Human Security and Human Rights - Competitive or complementary?

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Rationale for the paper
- speaking with one voice as we enter post-2015 era?

- 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”


- ‘The two may be competing discourses, despite arguments by some scholars that they are not.’
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

- 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

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**

<table>
<thead>
<tr>
<th>‘CONNECTIVITY DIMENSION’</th>
<th>Vulnerability</th>
</tr>
</thead>
<tbody>
<tr>
<td>≈ A. attention to lives as constituted by numerous linked systems; &amp; B. threats (&amp; opportunities) arising in and from such links, intersections, interactions</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>‘EQUITY DIMENSION’</th>
<th>Deprivation</th>
<th>First penumbral human security space</th>
</tr>
</thead>
<tbody>
<tr>
<td>≈ 1. focus on how people live &amp; can live, &amp; 2. focus on fulfilment of basic needs and rights</td>
<td>YES</td>
<td>Core human security space</td>
</tr>
<tr>
<td>NO</td>
<td>Second penumbral human security space</td>
<td>----</td>
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The spread: Many possible sources of vulnerability → Many major lines of work, on:

- Conflict
- Crime
- Gender violence
- Environment – e.g., *UN Institute for Env. & 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.
Helpful for focusing work on human impacts of environmental change (2013) & of migration (2011)
"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).

Benin National Human Devt. Report 2012

Helpful frame for looking at both felt security and expert-specified indicators (& comparing)
Exploring experienced Human Insecurity / Vulnerability

- 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

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

- **People-centred**
- **Comprehensive AND Context-specific**
- **Protection, prevention AND empowerment**
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

<table>
<thead>
<tr>
<th>ALL CASES/ISSUES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issues covered already by Human Rights regimes/instruments</strong></td>
</tr>
<tr>
<td>‘Broad’ view of human security</td>
</tr>
<tr>
<td>1. Superfluous for left hand column, since HRs already cover that</td>
</tr>
<tr>
<td>2. Dangerous in left hand column because it dilutes human rights claims, converts them into just policy principles that can be downgraded &amp; traded-off</td>
</tr>
<tr>
<td>3. Dangerous in right-hand column because it brings in issues (like need for psychological security, love, etc. that exceed the reach of law &amp; public policy)</td>
</tr>
<tr>
<td>‘Narrow’ view of human security</td>
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</tbody>
</table>
Comments on Howard-Hassmann’s propositions

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

...[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-Marin 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**
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

- 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.

- 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

- **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...

- ... 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

**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

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

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### 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?

- 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).
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

*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....
HUMAN SECURITY analysis has possible roles complementary to HRs language:

1. Highlights inter-connectedness: environmental finitude, ecological fragility, persons’ vulnerabilities

2. Strengthens perception of shared fate, shared interests, even shared identity

[Gasper in Social Research, 79(4), 2012]
Conclusions – 1: Review

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)]

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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

- 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…

...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:

Gasper & 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


Annex: Modern history of Sri Lanka - 2

- 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-200s: 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)
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)