

HUMAN SECURITY:

DEFINING THE ELEPHANT AND IMAGINING ITS TASKS

By

Tom Farer¹

Like the apocryphal elephant defined by the blind men touching different parts of its anatomy, the content of the phrase “human security” varies with its users. In this sense it is rather like the phrase “self-determination” which is widely employed by and for diverse interests. The lack of uniform definition or use stems in both cases not from intrinsic incoherence but from the way in which from their first appearance, the phrases seemed to challenge the views, values and interests of the practitioners of traditional diplomacy, powerful actors who then had a choice: Resist them absolutely as rogue concepts threatening the very structure of international relations; neuter their revolutionary potential through an interpretation rendering them compatible with, even a reinforcement of, the basic structure of the status quo.

Phrases or labels or neologisms, as one prefers, acquire traction at any given historical moment, because they summarize or perhaps it would be more accurate to say they resonantly evoke interests and values and world views that are force-marching toward the center of global life from the dim peripheries of power and legitimacy. “Self-Determination” as a major theme of diplomatic discourse following the Second World War signaled the rise of powerful resistance to the European colonial empires in the wake of Europe’s intra-mural slaughter, the humiliating defeat of British, French and Dutch forces by Japan, and the spread of nationalist ideas with all their mobilizing power from Europe, where they had helped precipitate the collapse of the Austrian-Hungarian Empire, and the Americas to the countries of Africa, Asia and the Middle East. “Human Security” may not augur any such convulsive change in the political geography or the distribution of power or the public policies of consequential states and influential non-state actors. But it has acquired some traction, though just how much is very much in dispute among academic commentators. It has spawned or at least been attached to official and non-governmental conferences², commissions³, reports⁴, a semi-formal association of states⁵,

¹ Dean of the Josef Korbel School of International Studies at the University of Denver.

² Global Environmental Change and Human Security <http://www.iss.uio.no/gechs/conference-program/>, see also Gender and Human Security Issues Program http://gesh-ghsi.mcgill.ca/index_e/index_e.htm,

³ Commission on Human Security <http://www.humansecurity-chs.org/>

⁴ Heather Owens and Barbara Arneil, “The Human Security Paradigm Shift: A New Lens on Canadian Foreign Policy? Report of the University of British Columbia Symposium on Human Security” in Majid Tehranian, ed., *Words Apart: Human Security and Global Governance* (London: I.B. Tauris, 1999)

books⁶, articles⁷ and even lectures⁸. It is declared by several consequential countries as one of the important guiding concerns of their respective foreign policies. Money has been spent in its name⁹.

The largest claims for human security are that it both expresses and, because of its resonant character, helps to advance challenges to several once regnant “paradigms” including one that for centuries has shaped the foreign policies of sovereign states and structured the Law of Nations. Instead of paradigms with its suggestion of impersonal patterns or structure, I personally prefer “concepts” or even better ideologies by which I mean a coherent cluster of values and of ideas about the nature of reality which, as a consequence of being widely shared by persons able to deploy the principal instruments of social power, patterns the interactions of politically organized communities.

One such ideology is the conception of diplomacy and war as means properly dedicated to national security conceived as the protection of the spatial dimensions (“territorial integrity” in UN Charter idiom¹⁰) and the political independence of the state and the enhancement of its wealth and other sources of power. Power being relative, gains for some means losses for others. Thus national security entails relentless competition with other nationally organized communities. It sounds as a call for narrow parochial allegiance, whether to one’s fellow citizens or to an abstraction “the nation” as an icon transcending the lives and interests of its

⁵ The governments of Canada, Norway, Austria, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Slovenia, Switzerland, and Thailand have established the Human Security Network comprised of states and nongovernmental organizations. See “Chairman’s Summary” First Ministerial Meeting of the Human Security Network, Bergen and Lysøen in Norway 19-20 May 1999, http://www.humansecuritynetwork.org/docs/Chairman_summaryMay99-e.php

⁶ Stoett, P., *Human and Global Security: An Exploration of Terms*; Toronto: University of Toronto Press, 1999

⁷ Richmond, O., *Human Security and the ‘Rule of Law’, and NGOs: Potentials and Problems for Humanitarian Intervention*; Human Rights Review, Vol. 2, No 4, (July –September 2001), see also Roland Paris, *Human Security Paradigm Shift or Hot Air?*; International study, Vol. 26, No 2, (Fall 2001) pp 87- 102, Kanti Bajpai, *Human Security: Concept and Measurement: Gerd Oberleitner, Human Security A Challenge to International Law?*; Global Governance Vol. 11 (2005), pp. 185 - 203

