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HUMAN SECURITY, HUMANITARIAN INTERVENTION, AND THIRD WORLD CONCERNS

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*Concepts come and go; they do not stay around forever. "Human security" is in, "Humanitarian intervention" is on its way out.*¹

The attenuation of global rivalries in the nineties raised new hopes and paved the way for realizing the dream of building a sustainable peace through global consensus and humanitarian law. It evoked expectations that the international community, led by the United Nations, would go beyond inter-state military threats and focus on the developmental and human rights issues which were sidelined during the long decades of the Cold War. Innovative notions like human security, peace-building, and global governance enriched the lexicon of international relations.

However, the initial optimism has been short lived. The decade following the end of Cold War has seen an unprecedented spurt of violent conflicts and other non-traditional security threats; the international community is divided as never before. Although the hotbeds of most of these conflicts are in the developing South or the Third World,² their ramifications are directly felt all the way into the Northern heartland in the form of refugee outflows, drug trafficking, organized crime, and health epidemics. The scourge of terrorism along with the rising scale of structural and cultural violence, have discounted the initial euphoria that the world would be a safer place after the end of the Cold War. Moreover, the unbridled sweep of globalized commerce, often to the detriment of the poverty-stricken Third World, the unabashed pursuance of unilateralism by the world's sole superpower, and an increasingly feeble role of the United Nations has demoralized a large chunk of democratic opinion the world over.³ The Agenda for Peace,

* Director, Malaviya Centre of Peace Studies, Banaras Hindu University, Varanasi (India). I would like to thank the Department of Political Science, United States Air force Academy where much of the research for this paper was done while I served the Academy as a Fulbright Professor.

1. Johan Galtung, *Human Needs, Humanitarian Intervention, Human Security – and the War in Iraq*, Transcend: A Peace and Development Network (Feb. 12, 2004) (Keynote Address, Sophia University/ICU, Tokyo (12/14/2003) and Regional Studies Association, Tokyo, (01/10/2004)), at http://www.transcend.org/t_database/articles.php?id=262.

2. Although there is no "Second World" any more, the term "Third World" has been preferred to other alternative terms such as "developing world" and "the South" to highlight the historical disparities between the West and the post colonial states of Asia, Africa, and Latin America.

3. "By the end of the 1990s . . . Pax Americana seemed to have become *bellum americanum*, as the desire to keep the peace took second place to a desire to accomplish 'good' through war. Neutral intervention under the auspices of the UN gave way to support for one side in a conflict, from Bosnia

which signaled a new era of international peace and security not long ago, no longer serves as a blueprint for security in the new millennium.⁴ The acrimony and contentions over “so-called” humanitarian interventions have led the scholars to doubt its continuing relevance. There is also a growing skepticism about the notion of human security in the Third World. How do we account for these paradoxical developments?

The paper explores the ramifications of human security as an alternative security discourse and the problem of evolving a universally accepted framework to implement it. It also analyzes the convergent and divergent perspectives on humanitarian intervention, particularly the fault lines between humanitarianism and *realpolitik*. The focus is on the Third World concerns and prospects of forging a truly global consensus on these critical issues.

From State Security to People's Security

It has never been easy to conceptualize the notion of security around some universally agreed parameters as, “it involves not only the capabilities, desires and fears of individuals and states but also the capabilities, desires and fears of other individuals and states with which they interact.”⁵ It has meant different things for policy makers and analysts in different times and involves such subjective questions as: Security for whom? Security from what? And, by what means? Moreover, the dominant political and strategic community invariably has the upper hand in molding the discourse on security, both in national and international society. “Security is an empowering word” remarks Navnita C. Behera, “[i]t both sets political priorities and justifies the use of force. The way security is understood and used profoundly affects the way political life is conducted.”⁶ It is therefore critical to unravel the political and intellectual lineage of the traditional security discourse before delineating the concept of human security.

The traditional notion of security has derived typically from the growth of nation-states in Europe. Having resolved their internal security challenges through a long and arduous process of state building, the European nation-states understandably defined security exclusively in the context of a state's ability to counter external threats to its state's vital interests and core values. The state, as the exclusive referent object of security, was to guarantee the security of “citizens.”⁷ The two World Wars, followed by the intense bipolar jostling,

and Herzegovina to Kosovo to Sierra Leone.” Hurst Hannum, *Bellum Americanum*, 27 SPG FLETCHER F. WORLD AFF. 29 (2003).

4. *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping, Report by the Secretary General*, U.N. Doc. A/47/277-S/24111 (1992) [hereinafter *An Agenda for Peace*].

5. Barry Buzan, *Regional Security*, Arbejdsrapport Working Papers, Centre for Peace and Conflict Research, Copenhagen at 1 (28/1989).

6. Navnita C. Behera, *Discourses on Security: South Asian Perspectives*, Occasional Paper Series III, Malaviya Centre for Peace Research, p.1 (Mar. 16, 2001), available at <http://www.mcpr-bhu.org/Publication.htm>.

7. Bhikhu Parekh expresses well the core assumption of the ‘statist’ approach. “Citizens are the exclusive responsibility of their state, and their state is entirely their own business.” Nicholas J. Wheeler & Alex J. Bellamy, *Humanitarian Intervention and World Politics*, in *THE GLOBALIZATION OF WORLD POLITICS: AN INTRODUCTION TO INTERNATIONAL RELATIONS* 473 (John Baylis & Steve Smith

schematized the state-centric notion of security and reinforced its militaristic trappings. The western politico-military constellations were quick to define the international security in terms of the East-West confrontation⁸ and viewed any policy of abstaining from the Cold War with suspicion. As Peter Willets remarked, “[t]he Cold War belligerents, with their ‘those who are not with us are against us’ do not recognize any policy and decision to abstain from the Cold War.”⁹ The oft-quoted description of nonalignment by the U.S. Secretary of State’s John Foster Dulles as “an immoral and shortsighted conception,”¹⁰ is a case in point. It is suggested that the deliberate conflation of the U.S. national security with global security “rendered U.S. imperial interests justifiable, to make it the normal and desirable state of affairs.”¹¹ The western sponsored strategic schema was globalized by the realist paradigm, and its modified version—the neorealist school of thought, emphasized the importance of power in enhancing security in the international anarchy of world politics.¹²

The protests from thinkers and philosophers in different cultures, seeking a broader and transnational vision of security embodying development and social justice issues have been mostly on the sidelines of the academic discourse.¹³ The pacifist traditions such as Peace Research and Conflict Resolution, despite their perceptive criticism of realism and an alternate vision of security (almost identical to the human security), were mostly ignored.¹⁴ The overwhelming salience of bipolar politics never allowed the focus to shift from the security of national

eds., 2001) (quoting Bhikhu Parekh).

8. See, e.g. Elmo R. Zumwalt Jr., *Heritage of Weakness: An Assessment of the 1970s*, in NATIONAL SECURITY IN THE 1980’S: FROM WEAKNESS TO STRENGTH 17-51 (W. Scott Thompson ed., 1980).

9. PETER WILLETS, THE NON-ALIGNED MOVEMENT: THE ORIGINS OF A THIRD WORLD ALLIANCE 20 (1978).

10. J.F Dulles, *The Cost of Peace*, DEP’T ST. BULL., June 1956, at 999-1000.

11. Behera, *supra* note 6, at 2 (quoting Robert Luckham).

12. See generally E.H. CARR, THE TWENTY YEARS’ CRISIS: 1919-1939 (1939) (the trendsetter of realist writing); see also HANS J. MORGENTHAU, POLITICS AMONG NATIONS: THE STRUGGLE FOR POWER AND PEACE (2d ed. 1948, 3d ed. 1960, 5th ed. revised 1978) (the most influential work of realist writing); see also JOHN A. VASQUEZ, THE POWER OF POWER POLITICS: FROM CLASSICAL REALISM TO NEOTRADITIONALISM (1998).

