Empowerment of the Individual under International Law

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The paper attempts to underline that concepts of human security, human development and human environment have, by way of deliberate redefining of sovereignty, contributed to a piecemeal increase of subjectivity of the individual in international law. For the time being the subjectivity of the individual is not strongly and obviously supported as with respect to the first and second generation of human rights, but is for sure strengthened additionally through a global consent on the necessity to implement and brought to life the substances the paradigms of human security, human development and human environment contain.

1. Introduction

It is common nowadays to observe the concept of human rights trough its "division" into the first, the second and the third generation of human rights.[1] The first generation of human rights covers civil liberties and participation in political life and is fundamentally civil and political in nature, protecting the individual from excesses of the state. The second generation of human rights is related to equality and is fundamentally social, economic, and cultural in its nature. While the first and the second generation of human rights have been recognized in the international sources of human rights law,[2] it has been hard to enact the third generation of human rights in legally binding documents.

The term "third-generation of human rights" encompasses exceptionally broad spectrum of rights, such as the right to peace; the right to political, economic, social, and cultural self-determination; the right to participate in and benefit from the common cultural heritage of mankind; the right to economic and social development; minority rights; the right to a clean environment.[3]

Legally binding ground for their enforcements is embodied in Article 28 of the Universal Declaration which states that "[e]veryone is entitled to a social and international order in which the rights set forth in the Declaration can be fully realized". The other relevant human rights norms in the international law that prescribe third-generation of human rights are the Articles 1 paragraph 2 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which prescribe that "[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." The Article 20 of the African Charter on Human and Peoples' Rights prescribes that "[a]ll peoples shall have the unquestionable and inalienable right to self- determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy

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they have freely chosen." Article 22 of the same Charter states that "[a]ll peoples shall freely dispose of their wealth and natural resources" and the Article 22 that "[a]ll peoples shall have the right to their economic, social and cultural development." The Article 23 of the Charter prescribes that "[a]ll peoples shall have the right to national and international peace and security." In spite of lacking a broad legally binding ground, the third generation of human rights has so far been mentioned in several soft law documents as a number of legally non-binding documents speak in favour of the third generation of rights recognition.[4]

A brief glance on the set of those rights underlines that the third generation pertains to the area of collective enforcement or solidarity rights. This placed them in somehow specific position with respect to the first and second generation of human rights. Namely, most international and national formulations of human rights are drafted in such a way as to apply to a generic individual and not to communities and collectives. However, a human being exists both as individual and as a part of a larger whole (e.g. being given predetermined features as gender, ethnic affiliation, or choosing some such as religion, membership in the trade unions, etc.). Collective rights imply that a group of individuals differentiated by membership in that group has a (group) claim to make. Collective rights find justification for their recognition in the claim that individuals belonging to (minority) groups can not be assured an equal playing field in the society and therefore require special protection, since minorities, in a purely majoritarian system, could always be outvoted.[5] Hence, the attempt to adequately apply human rights to more communally oriented societies finds its proof in the realization of the third generation of human rights. There are some authors who claim that pro-individual, wealth-maximizing perspective of the Northern hemisphere could be reshaped by more vigorous enforcement of the third-generation of human rights, as they "focus on trans-border effects and on culture".[6]

The question the paper will attempt to answer is whether the paradigms of human security, human development and human environment contribute to the increase of subjectivity of the individual in international law? In spite of the fact that they actually place individual in the forefront of its interest, the basic hypothesis will claim the subjectivity of individual with respect to realisation of human security, human development and human environment is for the time being substantially limited. Examining the limitations those three paradigms pose to the traditional state sovereignty, the paper will try to answer

to which extent the sovereignty is "endangered" by the emergence and the implementation of the third generation of human rights. In relation to that, the paper questions what is a position of those three paradigms vis-ŕ-vis human rights system? Are they mutually enforcing or do they contradict each other?

The next chapter will therefore first explain the notions of the right to human security, right to human development and right to human environment. Secondly, the paper will argue that those rights, in spite of the fact they are perceived as collective rights, partially do contribute to the increase of subjectivity of the individual in international law. Not only for the reason that they actually place individual in the forefront of its interest, but predominantly because they limit the state sovereignty to a certain extent. Finally, the paper will try to answer what the correlation between the human rights and the human development, human security and human environment is.

