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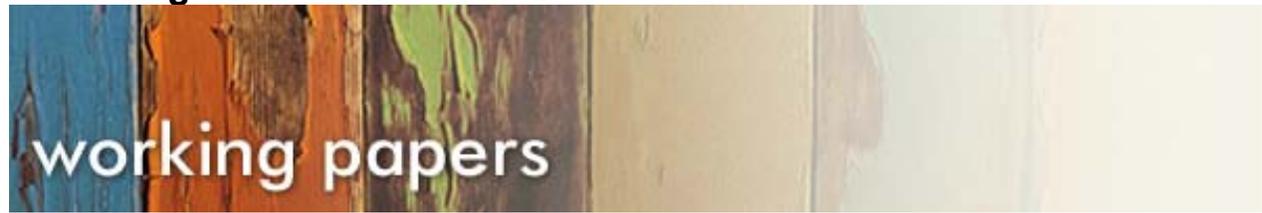
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Human Security: Undermining Human Rights?

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HUMAN SECURITY: UNDERMINING HUMAN RIGHTS?

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This paper warns that the human security discourse and agenda could inadvertently undermine the international human rights regime. It argues that in so far as human security identifies new threats to well-being, new victims of those threats, new duties of states, and/or new mechanisms of dealing with threats at the inter-state level, it adds to the established human rights regime. In so far as it simply rephrases human rights principles without identifying new threats, victims, duty-bearers, or mechanisms, at best it complements human rights and at worst it could undermine them. The narrow view of human security, as defined below, is a valuable addition to the international normative regime requiring state and international action against severe threats to human beings. By contrast, the broader view of human security at best repeats, and possibly undermines, the already extant human rights regime, especially by converting state obligations to respect individuals' inalienable human rights into policy decisions regarding which aspects of human security to protect under which circumstances. The two may be competing discourses, despite arguments by some scholars (Tadjbakhsh and Chenoy 2007, 12) that they are not.

Human Security: the Concept

The term "human security" was introduced into international discussion in the 1990s as a response to new (or more generalized) "downside risks" that could affect everyone. The United Nations Development Programme (UNDP) defined human security as both "safety from such chronic threats as hunger, disease and repression" and

"protection from sudden and hurtful disruptions in the patterns of daily life" (United Nations Development Programme 1994, 23). Although the actual term, "human security," was first used by the UNDP in 1994, its origins can be traced to earlier UN commissions on the environment, development, and global governance (Oberleitner 2005a, 185). The Clinton administration used the term in many foreign policy speeches in 1993 and 1994 (Rothschild 1995, 55). Even earlier, the Helsinki Accords of 1975 linked state security to individual human rights (Donnelly 2003, 249).

The 1994 UNDP report focused on the risks of "unchecked population growth, disparities in economic opportunities, excessive international migration, environmental degradation, drug production and trafficking, [and] international terrorism" (United Nations Development Programme 1994, 34). Later, other risks such as the spread of disease and instability in financial markets were added (Fukuda-Parr 2003, 175-6). The human security agenda focuses on "early warning and prevention" (Fukuda-Parr 2003, 171) of all these downside risks, to which almost everyone, rich and poor, in the North or South, is vulnerable. Thus, the human security agenda identifies "new" threats to human well-being, in the sense that the threats are actually new (climate change), more extreme than in previous decades (terrorism), or previously not thought of as a threat to human security (excessive migration).

The stress on "human" security was meant to be a counterweight to the view that the only form of security that mattered was state security, defined quite narrowly as "military defense of state interests and territory" (Paris 2001, 87). The focus of human security is "people," as opposed to states. Human security's principal goal is to extend the concept of security beyond national security, as one way to force states to pay more

attention to the needs of their citizens. The choice of the term "security" is meant to persuade governments that citizens' security *is* state security; if citizens are insecure, then states are insecure. Furthermore, the term implies that states can be adversely affected by the insecurity of citizens outside their own borders; for example, by uncontrollable flows of illegal economic migrants. As a matter of self-interest, therefore, governments should participate in the protection of citizens of other states against standard threats to their security. Thus, human security identifies new victims of threats in the sense that it proposes broadening each state's responsibilities to citizens of other states, not only through the mechanisms of international laws or courts to which states may be party, but also through other aspects of each state's foreign, and indeed domestic, policies. For example, a state might decide to devote more resources to international efforts to ameliorate climate change or the threat of terrorism, or to liberalize its immigration laws.

The other innovation of the human security agenda is its suggestion that the international community has obligations to protect "people." The UN, and/or coalitions of states, the human security agenda proposes, is obliged to intervene to protect citizens' security when their own states cannot provide it. Human security, in the view of one of its advocates, is a form of "forward defense" against common threats to humanity, utilizing new diplomatic and other tools (Heinbecker 2000, 13). It identifies new duty-bearers to protect human security and suggests new mechanisms that they can use. Thus, the original 1994 human security agenda intersects with the later agenda of the Responsibility to Protect (R2P) (Axworthy 2007, xiii) in an on-going attempt to legitimize and regularize international intervention when states cannot, or will not, protect their own citizens. The R2P document, commissioned by the Government of

Canada as one of its human security initiatives, argues that the international community is justified in undertaking military intervention when states fail to protect their citizens from large scale loss of life that is a product of deliberate state action, state neglect, or inability to act; when there is a failed state situation; or when there is large-scale ethnic cleansing (International Commission on Intervention and State Sovereignty 2001). In 2005 the UN General Assembly agreed in principle with these recommendations (Evans 2008).

