

# ***Human Security and Human Rights - Competitive or complementary?***

Inaugural address in the Human Rights Lecture series,  
Concordia University, Montreal, 1 October 2015



**DES GASPER  
SHYAMIKA JAYASUNDARA**

International Institute of Social Studies  
(ISS-The Hague),  
Erasmus University Rotterdam, Netherlands

# Rationale for the paper

## - speaking with one voice as we enter post-2015 era?

2

- Kofi Annan 2006:  
*“..anyone who speaks forcefully for human rights but does nothing about human security and human development—or vice versa—undermines both his credibility and his cause. So let us speak with one voice on all three issues”*
- Rhoda E. Howard-Hassmann, 2012.  
Human Security: Undermining Human Rights? *Human Rights Quarterly*, 34: 88–112
- *‘The two may be competing discourses, despite arguments by some scholars that they are not.’*

# Does such a dispute matter?

3

1990s to 2005 contributions of 'human security' language:

- Person-centred security
- Integrative & comparative
- Attention to 'subjectivities'
- Focus on prevention not only repair

But: Term not fully accepted →

- Substitutes and work-arounds were found? E.g.: ideas of livelihoods, social protection, 'just security', &c.

- *But HS analysis & language hasn't faded away, instead it has continued to spread, quite widely and intensely*
- *→ Seems to fulfil some important roles*
- *Adopted/noted as a relevant approach in General Assembly resolution 66/290 of 2012*

# Agenda of the paper/presentation

4

- To investigate the relationships and competition or complementarity of human rights approach and human security approach(es) in detail, in a series of cases
- Reflecting some of the range of recent work; e.g.: Edwards & Ferstman eds.; Estrada-Tanck
- *A project in mid-stage*

## Outline of HS thinking

Cases of its use & the relnshp to HR thinking:

1. Intra-national: Violence against women
2. [National: Modern history of Sri Lanka]
3. International: migration, especially irregular migrants
4. Global: climate change

# Two matching itemizations of core HS elements

5

AMARTYA SEN, in the *Routledge Handbook of Human Security*, 2014:-

- ≈ 1. focus on how **people** live & can live, &
- 2. focus on fulfilment of **basic needs and rights**
  - A. attention to lives as constituted by numerous **linked systems**;
  - & B. to **threats (& opportunities)** arising in and from such links, intersections / co-incidences & interactions

KAREN O'BRIEN (ex-director of Global Environmental Change and Human Security research program):

= '**EQUITY** DIMENSION'  
[i.e. the key *VALUE PRINCIPLES* that steer attention as well as evaluations]

= '**CONNECTIVITY** DIMENSION'  
[i.e. some key *EXPLANATORY PRINCIPLES*]

**Human security analysis considers vulnerability in contexts of deprivation**

**‘CONNECTIVITY DIMENSION’**  
 ≈ A. attention to lives as constituted by numerous **linked systems**;  
 & B. **threats (& opportunities) arising** in and from such links, intersections, interactions

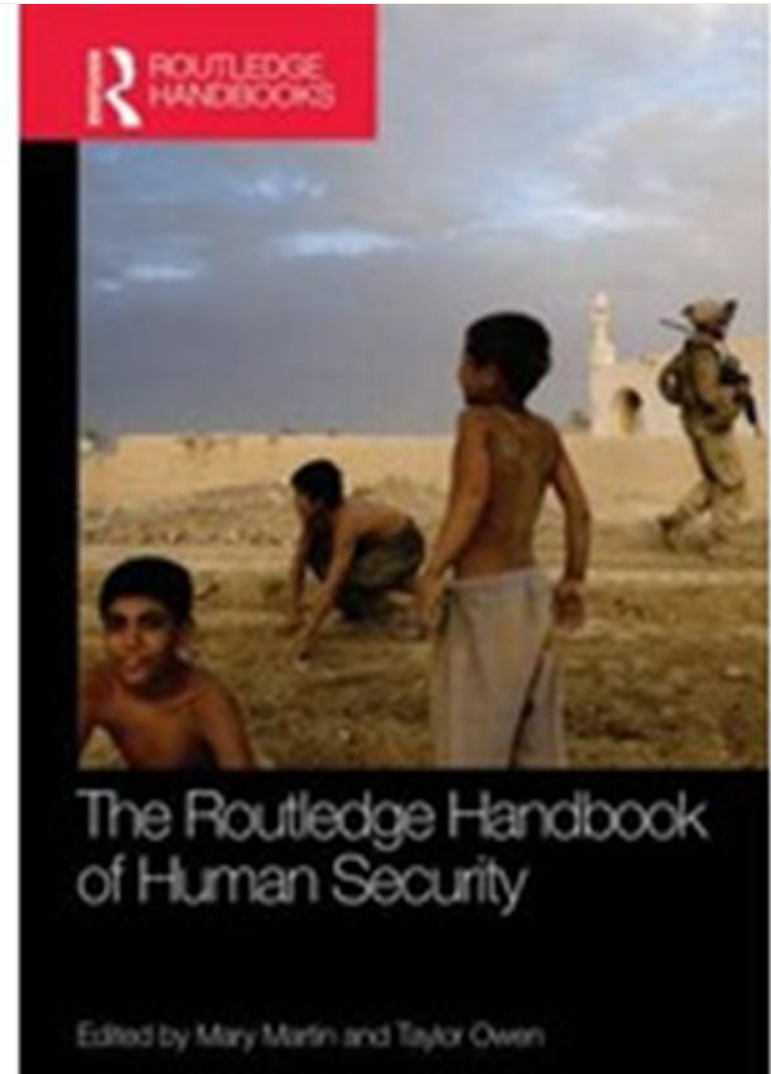
**‘EQUITY DIMENSION’**  
 ≈ 1. focus on how **people** live & can live, &  
 2. focus on fulfilment of **basic needs and rights**