Definition of Human Security, Human Development and Human Environment

It has been elaborated above that the third generation of human rights is associated to rights such as a right to human security, right to human development and right to human environment. In order to be able to use those terms, it is important to understand their substance. As the third generation of human rights took hold only during the last two decades of the twentieth century, the notions encompassed by the third generation remain still blurred and unclear to many and are not commonly agreed upon by scholars. The way any issue is defined and approached is likely to vary substantially depending on the perspective of those involved in it and the focus of attention might change in course of time. Therefore some of the notions described below may be understood in different, even differing ways. This is a case with the human security, which is understood in traditional or narrow and in broad way or with the human environment, which owes vagueness of its definition to broadly accepted definition of environment in general.

The primary goal of human security is the protection of individuals. However, the consensus over what threats individuals should be protected from does not exist any longer among scholars and practitioners. While the proponents of the narrow (or traditional) concept of human security focus (only) on violent threats to individuals, human security in broader sense builds up responses to new threats to

the security of individuals. Namely, in accordance with new(er) school of thought regarding human security, the security of individuals is no longer endangered only by military attacks of foreign countries, but also by threats associated with hunger, disease and natural disasters, along with more "traditional" threats as civil wars, genocide and the displacement of populations. In other words, whereas traditional concept of national security focuses on the defence of the state from external attack, human security in broader sense is about protecting individuals and communities from any form of political violence, internal or external. Some authors go so far in advocating this concept daring to claim it "has the potential to become a new organizing principle of international relations and international law."[7]

The new concept emerged as a response to the fact that threats as killings by own governments, conscription of child soldiers, diseases or landmines, consequences of trans-national organized crime, lack of education or of denial of access to labour market "kill far more people than war, genocide and terrorism combined."[8] This broad concept of human security has been articulated in last few years not only by scholars but also in numerous domestic and international organizations reports.[9]

Some other authors define human security as "number of years of future life spent outside a state of generalized poverty,"[10] thus assuming more general stand, while others place primary importance on the physical security of the individual, defining it as "the totality of knowledge, technology, and institutions which protect, defend, and preserve the biological existence of human life and it is the process which protects and perfects collective peace and prosperity to enhance human freedom."[11] Nevertheless, the broadest accepted definition of human security has been coined by the Commission on Human Security that stated it means "protecting fundamental freedoms – freedoms that are essence of life…. It means creating political, social, environmental, economic, military, and cultural systems that together give people the building blocks of survival, livelihood, and dignity."[12] Commonly perceived threats to human security include: (i) natural disasters, (ii) financial poverty, (iii) systematic oppression of human rights, (iv) lack of social infrastructure, (v) weak governments, (vi) environmental degradation, and (vii) epidemic diseases. In other words, any situation which contains the potential to significantly alter people's well-being and their daily lives may be viewed as a threat to human security.

The international law fosters human security, as a number of existing legal instruments indicate.[13] The Charter of the United Nations proclaims the role of this international organization to maintain international peace and security and serve the security needs of people. The Universal Declaration of Human Rights in addition prescribes in Article 3 and Article 22 the right to personal and social security. Other instruments and measures introduced by the international community for the assurance of the new, broader concept of human security are the 1949 Geneva Conventions and 1977 Additional Protocols, the 1999 Ottawa Convention on Anti-personnel Landmines, the 2002 Statute of the International Criminal Court, the 2002 Palermo Convention against Trans-national Organized Crime, the 2002 Protocol to the Convention on the Rights of the Child that bans child soldiers in armed conflicts, the 2003 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the 2002 Protocol on Sale of Children, Child Prostitution and Child Pornography, 2002 Protocol to the Convention against Torture on a System of Visits to Places of Detention, the control of small arms and light weapons, human development and human security, human rights education, the struggle against HIV/AIDS, addressing implementation gaps of international humanitarian and human rights law, and conflict prevention measures in broadest sense.[14] All those documents "prove the new trend of civil society actors, states, and international organizations working together in a 'coalition of the willing'."[15]

Human security is advanced by protecting and assuring human rights, promoting sustainable human development, the rule of law, democratic governance and democratic structures, a culture of peace and the peaceful resolution of conflicts.[16] All those activities are primarily to be achieved by joint efforts of the state parties to various conventions and programs of action, as well as by 'so called' international community[17], humanitarian organizations, civil society movements and development organizations, even by non-state actors.[18] It is nevertheless important not to securitize all human rights violations, as in such circumstances everything might be labelled as a problem in a constantly alarmed society. For example, the concept of societal security used by the "Copenhagen School" of security studies "avoids the ontological debate of what is "most threatening" (military, environment, poverty, and so forth)", but "they have developed a framework that can be used on all fields, by focusing on the process of labelling a threat, the process of securitization"[19] According to the "Copenhagen School", "'[s]ecurity' signifies a situation

marked by the presence of a security problem and some measure against it."[20]

