

The Nexus Between Human Security and Human Rights: Some Wayside Remarks

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Abstract

The first part of this paper explores the definitions, scope of dimensions of human rights and human security. It identifies the problematic aspects of each definition and embraces a more nuanced conception which locates both human security and human rights within the doctrine of equality, dignity and freedom. The second part of this paper explores how in the face of strong opposition, from critics, the human security doctrine can be used to promote and enhance the realization of socio-economic rights. This part also examines the interrelationship between civil rights and human security and concludes by exploring how the latter can contribute to the realization of the former. The paper further explores the different ways in which the doctrine of Responsibility to Protect has evolved along the lines of human security and what contribution the language of rights can make to its foundation. It concludes by making a case for the development of a program that integrates human rights and human security.

1. Human Security and Socio-economic Rights

Defining Human security and Human Rights

The definitions of human security are as varied as the number of scholars who engage with the subject. According to Mack, human security is the protection of individuals and communities from war and other forms of violence.¹ This definition, though moving away from the traditional state-centric approach to security is inadequate because it focuses on freedom from fear which is only one element of human security. Thakur, in a broader approach argues that human security is the protection of people from critical life threatening dangers, originating from natural events, human activities, state and or international practices, whether structural or direct.² This definition, though broader, overemphasises danger and ignores the fact that the absence of life threatening danger doesn't necessarily imply the presence of security. This article will therefore define human security as the protection of all human lives in ways that advance human freedoms and human fulfilment. This is because human security goes beyond the safety of the individual into their ability to secure and hold basic goods and services.³

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¹ Kerr Pauline, 'Human Security' in Collins, Alan. (ed). *Contemporary security studies* (Oxford University Press ,2013) p 106

² Ibid

³See Mahbub Al Haq cited in Gasper, Des, 'Securing humanity: Situating 'human security' as concept and discourse.' 2005 (6) 2 *Journal of Human Development*, 221, 223

The definition of human rights has been characterised by an on-going socio-political, philosophical and academic contest. On one hand, scholars like Rawls consider human rights to be those fundamental human attributes whose violations justifies foreign (military) intervention.⁴ In other words, human rights are seen as standards that set the limit of state sovereignty. In a similar context, Waldron considers human rights to be:

*'...a right is properly described as a human right if the appropriate response to its violation by an otherwise sovereign state is armed interference by an outside state or an international organization aimed at remedying or punishing or preventing the continuance of the sovereign state's violation.'*⁵

Other scholars like Talbot have considered human rights to be those entitlements that a state needs to guarantee its citizens to give it moral legitimacy.⁶ This view resonates with the underlying assumption in human rights treaties that the state is the guarantor of human rights and therefore obligated with both positive and negative duties to human rights realization. Other scholars have veered off from this statist conception of rights and considered human rights either as moral entitlement backed by strong reason, as those things that human beings need to live a life of fulfilment or dignity or as an individual's shield against the immense and oppressive powers of the state and the society.⁷ Within this context, human rights are seen as counter hegemonic tools that can be used to guarantee human emancipation and well-being.⁸ John Tasioulas sees human rights as those entitlements possessed by human beings by virtue of being human and inhabiting a social world that is subject to the conditions of modernity.⁹ Within this context, human rights are seen as the necessities that human beings are entitled to so as to live a life of dignity, freedom and equality. These entitlements emanate from our identity as human beings, are inalienable and cannot be taken away.¹⁰ This is the context in which human rights will be viewed in this paper.

2. Human Security and Human Rights

In the tradition conception of security, the state was the main point of reference and the individual was only considered to be secure for as long as the state was also secure. However Human

⁴ See John Rawls, *Law of the People*, (Harvard University Press, 1993).

⁵ Waldron, Jeremy, "Human Rights: A Critique of the Raz/Rawls Approach" (2013). New York University Public Law and Legal Theory Working Papers. P 4 accessed from http://lsr.nellco.org/nyu_plltwp/405

⁶ William Talbot, 'Consequentialism and Human Rights,' 2013 (8) *Philosophy Compass*, 1030

⁷ For such a view see Hunt Alan, 'Rights and Social Movements: Counter-Hegemonic Strategies' 1990 (17) 3 *Journal of Law and Society*, 309,325.

