in the interpretation of the moral aspect could be the cause of non-compliance.

In ICCPR, it is evident that although legalization can help enhance human rights, compliance will depend on the states adopting the morality behind their adopted human rights laws. The constant problem with compliance highlights the weakness of positivist consent, especially in cases where moral obligation does not exist. This is an example where the paper's argument that natural law facilitates compliance because it turns legal duties into moral obligations stands out.

Cross-Case Analysis

This same imperative structure becomes apparent in each case. As evidenced by the Nuremberg Trials, moral legitimacy can serve as a substitute for legal legitimacy where legislation fails to live up to morality. Moral consensus expedites and strengthens codification through the Genocide Convention. The UDHR proves how moral soundness encourages universal acceptance despite the lack of enforcement measures. Finally, the ICCPR highlights how mere legal enforcement is inadequate without moral commitment.

As such, all of the cases strongly validate H1, provide some validation to H2, hold very little bearing on H3, and negate H4. It is clear that moral legitimacy constitutes both a necessary and a sufficient condition for compliance.

But there are numerous serious criticisms made by the critics. First, the concept of "nature" is very ambiguous. "Nature" may be subjectively understood in the most varied ways by humans. Appealing to the concept of "nature" has historically been a source of justification of injustice, from Aristotle's support of slavery to racial and sexual hierarchies. Second, extending the criticisms of David Hume, the "Is-Ought Problem" is raised to challenge the validity of deriving a moral prescription from an observation of nature. Finally, the criticism related to enforcement. Without any clearly defined basis of natural law, it seems that such law may be simply seen as "sentimental fictions" incapable of being applied in law and politics. Given such criticism, many scholars and human rights activists today have turned away from the discussion of natural law, considering it philosophically controversial, outdated, or even irrelevant.

The Nuremberg trials present convincing support for H1 since they show that it was possible to comply based on moral legitimacy despite not having legal statutes previously. The UDHR strengthens H1 because it presents the idea that there exists universal endorsement of norms through moral agreement and not just through enforcing these norms. In the case of the ICCPR, it shows that the propositions in H1 and H2 are partially supported since moral ambiguity facilitates compliance despite being based on natural laws.

Recommendation

Following the analysis of the above case studies, this section explores potential solutions for increasing compliance with international human rights responsibilities through natural law concepts. Moral legitimacy was found to be a critical aspect of effective compliance with international law. Thus, international organizations, governments, and policy makers may consider certain strategies in order to enhance the sense of universality and moral duty in relation to international human rights law.

It is necessary to emphasize that monitoring agencies within international human rights organizations should incorporate natural law and moral aspects into their findings, conclusions, and General Comments. By defining compliance as the fulfillment of a morally obligatory task rather than a mere procedural one, these bodies may help states internalize these principles and comply with human rights laws in the future. For instance, the Italian shipwreck can serve as a good example for demonstrating that states have an imperative obligation, besides their legal duty, to save lives during such situations. This method is aligned with Raustiala's normative alignment strategy and Koh's internalization approach.

Any human rights treaty and domestic laws should refer to natural law concepts and emphasize moral principles in their wording. It will allow defining human rights as naturally strengthening the moral foundation

of rights. For example, treaties could specify that rights “derive from inherent human dignity” or “exist independently of state consent.” This makes it clear that legal obligations are based on universal moral principles rather than being arbitrary. By closing the gap between moral legitimacy and legal codification, this method might increase the perception of responsibilities as naturally binding, increasing compliance.

Training courses for diplomats, judges, law enforcement agents, and other state officials must include not only the legal obligations but also the moral aspect of human rights and the principle of natural law. Case study examples of the use of natural law to make the responsible state act may include the example of Nuremberg trials or more contemporary cases, such as maritime rescue requirements according to the ICCPR. Knowledge about the moral foundations of human rights will make state officials understand their moral obligations better and will result in proactive compliance with human rights requirements.

Public knowledge about human rights commitments is crucial for building moral credibility. Campaigns focusing on the notion that the fulfillment of human rights is our common moral obligation, especially when it comes to disadvantaged groups of the population, children, and immigrants, would apply social and political pressure to states. It would give citizens one more tool of persuasion along with laws for protecting their rights and interests.

International judicial bodies and enforcement agencies should focus on cases where violations of international human rights law are accompanied by violations of universally accepted moral principles. The latter could be especially helpful when it comes to situations when the formal legal codification is vague or insufficient.

To strengthen the link between moral legitimacy and compliance, comparative and quantitative studies should look at treaties or legal instruments that clearly contain natural law principles versus those that do not. Measuring disparities in compliance rates and enforcement results can give empirical support for the theoretical framework described in this paper and guide future legal and policy design.

Conclusion

This paper does not agree with the fact that incorporating natural law principles promotes compliance with civil and political rights by converting legal responsibilities into moral duties that states and individuals are more inclined to internalize and uphold. In the end, the history of international human rights law demonstrates that legality alone has never been sufficient to protect human dignity. From Nuremberg’s moral reckoning to the UDHR’s aspirational authority, the peremptory prohibition of genocide, and finally the ICCPR’s hybrid legal-moral structure, a consistent pattern emerges where law is aligned with deeply rooted moral principles, it gains not only authority but also legitimacy, and where legitimacy exists, compliance becomes more likely, more durable, and more internalized. The Italian shipwreck tragedy, which sparked this investigation, is the typical example with devastating clarity of what happens when legal formalism trumps moral responsibility: hundreds of lives are lost not because rescue was impossible, but due to the fact that obligation was interpreted narrowly rather than compassionately. This paper disagrees that natural law does not compete with international human rights law but rather complements it by providing the moral underpinning that changes written norms into lived commitments and legal obligations into ethical imperatives. While natural law is not a utopia and cannot eradicate political self-interest, ambiguity, or power disparities, it is an essential component of any human rights regime that wants more performative conformity. Without moral internalization, treaties become paperwork, and without moral legitimacy, institutions become procedural shells. The great triumphs of the modern human rights project sprang not from technical legalism, but from moral anger, moral clarity, and moral commitment, and it is precisely this moral core that must continue to drive the interpretation, growth, and implementation of international law. If human rights are to be more than just written promises, if they are to serve as real protections for real people in real danger, international law must continue to speak not only in the language of jurisdiction and

procedure, but also in the deeper language of human dignity, shared humanity, and moral duty which natural law has always sought to articulate.

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