

The Conceptual Debate on Human Security and its Relevance for the Development of International Law

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This article focuses on the conceptual debate surrounding the notion of human security in international law. The author shows that the debate enjoys renewed relevance, notably in light of the commitment to discuss and define the notion of human security in the General Assembly, contained in the 2005 UN World Summit Outcome Document. After an analysis of the normative impact of human security on the process of international law-making and on issues of international concern, the author concludes by describing as essential a further integration of the concept of human security in state policies and international decision-making processes.

I. Introduction

The UN World Summit 2005, held at the 60th anniversary of the UN in September 2005, can be seen as 2005's most significant international conference. In the World Summit Outcome Document the international community committed itself to “*discuss[ing] and defin[ing] the notion of human security in the General Assembly*”². Yet, the notion of human security remains controversial; and the conceptual debate far from over. Future defining (and refining) discussions on human security in the General Assembly will not be uncomplicated. It is in this light that this article will analyze selected aspects of the conceptual debate on human security and international law.

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² General Assembly, *2005 World Summit Outcome (A/ RES/60/1)*, 2005, at p. 31 (para. 143)

<<http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>> All websites used in this essay were last checked on 14 September 2006.

In its first part this article will focus on different approaches to human security and the connection between the emergence of the concept and the change in the meaning of international security. The question whether a definition is essential will be addressed as well. Furthermore attention will be paid to the *usefulness* of human security and conceptual concerns voiced against it. The second part will focus on the normative influence of human security on international law. Its structural impact will be analyzed and its effect on issues evaluated. Finally, a conclusion will draw attention to the main arguments raised and future developments to be considered.

II. Aspects of the conceptual debate on human security and international law

A. Human security perspectives: scientific and philosophical approaches

Before entering into the conceptual debate on human security it should be made clear that space does not allow even a cursory citation of the leading works on the evolution of the definition and concept of human security³. It should be asked, additionally, whether the *concept* and the *definition* of human security should be considered to be interrelated and interdependent, or, rather, to be loosely connected, the one not predetermining the development of the other. Put otherwise: Is it necessary to formulate the concept of human security before agreeing on a common definition? This article will show that while the concept of human security is closely linked with the developments of international law in the 20th century, a common definition has not yet been agreed on; indeed, the necessity of a definition was expressly referred to by the 2005 UN World Summit Outcome Document⁴.

For reasons of clarity the term *concept* needs clarification. *Concept* denotes, in its philosophical dimension, “a general or abstract idea; a universal notion”, it can also be understood as “a theoretical construct”⁵. It is between these two poles⁶ – a powerful universal idea and a political construct of limited usefulness and applicability – that this article will develop the history of the

³ See the references contained in: Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, in *Global Governance* (Volume 11), 2005, pp. 185-203, at p. 186 (FN 15). They include, notably, Stoett, Peter, *Human and Global Security: An Exploration of Terms*, University of Toronto Press, Toronto, 1999 and Newman, Edward and Richmond, Oliver P. (eds), *The United Nations and Human Security*, Palgrave, Basingstoke, 2001.

⁴ See under: II.B.4.c).

⁵ *Websters Third New International Dictionary of the English Language Unabridged*, G. & C. Merriam Co. Publishers, Springfield, 1981, at p. 469, s.v. “*concept*”.

⁶ Oberleitner (Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 197), who positions human security between an “*academic concept*” and a “*political agenda*” but does not formulate a decision.

conceptual debate on human security and international law, will shed light on some of the impact the concept has had on international issues of concern and will sketch, briefly, possible future developments.

As far as human security per se is concerned, international lawyers agree to disagree. Admittedly, “*the very premise of human security is highly controversial and fiercely contested*”⁷, as are its “*definition, scope and utility*”⁸. The ideas, however, that underpin and structuralize human security have numerous historical forbearers. Definitions of human security, and the semantic (and normative) challenges associated with establishing them, will be dealt with *infra*.