13. See Gene Sharp, *Beyond Just War and Pacifism: Nonviolent Struggle towards Justice, Freedom and Peace*, in VIOLENCE AND ITS ALTERNATIVES: AN INTERDISCIPLINARY READER 317-333 (Manfred B. Steger & Nancy S. Lind, eds., 1999).

14. Johan Galtung’s term “positive peace,” Kenneth Boulding’s “stable peace,” and John Burton’s “human needs” approach could be perceived easily as precursors of the recent conceptualization of Human Security. See Johan Galtung, Violence, Peace, and Peace Research, 6 J. PEACE RES. 166, 183 (1969); Kenneth Boulding, Future Directions in Conflict and Peace Studies, 22 J. CONFLICT RESOL. 342, 348-49 (1978); CONFLICT: HUMAN NEEDS THEORY 1-4 (John W. Burton, ed., 1990). However “some peace researchers raised concerns that a broadened notion of peace and security would divert attention from disarmament. . . .” HO-WON JEONG, PEACE AND CONFLICT STUDIES: AN INTRODUCTION 26 (2000). See also Bjørn Møller, *National, Societal and Human Security: General Discussion with a Case Study from the Balkans, What Agenda for Human Security in the Twenty-first Century?*, Proceedings from the First International Meeting of Directors of Peace Research and Training Institutions 41, UNESCO (2001), available at <http://unesdoc.unesco.org/images/0012/001238/123834e.pdf>; Astri Suhrke, *Human Security and the Interests of States*, 30 SEC. DIALOGUE 265 (1999).

boundaries, territorial integrity, and the integrity of state institutions.

However, the political transference of the past two decades, particularly the lifting of the cold war overlay, dramatically unraveled the inadequacies of state-centric security in meeting the challenges of the 21st Century.¹⁵ The changed "global landscape . . . was marked by pervasive poverty and deepening inequality within and between states."¹⁶ Unchecked population growth, unbridled globalization and inequitable distribution of wealth are now provoking political strife in many countries, sometimes leading to social disintegration and armed conflict.¹⁷ The gravest threats to security today come from within nations, not from invading armies. "Of the 20 countries with the lowest scores on the human development index in 2002, 16 were in conflict or just out of it."¹⁸ As population pressures build, and local resources collapse, people often resort to ethnic, religious, or other group-based identities for protection. Among the most vulnerable are the poor people that comprise two-thirds of the population in the so-called Third World, whose living on ecologically fragile lands are increasingly marginalized.¹⁹ These societal threats arising in any part of the world have portents for threatening global security in today's integrated and globalized world.

Evidently the challenges of the twenty-first century necessitate an expanded notion of security which is not restricted to the well being of the state but takes care of basic security needs of the citizens residing therein. However, the realist paradigm has no theoretical tools to capture the complexity of identity-based conflicts or to produce effective policies toward conflict resolution. As aptly remarks E. Fuat Keyman: "[r]ealism falls short insofar as it privileges the state as the main actor and limits its focus toward interstate relations. By neglecting economic and cultural factors, it reduces casual potential to the level of the anarchical international system."²⁰ Johan Galtung puts it even more squarely: "[w]hen rape and ethnic cleansing is used as an instrument of war, when thousands are killed by floods resulting from ravaged countryside and when citizens are killed by their own security forces, then it is just insufficient to think of security in terms of national or territorial security alone."²¹

15. Early rethinking on post-bipolar security was done by several scholars. See Stephen M. Walt, *The Renaissance of Security Studies*, 35 INT'L STUD. Q 211(1991); Barry Buzan, *New Patterns of Global Security in the Twenty-First Century*, 67 INT'L AFF. 431 (1991); Edward A. Kolodziej, *What is Security and Security Studies? Lessons from the Cold War*, 13 ARMS CONTROL 1 (1992); see also David Baldwin, *Review Article: Security Studies at the End of the Cold War*, 48 WORLD POL. 117 (1995).

17. Caroline Thomas, *Global Governance and Human Security*, in GLOBAL GOVERNANCE: CRITICAL PERSPECTIVES 113 (Rorden Wilkinson & Steve Hughes eds., 2002).

17. EMIN FUAT KEYMAN, *GLOBALIZATION, STATE, IDENTITY/DIFFERENCE: TOWARD A CRITICAL SOCIAL THEORY OF INTERNATIONAL RELATIONS* 210 (1997); see also Thomas, *supra* note 17, at 116-117.

18. COMMISSION ON HUMAN SECURITY, *HUMAN SECURITY NOW* 21 (2003). [hereinafter HUMAN SECURITY NOW].

19. See MICHAEL RENNER, *FIGHTING FOR SURVIVAL: ENVIRONMENTAL DECLINE, SOCIAL CONFLICT AND THE NEW AGE OF INSECURITY* 83 (1996).

20. Keyman, *supra* note 17, at 210.

21. Møller, *supra* note 14.

No wonder the end of the Cold War inaugurated a renaissance in security studies. Ranging from critical theories, which draw on postmodernism and feminism and pose fundamental disagreements with the core categories of traditional security studies, we also have “new thinking” within the mainstream security discourse which seeks to widen the security debate by incorporating societal threats that affect not only states but also groups and individuals and other non state actors.²²

However, it is the construction of human security discourse, which has attracted the widest interest among the policy makers, scholars, and civil society actors. It makes a fundamental transference in the security analysis by bringing people and society within the template of security. Indeed the construct of human security has become a catchphrase employed not only with the United Nations and its allied agencies but also, lately, by various states. Still there are divergent expositions offered by academia, state policies, and NGO sectors about what it entails, what should be its focus, and how it is to be operationalized.

Interpreting Human Security

The earliest traces of human security concern could be discerned in the 1970s when the human rights and development activists conceptualized an umbilical link between disarmament and development. During this phase, an influential group of peace researchers also came out with an alternate paradigm based on basic human needs, which soon caught attention of the members of the U.N. family. It tried to aggregate the basic human rights with such basic needs as food, clothing, housing, health, and education.²³ These impulses led to various initiatives in the seventies and the eighties including the Independent Commission on International Development Issues chaired by Willy Brandt, the Olof Palme-led Independent Commission on Disarmament Security Issues and Brundtland Commission, and the Stockholm Initiative on Global Security and Governance. Nevertheless, it took a while for the concept to take roots and proliferate.

The first current usage of Human Security appeared in the Human Development Reports sponsored by the United Nations Development Program (UNDP).²⁴ Starting with 1993, the UNDP reports built upon and refined this concept.²⁵ In 1994, the Human Development Report focused explicitly on human security and defined it around two aspects: freedom from fear and freedom from want, which include safety from chronic threats such as hunger, disease and

22. See generally THE CULTURE OF NATIONAL SECURITY: NORMS AND IDENTITY IN WORLD POLITICS (Peter J. Katzenstein ed., 1996). See generally Barry Buzan, *Re-thinking Security After the Cold War*, 32(1) COOPERATION AND CONFLICT 5, (1997) (Also significant is the contribution of the Copenhagen School, which mainstreams societal concerns within the security discourse.); Ole Waever, *Securitization & Desecuritization*, in ON SECURITY 46 (Ronnie D. Lipschutz ed., 1995); BARRY BUZAN ET AL., SECURITY: A NEW FRAMEWORK FOR ANALYSIS (1998).

23. Galtung *supra* note 1, at ¶ 5 (Attributed essentially to Johan Galtung, the Basic Human Needs (BHN) draws on the Universal Declaration of Human Rights of 1948 and the Social, Economic and Cultural Covenant of 1966).

²⁵ See UNITED NATIONS DEVELOPMENT PROGRAMME, 1993 HUMAN DEVELOPMENT REPORT 2 (1993).