Despite the fairly compact list of generalized threats in the 1994 UNDP Report, there is substantial analytical disagreement about precisely what constitutes human insecurity. The narrower view focuses on crisis situations that require international remedies (Thomas and Tow 2002, 178). In some instances, the human security agenda can transcend professional distinctions such as between "humanitarian relief, development assistance, human rights advocacy and conflict resolution" (Uvin 2004, 352), requiring new, co-ordinated mechanisms of international co-operation or intervention to replace the piecemeal institutional approach that characterized international attempts to remedy large-scale crises in the past.

This narrow approach stems in part from the human security agenda proposed and implemented by the then Liberal Foreign Minister of Canada, Lloyd Axworthy, in the late 1990s. In his view, human security referred to such matters as "Protecting civilians, addressing the plight of war-affected children and the threat of terrorism and drugs, managing open borders, and combating infectious diseases" (Axworthy 2001, 19). Human security lost its premier place in Canadian foreign policy after Axworthy's tenure as Foreign Minister ended in 2000, even under succeeding Liberal Ministers (Hynek and Bosold 2009; Furtado 2008).

Other attempts to define human security take a broader approach than did Axworthy. Convened in 2001 at the behest of Japan, the Commission on Human Security delivered its Report in 2003, arguing *inter alia* that human security included protection against extreme impoverishment, provision of basic education, and provision of health care and social protection (Commission on Human Security 2003, 7). This Japanese creation of a "security-development nexus" (Roberts 2006, 249) was partly a reaction to the impoverishment caused by the Asian economic crisis of 1997-99 (Commission on Human Security 2003, 8-9), which resulted in a heightened sense of vulnerability in the Asian region to world economic events (Acharya 2001, 448; Evans 2004). Japan set up a UN Trust Fund for human security in 1999, with a budget of $170 million by 2002. The Trust's geographical focus was Southeast Asia and Africa (Bosold and Werthes 2005, 95), and its substantive focus was development. The "Japanese" approach, ostensibly stressing development or freedom from want, is sometimes contrasted with the "Canadian" approach, ostensibly stressing freedom from fear (Bosold and Werthes 2005). However, in 2006 Japan and Mexico established a Friends of Human Security network within the UN (Oberleitner 2009, 487). This discussion forum for state and UN representatives leaned towards a broad, multidimensional view of human security, focusing on both freedom from want and freedom from fear (Co-Chairs 2007).

Some scholars advocate an even broader definition of human security than freedom from want and fear, referring to almost any aspect of an individual's life that might make her insecure. King and Murray, for example, redefine human security as "the number of years of future life spent outside a state of 'generalized poverty'" (King and Murray 2001-02, 585). Hoogenssen and Rottem include domestic violence as an indicator of

human insecurity (Hoogensen and Rottem 2004, 167), while Caprioli applies the language of human security to the entire range of women's rights (Caprioli 2004). Even more nebulous is the idea of human security as "social, psychological, political, and economic factors that promote and protect human well-being through time" (Leaning 2004, 355). Thus, in the broader interpretations proposed by some scholars, human security now seems to refer to any possible need that any individual might have, including needs such as provision of psychological security never before defined as an obligation of either states or the international system.

This broad view of human insecurity sometimes identifies new threats to individuals' well-being and perhaps new victims of such threats, depending on each researcher's view of what human security should comprise. Moreover, it implicitly proposes new duties on states to protect the victims of violations of well-being, both internally and within other states, and implicitly suggests that new mechanisms for protection are needed. However, it is not clear what these new duties are or what new mechanisms might be used to fulfill them. If the duty-bearer for human security is the international community, or some subset of it, then the new mechanisms the community could use to combat generalized poverty, domestic violence, or psychological factors that undermine human well-being are far from clearly explained.

International Human Rights Law

Human rights are rights that, in principle, all human beings are entitled to, merely by virtue of being biologically human. They are individual rights, not tied to any particular social status or to group, communal, national, or any other membership. Human rights do not have to be earned, nor can they be limited except by conformity to

the rule of law, for example when convicted criminals are deprived of freedom of movement. Individual human beings can assert their human rights, while states and other entities are obliged to respect, protect, and fulfill them. To respect human rights means not to violate them; to protect them means to ensure that they are not violated by others; and to fulfill them means to implement positive measures to ensure that individuals enjoy their rights. Human rights are inalienable; the state may not withdraw any individual's human rights except under conditions prescribed by the rule of law or (for some rights only) in situations of national emergency.

The international human rights legal regime precedes the discourse on human security by over forty years. Human rights were originally enshrined in the United Nation's (UN) International Bill of Rights, which consists of the1948 Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Civil and Political Rights (ICCPR), and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR). Civil and political rights include, for example, protection against torture, the right to a fair trial, and the right to vote. Economic, social, and cultural rights include, for example, the right to work, the right to form trade unions, and the rights to education, social security, an adequate standard of living, and the highest attainable standard of health. There are also so-called collective rights, such as to development (United Nations General Assembly 1986). Many other more specific human rights treaties, some of which are mentioned below, have been agreed to since 1966.

