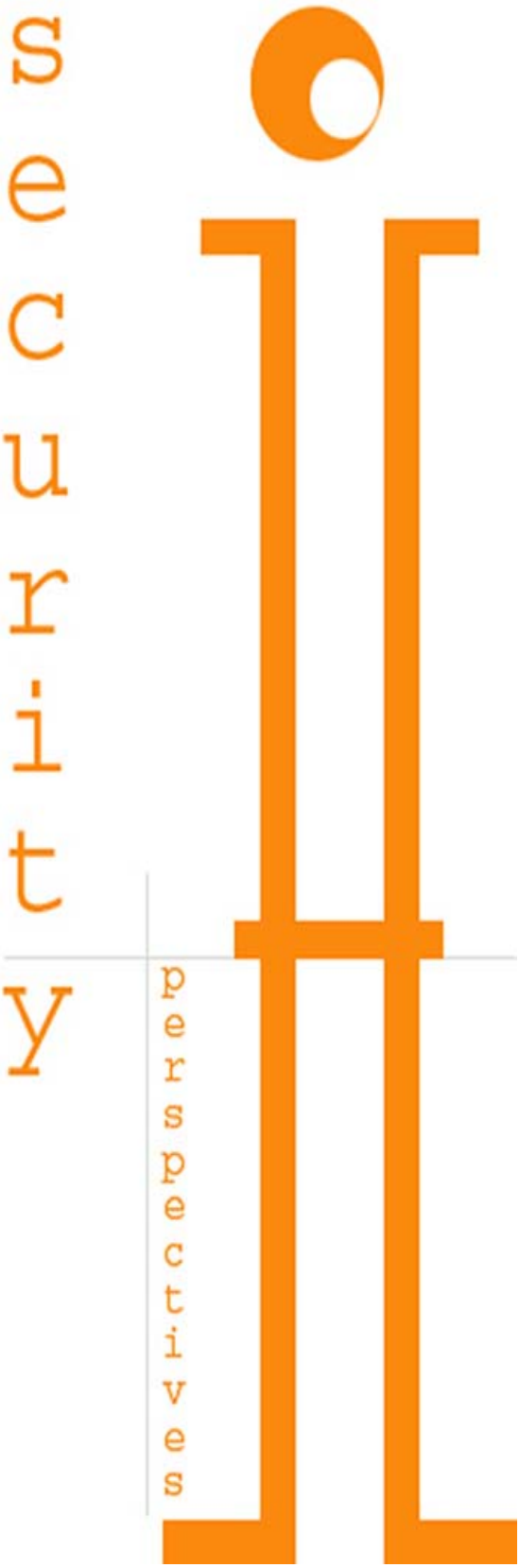
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Foreword

Since its beginning the European Training and Research Centre for Human Rights and Democracy (ETC) in Graz had a focus on human security, in particular, the relationship between human rights, human development and human security. One of its first activities was an international workshop on this very topic in "Graz and the Graz Declaration on Principles of Human Rights Education and Human Security", prepared by the ETC for the Ministerial Meeting of the Human Security Network in Graz in May 2003.

However, human security is a concept which is still very much in need of research and discussion. Aware of the absence of any short courses on human security and the link between human security and human rights, the ETC together with a number of partners worldwide organises a yearly International Summer Academy on Human Rights and Human Security, which will take place from 22 August to 3 September 2004 for the second time. This creates an opportunity for postgraduate students, young diplomats and NGO-collaborators to deepen their understanding of human security and of the relationship between human rights and human security in particular.

However, there is lack of adequate forums for the discussion of issues of human security, which can bring together views from all over the world. As an adequate response, the electronic journal "Human Security Perspectives" could contribute to close this gap and to help in the clarification and concretization of this relatively new concept. Therefore, I welcome the initiative of members of the first International Summer Academy of the ETC on Human Rights and Human Security in Graz 2003 to get together, found an Editorial Committee, set up a Scientific Board and launch the new electronic journal for the discussion of human security with a future-oriented perspective.

The first issue on "Human Security at the Local Level" appears to be very timely and relevant, because similar to human rights, which have to prove themselves in everyday life of people, human security being focused on the security of the individual and the people has to give adequate attention to the local level as well. It is at the local level, where human security is being experienced by the human being, where human dignity is at stake every day. Without human security at the local level, there can be no human security at all.

In my capacity as the Director of the European Training and Research Centre for Human Rights and Democracy in Graz, I wish the new Journal and its ambitious Editorial Committee all success. I hope, this new initiative will stimulate many reactions and offers of contributions to future editions of the journal.

Wolfgang Benedek

Letter from the Editorial Committee

In September 2003, the European Trainings- and Research Centre for Human Rights and Democracy (ETC) organized an International Summer Academy on Human Rights and Human Security with a special focus on South Eastern Europe. The idea of a Summer Academy focusing on Human Security arose from the ETC's work and commitment during the Austrian Chairmanship of the Human Security Network (HSN).

The various dimensions of the relationship between human security and human rights were presented, and, thoroughly discussed and investigated in lectures and workshops and participants. Thus the good relationship between the participants – coming mainly from the different Human Security Network member countries, Human Rights Cities and, of course, from South Eastern Europe - became already during the Summer Academy very obvious.

The intensive discussion on the human security topic continued online after the end of the Summer Academy and the idea of a joint project in the area of human security as a follow-up evolved. What followed were some intensive discussions, but we finally agreed to found an online journal on human security – the "Human Security Perspectives" Journal. Why an online journal? Well, what we wanted was a forum to which we all can contribute with our personal experience and views and to continue the discussion on human security. The journal wishes to enhance the concept of human security by contributing to the development of the global human security agenda and by providing an active forum for exchanging ideas, sharing knowledge and information, and giving floor to discussions.

The first issue of "Human Security Perspectives" is dedicated to our International Summer Academy on Human Rights and Human Security of 2003. Due to the rich and manifold local experiences of the Summer Academy participants, it was uniformly agreed that the main topic of the first issue should be "Human Security at the Local Level", as it enables the participants to go deeper into the matter of human security - on the basis of their own scientific work and their different regional, cultural and religious backgrounds.

Coming to an end, we would particularly like to thank our honourable Scientific Committee members for their will to enrich our project with their experience and knowledge, and editorial articles from time to time. A big "thanks" further goes to Anke Sembacher, who immensely helped us with correcting the essays, and Herbert Gutkauf, who developed the journal layout. And finally, we would also like to thank Jacopo Ferrari for creating our journal cover logo.

Sincerely,
The members of the Editorial Committee

Mega Irena - Indonesia
Klaus Kapuy - Austria
Vuk Maksimovic - Serbia and Montenegro
Akpobibibo Onduku - Nigeria
Ursula Prinzl - Austria
Aliaksandr Sharf - Belarus
Maddalena Vivona - Italy

The Relevance of the Local Level for Human Security

Klaus Kapuy

This paper concentrates on defining the term "local level" and analyzing its relevance in the context of human security. For this purpose the characteristics of the concept of human security are being identified and examined in regard to their effect for the local level.