Human security, as defined above is closely connected to human development, as promoting sustainable human development, through the alleviation of absolute poverty, along with providing basic social services for all, and pursuing the goals of people-centered development, enhances human security. The basic purpose of development is, according to the (UNDP) "to enlarge people's choices", as according to this organization people tend to appreciate and value "achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities."[21] The right to development is defined as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized."[22]

The right to development is a fundamental human right derived from the right to self-determination. It is very often interpreted as "a legal obligation resting upon rich states to support poor states."[23] Contrary to the above statement, there are sates who deny its legitimacy. For example, it has been for a very long time the position of the United States that development was "not a right, but a goal we all hold, which depends for its realization in large part on the promotion and protection of the human rights set out in the Universal Declaration of Human Rights."[24] Several of the Human Development Reports issued by the UNDP confirmed that the human development in the world is vast and uneven, saying that there is astounding progress in some areas amidst stagnation and dismal decline in others.[25] This paradigm perhaps underlines the controversy between North and South in the best way. Lacking basic elements of human development in the South creates conflicts about resources and power problems with security.

The human development is determined by the economic, social, political and environmental factors. The scientists have not yet commonly agreed which indicators should be taken into account when measuring human development in various countries. Some of so far established indicators are the data relating to economy, environmental change, food, governance and institutions, health, knowledge, natural

resources and ecosystems, population and settlements, values and culture.[26] The objective of human development is therefore to create an environment in which people will be able to enjoy long, healthy and creative lives, in which everyone will have a chance to pursue her or his own choices. In this process, human development shares a common vision with human rights and fundamental freedoms. As it was the case with human security, it is of vital importance to pursue realization of human rights to achieve human development. Human development and human rights are therefore mutually reinforcing, and exist hand in hand. Only when people are able to participate in decision making processes, and only when their fundamental freedoms are guaranteed, they are given a chance to exercise their choices.

The right to development has been supported in a number of sources of the international law. 1986 ILA Seoul Declaration and the 1986 UN Declaration of the Right to Development were among the first non-binding instruments that recognized the right to development. At the 1992 Rio Conference on Development and Environment, in spite of the protest applied by the United States, the right to development was included as the Principle 3 of this Declaration.[27] The 1993 Vienna Human Rights Conference as well reconfirmed in it Declaration that the right to development is a 'universal and inalienable right and an integral part of fundamental human rights'.

Incorporation of effective environmental dimension into regional and global policies requires adequate legal and regulatory frameworks as well as articulation of national action plans for environment and incorporation of such measures into national and regional development policies. Thus again, the correlation between different components of the third generation of human rights might be underlined. The development and environmental protection are correlated and go hand in hand when a better wellbeing of human beings is to be achieved.

The definition of environmental health issues is a complex task and even in this area the indicators of definition are not clearly agreed and universally applicable.[28] The term 'environment' should always be used in combination with a given object, region or condition. The term human environment can be defined as "a set of natural, social, cultural values which exist in a given place and point in time that influences the material and psychological life of man."[29] In this definition, environment is much more, and broader, than nature and/or natural resources. The World Health Organization (WHO) has agreed on

the operational term of human environment. The mission statement of this international organization states that the achievement of "safe, sustainable and health-enhancing human environments, protected from biological, chemical and physical hazards, and secure from the adverse effects of global and local environmental threats"[30] is what the WHO is aiming at.

The United Nations address the issue of human environment through its Environment Programme.[31] The question of convening an international conference on the environment was raised by the Economic and Social Council and soon after the General to convene a United Nations conference on the human environment in 1972. The Conference took place in Stockholm and became a starting point for the development of the international environmental law.[32] The Stockholm conference put forward means of stimulating and providing guidelines for action by national Governments and international organizations in their attempts to achieve concrete and valid solutions to the problems of the human environment. It was followed by the 1982 UN Charter for Nature, the 1992 Rio de Janeiro Conference on Environment and Development. All those instruments have contributed to development of transbordary protection of environment and increase of inter-state cooperation in the environmental protection.