Since the United Nations' World Conference on Human Rights held in Vienna in 1993, international law has recognized that all human rights are universal, indivisible, interdependent and interrelated (United Nations 1993, 185-9; Whelan 2010); that is, it is

not possible to enjoy one set of rights without enjoying the other sets. This principle thus predates assumptions of inter-connectedness among solutions to problems of human insecurity.

Human rights were originally designed to protect the individual against the state. Gross human rights violations such as extra-judicial execution, arbitrary arrest, and torture are usually committed by the state, although they can also be committed by non-state entities such as armed rebel militias. Civil rights such as due process, a fair trial, and habeas corpus are necessary to protect citizens against these abuses. So also are political rights such as freedom of speech, freedom of assembly, and the right to vote. The ubiquity of the state makes necessary a universal human rights standard, regardless of the type of political regime.

Since the inception of the UDHR, however, human rights have gradually evolved to also protect individuals against non-state actors (Andreopoulos, Arat, and Juviler 2006); all organs of society are expected to protect human rights. An emerging normative regime obliges transnational corporations (Steinhardt 2005; Ruggie 2007; Gibney, Tomasevski, and Vedsted-Hansen 1999; Gibney 2008) and international organizations such as international financial institutions (IFIs) (Clapham 2006; Kinley 2009) to respect human rights. Moreover, human rights obligations now extend to what was earlier considered to be the "private" societal and family level. Society, the family, and individuals bear human rights obligations to the disabled, the aged, women, children, and increasingly to sexual minorities. Treaties such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) and the Convention on the Rights of the Child (CRC) (1989) protect women and children against social actors

and against abuse by family members, as well as against abuse by the state.

Most important from the perspective of the differences between the international human rights legal regime and the discourse of human security, respect for and protection and fulfillment of human rights are not policy choices. States may not pick and choose among which rights to protect, whose rights to protect, or when to protect them. States that have signed and ratified the relevant human rights treaties are not permitted to prioritize one right, or set of rights, over another in the fulfillment of policy objectives (Oberleitner 2005b, 596). Nor may states use real or perceived security threats as excuses to pick and choose among which rights to respect, whether traditional state security threats such as military attack or new human security threats such as climate change. Although some human rights may be suspended during states of emergency, some—such as the protection against torture-- may not be derogated from regardless of the situation.

Furthermore, states must protect the rights of their individual citizens. They may not derogate from the rights of some individuals in the name of protection of the national "people," or any subset thereof. Individual citizens, moreover, possess the legal right to demand that their human rights be enforced, whereas the individual has no standing in the human security discussion (Rothschild 1999, 70-71). National laws; regional treaties such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the American Convention on Human Rights (1969), and the African Charter on Human and Peoples' Rights (1981); and international bodies such as the United Nations Human Rights Committee, are all entities to which individuals can appeal violations of their rights, although their enforcement powers differ.

 On the other hand, rarely can an individual appeal to a state to protect his human

rights if he is not a citizen of that state. This leaves stateless individuals unprotected, while migrants, whether legal or illegal, frequently have no recourse against violation of their human rights even if they are formally citizens of a state where they no longer reside. Human security's broadening of states' responsibilities to include non-citizens, even if in principle rather than practice, is thus a significant change from the international human rights regime, with its insistence primarily on states' responsibilities to their own citizens (Rothschild 1999, 83).

Defenders of the human security approach might argue that although the human rights legal regime is extensive, it has not had much, if any, real positive effect since 1945. Some scholars argue that there is no evidence that when a state signs a human rights treaty, its actual human rights performance improves (Keith 1999). It seems that states sign treaties and take part in the ritual of United Nations human rights monitoring to gain international and internal legitimacy, rather than to improve their domestic human rights performance. On the other hand, some states are acculturated by international norms to improve their own human rights performance (Stacy 2009, 124), and states that are criticized by UN monitoring bodies for poor protection of human rights after signing the ICCPR and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (United Nations General Assembly 1984) improve their performance (Clark 2009). Recent statistical work shows that on average, state ratification of human rights treaties does improve internal human rights performance (Simmons 2009; Landman 2005).

The human rights legal regime is also the underpinning for a strong, international civil society movement that during the last three decades has penetrated all areas of the

world. It is a standard of achievement upon which citizens can rely in criticizing not only their own governments, but also non-state entities such as private corporations, and supra-state international organizations such as the World Bank and the International Monetary Fund. Even when the human rights obligations of non-state and supra-state entities are not yet strongly enshrined in law, the normative power of human rights is compelling.