I. Introduction

Since the 1994 UNDP Human Development Report introduced the concept of human security, many contributions to this idea have been made from different approaches. Over the years, this development has led to the emergence of a wide range of human security definitions, primarily differing in defining the sensitive human values, the nature of threats[1] and the relation to already established concepts, like human development and human rights[2]. Despite the differences among the various conceptions, a lowest common denominator can be identified in the endeavors to protect human beings from several threats by including new actors. This raises the general question of which new actors should be involved in these endeavors? Which people, communities, governmental and non-governmental institutions should play which role and to what extent? Spe-

[1] See Harvard Program on Humanitarian Policy and Conflict Research, Comparison of Human Security Definitions <http://www.hsph.harvard.edu/hpcr/events/hsworkshop/comparison_definitions.pdf> All websites occurring in this essay were last checked on 1 February 2004.

[2] For analyses of the relationship between human security and human rights or human development see inter alia: Commission on Human Security, *Human Security Now*, Commission on Human Security, New York, 2002, at pp. 8-9; Hampson, F. O., *Madness in the Multitude: Human Security and World Disorder*, Oxford University Press, Canada, 2002, at pp. 18-23, at pp. 28-32; Oberleitner, Gerd, *Human Security and Human Rights*, ETC Occasional Paper Series, no. 8, 2002, at pp. 14-25 <http://www.etc-graz.at/publikationen/Human%20Security%20occasional%20paper.pdf>.

cifically, this prompts the discussion of the relevance of the local level for providing human security.

II. Approaching the term "local level"

Because of the absence of a common definition of the term "local level", I will develop my own in the following paragraphs. However, because of space considerations, I will provide only a general outline omitting details irrelevant to the discussion.

Attempts to define the local level have to be based on considerations of its quantity, in terms of area size and population figures, and its quality, as is measured by structures. Soon it becomes evident that defining the local level in a global context using the quantity criterion faces the insurmountable obstacle of enormous variations within and between countries. One can find mega-cities (with their districts) and small towns, as well as rural communes and indigenous groups. Where should the line be drawn in terms of quantity? How can numbers take into account local characteristics, e.g. how can the indicator of area size be considerate of nomadic tribes?

It is more reasonable to take a closer look at the quality criterion, i.e. structures. Nearly every individual is embedded in infrastructures. What does infrastructure mean? Similar to the term "local level" there is no commonly accepted definition of infrastructure. But it is identifiable that almost every concept of infrastructure is military- or economy-oriented. Reimut Jochimsen was the first to try to systematize infrastructure[3]. He divides it into three categories: physical, institutional and personal infrastructure. Nevertheless, his approach is also purely centered on economic principals (e.g. personal infrastructure stands for human capital as a contribution to economic activity).

This approach is insufficient for defining the local level. Therefore, I will attempt to find my own approach, focusing on the individual in opposition to the military- or economy-orientation.

All over the world human beings are embedded in infrastructure: infrastructure offering something to the individual and infrastructure obliging the individual. I will call this "personal infrastructure". The following rough classification represents types of "personal infrastructure":

- *Human infrastructure*: individuals embedded in and interacting with e.g. families, kinship systems, indigenous groups, circles of friends, co-workers, business partners, neighborhoods etc.
- *Social infrastructure*: the availability of care (through family members, relatives, indigenous groups, governmental and non-governmental social

[3] Jochimsen, R., *Theorie der Infrastruktur: Grundlagen der Marktwirtschaftlichen Entwicklung*, Mohr Siebeck, Tübingen, 1966.

services etc.) or upbringing/education (through parents, friends, teachers etc.).

- *Technical infrastructure*: the existence of technical facilities, e.g. tools, shelter, weapons, water and sewage systems, roads, electricity, or telecommunication networks.
- *Economic infrastructure:* framework to exchange goods, services and information, whether based on barter or a monetary system.
- *Infrastructure of rules and rulings:* the existence of norms (social, religious and legal norms) and rulings (judgments, (political) decisions).

Borders of the above mentioned categories of personal infrastructure blur and should be seen as flexible. For example, health care is often part of human, social and technical infrastructure. Furthermore, the complex fields of religion and myth influence almost every person in a direct or an indirect (through the impact on cultures, which in turn influences individuals) way and are therefore a cross-cutting issue; likewise can be attributed to the environment.

The personal infrastructures illustrated above surround almost every individual; but it has to be emphasized, that their levels differ. In isolated indigenous groups personal infrastructure means something different than in urban areas, such as in Europe. Indigenous groups are typically based on unwritten customary rules and traditions such as kinship systems. On the other hand, Western societies, such as the ones found in Europe, are mainly characterized by the existence of positive law and distinct administration. Nevertheless, both societies provide the individual with personal infrastructure.

Because of my "people centered infrastructure approach", which is similar to focusing on the individual in the concept of human security, it is possible that multiple degrees of infrastructure exist at the same time in the same place. Compare, for instance, the infrastructure of a recent migrant with the infrastructure of a native citizen: differences - especially in regard to human and social infrastructure - become obvious. Nevertheless, both individuals face personal infrastructure.

This leads me to the assumption that the local level is defined as the lowest level of personal infrastructure. The lowest level, on which the individual enjoys social, technical and economic infrastructure, is bound by norms and rulings and it interacts with the individual's environment. By including people in various regions, a global approach can be deduced. The local level can be an indigenous group, a rural community, a small town, a district of a city, or a large city.

Whether a whole city or only a district thereof is considered to be the local level depends on the personal infrastructure provided. For example, if the lowest level of setting norms and giving out judgments is the urban borough, then this can be seen as the local level.

The local level defined through personal infrastructure provides the individual with the possibility of aggregating and articulating one's interests, of gaining information and support by formal or informal[4] authorities, and of participating in formal or informal authorities' decision-making process. Only the infrastructural possibilities, rather than their actual realization are relevant to this definition.

III. The relevance of the local level for human security

A. Examining the concept of human security

As mentioned in the introduction, the concept of human security is characterized by the focus on the individual, which should be protected from various threats through the involvement of new actors in managing this security process. The relevance of this new approach for the local level needs to be evaluated.

Firstly, human security focuses on the security of the individual human being, i.e. to protect people from various threats. These threats originate from different levels: global level (e.g. global warming, weapons of mass destruction), transnational level (e.g. transnational organized crime, international disputes), national level (e.g. corruption, state repression), regional level (e.g. economic underdevelopment, environmental degradation), and local level (e.g. child abuse, ethnic conflict). Many of these threats are not only limited to one level: For example dangers to people's security related to health can emanate from different levels.

Two unique characteristics can be attributed to threats at the local level. The first is that many threats exhibit their effects on the local level regardless of their origin. For instance, global warming affects the individual at the local level through altering vegetation or water supplies. The second characteristic is the heightened importance attributed to dangers that happen close to home.

As far as protecting individuals from various threats is concerned these observations indicate a greater importance of acting at the local level rather than at supra-local levels.

Secondly, the integration of non-state actors as a fundamental pillar to the protection of human security will result in strengthening the local level. Most NGOs and others in civil society operate locally. Including them in the process of enhancing human security demonstrates genuine concern for improving the process of collecting pertinent information and quickly reacting to threats. In short, this inclusion will signal the recognition of the local level.

[4] For example, informal authorities can be the elderly in kinship systems of indigenous groups.