Effective environmental measures introduced so far in enforcing the human environment can be traced in the 1997 Kyoto protocol to the 1994 United Nations Framework Convention on Climate Change, an amendment to the international treaty on climate change that assigns mandatory targets for the reduction of greenhouse gas emissions to signatory nations. 168 countries and one regional economic integration organization (the EEC) have ratified the Protocol to date. Both the Convention and the Protocol are open to State Parties, who, once they ratify them, are bound to reduce emissions of greenhouse gas in order to combat global warming.

The international legal order does not jet prescribe punishment for the environmental consequences of armed conflict. For example, the Rome Statute of the International Criminal Court (ICC) does not criminalize the environmental consequences of war and environmental crimes generally and the Court itself is not "well-suited to sanction environmentally destructive behaviour."[33] Individual can not file a complaint or communication to any international (quasi-) judicial body regarding a potential denial of the safe environment. Some authors therefore claim that "the effective promotion of environmental security requires a multifaceted approach that combines criminal prosecution, preventative measures, and specially tailored remedies."[34]

Interrelatedness of Human Security, Human Development, Human Environment and Human Rights and their Influence on the State Sovereignty and the Position of the Individual under International Law

Taking into account common features of the three above explained components of the third-generation of human rights, one can easily conclude not only that human rights fulfilment is relevant and essential for realization of human development, security environment but also that the third generation of human rights focuses essentially on collective fulfilment of human rights. Human security, human development and human environment are interrelated and interdependent with the broad concept of human rights. Therefore, fulfilment of the third generation of human rights can take place only with the integration of all human rights, improvement of state capacities; in other words by pursuing good governance, by insistence on poverty reduction and by increasing the aid effectiveness.[35] Human security implies protection of fundamental freedoms, what, in other words, requires creation of political, social, environmental, economic, military, and cultural systems that allow people to live their lives in dignity. As society is becoming more and more securitized, it is apparent that human development should be given a central stand, meaning that all human rights and related paradigms should work in favour of achieving the development. This particularly should be emphasized in the process of bringing closer the North and the South part of the globe.

Renowned theoretician of human development Amartya Sen underlines that human development is not achievable without fulfilment of other human rights. For example, he argues that "[p]olitical rights, including freedom of expression and discussion, are not only pivotal in inducing social responses to economic needs, they are also central to the conceptualization of economic needs themselves."[36] Similarly Sen claims that human development will be optimal in democratic societies in which capabilities, i.e. substantive human freedoms can flourish. Such theoretical assumptions have so far found its legitimization in international agreements. For example, the Democratic Charter of the Organization of American States in Article 12 declares that "[p]overty, illiteracy, and a low level of human de-

velopment are factors that adversely affect the consolidation of democracy." Exactly such innovative, both international but also domestic approaches are needed to address threats to human insecurity, environmental threats and to fight human poverty and underdevelopment.

States are, with respect to achievement of human security, human development and human environment, obliged to extend their fulfilment within and beyond their borders. In this sense, the sovereignty of the state is restricted, and the states are generally hesitant to surrender it in favour of the third generation of human rights. A particularly lot of hesitance exists on the side of the states to involve NGOs or civil society interest groups with respect to accepting responsibility and accountability for human security violations. For example, analyzing the relationship between the state sovereignty and humanitarian intervention, the 2001 Report of the International Commission on Intervention and State Sovereignty "pleads in essence for shifting the discussion away from a 'right to intervene' to a 'responsibility to protect'."[37] One of the OSCE's missions in pursuing goals of the international organization is "community-approach on the regional level, combating security issues with humanitarian questions."[38] The basic argument in favour of the claim that the third generation of human rights is gradually reshaping and weakening state sovereignty is confirmed by the increasing number of humanitarian interventions, that are described as "the most important form of promoting human security."[39]

The traditional concept of the human rights has been expanded in the last 60 years of the UN and other international organizations' activities. The very same human rights concept, as argumented above, has reshaped the state sovereignty, thus placing the individual in the forefront of human rights' protection. Therefore it is not surprising that the former UN Secretary General has introduced the term "individual sovereignty", that is "the fundamental freedom of each individual, enshrined in the Charter of the UN and subsequent international treaties [that] has been enhanced by a renewed and spreading consciousness of individual rights. When we read the Charter today, we are more than ever conscious that its aim is to protect individual human being, not to protect those who abuse them."[40]

The human being is placed at the centre of human rights agenda as human rights are predominantly individual. This however does not necessary imply an enforcement of human being's subjectivity in international law and international relations. The historical discrepancy in relevance of the first and second generation of human rights has had implications on the perception of the individual *vis-ŕ-vis* its subjectivity in the international law.