⁸ Kanti Bajpai, *Human Security: Concept and Measurement*; Joan B. Kroc Institute for International Peace Studies, August 2000, see also Heinbecker, P. *Lecture On Human Security: Protecting People*, Laurier University January 14, 2008, Policy Speech entitled “ *Toward the Creation of a Bright Future for Asia*” by the then Prime Minister of Japan, Keizo Obuchi, at the lecture program hosted by the Institute for International Studies, Hanoi, Vietnam, 16 December, 1998

⁹ Japan has contributed more than US\$227 million to the UN Trust Fund for Human Security, see Saul, Ben, *The Dangers of the United Nation’s ‘New Security Agenda’: ‘Human Security’ in the Asian – Pacific Region*; Legal Study Research Paper No. 08/114 The University of Sydney, Sydney Law School, <http://ssrn.com/abstract=1277582>

¹⁰ Charter of the United Nations Article 2 (4) <http://www.un.org/en/documents/charter/chapter1.shtml>

inhabitants at any given moment because by enduring over time even as successive cohorts of citizens die, it lends them a measure of immortality¹¹.

Particularly when juxtaposed against national security, human security is readily construed to imply cosmopolitan values, a concern for the well being of people, not states, and of people irrespective of their citizenship. So construed, it could be understood as carrying much the same meaning and value as human rights, since the latter are generally understood as imperative claims available to all human beings simply by virtue of their human status.

If, in its most natural construction, human security speaks to the same cosmopolitan and humanistic values as human rights, and since the latter had achieved incorporation into the body of positive international law decades before human security began to appear in the discourse of international relations, how could a new way of referring to human rights enhance their realization? In what way could a commitment to promote human security differ from a commitment to promote human rights? Isolated from historical context the invocation of human security might seem as nothing more than an effort to conscript into the service of human rights the universal sense of immediacy and quotidian urgency associated with the word "security"¹².

Persons who are living unselfconscious conformist lives as constituents of dominant majority communities may be inclined to associate human rights with the plight of "the other," of dissidents and rebels, people outside the comfortable circle of the respectable majority. The juxtaposition of human with security could be seen as an effort to expand the sense of ownership over human rights to all parts of a population, not only the part that is most conspicuously vulnerable at any given moment. For the vicissitudes of contemporary life and the warp speed at which local tragedies of every sort are photogenically communicated to a global audience assure that ordinary people even in relatively happy countries cannot avoid a residual feeling of insecurity.

In fact the term's history does not support so narrow a view of its purposes. Its first official appearance was in association with issues of development, not human rights, specifically in the 1994 Human Development Report of the UN Development Program¹³. In that context it reinforced a long gathering and increasingly successful challenge to the identification of "development" with macro indicia of material growth rather than with improved conditions of life for the great majority of a country's population but particularly for the chronically impoverished. Indeed in the form of a challenge to the paradigm that had shaped the policies

¹¹ Donnelly, Jack; *Realism and International Relations*; Cambridge University Press, 2000, pp. 146. (See also Hans Morgenthau, *Politics among Nations, 1960*)

¹² Saul, Ben, *The Dangers of the United Nation's "New Security Agenda": "Human Security" in the Asian – Pacific Region*; Legal Study Research Paper No. 08/114 The University of Sydney, Sydney Law School, p10, <http://ssrn.com/abstract=1277582>

¹³ 1994 Human Development Report, United Nations Development Program, Chapter 2: New Dimensions of Human Security, <http://hdr.undp.org/en/reports/global/hdr1994/chapters/>

of the World Bank¹⁴ and national foreign assistance programs in the decades immediately following the Second World War, it could almost be seen as adding braces to a belt, since by 1994 even the sclerotic World Bank was at least nominally supportive¹⁵ of a definition of development that focused on broad-based enhancement of what Nobel Laureate Amartya Sen was perhaps the first to call “human capabilities” rather than growth in per capita income statistics¹⁶.