Thirdly, compared to the above-mentioned objective of human security, there are also other related concepts. *State security* aims to protect a country from external and internal factors, such as invasions or rebellions, threaten the monopoly of violence. *Human rights* intend to protect the individual from human rights violations[5] by the own state as well as other states; I neglect the third party effect (i.e. the issue of non-state actors as perpetrators) as a controversial issue, which is at the most accepted in an indirect way (through the national legislator). *Human development* aims at removing various obstacles that restrain individuals from blossoming. Is the local level relevant for these established concepts?

In every one of these concepts, the local level plays a vital role. To curb the risk of threats from originating at the local level and to ensure security of the state, it is necessary for the state to secure its monopoly of violence. To prevent human rights abuses, strict human rights standards need to be implemented and enforced at the local level. And, finally, the efforts to guarantee and enhance human development need to originate from the local level, because most of the restrictions interfering with the complete individual development stem from local circumstances.

To which extent is the local level part of these concepts? By only involving governmental organisations (local authorities, local police authorities), state security excludes all non-state actors at the local level. But does this automatically mean less importance of the local area? What about totalitarian states and their systems of snitchers and informers operating in great quantities on the local level to enhance state security? Improving the situation of human rights and human development strongly depends on the work at the local level. As mentioned above, the local level is of great importance for protecting individuals. Does therefore the local level play a greater role in the concept of human security due to its focus on protection from threats? That is difficult to answer because averting threats has also always been a principal component of the different generations of human rights.

Briefly, what is the impact of these related concepts on human security? The primordial human security concept comes from the human development corner (UNDP Human Development Report 1994); a corner that has strongly been influenced by human rights in the past two decades. Human security can be seen as an attempt to bring in security attributes in order to protect humans from various dangerous threats. As Amartya Sen states, human security supplements human rights and human development [6].

[5] For the scope of human rights violations see the international legal human rights regime.
[6] Commission on Human Security, *Human Security Now*, Commission on Human Security, New York, 2002, at pp. 8-9.

Thus, human security is strongly influenced by underlying concepts that heavily rely on the local level. While this points out the importance of the local level for human security, it does not indicate a greater significance of the local level for human security than in the related, underlying concepts.

B. Differences among local levels in terms of human security

Briefly, I want to point out the relevance of the context of the local level for human security. The importance of the local level strongly depends on factors of personal infrastructure. Human, social, technical, economic and political factors affect not only the involvement of state- and non-state actors in the human security process, but also determine the types and numbers of possible threats. For example, Marie Jahoda, Hans Zeisel, and Paul F. Lazarsfeld concluded in their famous study, titled "The Unemployed of Marienthal"[7], that unemployment leads to resignation; i.e. economic factors influence the engagement in, for example, NGOs. Another example would be dictatorships, which cause local repression in many ways; i.e. political factors shape the scenario of threats.

But general conclusions about consequences arising out of these various factors can not be derived. The existence of a dictatorship, for instance, states nothing about the quality of a health system, i.e. possible threats emerging from an inadequate health system.

IV. Conclusion

The local level is of great importance for the enhancement of human security. As threats predominantly show their effect on the local level, averting dangers in a more efficient and effective way is easier at the local level. The degree of its importance depends on the various factors influencing the human being. Furthermore it is questionable whether the local level plays a more important part in human security than in other related concepts, like human rights or human development.

[7] Jahoda, M., Zeisel, H., Lazarsfeld, P. F., *Marienthal: the Sociography of an Unemployed Community*, Transaction Publishers, New Jersey, 2002.

Trafficking in Human Beings in Transition and Post-Conflict Countries

Alja Klopcic

Transition and post-conflict societies with their negative side-products (e.g. organised crime, trafficking in human beings and corruption), which stem from the recent political and economic changes in the South Eastern European region are of particular concern to the international community - due to their cross-border effects. In the following essay, the author concentrates on trafficking in human beings as a regional and global problem and as a serious threat to the human security of women and children living in the poor areas of South Eastern Europe.

I. Human trafficking as a security threat in transition and post-conflict societies

The fall of the Berlin Wall in the early 1990s opened the gate to the movement of people from ex-socialist countries to the wealthy Western European countries. The transition period in most of the ex-socialist countries has been marked by sharp economic recession, hyperinflation and growth in foreign debt, raising unemployment, social upheavals and even armed conflicts[1]. These factors have weakened the individual nation-states, and contributed to the large numbers of refugees and economic migrants seeking to enter Western Europe from economically weak countries (Romania, Bulgaria, Albania, Eastern Germany and the former USSR republics) or conflict-affected regions (the former Yugoslav republics).

Another outcome of difficult socio-economic conditions was the increase of illegal activities that subsequently undermined the security of the most vulnerable groups of the society - women and children. Trafficking in human beings presents a security threat mainly to those communities that are character-

[1] Philips, Ferfila, "Socioeconomic Development in Slovenia: 1990–2000", in Drago Zajc (ed), *Slovenska Država ob Deseti Obletnici*, FDV, Ljubljana, 2001, pp. 177 - 201, at p. 179.

beings presents a security threat mainly to those communities that are characterized by persistent poverty and high unemployment. The underlying question in this context is how to implement the human security concept at the local level for potential victims of human trafficking, in view of the fact that trafficking is a growing transnational business, generating high profits for traffickers?

A. Push factors

The majority of victims of trafficking are of the average age of 14 up to 32 years and they originate mainly from rural or poor urban areas. Violence or sexual abuse in families and lack of job opportunities in their communities are among the main push factors. An additional problem presents a low educational background: most victims have merely completed primary school or have a bit of high school education. Namely, difficult family conditions and a traditional attitude towards gender roles prevent them from continuing their educational process. And as a result they are directly pushed into the hands of the trafficking agents. Upon arrival to the "promised" destination, victims are very often left without their identification documents and are placed under the control of traffickers. If the victims resist cooperating with the traffickers, they are most likely threatened to be handed over to the authorities of the country they reside in illegally. Without personal documents, financial resources and insufficient knowledge of language they have no other choice but to cooperate[2].

Trafficking in human beings can be traced, in part, to the declining possibilities for regular migration coinciding with the emergence of a market for irregular migration services. However, in order to better understand this phenomenon, it is important to distinguish human trafficking from illegal immigrant smuggling (although both activities resemble each other). Illegal immigrant smuggling occurs on a voluntary basis and ends with the arrival of immigrants in their destination country, whereas human trafficking occurs on a mostly involuntary basis both within and between countries. According to Art. 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime: "*trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve consent of a person having control over another person for the purpose of exploitation...*" [3].

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[2] Regional Clearing Point, First Annual Report on Victims of Trafficking in South Eastern Europe, Vienna, 2003, at pp. 22 – 25
<http://www.osce.org/attf/index.php3?sc=RCP> All websites occurring in this essay were last checked on 1 February 2004.

