

Human Rights and Human Security
by
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Introduction

These brief observations are offered as a contribution to the important meeting on Human Rights and Human Security organized by the Commission on Human Security. The participants at the meeting, especially its host, are leading specialists on human rights and one can therefore go to the heart of the matter with some policy propositions for reflection. We should begin with the proposition that human rights define human security.

I. *Human Rights Define Human Security*

To be secure is to be safe, protected. Security is a secure condition or feeling¹. It is respectfully submitted that international human rights norms define the meaning of human security. The Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of the Discrimination Against Women, the International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child, and the Convention on the Rights of Migrant Workers and Their Families are all meant to make human beings secure in freedom, in dignity, with equality and the protection of human rights.

It was a major breakthrough of the Universal Declaration of Human Rights to provide basic guarantees regarding food, health, education, housing, protection of the family, democracy, participation, the rule of law, and protection against enslavement, torture, cruel or inhuman or degrading treatment or punishment. These seminal provisions were amplified in the subsequent conventions and they have a simple rationale: these human rights and fundamental freedoms must be respected, assured, and protected, if the individual human being is to be secure, to develop to the fullness of his or her personality, and to breathe the air of liberty.

The goals of the Commission on Human Security are to provide public understanding, engagement and support of human security and its underlying imperatives; to develop the concept of human security as an operational tool for policy formulation and implementation; and to propose a concrete programme of action to address critical and pervasive threats to human security. Whether it be for the citizen or the non-citizen, whether it be for the migrant, the refugee or the displaced person, whether it be for a member of a minority or an indigenous community, the essence of human security is to respect the human rights and fundamental freedoms that have been distilled and articulated by the international community. Article 28 of the Universal Declaration of Human Rights is of importance from this point of view. That Article provides that everyone is entitled to a social and international order in which the rights

¹ The Oxford Modern English Dictionary, Oxford University Press, 1992.

*/ The views expressed are those of the author in his personal capacity.

recognized in the Declaration can be realized. The link between human rights and the social and international orders lead us to our second proposition, namely, that individual, national and international security are all inter-linked within an embracing concept of human security. Upholding human rights is the way to achieve individual, national and international security.

II. *Individual, national and international security require the protection of human rights*

In an important work, *People, States and Fear*², Professor Buzan demonstrated the linkages between individual, national and international security. His argument was a simple one. Individual security must be the basis for national security, and national security grounded in individual security must be the basis of international security. In the contemporary world, there are so many situations that make the headlines where oppression leads to gross violations of human rights, occasioning conflicts, occasioning displacement, occasioning the movements of refugees and migrants, and occasioning human suffering on massive scales. So many societies are riven with strife and poverty because democracy, the rule of law, and respect for human rights are illusory. The United Nations Security Council has come to recognize that AIDS, the treatment of civilians, the treatment of women and children, gross violations of human rights, must all come within its charge as it strives for the maintenance of international peace and security. As much as one has made the proposition that human rights define human security, one can make the proposition that national security and international security cannot be achieved without respect for individual security in the form of respect for human rights and fundamental freedoms. This leads us to our next proposition, namely, that human rights are necessary for development.

III. *Development requires respect for human rights*

In his important work, *Development as Freedom*, Professor Amartya Sen, a Co-Chair of the Commission on Human Security, has lucidly brought out the linkages between development and freedom. Paul Johnson, in *Modern Times*³, has demonstrated how the lack of freedom has impoverished many countries. One can point to situation after situation in different parts of the world where the lack of freedom saps the creative capacity of the people and impoverishes them. Where people are free, they are inspired to create and to produce. They can be more efficient as they draw upon individual and corporate enterprise and explore new ways of doing things. Controlled economies are well-known to be inefficient economies. Where there is oppression and corruption, development can hardly take place. The centrality of human rights for development is therefore of the utmost importance. This brings us to our next proposition, namely, that respect for human rights is necessary for the prevention of conflicts.

IV. *Respect for human rights prevents conflicts*

Leaving aside the debate over the proposition that democracies usually do not wage war on one another, one can point to many situations in today's world where different ethnic groups or different parts of a population have ended up in conflict because the ground rules in the society do not provide them with decent or equitable life-chances or where one ethnic group feels

² B. Buzan, *People, States and Fear: The National Security Problem in International Relations*. Chapel Hill. The University of North Carolina Press. 1983.