Human security, insofar as it gives incentives to international law can be seen as a paradigm for international non-statal normative and pre-normative development. Put succinctly, human security brings into focus, and provides answers for, the “*question of how we can place the security of the individual on the same level as the security of the state*”⁹. Fundamental components of human security include thus “*the security of people against threats to life, health, livelihood, personal safety and human dignity*”¹⁰. It is from this individual-centred dimension that the impact of human security on international law will be analyzed in this article.

A broad variety of ideas has been expressed as to the concept of human security and its possible verbalizations. They include human security as a “*new organizing principle of international relations*”, the “*natural step*”¹¹ towards an individual-centered approach in international law and the “*guiding principle of the vital need to protect civilian populations from the many insecurities generated by current threats and challenges*”¹².

⁷ Owen, Taylor, “*Human Security – Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for Threshold-Based Definition*”, Security Dialogue (Volume 35, Number 3), 2004, pp. 373-387, at p. 378
<<http://sdi.sagepub.com/cgi/reprint/35/3/373.pdf#search=%22Human%20Security%20%E2%80%93%20Conflict%2C%20Critique%20and%20Consensus%3A%20Colloquium%20Remarks%20and%20a%20Proposal%20for%20Threshold-Based%20Definition%22>>.

⁸ Oberleitner, Gerd, *Human Security and Human Rights* (ETC Occasional Paper Series Number 8), June 2002, at p. 2
<http://www.etc-graz.at/cms/fileadmin/user_upload/ETC-Hauptseite/publikationen/Occasional_papers/Human_Security_occasional_paper.pdf>.

⁹ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 197.

¹⁰ International Commission on Intervention and State Sovereignty (ICISS) (ed), *The Responsibility to Protect*
<<http://www.iciss.ca/pdf/Commission-Report.pdf>> All websites used in this essay were last checked on 14 September 2006.

¹¹ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 198.

¹² General Assembly President, *Draft Outcome Document*, at p. 17 (para. 75)
<http://www.reformtheun.org/index.php/united_nations/991>.

While it is not a simple task to encompass the multiple dimensions of human security within one concept, it can be safely argued that the important shift of the notion of security in international law has been instrumental in paving the conceptual way. Thus the role of human security in international law cannot be addressed without a brief overview of the semantic enrichment of international security by an individual dimension¹³.

B. Changing the meaning of “security”: shifts in international law and the evolution of the concept of human security

While the history of the ideas that underpin the traditional concept of human security can be said to stem from US President Roosevelt, who included “*freedom from want*” and “*freedom from fear*” among his four fundamental freedoms¹⁴, it was not until the end of the Cold War and the iconoclastic perspective change it engendered in international law that the *dichotomy* of the modern understanding of human security – as, on the one hand, security vis-à-vis conflicts and, on the other hand, security in the light of human development¹⁵ – became a topic in international legal discourse. Whereas the reports from the 1982 Palme Commission, the 1983 Brandt Commission, the 1988 Brundlandt Commission and the 1995 Commission on Global Governance¹⁶ laid the groundwork for the conceptual development of human security, it was the 1994 UNDP Human Development Report, and, later, other reports under its influence, that “*created and shaped*”¹⁷ the concept and “*introduced*”¹⁸ it to international fora.

1. The UNDP Human Development Report (1994)

Equating security with individuals rather than with states, the report¹⁹ introduced a new approach to human security, examining both national and

¹³ See under: II.C.

¹⁴ Roosevelt, Franklin D., *The Four Freedoms*, Address to Congress on 6 January 1941 <<http://www.libertynet.org/~edcivic/fdr.html>>.

Benedek, Wolfgang, “Der Beitrag des Konzeptes der menschlichen Sicherheit zur Friedenssicherung” in Dicke, Klaus et al. (eds), *Weltinnenrecht, Liber Amicorum Jost Delbrück*, Duncker & Humblot, Berlin, 2005, at p. 26.

¹⁵ Benedek, Wolfgang, “Der Beitrag des Konzeptes der menschlichen Sicherheit“, at p. 26.