[3] The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. Entry into force: 25

The reasons why potential victims consent in the first place are false promises of marriage, advertisements for a decent work abroad (e.g. baby sitting, housekeeping, etc.), and sometimes the victims even marry a person who subsequently abuses and traffics them. On the basis of interviews conducted by Human Rights Watch in Bosnia and Herzegovina the following statements demonstrate various tactics used by trafficking agents. For example, in one of the interviews, a 22 year old woman from Ukraine told investigators about her experience: "*I have been in Bosnia for three months* [since December 1998]. *I came to work here in a bar. I knew nothing when they took me to Serbia - I was sold there four times to different men. They* [= the traffickers] *brought me to a bar and told me that I had to work as a prostitute.*" Another Romanian woman was helped to cross the border by a Romanian woman who lived with a man of Serbian nationality. She explained: "*She* [= the Romanian woman] *told me that I could work as a housecleaner for 200 Deutschmarks...each month...* [She and her husband] *held me in a locked room for six days...*"[4]. A third woman trafficked to Prijedor told the investigators that she "*worked in Maskarada 3.5 months* [in 2000]" and than "*in Crazy Horse for a month for free, because Milka* [the owner] *bought*" her. "*She bought my clothes and provided me with food. I have* [had] *265 clients in 4.5 months*. [A bodyguard] *…beat me when I didn't want to work the first month ...*"[5].

As demonstrated above, the majority of women and children are very often helped to cross the borders by people whom they trust and are subsequently traded to traffickers. As the female trafficking agents are easily trusted, the potential victims should be warned about the trap they can fall into, especially if they live with potential traffickers in the same local communities.

B. Balkan routes

In the early 1990s, it was very difficult to control irregular migration and human trafficking, due to "*porous borders and the collapse of legal and political systems in the wake of the recent civil wars and* [difficult] *economic* [and political] *transition.*"[6] Today, each SEE country assumes a combination of roles as an origin, transit or destination country for trafficked persons - mainly women, children and to some extent also men – towards Western European countries. According to the First Annual Report on Victims of Trafficking in SEE, pub-

December 2003. See article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children <http://www.unodc.org/unodc/en/crime_cicp_convention.html>.

[4] Human Rights Watch, "Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution", vol. 14, no. 9 (D), November 2002, New York, pp. 17-22, at p. 18 <http://www.hrw.org/reports/2002/bosnia/>.

[5] Human Rights Watch, "Hopes Betrayed", at p. 20.

[6] International Organisation for Migration (IOM), Victims of Trafficking in the Balkans, IOM, Geneva, 1999, at p. 33.

lished by the Counter Trafficking Regional Clearing Point, countries like Albania, Bulgaria, Moldova and Romania can be mainly defined as the countries of origin, while countries like Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia (FYR Macedonia), Serbia and Montenegro including Kosovo are regarded as transit and destination points for the victims of trafficking[7].

The main routes towards economically and socially well-off countries of Western Europe are the following: firstly, via Bosnia and Herzegovina, Croatia and partially Slovenia to Italy or Austria; secondly, from Moldova, Romania, Serbia and Montenegro to Albania, and across the Adriatic Sea into Italy; thirdly, from Romania, Bulgaria and Albania (through FYR Macedonia) to Greece[8]. In addition to this transnational dimension of human trafficking, internal trafficking from rural to urban areas is not decreasing and is even more difficult to be traced[9]. In some cases corrupt local officials even protect traffickers and thus ensure an unimpeded flow of women and children trafficked within the country.

II. Trafficking in human beings as a human rights issue

The human security approach addresses concrete human rights threats, e.g. various forms of organised crime, where fundamental human rights are violated. Criminal activities, for instance coercive sexual exploitation, debt bondage, labour exploitation, child pornography, begging, etc. constitute a serious violation of the victim's human rights and dignity as enshrined in international public law.

The victims of trafficking should be identified as victims of crime, not as criminals themselves, as they are often perceived by those authorities not aware of the circumstances that push the naive victims into the hands of trafficking agents. Yet, the problem that appears when prosecuting the traffickers is that victims usually consent at the initial stage of their recruitment and are later on forced to work as prostitutes in various "nightclubs". By this token, it is very difficult to distinguish the prostitutes from victims of trafficking. Such circumstances are in favour of the traffickers and the authorities very often treat the victims as criminals by putting them in detention centres or by deporting them to their home countries as illegal immigrants[10].

[7] Regional Clearing Point, First Annual Report on Victims of Trafficking in South Eastern Europe, Vienna, 2003, pp. 35 – 36
<http://www.osce.org/attf/index.php3?sc=RCP>.
[8] IOM, Victims of Trafficking in the Balkans, at pp. 35 – 36.
[9] Regional Clearing Point, First Annual Report on Victims of Trafficking in South Eastern Europe, at p. 18.
[10] Such perception and ill-treatment of trafficking victims is also a common practise in Western European countries.

A proactive approach to counter human trafficking aimed at addressing the root causes of trafficking is therefore indispensable. It is a generally recognised fact that persistent poverty, unemployment, family violence, easily attract trafficking agents to recruit victims and export them to countries with well-organised trafficking networks. Human trafficking can be efficiently tackled only through designing additional educational and job opportunities for women in their countries of origin, and above all by implementing the relevant documents that have been adopted at the international level. From this perspective, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Woman and Children supplementing the UN Convention against Transnational Organized Crime[11] can certainly serve as such a mechanism.

III. Human trafficking and the human security approach

An important question that still needs to be answered by the international community when combating human trafficking, is how to effectively implement the human security concept in politically and economically weakened areas?

Human trafficking is nowadays perceived as a grave human rights abuse and a serious transnational crime requiring an integrated, coordinated and proactive human security approach. This phenomenon is hardly likely to be effectively suppressed, in spite of the numerous ongoing activities undertaken by the governments (adoption of the national action plans for combating human trafficking, appointment of the national coordinators, gradual improvement and implementation the anti-trafficking legislation and victim protection programmes), by the non-governmental organisations (awareness raising campaigns, shelters for victims, psychosocial assistance, etc.), and by the international inter-governmental organisations e.g. Council of Europe, International Organization for Migration (IOM), UN, EU, NATO, etc. In a holistic manner, one should focus more on the root causes of trafficking by aggressive awareness raising campaigns and by implementing additional educational and employment programmes in the poorest local communities.

The various methods of recruitment and not merely the root causes remain strong obstacles to successfully fight trafficking. For instance, in some countries the victims consent due to false promises for well-paid jobs, in other countries, they are mainly sold by their own families or even abducted by the trafficking agents. However, due to the large number of factors involved (weak border control, bad governance, weak law enforcement bodies, etc.) the measures undertaken at the local and national level can simply not suffice to solve the problem, especially not in those transition countries where corruption presents a

[11] The UN Convention against Transnational Organized Crime was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations; entry into force on 29 September 2003.

further obstacle to combating human trafficking. In addition to the incapability of individual countries to respond to the problem pro-actively, the trafficking networks "*with groups responding to particular situations*, [and] *constantly changing routes and tactics*"[12] are extremely difficult to trace.

Most of the South Eastern European countries are indeed in the process of upgrading their border control and of reviewing their current legislation to include the human trafficking in their criminal code. The signature of the Palermo Anti-Trafficking Declaration on the initiative of the Stability Pact for South Eastern Europe in 2000 as well as the follow-up Statements on Commitments (Zagreb 2002, Tirana 2003, Sofia 2003)[13] can be interpreted as a manifestation of the political willingness of these countries to join their endeavours in countering this phenomenon at the international level.

Yet, when combating human security threats, one cannot separate the two well-known human security approaches: freedom from fear and freedom from want. This is linked to the fact that human trafficking is a criminal activity caused mainly by difficult economic conditions and above all by social problems in the communities where the victims reside. Multidisciplinary and effectively coordinated anti-trafficking policies have played and will play an important role in the future perspective (both in the short-term and in the long-term). Therefore, countering human trafficking can be successful only by designing and implementing proactive measures from both human security approaches, which cannot be pursued in isolation.

