

The United Nations and Human Security

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This paper discusses the roles of the United Nations (UN) in the evolution of the human security agenda in the fifteen years since the Lysoen Declaration (May 1998). The subject remains topical, not least in view of the UN's difficulty in addressing key challenges to human security, such as, at the time of writing, whether the organization should or can mandate international action to halt the killing of civilians and other crimes against humanity, such as the alleged use of chemical weapons, in Syria.

The analysis suggests that the organization played an important role in conceiving human security and advocating normative change around the concept. It also provided a universal forum for its elaboration and a means for its partial legitimization. The organization has also facilitated the embedding of elements of the human security agenda in law, institutions, and practice. However, the state-centric quality of the UN, the process of decision-making in the Security Council, and remaining commitments to norms of sovereignty and non-intervention among member states have hampered efforts to embed human security at the UN and in international relations more broadly.

I argue, finally, that the UN and its agencies should be seen as one set of actors in a complex constellation of individual leaders, governments, non-governmental organizations, and regional and global multilateral institutions engaged to varying degrees and at various times in promotion of aspects of the agenda. The focus here on the UN should not be taken as under-appreciation of the importance of these other sets of actors. The UN is probably not the most significant actor in this process. But its role has been a necessary one.

In laying out this argument, I begin with brief discussion of problems of definition. I follow with a discussion of the UN's role in furthering human security. Then I address a number of shortcomings of the UN that have had an effect on establishing the concept of human security and the human security agenda in international relations.

Definitions

The first question arising is what we mean by the United Nations. Referring to the UN as an actor in world politics is a shortcut that masks a complex institutional reality. The UN is a rather loose collection of more or less independent organizations with a wide array of responsibilities.

Some, for example the General Assembly and the Security Council, are intergovernmental and deliberative. These two organizations have quite different legal personalities and powers. The Assembly, comprising representatives of all member states, provides a forum for debate and, sometimes, consensus-building. Its decisions are not binding, although some would say they provide a basis for soft law. Its remit is very broad.

The Security Council comprises fifteen members, five of whom are permanent and possess the power to veto resolutions before the body. Its remit is generally limited to international peace and security. Its decisions under Chapter VII of the Charter are legally binding. The Council has the authority to mandate the use of force by the UN, and to approve actions by regional organizations, or states and coalitions of states to address threats to peace and security.

These two organizations are joined by numerous agencies that have operational responsibility in specific policy areas (e.g. UNICEF for children, UNESCO for culture and education, UNDP for development), staffed by professional civil servants, and, in theory anyway, reporting into the UN Secretariat, headed by the Secretary-General.¹ They identify and analyse issues within their functional areas, propose and advocate international legislation, develop programmatic solutions and implement those solutions. Some have international legal status (e.g. UNHCR), many do not. These agencies may be subordinate to the UN Secretariat (UNDP), or they may be largely independent of it (the IMF, World Bank, and UNHCR). Some rely heavily on state contributions through the UN budget process (UNDP). Others (UNICEF, and, to an extent, UNHCR) have developed substantial autonomous funding streams through the solicitation of private donations or through direct donations from states. Many of these institutions and their heads have significant agency in their own right.²

In short, when speaking of the “UN role” on a question such as human security, one needs to take account of the multiple, and sometimes contradictory, dimensions of the UN system.

Defining human security is also challenging. First, the concept is open ended. Security is about the management, mitigation, or removal of threats to the core values of a referent institution, group, or individual. If the referent is “human beings,” then the agenda could cover anything and everything that might threaten human survival, fulfilment or identity and dignity.³ An incomplete list might include: disease; water and water quality; access to land, jobs, and education; human rights violations; criminality, war, and terrorism; migration (voluntary or forced, legal or illegal); the impact of globalization on cultural values; inequality and the absence of economic opportunity; resource depletion and climate change. In that context, there has been a fair amount of criticism of the allegedly boundless breadth of the agenda.⁴

Second, there is an ambiguity regarding the referent object. Is human security about human beings as individuals or about human beings as members of collectivities (village, ethnicity, nation, religion, gender, the human species), or both? It is hard to demarcate the two; for example, since identity is generally defined in reference to a group, it is not clear how one would secure individual identity without securing group identity. Likewise, if the individual’s economic welfare derives from participation in group economic activities, then securing individual welfare depends on securing the

¹ Inis Claude referred in this context to the two UNs: the intergovernmental arena and a professional secretariat. Inis Claude, *Swords into Plowshares* [COMPLETE]. For further development of this line of argument in the post-Cold War period, see Inis Claude, “Peace and Security: Prospective Roles for the Two United Nations,” *Global Governance* 2 (1996), pp.289-298. In the 2000s, some scholars proposed consideration of a “third” UN, comprising NGOs and networks of experts and advocates with close ties to UN organizations. Thomas G. Weiss, Tatiana Carayannis, Richard Jolly, “The ‘Third’ UN,” *Global Governance* 15 (2009), pp.123-142. This proposition is not directly addressed here, but is implicit in the discussion of interaction between the UN and other entities later in this paper.