¹⁶ For references to the reports see Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 185/198 (fn. 1-4).

¹⁷ Oberleitner, Gerd, *Human Security and Human Rights*, at p. 1.

¹⁸ Benedek, Wolfgang, “Der Beitrag des Konzeptes der menschlichen Sicherheit“, at p. 26.

¹⁹ United Nations Development Program (UNDP) (ed), *Human Development Report 1994*, Oxford University Press, New York, 1994, pp. 22-43 <<http://hdr.undp.org/reports/global/en1994/en>>.

global concerns related to it²⁰. While underlining the importance of sustainable human development, the report identified the manifold threats and challenges to ensuring human security.

2. *The Responsibility to Protect: the 2001 report by the International Commission on Intervention and State Sovereignty*

In its December 2001 report²¹ on the responsibility to protect, the International Commission on Intervention and State Sovereignty (ICISS) primarily provided a legal framework for the “so-called ‘right of humanitarian intervention’”²². The growing recognition worldwide of human security as “security of people – their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms”²³ was expressly welcomed by ICISS. In its deliberations, the Commission made extensive reference to human security, mentioning the concept 20 times in its report and underlining that the concept of security has become “much broader since the UN Charter was signed in 1945.” The Commission stated that a shift had occurred in the security debate “from territorial security, and security through armaments, to security through human development with access to food and employment, and to environmental security”^{24, 25}.

3. *Human Security Now by the Commission on Human Security (2003)*

The report²⁶ by the Commission on Human Security, an initiative of the Government of Japan²⁷, proposed a new individual-oriented international security framework. The concept of human security was understood as focusing on empowering individuals to deal with internationalized threats. Human security issues are considered to be especially relevant in relation to people in conflict and post-conflict situations, people on the move, people in economically

²⁰ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 185.

²¹ ICISS (ed), *The Responsibility to Protect*.

²² ICISS (ed), *The Responsibility to Protect*, at p. vii.

²³ ICISS (ed), *The Responsibility to Protect*, at p. 31 (2.21).

²⁴ ICISS (ed), *The Responsibility to Protect*, at p. 31 (2.22).

²⁵ Shortly after this finding, and on the basis of the conceptual ideas behind human security the Commission draws the important conclusion that the “[UN] Charter’s strong bias against military intervention is not to be regarded as absolute when decisive action is required on human protection grounds” (ICISS (ed), *The Responsibility to Protect*, at p. 32 (2.27)).

²⁶ Commission on Human Security (ed), *Human Security Now*, Commission on Human Security, New York, 2003

<<http://www.humansecurity-chs.org/finalreport/index.html>>.

²⁷ Commission on Human Security (ed), *Human Security Now*, at p. iv.

difficult situations and/or faced with health care and education-related problems.²⁸

4. *The concept of human security and UN reform*

a) *A More Secure World: Our Shared Responsibility by the High-level Panel on Threats, Challenges and Change (2004)*

In 2003 the Secretary General convened the High-level Panel on Threats, Challenges and Change to review the processes and mechanisms through which the United Nations responds to 21st century security threats. The High-level Panel report suggests reforms to enhance consensus and strengthen the UN and introduces the concept of a “*new security consensus*”²⁹ to answer the new threats to security that surface internationally. Human security is mentioned 13 times in the text. It is interesting to note that the High-level Panel, at numerous occasions, emphasizes the dichotomy between ‘*state security*’ and ‘*human security*’³⁰, e.g. when determining the seriousness of a threat, states have to ask themselves whether the threat to “*state or human security [is] of a kind, and sufficiently clear and serious, to justify prima facie the use of military force*”³¹.

b) *In Larger Freedom: Towards Development, Security and Human Rights for all by the UN Secretary General (2005)*

In his 2005 report³² UN Secretary General Kofi Annan took up many of the issues and recommendations formulated by the 2004 High-level Panel report. While underscoring many of the ideas associated with human security, Kofi Annan expressly mentions human security only once as a reference to the Millennium Declaration that “*reaffirmed the commitment of all nations to the rule of law as the all-important framework for advancing human security and prosperity*”³³.