Whereas the Western schools, since the Age of Enlightment, dealing with international law had been traditionally favouring civil and political rights and recognized the subjectivity of individual with respect to (some) of them, the state-cantered approach of socialist legal school rejected the notion of the individual as subject of international law for a long time, considering entities as only rights or obligations holders, as those were only able to create international law norms and to participate in ensuring compliance with them as subjects of international law.[41] Even though the later attitude has been in the meantime completely abandoned, its residues are still reflected in difference of the enforcement mechanism of the first and the second generation of human rights. Nowadays, individual has been widely recognized the status of a subject in international law, particularly with respect of realization of human rights as international decision making bodies and national courts are entitled to enforce civil and political rights.

In the introductory chapter it has been described that the third generation of human rights are perceived predominantly as collective rights and therefore special enforcement procedures are missing, apart from the mechanisms of inter-state relations. Akehurst, underlying uncertainty about "who is supposed to be the subject and who is the addressee of the right to peace, the right to a clean environment, etc"[42] with regard the third generation of human rights, argues conversely that it does not make sense at all to combine the issue of he third generation of human rights with a discussion on human rights. He defends a position that the individual laws should be complemented by other rights or values, thus granting primacy of individual rights over collective ones.[43] In spite of the tensions between those scholars and practitioners who place primacy on the rights of the individual over those of the community, relying on the 1993 Vienna Declaration on Human Rights that followed the 1968 Teheran Declaration, one should acknowledge that "all human rights are universal, indivisible, interdependent and interrelated."[44] Therefore one has to conclude that the interrelatedness of human rights encompasses also the third generation, requiring a "holistic approach" in pursuing all three generations of human rights.[45]

The individual or human person, even though it is in the centre of concern of all of the above demonstrated concepts, still for the time being generally lacks the ability to claim individually enforcement of human security, development or environment. The issues those paradigms cover are far too broad to be tackled by a single human person. Certain tendencies to empower individual with the subjectivity with respect to human security, development and environment have been slowly emerging. The example is e.g. a jurisdiction of the International Criminal Court (ICC) that may be exercised over individuals who committed crimes of genocide; crimes against humanity; war crimes and the crime of aggression (Article 13 of the Rome Statute of the ICC with respect to the Article 5). Even more, rules of international law that may hold the individual responsible for serious human rights violations, thus reinforcing his or her subjectivity are found in the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the jurisprudence of the Tribunal.

Within the human development theory as well as through the jurisprudence of some national courts it is possible to trace a trend of empowerment of certain individual rights. For example, right to clean land, air, and water, freedom from toxins or freedom to garden have indeed been upheld in some judicatures, particularly with respect to the indigenous populations in Canada, Australia, Finland, etc. Therefore, one can not deny that there is certain, though slim, amount of empowerment of the individual with respect to the paradigms of human security, human development and human environment. Namely, the right of individual has been strengthened not only through the emerging judicature but also due to the fact that the state nowadays has to accept certain scrutiny from both the outside (international community, inter-state relations) and inside (through the pressure applied by the NGOs, associations, interest groups within the country) regarding the achievement of security, development and maintenance of environment.

Conclusion

All generations of human rights are interrelated as the realization of one generation sustains the realization of the others. For example, only the realization of political, economic, and social development makes possible the fulfilment of human development. Conversely, the fulfilment of human security has implications on the human development. In order to be successful, national development policies are bound to incorporate plans for environment and health, including legal and regulatory frameworks.[46]

Norms of international law in the area of human rights bind the state to ensure the individual certain rights at the same time providing the individual with the enforcement mechanism that would oblige the state to carry out its international obligations. Thus, by agreeing to international norms on human rights the state is taking upon itself an obligation not only vis-ŕ-vis other States Parties to the international instrument concerned, but also towards all natural persons who find themselves under its jurisdiction, above all its own citizens.