² On this point, see *ibid.*, pp. 126-7.

³ This breadth is clear in the report of the Commission on Human Security, *Human Security Now* (New York: Commission on Human Security, 2003), p.4, which described the essence of human security as the creation of “political, social, environmental, economic, military, and cultural systems that together give people the building blocks of survival, livelihood, and dignity.” <http://www.unocha.org/humansecurity/human-security-now>.

⁴ See, for example, the special section of *Security Dialogue* edited by Taylor Owen. Taylor Owen, *et.al.*, “What Is ‘Human Security’?” *Security Dialogue* 35:3 (2004), pp.373-387.

welfare of the group. On the other hand, the history of nationalism, for example, is replete with examples of nations attempting to secure themselves at the expense of the security of dissenting individuals within them.

Third, within the “human security agenda,” different people and different institutions place their emphasis on different issues. One aspect of this phenomenon is a debate on narrow versus broad approaches to human security, much of which has played out within UN institutions.⁵ One key element of contestation here is the focus on protection from violence versus that on empowerment through development. A second is the distribution of responsibility between states and international institutions in the implementation of human security.⁶

These disputes reflect not only genuine differences of perspective and interpretation, but also the interests of institutions involved in a competition for scarce resources. Security is a value-laden concept. To call your issue a security issue enhances its salience in the policy arena; it is seen to be more “important.”

It is not obvious how these questions could be resolved, since the concept of security and its human security variant are socially constructed and essentially contested.⁷ For the purposes of the analysis that follows, I take human security fundamentally to be about recognising human beings, as individuals, to be the principal bearers of rights and, therefore, the central focus of security. In this view, states are derivative bearers of rights. States have no irreducible claim to security. State security matters insofar as states foster and maintain environments in which human beings are physically secure, can prosper, and can live in dignity. In other words, the central analytical move is to contest traditional conceptions of security that privilege the state as the principal referent and to propose that human beings are the ultimate focus of security.

If there is a shift from states to individuals in conceptualising and practicing security in international relations, this is a major change. It is a substantial departure from the normativity and practice of the Westphalian states system, which was about states (or sovereigns) and their mutual relations. In that system, human rights were considered to be matters essentially of domestic jurisdiction. This redefinition of security is part of a much larger movement in international society to make the rights of individual human beings and their communities a matter of legitimate concern in international relations.

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⁵ See, for example, the discussion of this point in Dominik Zaum, *Oxford Development Studies* 41:1 (2013), pp.124-5. For documentary background, compare ICISS, *The Responsibility to Protect* (Ottawa: IDRC, 2001); and Commission on Human Security, *Human Security Now*.

⁶ The 2012 effort by the General Assembly to arrive at a consensus on defining human security is an interesting document in this regard, not least in its distinction between human security and the responsibility to protect, the focus on state sovereignty and non-intervention, empowerment through development and the remark that “human security does not entail the threat or use of force or coercive measures.” UN General Assembly, “Follow up to paragraph 143 on human security of the 2005 World Summit Outcome” (25 October 2012). A/RES/66/290.

⁷ William Gallie, “Essentially Contested Concepts,” *Proceedings of the Aristotelian Society* 56 (1956), pp.167-198.

The focus on the security of human beings, individually or in groups, poses an immediate problem for the UN. The Charter highlights the essentially inter-state quality of the organization; Articles 3 and 4 limit membership to states. The Charter's original conception of security is also state-centric. It prohibits the aggressive use of force by members and focuses on the control of conflict between members (Article 2, and Chapters 6 and 7). Recognising the equal sovereignty of members, the Charter also limits the authority of the UN to involve itself in the internal affairs of member states (Article 2.7). Given the statist emphasis of the Charter's treatment of security, one might say that the organization is genetically handicapped in its pursuit of **human** security.

None the less, and perhaps surprisingly, the organization has played a significant role both in redirecting security towards the human referent, and in embedding human security in international norms and practice. The international community and its constituent parts are making slow and uneven progress towards embracing and implementing a human security agenda. The UN has made important contributions to the conceptualisation, promotion, institutionalisation, legitimation, and implementation of human security.

Conceptualization and Advocacy Human Security

United Nations agencies played a key role in the gestation of the idea of human security. Although the tensions between the state and human levels of security had long been evident in discussion of security,⁸ the term human security and the underlying multilateral effort to reorient analysis and practice of security towards human beings originated in the UN – in the work of Mahbub ul Haq and the UNDP Human Development Reports to which he contributed in the early 1990s.⁹ The 1994 report initiated the debate on broad versus narrow, and developmental versus protective, versions of the concept. It put forward the initial statement of the position that human security was fundamentally about human development and empowerment, and proposed that the post-Cold War peace dividend be directed towards these ends. Although the project to institutionalise this understanding at the Copenhagen Social Summit in 1995 was stillborn, this early work had substantial influence on the report of the Commission on Human Security, which is discussed further below.