²⁸ Commission on Human Security, *Human Security Now* (2003), at pp. 2, 4 and *passim*.

²⁹ General Assembly (ed), *A More Secure World: Our Shared Responsibility* (UN Doc. A/59/565), 2004, at p. 2 (para. 8) et seq.
<<http://www.un.org/secureworld/report.pdf>>.

³⁰ General Assembly (ed), *A More Secure World: Our Shared Responsibility*, at p. 49 (para. 165).

³¹ General Assembly (ed), *A More Secure World: Our Shared Responsibility*, at pp. 57+58 (para. 207).

³² Annan, Kofi, *In Larger Freedom: Towards Development, Security and Human Rights for All*, Report of the Secretary-General (UN Doc. A/59/2005), 21 March 2005
<<http://daccessdds.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement>>.

³³ Annan, Kofi, *In Larger Freedom: Towards Development, Security and Human Rights for All*, at p. 35 (para. 133).

c) *The outcome document of the UN World Summit 2005*

In the 3 June 2005 Draft Outcome Document (DOD) human security was defined as a “guiding principle of the vital need to protect civilian populations from the many insecurities generated by current threats and challenges affecting people’s lives”³⁴. In the DOD of 22 July the commitment to promoting “human security as a means to empower people and address effectively those insecurities”³⁵ was added. From the DOD of 10 August 2005 onwards the human security keywords “freedom from fear and freedom from want” were included, as was, notably, a reference to the commitment to “discuss[ing] and defin[ing] the notion of human security in the General Assembly”³⁶. This formulation was also taken up, without change, by the September 2005 World Summit Outcome Document³⁷.

5. *Human security – (just) a question of definition?*

While it should be lauded that UN member states have committed themselves to establishing a definition³⁸ of the notion of human security, the normative implications of the concept are even less clear than its possible semantic reach.

In order to shorten the process of defining human security, and thus enabling the international community to start focusing on discussing the de facto, or de jure, implications in international law of human security-related concerns and human security-oriented measures, attention should be called to a holistic definition proposed by Taylor Owen. After lamenting that “[Human security] has no clear theoretical grounding, scant political precedent, no consensus-commanding definition, and a highly uncertain future”³⁹, Owen

³⁴ General Assembly President, *Draft Outcome Document*, at p. 17 (para. 75).

³⁵ Revised draft outcome document of the high-level plenary meeting of the General Assembly of September 2005 submitted by the President of the General Assembly, UN Doc. A/59/HLP/CRP.1/Rev.1 of 22 July 2005, at para. 115.

³⁶ Revised draft outcome document of the high-level plenary meeting of the General Assembly of September 2005 submitted by the President of the General Assembly, UN Doc. A/59/HLP/CRP.1/Rev.2 of 10 August 2005, at para. 143.

³⁷ General Assembly, *Draft Resolution Referred to the High-level Plenary Meeting of the General Assembly by the General Assembly at its 59th Session 2005 World Summit Outcome (UN Doc. A/60/L.1)*, 2005, at p. 32 (para. 143)

<<http://www.un-ngls.org/un-summit-FINAL-DOC.pdf#search=%22World%20Summit%20Outcome%2C%20UN%20Doc.%20A%2F60%2FL.1%20of%2015%20September%202005%22>>.

³⁸ For a Canadian definition by Lloyd Axworthy cf. Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 188.

³⁹ Owen, Taylor, “*Human Security – Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for Threshold-Based Definition*”, at p. 374.

proposed a thought-through “*threshold definition*”⁴⁰, encompassing human security aspects mentioned by the Commission on Human Security 2002 report and possible threats to human security as pointed out by the 1994 UNDP Human Development report: “*Human security is the protection of the vital core of all human lives from critical and pervasive environmental, economic, food, health, personal and political threats*”^{41, 42}.