Indeed, the position of individual under international law has been empowered with the emergence of human rights system in the previous century. However, the system, at the current stage, does not undoubtedly empower individual to act with respect to the enforcement of the third generation of human rights such as human security, human development and human environment. The reason for that is that states are still predominant actors who are in charge of enforcement of the third generation of human rights, as they, individually and collectively, acting as the international community, posses the competence and resources to address the environmental problems and challenges, to ban conscription of child soldiers, to eliminate diseases or decrease a number of landmines, to fight against trans-national organized crime, or to properly address issues of education or creating working opportunities, or to contribute to a broadest human development. The states, however, due to their different economic and developmental levels, are not equally powerful in pursuing the enforcement of the third generation of human rights. The wealthier among them have greater responsibility in achieving them, which, at the same time, does not excuse poorer states in achieving human security, human development and human environment, naturally within the limits of their economic opportunities. Particularly important role in the enforcement of human security, human development and human environment is placed in scrutinizing work of the international organizations, NGOs and interest groups, as they, by force of the argument and data comparison, manage to compel states to fulfil the third generation of human rights. No matter how insignificant contribution of this kind might seem, it limits the state sovereignty and thus empowers individuals to gradually assume more prominent say in the realization of those rights.

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1 The Czech jurist Karel Vasak has provided back in 1979 the framework for describing this process at the International Institute of Human Rights in Strasbourg following the three watchwords of the French Revolution: liberté, égalité, fraternité. See Karel Vasak, "Human Rights: A Thirty-Year Struggle: the Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights", UNESCO Courier 30:11, Paris: United Nations Educational, Scientific, and Cultural Organization, November 1977.

2 See respectively Articles 3 to 21 of the Universal Declaration, and the International Covenant on Civil and Political Rights as well as Articles 22 to 27 of the Universal Declaration, and the International Covenant on Economic, Social, and Cultural Rights.

3 Compare for example Peter Malanczuk, Akehurst's Modern Introduction to International Law. London and New York: Routledge, 1997, p. 210.

4 For example in the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development, in the 1960 General Assembly Resolution 1514 (XV), December 14, 1960, Declaration on Granting Independence to Colonial Countries and Peoples, etc.

5 On collective rights of minorities compare works of contemporary Canadian political philosophers Will Kymlicka in Will Kymlicka, Multicultural Citizenship. A Liberal Theory of Minority Rights, Oxford: Clarendon Press, 1995. See also, Will Kymlicka, The Rights of Minority cultures, Oxford Univeristy Press, 1995.

6 Claire Moore Dickerson, Culture and Trans-Border Effects: Northern Individualism Meets Third-Generation Human Rights, Rutgers Law Review, Vol. 54, 2002, p. 865.

7 Oberleitner, Gerd, "Porcupines in Love: the Intricate Convergence of Human Security and Human rights", in: Anders Melbourn and Göran Gunner (eds.), Human Rights – From the Frontier of Research, Justus Förlag: Stockholm, 2005.

8 Human Security Report 2005, University of British Columbia, Canada, New York/Oxford; Oxford University Press, 2005. Compare also Wolfgand Benedek, "Human Rights and Human Security: Challenges and Prospects", in Alice Yotopoulos-Marangopoulos (ed.), L'Etat Actuel des Droits de l'Homme dans le Monde. Defis et Perspectives. Conférence internationale f l'occasion du 25e anniversaire d'activités de la FMDH (Paris: Pedone, 2006), pp. 97. Compare also Bertrand G. Ramcharan, Human Rights and Human Security, Martinus Nijhoff Publisher, 2002.

9 See for example the UN Development Programmer's 1994, Human Development Report, and the Commission on Human Security's 2003 Report "Human Security Now".

10 Gary King and Christopher Murray, "Rethinking Security" May 4, 2000, at http:www.cbrss.harvard.edu/hs/measuring.htm

11 Robert Bedeski, "The Future of Nuclear Weapons", University of Victoria, Political Science Department, at http://www.globalcentres.org/docs/bedeski.html

12 Commission on Human Security, Human Security Now, Protecting and Empowering People, New York, 2003, p. 4.

13 Gerd Oberleitner, "Human Security: A Challenge to International Law?", Global Governance 11 (2005), pp. 195-196.

14 Wolfgand Benedek, op. cit., pp. 103-104.

15 Gerd Oberleitner, op. cit. 2005 (1), p. 195.

16 Compare Ministerial Meeting of the Human Security Network in Lysřen, Norway, May 20, 1999.

17 A long lasting debate on what the international community is has been enforced by contribution of famous theoreticians of international relations. For example, Barry Buzan cites in one of his works Richard K Ashley's definition of international community, that "can only be seen as a never completed product of multiple historical practices, a still-contested product of struggle to impose interpretation upon interpretation. In its form it can only be understood as a network of historically fabricated practical understandings, precedents, skills, and procedures that define competent international subjectivity and that occupy a precariously held social space pried open amidst contending historical forces, multiple interpretations and plural practices." Compare Richard K. Ashley, "The Geopolitics of Geopolitical Space: Towards a Critical Social Theory of International Politics", Alternatives 12(4), 1987, pp. 403-34., cited in Barry Buzan, "The Primary Institutions of International Society", BISA Conference, London, December 2002, at http://www.leeds.ac.uk/polis/englishschool/buzan02b.doc.