		Vulnerability	
		YES	NO
Deprivation	YES	<b>Core human security space</b>	First penumbral human security /HD space
	NO	Second penumbral human security space	----

# **The spread:** Many possible sources of vulnerability → Many major lines of work, on:

(7)

- Conflict
- Crime
- Gender violence
- Environment – *e.g.*, *UN Institute for Env't. & HS* ; *IPCC AR5 chapter*
- Migration
- Social cohesion - *e.g.*, *UNESCO on Western Europe; Chile, Latvia & Macedonia HDRs*
- SO MUCH AND SO VARIED THAT HARD TO KEEP TRACK OF ... → Various new surveys.

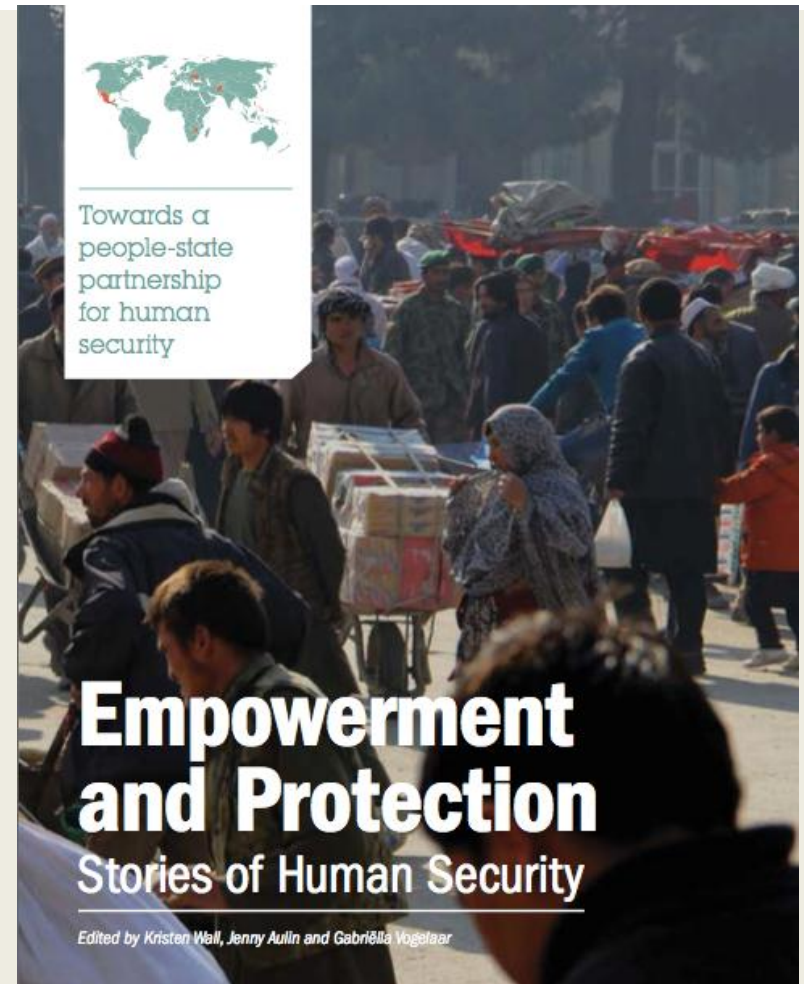




# HSA and analysis of violent conflict & peace-building

(L. Schirch, Eastern Mennonite U., 2013; GPPAC, The Hague, 2015)