Secretary-General Kofi Annan played a considerable role in generating interest in what came to be known as the responsibility to protect. In 1999, he noted the sovereignty concerns of member states and their consequent discomfort with notions of multilateral intervention on humanitarian grounds, as well as the problem of securing multilateral authorization for intrusion into domestic jurisdiction. He then asked a simple question in respect of Rwanda and Kosovo:

“To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might ask – not in the context of Kosovo – but in the context of Rwanda: If in those dark days and hours leading up to the genocide, a coalition of states had been prepared to act in defence of the Tutsi population,

⁸ For an extended discussion of this point, see S. Neil MacFarlane and Yuen Foong Khong, *The UN and Human Security: A Critical History* (Bloomington, IN: Indiana University Press, 2006), pp.19-138.

⁹ UNDP, *New Dimensions of Human Security* (New York: UNDP, 1994). Available at: <http://hdr.undp.org/en/reports/global/hdr1994/>.

but did not receive prompt Council authorization, should such a coalition have stood aside and let the horror unfold?”¹⁰

One result of the ensuing debate was the initiation of the International Commission on Intervention and State Sovereignty (ICISS), whose report¹¹ focused heavily on the protection of civilians from violence, and the role of international institutions therein, as key elements of the human security agenda.

Mr. Annan was also instrumental in initiating the work of the Commission on Human Security, which greatly developed Mahbub ul-Haq's exploration of the socio-economic dimensions of human security.¹² The report is an ambitious attempt at comprehensiveness in thinking about human security, embracing both protection and people-centred development and empowerment.

On other issues related to protection, UN High Commissioner for Refugees Sadako Ogata played a key role in highlighting the security vulnerability of refugees and displaced persons, not least at the meeting in Lysoen in 1998. Relatedly, in 1992 Secretary-General Boutros Boutros-Ghali appointed a Representative of the Secretary General on Internally Displaced Persons (IDPs), Francis Deng. Over the next three years, Deng studied the strengths and weaknesses of, and gaps in, existing standards relevant to protection of IDPs. This compilation served as the basis for a UNHCR staff field manual for addressing IDP issues. On the basis of this work, he was encouraged by the General Assembly and the UN Human Rights Commission to develop a set of guidelines concerning international treatment of IDPs. The guidelines were presented to the Human Rights Commission and the Economic and Social Council in 1998.¹³ They have since been embraced by a growing number of states members of the UN. The story is a good example of the expertise and advocacy of a UN official, encouraged by UN structures, producing a shift in the normative frame on an issue central to the protection component of the human security agenda.

These examples suggest that the UN has played a significant agency role in generating the concept and agenda of human security and in framing the debate around it. Prominent UN officials in the Secretariat and the specialised agencies have also played an important advocacy role in enhancing the profile of central human security challenges.

Legitimation and Codification

There are also many examples of the UN's role in the legitimation, codification and institutionalization of human security. One is the Security Council process of deliberation concerning the international protection of civilians in conflict.

¹⁰ "Secretary-General Presents His Annual Report to the Assembly" (New York: UN Press Release SG/SM/1736, GA/9596, 20 September, 1999). <http://www.un.org/News/Press/docs/1999/19990920.sgsm7136.html>.

¹¹ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: IDRC, 2001).

¹² Commission on Human Security, *Human Security Now: Protecting and Empowering People* (New York: Commission on Human Security, 2003).

¹³ *Guiding Principles on Internal Displacement*, in Commission on Human Rights 54th Session (1998), item 9(d). E/CN.4/1998/53/Add.2. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>.

As noted earlier, international enforcement actions to protect civilians at risk from conflict are in tension with conventional understandings of sovereignty and domestic jurisdiction. Early Security Council authorizations of action within the domestic jurisdiction of states (*e.g.* Somalia, Bosnia Herzegovina, and, belatedly, Rwanda) had been *ad hoc*. Often the enabling resolutions stressed that action in a particular case should not be considered as a precedent building towards a general rule.¹⁴

However, in 1999 the President of the Security Council issued a statement drawing attention to the protection of civilians as a general problem and requesting that the Secretary-General make recommendations on how the Council should address it.¹⁵ The Secretary-General's report generalised the principle that systematic violations of human rights or international humanitarian law could constitute threats to international peace and security. It recommended that the Council consider enforcement action in the context of intense violations, the state's inability to protect or its complicity in infringements, and when peaceful consent-based efforts had been exhausted.¹⁶

The Council responded with two resolutions expressing its agreement with this potential extension of threats to international peace and security to humanitarian matters. It accepted that, in certain conditions, it would use its enforcement powers to protect civilians affected by violence or humanitarian workers denied access to people in need.¹⁷ The lack of distinction between civil and interstate disputes in the resolutions suggested that sovereign rights of states were to a degree conditional upon a state's capacity and will to protect its own population from violence.