³ Paul Johnson, *Modern Times*. The World from the Twenties to the Eighties. Harper & Row, 1983.

that it is the victim of unfair treatment. Respect for human rights includes economic, social and cultural rights, as well as civil and political rights. It includes protection of children and women, of minorities, indigenous populations, internally-displaced persons, migrants. A society that is striving in good faith for human rights, that is imbued with the spirit of respect for human rights, that is aspiring for a culture of human rights, is one that can lessen the risks of conflict. Strategies of conflict prevention must therefore be built integrally upon strategies of promoting and protecting human rights. The best conflict prevention strategy, at the end of the day, is a strategy of respecting human rights. Approaches to peace-making, peace-keeping and peace-building must also be anchored in the promotion and protection of human rights, a proposition to which we shall turn next.

V. *Peace-making must be built on human rights foundations*

While not underestimating the complexity of the peace-making task, it would be a fair proposition that a peace that is not accompanied by strategies for the promotion and protection of human rights is unlikely to be a lasting peace. The incorporation of human rights in peace-making has been the subject of much discussion, and one should be careful about laying down too many strictures upon a peace-maker. Each peace-maker will try to chart a road to peace. It would be fair to expect that, however difficult that road, the peace-maker's package should include future strategies to uphold human rights. This has been done in situations in Central America, in Cambodia, in the former Yugoslavia, and elsewhere. One must build upon these experiences and try to provide practical human rights tools to the peace-maker. This leads us to our next proposition, namely, that human rights must be integral to peace-keeping as well as peace-building.

VI. *Peace-keeping and peace-building must give a central place to human rights*

The peace that is put together by a peace-maker, with an integral human rights component, must be taken forward and safeguarded by peace-keepers and by peace-builders. This is why peace-keeping operations nowadays have human rights sections as standard components. More and more, peace-building packages have human rights chapters. The strategic importance of human rights to peace-keeping and peace-building was well brought out by Secretary-General Kofi Annan in his address to world leaders at the General Assembly on 10th November 2001.

The Secretary-General stressed that the United Nations must always stand for the rule of law in international and domestic affairs. "The United Nations must place people at the centre of everything it does" - enabling them to meet their needs and realize their full potential. In presenting "four burning issues", the Secretary-General cited the eradication of extreme poverty, the struggle against HIV/AIDS, the prevention of deadly conflict, and tackling the root causes of political violence. He declared: "The common thread connecting all these issues is the need to respect fundamental human rights". And he added:

"I am determined to integrate human rights even more fully into every aspect of our work."

VII. *Humanitarian strategies must embrace and include human rights concerns*

Increasingly, humanitarian workers are finding that even as they provide relief and assistance to those in need, they must be attentive to human rights concerns. It is all part of a growing realization that protection challenges are shared by the international community as a whole. The protection of internally-displaced people poses formidable challenges.

Having made the case above for the centrality of human rights in concepts of human security and in policies and strategies of realizing human security, one must now turn to the question: What should one do in the coming period to advance human security through human rights? The tasks of promoting and protecting human rights in a world of tyrants, rampant poverty, conflicts, displacements, refugee outflows, and trafficking in human beings should not be underestimated. While much has been achieved in the first half century of the United Nations, one should not underestimate the enormity of the challenge that remains ahead. Strategies of setting targets of ten, fifteen or twenty years have not been spectacularly successful, and one should be careful to prescribe courses of action that are structural and strategic and can hope to make a difference. In discussing the nexus between human rights and human security, one should therefore be careful about high-sounding prescriptions that might lead to nowhere. Strategic points of entry are of the essence and we shall suggest some of them below. Our first submission is that we should pursue human rights strategies of governance.

VIII. *We should pursue human rights strategies of governance*

It surely must be a sound proposition to say that the role of governments, nationally, regionally and internationally should be to help realize the rights and freedoms that are contained in the international human rights conventions. In those conventions, the international community has defined what it considers to be the elements of human security. The starting point of governments should therefore be to ask the question: How can one devise policies and methods of governance that can help realize the specific rights and freedoms in the main human rights conventions?

The quest for just governance is as old as human history. Herbert Muller, in *Freedom in the Ancient World*⁴, recounted the efforts of humanity, from time immemorial, for freedom under the rule of law. F.H. Hinsley, in *Power and the Pursuit of Peace*⁵, traced the intellectual history of the search for a rules-based international society grounded in laws, organizations, institutions of justice, and policies for the advancement of human welfare and progress. The history of international cooperation in the twentieth century is a tale of efforts to keep the peace rooted in justice and respect for human rights and in economic and social progress. This was, and remains, the vision of the United Nations: peace, justice, respect for human rights, and economic and social progress in an interlocking relationship. Alas, it is a vision under challenge in a world of power disequilibria, of uneven quality of governance, of economic and social disparities, of contending value systems, and of shocking violations of human rights. If we are to vindicate and achieve the vision of the Charter, policies and strategies of governance must be rooted in respect for human rights - nationally, regionally and internationally. Without respect for human rights the blueprint of the Charter is unimplementable and it would be a misnomer to speak of global governance.