On the other hand, the human rights regime does not make strong demands on the international system. Few international mechanisms exist that can actually check human rights abuses. The UN Security Council (UNSC) can pass Resolutions regarding human rights abuses it deems to adversely affect international peace and security. The International Criminal Court (ICC) can convict individuals of war crimes, crimes against humanity, or genocide, but only after they have already severely abused human rights. Various UN human rights committees dealing with civil and political rights; economic, social and cultural rights; racial discrimination; discrimination against women; protection against torture; children's rights; and rights of migrant workers can assess and comment on state reports of compliance with human rights treaty obligations (Mertus 2005, 80-114). In some circumstances, these committees can also hear individual complaints against states. However, none of these committees has any enforcement powers except by monitoring states that violate human rights, shaming violators, and persuading them to change their practices. Thus, although individual states bear the responsibility to protect their citizens' human rights (and in some cases, the rights of non-citizens) the international system as a whole does not bear similar responsibilities.

Improving on the International Human Rights Regime

The narrower view of human security, as originally proposed in the 1994 UNDP Report, identifies some new, and universal, threats to human well-being. It identifies some collective, existential threats that are not direct human rights violations, such as global warming/climate change. It also identifies threats to people who otherwise enjoy all their human rights; for example, the financial crisis of 2008-09 seemed to indicate for many middle class North Americans the end of the financial security they were used to and that permitted them to enjoy their economic human rights. The narrow human security agenda also focuses attention on people who are not under the legal or effective protection of any state, such as stateless individuals, non-status refugees, and illegal economic migrants. However, there is some disagreement as to who exactly is the object of protection of human security. Sukhre suggests that "the core of human insecurity can be seen as extreme vulnerability" (Suhrke 1999, 272), so that the responsibility is to protect the most vulnerable. This appears to contradict the original contribution of the 1994 UNDP, which identified existential threats that pertained to everyone, even those not normally thought to be vulnerable at all.

The narrower human security agenda also permits a new approach to international relations. It is a political, mobilizing slogan (Krause 2005, 6) to undermine exclusive state sovereignty over the security of "people," or citizens. It is a new form of norm creation that can reinforce R2P principles, cascade into the wider foreign policy community, and perhaps eventually influence new norms guiding the decisions of the UNSC, such as the 2006 UNSC Resolution 1674 on the Responsibility to Protect. This Resolution's primary purpose is to advise states that they bear the responsibility to

protect their own citizens; that is, they no longer possess the sovereign right to treat their citizens as they see fit, even if this means violating their human rights. However, Clause 26 of this Resolution also notes that "the deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict, may constitute a threat to international peace and security," and reaffirms the readiness of the UNSC "to consider such situations and, where necessary, to adopt appropriate steps" to ameliorate these violations (United Nations Security Council 2006 April 28).

Thus, the narrow view of human security proposes stronger enforcement mechanisms by the international community (Hampson and Oliver 1998, 404) to remedy extreme human rights violations, whether interstate or intrastate. This is an important innovation, as despite the widening of human rights obligations discussed above, individuals and groups still do not have any right to call on the international community to protect them in times of severe human rights abuse such as genocide or ethnic cleansing. For all such protections, they depend on states' votes in the UNSC.

The narrower human security agenda also provides clearer foreign policy focus or guidance for those states that seriously adopt it, as did Canada when Axworthy was Foreign Minister. Promotion of a ban on land mines, concern for child soldiers, promotion of the ICC, and commissioning the R2P Report gave Canada a niche in international diplomacy and a way to exercise soft or "persuasive" power (Brunnee and Toope 2004, 249) without resorting to force. It provided an independent role in the formation of international policy for some like-minded middle powers and less-developed states (Goetschel 2005, 28).

The Canadian, Norwegian and Swiss governments established a Human Security Network in 1998 (Government of Canada and Norway 1998), which other countries including Chile, Jordan, Austria, Ireland, Mali, Greece, Slovakia, Thailand, the Netherlands, and South Africa (with observer status only) joined (Krause 2005, 3). The Network's main activity is annual meeting of member states' foreign ministers, who also consult on human security with non-governmental organizations (Brysk 2009, 206-8). This coalition, however, lacks focus, as it has adopted the broader human security approach, concerned not only with the concise foreign policy matters that were originally Canada's concerns, but also with "people-centred development," including alleviation of poverty and provision of social services (Human Security Network 2006). Moreover, most, if not all, members of the Network are "relatively minor players" in international affairs (Stairs 1999). Thus, the Network does not appear to have had any significant impact on how the international community addresses the responsibility to protect people, either from gross human rights violations such as genocide or from day-to-day intra-state violations of human rights.

Subordinating Human Rights to Human Security

The 1994 UNDP Report refers to human rights in its section on political security, stating that "One of the most important aspects of human security is that people should be able to live in a society that honours their basic human rights" (United Nations Development Programme 1994, 32). It argues:

For most people, a feeling of insecurity arises more from worries about daily life than from the dread of a cataclysmic world event. Will they and

their families have enough to eat? Will they lose their jobs? Will their

streets and neighbourhoods be safe from crime? Will they be tortured by a

repressive state? Will they become a victim of violence because of their

gender? Will their religion or ethnic origin target them for persecution?