⁸ See also Michael Ignatieff, 'The Attack on Human Rights' 2001 (80) 6 *Foreign Affairs*, 102, 108.

⁹ John Tasioulas, 'The Moral Reality of Human Rights in Ethical and Human Rights Dimension of Poverty: Towards a new Paradigm in the fight against poverty, (UNESCO Poverty Project, 2003).

¹⁰ Williams Lucy, 'Towards an Emerging International Poverty Law', in Williams Lucy(ed) *International Poverty Law: An Emerging Discourse* (Zed Books, 2006).

security is a bottom up approach that has the individual as the main object to be secured.¹¹ Advocates of the human security doctrine observe that the security of the state is futile if the security of the individual is not guaranteed.¹² Thus the security of the state would be futile unless the security agencies start by focusing on the security of the individual. Since the security of the individual is multifaceted and has physical, psychological, social and economic dimensions, the human security approach provides a more comprehensive and realistic approach to the promotion of human well-being. For instance climate change has been cited as a security threat to the state, but this threat only reaches the state through the individual.¹³ Barnett and Adger argue that climate change leads to chronic poverty, and vulnerabilities which eventually weaken the capability of the state to guarantee state security, as most of its resources are diverted to mitigating the impacts.¹⁴ At the same time, the vulnerability caused by climate change results into 'personal mitigation and response initiative' which often lead to conflict over water, grazing land, cattle rustling and other forms of crime. This is because the human survival instincts often compel him to adjust to any adverse situation even if the same involves violence. Attempts to guarantee state security must therefore start with the security of the individual. Ken Booth has disputed this view, arguing that human security is an end in itself, and must not be looked at as a means of securing the state.¹⁵ He laments that a focus on state security actually erodes the philosophical foundation of human security.¹⁶ However, whether deliberately or by default, it is clear that the attainment of human security will not only reduce internal threats to state security but may not eradicate the external security threats. Human security is thus both a means and an end in itself.¹⁷

3. Human Security and Socio-economic Rights

Human security is not only an academic discourse. Rather, it is a form of practice that has now gained credence with many implementation agencies. Accordingly, human security is one of the latest approaches put forth by the UN to address security issues in the face of globalization which is threatening not only national but also international stability.¹⁸ Human security is based on the premise that an individual needs to be free from want, free from fear, and freed to take action towards improving his life.¹⁹ Since human security is about controlling vulnerabilities, and poverty, as well as promoting livelihoods and human freedoms, a call for human security is

¹¹ See Kaldor Mary, *Human Security: Reflection on Globalization and Intervention* (Polity Press, 2007) p 182
Gasper, *Supra* note 4 at 222-224.

¹² Barnett, Jon & Adger, Neil, 'Environmental Change, Human Security, and Violent Conflict' 2007 (26)
Political Geography, 639, 646-647.

¹³ *Ibid.*

¹⁴ *Ibid* at 643.

¹⁵ Booth Ken, 'Security and Emancipation' in Hughes, Christopher & Lai Meng *Security studies: A reader*
(Routledge, 1991).p 36.

¹⁶ *Ibid.*

¹⁷ See Kaldor *Supra* note 11 at 191.

¹⁸ Gasper *supra* note 4 at 221-222.

¹⁹ *Ibid.*

essentially a call for human right.²⁰ For instance, to a human rights advocate, the eradication of poverty is a way of promoting human wellbeing which is an essential component of human rights.²¹ That is, the poor health and environmental conditions under which a vulnerable person lives not only violates human security (conceived as freedom from want) but also violates human rights (conceived as a right to dignity). Accordingly, socioeconomic rights enthusiasts like Ngira and Clair have argued that poverty, characterised by lack of education, food, shelter and health are an assault on human dignity.²² Thus, eradication of factors that undermine human dignity is necessary for an individual to achieve full personal development-human right. Moreover, other human rights enthusiasts like Amartya Sen argue that eradication of poverty is one of the conditions necessary for the realization of other civil and political rights.²³ To this end, the eradication of poverty is premised on the principle of dignity which not only anchors human well-being but is also an indivisible component of human rights, both in the legal and moral sense