18 On the role of non-state actors in assurance of human security see for example Claude Bruderlein, "People's Security as a New Measure of Global security", International Review of the Red Cross 83, No. 842 (2001), pp. 361 as well as Claude Bruderlein, "The Role of Non-State Actors in Building Human Security", at http://www.humansecuritynetwork.org/docs/report_may2000_2-e.pho

19 Karsten Friis, "From Liminars to Others: Securitization Through Myths", Peace and Conflict Studies, Vol. 7, No. 2, 2000, p. 2.

20 Ole Wćver, Securitization and Desecuritization, Copenhagen: Copenhagen Peace Research Institute, Arbejdspapir 5, 1993, p. 8.

21 Mahbub ul Haq, creator of UNDP's widely acclaimed Human Development Reports, at http://hdr.undp.org/hd/

22 Article 1. of the 1986 Declaration on the Right to Development.

23 Peter Malanczuk, op.cit., p. 239.

24 Peter Malanczuk, op.cit., p. 239.

25 Compare e.g. the Human Development Report 2003, Millennium Development Goals: A compact among nations to end human poverty, Human Development Report 2004, Cultural Liberty in Today's Diverse World, Human Development Report 2005, International cooperation at a crossroads: Aid, trade and security in an unequal world, Human Development Report 2006, Beyond scarcity: Power, poverty and the global water crisis, at http://hdr.undp.org/reports/view_reports.cfm?type=1

26 Compare e.g. the Project by the Frederick S. Pardee Center for the Study of the Longer-Range Future at Boston University, at http://humandevelopment.bu.edu/. See for example data by indicator data from Human Development Report 2006, at http://hdr.undp.org/hdr2006/statistics/indicators/

27 Peter Malanczuk, op.cit., p. 239.

28 David Briggs, Environmental Health Indicators: Framework and Methodologies, World Health Organization, http://whqlibdoc.who.int/hq/1999/WHO_SDE_OEH_99.10.pdf

29 Peter Malanczuk, op.cit., p. 239.

30 The World Health Organization, Public health and environment, at http://www.who.int/phe/en/

31 United Nations Environment Programme, at http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=43

32 On international environmental law see Chapter 16 in Peter Malanczuk, op.cit., pp. 241-253.

33 Mark A. Drumbl, "International Human Rights, International Humanitarian Law, and Environmental Security: Can the International Criminal Court Bridge the Gaps?", ILSA Journal of International & Comparative Law, Vol. 5, No. 2, Spring 2000.

34 Ibid.

35 Joseph K. Ingram and David Freestone, "Human Rights and Development", Development Outreach, also at http://www1.worldbank.org/devoutreach/article.asp?id=378

36 Amartya Sen, Development as Freedom, Oxford University Press, 1999.

37 Gerd Oberleitner, op.cit. 2005 (1), p. 195.

38 Ibid., pp. 194.

39 Ibid., see also Kimberly Banks, "Human Security and Canadian Foreign Policy", 1999, at http://www.ucalgary.ca/~zamans/SMSS/pdf/banks_smss2001.pdf, p. 8.

40 Kofi Annan, "Two Concepts of Sovereignty", The Economist, 18 September 1999. Compare also International Development Research Centre, The Responsibility to Protect, Research, Bib-

liography, Background, Ottawa: International Development Research Centre, 2001, pp. 5-46.

41 On Soviet legal doctrine vis-f-vis the individual in international law see Rein A. Mullerson, Human Rights and the Individual as Subject of International Law: A Soviet View, European Journal of International Law, Vol1, No1, 1990.

42 Ibid., p. 210.

43 Ibid.

44 See para. 5 of the Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna 1993.

45 Compare Wolfgang Benedek, op. cit., p. 99.

46 Similar analogy compare in Wolfgang Benedek, op. cit. p. 99.

BIBLIOGRAPHY

Ashley, Richard K., "The Geopolitics of Geopolitical Space: Towards a Critical Social Theory of International Politics", Alternatives 12(4), 1987, pp. 403-34.

