Power and Justice in International Relations

Interdisciplinary Approaches to Global Challenges

Essays in Honor of Hans Köchler

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MARIE-LUISA FRICK
ANDREAS OBERPRANTACHER
University of Innsbruck, Austria

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Chapter 8
The Concept of *Human Security*: Does it Add Anything of Value to International Legal Theory or Practice?

Lyal S. Sunga

I first met Hans Köchler at a three-day "Talk on the Hill" discussion, held from 17 to 19 October 2004 in Singapore, themed "Cross-Examining Justice: Cultural, Religious and Social Conceptions of Justice in Asia and Europe." These closed-door meetings, set up by the Asia-Europe Foundation, brought together a number of academics, policymakers, and non-governmental practitioners to exchange cultural, religious and social views on justice from Asian and European perspectives. I was immediately struck by Köchler's intellectual acuity, his wide-ranging and profound knowledge of philosophy, politics, law, and international affairs, as well as his experience with current cross-cultural issues concerning justice and fairness. Since our discussions in Singapore, it has been a pleasure for me to have worked with Köchler on several projects and to contribute the following chapter in honor of his 60th birthday.

Introduction

War constitutes an obvious threat to human security. Prolonged armed conflict jeopardizes the basic elements needed for human survival, including fundamental rights and freedoms. Other conditions however also threaten human security, such as abject poverty, serious environmental degradation, an absence of the rule of law, political oppression, and dictatorship as well as systematic human rights violations—all of which require sustained efforts beyond national borders to be overcome. Increasing realization on the part of governments, intergovernmental organizations, and academics about the interconnectedness of human welfare and dignity to the larger economic and political context has made the concept of *human security* more pertinent than ever before to policy making and implementation at domestic, regional, and international levels. But does the concept of "human security" really add anything of value to international legal theory or practice as a conceptual construct? Can it really aid our understanding of complex issues and help us to improve measures to safeguard human welfare?

To answer this question, in the present chapter I first note the origins of the concept of human security at the international policy level, and reflect upon its narrower and broader meanings. Next, I consider the potential "added value" of the human security concept. Finally, I contend that international law should form the foundation for the human security discourse and I underline aspects of the concept of human security that would enhance its theoretical and practical value in relation to the goals of peace and security, democratic governance, the rule of law, poverty reduction, sustainable development, and the emerging doctrine of the responsibility to protect, using a diagram to represent these connections graphically.

Origins of the concept of human security at the international level

The term "human security" acquired international currency with the UN Development Programme's (UNDP) ground breaking *Human Development Report* of 1994. The report echoes the aspirations expressed more than a half century earlier by Prime Minister Winston Churchill of Great Britain and President Franklin D. Roosevelt of the United States in the Atlantic Charter, 1941. The Atlantic Charter's sixth principle in particular, indicates the common resolve of the Allied Powers that "after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all lands may live out their lives in freedom from fear and want" (1941).

Following the adoption of the Charter of the United Nations on 26 June 1945 in San Francisco, US Secretary of State Edward Stettinius reflected on how the Atlantic Charter's notions of "freedom from fear" and "freedom from want" were to figure as integral components of the UN peace strategy:

> The battle of peace has to be fought on two fronts. The first is the security front where victory spells freedom from fear. The second is the economic and social front where victory spells freedom from want. Only victory on both fronts can assure the world of an enduring peace (UN 1945, 266).

Recalling the immediate post-World War II concerns over "freedom from fear" and "freedom from want," the UNDP's Report decried that during the Cold War the "concept of security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust. It has been related more to nation-states than to people" (UN Development Programme 1994, 22).

The basic security concerns of ordinary people such as "threat of disease, hunger, unemployment, crime, social conflict, political repression, and environmental hazards" (UN Development Programme 1994, 22) were not accorded high enough priority during the Cold War, the UNDP Report contends, because "[i]n the final analysis, human security is a child who did not die, a disease that did not spread, a

job that was not cut, an ethnic tension that did not explode in violence, a dissident who was not silenced. Human security is not a concern with weapons – it is a concern with human life and dignity" (UN Development Programme 1994, 22). Arguing for a concept of human security that is universal, interdependent in the sense that a threat to human security in one country should be recognized as a threat to human security everywhere, prevention-oriented and people-centered, the UNDP Report focuses on two main aspects: "... safety from such chronic threats as hunger, disease, and repression ... [and] ... protection from sudden and hurtful disruption in the patterns of daily life – whether in homes, jobs or communities" (UN Development Programme 1994, 23).