(United Nations Development Programme 1994, 22)

This list of threats to individual human rights does not identify new threats, new

victims, new duties, or new mechanisms to remedy human rights violations; thus, it does

not show how using the language of human security instead of referring to national law

or the international human rights legal regime might improve the situation of victims of

human rights abuses. It is already the duty of states to remedy these worries about daily

life. National welfare policies exist (in some states) to ensure that everyone has enough to

eat and to provide some income for people who lose their jobs; these policies fulfill the

obligations of states that are party to the ICESCR. Although individuals' personal

physical security is indeed threatened by crime, states bear the primary responsibility

through their police forces to protect individuals against criminals. International human

rights laws and treaties, including the Convention against Torture and the 1966

Convention on the Elimination of All Forms of Racial Discrimination (CEDR) (United

Nations General Assembly 1966), already impose obligations on states to protect

individuals against torture and against religious and ethnic discrimination. Finally,

national criminal laws already exist to combat violence against women; these laws are

reinforced in principle by the 1994 United Nations Declaration against violence against

women (United Nations General Assembly 1994). States that do not protect their citizens

from want, crime, torture, discrimination, or gender-based violence when these abuses are considered human rights violations are no more likely to protect their citizens when those same abuses are considered violations of their citizens' security.

Moreover, to re-label these common threats to human well-being as human insecurity rather than human rights violations does not shift responsibility for their amelioration from states to the international arena. For example, only in the last instance, through refugee law, is there an obligation on other states to protect individuals against domestic violence (Alfredson 2009) or torture in their home state. States are not obliged to protect citizens of other states from poverty: economic refugees are not a legally-recognized category. Some legal scholars do argue for expansion of state responsibilities to citizens of other states; for example, jurisprudence emerging from the UN Declaration on the Right to Development maintains that richer states are obliged to assist poorer states to develop (Gibney 2008, 108). These proposed changes, however, emerge from reinterpretations and extensions of existing human rights law, not from introduction of the discourse of human security.

Except in so far as it encompasses within its purview the narrower approach, the broader vocabulary of human security does not improve on the national laws, principles and policies meant to protect, promote and fulfill human rights, nor does it improve on the international human rights legal regime. The international community is unlikely to adopt the duty to remedy human rights abuses clearly in individual states' domains of domestic responsibility, unless they reach the threshold not only of exceptionally violent and widespread abuse, but also of threats to other countries, such as increased risks of terrorism, or threats to "traditional" international peace and security. Nor is the

international community likely to adopt new humanitarian mechanisms to protect individuals against the entire range of insecurities to which they are subject, by and within their own states. For most human rights abuses and/or insecurities, the international community will continue to rely on persuasion, shaming, and monitoring by the various UN human rights treaty bodies, occasionally and inconsistently using stronger measures such as sanctions and military intervention to combat genocide or ethnic cleansing.

Just as the 1994 UNDP Report neglects the pre-existent human rights regime, so also there is remarkably little reference to the human rights regime in the scholarly debate on human security. Indeed, some scholars of human security (e.g, MacArthur 2008; Thomas 2001) ignore the human rights regime. They do not acknowledge that international human rights law already addresses many of the problems they identify, such as underdevelopment and the failure to fulfill individuals' basic needs of food, shelter, health care and education.

Sadako Ogata and Johan Cels list ten key human security concerns (Ogata and Cels 2003). Four concerns fit the narrower human security agenda and are not adequately, or at all, addressed by human rights: these are protection of people in violent conflicts; protection from weapons proliferation; protection of "people on the move" (other than migrant workers and their families (United Nations General Assembly 1990)); and the responsibility to rebuild in conflict situations. Four other concerns are already extensively covered by human rights documents: these are ensuring livelihoods and work-based security, already covered in clauses such as women's right to access credit (Article 14, 1, g) in CEDAW; poverty-related health threats, covered in the ICESCR and subsequent

documents; the right of the of the poor to benefit from technological and knowledge-based advances, already noted as a universal right in Article 27 (1) of the UDHR; and the right to basic education, noted in Article 26 of the UDHR and in many subsequent documents.

Ogata and Cels' ninth suggestion, that markets be reformed to balance growth and investment with social services and human development, is prefigured in the extensive discussion in the human rights literature of the responsibilities of multinational corporations and IFIs. Even Ogata and Cels' tenth, most nebulous, and most difficult, goal -- to form "compassionate attitudes and ethical outlooks from a global perspective," (Ogata and Cels 2003, 279) -- is presaged in the UDHR's statement (Article 26, 2) that "education shall be directed…to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups."

Oberleitner states that "Human security is a concept based on common values, rather than national interest" (Oberleitner 2005a, 190), yet there is already an enormous body of human rights law based on common values rather than national interest. As of January 2010, 165 states were party to the ICCPR, 160 to the ICESCR, 173 to CERD, 146 to CAT, and 186 to CEDAW (United Nations 2010), all key treaties dealing with—and predating—many of the preoccupations of the broader view of human security. It is unlikely that states that are already party to human rights treaties, yet ignore their obligations, will honor them if they articulated in the guise of human security rather than human rights. Rather, attention to human security as the reigning discourse of international justice might help delinquent states deflect attention from their violations of

human rights. The discourse of human security is not one of state obligations and individual entitlements: it is a discourse that permits states to make choices as to what aspects they wish to protect.