Two of the UN’s leading advocates and practitioners of “soft power,”¹⁷ (above all the power of ideas), Canada and Norway, helped give the new term diplomatic traction by identifying it as a main theme of their respective foreign policies and then encouraging other countries to join with them in teasing out its policy implications¹⁸. At about the same time but somewhat independently the government of Japan associated its foreign policies, particularly its development policies, with the pursuit of human security¹⁹. Neither scholars²⁰ nor diplomats²¹ in general rushed as one to embrace these moves in part on the stated grounds that it lacked a content clear enough to distinguish it from long-established policy initiatives in both the

¹⁴ Mosley, P., Jane Harrigan, J. F. J. Toye, *Aid and Power The World Bank and Policy-based Lending*, Routledge, 1991

¹⁵ Harriss, J. *Depoliticizing development, The World Bank and Social Capital*, London: Anthem Press, 2002

¹⁶ Sen, A., *Equality of What; The Tanner Lecture on Human Rights Values delivered at Stanford University; May 22, 1979*. See also Amartya Sen, *Development as Freedom*, New York: Knopf, 1999

¹⁷ Nye, J., *Bound to Lead: The Changing Nature of American Power*, Basic Books, New York, 1991. See also Joseph Nye, *Soft Power: The Means to Success in World Politics*, New York: Public Affairs, 2004

¹⁸ See pp. 2 footnote 1.

¹⁹ Japan’s economic development aid policies, manifested in the development assistance, which it has extended to Asia countries since 1950s, traditionally incorporated aspects of human security promotion. Japan also set up the Commission on Human Security in May 2003, with a mandate to “develop the concept of Human Security as an operational tool for policy formulation and implementation; Ong, S.; *Securing Human Security n an Insecure World: The “Asian Way”*, See also (http://www.mofa.go.jp/policy/human_secu/commission/index.html); Ministry of foreign Affairs of Japan, *Diplomatic Bluebook*, 1999, Chapter II, Section 3 (A) <http://www.mofa.go.jp/policy/other/bluebook/1999/>; “The Trust Fund for Human Security - For the “Human-centered” 21st Century” http://www.mofa.go.jp/policy/human_secu/index.html

²⁰ Paris, R. *Human Security Paradigm Shift or Hot Air?*, *International Security*, Vol. 26, No 2, Fall 2001, pp. 87-102. See also Yuen Foong Khong; *Human Security: A Shotgun Approach to Alleviating Misery?* *Global Governance*, Vol. 7 No 3 (2001) pp. 231-236

²¹ Tomuschat, C. *Between Idealism and Realism. The Collected Courses of the Academy of European Law; Vol. 13 No 1* (Oxford: Oxford University Press, 2003) p. 56. Christian Tomuschat is a former member of the UN Human Rights Committee and the UN’s International Law Commission.

development and human rights fields. Critics asked what, if anything, did it add to established ways of thinking about improving the human condition and defending vulnerable people(s)²².

The combination of its embrace by a few relatively influential countries, its rapidly proliferating invocation on behalf of or in opposition to various policy initiatives²³ and contention about its actual content led to the creation of a Human Security Commission²⁴ which, led by Amartya Sen, tried to endow the term with distinctive operational content. The Commission's report²⁵ was most useful in distinguishing human security from already established and successful campaigns to focus development assistance on extreme poverty²⁶ and on grass-roots instead of top-down development²⁷ and to treat issues of governance and human rights abuse as ones that had to be factored into development policies²⁸. What the report and Sen independently found distinctive in a human security agenda was a focus on humanitarian *crises* rather than the chronic pathologies of under-development²⁹. Moreover, as other writers have proposed, crises could be natural or man-made or, as usual, some combination of the two³⁰.

Read in this way, human security bridges between the economic assistance agenda (relief, rehabilitation, long-term growth and welfare strategies) and the human rights agenda which includes both chronic and acute threats to personal security (protection from summary execution, torture and other cruel and inhuman treatment and punishment without due process.). It bridges in the following way. Any legal "right" for one subject of a normative system entails a corresponding "duty" for another. A tsunami can kill more people more quickly than most tyrants and leave many of the survivors in a condition of such vulnerability that they too are likely to die if relief does not flow to them. Their condition undoubtedly gives them a right to relief vis-à-vis their own governments to which those governments, because they have corresponding duties, must use their best efforts to respond. While other

²² Paris, R. *Human Security Paradigm Shift or Hot Air?*, International Security, Vol. 26, No 2, Fall 2001, pp. 87-102. Also Owens and Arneil, *The Human Security Paradigm Shift* p.2

²³ Bajpai, K. *Human Security: Concept and Measurement*, Kroc Institute for International Studies, August 2000,

²⁴ Human Security Commission <http://www.humansecurity-chs.org/>

²⁵ Human Security Commission's Report <http://www.humansecurity-chs.org/finalreport/index.html>

²⁶ The United Nations Millennium Development Goals <http://www.un.org/millenniumgoals/>

²⁷ Ong, S. *Securing Human Security in an Insecure World: The "Asian Way"*. See also Article 3 (5) of the *ASEAN Agreement on Transboundary Haze Pollution*.