As for the link between human security and human development, the report considers human development to be a process of broadening the choices available to ordinary people whereas human security "means that people can exercise these choices safely and freely and that they can be relatively confident that the opportunities they have today are not totally lost tomorrow" (UN Development Programme 1994, 23). This idea of human security focuses more on the empowerment of people than on security in the traditional defensive sense against immediate threats involving war or other forms of conflict. The report goes on to identify the main components of human security from the perspective of freedom from fear and freedom from want. These components are economic security, food security, health security, environmental security, personal security, community security, and political security (UN Development Programme 1994, 23-4).

The UNDP Report provides a valuable starting point for elaborating a coherent conceptual and practical policy approach that links sustainable development and human security. First, the report views human welfare in terms of security, drawing attention to its importance *vis-à-vis* sustainable development. Second, the UNDP perspective introduces greater clarity into discussion on root causes of human misery by highlighting the importance of using concrete human development indicators, which provides a useful theoretical underpinning to human security related international and domestic policy making. Third, the UNDP's view of human security accords well with the shift in international relations from a bipolar world, in which superpowers often overwhelmed the national priorities of smaller sovereign States and dominated the international political agenda, towards a more multipolar international climate, which—so it was hoped—would allow for a sharp decrease in global military expenditures as Cold War tensions disappeared, and concomitant opportunities for increased social welfare expenditure. While the UNDP's groundbreaking report effectively helped to shift the focus of policy makers in international organizations, governments, academia, and other practitioners dealing with human security issues, from traditional state-centric concerns to those relating more directly to the well-being of individuals and groups under threat, the notion of human security itself remained rather general, even vague.

It became incumbent upon those who sensed that the concept of human security might be useful in international legal and policy discourse, to lend it greater precision and clarity. The voluminous scholarly literature that grew out of this

effort has given rise to a bewildering number of definitions on human security, and this chapter does not attempt to provide an exhaustive review of these meanings.[1] Rather, at this juncture, it is sufficient to distinguish narrower from broader notions of human security that have arisen since the UNDP Report's publication so that we will be in a better position to discern the potential added value of the human security concept to international legal theory or practice.

Narrower and broader meanings of human security

Narrower notions of human security tend to focus more on serious violations of human rights and humanitarian law. These kinds of violations have been conveniently grouped together under the rubric of the crimes under international law as they appear in the Rome Statute of the International Criminal Court (cf. ICC 1998) and include the following: the Crime of Aggression; Genocide; War Crimes; and Crimes Against Humanity. Broader notions of human security encompass also economic, social and cultural rights, such as the right to development, the right to a clean environment, the right to education, and the right to health, or even more general human rights-related values or goals such as democratic governance, anti-corruption in relation to development, the rule of law, or even any threat to human well-being, real or potential.

Traditional studies in international and national security have often focused on "clear and present dangers" or other perceived threats of such immediacy that they require exceptional measures, such as the invocation of a state of national emergency, the imposition of martial law and/or the suspension of certain human rights guarantees.[2] Indeed, laws in most or all countries explicitly authorize the use of extraordinary executive power to counter threats to the life of the nation.

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1   A good review of the main efforts to define human security is found in King and Murray (2002). There are also extensive bibliographies on early works dealing with human security, such as that prepared by Sara Edson (2001) and by the Harvard Program on Humanitarian Policy and Conflict Research (2001).

2   See, e.g., The Canada-Norway Partnership for Action: Lysøen Declaration, signed 11 May 1998 in Bergen, Norway, which considers that the main human security concerns shared by the governments of Canada and Norway center around landmines, the ICC, human rights, international humanitarian law, women and children in armed conflict, small arms proliferation, child soldiers, child labor, and Arctic and Northern co-operation (1998). The Declaration was followed by the formation of a Human Security Network in Norway in 1999 with Foreign Ministry representation from Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Switzerland, Slovenia, Thailand, and South Africa (as an observer). Over the last decade, the network has concentrated on the following human security issues: the ratification of the Ottawa Convention on Anti-personnel Landmines, the establishment of the ICC, the protection of children in armed conflict, the control of small arms and light weapons, the fight against transnational organized crime, the interrelation between human development and human security, human rights education, the