In the human security discourse, moreover, human rights appear to be merely a subset of human security concerns, and as such less worthy of attention than they have heretofore been. Hampson presents an idiosyncratic definition of human rights, derived from American constitutional principles. He claims that the "'natural rights/rule of law' conception of human security is anchored in the fundamental liberal assumption that individuals have a basic right to 'life, liberty, and the pursuit of happiness'" (Hampson 2002, 5). In fact, human rights are far more firmly articulated in international law than Hampson suggests, and address a much wider range of problems than he identifies. Hampson's definition of human rights trivializes them by not referring to the body of international law built up since the 1948 UDHR, and by not identifying what rights already overlap with—indeed precede—the human security agenda.

A key aspect of the human security rhetoric is its focus on freedom from fear and freedom from want (United Nations Development Programme 1994, 24), referring back to Franklin D. Roosevelt's famous speech on the Four Freedoms in 1941 (Roosevelt 1941 January 6). Freedom from fear of extra-judicial killings, torture, imprisonment and other such abuses is central to the earliest conceptions of human rights, as reflected in the UDHR and the ICCPR. Freedom from want is also a central part of the human rights agenda, embedded in both the UDHR and the ICESCR. The stress on freedom from want and freedom from fear in the human security discourse runs the risk of separating the two, the "Axworthy school" emphasizing freedom from fear while the "Japanese school"

emphasizes freedom from want. This division is facile, as those who want also often fear, and those who fear also often want, as the Vienna Declaration on Human Rights affirmed by declaring the indivisibility of human rights. Freedom from want—stressed by the development-oriented Japanese school-- requires freedom from fear (of torture, imprisonment, execution); citizens require protection of their civil and political rights in order to achieve their economic human rights. China, for example, has experienced rapid economic growth since 1978 without instituting civil and political rights; without these rights, citizens are unable to protest China's growing inequality, official corruption, and irrelevant or downright rights-abusive "development" projects.

To de-politicize freedom from want by suggesting that it is merely a consequence of lack of "development," suggesting that state agents are less responsible than impersonal market forces for human insecurity, allows states to endorse a cosmetic agenda of concern for their citizens' material needs while ignoring their own complicity in creating want. Underdevelopment is often exacerbated by state policies such as underpayment for peasants' crops by state marketing boards, forcible expropriations of citizens' land or urban property, or unreasonable controls on urban markets. It is also exacerbated—if not indeed caused-- by the massive corruption of state elites.

One should, therefore, be wary of states that encourage the broader human security approach as an alternative to better protection of human rights within their own societies. If the broader concept of human security is attractive to Asian states, that may be not only because it focuses on supposedly a-political problems of development, but also because it deflects attention away from internal and avoidable violations of human rights. The

concept of human security might nicely replace the discredited claims of earlier decades to collective, communitarian Asian (Donnelly 2003, 107-23) and African concepts of "human rights" that deliberately undermined their individual and inalienable characteristics, and ignored the necessity for a rule of law that permitted individuals to make claims against the state.

Oberleitner suggests that human security can show "that human rights and the security of nation states…are not opposing aims but in fact converge" (Oberleitner 2005b, 604). Long-term analysis of such states as the US, China, or Israel might indeed support such a point of view, but in the shorter term, states—or the elites that control them, even in democracies—might well believe that suppression of their citizens' human rights is in their interest. While one might wish to believe that both human rights and human security demonstrate that "common values are stronger than particular needs," (Oberleitner 2005b, 605), in reality the particular needs—or desires—of those who control states usually trump common values. The advantage of the concept of human rights over human security is that it recognizes that the interests of individuals and states do not converge; that despite all the inter-state talk and treaties meant to protect individuals, their governments continue to abuse them.

Krause states that "use of the concept of human security by states and decision-makers is not merely a trivial matter of labeling. Rather, it leads states and policy-makers to focus on different issues, to ask different questions, and even to promote different policies…." (Krause 2005, 1). Similarly Khong notes that "Once an issue…is securitized, its status in the policy hierarchy changes" (Khong 2001, 231). The narrower human security discourse focuses particularly on threats emerging from failed or

collapsed states (Hampson and Oliver 1998, 386) and conflict situations. Yet human rights violations can occur just as much in strong states, such as China, as in failing states. Similarly, human rights can be violated, and often are, in non-conflict situations where there is no evident state failure, as in North Korea. Human rights problems in strong states that can prevent their citizens from fleeing or turning to terrorism do not affect the security of other states the way that human rights violations in failing states do. There is a danger in focusing only on security issues abroad that might adversely affect "'our' physical protection," so that, for example, the Western world would focus on poverty in areas that breed terrorism but not on poverty elsewhere (Owen 2004, 379). The securitization of some types of human rights violations over others may mean that some violations of human rights will disappear from public concern.

The human security discourse, both narrow and broad, may also unintentionally privilege threats to collectivities over threats to individuals. The nebulous term, "people," used in some of the human security discourse, contributes to such privileging. "People" can mean a group or collection of individuals, or it can mean "a people," suggesting a particular national or minority group. The term "individual" is clearer: any one individual or any number of individuals can be victims of human rights violations, even if they do not constitute an ethnic or national "people" or any other kind of collectivity. The term "people," does not clarify that individuals take priority over collectivities, nor does it clarify that a people does not mean a state. By its focus on threats to collectivities rather than individuals, the human security approach could unintentionally undermine human rights claim within states by individuals.