As a human security issue poverty eradication can be looked at in 2 dimensions. First, it can be seen as freedom from want.²⁴ This conception is based on the premise that an individual cannot be safe if he is considered to be in a state of want. Want within this context is given a reductionist approach which limits it to basic needs. Indeed the Commission on Human Security (CHS) cites health security, food security, environmental security, security of political freedoms, income security and identity security, as the key areas of focus in human security and encourages security agents, both at the national and international level to work towards their eradication.²⁵ Human security, according to the CHS, includes eradication of all threats to human wellbeing, an issue that has made critics such as Paris refer to human security as inscrutable, and a moral aspiration rather than an enforceable doctrine.²⁶ Paris's contention is that this broad conception of human security makes it difficult to select (or handle) all the causes of human insecurity, therefore making it impossible to achieve any security conceived in this context.²⁷

Paris' contention raises the question of whether human beings are naturally in a state of security (which would imply that all the causes of human insecurity are external) or whether human

²⁰ Barnett and Adger Supra note 12 at 643- 644, See also Kerr Supra note 1 at 107.

²¹ See generally, Williams Supra note 6.

²² See Clair Asuncion, 'How Can Human Rights Contribute to Poverty Reduction? A philosophical Assessment of the Human Development Report, 2000 in Williams Lucy (ed), *International Poverty Law: An Emerging Discourse*, Zed Books 2006), pp 16-18 See also Ngira David, *Repositioning socio-economic Rights as Real Rights: A response to sceptics* 2017 2(1) MKU Law Journal, 1,99.

²³ Sen, Amartya, *Development as freedom* (Knopf,1999).

²⁴ Gasper Supra note 4 at 225.

²⁵ Commission on Human Security, *Human security now*. (2003) accessed from <http://www.unocha.org/humansecurity/chs/finalreport/Outlines/outline.pdf> on 28th/03/2018

²⁶ Paris Roland, 'Human Security' in Hughes, Christopher and Lai Meng, *Security studies: A reader*. (Routledge,2011), pp71-72.

²⁷ Ibid.

beings are naturally in a state of insecurity (which would imply that human security is brought to the individual). The human rights conception of needs addresses this grey area. According to Upenda Baxi, human rights are often characterised by obligations that is; if someone proceeds from the point of view that health is his right he creates the obligation on someone else to provide it.²⁸ This therefore implies that good health (perceived as a right) is not natural to the individual; rather it must be provided by external actors. However, whether health is conceived as a right (creating the need for someone to provide it), or a security issue (requiring protection from poor health) the underlying reality is that both human security and human rights discourses are about the same thing: improving human well-being through adequate health. The two approaches can therefore easily reinforce each other.

Secondly, poverty can be looked at as a precondition for physical insecurity (thus a cause of fear).²⁹ Borrowing heavily from Maslow's hierarchy of needs, Kerr argues that the pillar of human security is physical security since an individual may not attain all the other forms of human security if his physical security is not guaranteed.³⁰ Moreover, poverty may compel one individual to be a cause of physical insecurity to others. For instance, Poverty among the youth, characterised by massive youth unemployment predisposes them to drug abuse and recruitment into gangs and terrorist groups.³¹ These gangs and terrorist groups engage in criminal activities which not only threaten other people's security but may also become a threat to the very foundation of the state. Increased poverty and vulnerabilities also creates a high risk of communal conflict over resources, such as has been observed in the DRC Congo and Eastern and Northern Kenya. Such conflicts, which sometimes manifests themselves as civil wars or ethnic conflicts often result into refugees and internally displaced people, thus creating massive human suffering through disease, malnutrition, illiteracy and even death in refugee camps. Poverty is thus not only an issue of human rights, but also a threat to human security (conceived both as freedom from want and as freedom from fear) as well as a threat to state security (perceived in the traditional state-centric conception of security).