²⁸ Haq, M. *New Imperatives of Human Security: Barbara Ward Lecture 1972: Development Vol.2 (1994)*, pp. 40-43. See also Kanti Bajpai, *Human Security: Concept and Measurement*; Joan B. Kroc Institute for International Peace Studies, August 2000,

²⁹ Sen, A. *Development as Freedom, 1999*

³⁰ Ong, S. *Securing Human Security in an Insecure World: The "Asian Way"*.

governments have a duty not to act in ways that aggravate the plight of survivors, *within the current human rights legal framework* they have no affirmative legal duty to assist even if the government with the paramount duty is unable to respond effectively. Thus a human security agenda can be seen as seeking to induce legal commitments that will fill a normative gap in the global system for protecting human welfare by protecting people from acute threats that do not emanate from persons or institutions owing legal duties to them.

It has also been suggested that the idea of human security reinforces the claim that freedom from want should be deemed as much a human right as freedom of speech, association, movement and other civil and political rights and therefore reaffirms the position taken by a nominal consensus of participants in the landmark 1993 Vienna Conference on Human Rights, namely that all human rights—economic, social and cultural as well as civil and political—are indivisible and interdependent and interrelated.”³¹

This claim about human rights is not entirely uncontroversial. In 1977, when the defense and promotion of human rights first became an operational objective of American foreign policy, the Carter Administration declared its support for the full range of human rights. Foreign policy spokespersons for the succeeding Administration of President Ronald Reagan explicitly rejected this position³². They denied the appropriateness of using rights language with respect to poverty, however extreme, or indeed with respect to any human welfare issues like disease and infant mortality. Only the rights enumerated in the Covenant on Civil and Political Rights were real rights, the Reagan Administration insisted. And among those rights democracy (the right of the governed to participate in their governance) was paramount³³. The position of the current US Administration on this issue is not yet clear.

The hostility of American conservatives to the equation of freedom from want with freedom from tyranny has at least three sources. One is the fear that conceding a right to economic assistance implies a corresponding duty on the part of governments to assist those in need. If that duty is held to fall only on the government whose nationals are in need that is objectionable to ideologues of the Right because it can lead to an increase in the size and scope of government allegedly at the expense of private enterprise and to the detriment of free markets. (Twentieth Century American Conservatism sounds in the language of Nineteenth Century English Liberalism.) Moreover, if freedom from want is deemed to generate a duty on the part of the state, it makes the state's domestic policies, its acts and omissions, susceptible to evaluation and possible condemnation by the governments of other states and thus is an infringement of the rigid Westphalian conception of sovereignty that helps to define the Right

³¹ World Conference on Human Rights 14-25 June 1993, Vienna, Austria; *Vienna Declaration and Programme of Action* Chapter 1 (5), [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument)

³² Carleton, D. and Michael Stohl *The Foreign Policy of Human rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan*; *Human Rights Quarterly*, Vol. 7, No 2. (May 1985), pp. 205 – 229s

³³ *International Covenant on Civil and Political Rights* Part 1 (1) <http://www.hrcr.org/docs/Civil&Political/intlcivpol3.html>

in Western politics³⁴. If that duty is held to fall on all governments with the capacity to respond, then it is objectionable on grounds of national sovereignty. It is objectionable not only for the aforementioned reason that it authorizes external appreciation of a government's policy choices concerning what the Right regards as a mere optional tool of statecraft, i.e. foreign assistance whether in the face of emergencies or chronic deprivation, but also because it implies obligations to the generality of humanity, that is the obligation to treat the needs of non-nationals as having normative value equal to the needs of one's own nationals. There is a suggestive connection between the views of contemporary American Rightists and Edmund Burke's declaration at the time of the French Revolution to the effect that he knew nothing of "universal" rights, but he did know about the rights of Englishmen³⁵.