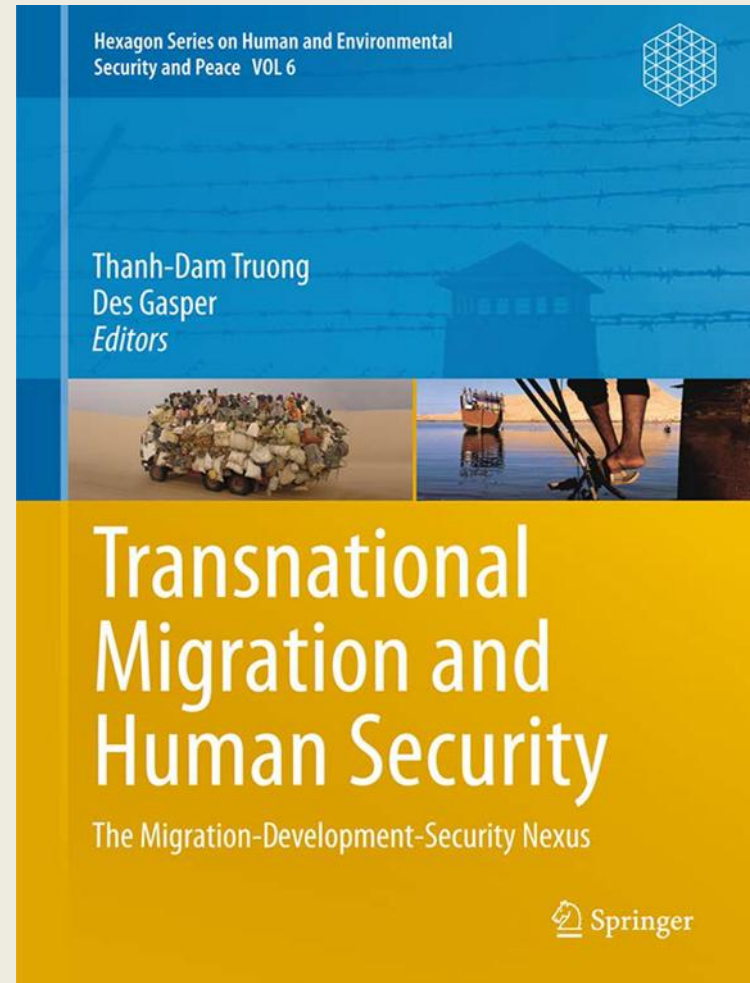
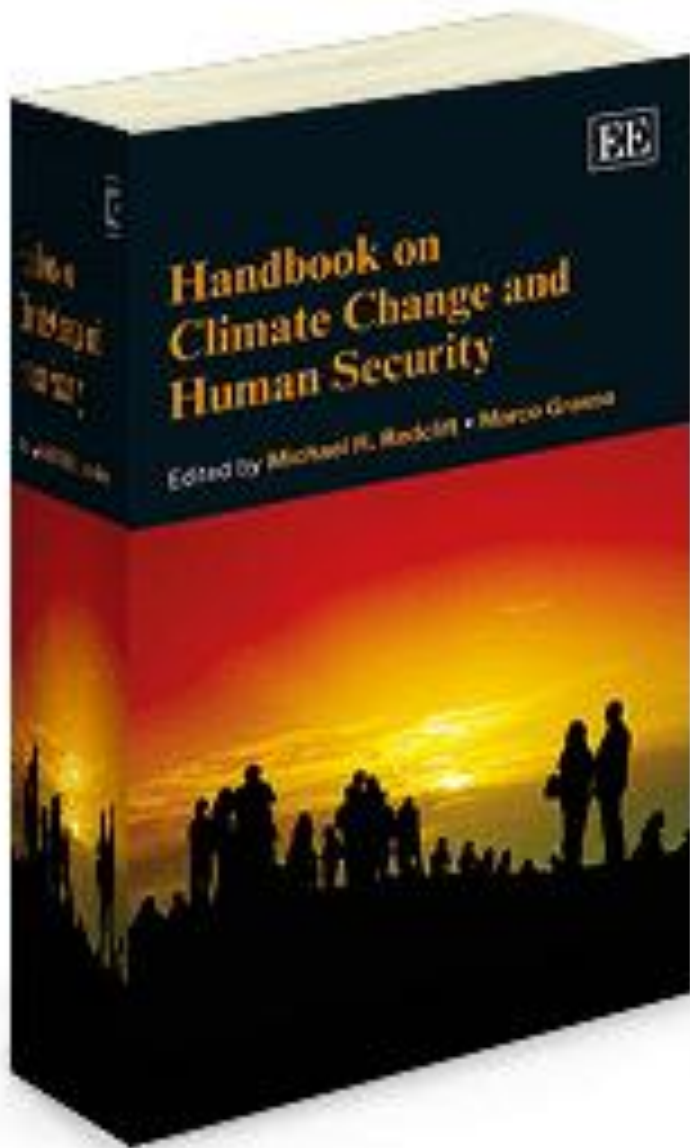
8