Both Human rights and human security are concerned with human capabilities.³² Capabilities in this context refer to the capacity of the individual to act in a way that would improve his life. From a human rights perspective, this capacity is a right needed by the individual for his own development.³³ For instance, the right to education increases ones choices in life and improves his general well-being. Pursuing this line of thought Clair argues that to socio-economic rights

²⁸ See Baxi Upenda, *Re-Thinking Human Rights: Preliminary Reflections Concerning Human Rights thoughts and Folkways* (Unpublished, 2012).

²⁹ Commission for Human security, *Supra* note 25.

³⁰ Kerr *Supra* note 1 at pp 10-111.

³¹ *Ibid*.

³² See Commission on human security *supra* note 25 pp 2-3 and United Nations Development Programme *Human Development and Human Rights: Reports of the Oslo Symposium*, (UNDP,1998).

³³ See generally Sen *supra* note 23.

are positive liberties that are required to enable an individual secure what he needs for a fulfilling life a view also held by James Nickel who argues that human rights must ensure that people can have minimally good lives, must be of high priority, and must be supported by strong reasons that make plausible their universality and high priority.³⁴ The basic assumption in this rights conception of capabilities is that they must be provided by external actors, and that they don't naturally occur to the individual. However, this raises the immediate question of the specific entity responsible for these rights. Some critics therefore dismiss socio-economic rights as "real rights" on grounds that the specific duty bearer cannot be identified.³⁵ However, Baxi and Clair point to a generally unfair global distributive system that fails to adequately guarantee these rights, and note that those who have benefited from this system bear the greatest responsibility to build the capacity of the poor and vulnerable.³⁶ This, they argue, is one way of building the capabilities and reducing the vulnerability of poor people in developing countries. One'll has however rejected this view and noted that even in the few cases where duty bearers of socio-economic rights, such as freedom from poverty, can be identified, this duty can never be philosophically justified.³⁷ Other critics have noted that a right, in the proper sense, denotes liberty and that, things like food, housing, and can be justified on the basis of morality or ordinary virtues but not rights.³⁸ This political disagreement over the nature and content of socio-economic rights, and their place in the reduction of vulnerability and improvement in human well-being has led scholars like Martha Nussbaum to advocate for the replacement of the politicised rights language with that of human security and capability.³⁹

Capability from a human security perspective: Whereas most advocates of human security agree that capability is important, they disagree on whether capabilities is inherent in the individual (implying that security agencies must protect the person from incapability from external actors) or whether, the individual is in a natural state of incapability (implying that the security agencies must provide capability).⁴⁰ Take the example of education as a capability. One approach would be to argue that very huge financial requirement is an obstacle to the attainment of education (thus a source of human incapability) and that the solution lies in empowering the individual to

³⁴ Nickel, James, "Human Rights", *The Stanford Encyclopaedia of Philosophy* (Summer 2013 Edition), Edward N. Zalta (ed.), forthcoming URL = <http://plato.stanford.edu/archives/sum2013/entries/rights-human/> See also Clair supra note 22 , p 17.

³⁵ Sengupta Arjun, 'On the Theory and Practice of the Right to Development,' 25 24 (4) *Human Rights Quarterly* 837.

³⁶ See Baxi supra note 28 and Clair supra note 22.

³⁷ O'neill , Onora, *Faces Of Hunger: An Essay on Poverty, Justice and Development*, (Allen and Unwin,1986)

³⁸ See Tasioulas, supra note 9, see also Ignatieff Michael, 'The Ordinary Virtues: Moral Order in a Divided World' (Harvard University Press, 2017).

³⁹ Nussbaum, Martha, 'Human Capabilities, Female Human Beings' in Martha Nussbaum and Jonathan Glover (eds.), *Women, Culture, and Development: A Study of Human Capabilities*, Clarendon Press, 1995).