Human-security-inspired norms could conceivably complement human rights norms in another way. Human rights law and associated diplomatic discourse move along a track separate from the discourse about war and peace. The two tracks connect only with respect to means for conducting war, that is through the law of armed conflict which is regarded both by inter-governmental and non-governmental entities concerned with the protection of human rights as part of the complex of norms they are mandated to enforce³⁶. Yet the only thing certain about the use of force, whether or not the use is legitimate under the Charter³⁷, is that it will destroy and cripple lives including the lives of non-combatants, the "collateral damage" incident to every use of force however "legitimate." So as a consequence of a decision to wage war, thousands, possibly tens of thousands or hundreds of thousands of women and children, ancients and invalids, non-combatants of all kinds, will be summarily executed or partially dismembered, or horribly scarred without any legal responsibility accruing to the belligerent governments or their officials so long as non-combatants are not targeted and collateral damage from any single belligerent action is not disproportionate to the military advantage gained.

The connotations of the phrase Human Security provide what human rights and humanitarian law do not, namely a normative basis for condemning even "legitimate" recourse to force, legitimate in the sense that it is defensive or has been authorized by the Security Council under Chapter 7 of the Charter. They also provide a normative basis for indicting tactics and

³⁴ Goldsmith, J. *Should International Law Trump US Domestic Law* Symposium: AEI Conference Trends in Global Governance: *Do They Threaten American Sovereignty*, Chicago Journal of International Law, Vol. 1 (2000), pp.327 – 341, See also Ignatieff, M. *American Exceptionalism and Human Rights*, ed. 2005

³⁵ Farer, T. *Confronting Global Terrorism and American Neo-Conservatism: The Framework of a Liberal Grand Strategy*, Oxford University Press, 2008,

³⁶ See Human Rights Watch Reports on War Crimes /Crimes against Humanity
http://www.hrw.org/en/publications/reports?filter0=712&filter1=**ALL**

³⁷ UN Charter, Chapter 7: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, <http://www.un.org/en/documents/charter/chapter7.shtml>

strategies arguably allowed by humanitarian law. This normative basis is not, however, new in substance. Rather it is the old wine of Just War doctrine³⁸ in a new bottle.

After all, for a war to be “just,” it is nowhere near sufficient to have a just cause, e.g. self-defense. That is only the first test. An equally important test is whether, on balance, it is reasonably envisioned as doing more good than harm. “Good” refers to moral values, not national interests. Suppose, for instance, that terrorists supported or trained or simply acting with the acquiescence of security officials in country P enter country X and commit terrorist acts resulting in the death of a thousand people. And suppose country P refused thereafter to surrender to the authorities in country X the organizers of this atrocity and fails to take such decisive action against the organizers as to provide X with reasonable assurance against future attacks. Then let us assume X learns that another terrorist infiltration is about to occur. I would argue that under those circumstances, X has the legal right under the Charter to launch a preemptive strike. Suppose, however, that the terrorist leadership is dispersed around a large city in P, far from the powerfully guarded frontier with X, and different groups of leaders and supporting militants live in thickly populated areas near hospitals and chemical plants producing chlorine gas. Assume that by far the most efficient means of preemption is air and missile strikes against the buildings where the militants are living. But the predicted collateral damage, including the danger of the release of chlorine, could be upwards of a hundred thousand people. The military objective may be important enough to satisfy the proportionality rule of humanitarian law. Nevertheless, I would argue that, under the circumstances, one may doubt that the operation would satisfy just war standards. If human security incorporates those standards, it would perform the gap-filling role I have proposed for it in this area.

Or consider the Israeli bombardment of Gaza earlier in 2009. Israel cited missile attacks from militants in Gaza as a justification for its action and dismissed as irrelevant the huge disproportion between civilian casualties in Gaza (which it insisted resulted from the location of Hamas fighters in the midst of heavily populated areas) and the cumulative casualties to its own civilian population. Putting aside for the sake of argument the question of whether Gaza can be analogized to a foreign country rather than a huge prison within the current de facto boundaries of Israel, the Israeli argument is easier to make within the framework of humanitarian law than it would be if human security were construed to apply to such cases and to equate the value of all the lives involved. In other words, where humanitarian law requires a showing of gross disproportionality between legitimate military objectives and non-combatant deaths, a human security optic could be held to require a showing that the legitimate objective, in this case ending missile attacks, could not be achieved by other means (e.g. opening Gaza’s borders to the free flow of goods and people, offering to negotiate total withdrawal from the Occupied Territories, treating Hamas as the legitimate government of Gaza, or a full-scale occupation of the territory with all the attendant costs and responsibilities or a painful ground attack unsupported by missiles and artillery). Note that I am not insisting that there is presently

³⁸ Farer, T., *Un-Just War against Terrorism and the Struggle to Appropriately Human Rights*, Human Rights Quarterly Vol. 30 (2008), pp. 356-403, See also Walzer, M. *Just and Unjust Wars*, Viking, 1978s

a legal norm of this character; I am merely suggesting that a human security optic could be construed to imply such a norm.