²⁶ See UNITED NATIONS DEVELOPMENT PROGRAMME, 1994 HUMAN DEVELOPMENT REPORT 3 (1994).

repressions, and protection from sudden and hurtful disruptions in the patterns of daily life.²⁶ The Report identified five steps: a human development conception with emphasis on equity, sustainability, and grassroots participation; a peace dividend to underwrite the broader agenda of human security; a new partnership between North and South based on justice and equitable access to global market opportunities and economic restructuring; a new framework of global governance built on reform of international institutions such as the IMF, World Bank, and the United Nations; and finally, a growing role for global civil society.²⁷

Further, the UNDP Report listed seven “components,” or specific values of human security: economic security, food security, health security, environmental security, personal security, community security, and political security.²⁸ The Canadian-led middle powers’ approach subsequently endorsed by Norway makes a common cause with the core elements of UNDP definition when it incorporates “an acceptable quality of life” which, minimally, connotes physical safety and well-being, and “a guarantee of fundamental human rights” which means freedom from pervasive threats to the rights, the safety, or the lives of people.²⁹ The Japanese Government also defines human security, as “[t]he preservation and protection of the life and dignity of individual human beings . . . that . . . can be ensured only when the individual is confident of a life free of fear and free of want.”³⁰

However, the Canadian government and its Minister of Foreign Affairs, Lloyd Axworthy, linked human security more explicitly to human rights and humanitarian law and critiqued the UNDP version “for focusing too much on threats associated with underdevelopment at the expense of human insecurity resulting from violent conflict.”³¹ The Canadian view was endorsed by the other middle powers like Norway which joined Canada in a Human Security Partnership.³² “The partnership identified a nine-point agenda of human security: landmines, formation of an International Criminal Court, human rights,

²⁷ *Id.*

²⁸ See generally UNITED NATIONS DEVELOPMENT PROGRAMME, 1994 HUMAN DEVELOPMENT REPORT (1994).

²⁸ UNITED NATIONS DEVELOPMENT PROGRAMME, 1994 HUMAN DEVELOPMENT REPORT 22 (1994).

²⁹ Louis Hamel, *Toward Human Security: A People-centered Approach to Foreign Policy*, Keynote address at the First International Meeting of Directors of Peace Research and Training Institutions, in WHAT AGENDA FOR HUMAN SECURITY IN THE TWENTY-FIRST CENTURY? 15 (UNESCO, Nov. 27-28, 2002). [hereinafter Hamel]. (However it is the distinct emphasis on “the threat of violence that distinguishes the human security objectives of Canadian foreign policy”). See, *Handling Human Security*, 15(4) PEACE MAGAZINE 13, 14 (1999), <http://www.peacemagazine.org/archive/v15n4p13.htm>

³⁰ Yukio Takasu, *Toward Effective Cross-Sectional Partnership to Ensure Human Security in a Globalized World*, Statement at the Third Intellectual Dialogue on Building Asia’s Tomorrow, (June 19, 2000), http://www.mofa.go.jp/policy/human_secu?spech0006.html.

³¹ Amitav Acharya, *Human Security: East Versus West*, 56(3) INTERNATIONAL JOURNAL 445. Hamel, *supra* note 29, at 15. (“It is the threat of violence that distinguishes the human security objectives of Canadian foreign policy” from that of UNDP).

³³ Acharya, *supra* note 31, at 445.

international humanitarian law, women and children in armed conflict, small arms proliferation, child soldiers, child labour, and northern co-operation.”³³ This transference reflected “a new international climate marked by changing norms of state sovereignty with particular regard to human rights protection.”³⁴

The notions of human security are very far removed from the liberal notions of “security of individual,” which entails competitive and possessive individualism.³⁵ They, however, focus particularly on reducing the systemic insecurities threatening individual lives.³⁶ Referring to the key elements of human security, U.N. Secretary General Kofi Annan remarked:

Human security, in its broadest sense, embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfill his or her potential. Every step in this direction is also a step toward reducing poverty, achieving economic growth and preventing conflict.³⁷

Thus, in policy terms human security is an integrated, sustainable, comprehensive security from fear, conflict, ignorance, poverty, social and cultural deprivation, and hunger, resting upon positive and negative freedoms. At many levels, these human security arguments share a common genealogy with other much-recognized concepts as human development and human rights. As remarks Louis Hamel, Permanent Delegate of Canada to UNESCO, “[h]uman security is brother and sister to human development. Human security provides the sheltering environment for human development, the social peace and freedom from fear that make development practical.”³⁸ As amplified by the Commission on Human Security: “it necessitates the involvement of a range of non-state organizations and entities; and its success depends not only on protecting people but also empowering them.”³⁹ Seemingly, the construct of human security strives to reconcile humanitarianism and developmental concerns on the one hand, and international security on the other. However, of late “the tension between those embracing politics of development and those supporting human security paradigm has intensified because the transnational dimensions embodied within the latter approach have been under assessed.”⁴⁰

³⁴ *Id.* at 445-46.

³⁵ *Id.* at 445.

³⁶ Thomas, *supra* note 17, at 114-15.

³⁷ Thomas, *supra* note 17, at 115-16.

37. Press Release, Kofi Annan, Secretary-General Salutes International Workshop on Human Security in Mongolia (May 8, 2000), <http://www.un.org/News/Press/docs/2000/20000508.sgsm7382.doc.html>.

38. Hamel, *supra* note 29, at 15.

39. HUMAN SECURITY NOW, *supra* note 18.

40. Nicholas Thomas & William T. Tow, *The Utility of Human Security: Sovereignty and Humanitarian Intervention*, 33(2) *SECURITY DIALOGUE* 177 (2002).

Toward Peace –Building

The notion of peace-building corresponds closely to human security.⁴¹ Peace researchers and allied scholarship in conflict resolution have long emphasized a broader meaning of peace, which could deal with the generic causes of conflict.⁴² As observed by Paul Cornish, “[r]eal peace is much more than stability, order, and the absence of war: peace is transformative, about individual and societal progress and fulfillment; and peace within and between societies is as much about justice as any thing else.”⁴³ As delineated earlier, the concept of basic human needs and structural violence with their emphasis on oppression and exclusion as generic causes of violent conflict provides a ready platform to the human security discourse.⁴⁴ Revealing complementarities between the contemporary notions of positive peace with human security, *An Agenda for Peace* called for “an integrated approach to human security” that would address “. . . the deepest causes of conflict: economic despair, social injustice, and political oppression.”⁴⁵ Much like the conception of positive peace, the defining feature of human security is the ‘vulnerability’ of three categories of victims: those of war and internal conflict, those living at or below subsistence levels, and victims of natural disaster.⁴⁶ The UNDP Reports and the subsequent *Human Security Now* both admit that the threats to human security at the societal level are often the root causes of protracted internal violence and thus recommend peace-building as the support for divided societies in their efforts to prevent internal threats to human security.⁴⁷ Echoing this, the U.N. Secretary General Kofi Annan observed, “[w]e must also broaden our view of what is meant by peace and security. Human security can no longer be understood in purely military terms. Rather, it must encompass economic development, social justice, environmental protection, democratization, disarmament, and respect for human rights and the rule of law.”⁴⁸

Against National Security?

Seemingly, human security does not find any contradiction between the people’s security and the state security – the two layers of security.⁴⁹ In the words

41. See John Linarelli, *Peace-Building*, 24 DENV. J. INT’L L. & POL’Y, 253, 253-83 (1996).

42. *Id.*

43. Paul Cornish, *Terrorism, Insecurity and Underdevelopment*, 1 J. CONFLICT, SECURITY & DEV. 30, 147-52 (2001).

44. JOHAN GALTUNG, *Three Approaches to Peace: Peacekeeping, Peacemaking and Peacebuilding*, in PEACE, WAR AND DEFENSE: ESSAYS IN PEACE RESEARCH at 282-304 (Christian Ejlert ed.) (1976).

45. *An Agenda for Peace*, *supra* note 3, at 43-44.