It is significant in this regard that when governments drafted the International Covenant on Civil and Political Rights (ICCPR) (cf. UN 1966a), they made sure to allow themselves authority to derogate from many of the rights set out in this treaty provided certain conditions were met.[3]

A strictly narrow approach to human security lacks explanatory and normative value however for several reasons. First, it presumes a hierarchical relation between civil and political rights on the one hand, such as the rights to life, not to be tortured or enslaved, to free speech, to freedom of association and assembly, to a fair trial, to vote, and, on the other hand, economic, social and cultural rights such as the rights to social security, to food and adequate housing, to medical care, unemployment insurance, old-age pension, right to strike, to receive maternity benefits, right to education, work, rest, and leisure. In this schema, civil and political rights take priority over economic, social and cultural rights. Historically, many Western governments have argued that only civil and political rights give rise to clear and specific legally binding obligations and they have viewed economic, social and cultural rights more as goal-oriented and programmatic in character, to be implemented over the longer term according to the availability of sufficient resources, as per Art. 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN 1966b, Art. 2). On the other hand, many socialist governments have argued that an individual's right to free speech or to vote means little if he or she is indigent, unemployed, or has nothing to eat.

Counterpoised with a hierarchical approach to the relation among human rights has been the perspective that all human rights must be considered on an equal level without strict priority. To appreciate the interconnectedness of human rights, it is useful to consider the following concrete example. In January 2006, Kenya's Information and Communications Minister, Mutahi Kagwe, announced that drought in more than half of Kenya's 70 districts would raise the number of Kenyans at risk from a food crisis from 2.5 million to 3.5 million. At the same time, Kenya forecast a surplus harvest of 62,500 metric tons of maize. Farmers outside the drought region had to wait two weeks to sell surplus maize—the nation's staple food—to the National Cereal and Produce Board. The press then accused the government of exporting its surplus food from western Kenya instead of using it to feed people starving in northern Kenya, forcing the government

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struggle against HIV/AIDS, addressing implementation gaps in international humanitarian and human rights law, and conflict prevention.

3   Article 4(1) of the International Covenant on Civil and Political Rights provides that: "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin" (UN 1966a, Art. 4 (1))

to change policy.[4] Amartya Sen has observed that "[i]t is not surprising that no famine has ever taken place in the history of the world in a functioning democracy – be it economically rich (as in contemporary Western Europe or North America) or relatively poor (as in post-independence India, or Botswana, or Zimbabwe)" because democratic governments "have to win elections and face public criticism, and have strong incentives to undertake measures to avert famines and other catastrophes" (Sen 1999, 16). One might object that Sen's view is overly sanguine at least as regards Zimbabwe which in October 2008 experienced an annual rate of 231 million percent inflation, and in November 2008 was being ravaged by critical food shortages and the spread of cholera, even in its capital Harare. To the contrary however, the situation in Zimbabwe in late 2008 and early 2009 seemed to lend weight to Sen's argument because famine and the rampant spread of disease only occurred in Zimbabwe once Mugabe's iron grip on power had almost completely destroyed any semblance of democratic governance in the country. Bearing all this in mind, could we really say that the right to food and the right to life were more important than freedom of speech, information and the press or other democratic freedoms such as the right to vote?

Second, the hierarchical approach to human rights was definitively rejected at the World Conference on Human Rights held in Vienna in 1993, which stated in para. 5 of its Declaration and Programme of Action that:

> All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms (UN 1993, para. 5).

It also stated that:

> To strengthen the enjoyment of economic, social and cultural rights, additional approaches should be examined, such as a system of indicators to measure progress in the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights. There must be a concerted effort to ensure

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4   See CNN which reported that: "Malnourished children cried feebly in hospital in this drought-stricken corner of Kenya, too weak to even make themselves heard as aid agencies warned Tuesday that they do not have money to feed millions of Kenyans hit by food shortages ... The crisis hit as Kenya forecast a surplus harvest of 62,500 metric tons (68,900 tons) of maize. Farmers in other parts of the country were waiting in lines for up to two weeks to sell surplus maize, the nation's staple food, to the national cereal and produce board ... Surplus food in the west of Kenya is being exported abroad rather than diverted to those at risk from the food crisis" (CNN 2006).

recognition of economic, social and cultural rights at the national, regional and international levels (UN 1993).