# Helpful for focusing work on human impacts of **environmental change** (2013) & of **migration** (2011)

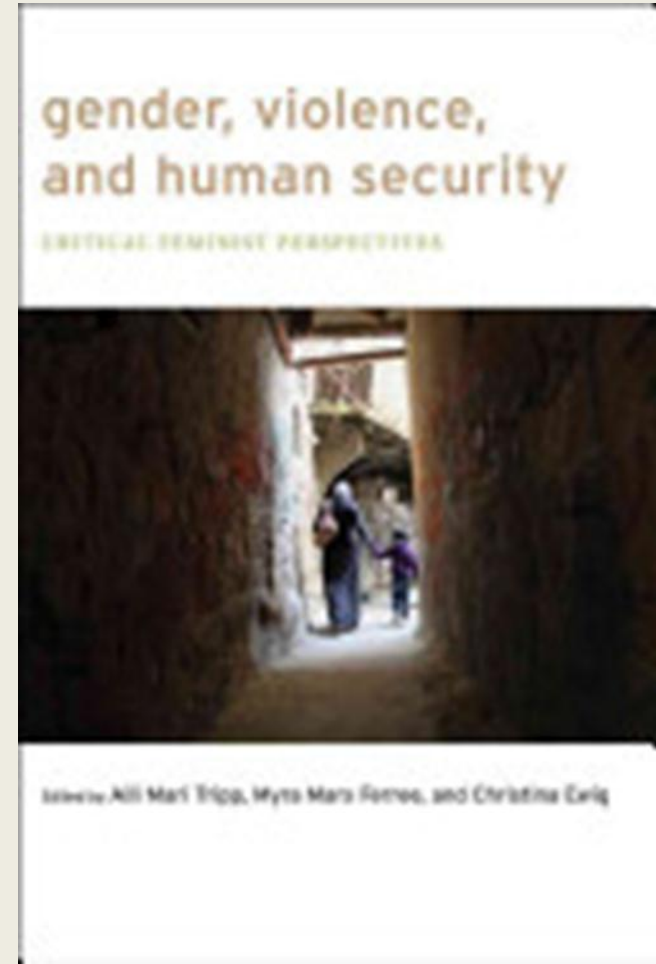
9



# Helpful frame for looking in sufficient depth & breadth at: **lives of women and marginal groups**

10

- “The concept [of human security]...gave [people] a language to interject concerns about the kinds of interpersonal and structural violence [that] women experience into larger debates on security.” (Heideman 2013: 217).
- In: Tripp, A.M.; Ferree, M.M.; Ewig, C., eds, 2013, *Gender, Violence, and Human Security*. New York University Press.



## Benin National Human Devt. Report 2012

Helpful  
frame for  
looking at  
**both felt  
security  
and expert-  
specified  
indicators**  
(& comparing)