⁴ London. Secker & Warburg, 1962.

⁵ Cambridge University Press, 1967.

It is important to be clear about the strategic importance of respect for human rights in the processes of global governance. In the first place, conflicts cannot be prevented or peace maintained in a world of wanton violations of human rights. In the second place, respect for human rights is the requirement for efficiency and effectiveness in governance. One is all too familiar with societies which, in the past half-century of international cooperation, have squandered vast amounts of resources and aid basically because government was unrepresentative and, as a direct consequence, inefficient and often corrupt. Put simply, development is illusory without freedom. Amartya Sen has made this case convincingly in his work, *Development and Freedom*, referred to earlier. In the third place, the principle of non-discrimination, a bedrock principle of international human rights law, enables one to strive for more equitable societies even within the level of resources available. In the fourth place, development strategies that have as their key objectives the realization of core economic, social and cultural rights and civil and political rights have the best prospect of leading to tangible improvements in the lives of human beings: people-oriented development, human security. In essence, what this calls for are **human rights strategies of governance**: a conscious decision by governments and subjects that the aim of governance is to advance achievement of the key human rights, civil and political, economic, social and cultural.

UNDP's human development report 2000 forcefully argued that development strategies have to be anchored in human rights reasoning and have to be influenced in their conception and implementation by international human rights norms. Respect for human rights is therefore critical for a successful development strategy. The protection of human rights is thus at the heart of the Charter's strategy of a world of peace grounded in the rule of law and economic and social progress. Without protection of human rights the Charter's vision cannot be achieved. With such a central strategic role, what is the way forward for human rights? We suggest three conceptual pillars.

IX. Three Conceptual Pillars

Three conceptual pillars must guide our future endeavours: first, maintaining the United Nations consensus on the universality of human rights. This is important morally and politically. Second, emphasizing the elements of independent expertise in following up on the treaty obligations of governments to uphold human rights. Third, drawing on the well-spring of support for human rights at the grass-roots level and the world of NGOs. Whatever diplomatic battles are fought over human rights, individuals across the globe claim them as their birthrights. People at the grass roots aspire for democracy, the rule of law and respect for human rights. This is the essence of the democratic test and affirmation of the validity of human rights universally. The Office of United Nations High Commissioner for Human Rights is the flag-bearer of universality.

X. Office of the High Commissioner for Human Rights

The Office of the United Nations High Commissioner for Human Rights, established in 1993/1994, is the global coordinator of the activities of the human rights movement. The High Commissioner facilitates and supports the efforts of other parts of the human rights movement, spearheads activities in areas in need of special focus, is the voice of conscience in situations of international concern, engages in good offices, and helps spread the universal culture of human rights. The High Commissioner is part of the whole. As the percentage of resources drawn upon by the Office of the High Commissioner grows from voluntary contributions, it will be important to maintain the character of the human rights programme as one of the United Nations, grounded

in the Charter and United Nations instruments. An institution outside the Charter framework too heavily dependent on voluntary contributions from a few countries could lose its authenticity. In 2000, the Office spent \$22 million from the regular United Nations budget, and \$44 million from voluntary contributions. One should aim for parity by increasing the percentage from the regular budget. One should also aim for strategic mapping and strategic points of entry.

XI. *Strategic mapping and strategic points of entry*

It will be important in the future development of United Nations human rights policies and strategies to undertake strategic mapping of each country and to identify strategic points of entry with a view to supporting national efforts for the development of national systems for the protection of human rights with constitutional, legislative, judicial, executive, educational, public awareness, and preventive/protective dimensions. Local monitoring for preventive purposes will be increasingly more important - especially in multi-ethnic countries. Solid courses of action should be the goal.

XII. *Future courses of action*

Against this background, the United Nations human rights programme must continue to give priority to Governments ratifying and implementing international conventions on human rights. The act of acceptance of such treaties is the first step on the road to implementation and compliance.

Led by a strategy of increasing ratifications, United Nations and regional/sub-regional organizations should continue to give particular attention to the promulgation of national plans for the promotion and protection of human rights, including the establishment or strengthening of national institutions.