This theme was taken up in the 2005 General Assembly Summit Outcome. The document somewhat ambivalently embraced the responsibility to protect civilians in conflict and accepted that, where states could not or would not fulfil this responsibility themselves, the United Nations reserved the right to take collective action through the Security Council.¹⁸ Despite its ambivalence, the summit outcome is an important milestone. The states members of the United Nations collectively embraced the proposition that there are circumstances when sovereignty can be overridden by a multilateral organization in defence of human beings and their rights within a state.

Looking further at the Lysoen agenda¹⁹ reveals a number of other milestones. One is the Ottawa Treaty on land mines. The UN played an active advocacy role, including statements by the UNSG, and

¹⁴ See the discussion in MacFarlane and Khong, *Human Security and the United Nations*, pp.164-201.

¹⁵ S/PRST/1999/6 (12 February, 1999). http://www.un.org/ga/search/view_doc.asp?symbol=S/PRST/1999/6.

¹⁶ "Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict," S/1999/957 (8 September, 1999). http://www.un.org/ga/search/view_doc.asp?symbol=S/1999/957.

¹⁷ UN Security Council, S/RES/1265 (1999), [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1265\(1999\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1265(1999)); and S/RES/1296 (2000), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/399/03/PDF/N0039903.pdf?OpenElement>.

¹⁸ Paras. 138-139. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>. This outcome reflects earlier Security Council resolutions from 1999-2000.

¹⁹ See the Chairman's Summary of the Lysoen Conference on Human Security. <http://cpsindia/peacetheme.htm>. It listed several elements of a practical human security agenda: anti-personnel landmines, small arms, children in armed conflict, international humanitarian and human rights law, the international criminal court, worker safety, conflict prevention, transnational crime, and resources for development.

the promotional and coordinating activities of the UN Department of Humanitarian Assistance (UNDHA), the UN Children's Fund (UNICEF) and the UN High Commissioner for Refugees (UNHCR).²⁰

The land mines example exposes another important facet of the UN's human security role. The central roles in the process leading to the treaty clearly belonged to the International Committee to Ban Land Mines (ICBL), the International Committee for the Red Cross (ICRC), and a small number of state advocates, notably Canada and Norway. However, the UN agencies' embrace of the land mines agenda played a significant role in legitimising and furthering the process of banning them. One could go on to such issues as the "Optional Protocol to the International Convention on the Rights of the Child on the Involvement of Children in Armed Conflict" concerning child soldiers.²¹ The conclusion would be similar.

Another aspect of the Lysoen Agenda was the establishment of individual criminality and international means of adjudication of such criminality. The idea of an international court to address crimes of war and crimes against humanity arose after World War I in the League of Nations and gestated in the UN General Assembly and in the UN's International Law Commission after the Nuremberg Trials. The pace of consideration accelerated after the Cold War, not least because of events in the former Yugoslavia and Rwanda. In both these cases, the Security Council mandated the creation of courts to adjudicate crimes of genocide and other violations of international humanitarian law specific to the situation in question.²²

The proposal to establish a court of universal jurisdiction came out of the work of the Law Commission in 1994, around the time the two particular courts just mentioned were established. The General Assembly then agreed to establish a preparatory committee for the establishment of the Court. In spite of opposition from a number of major states who were reluctant to see their military personnel and other state officials subject to the jurisdiction of an international judicial body, the process culminated in the Rome Statute of the International Criminal Court (ICC), adopted on 17 July, 1998, and entering into force on 1 July, 2002. The Rome Statute provided for the establishment of the court and defined its remit. Although the ICC sits outside the UN system, the role of the UN in its establishment is clear. Concerning the UN's role, the process of negotiation leading to Rome grew out of earlier consideration of the problem in UN organs. Moreover, the Statute makes provision for the Security Council to refer cases to the Court.²³

The Statute codifies formal definitions of genocide, crimes of war, and crimes against humanity. It establishes an independent international organization whose role in law is to investigate, prosecute, and adjudicate crimes of this sort by individuals. Potential offenders include officials acting under the authority of the state in the state's own domestic jurisdiction. The ICC process amounts to a

²⁰ The process of negotiation is nicely laid in Don Hubert, *The Land-Mine Ban: A Case Study in Humanitarian Advocacy* (Providence RI: Humanitarianism and War Project, Watson Institute, Occasional Paper 42, 2000). <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>.

²¹ For the text, see <http://treaties.un.org/doc/publication/UNTS/Volume%202173/v2173.pdf>. 236-241.

²² S/RES/827 (1993) (20 May, 1993).

[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/827\(1993\);](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/827(1993);) S/RES/955 (1994).
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/955\(1994\).](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/955(1994).)