# Exploring experienced Human Insecurity / Vulnerability

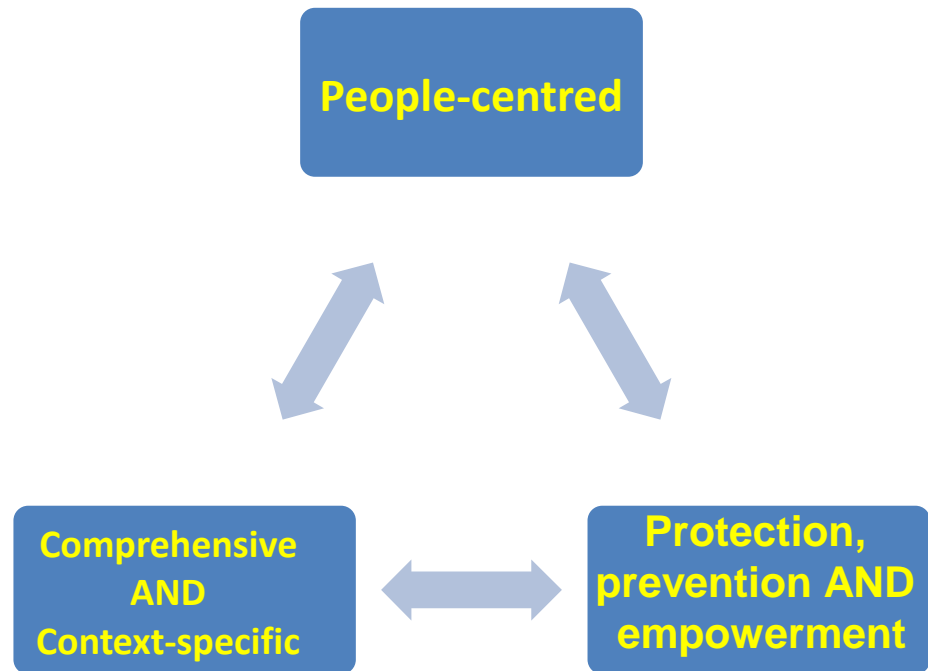
12

- Investigating in an exploratory way what is experienced as insecurity, for it is:
- 1. **contextual** – via **intersections** of many factors, hence varies across persons, classes, localities, times;
- 2. often **surprising**; threats are partly unpredictable;
- 3. partly culturally and personally **subjective** – but with objective consequences. Investigating these perceptions is vital for understanding behavior, morale, mental barriers, felt dignity and indignity.
- **Must be studied with open mind/eyes, in each local situation**

## What we feel as insecurity is:

1. **contextual** – via **intersection** of many factors, so it varies across persons, classes, localities, times
  2. often **surprising**; threats & intersections are partly unpredictable
  3. partly culturally & personally **subjective** – but with objective consequences
- 1, 2, 3 → So must be studied **in context**, via a flexible approach

**ROLES:** Allows flexible exploration of lived experiences of insecurity, which are diverse and complex (UN HS Unit)



# HRs and HS ideas as complementary/competitive?

14

## *The view that HS ideas complement HRs:*

- Security is about priorities – also within listed rights, despite beliefs in indivisibility
- Rights are a format for entrenching basic priorities
- Security is also about stability

## *Howard-Hassmann: HS approaches often undermine human rights:*

- HS approaches have helped in identifying new threats to HRs, neglected groups, new duties, new instruments. **But:**
- **Confusing repetition** of what is already well covered by HR regime
- **Too flexible on priorities**
- **Too all-encompassing in concerns;** beyond what law & public policy can address

# Howard-Hassmann's propositions, interpreted in tabular form

15

## ALL CASES/ISSUES

**Issues covered already by  
Human Rights  
regimes/instruments**

**Issues not covered  
already by Human Rights  
regimes/instruments**

### **‘Broad’ view of human security**

1. Superfluous for left hand column, since HRs already cover that
2. Dangerous in left hand column because it dilutes human rights claims, converts them into just policy principles that can be downgraded & traded-off
3. Dangerous in right-hand column because it brings in issues (like need for psychological security, love, etc. that exceed the reach of law & public policy)

**‘Narrow’ view of human security**  
Helpful insofar as restricts itself to  
issues that are (a) not already  
covered by HRs instruments, and  
also (b) not beyond scope of law &  
Public Policy



# Comments on Howard-Hassmann's propositions

16

1. H-H's **terms** appear different from those in the longstanding discussions on human security [where 'broad' = broad range of threats, victims, causes, ... and 'narrow' = focus on physical violence to human bodies (& property)]
2. Her 'narrow' view is not at all narrow (but is narrower than covering everything).
3. Her 'broad' view subsumes the 'narrow' view; is not exclusive of it.
4. There is important space for public policy/action in between (a) issues that fit well into the format of human rights conventions and (b) issues that are beyond the scope of public policy. Further:
5. 'Broad' human security **analysis** helps us deal better with BOTH 1. Issues that fit well into HRs convns. format, 2. Issues that can not be so treated.

# 1: Intra-national 'sector': Violence against women

17

...[W]omen are often the ones most victimized by violence in times of armed conflict... [Their] basic well-being is also severely threatened in daily life by unequal access to resources, services and opportunities, not to mention the many forms of violence women experience under “ordinary circumstances”. ...