Banks, Kimberly, "Human Security and Canadian Foreign Policy", 1999, at <http://www.ucalgary.ca/~zamans/SMSS/pdf/banks_smss2001.pdf>

Bedeski, Robert, "The Future of Nuclear Weapons", University of Victoria, Political Science Department, at <http://www.globalcentres.org/docs/bedeski.html>

Benedek, Wolfgang, "Human Rights and Human Security: Challenges and Prospects", in Alice Yotopoulos-Marangopoulos (ed.), L'Etat Actuel des Droits de l'Homme dans le Monde. Defis et Perspectives. Conférence internationale f l'occasion du 25e anniversaire d'activités de la FMDH (Paris: Pedone, 2006), pp. 97-110.

Briggs, David, "Environmental Health Indicators: Framework and Methodologies", World Health Organization, at <http://whqlibdoc.who.int/hq/1999/WHO_SDE_OEH_99.10.pdf>

Bruderlein, Claude, "People's security as a New Measure of Global security", 83 (842International Review of the Red Cross) (2001).

Bruderlein, Claude, "The Role of Non-State Actors in Building Human Security", at <http://www.humansecuritynetwork.org/docs/report_may2000_2-e.pho>

Buzan, Barry, "The Primary Institutions of International Society", BISA Conference, London, December 2002, at <http://www.leeds.ac.uk/polis/englishschool/buzan02b.doc>

Drumbl, Mark A., "International Human Rights, International Humanitarian Law, and Environmental Security: Can the International Criminal Court Bridge the Gaps?", 5(2) ILSA Journal of International & Comparative Law (2000).

Friis, Karsten, "From Liminars to Others: Securitization Through Myths", 7(2) Peace and Conflict Studies (2000),1-16.

Ingram, Joseph K. and David Freestone, "Human Rights and Development", Development Outreach, also at <http://www1.worldbank.org/devoutreach/article.asp?id=378>

International Development Research Centre, The Responsibility to Protect, Research, Bibliography, Background, Ottawa: International Development Research Centre, 2001.

Kaufmann, Daniel, "Human Rights, Governance and Development: An empirical perspective", Development Outreach, Octo-

ber 2006, also at <http://www1.worldbank.org/devoutreach/article.asp?id=382>

King, Gary and Christopher Murray, "Rethinking Security" May 4, 2000, at <http://www.cbrss.harvard.edu/hs/measuring.htm>

Kymlicka, Will, Multicultural Citizenship. A Liberal Theory of Minority Rights, Oxford: Clarendon Press, 1995.

Kymlicka, Will, The Rights of Minority Cultures, Oxford Univeristy Press, 1995.

Malanczuk, Peter, Akehurst's Modern Introduction to International Law, London and New York: Routledge, 1997.

Moore Dickerson, Claire, "Culture and Trans-Border Effects: Northern Individualism Meets Third-Generation Human Rights", Rutgers Law Review, Vol. 54, 2002.

Mullerson, Rein A., "Human Rights and the Individual as Subject of International Law: A Soviet View", European Journal of International Law, Vol. 1, No. 1, 1990.

Oberleitner, Gerd, "Human Security: A Challenge to International Law?", Global Governance Vol. 11, 2005 (1).

Oberleitner, Gerd, "Porcupines in Love: the Intricate Convergence of Human Security and Human rights", in: Anders Melbourn and Göran Gunner (eds.), Human rights – From the Frontier of Research, Justus Förlag: Stockholm, 2005 (2).

OSCE/ODIHR, Addressing New security Threats in the OSCE Region, The Human Dimension Background Paper for the Annual Security review Conference, Vienna, 25-26 June, 2003.

Ramcharan, Bertrand G., Human Rights and Human Security, Martinus Nijhoff Publisher, 2002.

Sen, Amartya, Development as Freedom, Oxford University Press, 1999.

University of British Columbia, Canada, Human Security Report 2005, New York/Oxford; Oxford University Press, 2005.

Vasak, Karel, "Human Rights: A Thirty-Year Struggle: the Sustained Efforts to give Force of law to the Universal Declaration of Human Rights", UNESCO Courier 30:11, Paris: United Nations Educational, Scientific, and Cultural Organization, November 1977.

Wæver, Ole, "Securitization and Desecuritization", Copenhagen: Copenhagen Peace Research Institute, Arbejdspapir 5, 1993.