C. The ‘usefulness’ and relevance of human security in international law: developing concepts and raising conceptual concerns

While some states, such as Canada, have agreed on human security as a “*a foreign policy priority*”⁴³, and others have formed a “*coalition of the like-minded*”⁴⁴, such as the *Human Security Network*⁴⁵, some international lawyers, and states, still doubt the ‘usefulness’ of the concept of human security while, nevertheless, acknowledging its integrative role⁴⁶.

As to the concept of human security, Taylor Owen identifies two basic conceptions: a narrow approach that focuses primarily on *violent* threats and does not include, as Keith Krause put it, all “*bad things that can happen*”⁴⁷, and a broad conceptualization suggesting that “*human security means something more than safety from violent threats*”⁴⁸. Gerd Oberleitner⁴⁹, while also making mention of the narrow approach (“*relying on natural rights and the rule of law*”) and the broad approach (where human security and the “*global economy and globalisation*” are interlinked), adds a third, “*a ‘humanitarian’ approach*”. This approach uses the concept of human security to address humanitarian issues such as war crimes, genocide and humanitarian interventions.

⁴⁰ Owen, Taylor, “*Human Security – Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for Threshold-Based Definition*”, at p. 382.

⁴¹ Owen, Taylor, “*Human Security – Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for Threshold-Based Definition*”, at p. 383.

⁴² For a consciously “*non-legal*” definition see Oberleitner (Oberleitner, Gerd, *Human Security and Human Rights*, at p. 5), who understands human security “*as an emerging new concept which i.) is concerned with the security of people and the individual rather than with the security of a territorial state [and] ii.) is concerned with ‘survival, daily life and dignity of human beings.’*”

⁴³ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 188. See also Benedek, “*Der Beitrag des Konzeptes der menschlichen Sicherheit*”, at p. 27.

⁴⁴ Oberleitner, Gerd, *Human Security and Human Rights*, at p. 1.

⁴⁵ Human Security Network:
<<http://www.humansecuritynetwork.org>>.

⁴⁶ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 187.

⁴⁷ Krause, Keith, “*The Key to a Powerful Agenda, if Properly Delimited*”, *Security Dialogue* (Volume 35, Number 3), 2004, pp. 367-368, at p. 367.

⁴⁸ Owen, Taylor, “*Human Security – Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for Threshold-Based Definition*”, at p. 375.

⁴⁹ Oberleitner, Gerd, *Human Security and Human Rights*, at p. 3.

The academic debate⁵⁰ on the conceptualization of human security in international law is instructive and indicative of future developments. Critique on the concept as such concentrates mainly on two aspects: an individual-oriented approach that defines a growing number of possible harms as security threats does not add anything of value to the debate on the relevant issues. Secondly, “labelling all potential harms to the individual security threats makes prioritizing political action impossible”⁵¹.

Barry Buzan complains about the ‘reductionism’ caused by human security in international security thinking; he stresses that “individuals are not free standing, but only take their meaning from the societies in which they operate: they are not some kind of bottom line to which all else can or should be reduced or subordinated”⁵². Roland Paris⁵³ and Andrew Mack both argue that threats are not easier to analyze when included in a holistic concept. Mack also criticizes the “wooliness of much of the human security literature”⁵⁴ and points out that by understanding the causes and correlations of human security threats better, the concept as a whole will be defined more clearly.

Defences of human security have been offered, *inter alia*, by Ramesh Thakur⁵⁵, who points out that states cannot counter the globalized threats of today. The national security conceptions that are based on costly defence machineries fail to address the numerous non-violent issues of international concern. While Amitav Acharya⁵⁶ sees human security as an answer to the globalization of international policy, Fen Osler Hampson⁵⁷ praises human security as a tool to give a voice to marginalized groups.

⁵⁰ For an interesting overview of current opinions on human security in academia see the Special Section “What Is ‘Human Security’?”, Security Dialogue (Volume 35, Number 3), 2004, pp. 345-387

<<http://sdi.sagepub.com/content/vol35/issue3/>>.

⁵¹ Owen, Taylor, “Human Security – Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for Threshold-Based Definition”, at p. 378.