²³ States can also refer cases concerning individuals under their jurisdiction. Individuals and organizations other than states can provide information that may subsequently lead to prosecutorial investigation *proprio motu* (on his own initiative). For general background, see ICC, "Situations and Cases," http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/Pages/situations%20and%20cases.aspx.

substantial increase in multilateral oversight of state performance where the survival and basic rights of human beings are concerned.

However, in a manner similar to the Summit Outcome embrace of the international responsibility to protect, the primary responsibility for pursuing cases against individuals rests with the state in question. The Court is a last resort. It cannot act if the state of jurisdiction is conducting a “genuine” investigation and prosecution of an accused individual. It is to be used in cases where a state is unable or unwilling to prosecute through its own judicial processes, or where the process is not impartial.

Taking the responsibility to protect, land mines, children in war, and the court together helps us to understand the role of the UN in promoting human security. In some cases, UN agencies promoted change directly in throwing down challenges for others to pick up. Also, major figures within the UN (the Secretaries General and leaders of UN agencies such as Sadako Ogata, Francis Deng, and James Grant) exercised personal agency. The UN served as a forum for advocacy and consensus-building. UN agencies were often partners in multilevel (NGOs, states, and international organizations) coalitions to further the agenda.

Implementation

Taking the distinction between narrow and broad conceptualizations of security as a point of departure, this section discusses the trickling down of R2P principles into peacekeeping policy and practice, and the pursuit of the human development agenda through the Human Security Trust Fund.

Concerning the first, during fieldwork in Georgia in the late 1990s, I interviewed a UN military observer in the security zone between Abkhaz-controlled and government-controlled territory. There had been a number of serious human rights violations in the zone in which he operated. I asked him about this. He complained about the demands from local residents for protection and assistance. He said that, if he and his colleagues responded to such things, the observer force could not do what it was supposed to do – to observe Russian and local forces in and around the zone of control and to monitor heavy weapons storage. It was a good encapsulation of the traditional place of civilian protection in peace-keeping mandates.

It is unlikely one would hear a senior peace-keeping officer say something like that today. That change is in part a result of UN efforts to embed civilian protection in Security Council deliberations and to translate it into the mandates and training of peace-keepers. Since the first inclusion of protection of civilians from violence in a force mandate (UNAMSIL in Sierra Leone in 1999-2000²⁴), the function has become standard for mandates in war or post-war situations. Mandates have widened considerably beyond protection to include a raft of other issues related to human security. These include gender, human rights, children in conflict, de-mining, and the disarmament, demobilization and reintegration of combatants.²⁵ The widening of mission mandates has widened the circle of agencies involved. The staffing of peacekeeping missions has broadened considerably, with civilian contingents addressing gender, human rights, children in conflict, etc. In short, the

²⁴ S/RES/1270 (1999); S/RES/1289 (2000)

²⁵ See the list of contemporary peace-keeping challenges in DPKO, *Peace-keeping Issues*.
<http://www.un.org/en/peacekeeping/issues/>.

human security agenda now permeates the responsibilities of peacekeeping missions, the staffing of missions, and the programmes they implement in the field.

Turning to the developmental aspect of the broader human security agenda, as already noted, the UNDP initiated reconceptualization of human development as human security. Although their effort to embed this notion in new UN institutions failed at the 1995 Copenhagen Summit, it was revived in the 2003 report of the Human Security Commission. One consequence of the report was the creation of the Human Security Unit (HSU) in the Office for the Coordination of Humanitarian Assistance (OCHA) in 2004 and the transfer of administration of the Trust Fund for Human Security (largely funded by Japan) to this new unit. The unit has a broad remit to promote the Commission's vision of human security (protection and empowerment to achieve freedom from fear, freedom from want, and freedom to live in dignity). Consistently with the seeming bifurcation in the UN's development of the concept of human security, the protection aspect of HSU activities focuses on prevention and peacebuilding, is silent on the question of intervention/enforcement and is careful to avoid any interrogation of sovereignty.²⁶

The HSU promotes the idea of human security in the General Assembly, responds to situations of human insecurity through project work, develops practical tools for the application of the human security framework in the field, and disseminates lessons learned from human security activities.²⁷ It also develops training tools for UN agencies and sponsors regional workshops to "mainstream" human security in the UN system.²⁸

In short, there is ample evidence within the UN system of trickle-down from conceptualization, legitimation, and codification to implementation (practice). This involves mandates and staffing of peace operations, revision of training practices for peace operations and for human development, and the funding of projects informed by the human security agenda.

Limitations on the UN's Role in Human Security

In these respects, the UN has played a substantial role in furthering human security. However, the record since the 1990s also displays significant shortcomings that limit the effectiveness of the United Nations in the promotion of the human security agenda. A quick glance at the protection agenda is illustrative. One key issue is disagreement among the members concerning enforcement action to protect civilians in conflict. Many states members of the General Assembly and the Security Council are very protective of what they deem to be their sovereign rights.