An ongoing series of sub-regional training courses and exchanges of experience on the implementation of international conventions on human rights will help governments take forward the process of localizing international human rights obligations and working towards the entrenchment of cultures of respect for human rights. Experience has shown that such training courses/workshops help Government officials tangibly. The identification of good practices is helpful.

Within the framework of the United Nations Decade for Human Rights Education, activities of the United Nations system, particularly those of the Office of the High Commissioner and UNESCO, should place special emphasis on human rights education at all levels. This is one of the keys to the future of the global human rights endeavour.

The implementation of economic, social and cultural rights, within the framework of efforts to realize the right to development, must be taken forward more concretely. Judicial avenues for the protection of economic, social and cultural rights should be explored more. The United States Supreme Court has pioneered the non-discrimination approach in protecting the enjoyment of human rights. Courts such as the Indian Supreme Court and the South African Constitutional Court have provided good examples. The concept of consistent patterns of gross violations of economic, social or cultural rights should be drawn upon by the Courts as the Indian

Supreme Court has effectively done in developing its public interest jurisprudence with the aim of improving social justice.

United Nations petitions procedures are at the very heart of the human rights programme. This is where, in the final analysis, national systems for the protection of human rights can be tested against international norms and standards, and the international case law of protection can be further developed.

The investigations carried out by special rapporteurs and working groups are a practical expression of the international conscience against gross violations of human rights and must receive every support from the international community. The [Special Procedures](#) are potentially the purest part of the human rights protection system. They are not, or should not be, burdened by political or bureaucratic considerations. Their calling is a high moral one. Gross violations of human rights are always reprehensible and inexcusable.

Population groups in need of particular attention must attract strategies targeted at their needs for protection. These include minorities, indigenous populations, migrants, and victims of trafficking. The special perspectives and insights on the implementation of the rights of children, and of women, should also be further developed and put to use.

As already indicated, preventive efforts will be of great importance nationally. Such preventive efforts will also be important sub-regionally, regionally and internationally. At the sub-regional/regional and international levels, particular attention will need to be paid to violations of human rights in armed conflicts, to the plights of internally displaced persons, and to the need for their protection as well as those of refugees.

Building on the pilot field presences of the Office of the High Commissioner for Human Rights, it will be essential to aim for the placement of a human rights officer in every United Nations House within countries. UN Resident Coordinators or Resident Representatives now operate offices in over 130 countries. Human rights expertise should be available in each of them.

From this perspective, technical cooperation activities should increasingly take place within the framework of national development plans and plans for the strengthening of national systems/institutions for the protection of human rights. Technical cooperation, provided at the request of governments should, more and more, be country-centred - allowing for the sub-regional training courses already suggested on the implementation of international human rights conventions.

Training and exchanges of experience could also beneficially target groups such as law-enforcement officials (police and prison); prosecutors, lawyers and judges; parliamentarians; human rights or community relations commissions; and educators. Law enforcement officials can help prevent violations of human rights; so can prosecutors, judges and lawyers. Parliamentarians should take special responsibility for watching over the domesticizing and implementation of international human rights norms, economic, social and cultural as well as civil and political.

Concluding Observations

Strategies such as these will help build solid foundations for the future protection of human rights. Human rights belong to the people; the people expect professional support in the promotion and protection of human rights, drawing upon the well-spring of their commitment, aspirations and solidarity. People matter. Governance is meant to advance human welfare. Governance grounded in human rights is best calculated to promote human welfare and dignity. The challenge that beckons is for the development of **human rights strategies of governance**, nationally, locally, and internationally - with mutual respect, confidence-building, and forthrightness where required.

About the author

Dr. Bertrand Ramcharan is Assistant Secretary-General of the United Nations. He has been the UN's Deputy High Commissioner for Human Rights since 1998.

A Barrister with a Doctorate in law from the London School of Economics and Political Science, he has been Commissioner of the International Commission of Jurists and also Member of the Permanent Court of Arbitration.

He has taught as Adjunct Professor of International Human Rights Law at Colombia University and has written or edited over fifteen books. He has the prestigious Diploma in International Law from the Hague Academy of International Law, where he has also been Director of Studies.

During his diverse career of three decades at the United Nations, he has served in the Centre for Human Rights as Special Assistant, as the Secretary-General's Chief Speech-Writer, as Director in the largest-ever United Nations peace-keeping operations (in Yugoslavia), as Adviser to the peace negotiators in the Yugoslav conflict (for four years), and as a Director dealing with African conflicts. He has also been on a number of sensitive missions for the United Nations.