⁵² Buzan, Barry, “A Reductionist, Idealistic Notion that Adds Little Analytical Value”, Security Dialogue (Volume 35, Number 3), 2004, pp. 369-370, at p. 370.

⁵³ Paris, Roland, “Still an Inscrutable Concept”, Security Dialogue (Volume 35, Number 3), 2004, pp. 370-372, at pp. 370 et seq.

⁵⁴ Mack, Andrew, “A Signifier of Shared Values”, *International Security*, Security Dialogue (Volume 35, Number 3), 2004, pp. 366-367, at p. 366.

⁵⁵ Takur, Ramesh, “A Political Worldview”, Security Dialogue (Volume 35, Number 3), 2004, pp. 347-348, at p. 348.

⁵⁶ Acharya, Amitav, “A Holistic Paradigm”, Security Dialogue (Volume 35, Number 3), 2004, pp. 355-356, at p. 355.

⁵⁷ Hampson, Fen Osler, “A Concept in Need of a Global Policy Response”, Security Dialogue (Volume 35, Number 3), 2004, pp. 355-356, at p. 350.

III. The normative influence of the concept of human security on international law

The non-binding nature of the reports, declarations and outcome documents that have included considerations linked to the concept of human security notwithstanding, human security has had a considerable impact on international law.

Gerd Oberleitner underlines that human security poses a manifold “*challenge*” to international law and the law and practice of international organizations⁵⁸. Wolfgang Benedek argues more positively and stresses that the human security concept sets out to “*strengthen the rule of law in international relations*” and to support the development of public international law and multilateral diplomacy⁵⁹. Whether as soft law or as customary law, the dynamic nature of international law opens many avenues of integration to the concept of human security⁶⁰.

A. Human security and its structural impact on international normative processes

Introducing human security as a structural principle in international normative processes leads to – and has indeed already resulted in – procedural changes in drafting international norms. Human security stands for an involvement of individuals in developing new international normative instruments. Gerd Oberleitner argues that “*documents resulting from these processes will possibly better reflect the balance between the concepts of State sovereignty and concern for the individual*”⁶¹. Wolfgang Benedek⁶² analyzes that the concept provides for a “*holistic instead of sectoral*”, a “*participative instead of exclusive*”, and a “*preventive instead of reactive*” approach to international law⁶³. By thus ensuring a common, individual-oriented framework

⁵⁸ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 197.

⁵⁹ Benedek, Wolfgang, “*Der Beitrag des Konzeptes der menschlichen Sicherheit*“, at pp. 34 (Translation by the author).

⁶⁰ It could be asked, however, whether the changes in international law, some of which are exemplified *supra*, are *caused* by the growing interest of global civil society and international actors in the concept of human security or rather by the normative dynamics in international law that can be *explained* and *justified* by arguments brought forth within the context of Human security. In other words: is human security the *cause* of or the *reason* for these tendencies?

⁶¹ Oberleitner, Gerd, *Human Security and Human Rights*, at p. 26.

⁶² Benedek, Wolfgang, “*Der Beitrag des Konzeptes der menschlichen Sicherheit*“, at p. 35 (Translation by the author).

⁶³ As far as the holistic dimension of human security is concerned, cf. Uvin, Peter, “*A Field of Overlaps and Interactions*”, *Security Dialogue* (Volume 35, Number 3), 2004, pp. 352-353, at p. 353, who accentuates the function of human security as a conceptual

of thought and applying it to the development of new rules, the concept of human security has already made a valuable contribution to international law.

Through enhanced civil society and NGO participation – short: an inclusive approach – the creation of numerous human rights treaties has been influenced by human security. These treaties include, *inter alia*, the 1997 Ottawa Convention against Landmines, the 1998 Rome Statute of the International Criminal Court and the 2000 Protocols to the Convention on the Rights of the Child, which can be seen as “*human security treaties*”⁶⁴. Further to that the 2000 Convention against Transnational Organized Crime and its protocols, and the Protocol to the Convention against Torture were influenced by human security concerns⁶⁵. It should be noted that human security-related concerns have also substantially shaped the contents of these treaties, many of which cover issues of international concern that will be dealt with *infra*.