To expand the point just a bit further, take the US invasion of Iraq. Quite aside from the question of whether it was a use of force permitted by the Charter³⁹ (or, if one assumes, like the Secretary-General's High level Commission, that the Charter norms restraining the use of force never became positive law, then permitted by residual customary law), the failure to the artistic and cultural legacy of the Iraqi people much less the failure to insert sufficient troops to protect the population are utterly irreconcilable with the implications of a human security perspective. Whether those failures constitute violations of humanitarian or human rights law is much more problematical.

I noted at the outset of this paper that the insinuation of a new term into the discourse of global politics is not fortuitous but rather the consequence of changes in material elements of global life that alter the way influential individuals, groups and institutions understand their respective interests and the policy options available for defending them. For more than half a century changes in those material elements have been eroding both absolutist conceptions of national sovereignty and the associated premise of foreign policy "Realism," namely that in an anarchic international system international norms and institutions have at best a transient utility and mask underlying unequal power relationships rather than channeling them⁴⁰. Or, to state the premise slightly differently, it is the improbability of institutionalized long-term cooperation in the face of the irreducible incentives to seize transient competitive advantage. Any enumeration of ideology-shifting material elements would include the following:

- The development and proliferation of nuclear weapons and other weapons of mass destruction
- The increasing difficulty of controlling frontiers (in a globally integrated economic system)
- The deep penetration of a nationalist sensibility that facilitates the organization of death-by-a-thousand-cuts insurgencies against occupying forces which in turn affects the cost-benefit ratio of occupying foreign territory and of interventions generally
- Advances in technical intelligence acquisition and the growth of epistemological communities of technical experts that vastly increase the transparency of national military-related investments and deployments

³⁹ I have joined the generality of commentators in finding that the invasion violated the Charter norms and that those norms enjoy sufficient support among states and other influential actors to be deemed positive law. See Farer, T. *Confronting Global Terrorism and American Neo-Conservatism: The Framework of a Liberal Grand Strategy*; Oxford University Press, 2008, Chapter 2,

⁴⁰ Donnelly, Jack; *Realism and International Relations*; Cambridge University Press, 2000, See also Mearsheimer, J. , *The Tragedy of Great Power Politics* New York: Norton, 2001.

- The global integration of production systems
- Consumption (rather than production) as the driver of economic growth in post-industrial societies
- The increasingly close tie at the national level between economic growth and political legitimacy particularly in non-democratic states.
- The proliferation of conspicuously transnational non-traditional threats to individual security such as pandemics, global warming; water and air pollution; mass-casualty terrorism and organized crime.

I believe that these changes (or in some cases dramatic intensification of pre-existing tendencies) have collectively strengthened to a remarkable degree the benefits to national governments of sustained cooperation and to a roughly corresponding degree increased the costs of policies designed to exploit fleeting tactical opportunities to make relative gains. And, I hypothesize, the behavior of governments, although lagging behind change in the objective factors, evidences growing elite appreciation of the need for institutionalized cooperation.

The recognition of change in objective national interests can be found in language as well as behavior. As I noted earlier, some writers have seen the invocation of human security as an assault on the very core of the classical national sovereignty/national interest conception of international relations and more than that, an assault on the idea that the principal loyalty of all people, including state officials, should be to the generality of the human race rather than a national subset thereof, in short an assault on the national state as icon⁴¹. But there is an alternative way of construing and hence of using human security. In this alternative view, rather than defending themselves from its invocation, state elites can appropriate it for their own interests by emphasizing the continuing even enhanced importance of states as the *organizers of cooperation*⁴² and the defenders of the interests of their citizens in a world where individuals have progressively less capacity as individuals or even as groups to defend themselves against the multiple threats of global dimension to their security. Of course, once a commitment to human security becomes the litmus test of governmental legitimacy, state elites can no longer speak openly as Charles DeGaulle was said to have done in conveying the belief that he owed his allegiance to France rather than the French people of whom he thought not very much. In other word the state as icon is replaced by the state as human utility maximizer.