Third, the UN Committee on Economic, Social and Cultural Rights (CESCR), in General Comment 3 referred to Art. 3, 7 (a) (I), 8, 10 (3), 13 (2) (a), (3) and (4) and 15 (3) of the International Covenant on Economic, Social and Cultural Rights (cf. UN 1966b), opining that "[a]ny suggestion that the provisions indicated are inherently non-self-executing would seem to be difficult to sustain" (UN CESCR 1990, para. 5), particularly where constitutional recognition accords specific economic, social and cultural rights enforceability, making them justiciable. One could add that the established policy position of the Office of the UN High Commissioner for Human Rights has long been that civil and political rights and economic, social and cultural rights are "universal, indivisible, interdependent and interrelated."[5] In short, a concept of human security that presumes or promotes hierarchy within human rights norms conflicts with international law and UN policy and seems to accord best with basic common sense as well.

Fourth, an overly narrow approach to human security accords too little weight to the context within which human rights have to be protected. For example, we should not ignore the fact that the more serious violations of human dignity frequently have been perpetrated in situations of armed conflict (or an absence of peace), or in situations where democracy and the rule of law are weak or non-existent, where widespread and systematic impunity prevail, or where there is such serious inequality that many people cannot exercise their human rights in fact, despite the existence of formal democracy, equality, and the rule of law. Thus, an overly narrow view of human security tends to limit the search for enhancing human wellbeing on symptoms only, rather on deeper, underlying root causes. It is therefore likely to impoverish policy analysis and weaken prospects for effective practical action to solve problems relating to the human condition. Many Asian and African countries frequently have accused Western countries of having purposefully adopted a narrow human rights agenda to promote a sense of moral self-superiority and to "score points" on the international stage. At the same time, many African and Asian States, such as Sudan, China, or North Korea, have used the claim of Western bias as a ploy to excuse their own poor human rights practices. From a political point of view therefore, overly narrow concepts of human security will likely meet greater political resistance on an international level and enjoy less currency over the longer term.

On the other hand, an exclusive focus on peace, democracy, and the rule of law at the broadest level without sufficient attention to specific human rights violations, risks diluting both the concept of human security itself as well as international efforts to promote and protect it, whether these efforts are carried out through

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5   This position was firmly set forth with the establishment of the Office of the UN High Commissioner for Human Rights in General Assembly resolution 48/141 of 20 December 1993 (See UN General Assembly 1993).

intergovernmental organizations, governments, bilateral foreign assistance, or NGOs. In this connection, it is worth considering the arguments of Thomas Pogge who has argued that, purely on moral grounds, all international NGO efforts should be focused exclusively on eradicating poverty which kills some 50,000 people per day. A dollar spent to prevent or punish torture, arbitrary executions, or chronic human rights violations means that fewer resources go to ending poverty, which in any case constitutes a major cause of many human rights violations, directly as well as indirectly. International aid not spent on ending poverty actually prolongs human rights suffering and therefore aid not spent to eradicate poverty is immoral, he contends (cf. Pogge 2007).

The elegance and simplicity of Pogge's argument make it attractive indeed. Putting all resources towards eradicating the underlying causes of threats to human security could perhaps unite the entire international community in a goal that must be admitted to be laudable. Pogge's argument has the merit of underscoring poverty as an insidious and critical threat to human security. However, his approach counsels us to ignore violations, such as genocide or torture, on grounds that ending poverty will improve human rights everywhere. Yet, can we be certain that poverty, or some other cause, really is the *primum mobile* of all human rights violations? Aside from the fact that every State is under a set of international legal obligations to stop serious human rights and humanitarian law violations (by way of *jus cogens*), is there not also an ethical obligation upon every moral agent to do whatever is possible to protect others from immediate harm, and also to work to improve conditions along a broader front?

Other commentators, Ramesh Thakur, for example, have put forward very broad notions of human security:

> Human security refers to the quality of life of the people of a society or polity. Anything which degrades their quality of life – demographic pressures, diminished access to or stock or resources, and so on – is a security threat. Conversely, anything which can upgrade their quality of life – economic growth, improved access to resources, social and political empowerment, and so on – is an enhancement of human security (Thakur 1997, 53-4).

Thakur's notion of human security seems to say that anything that is good promotes human security and anything that is bad detracts from it. Logically, this says little more than "human security is good," which adds little theoretical value to the human security debate, and even less in terms of guidance for practical policy implementation.