B. Human security and its impact on selected international issues of concern

Human security can be seen as a “*value-based and people-centred approach to security ... [that] will contribute to ... normative changes in the international legal order*”⁶⁶. These changes, which are mostly due to the new approaches to and answers for many of today’s issues of international concern that are provided by the concept of human security, include, *inter alia*, a rise in the importance of the focus on the individual while the importance of state sovereignty is declining, a stronger focus on the legitimacy of humanitarian interventions, a more individual-centred conception of human rights⁶⁷, an individual-oriented approach to UN reform and the recognition of new, and more diverse, threats⁶⁸.

Enhancing the role of human security will lead to a broader understanding of security, namely, as encompassing threats other than those to the security of states in the sense of the UN Charter⁶⁹. Additionally, human security “*can challenge fundamental concepts of international law such as*

bridge between fields of humanitarian relief, development assistance, human rights advocacy and conflict resolution.

⁶⁴ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 195.

⁶⁵ Benedek, Wolfgang, “*Der Beitrag des Konzeptes der menschlichen Sicherheit*“, at p. 34, Oberleitner, Gerd, *Human Security and Human Rights*, at p. 26 and Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 195.

⁶⁶ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 185.

⁶⁷ On the impact of human security on human rights, see Oberleitner, Gerd, “*Porcupines in Love, the Intricate Convergence of Human Security and Human Rights*”, in *European Human Rights Law Review* (Issue 6), 2005, pp. 588-606.

⁶⁸ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 197.

⁶⁹ Oberleitner, Gerd, *Human Security and Human Rights*, at p. 8.

territorial integrity and State sovereignty”⁷⁰ and, related to that, humanitarian interventions. Lloyd Axworthy argues that human security inspires a growing body of law that provides “*international humanitarian standards to challenge the supremacy of national states sovereignty*”⁷¹. This new human security conditionality of sovereignty is also mentioned by Edward Newman, who points to the role of human security in reassessing the legitimacy of national sovereignty. He emphasizes that following the human security approach implies that states must “*serve and support the people from which [they] draw [their] legitimacy*”⁷².

Human security is considered as a unifying concept, bringing together and providing solutions to different fields of international law, such as, *inter alia*, human rights law, humanitarian law, the law governing people on the move and anti-terrorism law⁷³. Thus the ‘human securitization’ of human rights law is of far-reaching importance. While it can be safely argued that human rights and Human security are mutually reinforcing, mutually enriching and share common concerns⁷⁴, they need not always provide the same answers. Gerd Oberleitner considers their relationship to be “*close but not yet thoroughly analysed,*” with *Human security entailing a “broader concept”*⁷⁵.

By shifting the focus from states to individuals, human security allows non-state actors to play a larger role in international fora and normative processes; put defensively, human security “*can also pose questions as to what will be the future role of non-state actors in the international legal order*”⁷⁶.

Human security is closely linked with UN institutional reform. Whereas the Security Council in 2002 could still be seen as “*an obstacle to fostering human security*” rather “*than a mechanism for enhancing it*”, a new and enlarged

⁷⁰ Oberleitner, Gerd, *Human Security and Human Rights*, at p. 6.

⁷¹ Axworthy, Lloyd, “*A New Scientific and Policy Lens*”, *Security Dialogue* (Volume 35, Number 3), 2004, pp. 348-349, p. 348.

⁷² Newman, Edward, “*A Normatively Attractive but Analytically Weak Concept*”, *Security Dialogue* (Volume 35, Number 3), 2004, pp. 358-359.

⁷³ Oberleitner, Gerd, “*Human Security: A Challenge to International Law?*”, at p. 197.