⁴¹ Arabinda, Acharya and Amitav Acharya, *Human Security in Asia: Conceptual Ambiguity and Common Understandings*, See also Amitav Acharya *Human Security: East versus West*, International Journal, Summer 2001 pp 459

⁴² See p. 2 footnote 1

Readiness to adapt human security to reinforce state legitimacy was heralded by other catch phrases like “comprehensive security” and “common security”⁴³. Their employment by states in their discourse signaled an appreciation of the much heightened need for *institutionalized* cooperation against threats from sources other than other states and thus a partial recasting or at least a softening of the classical national security paradigm which emphasized inter-state threats as the principal transnational risk from which the state protected its citizens. Institutionalized cooperation requires states to accept diffuse long-term benefits rather than constantly balanced quid pro quos from their international agreements and correspondingly restrains the impulse to extract relative advantage from every occasion.

Human Security in Asia

The intellectual foundations of this Second Biennial General Conference of the Asian Society of International Law are a cluster of tightly-linked premises announced in the Prospectus of the Organizing Committee. Although stated as if they were incontrovertible, I begin with the conviction that they are subject to doubt. Let me quote from the Conference Prospectus:

“How will the international legal order transform itself amidst such a shift of power [from the West to Asia] and **values** in the global community? . . . It is an urgent issue requiring serious deliberation, especially for the Asian people, who are expected to play an important role in the diversification of power and **values**. What should we do to bring about a desirable transformation of international law?”⁴⁴

The Prospectus faithfully reinforces the Conference’s main theme: “International Law is a Multi-Polar and Multi-civilizational world – Asian Perspectives, challenges and Contributions.” Both assume that the immensely numerous peoples and states with all their diverse languages, histories, political systems and social structures that Western political geographers first bundled under the heading “Asia” constitute a socio-political-cultural entity sufficiently homogeneous to be contrasted with the “West.” Is it self-evident, for instance, that India’s values are more like China’s than like those of the United States or Japan’s are more like Burma’s than like England’s? Which values are in question? Putting “values” aside, for the moment, although the organizers place great emphasis on them, what about interests?

In the early stages of post-World War II development in the so-called Global South, uninhibited transnational trade and investment tended to be urged by the West, particularly by the United States and the United Kingdom, and resisted by newly industrializing countries like India. In doing so, however, India was following a course marked a century earlier by Germany when it

⁴³ Dewitt, D., *Common, comprehensive, and cooperative security*, *The Pacific Review*, 1470-1332, Volume 7, Issue 1, 1994, Pages 1 – 15

⁴⁴ Second Biennial General Conference of the Asian Society of International Law Prospectus. <http://www.asiansil-tokyo2009.com/>

was catching up industrially to the UK and the US in the second half of the Nineteenth Century and resisting British calls for laissez faire in international economic transactions⁴⁵. But today as the West wrestles internally with political demands for the protection of certain agricultural and industrial assets, can one even generalize across the length and breadth of Asia or the West about the balance of interest in the broad area of international trade and investment?

Is “democracy” a value or interest that differentiates Asia from the West?” Not if you include India, Indonesia and Japan (to name the three largest non-Western democracies) under the Asian umbrella. How about individualism or entrepreneurial ebullience? Surely no one who has spent time in Shanghai or Mumbai would find the culture in these respects radically different from the one in Silicon Valley.

However culturally specific the historical development of politically organized communities during the long centuries of generally immobile peasant masses and limited political/military contact among governing elites and economic contact among merchant classes, is it not at least arguable that the globalization of communication, transportation, trade and investment are eroding legacy differences in values and interests, but doing so very unevenly **within** nations? Two clashing assumptions about the centrality of economics and technology may be at work here. On the one hand, you have writers like the American Thomas Friedman⁴⁶ who believe that changes in the character and diffusion of technology and the related play of economic forces are transformative. On the other you have the view epitomized by the late Sam Huntington when he wrote that Japanese people eating at Macdonald’s in Tokyo did not by virtue thereof become a jot more like Americans who dined at Macdonald’s in New York⁴⁷.

We are dealing here with anything but self-evident truths about the contemporary world. Pace Huntington, the truth, I suspect, is that groups of people within each country are far more like each other in values and in interests than they are like their fellow nationals. There is nothing new about that; rather the contrary. Through most of the last Millennium, the European upper classes had much in common with each other and hardly anything in common with the peasants among whom they lived. To be sure, as the Europeans demonstrated during the first half of the Twentieth Century, common culture does not prevent peoples from resort to fratricidal conflict. But that is irrelevant to the question of whether it is either accurate or useful to imagine Asia as a cultural unit or its member states as having collective interests readily distinguishable from those of the West which themselves are differentiated by economic and political interests.