**[T]he concept of human security is able to capture this broader range of threats and risks.** ... [The] appearance of the concept was celebrated as offering new lenses through which to understand the difficulties women and girls encounter ... (Rubio-Marín and Estrada-Tanck 2013: 238).

*Estrada-Tanck, e.g.: Inter-American Court of HRs, case of Cotton Field vs. Mexico; & Turkey case in Eur. Ct. HRs*

- **Wider-ranging analysis of causes of rights violations**
- *Factors that make women vulnerable: incl. economic, cultural, and indifference by the state*
- → *Focus on prevention, not only compensation; ...*
- **HS-HR complementarity**

## [2: National case, in a global context: Modern history of Sri Lanka]

18

See annex on food for thought about

- ***Possible limitations of human rights regime alone***
- ***What sorts of conditions, dynamics, structures and processes in the environment allow HR & HS ideas to work together well?***
- HS analysis gives attention to structural vulnerabilities (interlinked local-global), and to
- Systemic intensification and connectedness of critical and pervasive threats (incl. interlinkage of freedom from want and freedom from fear)

### 3: Inter/trans-national case: migrants

19

- Under present human rights law and in the corresponding legal analyses of violations of migrants' rights, the violations are not seen as manifestations of wider and long-term structural vulnerabilities in interrelated multiple spheres of life (economic, political, cultural and social). Thus:-
- In the dominant narrow legal analyses using human rights instruments, the underlying issues -- of chronic and absolute poverty, political repression, systemic human rights violations and pervasiveness of direct violence and brutal civil wars -- that contribute to migration often receive little or no attention.

# Reframing migration cases via HS analysis

20

Estrada-Tanck (*Eur. J. of Social Security*, 2013) argues that human security can play an integrative role as an orienting concept in legal interpretation, and in filling current gaps and bridging between elements of the core content of human rights

- Any analysis that goes beyond stating and reasserting laws suggests that many of the issues concerning migration require also the broader approach....
- [Without] contextualising broadly what leads to the violation of migrants' human rights, a human rights approach becomes unable to paint a coherent picture, [and this] can affect the legal interpretations and resulting judgements.

# Reframing migration cases via HS analysis - 2

21

- Example 1 – MSS vs. Belgium and Greece, in European Court of Human Rights, 2011
  - Example 2 – Yeasn and Bosico Children vs Dominican Republic, in Inter-American Court of Human Rights, 2005
  - Plus a negative example: in ECHR 2008
  - (All from Estrada-Tanck 2013)
- The conflict is often great between 1) felt ‘community security’ of host country majority, and 2) the livelihood security and dignity of immigrants.
  - Here Mushakoji (2011) seeks to extend the principle of *common human security*, to deal with identity security and identity reproduction.

## 4: Global case: Climate change

### Massive human rights violations are in the pipeline...

22

- ... as product of ongoing anthropogenic climate change which will destroy many people's livelihoods, and because of its (non-) treatment and understatement.
- The world faces not just a small chance of distant disasters but imminent certain and serious damage, at least for many people, if we do not act.
- World Commission on the Ethics of Science and Technology: *'What is already unequivocally known about global climate change is that it poses a risk of ethically unacceptable harm which is uncertain only in terms of [exact] magnitude and timing.'* (COMEST 2010 p.29).



# Human rights language is powerful but its legal variants may not be workable for CC

23

HUMAN RIGHTS language has strong relevance :

1. Focus on **harm** caused
2. → Corresponding **duties**; to be enforced
3. **A cosmopolitan** ethic, in principle; includes a focus on individuals, *wherever*, and on their duties.

**But limits of legal format:**

The damage may not fit legal definitions. Plus:-

1. Limited access to and capacity of legal system
2. Damage caused by individuals is difficult to authoritatively compute
3. → **Better to use a security/ insurance format**, to cover costs of adaptation and prevention.

# Existing systems versus the changes needed to respond adequately to climate change

24

1. **Capitalist market economy:** often effective for raising commodity production, but not for e.g. handling CC
2. **Nation-state system:** ineffective (**esp. in now-oriented democracies?**) for dealing with global webs of interconnection
3. The dream of salvation through **techno-wizardry**
  - **1 & 2 (& 3) screen out the distant poor & vulnerable**

Needed:

- Ethical & policy language that helps to motivate and coordinate diverse efforts worldwide & across generations. Human rights is such a language.
- *But also needed:*
- Sense of interconnection – of moral/ontological **and** (for moral change is slow) causal interconnection