[12] Skeldon, "Trafficking: A Perspective from Asia", in International Migration, vol. 38 (3), no. 1, 2000, pp. 7 - 30, at p. 15.
[13] Stability Pact for South Eastern Europe, Task Force on Human Trafficking, 2004 <http://www.stabilitypact.org/trafficking/default.asp>.

Human Security in the Perspective of an Austrian

Christian Wlaschütz

This essay is about human security in a rich country like Austria. The author points out that social exclusion and poverty are often not perceived as relevant issues in the public discourse. Although Austria is by far better off than countries in other regions of the world, there are topics such as refugees or human isolation, which are worthy of being analysed thoroughly. This essay is a strong plea not to forget existing human security threats in an apparently rich society.

I. Introduction

Austria has a per capita income of around 24.000 $ a year[1], one of the highest around the world. In the Human Development Report Austria ranks on the 16th position[2]. Those figures would suggest that my home country is one of the richest around the world and one of the most comfortable to live in. And indeed, it is a country with a high quality of life, a high level of welfare and a good place to live in for the majority of the people.

Compared with other places I have come to know, Austria is a country where social differences and economic inequalities are almost invisible and social services work. There are no slums, no people, who need to earn their income by separating different kinds of rubbish, no begging children on the streets. The following analysis certainly reflects the background of my knowledge of poverty and misery in other parts of the world and the deep gratitude to live in a country where social conditions are much better.

[1] von Baratta, Mario, *Fischer Weltalmanach 2004*, Fischer Taschenbuch Verlag, Frankfurt/Main, 2003, at p. 627.
[2] United Nations Development Programme (UNDP), *Human Development Report 2003*, Oxford University Press, New York, 2003, at p. 237. Or see also: <http://www.undp.org/hdr2003/pdf/hdr03_complete.pdf> All websites occurring in this essay were last checked on 1 February 2004.

In this essay I depart from a very comprehensive understanding of the term human security. I broadly define it as everything, which involves the framework for the full development of one's potential, i.e. human qualities, capacities, skills etc. In order to make possible the growth of human beings, a social structure is needed which guarantees not only freedom, but also basic social standards to secure one's material survival. A person constantly forced to focus on the satisfaction of primary needs like alimentation has no energy left to develop skills to share for the well-being of the community.

This description of human security includes Amartya Sen's definition of development as "*a process of enlarging people's choices*"[3] as well as the respect of political and social human rights which are the essence of personal security.

II. Problem of perception

How does this theoretical approach pertain to Austria which is, as I pointed out earlier, a rich country? First of all, in accordance with the definition it would be necessary to prove that there are groups of people living in Austria, who do not enjoy a stable framework which permits their full development.

I would like to start by addressing a problem of perception, which I consider as characteristic for Austrians (Western Europeans?). When discussing topics like poverty in international groups, many Austrians, myself included, feel quite uncomfortable when it is their turn to contribute to the conversation. Being aware of the misery of huge parts of the world's population, it does not seem appropriate to speak about disadvantaged groups in Austria. Despite of all the problems they might have it is commonly thought that they should feel fortunate in comparison with the really poor in the "third world". Thus a kind of competition between the poor and the really poor is likely to develop. Consequently, the social question is denied and/or neglected in countries like Austria. Compared with other regions of the world, poverty and political and social exclusion do not appear on the agenda of election campaigns as apparently, there are no poor people in a rich country, and if there are, they are well looked after by different social services. Additionally: they themselves are responsible for their fate, because in our society there are enough opportunities for anyone, who makes the effort and really wants to seize them – that is, at least, according to often heard comments.

[3] UNDP, *Human Development Report 1990*, Oxford University Press, New York, 2000, at p. 1. Or see also:
<http://www.undp.org/hdro/hdrs/1990/english/90.htm>.

III. Human security in Austria

It is evident that I can not deal with all the human security relevant topics, such as domestic violence, racism, drug abuse or discrimination against the Roma and Sinti minority, although they constitute a major challenge for the Austrian society. In the following I focus on two important examples.

There are different dimensions to discussing a lack of human security in Austria. I would like to begin with a group of people, whose disadvantaged position in society is rather evident – the asylum seekers. Coming to Austria, they completely depend on the compliance of the competent authorities with the human rights. The Geneva Convention requires every signature country to verify in every individual case if the asserted reasons for the application for the status of asylum are well founded and justified. During this phase of investigation the asylum-seeker must be provided with the basic social goods which are, above all others, food and shelter. It is obvious that the permission to work would ease the situation of the applicants to a large extent, particularly the self-perception of being completely dependant on others and the obligation to wait for the result of one's process without the possibility to do anything.

Unfortunately, the atmosphere in Austria towards refugees is a very negative one. Instead of talking about the right to get asylum under certain well defined conditions, public discourse focuses on the avoidance of asylum-abuse. It seems that the majority of the population shares that point of view and backs up the hard and restrictive asylum-policy of the current government. The fact that there is no public uproar facing the reality that this winter there will be hundreds of people without shelter from the cold would certainly support that observation. Spending the night next to the river Danube in Vienna, as it is possible in summer, would hardly be imaginable in winter. Humanitarian organizations like the Caritas and the Diakonie already are overtaxed by the inflow of people whose right to get basic social support is neglected by public authorities.

I would like to mention one more topic, which directly affects the level of human security not only, but also in Austria. It is about the increasing isolation of people, the lack of mutual interest and care. Perhaps this is one of the side-effects of a population growing ever older. But in my opinion even many children and adolescents can no longer enjoy what is called a caring family. I disagree with those who say that a general moral decadence is the main reason for the described phenomena. Rather, I notice an acceleration of life and the need to focus on the maintenance of a certain social and economic level. It is increasingly necessary for both parents to work hard in order to afford the apartment, primary goods, such as alimentation and clothes, and activities which are offered by the educational institutions of their children. New ways for both parents to integrate family and professional life must be found.

One of the criteria of poverty is the impossibility to take part in social events. Ski or sport-weeks are such events offered by schools, where the partici-

pation of the children is not only requested but also almost required in order for the children not to be socially excluded or stigmatized. All that costs money which has to be earned on a labour market, which gradually gets strained.

And this leads us back to what I said above: if people's lives are limited to revolve exclusively around what they consider as the basic goods – which are relative to the respective societies – there is no energy left to care about more sublime issues such as social integration or political participation. Permanent pressure and fear for the working-place lead to health and psychological problems, which prevent people from complying with their roles as family members towards the elder and the younger relatives, not to mention the consequences for their own personal development.

If human security involves freedom from fear, poverty and want the developments in our society contradicting this concept are required to raise some public attention.

IV. Conclusion

As conclusion I would like to present some general assumptions which certainly also apply to Austria. Human security transcends the original notion of human rights in the way that not only public institutions are prompted to act. It is common knowledge that in democratic societies governments usually reflect the attitudes of the constituencies. I think that I clarified this point by describing the treatment of refugees in Austria. Thus, the issues concerning human security defined as the framework to the full development of one's potential need a moral attitude of both the acting politicians and the society as a whole. As a positive example I would like to mention and to honour the multitude of private initiatives, such as groups and individuals supporting refugees in an admirable way, which contribute to the implementation of abstract concepts like human rights or human security.