46. See Astrid Suhrke, *Human Security and the Interests of States*, 30 SECURITY DIALOGUE 3, 265-76 (1999).

47. JOHN G. COCKELL., *Peace building and Human Security: Frameworks for International Responses to Internal Conflict*, in PREVENTING VIOLENT CONFLICT: PAST RECORD AND FUTURE CHALLENGES, at 210-11, (Peter Wallensteen, ed.) (1998).

48. Kofi Annan, *Letters to future generations: Towards a Culture of Peace*, at <http://www.unesco.org/opi2/lettres/TextAnglais/AnnanE.html>.

49. Michael Ignatieff, *Peace, Order and Good Government: A Foreign Policy Agenda for Canada*, Skelton Lecture given at the Department of Foreign Affairs and International Trade (March 12, 2004) (transcript available at <http://www.dfait-maeci.gc.ca/skelton/lecture-2004-en.asp>).

of Heinbecker, human security is about “the ability to protect people as well as to safeguard states.”⁵⁰ However, it surely takes a critical view of neglecting societal security in the name of safeguarding national security.

Human Security Now emphasized that although human security complements state security, there may be situations in which “it often fails to fulfill its security obligations – and at times has even become a source of threats to its own people.”⁵¹ The Canadian approach, often seen as disfavoring the issue of state security,⁵² argues that since the Cold War it is increasingly clear that national security is insufficient to guarantee people’s security.⁵³ The Canadian idea finds that though the security of the state is a necessary condition of human security; it is not a sufficient condition. An official document of the Canadian Department of Foreign Affairs and International Trade thus observes: “When states are externally aggressive, internally repressive, or too weak to govern effectively, human security suffers. In such cases, the international community will hear calls for intervention and humanitarian necessity may ultimately outweigh arguments of sovereignty.”⁵⁴ In the similar vein, a Report of International Commission on Intervention and State Sovereignty, envisions the world of states as a series of interlocking duty holders toward the populations they are supposed to serve and where one state fails in its duties, other states must step in: to stop the killing, feed the hungry, restore order, and return sovereignty to those who can fulfill their duties.⁵⁵

Post 9/11 Transference

The terrorist attacks on the United States and the subsequent “global war on terror” have distorted the discourse on human security in various ways.⁵⁶ As Mark Drumble remarks: “[r]esponse to atrocities of September 11 whether on the level of modifying the rules regarding a self-rule, avoiding strict adherence to the approval of use of force, demonstrating diffidence to the Geneva Convention, or the exceptional use of military commission—may signify a movement away from

50. P. Heinbecker, 56 *Human Security* 2, (1999) cited in Rorden Wilkinson and Steve Hughes, *supra* note 16, at 114. A leading public figure in India thus opined that “(f)rontiers of a State are important but so are frontiers of human dignity.” See M.N. Venkatachaliah, Former Chief Justice of India, *Proceedings of World Congress on Human Rights*, Institute for World Congress on Human Rights, India International Centre, New Delhi, 21-22 (November 1997).

51. HUMAN SECURITY NOW, *supra* note 18, at 2.

52. See Acharya, *supra* note 31, at 443.

53. *Freedom from Fear: Canada’s Foreign Policy for Human Security*, Human Security Program, Department of Foreign Affairs and International Trade at 2 (2003), available at http://www.humansecurity.gc.ca/sh_brief-en.asp.

54. *Id.*

55. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, International Development Research Centre, Ottawa (2001), at <http://www.idrc.ca> [hereinafter *The Responsibility to Protect*].

56. See Antonio Cassese, *Terrorism Is Also Disrupting Some Crucial Legal Categories of International Law*, 12 EUR. J. INT’L L. 993 (2001), available at <http://www.ejil.org/journal/Vol12/No5/index.html>.; Lawyers’ Committee for Human Rights, *Imbalance of Powers: How Changes to U.S. Law & Policy Since 9/11 Erode Human Rights and Civil Liberties*, Sept. 2002 - March 2003 (details U.S. legislation in the aftermath of Sept. 11, 2001, and its effect on human rights), available at <http://www.lchr.org/us law/loss/imbalance/powers>.

legalism.”⁵⁷ The formal announcement of the policy of unilateralism by the United States, through its National Security Strategy,⁵⁸ saw the downgrading of multilateral institutions and the United Nations. Referring to this trend, *Human Security Now* observes:

In response to the threat of terrorism and the spread of weapons of mass destruction, states may revert to a narrower understanding of state security—rather than foster human security. Under the guise of waging a war against terrorism, human rights and humanitarian law are being violated. Even commitments to earlier international agreements are being reviewed. Humanitarian action now also seems to be in crisis.⁵⁹

The post 9/11 responses by the United States created a paradox for those defining human security as freedom from fear. While the generic causes of terrorism defined in terms of poverty, inequality, and injustice remained tangential, more and more investment in human and material resources is being made to reinforce the traditional arsenal of the national security state to counter terrorism. It is true that terrorism violates the human security of the noncombatant and thus necessitates counter-terrorism measures to protect individuals as well as states. However, it also creates grounds for human rights abuse. The contention on “homeland security” is a case in point. What is worse is the blatant defiance of the international law by the world’s largest protagonist of democratic values. Critics point out that:

[t]he war on Iraq crisis may only serve to reinforce the skepticism of many people around the world who see international law as a set of commitments that are routinely ignored by governments or worse still, selectively implemented to benefit the strong at the exclusion of the weak. This would undermine the security of all of us.⁶⁰

What is worse is that the vision of the world’s largest national security state has served as a role model of several Third World states. As pungently observed by the editorial of Refugee Watch published in India:

A nationalist state’s dream is perhaps to transform itself into a national security state. When the transformation occurs, it needs to create its other in the form of an enemy alien. It needs an enemy to hate and it needs a terrain where glorious wars of national retribution can be fought out. Who better to teach us these lessons in *realpolitik* than the United States that has mastered the art of creating a nameless enemy alien in its war against terrorism.⁶¹

57. Mark Drumble, *Terrorist Crime, Taliban Guilt, Western Victims and International Law*, 31 DEN. J. INT'L L. & POL'Y 1, 111 (2003).

58. The National Security Strategy of the United States of America, available at <http://www.whitehouse.gov/nsc/nss.html> (developed in the midst of the debate over Iraq and submitted to Congress in September 2002).

59. HUMAN SECURITY NOW, *supra* note 18, at 5.

60. Mary Robinson, *Shaping Globalization: The Role of Human Rights, The Fifth Annual Grotius Lecture, American Society of International Law 97th Annual Meeting* (April 2, 2003), in 19 AM. U. INT'L L. REV. 1, 8 (2003), available at <http://www.eginitiative.org/documents/grotius.html>.

61. South Asian Forum for Human Rights, *Editorial*, 18 REFUGEE WATCH 1 (April 2003),

There are clear indications that in the post 9/11 phase, the states have increasingly resorted to harder military measures to quell dissidence and separatist movements taking the umbrage under the global war on terrorism. Surely the increasing exposure of the way the United States distorted information about Iraqi weapons of mass destruction has blurred the line between humanitarian intervention (which can be a tool, albeit an extreme one, of human security) and intervention carried out for national security intentions. Mary Robinson, former U.N. High Commissioner for Human Rights, while recognizing the need to stamp out terrorism, cautioned against the threat of human rights violations posed by counter terrorism measures.⁶² She found “[h]uman rights as a ‘uniting framework’ for states in the face of human insecurity created by international terrorism.”⁶³ In this light, she endorses the idea of human security as it places “individuals and their universal rights at the centre of national and global security policy” and encourages a “comprehensive strategy to address the causes of insecurity, not only its consequences and manifestations.”⁶⁴

Reconciling “humanitarian” with “*realpolitik*”?