⁴⁰ Baldwin Da, *The Concept of Security in Hughes, Christopher, & Lai, Meng Security studies: A reader* (Routledge, 2011), pp71-72, pp 25-27, See also Gasper supra note at 225.

meet the financial requirements. The second approach would be to argue that the individual is naturally capable of achieving the highest level of education, if left alone, and that the easiest option is to scrap off all the financial requirements (insecurity) in the education system and let the person to acquire knowledge naturally (free education). The key question that arises here is: Does capability imply empowering the individual to deal with the source of human insecurity or does it imply eradicating the source of human insecurity and letting the individual achieve his best level of personal development? Both Ken Booth and CHS seem to advance the latter approach, while other scholars like Nussbaum advocate for an approach that empowers the individual to deal with the cause of insecurity.⁴¹ However, it is arguable that human security requires an integrated approach that marries the two dimensions. Thus, whereas improving capabilities to enable the individual to handle or eradicate the source of insecurity by himself is necessary, a number of human insecurity concerns like conflicts require elimination of the source of insecurity by security agencies to enable the individual exploit his capabilities.⁴²

Although there is a disagreement on the best approach in the promotion of human security, there is at least a tacit consensus on who is responsible for human security. The responsibility clearly lies with all agencies concerned with security key among them the state, national and International security bodies.⁴³ This is contrary to the human rights regime where the question of obligation is still unresolved, with sceptics using this as a reason for dismissing socioeconomic rights as real rights.⁴⁴ The human security approach can thus be used as an implementation framework for socio-economic rights.

Another area of focus is prioritization. To the human rights regime, human rights are interdependent and indivisible, thus cannot be prioritized.⁴⁵ The recognition and or achievement of human rights is considered to be holistic, with most scholars arguing that they must be achieved to the highest level possible.⁴⁶ This principle, coupled with resource constrains and ideological differences create the problems of feasibility and practicality in implementation of human rights thus compromising their realization.⁴⁷ On the other hand, the human security approach allows for prioritization. The Commission on Human security lists the areas of focus of human security which include; protection of people in conflict, protecting people from proliferation of arms, education, health, identity, and fair trade in order to benefit the poor,

⁴¹ Nussbaum cited in Gasper Supra note 1 at 233, see also See Commission on Human Security, supra note 22 See also Booth supra note 13 at p 39.

⁴² Kaldor Supra note 8 at 185-187.

⁴³ See Gasper Supra note 4 at 234.

⁴⁴ See Onei'll supra note 37.

⁴⁵ Donnelly, Jack, *Universal human rights in theory and practice*, (Cornell University Press, 1989), pp 10-13.

⁴⁶ Ibid.

⁴⁷ Buergenthal, Thomas 'The Normative and Institutional Evolution of International Human Rights' 1997(19), *Human Rights Quarterly*, 703.

provision of at least minimum living standards and improving people's life choices.⁴⁸ Thus since socio-economic rights address these same issues, but faces the challenge of prioritization, the human security agenda can be used to escape the obstacle of prioritization and fulfil the principles behind socio-economic rights, which is the improvement of human dignity.

Despite the fact that the human rights approach emphasizes dignity and equality while the human security approach focus on basic needs and human safety, both have a big role to play in empowering and promoting human well-being and can thus be used to reinforce each other.

4. Human Security and Civil and Political Rights

The philosophical principle behind civil and political rights is basically that the individual is fundamentally free and that the human rights regime should protect him against the coercive powers of the state.⁴⁹ The assumption here is that the state is the (potential) violator of these rights. However, critics argue that these rights are sometimes experienced outside the public arena and that tying them to the state delinks them from their social settings.⁵⁰ They note that non-state actors are also violators can therefore play an important role in the realization of these rights, by for instance, fulfilling their negative obligations.⁵¹ However, advocates of civil rights hold that the 'statist' view of civil rights (that the state is the guarantor and possible violator of rights) is valid since the state has both a negative duty (to abstain from violating civil rights) and a positive duty to prevent non-state actors from interfering with an individual's rights.⁵²

Thus, civil and political rights are essentially based on non-interference of the individual and equal treatment. The paradox in the human rights regime is that the state (which is perceived as the main violator) is still given the absolute obligation over protection of civil and political rights (whether committed by state or non-state agents). Due to lack of an enforcement mechanism, the human rights bodies, including the UN Human Rights council have no way of compelling the state to uphold human rights.⁵³ The interventionist approach advocated for by John Rawls and Joseph Raz, although intelligible has proved impossible and undesirable.⁵⁴ In fact scholars like

⁴⁸ See Commission on Human Security, *Supra* note 25 at 4.