# Who will suffer most from a hurricane or tsunami ?

25

- If we start by looking at particular people and locations, we see that:
- The groups who are most threatened by global environmental changes are often the groups who are also **those most threatened by global economic changes**
- They are more **exposed** (e.g. because they live in more exposed locations)
- They are more **vulnerable** (more damaged by the same exposure and by their actual exposure, because have less resources)
- They are the least **resilient** (because have less resources: economic, social, cultural, political)

# New Orleans - Hurricane Katrina:

## urban vulnerabilities & their rise – shown by HS analysis

(Leichenko & O'Brien) 2008)

26

- **Main victims of Katrina (& the subsequent flood) were these groups (& especially people at their intersection)**
  - **Afro-Americans**
  - **poorer people, who lived on worse land**
  - **over 60's: more than 60% of the 1800 deaths**
- **Economic change: decline of old industries; cutting of many new channels from river to sea; gave storm surges from the ocean new paths to reach the city**
- **Institutional and political change: privatization & corporatization of services → far weaker coordination**
  - **Patients in private health care facilities were immediately evacuated; those in public care waited 5 days**
  - **Rebuilding: for-profit facilities were rebuilt much faster than not-for-profit schools and public housing**

**Awareness** of trans-disciplinary interconnections →  
Wider scope in **attention** to contributory factors →  
Adds to **awareness** of vulnerability & fragility affecting some people

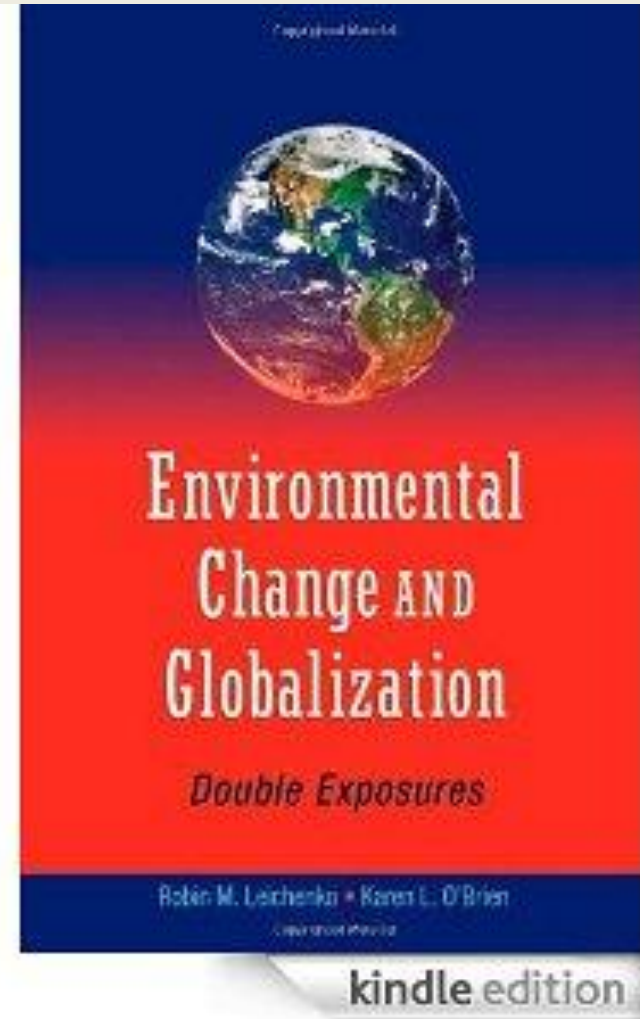
27

*Leichenko & O'Brien 2008*  
(Oxford Univ. Press, NYC):  
Economic globalization & global  
environmental change

- have **additive effects**, and
- have **interactive effects**
- (DG: and thus trigger further rounds of reactions).

**We see this if we start by  
looking at particular  
people and locations.**

**We can miss this if we work  
in an abstracted  
disciplinary discourse** –  
whether of social science or of  
environmental science – or of  
economics or philosophy or....