⁴⁵ Perkin, H. *Individualism Versus Collectivism in Nineteenth- Century Britain: A False Antithesis*, The University of Chicago Press 1977

⁴⁶ Friedman, T., *Hot, Flat, and Crowded, Why We Need a Green Revolution - And How it Can Renew America*, Farrar, Straus and Giroux, 2008. See also <http://www.thomasfriedman.com/>

⁴⁷ Berger, P and Samuel P. Huntington; *Many Globalizations Cultural Diversity in the Contemporary World*, New York: Oxford University Press, 2002

In her fine paper for this conference, Sharon Ong states that the countries of the region remain

“firmly wedded to a national security paradigm. This paradigm mirrors the traditional understanding of security in international law, that is, the security of states as the primary subjects of international law, based on territorial integrity and sovereignty . . . The ‘desire to preserve the sanctity of the newfound sovereignty of the post-colonial “nation-state” . . . rendered Asia rather inhospitable to anything but a strictly state-centric agenda of national security’. And so it was that the relatively new concept of human security, which challenged the reference point from the state to the individual, thus challenging the traditional conception of national security, was ‘state-skeptic’.”⁴⁸

And various states in the region were correspondingly skeptical about it⁴⁹. She then goes on to describe how the onset of financial crises, the intensification of transnational terrorism, incipient pandemics, and natural disasters, all striking powerfully within a short space of time, “jolted the governments of Asia to become more receptive towards human-centric security norms.”⁵⁰ The result were a series of cooperation agreements focused on human security issues that could, however, if neglected, have repercussions for the security of regimes. To use the idiom I suggested earlier, they came forward as the organizers of human security.

At the same time, however, many governments continued to resist furiously any proposal that could be seen as legitimizing individual or collective action to sanction states that evidenced gross indifference to the security of the human beings within their borders. Thus not only the brutal tyrannical regimes of Myanmar and North Korea but also democratic India “urged the Group of 77 to reject the report of the International Commission on Intervention and State Responsibility on ‘The Responsibility to Protect’.”⁵¹ Does it therefore follow that with respect to intervention as a means for protecting human security and with respect to the related conception of national interest and international law, Asia’s values are different? One must first ask whether this is a question of “values” or of interests and, if interests, whether they are powerfully embedded or quite possibly transient. Is it not possible that for great powers like China and India, this sensitivity is a legacy of a vanished era, a legacy that will itself vanish as they assume that “superpower” status envisioned by the organizers of this conference? **We have, after all, seen a similar sensitivity diminish remarkably in Latin America as the threat of U.S. intervention has receded**⁵². One must further ask whether the strict view of sovereignty

⁴⁸ Ong, S. *Securing Human Security in an Insecure World: The “Asian Way”*, pp.2

⁴⁹ Evans, P., *Asian Perspective on Human Security: A Responsibility to Protect?, A paper prepared for a conference on “Human Security in East Asia” organized by UNESCO, The Korean National Commission for UNESCO and Korea University’s International Relations Institute.*

⁵⁰ Ong, S. *Securing Human Security in an Insecure World: The “Asian Way”*, pp.3

⁵¹ Ong, S. *Securing Human Security in an Insecure World: The “Asian Way”*, pp.4

⁵²

and the narrow view of security are peculiarly Asian. I noted earlier that a defining characteristic of the American Right is a sensitivity to external appreciation of internal policies⁵³. Where the American Right may differ is in its internal divisions with traditional realist conservatives sounding very much like the Chinese in emphasizing nationalist values and interests and indifference to tragedies in other countries while the neo-conservative arm of the American Right believes or at least claims to believe that national security requires at least selective response to the mutilation of human security by tyrannical governments.

I have tried in this brief paper to add to the light already cast on the idea of *human security* by a number of very able commentators and to raise some questions about the premises that Asia constitutes an entity with distinctive values and interests and that in order to reflect those values and advance those interests, international law must be "transformed." Let the debate begin!

⁵³ Goldsmith, J. *Should International Law Trump US Domestic Law* Symposium: AEI Conference Trends in Global Governance: *Do They Threaten American Sovereignty*, Chicago Journal of International Law, Vol. 1 (2000), pp.327 – 341, See also Ignatieff, M. *American Exceptionalism and Human Rights*, ed. 2005