⁴⁹ See Donnelly *Supra* note 45 at 35.

⁵⁰ Nickel, *Supra* note 34.

⁵¹ See Nicolás Carrillo-Santarelli, *Direct International Human Rights Obligations of non-State Actors*, (Wolf Legal Publishers, 2017) p 10.

⁵² See Donnelly *Supra* note 45 at 34.

⁵³ Kampeas Ron, 'U.S. rips U.N. Human Rights Council for 'disproportionate' Israel focus. Jewish *Telegraphic Agency*. (March 19th, 2013) Accessed from <http://www.jta.org/2013/03/19/news-opinion/united-states/u-s-rips-u-n-human-rights-council-for-disproportionate-israel-focus> on 28th/04/2018.

⁵⁴ For the interventionist approach to human rights see Raz, Joseph, *Human Rights without Foundations* (March 2007). Oxford Legal Studies Research Paper No. 14/2007. Available at SSRN: <https://ssrn.com/abstract=999874> or <http://dx.doi.org/10.2139/ssrn.999874> See also John Rawls, *supra* note 4.

Waldron have observed that at the very best, it could protect the society against widespread violations but is basically impractical in cases where states violate the rights of a minimal number of people.⁵⁵ In the face of all these difficulties human rights enforcement agencies at the international level have largely been reduced to whistle-blowers.

From a human security perspective, non-interference implies that an individual is essentially free to exercise his freedoms.⁵⁶ The state, conceived as a violator of the individual's freedom would be perceived as a source of insecurity, therefore creating the need for it to be stopped from this interference (by external security bodies).⁵⁷ To the human security movement, civil rights are therefore conceived as freedom from fear. The assumption here is that the individual is naturally secure and safe to exercise his freedoms and that any attempt at curtailing these freedoms causes fear which must be stopped or eradicated. The obligation to remove the fear and restore safety within this conception lies with the agencies dealing with national, regional and or international security.⁵⁸ Thus if the state security apparatus is part of the violators (and cause insecurity to the individual), then the international security apparatus is brought into perspective.⁵⁹ This argument acts as the underlying principle behind merging security doctrines such as the responsibility to protect which has anchored many international military interventions.⁶⁰ Unlike the international human rights bodies such as the Human Rights Council that rely on the goodwill of member states to prepare and submit national human rights reports (and to follow through with the implementation of their recommendations) the international security apparatus, such as the Security Council have a comparatively stronger enforcement mechanism.⁶¹ For instance, the Security Council can use sanctions, or pass resolutions that allow for military interventions or other measures that would stop the violation of human security.⁶² Conceiving civil and political rights as fundamental freedoms within the human security framework is therefore one way of ensuring that they are protected. However, this doesn't mean that the rights regime is of no use: It is still important because it gives the moral justification for all the freedoms.⁶³

5. Human Security, Human Rights and the Responsibility to Protect

According to the Commission on Human Security, Protection of people in conflict and post conflict situation similarly falls within the human security parameter since security involves

⁵⁵ Waldron Jeremy supra note 5 at 11-13.

⁵⁶ See Kerr, supra note 1 at 107-110.

⁵⁷ Thomas Caroline, 'Globalization and Human Security in Anthony', McGrew and Nana Poku (Eds) *Globalization, Development and Human Security* (Polity Press,2007) p 113.

⁵⁸ See Kerr Supra note 1 at 111.

⁵⁹ Ibid.

⁶⁰ McClean Emma, 'The Responsibility to Protect: The Role of International Human Rights Law' 2008 (13) 1(1) *Journal of Conflict and Security Law*, 123.

⁶¹ Hough Peter, *Understanding Global Security* (Routledge,2005), p 96.

⁶² Ibid.