Undermining the International Human Rights Regime

The Commission on Human Security claims that the human rights perspective "leaves open the question of which particular freedoms are crucial enough to count as human rights that society should acknowledge, safeguard and promote," arguing further that "human security can make a significant contribution [to defining which human rights are crucial] by identifying the importance of freedom from basic insecurities." Further, the Commission claims that by using the concept of human security, it can provide "reasoned substantiation" (Commission on Human Security 2003, 9) for some human rights. Yet myriad ethical and empirical arguments made over many centuries already provide such reasoned substantiation, showing that individuals are more secure when not tortured than when tortured, when not starving than when starving, when not subjected to discrimination than when subjected to it, and so forth.

Moreover, the Commission's suggestion that some freedoms are crucial, while others are not, implies that that there are some human rights that society does not need to acknowledge, safeguard and promote because they do not address basic insecurities. This undermines the wide and substantive body of international human rights law that has evolved since 1948 (on this, see also Petrasek 2004, 61). In the human security discourse, human rights are only one of several "securities" individuals should enjoy. Yet individuals still live primarily under the protection of—or threat from—their own states. Many governments violate individuals' human rights and prevent them from publicizing or protesting those violations. The human security discourse's marginalization of individual human rights bolsters those governments and makes it easier for them to violate human rights in the name of human security.

The human security perspective might be seen as a quasi-realist substitute for the liberal internationalist perspective on human rights embodied in the international human rights regime. The human security perspective, especially in its narrower incarnation, accepts that states exist and that states act primarily in their own interests in a world of competing states. Nevertheless, in its narrow interpretation, the human security discourse provides a short-list of severe threats to all humanity which, it is thought, almost all states can agree to remedy without undermining the power of incumbent political elites. But states are not neutral bodies; they are controlled or heavily influenced by individuals, elites, private corporations, or particular ethnic or other groups. These entities frequently benefit from precisely the human insecurity they claim they want to ameliorate; indeed, they may have caused the problem in order to benefit from it. Political elites may well profit from major threats to human well-being such as drug trafficking, terrorism, climate change, or financial crisis. Human rights, by contrast, are designed to protect individuals from state elites that deliberately undermine citizens' interests in order to benefit themselves.

While the narrow view of human security suggests excluding some human rights from its protection, the broader view is so diffuse as to permit states to claim they are protecting human security even as they continue to oppress their own citizens. This is especially so in the human security stress on development. The individual rights to adequate food, shelter, health care and education enumerated in the ICESCR are a concrete guide to the entitlements of each individual which must be protected even as states implement development programs. These individual rights protect citizens against states that violate economic human rights in the name of collective or "people's"

development, for example, by displacing millions of individuals when building dams (Horta 2002, 237; Goulet 2005).

The human rights agenda goes beyond the freedom from want and fear stressed in the human security agenda. Hundreds of millions of people live without want, in the sense that their basic material needs are fulfilled, and without fear, in the sense that they do not fear the actions of the state or paramilitary groups. But while the world would certainly be a far better place if everyone enjoyed freedom from want and fear, this is still a minimal view of human rights. Upper and middle-class women in the Western world, for example, lived without want or fear (at least of the state, although not of their husbands or other male "guardians") for decades before they actually obtained their human rights. Human rights are premised on the notion of human dignity; human dignity requires that individuals be treated as autonomous beings, living in societies where they are recognized as persons of value, where they do not suffer from discriminatory legislation, where they are able to participate in collective decision-making, and where they can freely pursue their interests. Human dignity requires far more than freedom from want and fear, but there is no need to reconfigure human rights as human security to protect human dignity.

Moreover, the international human rights legal regime insists on the inviolability of civil and political rights. These rights are of paramount importance not only for their intrinsic value—individuals prefer bodily integrity over torture, freedom of speech over censorship, freedom of movement over confinement to authorized locations—but also for their strategic value, as a means of acquiring and protecting other rights, such as to basic education and health care. In the past, some commentators objected to a perceived

paramountcy of civil and political over economic, social and cultural rights, claiming that this was a "Western" bias (Pannikar 1984; Ojo 1990). This objection demonstrates a misunderstanding of Western—and world—history: enjoyment of civil and political rights helps citizens to act in their own interests, to force states to ensure the personal, physical, and material security they need. This was and is the case in the West, and is the case in non-Western states now.

The strategic value of civil and political rights is one reason why both the human security and the human rights discourses pay so much attention to civil society. Civil and political rights are strategic tools that civil society organizations use to obtain economic, social and cultural rights, and to pressure for "development" processes that focus on individuals, not on states or favoured sub-state groups. The human security agenda underplays the importance of civil and political rights, weaving them into a "holistic" description of human needs (Petrasek 2004, 60) that ignores how rights are achieved in practice. The assertion that human security is a useful "policy tool" that can circumvent political disputes about human rights risks legitimizing avoidance of human rights obligations by rights-abusive states (Oberleitner 2005b, 596).