Both take the dignity and the capacities of everyone seriously – so it is logical for me that everyone has something to contribute to the development of a society which gives priority to the well-being of every single member. But human security also renders it more difficult to criticize "the authorities" without considering one's own attitudes. After all, a democratic society in the true sense depends on the responsibility of each of its members for its maintenance and improvement.

Forced Marriages in Austria?

Ursula Prinzl

In its introductions part this essay looks briefly at the challenge of defining the term "human security at the local level" and focuses then on one rather unknown Austrian issue of human insecurity[1] at the local level: forced marriages. The author investigates the fact that forced marriages take place in Austria, how and if at all, public society and authorities percept this issue and what possibilities exist to protect victims of forced marriages.

I. The peculiarity of "human security at the local level"

In the recent years the issue of human security has become - due to its very broad and universalistic approach - rather prominent among the international community. Thus innumerable definitions for the term human security exist[2].

The term itself also encloses "human security at the local level", but interestingly enough we do not have a separate, precise definition for human security at the local level. As a consequence, three questions emerge: What does the term "human security at the local level" mean? Why is it so difficult to come

[1] For me human security is the creation of an atmosphere or a surrounding, where one feels secure. This implies that the lives of humans "*must be free from pervasive threats, violent and otherwise, to their rights and safety*". Thus I refer - in the present essay - to the diverse issues or threats of human security, as human insecurities. See: Bruderlein, Claude, "People's Security as a New Measure of Global Stability", IRRC, vol. 83, no. 842, June 2001, pp. 353-366, at. p. 358. Or see online: <http://www.icrc.org/WEBGRAPH.NSF/Graphics/353-366_Bruderlein.pdf/$FILE/353-366_Bruderlein.pdf> All websites occurring in this essay were last checked on 1 February 2004.

[2] A good overview of the diverse definitions offer: Commission on Human Security, *Human Security Now*, Commission on Human Security, New York, 2003; Bajpai, Kanti, *Human Security: Concept and Measurement*, Occasional Paper for the Joan B. Kroc Institute for International Peace Studies, Occasional Paper, no. 19, August 2000 <http://www.nd.edu/~krocinst/index.html>.

with a definition[3]? And why do we, nevertheless, emphasize issues and threats of human security at the local level?

Although a general accepted definition for "human security at the local level" is missing, most people, when questioned about human security at the local level, concentrate automatically on human insecurities in their respective countries. They refer to insecurities they have experienced themselves or may have observed in their near surroundings. Thus, they "limit" human security at the local level to the national level and at the same time "restrict" the issues of human insecurities themselves. So, we can conclude that human security at the local level focuses on issues of human insecurities within the borders of countries.

The difficulty and challenge of finding a more specific and for all agreeable definition of human security at the local level arises out of the following facts:

- human insecurities at the local level differ considerably from country to country;
- what for some people may be an issue of human insecurity, may not be one for others at all - even in one and the same country;
- the viewpoints whose task it is (should be) to create an "atmosphere" of human security at the local level again differ considerably[4].

Personally, I believe that because of the three reasons mentioned above a rather broad definition for human security at the local level is sufficient. Anyhow, the peculiarity of human security at the local level can not be made visible through an abstract definition. Its peculiarity is instead shown through its different understanding and meaning to us - the people - as it enables us to focus on "our very own" human insecurities. We begin to realize that human security is not merely of significance to "the others", such as war-torn countries, developing countries, neighboring countries etc., but also to "our" country. And in analogy to the well-know quotation of Eleanor Roosevelt I would like to emphasize the importance of human security at the local level with the following words: "*Where, after all, does human security begin? In small places close to home. Unless human security has a meaning there, it has little meaning anywhere.*"[5]

[3] When doing research about human security at the local level, I found many definitions for human security, but could not find one for the term human security at the local level.

[4] Some have the view that this is the duty of the people themselves or the national government and its formal authorities, others stress the necessity of "help" from international organizations and other (richer, western?) countries.

[5] The original quotation of Eleanor Roosevelt is: "*Where, after all, do universal human rights begin? In small places close to home. …. Unless these rights have meaning there, they have little meaning anywhere.*" See:
<http://www.bartleby.com/63/18/918.html>.

II. Forced marriages as an Austrian human security issue

When questioned about human insecurities, Austrians most often refer to the diverse major human insecurities - such as hunger, violent conflicts, economic crises, infectious diseases, etc. - in other countries of the world, but hardly ever to any in Austria. This is due to the fact that many people in Austria tend to "compare" these major human insecurities with Austrian human insecurities, thus "realizing" that these human insecurities do not exist at all in Austria or are of a much less severe dimension. The consequence is that many Austrians forget or simply ignore that there are also human insecurities typical only for Austria and that even insecurities with a "less severe" dimension (in comparison to other countries) are, nevertheless, human insecurities.

Now, as human security at the local level enables us to focus on human insecurities in our own countries, I will look at one specific Austrian issue of human insecurity. Where does one find information about a broad range of Austrian human insecurities? Simply, open up a daily newspaper and take a closer look. Of course, the newspapers do not use the definition "human insecurity", but many of the issues written there are about human insecurities. Examples would be: the problem of sufficient and suitable accommodation for people seeking asylum; the deplorable state of public nursing homes for old people on the one side and the hardly affordable private nursing homes for old people on the other side; every-day practiced racism towards people with a darker skin color or a different religious belief; sexual harassment of women (working in public authorities) etc.

In the last five months, articles on two cases of kidnapped girls in Graz and Linz with the intention of forcing them to get married[6] arouse my interest[7]. The cases were very similar, as both girls were under 18 years old and their families originated from Turkey. Due to the fact that their families refused to agree to a marriage to a man coming from the same Turkish city, the girls were kidnapped (against their will). I must admit, I was quite surprised, as I never thought of the issue of forcing girls to marry and kidnapping them if they refuse to marry as an Austrian human insecurity! How is this possible? How can something like that happen in a country like Austria? Are there no laws protecting these girls? As many, still unanswered, questions came to my mind and as the newspapers never wrote what happened to these two girls, if they were found and brought back to their families or if they did marry, I will do some more research on this Austrian human insecurity.

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[6] In this context I understand the term "forced marriage" as "when at least one of the future marriage partners is forced through physical or psychological force to the marriage".

[7] See for example: Möseneder, M., *Entführung nach Weigerung zu heiraten*, in Der Standard, 24 November 2003; Möseneder, M., *Polizei ist entführtem Teenager auf der Spur*, in Der Standard, 25 November 2003. See also online: <http://derstandard.at>.

III. Problem of perception and protection of victims of forced marriages

So far the issue of forced marriages and the special case of even kidnapping women to force them to get married has not been well known in the public. The main reason for this lack of public knowledge is that this issue has been, and still is, primarily viewed as a family matter and is therefore kept within the families. Also, forced marriages - when they take place - explicitly concern Austrians of Muslim or Hindu belief - two religious communities whose membership percentage in comparison to the catholic religion is rather low[8]. Further, as victims of forced marriages rarely contact public authorities for help, the authorities often do not even know about the mere existence of the problematic itself. As a consequence, public authorities do not know how to react when they are confronted with the issue of forced marriages. They do not have any specific instructions how to handle such circumstances, which would also include the "correct" treatment of the victims, and hardly have any reliable data and statistics.