At this juncture, it is also important to sound a note of caution over other rather vague usages of the term human security. Particularly since the 9/11 terrorist attacks on the World Trade Center in New York, and the Pentagon Building in Arlington, Virginia, some governments have used the term "human security" as a euphemism for "national security". So-called "Human Security Laws" and measures might be used in some cases to suspend human rights in a *de facto* state of emergency

or martial law. A government could also invoke "Human Security Laws" to circumvent its obligations under Art. 4 (3) of the International Covenant on Civil and Political Rights (ICCPR, Art. 4 (3)), which obliges every State party to inform all other covenant State parties immediately through the UN Secretary-General of derogations to covenant rights and freedoms, and provide reasons for such action (cf. UN 1966a). For example, the Government of the Philippines on 15 July 2007 passed a Human Security Law which concentrates counter-terrorism surveillance and monitoring powers in the Executive and which, critics fear, will be used by the government mainly against legitimate political opposition groups. Unless the term "human security" is given clear, coherent and specific prescriptive content, it is more likely to be misused by certain governments, diminishing its added value.

Amartya Sen's approach, building on former Japanese Prime Minister Keizo Obuchi's broad vision of human security, seems more useful, viewing human security as "the keyword to comprehensively seizing all of the menaces that threaten the survival, daily life, and dignity of human beings and to strengthening the efforts to confront these threats" (Obuchi 1998). Sen develops this broad idea to relate to: security of survival in regard to health, peace, and tolerance (to check pandemic and epidemic disease outbreaks, war, genocide); daily life in terms of the quality of living (requiring economic safety nets, basic education, health care, and full democratic participation, which together guarantee basic quality of life during economic downturn); information and ecology (information should be used to educate rich and poor to safeguard the quality of the ecological system); and dignity, equity, and solidarity (to wipe out persistent inequality based on gender, class, caste, ethnic background, etc.) (cf. Sen 2000).

In the Final Report of the Commission on Human Security, the UN Commission on Human Security opined that human security means "to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity" (UN Commission on Human Security 2003, 4). This notion of human security carries substantial prescriptive content, because it refers to: (1) the need for protection; (2) concrete human rights norms ("protecting fundamental freedoms"); (3) certain specific "threats and situations;" as well as (4) a threshold in the application of the concept of human security (with the qualifying elements "critical," "pervasive," "severe," and "widespread"). As such, the Final Report's perspective on human security represents a valuable conceptual refinement to that initially launched in the UNDP's Report and it therefore advances the prospects for developing a practical working tool for implementing human security measures as well.

The relation of human security to the doctrine of the "responsibility to protect"

The concept of human security implies that States bear a "responsibility to protect" the welfare of human beings and to accord this goal priority over more state-based considerations of sovereignty or State security. In 1999, the UN Security Council began to elaborate the concept of the "responsibility to protect" through a number of resolutions which basically: (1) condemn the deliberate targeting of civilians in situations of armed conflict; (2) highlight the importance of preventive measures; (3) urge strict compliance with international humanitarian, human rights, and refugee law; (4) urge an end to impunity for crimes under international law; (5) stress the need to ensure unhindered humanitarian access in conflict zones; (6) emphasize the need to control small arms, protect children in armed conflict; and (7) urge that all parties refrain from the use of anti-personnel landmines.[6]

At the 1999 session of the General Assembly, former UN Secretary-General Kofi Annan asked the critical question:

> To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might ask – not in the context of Kosovo – but in the context of Rwanda: If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defense of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold? (UN 1999).

The Secretary-General acknowledged that while the world could not remain complacent in the face of gross and systematic violations of human rights being perpetrated anywhere, any sort of intervention should be used only if it were "based on legitimate and universal principles" (UN 1999). In closing, he challenged States to develop a workable model of humanitarian intervention to "protect civilians from wholesale slaughter" (UN 1999). The Government of Canada responded to the Secretary-General's challenge by commissioning a study to try to sever the Gordian knot of sovereignty versus humanitarianism. In the Commission's report of December 2001, entitled *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (cf. ICSISS 2001), the Commission recommended that in cases where the Security Council and regional arrangements were blocked or took no action: "Military intervention to protect endangered human lives should and will occur only as a last resort, after the failure of other measures to achieve satisfactory results. Inevitably, it will be part of a broader political strategy directed towards persuading the targeted State to cooperate with international efforts" (ICISS 2001, para.7.3).

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6   See, in particular, UN Security Council (1999 and 2000).