Unlike humanitarian assistance that provides aid with the consent of the host state and other ground-level actors, humanitarian intervention refers to the use of force to protect a threatened or victimized population, from either local actors whom the government is unable or unwilling to control, or from the government itself. There are diverse opinions whether such intervention could be legal without Security Council authorization under Chapter VII of the U.N. Charter.⁶⁵ There is also an ongoing debate between restrictionists and counter-restrictionists; the former disfavoring forcible humanitarian intervention on the grounds of Article 2(4) and Article 2(7) of the Charter and the latter reinterpreting international legal provisions to legitimize intervention.⁶⁶ Hedley Bull, for instance, insists on the reciprocal recognition of sovereignty and the norm of non-intervention in evolving a consensus on what principles should govern collective humanitarian intervention.⁶⁷ Conversely, the counter-restrictionists such as Anthony Clark Arend and Robert J. Beck argue that states have both a legal right and a moral obligation to intervene in exceptional cases that offend against minimum standard of humanity.⁶⁸ The notion that there is an emerging guiding principle in favor of

available at http://www.safhr.org/refugee_watch18.htm.

62. See Robinson, *supra* note 60.

63. *Id.*

64. Diana Ayton-Shenker, *A Global Agenda: Issues Before the 57th General Assembly of the United Nations*, (an annual publication of the United Nations Association of the United States of America), (Lanham, ed.) (2002).

65. *Embracing the Elephant: Perspectives on Humanitarian Operations: A Policy Brief* (A Workshop Report of the Academic Council of the United Nations System (ACUNS) and American Society of International Law (ASIL) at 2 (arguing that humanitarian intervention without Security Council authorization, is often justified under the so called “right to intervene”, but this interpretation remains controversial), available at www.acuns.wlu.ca/publications (last visited September 23, 2004).

66. See generally A. C. AREND & R.J BECK, *INTERNATIONAL LAW AND THE USE OF FORCE* 131-2 (1993).

67. See generally H.BULL, *INTERVENTION IN WORLD POLITICS* 193-94 (1984).

68. See generally AREND & BECK, *supra* note 66, at 132-7.

military intervention for human protection purposes is also supported by a wide variety of legal sources including sources that exist independently of any duties, responsibilities, or authority that may be derived from Chapter VII of the U.N. Charter.⁶⁹ The International Commission on Intervention and State Sovereignty thus emphasized the responsibility of states and the international community to protect people militarily in situations resulting in “a large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product of either deliberate state action, or state neglect or inability to act, or a collapsed state situation; or large scale ethnic cleansing, actual or apprehended, whether carried out by killing, force expulsion, acts of terror, or rape.”⁷⁰

As such, customary international law has been unreceptive not only to unilateral intervention in domestic affairs, but also to collective coercive action except in cases of threats to peace, breaches of peace, and aggression.⁷¹ The international effort to protect human rights defied the norms of non-intervention and domestic jurisdiction and was rarely considered a viable policy option. The scope of enforcing the U.N. collective security was ostensibly constrained by Article 2(4), which explicitly states that the Council is to act in accordance with the principles and purposes of the organization. Similarly, Article 2(7), which provides that nothing in the Charter authorizes the United Nations to intervene in matters that are essentially within the domestic jurisdiction of any state, requires members to submit such matters to settlement under the present Charter.⁷² There is also a view which wants to put the issue of intervention beyond legality, as suggests R.J. Vincent that “[i]t is not necessarily lawful or unlawful, but it does break a conventional pattern of international relations.”⁷³

Notwithstanding the theoretical contentions, the international community has been under pressure to play a proactive role toward the recurrent episodes of human catastrophes when major harm to civilians is occurring or imminently apprehended, and the state in question is incapable or unwilling to protect their own citizens. Human rights are also increasingly viewed as rights possessed by the

69. See *The Responsibility to Protect*, *supra* note 55, at 16 for a rendition of these legal foundations, which include fundamental natural law principles; the human rights provisions of the UN Charter; the Universal Declaration of Human Rights together with the Genocide Convention; the Geneva Conventions and Additional Protocols on international humanitarian law; the statute of the International Criminal Court; and a number of other international human rights and human protection agreements and covenants.

70. HUMAN SECURITY NOW, *supra* note 18, at 24.

71. See generally Tom Farer, *An Inquiry into the Legitimacy of Humanitarian Intervention*, in *LAW AND FORCE IN THE NEW INTERNATIONAL ORDER* 185-201 (Lori Fisler Damrosch & David J. Scheffer eds., 1991). *But cf. Embracing the Elephant*, *supra* note 65, at 9-12 (However, there are emerging legal justifications for humanitarian intervention in customary international law especially around the Chapter VII of the United Nations Charter).

72. See *Embracing the Elephant* *supra* note 65, at 4 (however, it contains one, and only one exception – to wit that it shall not prejudice the application of enforcement measures under Chapter VII. This exception was inserted deliberately to ensure that declarations of domestic jurisdiction could not be used to impede Security Council efforts to maintain or restore international peace and security).

73. R.J. VINCENT, *NONINTERVENTION AND INTERNATIONAL ORDER* 13 (1974).

individual for which there could be redress before the international community.⁷⁴ This new thinking has become more pronounced after spurts in internal violence in which the state either acquiesced or collaborated with the violent groups. The tragedies of Rwanda, Bosnia, and Kosovo have fostered a strong need to reexamine the international legal tools available to respond to human catastrophes.⁷⁵ More than any other episode, it was the genocidal violence in Rwanda which shook the consciousness of human kind as the international assistance and intervention came too little and too late. The fumbled efforts of the United Nations in Somalia and Bosnia once again underlined the lack of international preparedness in legal and logistical terms to meet these new challenges.⁷⁶

Conscious of the inadequacy of the existing provisions to deal with these human emergencies, the U.N. community has been gearing itself in recent years to meet such situations of internal violence, often defining these as a threat to international peace and security to justify enforcement action under Chapter VII of the U.N. Charter. It also adopted an *aide memoire* on the protection of civilians, focusing on four themes: protection of civilians in conflict; women, peace and security; children in armed conflict; and conflict prevention.⁷⁷ In the similar vein, an Independent International Commission on Intervention and State Sovereignty (ICISS) was set up by the Canadian government in September 2000.⁷⁸ *The Report of the Panel on United Nations Peace Keeping Operations* (known as the Brahimi Report) recommended various reforms to conduct the peace operations of the twenty-first century.⁷⁹ Under this changed scenario, the long-standing international principles of non-intervention as enshrined in Article 2(7) were revisited ostensibly on humanitarian grounds. It was argued that the enforcement

74. *The Limits of Sovereignty*, U.N. Doc. DPI/1178 (1992) (the UN Secretary-General, Javier Perez de Cuellar thus proposed a fresh and more innovative equilibrium between sovereignty and the protection of human rights).

75. See generally Ved Nanda, *Tragedies in Northern Iraq, Liberia, Yugoslavia and Haiti-Revisiting the Validity of Humanitarian Intervention under International Law* (pt. 1), DENV. J. INT'L L. & POL'Y 305 (1992); Ved Nanda, Amy E. Eckert & Thomas F. Muther, Jr., *Tragedies in Somalia, Yugoslavia, Haiti, Rwanda and Liberia-Revisiting the Validity of Humanitarian Intervention under International Law* (pt. 2) 26 DENV. J. INT'L L. & POL'Y 827 (1998), available at http://www.law.du.edu/ilj/online_issues.html.

76. See generally Stanley Hoffman, *Humanitarian Intervention in Former Yugoslavia* in STANLEY HOFFMANN, *THE ETHICS AND POLITICS OF HUMANITARIAN INTERVENTION* 38-60 (1996); see generally also Rosalyn Higgins, *The New United Nations and Former Yugoslavia*, 69(3) INT'L AFFAIRS 165-83 (1993) (both articles present an excellent analysis of the U.N. failure in Yugoslavia); see also Age Eknes, *The United Nations' Predicament in the Former Yugoslavia*, in *THE UNITED NATIONS AND CIVIL WARS* 109-26 (THOMAS G. WEISS ed., 1995).