# Climate change - 2

28

HUMAN SECURITY analysis has possible roles complementary to HRs language:-

[Gasper in *Social Research*, 79(4), 2012]

1. Highlights **inter-connectedness**: environmental finitude, ecological fragility, persons' vulnerabilities
2. Strengthens perception of **shared fate**, shared interests, even shared identity

# Conclusions – 1: Review

29

1. H-H's **terms** are different from those in the existing discussion on human security [where 'broad' = broad range of threats, victims, causes, ... and 'narrow' = focus on physical violence to human bodies (& property)]
2. Her 'narrow' view is not at all narrow (but is narrower than covering everything).
3. Her 'broad' view of HS subsumes the 'narrow' view, is not exclusive of it.
4. There is important space for public policy/action in between (a) issues that fit well the format of HRs conventions and (b) issues that go beyond scope of public policy.
5. 'Broad' human security **analysis** helps us deal better with 1. Issues that fit well into HRs convns. format, & 2. Issues that can not be so treated



## Conclusions – 2:

### Broader provisional conclusions

30

- Human security thinking, involves a set of agendas, not only for values/deontology but **also for description/ontology & explanation about causes of (non-) achievement of HR values**
- So: What H-H calls ‘the broader view/approach/concept/discourse/agenda’ is in reality not merely a checklist of areas proposed for legal entrenchment.
- The broad scope of human security discussions, compared to the sharper definition of human rights, stems not from woolly thinking but from **the difference between 1) integrative analysis-explanation and 2) a normative stipulation.**
- Contributions will vary though across cases.

## *Conclusions – 3: HS approaches often undermine human rights....*

31

### **...says Howard-Hassmann:**

- Yes, HS approaches have helped in identifying new threats, neglected groups, new duties, new instruments.

### *But also HS approaches:*

- *Repeat what is well covered by HR regimes; often in ignorance of HRs*
- *Too lax & flexible on priorities*
- *Too all-encompassing in concerns*

## **We doubt this:**

### **Gaspar & Jayasundara argue:**

- ***This identification of new dimensions has happened on a large scale***
- ***It is a result of the broad scope in human security analysis, including regarding social structures & also subjectivities***
- ***→ Yes, HS & HR approaches are strongly complementary***

# Some references

32

- Edwards, A., and Ferstman, C. (eds.), 2010: *Human Security and Non-Citizens*, Cambridge: Cambridge University Press.
- Estrada Tanck, D. 2014, Human Security and Women's Human Rights: Reinforcing Protection in the Context of Violence Against Women. Human Rights. Working Paper 02/2014, Austin, TX: Rapoport Center.
- Estrada-Tanck, D., Human Security and The Human Rights of Undocumented Migrants: Systemic Vulnerabilities and Obligations of Protection, *European Journal of Social Security*, 16(2), (2013), 151-170.
- Gasper, D. 2007: Human Rights, Human Needs, Human Development, Human Security – Relationships between four international 'human' discourses. *Forum for Development Studies*, 34(1), 9-43. Also in *Ashgate Research Companion to Ethics and International Relations*, ed. P. Hayden, 2009: Aldershot; 329-355.
- Gasper, D. 2005: Securing Humanity – Situating 'Human Security' as Concept and Discourse. *J. of Human Development*, 6(2), 221-245. Reprinted at pp.169-192 in vol. 1 of T. Owen (ed.), 2013, *Human Security*, 4 volumes, SAGE Publications: Los Angeles, &c.
- Mushakoji, K., 2011: State and Immigrant Diaspora Identity in Contemporary Japan: From a Developmentalist National Ethic towards a Multicultural Development Ethic of Common Human Security. In: Truong, T-D., Gasper, D. (Eds., 2011), *Transnational Migration and Human Security*. Heidelberg: Springer: 297–310.

# Annex: Modern history of Sri Lanka - 2

33

- Human security was encapsulated in the social democracy and welfare state model of 1940s-70s/early 80s
- Better guarantor of Social and Economic Rights
- 1977 on: Liberalization of economy undermined human rights (with tolerance & complicity by internat. commy.)
- → Ethno-political conflicts
- → Resurgence of old state paradigm – ‘state of exception’, focus on National security, impinging on HRs of all
- 1990s-2000s: Pushing of HRs, through neo-liberal peace model & Good Governance agenda, as a solution to the ethno-political conflict was counter-productive (and lacking in moral and political spirit of Kantian Philosophy)

# Modern history of Sri Lanka - 3

34

Hassmann argues:

- On average, signing and ratifying IHR treaties contributes to improved human rights record of a country (p.97)
- Asian developmental regimes prefer (broader) human security ideas over human rights, to bypass or soft-pedal on Human Rights obligations to their citizens (p.104)
- Solo application of HRs would be better

Whereas, Jayasundara argues:-

- Sri Lanka signed many human rights treaties - but poor HRs performance
- The liberal state-building and neo-liberal peacebuilding project undermined the Human Rights regime (because: imposed, low legitimacy, & contradictions)
- Bring back 'Human security' as part of an emancipatory political project
- & use its interpretive and normative power (to reframe the underlying issues of the conflict and counterbalance negative effects of HR practice)