From time to time, it does happen that women, whose husbands have been chosen by their families, turn for help to public authorities, such as the Frauenhäuser (= "Womenhouses"), the Krisenzentrum Nußdorf (= "Crisiscenter Nußdorf") or the youth welfare. But there is not a lot that public authorities can do. If no physical violence was used against these women, there is no specific protection for victims of forced marriages by law[9]. The only support they can give is protection from the family through offering them a secure place for a certain time and legal and psychological advice.

Further, if victims of forced marriages are under 18 years old, the youth welfare is - by law - obliged to inform the parents of their child's whereabouts. The family is then invited for a talk, where the youth welfare tries to mediate between the woman and her parents.

The majority of the women return home - more or less voluntarily. Some parents agree to restrain from insisting on a marriage. But many women return to their families although they know they will have to marry. Their parent's exercise a lot of pressure to persuade them: the women are reminded that the honor of the whole family depends on their behavior; they are threatened that the

[8] 73,6 % of the Austrians are Catholics. Of the remaining 26,4 %, 12 % are atheists, 4,7 % are Protestants, 4,2 % are Muslims, 2,2 % are Orthodox, 2 % make no indication. See: <http://www.statistik.at/cgi-bin/pressetext.pl?INDEX=2002207>.
In this essay I merely want to point out that forced marriages are an Austrian issue of human insecurity and will thus not go deeper into detail. The (cultural, traditional, religious?) reasons, why forced marriages are limited to Austrians of Hindu or Muslim belief and are viewed as mere family matters, require a thoroughly, separate investigation.

[9] Protection by law is mainly offered through the Strafgesetzbuch (= Austrian Criminal Code) and the Gewaltschutzgesetz (= "Force-Protection Law").

family will break up the contact or that they may even will be excluded from their families.

IV. Conclusion - what can be done?

As mentioned before, this Austrian issue of human insecurity is rarely discussed in the public. It is therefore necessary, as a first step, to raise the awareness of the public, so that people realize that the problematic of forced marriages exists in Austria. Further, actions on the different societal levels, such as within the religious communities, schools, public authorities, have to be taken. These actions can be, among others:

- informing the public about the existence of forced marriages;
- trying to reach/get in contact with possible victims of forced marriages (schools!) and informing them about their rights and protection possibilities;
- establishing guidelines for the "correct" treatment of victims of forced marriages by public authorities;
- strengthening the legal protection for victims of forced marriages;
- looking what other states with a similar problematic do to protect the victims[10].

By approaching the issue of forced marriages with diverse, each other complementing actions and from the different societal levels, we can contribute to the human security of the individual, who is or may become a victim of forced marriages and to the human security of our own country.

[10] Other European countries where the issue of forced marriages has already existed for a much longer time are, for example, Germany, Great Britain and France. Great Britain has even gone as far as to provide victims of forced marriages with new identities. For more information and further internet-links see: TERRE DES FEMMES (Menschenrechte für die Frau e.v.) <http://www.frauenrechte.de>.

The Myths We Believe in. Human Security Scepticism in Belarus

Aliaksandr Sharf

Human security is a state of mind, set of beliefs and is present in the nature of every human being. Though, every human being understands the notion of "human security" differently. Depending on the governance, economic stability and culture, the concept can be accepted or rejected. The Area of Freedom, Security and Justice of the European Union conflicts with the goal for an "ever closer Union" and at the same time presents a safe haven for its nowadays citizens. Human security as an undefined strategic concept is a myth, interpreted differently and lacking a mechanism of its realization. Belarus is historically immunized against the myth of "human security".

I. Introduction

A myth could be defined as a constructed image of reality based on the subjective perception of this reality by an individual. Myths are created by human beings. In the realm of domestic and foreign policies, governments are the sources of these myths, delivering them to people (i.e. citizens of their respective or other states) in the form of a "product of public conscience" and through third parties such as other governments, NGOs, international organizations as well as transnational corporations.

The concept of "human security" is such a myth, which is being developed within a culturally and economically dominating society, commonly seen nowadays as the Western society. "Human security on the local level" has to be viewed as an ultimate goal, assuming that at first international attention is brought to the region followed by the relevant social and political transformations. Yet, my scepticism towards the concept is borne out of the visible failure of relevant international institutions to cope with the so-called "rogue states" and the unwillingness of these "rogue states" to change their modes of behaviour over the whole period of diplomatic intervention. Authoritarian, totalitarian, sultanistic regimes, among others, are not only methods of governance usually strengthened

through legislation, but also regime-favouring ideologies bred over years of governance. Belarus is a country where ideology is the main threat to human security, and where human security as a strategy is not applicable.

The problematique of the concept of human security as a global solution for the world, lies in its non-realisation, because

- there is no commonly accepted definition of "human security";
- it lacks operationality;
- securing humans is government and governance-dependent;
- human security is a product of politics ("political commodity") and not a produce of conscience.

In the essay, I will take a close look at the term human security, test its empirical validity on governmental and non-governmental structures, take a glance at how the concept of human security can be viewed through the prism of asylum and immigration in the EU and, finally, in post-communist societies with special focus on Belarus.

II. Human security undefined

Flexibility in interpreting the concept of human security has shown that the issue is contested, politically feeble and non-operational. The mythology of this concept is in its objective, which offers yet another, of many, objectives to protect a human being.

The working definition, presented by Sabine Alkire states that "*the objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfillment*."[1] She than implies that the aim of human security (as a people-oriented concept) is to protect a human being with means used to protect national security threats. If human security is viewed through the prism of national security, I believe the protection is citizens-oriented, and not particularly people-oriented. We shall further look at the example of the European Union and its Area of Freedom, Security and Justice.

The creation of the human security myth is emblematic of the failure of the international community to craft a functional and effective strategy of cooperation with governments-potential recipients of the human security aid.

The Committee on Human Rights in its report to the UN Economic and Social Council on Vietnam on 15 January 2000, pointed at the repression of freedom of opinion and expression, freedom of worship and arbitrary detention of

[1] Alkire, Sabine, Conceptual Framework for Human Security, 16 February 2002, at p. 1 <http://www.humansecurity-chs.org/activities/outreach/frame.pdf> All websites occurring in this essay were last checked on 1 February 2004.

human rights defenders[2]. Considering that Vietnam is a signatory of the International Covenant on Civil and Political Rights as well as that on Economic, Social and Cultural Rights, the continued violations taking place in this country are indicative of the amorphous and ineffective approaches exercised over a long period of time. Examples of Rwanda, Vietnam, Somali, Palestine, etc. are the illustration of such failures, because, despite the relevant UN institutions that try to foster this concept, it is up to the respective governments, idiosyncrasies of their leaders and ultimately the governance, which, through the established legislation, accepts the concept of human security or rejects it.

Undefined, human security is pushing for being too universalistic, inviting the United Nations to promote the concept. At the same time, as we shall further see with the case of asylum, the Geneva Refugee Convention clearly does not establish the right to asylum as such[3]. Neither does Art. 14 of the Universal Declaration of Human Rights of 1948 which merely states that "*everyone has the right to seek and enjoy in other countries asylum from persecution*" - but remains silent on nation - states to *grant* asylum[4].