77. HUMAN SECURITY NOW, *supra* note 18.

⁷⁹ International Commission on Intervention and State Sovereignty, at <http://www.dfait-maeci.gc.ca/iciiss-ciise/menu-en.asp> (last visited October 1, 2004).

79. The Henry L. Stimson Center, William J Durch, Victoria K Holt, Caroline R Earle & Moira K Shanahan, *The Brahimi Report and the Future of UN Peace Operations* (2003), available at www.stimson.org/fopo/pubs.cfm?ID=90 (many recommendations viz strengthening conflict prevention and peacebuilding, developing rapid deployment capacities and improving management are yet to be implemented). HUMAN SECURITY NOW, *supra* note 18, at 10.

action stipulated in Chapter VII of the U.N. Charter nullifies the right to invoke the nonintervention principle contained in the Article 2(7) “[i]f it can be established that a matter occurring within the territory of a state is essentially outside that state’s jurisdiction.”⁸⁰ This new interpretation was employed in the 1991 Persian Gulf War. Once the issue of human rights violations by the Iraqi government against the Kurds was framed as constituting a threat to international peace and security, traditional “distinctions between domestic jurisdiction and foreign policy” were set aside.⁸¹ However, it was the geostrategic matrix, rather than the humanitarian concerns, which led to such drastic revision of non-intervention norms.

Back in 1976, Johan Galtung had noted with considerable foresight that “with internal wars becoming more important, not less, the unlimited doctrine of humanitarian intervention will become increasingly anachronistic, and a search for more discriminating criteria will have to start.”⁸² Almost three decades after his observation, we still do not have a consensus on the ground rules for such intervention. As remarks Michael Bothe: “People who attempt to apply existing law to contemporary actions do not appear to be working with the same definitions of sovereignty, preemptive self defense, or humanitarian intervention.” For some, all of those are a question of military security, for others they are the domains of humanitarian mission.⁸³ Bhikhu Parekh, for instance, argues that humanitarian intervention “is an act wholly or primarily guided by the sentiment of humanity, compassion or fellow-feeling, and is in that sense disinterested.”⁸⁴ Others admit that “there are situations in which diplomatic and even economic measures are inadequate to restructure the political situation. If forceful measures can change the course toward a negotiated solution, a limited, politically informed use of military force can be defended on purely humanitarian grounds.”⁸⁵ Stanley Hoffman has also pointed out the growing discrepancy between the norms of sovereignty and the traditional legal organization of the international system, and the realities of a world in which the distinction between domestic politics and international politics is crumbling.⁸⁶ Amid these ceaseless controversies, the consensus which defined the international mood at the beginning of 1990’s seems to be crumbling.

80. W. Andy Knight, *The Changing Human Rights Regime, State Sovereignty, And Article 2(7) in the Post Cold War Era*, in ARTICLE 2(7) REVISITED (Abiodun Williams et al. eds., 1994), available at www.acuns.wlu.ca/publications.

81. Thomas G. Weiss & Kurt M. Cambell, *Military Humanitarianism*, 33(5) SURVIVAL 451, 455 (1991).

82. Cockell, *supra* note 47, at 205.

83. Michael Bothe, Michael Bothe Professor of Law at Johann Wolfgang University in Frankfurt reported in *Redefining Sovereignty*, MERSHON CTR. REPORT at 53 (2002-03) available at www.mershon.ohio-state.edu.

84. Bhikhu Parekh, *Rethinking Humanitarian Intervention* 18(1) INT'L POL. SCI. REV. 49-70 (1997).

85. Raimo Vayrynen, *How Much Force in Humanitarian Intervention?*, in THE ETHICS AND POLITICS OF HUMANITARIAN INTERVENTION at 8-9 (Stanley Hoffmann ed., 1996).

86. Stanley Hoffmann, *Sovereignty and the Ethics of Intervention*, in THE ETHICS AND POLITICS OF HUMANITARIAN INTERVENTION 13 (Stanley Hoffmann ed., 1996).

The increasing use of humanitarian grounds for intervention has expectedly raised apprehensions in the postcolonial states of the Third World, including countries like China, India, and Malaysia.⁸⁷ This has much to do with their experience with the colonial interventions. As remarks Johan Galtung “. . . the tradition of interventionism has a bad name, reminiscent of the punitive expeditions by colonial powers in general, and the UK in particular, to punish the colonized and protect the settlers, and of numerous US military interventions (Iraq is No. 69 after the Second World War) to exercise control.”⁸⁸ The resistance to any alteration in the norms of non-intervention was manifest in strong reactions from Asian countries to the humanitarian intervention in East Timor.⁸⁹ According to some Third World analysts the idea of humanitarian intervention discriminating as it applies only on the powerless third world countries ventilating these third world sentiments, M.V.Naidu observes:

It is unthinkable against a nuclear weapon's state or even a highly militarized and industrialized state. It is also doubtful if humanitarian interventions could take care of generic causes of human rights violation or basic human needs of the people. Thus, there is a common feeling in the third world that the developed countries tend to hide their strategic and national interest in the name of humanitarian intervention.⁹⁰

However in the western eyes, the Third World resistance to any alteration in the norms of nonintervention is because “[m]any states have skeletons in their closets with respect to human rights (the UN resolution that condemned Iraqi repression of the Kurds could not invoke Chapter VII because of China's objection), and that in particular many new states have – like India – formidable problems with ethnic or religious minorities.”⁹¹

Not by Military Alone

Surely, military option for protecting people in risk is an extreme option and is fraught with unintended consequences. Any outside action is more acceptable, if it aggregates sovereignty instead of undermining it. In the short run, people may welcome outside agencies to secure them but they would soon like to reclaim their sovereignty. This explains Asian preference for milder forms of interventions to protect human security concerns. This includes ‘constructive intervention’ proposed by Anwar Ibrahim (to deal with internal conflicts in weaker regional states such as Cambodia) and ‘flexible engagement’ mooted by Surin Pitsuwan (to deal with the fallout of the regional economic crisis) and the situation in Burma.⁹² “Both concepts maintained a healthy respect for state sovereignty requiring the

87. Acharya, *supra* note 31.

88. Galtung *supra* note 31.

89. See generally Klomjit Chandrapanya, *Part of the Elite Thinks Policy on East Timor a Mistake*, *THE JAKARTA POST*, Thursday, June 17, 1999 at 5, available at http://www.thejakartapost.com/special/os_3_news4.asp.

90. See M.V.Naidu, *Security, Sovereignty, and Intervention: Concepts and Case Studies*, 34(1) *PEACE RESEARCH (CANADA)* 33-58 (2002) for an elaborate discussion of this point.

91. Hoffman, *supra* note 76, at 33.

92. Acharya, *supra* note 31, at 458.

regime's consent as the prerequisite for collective action.⁹³

Arms embargoes are also a helpful statecraft tool to preempt, delimit, and defuse violent conflict and human rights abuses. However, embargoes are full of imperfections and have significant problems with their implementation.⁹⁴ For instance, the Five Permanent Members of the Security Council (P5) are also the five largest arms producers who would not easily give up their arms business. The U.N. led embargoes have been sluggish and are generally imposed after the protagonists have procured sufficient arms to prosecute a war. In Rwanda, the U.N. embargo could only be imposed in May 1994 when the genocide had been underway for several weeks and many thousands of people had already been slaughtered.⁹⁵

Economic sanctions are other methods of pressing human security agenda on a recalcitrant state unwilling to cooperate in the face of a human catastrophe. However, the economic sanctions can create humanitarian disasters because of the practical difficulty of selective targeting. The international community has begun to recognize the devastating effects of economic sanctions on civilian populations, and is now placing increased emphasis on so-called "smart sanctions" or "targeted sanctions," targeting the assets and procurement channels of rogue leaders and resources that are essential for their rule.⁹⁶

Third World Anxieties

The human security paradigm provides a transformative framework by incorporating the imperatives of protecting and empowering people – a long cherished vision of humanity. Yet in the typical Third World parlance, human security and humanitarian intervention are often branded as western sponsored enterprises promoting western values and are used to legitimize intervention against the poor and weak states.⁹⁷ Ironically, the critique has come from two opposite camps. While the 'statist' opposes these doctrines for demolishing the norms of non-intervention and sovereignty, the civil society finds in it a western plot to re-colonize the Third World.⁹⁸

The truth is that after being relieved from the threat of communist challenge,

93. *Id.*

94. See Elizabeth Kirkham & Catherine Flew, *Strengthening Embargoes and Enhancing Human Security: Briefing 17 Biting the Bullet*, International Alert-Safe World and University of Bradford, 3 (2003), available at http://www.international-alert.org/pdf/pubsec/BB_Briefing171.pdf.