The Secretary-General then followed up with the establishment of a High Level Panel on Threats, Challenges and Change, which drafted a report, proposing that the Security Council should adopt five criteria to determine when to intervene, namely: seriousness of threat, proper purpose, last resort, proportional means, and balance of consequences (cf. UN 2004). These were fleshed out more concretely as follows:

> (a) Seriousness of threat. Is the threatened harm to State or human security of a kind, and sufficiently clear and serious, to justify *prima facie* the use of military force? In the case of internal threats, does it involve genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law, actual or imminently apprehended? (b) Proper purpose. Is it clear that the primary purpose of the proposed military action is to halt or avert the threat in question, whatever other purposes or motives may be involved? (c) Last resort. Has every non-military option for meeting the threat in question been explored, with reasonable grounds for believing that other measures will not succeed? (d) Proportional means. Are the scale, duration and intensity of the proposed military action the minimum necessary to meet the threat in question? (e) Balance of consequences. Is there a reasonable chance of the military action being successful in meeting the threat in question, with the consequences of action not likely to be worse than the consequences of inaction? (UN 2004, para. 207)

One should also mention that other "responsibility to protect" Security Council resolutions support an enhanced role of the Secretary-General in conflict prevention. A number of these resolutions support an increased use of UN interdisciplinary fact-finding, confidence-building missions to regions of tension, through the development of regional prevention strategies and improvements in the capacity of the UN Secretariat (cf. UN Security Council 2001). Other Council resolutions draw attention to justice and reconciliation mechanisms including national, international and "mixed" criminal courts and tribunals as well as truth and reconciliation commissions, to promote peace, truth, reconciliation, the rights of the victims, while underlining the State's legal responsibility to comply with international criminal law (cf. UN Security Council 2006).

Significantly, at the 2005 World Summit, the General Assembly affirmed the "responsibility to protect" in its *Outcome Document* (cf. UN General Assembly 2005) and reaffirmed the importance of multilateralism according to international law. The General Assembly also emphasized the sufficiency of the Charter provisions to address the full range of threats to international peace and security, the Security Council's primary authority to mandate coercive action and underscored every State's responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity as well as to take preventive measures. The Assembly further announced that it was prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate

and national authorities be manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

Now that we have reviewed the international community's efforts to address human security issues through international law and practice and to identify current threats and challenges to human security *in concreto* in the context of a responsibility to protect, we are in a position to try to discern the potential "added value" of the human security concept and to relate it to the broader international legal and political framework.

The potential "added value" of the human security concept

Back in 2001, Roland Paris concluded that "as a new conceptualization of security, or a set of beliefs about the sources of conflict, human security is so vague that it verges on meaninglessness – and consequently offers little practical guidance to academics who might be interested in applying the concept, or to policy makers who must prioritize among competing policy goals" (Paris 2001, 102). Paris went on to consider that human security might, however, develop into a useful branch of security studies.

Has human security remained indeed too vague a concept to be valuable? The answer at present would seem to be a qualified "No," as long as we understand human security to include certain key elements. First, putting the word "human" beside "security" resonates well, because it implies that security has to be for people rather than for people to serve the security of the State. It implies the need for human-centric rather than state-centric security policy, in line with the rise of international human rights law since 1945. In other words, the concept of human security is valuable because it emphasizes a shift in perspective from the sovereign right of the State to ensure its own security, perhaps even at the expense of human security, towards the State's obligation to ensure, first and foremost, the security of human beings under its jurisdiction to be balanced with national security considerations. More promising perhaps, the concept of human security opens up linkages to the emerging doctrine of the "responsibility to protect." How important the "responsibility to protect" doctrine will become however, will be determined by the extent to which States and the international community at large act on it, and this remains to be seen. That the United Nations, European Union, Organization of American States, and to a certain extent the African Union, a good number of governments, NGOs, and scholars have increasingly used the term human security, seems to indicate that it is more than just a catchy term, and that it might be useful in terms of emphasizing this shift in perspective.

Secondly, while it may be true that the scholarly literature presents a bewildering array of views on human security, this should not cause undue concern in and of itself, because human security is still a relatively new concept. By comparison, international human rights started out with only a few, very vague

references in the Charter of the United Nations of 1945. These led to the drafting of 30 articles that make up the Universal Declaration of Human Rights (cf. UN General Assembly 1948). Over the subsequent 60 years, international human rights acquired clarity, specificity, binding legal character, and applicability through refinement in: multilateral treaties; customary international law; the accretion of general principles; writings of doctrinal scholars; judicial/quasi-judicial decisions at international, regional, and domestic levels; and a wide range of special procedures mechanisms at UN and regional levels. To cite another example, modern humanitarian law, which today is relatively detailed, even intricate, began to take its modern form only with ten principles laid down in August 1864 in the first Red Cross Convention which itself was not very specific.