⁶³ See generally Tasioulas supra note 9.

freedom from physical harm and freedom from fear.⁶⁴ The assumption is that individuals in conflict situations are very vulnerable and therefore needs protection. This conception of human security revisits the question of whether the doctrine of Responsibility to Protect (R2P)⁶⁵ is part of the human security framework. If the above assumption is considered to be true (and I think it is), then it can be argued that intervening to protect the individual should involve peaceful means (to avoid causing more harm/fear) but doesn't necessarily exclude violent means, such as the use of armed forces.⁶⁶ The justification of R2P as part of the human security programme would be based on the premise that, the individual is under threat of insecurity, that the state is either unwilling or unable to provide the security and that the international community is intervening to restore the individual's security.⁶⁷ Unlike in the human rights arena, where the focus is on encouraging the state to guarantee human rights, the human security arena allows for international security apparatus to by-pass the state if it fails in its protection responsibilities.⁶⁸ State sovereignty, within the human security arena, is thus considered as a responsibility and not a right or control hence can be violated if the individuals within the state are under any threat.⁶⁹ Additionally, whereas the protection of freedom from want(basic human needs) are limited to partnership between the state and international actors, freedom from fear has been given immense significance in international law because R2P allows external human security agencies to act even without the state's approval or involvement.

Lastly R2P comes with the responsibility to rebuild.⁷⁰ The underlying premise here is that intervening to protect the individual from harm or fear may cause more fear and or harm, hence the need to rebuild the individual and societal safety after the intervention. This implies that if the intervening body premises its intervention on grounds of a threat to human security, it must only leave that country after restoring the human security, otherwise it will be conceived as a cause of further human insecurity.⁷¹ What is troubling is that the responsibility to protect, in cases where the state is by-passed because it is either too weak or unwilling to co-operate often involves rebuilding the state machinery itself.⁷² This "statist" approach makes it difficult for critics to see

⁶⁴ See Commission of Human Security, *Supra* note 25 at pp2-4.

⁶⁵ R2P is a doctrine that emerged from the UN in the year 2001 based on the premise that the role of the state is to protect individuals and thus the international community could intervene if the state fails to perform this role. For details see The International Commission on Intervention and State Sovereignty, '*The Responsibility To Protect* (2001) Accessed from <http://responsibilitytoprotect.org/ICISS%20Report.pdf> on 28th/04/2018 at 10.00 pm.

⁶⁶ See Kerr *Supra* note 1 at 111-112.

⁶⁷ See Stahn, Carsten, 'Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?' 2007 101 (1) *American Journal of International Law*, 99.

⁶⁸ *Ibid* at 113.

⁶⁹ *Ibid* at 112.

⁷⁰ See Kerr *Supra* note 1 at 113.

⁷¹ Joyner, Christopher, 'The Responsibility to Protect': Humanitarian Concern and the Lawfulness of Armed Intervention 2007 (47) 3 *Virginia Journal of International Law*, 693.

⁷² *Ibid* at 714.

any fundamental difference between the previous state-centred security framework and human security.⁷³ However, it is arguable that, rebuilding the state is informed by the need to ensure that in the future, the state is strong enough to protect its people against violations by powerful non-state actors. The only controversial dimension would be a scenario in which the intervention is warranted by the violation caused by the state itself. In this context, restoration of security through R2P may involve creating a room for the replacement of, or replacing the entire regime with a new regime that is capable and willing to respect and protect people's human security.⁷⁴ Sadly and unjustifiably, critics have capitalised on this to argue that R2P, is just "old wine in new bottles"⁷⁵, thus ignoring the broader conception of human security that come with R2P.

6. Conclusion

Whereas their philosophical points of justification are different, human rights and human security are similar in that they both have the same point of reference, (the individual) and are focused on achieving the same end results- the improvement in human well-being. Human security and human rights can thus be integrated into a more cost effective and efficient programme for the promotion of human well-being and alleviation of human suffering. This project must start by utilizing the rich philosophical scholarship on human rights to enrich the moral foundation of rights protection and the strong implementation framework of the security regimes to enforce human security. This initiative must also demystify the static conception of security and embrace a more people centred security approach that is anchored on dignity, equality and well-being.

⁷³ See Paris, *Supra* note 26 pp 71-73, see also Stahn *supra* note 67 at 111.

⁷⁴ See Joyner, *Supra* note 71, at 712-714.

⁷⁵ See Stahn *Supra* note 67 at 111-112.