Human security should focus on the vital core of protecting "all human lives from critical and pervasive threats" (Owen 2004, 382) that are not already protected by, or are inadequately protected by, human rights. In the narrow interpretation, human security constitutes "rights-cum-obligation" (Tadjbakhsh and Chenoy 2007, 123), obliging new, international duty-bearers to find new mechanisms to protect rights-holders; that is, individuals, from rights-abusers, whether the latter are states, international organizations, private organizations, or natural events. Yet in the broader view, "so many different

issues and themes nestle comfortably under its [human security's] wings that it is difficult

to extract any prescriptions about how to deal with any of them other than to look at

problems in a 'people first' kind of way" (Evans 2008, 35). As Heinbecker puts it, "the

more encompassing economic and social definitions [of human security]…while entirely

laudable in their objectives, would risk meaning all things to all people and end up

meaning nothing to anyone, at least nothing new and 'actionable' by governments"

(Heinbecker 2004, 4).

Moreover, if the "four essential characteristics" of human security are that "it is

universal, its components are interdependent, it is best ensured through prevention, and it

is people-centered," (King and Murray 2001-02, 589), then these have long been aspects

of human rights. Universality has been the most fundamental aspect of human rights

since the *Universal* Declaration of Human Rights in 1948. The 1993 Vienna Declaration

on Human Rights enshrined in law the principle that human rights are interdependent.

Human rights scholars and practitioners have long advocated prevention of human rights

violations, and have focused on individuals (people) as opposed to states.

The narrower discourse of human security does, however, advocate new duties

and international mechanisms to ameliorate some situations that result in massive

violations of human rights. Nevertheless, there are already many inter-state treaties that

require international co-operation in the areas that the human security agenda identifies;

for example, in protecting the rights of migrant workers and their families (although not

the rights of other migrants), or fighting drug trafficking or trafficking in human beings.

For the narrow human security agenda to improve on the international human rights

regime, the new duties of states and international mechanisms for remedying abuses of

human security must be clearly defined and backed by law, treaties, and material resources. The International Criminal Court, the Landmines Treaty, and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts (United Nations 2000) are some examples of serious concern with human security that were not addressed through pre-existent human rights laws, although the landmines treaty built on pre-existent international humanitarian law outlawing particularly cruel types of weapons (Gasser 2009, 469).

Despite these genuine contributions of the narrower human security agenda to protection of "people," at the moment it appears that anyone can jump on the human security bandwagon, advancing her own preoccupations as causes of human insecurity. But for the concept to be useful, it must have some value added. Some value is added in so far as the narrower human security discourse identifies new threats to people, such as climate change or sudden financial downswings. It also identifies new objects of such threats, pointing out that they can affect everyone in the world, rich or poor, regardless of whether some already enjoy all their human rights. It suggests new duties of states and international organizations to ameliorate problems previously unknown, or previously considered the responsibility of individual states in isolation from other states. Finally, the narrower human security agenda suggests new international mechanisms for dealing with these threats, contributing to the normative push for international responsibility to ameliorate a wider set of threats against humanity than merely the threat to international peace and security enshrined in Chapter VII of the United Nations Charter.

By identifying new threats, new objects of threats, new duties of state and international organizations, and new mechanisms to ameliorate the threats, the narrower

view of human security supplements the normative framework of human rights. By contrast, the broader human security terminology merely extends what is useful in the narrower view to a new rhetoric for identification of threats to individuals that are already adequately covered by the international law, norms, and practices of human rights. Thakur, for example, argues that in the human security perspective, "the state is but a collective instrument to protect human life and enhance human welfare" (Thakur 2004, 347). This is precisely what the human rights perspective has been since 1948.

Conclusion: Complementary or Competing?

This paper cautions against assuming that the discourse of human security complements the international law of human rights rather than competing with it. International human rights are based on individuals' capacities to claim their human rights from the state; states are obliged to respect, protect and fulfill individuals' human rights. By contrast, the human security discourse is one that allows states to convert human rights obligations into "policy talk" (Oberleitner 2005b, 596), making policy choices as to which aspect of human security they might focus on.

The individual has much stronger standing in international human rights law than she has in the human security discourse. The discussion of human security de-politicizes "standard threats" to human well-being, while the international law of human rights recognizes that threats to human well-being are inherently political. Moreover, the suggestion in the human security discourse that some human rights should have priority over others undermines the principle of indivisibility so crucial to the human rights regime.

Much of the academic writing on human security, moreover, bypasses, misinterprets, or ignores international human rights law. The broader view of human security often refers to threats already covered by criminal and human rights law, rather than identifying new threats, victims, state duties, or inter-state mechanisms to remedy human insecurity. Occasionally, however, the broader view, as proposed by some academics, does suggest new types of human insecurity, such as psychological insecurity, not already covered by human rights. Such insecurities, however, are not remediable either by states or the international system. Neither law nor public policy can remedy all the problems that human beings face.

The narrower view of human security, by contrast, does identify some new or more severe threats, sometimes including new potential victims. It also focuses on everyone in the world, implying that states should take on new responsibilities to non-citizens facing these threats. New state duties and new international mechanisms are required to remedy these threats. Thus, the narrower view of human security does more than complement human rights: it adds to human rights law and provides a framework of analysis that should help states and international organizations to take new actions in the face of new threats.

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