Where the interests or perspectives of the Security Council's five permanent members are competitively engaged, and when UN security decision-making depends on the agreement of the Permanent 5 to put their particular preoccupations aside in favour of effective collective action, the

²⁶ See UNOCHA, *Human Security Approach*. <http://www.unocha.org/humansecurity/human-security-unit/human-security-approach>.

²⁷ Background is available at: <http://unocha.org/humansecurity/about-human-security/human-security-un#>.

²⁸ Human Security Unit, *Human Security in Theory and Practice: Application of the Human Security Concept and the United Nations Trust Fund for Human Security* (New York: UN, 2009). <https://docs.unocha.org/sites/dms/HSU/Publications%20and%20Products/Human%20Security%20Tools/Human%20Security%20in%20Theory%20and%20Practice%20English.pdf>.

UN often finds it impossible to act to protect human security.²⁹ The war in Chechnya (1994-1996, 1999-2005), in which the Russian Federation brutalised the Chechen people, provides one example. In the Security Council, there has been no discussion of, let alone action with respect to, this conflict. Another was the failure of the Council to react meaningfully to the deteriorating situation in Kosovo in 1999. In the current context, the failure of the UN to take meaningful enforcement action to stop the mass killing of civilians in Syria also does not foster optimism about the capacity of international law and institutions to protect people caught up in conflict.

In short, the UN's mandating of enforcement to protect civilians is sporadic and selective, depending as it does on how the P5 perceive their particular interests in the situation at hand. This is particularly evident when the victims that need protection are within the domestic jurisdiction of a P5 state (as with Chechnya in Russia and Xinjiang in China), or when a perpetrator is closely allied with a P5 member (arguably the case with Syria). This is not merely a matter of conflicting interest. At least two of the P5 members (China and Russia) are hostile to the redefinition of sovereign rights inherent in the responsibility to protect, because it conflicts with their understanding of state rights and international law..

Several additional problems arise. One is the creation of a double standard. The UN acts to enforce when the P5 are willing to mandate and does not when the P5 are not willing, or when acting collectively is inconsistent with particular interests of a member or members of the club. This inconsistency impedes wider acceptance of the responsibility to protect. As Kofi Annan put it: "If the new commitment (*sic*) to intervention in the face of extreme suffering is to retain the support of the world's peoples, it must be – and must be seen to be – fairly and consistently applied, irrespective of region or nation."³⁰

The inconstancy of Security Council response also encourages action outside the legal framework of the Security Council authorization, as in Kosovo in 1999. Concerning Syria at the time of writing, *The Observer* reported that US President Obama, contemplating enforcement action in Syria, asserted that "taking limited military action in Syria was the right choice even without the support of the UN Security Council, which he said was 'completely paralysed and unwilling to hold Assad accountable'."³¹ Precedents thus created may weaken the fabric of international law concerning the use of force. Finally, the legitimization (through appeal to R2P or other human rights principles) of the practice of intervention may be used to justify aggression, as occurred in Iraq in 2003 and Georgia in 2008.

It is very hard to see how the Council as currently constituted could reliably enforce the responsibility to protect, since there is no reason to believe that the P5 would, as a group, sacrifice their particular interests in order to pursue universal protection. On the other hand it is very hard to see how the Council could be reformed in order to be able to do so. It is improbable that the P5

²⁹ One Russian analyst, in explaining Russia's obstruction of international action in Syria noted that "for Putin, Syria was above all about the principles of sovereignty and non-interference." Dmitry Trenin, "Russia's Middle East End Game, at the Hands of the Post-Soviet Grand Master," *Tablet* (1 August, 2013). Available at: <http://carnegie.ru/2013/08/01/russia-s-middle-east-end-game-at-hands-of-post-soviet-grandmaster/gh3o>.

³⁰ "Secretary General Presents His Annual Report" (note 10).

³¹ Paul Lewis, "Obama Seeks Congress Vote before Military Strike on Syria," *The Observer* (1 September, 2013), p.2.

would surrender their place. It is not obvious that any alternative construction of the Security Council would be better from the perspective of the protection of human beings.

Turning to the General Assembly, the tension mentioned above between the rights and protection agenda on the one hand and the conservative conception of sovereignty and the principle of non-intervention on the other are evident in the 2005 Summit Outcome Document. Proponents of the responsibility to protect cite the document as evidence of endorsement of the principle by the international community. And so it is.