⁷⁴ Benedek, Wolfgang and Nikolova-Kress, Minna (eds), *Menschenrechte verstehen. Handbuch zur Menschenrechtsbildung*, Neuer Wissenschaftlicher Verlag, Wien, 2004, at p. 19 (See also the 2nd edition of the English version: Benedek, Wolfgang, *Understanding Human Rights, Manual on Human Rights Education*, Neuer Wissenschaftlicher Verlag GmbH, Graz, Vienna, 2006. Also online available at: <<http://www.etc-graz.at/cms/uploads/media/Manual-engl.pdf>>).

⁷⁵ Oberleitner, Gerd, *Human Security and Human Rights*, at pp. 14 and 18. Cf. also *Human Security: A Challenge to International Law?*, at p. 197.

⁷⁶ Cf. Oberleitner, Gerd, *Human Security and Human Rights*, at p. 6; Benedek, Wolfgang “*Der Beitrag des Konzeptes der menschlichen Sicherheit*”, at p. 34.

Security Council is more likely to take human security-related considerations into account⁷⁷.

IV. Conclusion

The debate on human security and international law has not yet drawn to a close. The ongoing conceptual discussions of human security notwithstanding, the concept has been acclaimed for its integrative impact in numerous international normative processes. A human security-oriented approach to international issues of concern guarantees a larger role for the individual in international fora and in the development, and application, of international law.

While it is true that states are the primary actors in the international legal system, it can be convincingly argued that the international legal order and its greatest organizational realization, the UN, are not limited, in their purposes, to ensuring cooperation and avoiding situations endangering the maintenance of international peace and security. As Kofi Annan put it, “*our guiding light must be the needs and hopes of peoples everywhere*”⁷⁸. This “*guiding light*” should be powered, metaphorically speaking, by Human security concerns.

The solemn commitment by UN member states to further refining work on the definition of Human security at the most important international forum in 2005 is an important step for the conceptual debate on human security and international law. It is now up to the General Assembly to fulfil the task entrusted to it by UN members, i.e. to “*discuss and define the notion of human security*”⁷⁹. However, a clear notion is but a start. Attention should be paid to the importance of analyzing, and understanding, the *de facto* and – to a much lesser degree – *de jure* implications of human security in international law. It is safe to say that today, more than ten years after the essential 1994 UNDP report, the role and relevance of human security is likely to increase in international processes leading to norm creation.

International law is dynamic and human security is a concept in motion, growing, as it should, with newly emerging human needs and international threats. It can thus be maintained convincingly that “*the traditional, narrow perception of security [that] leaves out the most elementary and legitimate concerns of ordinary people regarding security in their daily lives*”⁸⁰ is no longer internationally accepted.

⁷⁷ Cf. Benedek, Wolfgang, “Der Beitrag des Konzeptes der menschlichen Sicherheit“, at p. 32.

⁷⁸ Annan, Kofi, *In Larger Freedom: Towards Development, Security and Human Rights for All*, at p. 12.

⁷⁹ General Assembly, *2005 World Summit Outcome (A/ RES/60/1)*, at para. 143.

⁸⁰ ICISS (ed), *The Responsibility to Protect*, at p. 31 (2.23).

With the increased importance of human security in international law the importance of states will not, conversely, decrease. Although it is doubtful whether “*individuals are not free standing, but only take their meaning from the societies in which they operate*”⁸¹, states are nonetheless responsible, with necessary non-statal support, for further integrating human security in international law.

From President Roosevelt’s “*Four Freedoms*” to the 2005 World Summit’s commitment, proponents of human security have succeeded in enriching international law by a structural idea that has the potential to increase worldwide recognition of the pivotal role of individuals in international law and, in the words of the UN Secretary General, “*to perfect the triangle of development, freedom and peace*”⁸².

⁸¹ Buzan (Buzan, Barry, “*A Reductionist, Idealistic Notion that Adds Little Analytical Value*”, at p. 370), who is quick to add that they “*are not some kind of bottom line to which all else can or should be reduced or subordinated*” (emphasis added).

⁸² Annan, Kofi, *In Larger Freedom: Towards Development, Security and Human Rights for All*, at p. 12.