95. *Id.* at 21-22.

96. *Executive Summary: Making Targeted Sanctions Effective: Guidelines for the Implementation of UN Policy Options*, Final Report of the Stockholm Process on the Implementation of Targeted Sanctions, MAKING TARGETED SANCTIONS EFFECTIVE: GUIDELINES FOR THE IMPLEMENTATION OF UN POLICY OPTIONS, Uppsala University, Sweden at iii (Wallenstein, et al. eds., 2003).

97. This is despite the two leading exponents of human security- Mahbub-ul-Haq and Amartya Sen are South Asians. Also there is no dearth of human security related ideas in third world. A cursory glance at Mahatma Gandhi's writings would evidence this. However it is an irony that the third world must now address and absorb the concept only after they have been repackaged by donor agencies.

98. Arundhati Roy, *The New American Century*, opening plenary of the World Social Forum in Mumbai (Jan. 16, 2004) in *The Nation*, Jan. 22, 2004, available at www.thenation.com/doc.mhtml?i=20040209&s=roy.

“(t)he questions of human rights, protection of minorities and a right to democratic government including national self-determination – neglected after the fiasco of the post Versailles attempts – are again on the agenda of western powers.”⁹⁹ This new activism is hailed in many western quarters as a long overdue reclaiming of the Wilsonian norms of internationalization of democracy as the best guarantee of peace. Weak states have apprehensions about the possible misuse of humanitarian intervention; however, this is not an issue with the powerful countries. For them the critical concern is how to ensure the effective implementation of such intervention. No wonder the increasing episodes of humanitarian intervention in the post-Cold War Era have raised endless acrimony and divide.¹⁰⁰ It is not just legally controversial, but is also to a high degree politically controversial “. . . both when it has happened as in Somalia, Bosnia and Kosovo and when it has failed to happen, as in Rwanda.”¹⁰¹

While there is no doubt about the responsibilities of the international community in such situations, where governments are unwilling or incapable or they perpetuate human insecurities, the truth is that states do not intervene for primarily humanitarian reasons and tend to use them selectively when it suits their geo-strategic interest. The problem indeed is how to make ‘humanitarian’ concerns compatible with the *realpolitik*.

The problems are confounded by the inner contradictions in Third World states. Unlike the more stable and cohesive nation-states of developed west, the post-colonial states of the Third World are still struggling with the task of nation building and consolidating their territorial integrity and other state structures. There are deep-seated divisions, which along with acute scarcity of resources constantly hamper the process of nation building. Lack of domestic consensus creates an easy ground for the assertion of autonomy and self-determination by the disparate groups often evoking a large-scale military response from the state leading to the violation of human rights and consequent socioeconomic catastrophes.¹⁰² And in many cases the ruling elite either overlook the human security issues or become a perpetrator of human atrocities. “The paradox of the state,” according to Robert Jackson is “that the most important threats to security in the Third World (and often elsewhere), arise from states and regimes, and are directed against individuals and communal groups.”¹⁰³ It is no surprise that the Third World elite remains so sensitive to any infringement on their sovereignty on

99. Thomas M. Franck, *The Emerging Right to Democratic Governance*, 86 AM. J. INT’L L. 46 (1992).

100. Inger Osterdahl, “Humanitarian Intervention” in Inger Osterdahl, *Is Intervention Humanitarian? Protecting Human Rights and Democracy Abroad*, Report no. 62, Department of Peace and Conflict Research, Uppsala University, Sweden at 3 (eds., 2002)

101. Gareth Evans & Mohamed Sahnoun, *forward to THE RESPONSIBILITY TO PROTECT: REPORT OF THE INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY* (2001), available at http://web.idrc.ca/en/ev-28716-201-1-DO_TOPIC.html.

¹⁰² See generally DONALD L. HOROWITZ, *ETHNIC GROUPS IN CONFLICT* (1985); See also DONALD L. HOROWITZ, *THE DEADLY ETHNIC CONFLICT* (2001).

¹⁰³ ROBERT JACKSON, *QUASI-STATES; SOVEREIGNTY; INTERNATIONAL RELATIONS AND THE THIRD WORLD*, Cambridge University Press, Cambridge (1990).

the grounds of human rights protection. As observed succinctly by Paul R. Williams et al., “[a]ll too frequently the mantra of sovereignty is used by states to shield them from international action to prevent them from violating human rights and committing atrocities in their attempts to stifle self-determination movement.”¹⁰⁴

Much like the contention in human rights,¹⁰⁵ the discourse on human security is also haunted by a divide between ‘universalists’ and ‘cultural relativists.’ It is contended that the western notions of human security focus more on western liberal values such as political rights and ignore a communitarian ethos prevalent in many Asian societies.¹⁰⁶ Accordingly, the Asian statesmen would not like to compromise development objectives to promote political and civil rights. These rights could be accorded priority only after the society has reached a certain level of development. This line of reasoning, according to Stephanie Lawson, “reflects a pragmatic prioritization of categories encapsulated the idea of ‘rice before freedom.’”¹⁰⁷

The criticism also relates to the historic urge in the postcolonial Third World to shake off the intellectual dependency and evolve an indigenous concept of security.¹⁰⁸ The predicament is that in the name of developing indigenous discourse, the elites in many post colonial societies tend to revive obscurantist traditions or fall into the trap of defending “our national security” and “our nation-state” – once again a legacy of the colonial powers.¹⁰⁹

There are also suspicions in the Third World that human security has a ‘donor driven agenda,’ which intends to legitimize the forces of globalization.¹¹⁰ “Donors,” according to Anne Itto’an, “live far away from the realities of emergencies and too often have a close-minded paternalistic attitude that they know what is best; in fact, some agencies have no right to be involved in the delivery of humanitarian assistance.”¹¹¹ It is also pointed out that while the

104. Paul R. Williams, et al., *Resolving Sovereignty- Based Conflicts: The Emerging Approach of Earned Sovereignty*, 31 DEN. J. INT'L L. & POL'Y 347, 350 (2003).

105. CHRISTIAN TOMUSCHAT, HUMAN RIGHTS: BETWEEN IDEALISM AND REALISM 57 (2003).

106. *Id.* at 60; see Amitav Acharya, *supra* note 31, at 45 (China, Malaysia, Indonesia and Singapore are prominent Asian countries, which advocate the so-called Asian Values). See Amitav Acharya, *Guns and Butters: Why Do Human Security and Traditional Security Coexist in Asia?* 32(3) GLOBAL ECONOMIC REVIEW 1, 1-21 (2003).

107. Stephanie Lawson, *Global Governance, Human rights and the Problem of Culture*, in GLOBAL GOVERNANCE: CRITICAL PERSPECTIVES 84 (Rorden Wilkinson & Steve Hughes eds., 2002).

108. Conor Cruise O'Brien, *Epilogue: Illusions and Realities of Nonalignment*, in NONALIGNMENT 127-36 (J.W. Burton ed., 1966) (Early sixties saw the growth of nonalignment as a possible alternative to western paradigm on security. However, it could not flourish due to the internal weakness of nonaligned countries).