But the devil lies in the details. In the brief section of the document addressing protection, Paragraph 138 restates the primacy of the state in addressing human protection issues within their territory. Paragraph 139 states that the UN may consider action through the Security Council under Chapters VI and VII of the charter on a case-by-case basis when national governments fail to protect their populations from genocide, crimes of war, and crimes against humanity. Given widely different perspectives in the General Assembly and the Security Council on the derogation of sovereignty on human rights grounds, one can easily see how defining the threshold between 138 and 139 would be a highly contentious political issue. The fundamental problem is that the responsibility to protect, at both the Security Council and the General Assembly, cuts across the perceptions and policies of many member states. There is no real consensus on how to implement this principle. It is unavoidable, therefore, that it should be incompletely and unevenly applied.

In practice, where the UN does deploy, the enhancement of human security is sometimes hard to find on the ground. One example would be a recent Save the Children report that established that the worst place in the world to be an expectant mother was the Democratic Republic of Congo (DRC).³² The DRC hosts a UN security presence (MONUSCO with 23,407 personnel, the second largest current peacekeeping operation). There have also a number of cases in which, far from protecting civilians, some peacekeepers are themselves a hazard to the security of human beings, for example in the form of sexual abuse of women and girls.³³

Concerning codification of aspects of the human security agenda, it bears mention that many of the key treaties and conventions have not been universally accepted. The Rome Statute aims to end impunity with regard to crimes of war and crimes against humanity. However, many states, such as China, have not signed the treaty and do not accept the ICC's jurisdiction. Others, such as Russia have signed, but have not ratified the treaty and, hence, are not members. Still others (Israel, Sudan, the United States) signed the treaty, but have indicated subsequently that they have no intention of proceeding to ratification.

Despite the ambitions of the ICC, and its impressive organization, its effects in ending impunity are modest. Since the establishment of the court in 2002, eight situations have been brought to the court. The Security Council referred two of the eight situations (Darfur and Libya), four were self-referrals, and two were brought to the attention of the Court by the prosecutor, acting *proprio*

³² Save the Children, *Surviving the First Day: State of the World's Mothers 2013* (Westport, Conn.: Save the Children USA, 2013), p.9. Available at: http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/SOWM-FULL-REPORT_2013.PDF.

³³ This issue is discussed, as are UN efforts to address it and the need to translate rhetoric into action, in Elizabeth F. DeFeis, "UN Peacekeepers and Sexual Abuse and Exploitation: an End to Impunity," *Washington University Global Studies Law Review* 7:2 (2008), pp.185-214.

motu. Investigations of these situations have produced eighteen cases. The numbers are somewhat deceptive in terms of the large agenda of ending impunity, since such situations and cases are to be handled by the states of jurisdiction in the first instance. The ICC is a last resort. Even so, there are numerous situations (the most obvious being Syria) where neither national judicial procedures nor ICC procedures have been activated to deal with crimes against humanity.

It is noteworthy that all eight situations under active consideration by the ICC are African. The Court is considering further issues in Afghanistan, Colombia, Georgia, Guinea, and Honduras. The list of twelve contributes to the perception against which Kofi Annan warned (see above): if the protection agenda is not – and is not seen to be – impartial and universal, it will be perceived as a selective vehicle for the imposition of Western values on southern states and societies.³⁴

With regard to codification of other elements of the human security agenda, three out of five permanent members of the Security Council (China, Russia, and the United States) have not signed the Land Mines Treaty. The Optional Protocol on Child Soldiers has been accepted more widely, but the forced recruitment of children into combat units continues. UN and related efforts at demobilization and reintegration of child soldiers in ongoing conflicts, such as that in the DRC, frequently have disappointing results.

The broader definition of human security pursued by the HSU and the Trust Fund for Human Security encounters far less political and cultural resistance. The HSU claims a practical role in protection and empowerment of individuals and communities. It has funded a wide array of projects proposed by other UN agencies.³⁵ Projects implemented follow closely the protection/empowerment logic. Major issues addressed include health and disease prevention, disaster preparedness, restoring or enhancing rural livelihoods, community development, post-conflict peace-building and reconciliation, human trafficking, and community violence. Vulnerable populations are a particular focus among beneficiaries: children and youth, women and girls, displaced or migrant populations, populations affected by conflict. Review of allocation suggests a particular concentration of resources in societies in or post-conflict. Current grant guidance suggests single organization projects should budget at around \$1 million per project, and groups of organizations should aim at \$2.5 million. Historically, project grants have ranged between \$100 thousand and \$20 million, but

³⁴ This perception is one factor underlying the African Union's announcement that its members would not cooperate with the Court on the case against Sudan's President Omar Bashir. See also Paul Kagame's remark that the ICC "has been put in place only for African countries, only for poor countries," and Richard Goldstone's observation that the ICC "appeared too focused on crimes on the continent of Africa, while paying scant regard to similar situations elsewhere in the world," as quoted in: Mary Kimani, "Pursuit of Justice or Western Plot," *Africa Renewal Online* (October 2009). <http://www.un.org/africarenewal/magazine/october-2009/pursuit-justice-or-western-plot>. For background, see Dire Tladi, "The African Union and the International Criminal Court: The Battle for the Soul of International Law," *South African Yearbook of International Law* 34 (2009), pp.57-69. As Tladi notes (p.58): "From a more normative perspective, the decision raises questions about the reality of a new value-based international law, centered on the protection of humanity and human rights and whether such a new international law can escape accusations of neo-imperialism."