In short, human security could serve as a useful unifying principle, if it were infused with coherent prescriptive content and anchored well in general international law, even if this did not form the basis for a discrete branch or sub-branch of international law. More specifically, human security could play an important role first, from a moral point of view, to focus on the more direct, urgent, immediate and preventable causes of human suffering. Second, it could perform the role of a central principle to guide law, policy, and practice, if it were to become thoroughly informed by current norms of international human rights law, international humanitarian law, international refugee law, and international criminal law. Moreover, human security challenges and solutions must be understood against the background of the international law governing the legitimate use of force in international relations, rather than to become connected to some version or other of unilateral "humanitarian intervention."

One could envisage human security as the central focus of the major international legal regimes which have developed over time to protect humanity in mutually complementary and overlapping ways as regards particularly dire situations. Imagine a constellation of concrete issues which the international community has identified as particularly relevant to human security concerns, and which therefore require special attention. These could be loosely clustered and graphically represented in close proximity to the particular international legal fields that broadly serve to address them as follows:

International criminal law and human rights
- Democracy/Rule of Law
- Anti-Corruption
- Counter Terrorism

International criminal law and international humanitarian law
- Small Arms/Disarmament, Demobilization and Reintegration of Army and/or Rebels (DDR)
- Weapons of Mass Destruction (WMD)
- Transitional Justice

International human rights law and international refugee law and
- Gender Equality
- Rights of Minorities/Migrant Workers
- Rights of the Child

International humanitarian law and international refugee law
- Development
- Peace and Security
- Assistance to Internally Displaced Persons (IDPs)
- Rights in Occupied Territories

To sum up, in order to bring an appreciable "added value" to international legal theory or practice, the concept of human security should be understood as the proper concern of existing international law and multilateral cooperation. The "added value" of the concept of human security lies in its potential function to maintain the central focus of international law, policy, and action on the priority of human dignity over State sovereignty, market capitalism, military/strategic considerations, or other state-centric values. I would represent this central focus graphically as in the following figure:
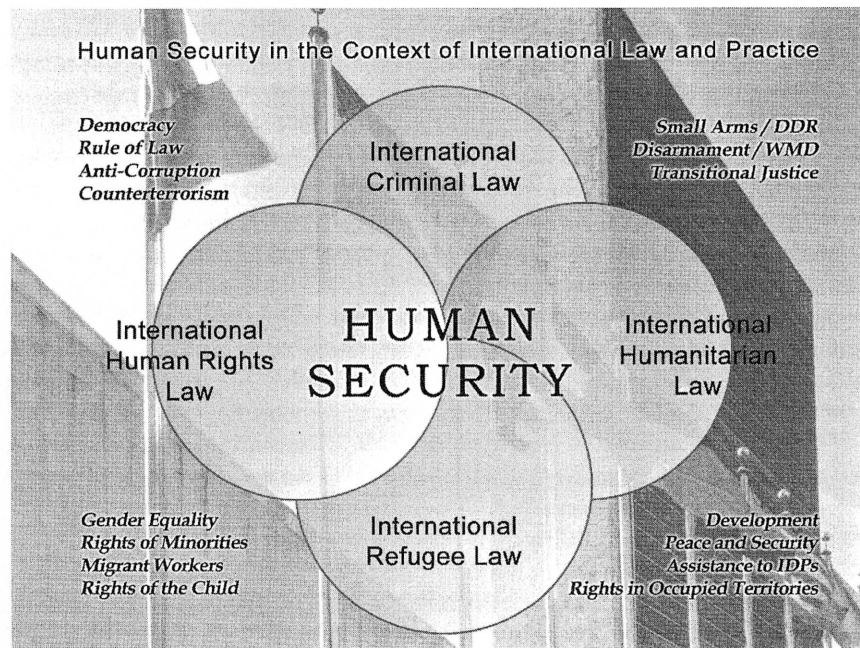
Figure 8.1 Human Security in Context
Source: © Lyal S. Sunga 2008.

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