109. See Behera *supra* note 6; see also Yash Tandon *Towards a Common Security – Alternative Perspectives of the Third World*, 21(4) BULLETIN OF PEACE PROPOSALS 385-393 (1990).

110. *Human Security: Safety for People in a Changing World*, a paper prepared by the Department of Foreign Affairs and International Trade, Government of Canada, at http://www.humansecurity.gc.ca/safety_changingworld-en.asp.

111. Anne Itto, *Insider's View of Humanitarian Assistance*, 24 FLETCHER F WORLD AFF. 23, 23-24 (2000).

international agencies such as the UNDP prescribe the values and goals for the developing countries; the Bretton Woods institutions belonging to the same developed west advocate an unbridled sweep of globalization and economic liberalization which tend to undermine precisely that.¹¹² There is no dearth of studies which evidenced the negative role of globalization on land security, food security, water security and ultimately, human security of poor people in the Third World.¹¹³ The lack of consensus on this issue may in the long run disorient the role of U.N. agencies in promoting human security. As observes R.A. Coate et al.:

As privileged positions, statuses, power base and ideologically narrow and culturally - specific meanings [of human security] come under threat by the challenge of other preferred meanings, strong defences can be expected to be mounted. Indeed those who claim 'high moral ground' in these ideological debates well be in the end fight against any meaningful role by the United Nations, especially as those challenges touch on the issue of state sovereignty.¹¹⁴

Poverty and Disparities

Human security protagonists are concerned as much with the growing scale of poverty as with the gnawing global disparities. It is now a truism that poverty anywhere is poverty everywhere. The continued lopsided development in the world illustrates the fact that industrial countries, with 26 percent of the population, account for 78 percent of world production of goods and services, 81 percent of energy consumption, 70 percent of chemical fertilizers, and 87 percent of world armaments.¹¹⁵ As fittingly remarked by Keyman, E. Fuat:

We don't really need to spend another dime on "intelligence" to recognize the conditions that leave whole countries in a state of despair and misery. Some 1.2 billion people worldwide struggle to survive on \$1 day or less 1.2 billion people lack access to safe drinking water and 2.9 billion have inadequate access to sanitation. About 150 million children are malnourished, and more than 10 million children under five will die in 2001 alone. At least 150 million people are unemployed and 900 million are "underemployed"-contending with inadequate incomes despite long hours of backbreaking work.¹¹⁶

A 1998 report by the UNDP estimated the annual cost to achieve universal access to a number of basic social services in all developing countries: \$9 billion would provide water and sanitation for all; \$12 billion would cover reproductive health for all women; \$13 billion would give every person on Earth basic health

112. *Id.*

113. See Thomas, *supra* note 16.

114. R.A. Coate, W.A. Knight and A.I. Maximenko, *Requirement of Multilateral governance for Promoting Human Security in a Postmodern Era*, in ADAPTING THE UNITED NATIONS TO A POSTMODERN ERA, INDEED PROMOTING HUMAN SECURITY 24 (W.A. Knight ed., Palgrave New York 2001).

115. ARTURO ESCOBAR, ENCOUNTERING DEVELOPMENT 211-12 (1995).

116. EMIN FUAT KEYMAN, GLOBALIZATION, STATE, IDENTITY/DIFFERENCE: TOWARD A CRITICAL SOCIAL THEORY OF INTERNATIONAL RELATIONS 210 (1997).

and nutrition; and \$6 billion would provide basic education for all.¹¹⁷ These social and health expenditures are just a fraction of the annual military budget for the United States alone. Clearly, the unchecked growth of militarism in the world is the single most constraining factor in helping out people in the situation of human insecurity. This has led to a rising discontent in impoverished and deprived Third World youth against the rich, powerful, and imposing west making them easy prey to the siren song of extremism.

The responsibility of protecting human security eventually rests on the concerted efforts to promote sustainable human development. Some of the crucial areas which warrant expanded global efforts for achieving human security goals are: increasing support for women's education, health, and family planning; programs to slow population growth; sustained efforts to manage and use forests, water, and soils—the resources that support most rural economies; regional and global recognition of the right of each person to a nationality; and measures to ensure effective citizenship.¹¹⁸

The United States, given its unique role as the most important mentor of the international human rights regime, must not be seen as ignoring these legal obligations at home or abroad.¹¹⁹ The recent abuse of Iraqi prisoners has affected its credibility. While decrying the United States for opposing the International Criminal Court (ICC) Benjamin Ferencz, former prosecutor during the Nuremberg trial, warned: “[t]hey are trying hard to kill the ICC, by fair means or foul. . . . We must give law a chance. Arrogance and threats do not encourage friendships. The trashcans of history are filled with the ashes of nations that were the superpowers of their day. It should be clear to all that law is better than war.”¹²⁰

This paper has argued that despite the increasing salience of human security as a reformist discourse, not much has changed in the domain of *realpolitik*. Notwithstanding the occasional winds of change, humanity is still living in the shadow of national security states, which, on the pretext of making the world a safer place are erecting more ramparts dividing nations and peoples. Instead of building a global consensus based on shared responsibilities and not humanitarian concerns, the geostrategic considerations dominate the schema of humanitarian interventions. This stultifies the very nomenclature of such interventions.

Finally, there is thus a need to strike a balance among humanitarian,

117. World Watch Institute, Washington D.C., available at <http://www.worldwatch.org>.

118. See P. Upadhyaya, *Securitizing Non-Traditional Security Threats: Illegal Migration*, in JOURNAL OF CONFLICT MANAGEMENT & DEVELOPMENT, Vol. 1, Malaviya Centre for Peace Research, BHU at 15-44 (2003) (The misery of undocumented migrants devoid of citizenry of any state has yet to attract international attention. In South Asia alone, there are millions of such cases). M.V. Naidu, *Security, Sovereignty, and Intervention: Concepts and Case Studies*, 34(1) PEACE RESEARCH 33-58, (2002).

119. An Interview with Joschka Fischer, Germany's Foreign Minister, *The Hindu*, New Delhi (July 21, 2004).

120. Benjamin B. Ferencz, At the Hauge, Ferencz Defends The Nuremberg Principles and the Rule of Law, Address to the Inaugural Meeting of Judges of the International Court (Mar. 11, 2003) available at <http://www.benferencz.org/remarks.htm>.

political, military interest, and development strategies. Humanitarian action cannot be an alternative to peace settlements or to development assistance—or the pretext for military intervention.¹²¹ Non-military options including targeted sanctions against the unruly ruling elite must be given a full chance.¹²² The touchstone to determine the legitimacy of any act of intervention should be based on a balanced assessment of whether, in the long run, it would meet the basic needs of people at risk. To discourage great powers from violating the principles of equality and reciprocity, the international community should gradually qualify and eventually phase out the veto power to ensure that the authoritative decisions-makers in the Security Council are more representative of the entire world's people.¹²³ There are also suggestions for a greater inclusion of women in any such humanitarian intervention “[s]ince women would tend to relate more to people than to hardware, they could perhaps constitute 50% of the units.”¹²⁴

The Third World anxieties on the agenda of human security and humanitarian intervention are not simply the manifestation of faultiness within their national societies but also symptomatic of asymmetries in the post Cold War international system. The critical problem before human security discourse, therefore, is to consider the ways through which the international system could be reformed on the basis of multilateralism and humanitarian law.

121. HUMAN SECURITY NOW, *supra* note 18, at 27.

122. See Galtung, *supra* note 1 (In addition to hard military intervention (the US led), there could be soft military (European), soft nonviolence, hard nonviolence (like Gandhi). The best according to Johan Galtung would be people's hard nonviolence from the inside).

123. Robert C. Johansen, *Limits and Opportunities in Humanitarian Intervention*, in THE ETHICS AND POLITICS OF HUMANITARIAN INTERVENTION 73 (1996).

124. See Galtung, *supra* note 1.