³⁵ For the Trust Fund guidelines, see UNOCHA, *Guidelines for the United Nations Trust Fund for Human Security* (New York: UNOCHA, 2012). <https://docs.unocha.org/sites/dms/HSU/Final%20revised%20guidelines%202012%20-%202010%20May%202013vs2.pdf>.

fall between \$1 and \$5 million. Total funds allocated since the inception of grant activities is roughly \$230 million.³⁶

This is not a lot of money in contrast to the total size of national donor aid budgets, the total spend in conflict management and post-conflict programming, or the total annual ODA of OECD members. However, the purpose of these programmes is to act as pilots for the dissemination of the “human security approach” into aid programming more broadly. It is difficult to assess the extent to which this has been successful. However, there is no reason to doubt that the impact of these projects on beneficiaries is positive. On the other hand, the fact that the focus is on pilot projects in the hope that the approach will be emulated in programmes mounted by other multilateral, national, and non-governmental donors and organizations underscores the limits on the role of the UN *per se* in implementing a broad human security agenda and the continuing reliance on major states to provide the bulk of resources.

In other words, although much progress has been made in implementing elements of the human security and rights agenda, there remains considerable distance to go. Many aspects of the UN’s agenda face resistance at many levels, not least that of key states or groups of states. The rhetoric is often far ahead of the practice. The ambition outstrips the resources available to pursue it.

Conclusion

The period since the Lysoen Declaration has witnessed substantial progress in embedding human security in international relations. In essence, the emergence of the concept of human security reflects a fundamental change in the way we understand international relations and international security. That change speaks to the rights of human beings in a system traditionally dominated by states. Human security emphasises the rights of people to live free from fear and the duty of the “international community” to address this challenge when states cannot or will not do so. It makes states and their leaders and officials internationally accountable for their treatment of their own citizens, what Kathryn Sikkink referred to in a recent book as the “justice cascade.”³⁷ It also highlights the rights of individuals and communities to have control over their own lives and to live in dignity (empowerment).³⁸

The United Nations has played a significant role in conceptualising human security, and in promoting it. It has also provided a forum for building a modicum of consensus around the humanization of security. Much of the work on legitimising and, in some cases, codifying and institutionalising this agenda has occurred within the United Nations “system”. The United Nations has been instrumental in embedding aspects of human security in both security and development practice.

That the United Nations sought to pursue this agenda is a product of individual agency and leadership within the organization. However, institutional engagement has often been the result of advocacy by member states and by international civil society. Successes in codification and legitimation have occurred in considerable measure because states have supported the process.

³⁶ This figure is derived from the budget envelopes of projects listed at:

<http://www.unocha.org/humansecurity/trust-fund/un-trust-fund-human-security>.

³⁷ Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: W.W. Norton, 2011).

³⁸ The analogy to Isaiah Berlin’s conceptualization of negative and positive freedom is obvious.

States have engaged in the promotion of human security in part because of pressure from national and international civil society. To the extent that normative change has occurred, it has frequently done so as a result of the initiative of likeminded states, NGOs, partnership among them, and partnership between them and those parts of the UN system sympathetic to these projects. Perhaps the most important role of the organization has been to provide a structure in which a revision of the discourse of appropriateness related to security can evolve in a human direction.

When we think about the causes of normative change, we are often overwhelmed by the problem of over-determination and the conjuncture of multiple causes. It is very difficult to determine what the role of a particular institution or cluster of institutions might be in complex change.

However counterfactual analysis may help. Civil society, like-minded states, and particular individuals acted as norm entrepreneurs. Whatever progress that has been made in embedding human security in the norms and practice of international society would not have occurred without them. On the other hand, it is hard to conceive of the modest flourishing of the human security agenda without the UN playing the roles I just mentioned. Not least, it has provided a near-universal forum in which these questions can be argued out, and in which agreed conclusions receive the legitimation associated with wide consensus.

In other words, both sides of the human security partnership have been necessary conditions for forward movement. But neither is sufficient. The Syrian case suggests clearly that international society has not fully established the fundamental principles of human security. And it is far from reliable enforcement and implementation, in considerable measure because of the resistance or indifference of states, including major states.

However, systemic normative change generally occurs slowly, with numerous hiccoughs and reversals. A shift from the state referent as the focus of security to the human referent was certain to encounter significant resistance from states unwilling to surrender their prerogatives. It has. State resistance has been a significant brake on establishing human security. Given that the UN is, at the end of the day, an organization of states, it is no surprise that state resistance has circumscribed the UN role in human security. Indeed, given its origins and makeup, it is a surprise that it has contributed as much as it has

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