III. Human security and non state actors

As I have already mentioned in the introduction, human security as a myth has to be delivered to people in the form of a "product of public conscience" to be further spread on the local level. NGOs have audaciously emerged as a challenge, in most cases, to the existing government, raising concerns and undertaking concrete actions towards maintaining or creating the basis for human security on the local level.

Today, for instance, over half of Kenya's health care services are provided by NGOs; over a million self-employed women have received credit from a single Indian NGO, and NGOs in Zimbabwe were able to supply the emergency drought relief services that the government was unable to provide when the drought struck the country in 1997 and 1998[5]. Yet, very often, local NGOs mimic the interests of international donor NGOs, which provide the former with

[2] International Centre for Human Rights and Democratic Development, *Civil and Political Rights, including the questions of: Freedom of Expression and Religious Intolerance*, Written statement submitted to the Commission on Human Rights during its 58th session <http://www.ichrdd.ca/english/prog/intHRadvocacy/58CommissionVietnamEng.html>.
[3] See K. Hailbronner and C. Theiry, "Schengen II and Dublin: Responsibility for Asylum Application in Europe", in Common Market Law Review, vol. 34, pp. 957-989, at p. 972.
[4] Aus, Jonathan, "Supranational Governance and Domestic Change in an "Area of Freedom, Security and Justice": Dublin II and Eurodac-Democracy and Human Rights Under Siege?, University of Sussex, Marie Curie Fellow, 2003.
[5] Michael, Sarah, The Role of NGOs in Human Security, Global Equity Initiative, Harvard University, May 2002 <http://www.ksg.harvard.edu/hauser/active_backup/PDF_XLS/workingpaper_12.pdf>.

money and strategy for development. For example, in 1999, both the American and Dutch governments decided to channel an increasing proportion of their development aid in Africa away from governments and towards NGOs[6].

As Michael further writes, "*donors of NGOs exert control and influence over the NGOs that represent them*"[7]. Ultimately, globalization and economic interdependence make human security a product of constructed reality for the economically unprivileged and a regulatory mechanism for the economically robust. A disadvantage for the international and local NGOs is legislation, which certain governments exercise to limit NGOs' activity to non-political areas.

IV. Human security and frontiers of the European Union

The concept of human security can't only be confined to issues of armed conflict, the struggle against HIV/AIDS or the fight against transnational organized crime. Protecting human beings from all of the above quite comfortably spills into the domain of border control. Over the past few decades, external frontiers have become territorial codes of obedience, especially within the present-day European Union and with the creation of the Area of Freedom, Security and Justice.

The emergence of the modern Western state as a way of guaranteeing security from within and beyond the territorial borders, and as a means of providing its inhabitants with a political identity and a allegiance in the form of citizenship together with a corresponding set of rights, benefits and obligations, generated the dynamic of *exclusion* and made EU member states view the Area of Freedom Security and Justice in a strictly binary form, exacerbated by the visible split between the free movement and security aspects, writes Walker.

In the Tampere Conclusions[8], the main emphasis was on the concept of freedom based on internal security provided through effective law enforcement and access to justice, the idea, clearly articulated by the Treaty of the European Union, where article 29 (ex Art. K1) states: "*Without prejudice to the powers of the European Community, the Union's objective to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial co-operation in criminal matters and by preventing and combating racism and xenophobia*".

[6] Chege, Sam, "Donors Shift more Aid to NGOs", in Africa Recovery, vol. 13, no. 1, <http://www.un.org/ecosocdev/geninfo/afrec/vol13no1/aid2ngo.htm>.
[7] Michael, Sarah, The Role of NGOs in Human Security.
[8] Presidency Conclusions of the European Council held in Tampere on 15th and 16th October 1999
<http://www.europarl.eu.int/summits/tam_en.htm#a>.

Providing EU citizens with the high level of safety confirms the concept of binary opposition offering a fundamental distinction between a "*safe(r) inside*" and "*unsafe(r) outside*"[9]. Under such an approach, any irregular crossing of an external border of the EU would hypothetically endanger the "safe inside"[10]. In the statement made by Giuliano Amato, it is claimed that "*the prospect of Enlargement to the East has evoked unprecedented fears of unmanageable conflicts of values and interests, which could paralyze the Union and jeopardize its ability not only to move forward but even to sustain its achievements hitherto. Moving the Union's border eastwards will require adjustments not only to the institutions and their functioning, but also to the expectations and patterns of benefits enjoyed by the Member States*"[11].

While a lot has been done on upgrading the borders of the new 15 member states, the Stability Pact Report for the South-East Europe unambiguously indicates that the South Eastern Europe's "*still porous borders, ill-equipped and low-paid personnel - is a viable threat to the EU's security*"[12].

The amount of refugees fleeing from South-Eastern Europe, Eastern Europe and other countries to the EU resulted in an attack of the EU Member States on the 1951 United Nation's Conventions on Refugees, under which applications lodged by the refugees *must* be considered. The willingness to deal with refugees on the European level reverberated with the Dublin Convention, determining the state responsible for examining the applications for asylum lodged in one of the member states of the European Union. During the first two years of the Convention's application (1 January 1998 - 31 December 1999), a total of 655.204 applications for asylum were lodged in the EU[13]. If the criteria set up by the Dublin Convention would have strictly adhered to in administrative practice, we could have witnessed virtually hundreds of thousands of refugees being "transferred" across the EU for the sake of holding member states responsible according to the authorization principle. However, this is not what happened "on

[9] Monar, Jorg, *Justice and Home Affairs in a Wider Europe: The Dynamics of Inclusion and Exclusion*, Centre for European Politics and Institutions, Department of Politics, University of Leicester, ESRC "One Europe or Several?" Programme Working Paper 07/00
<http://www.one-europe.ac.uk/pdf/monarW7.PDF>.
[10] Sharf, Alexander, *Schengen and External Border Control. Fighting Illegal Immigration. Prospects for the Creation of the European Border Guard*, Sussex European Institute, University of Sussex, 2003.
[11] Amato, Giuliano, "The Long Term Implications of a New EU External Border, Introduction", in M. Anderson and J. Apap (eds), *New European Borders and Security Cooperation; Promoting Trust in an Enlarged European Union*, Kluwer, The Hague, 2002.
[12] Special Coordination of the Stability Pact for the South Eastern Europe - Working Group III, *National and Regional Management and Development of Border Control*, Bucharest 25-26 October 2001.
[13] Kloth, Karsten, "The Dublin Convention on Asylum-An Introduction" in Marinho (ed), *The Dublin Convention on Asylum: its Essence, Implementation and Prospects*, European Institute of Public Administration, London, 2000, pp. 7-16.

the ground". Only a total of 10.998 third country nationals or 1,7% of all applicants for asylum were actually "transferred" to the formally responsible member states. In other words, the Dublin Convention de facto did not affect the fate of 98,3% of all asylum seekers in EU-Europe[14].

V. Human security in Belarus

The former Soviet Union states have been largely unforthcoming to accepting the myths of human rights and human security as a panacea from their political and social backwardness. The reason being, the collapse of the Soviet Union has led these emerging societies to social Darwinism, in which everyone is responsible for her/his survival, even at the cost of the other. The problem of the post-communist new independent societies is that they never became independent. They became countries-properties of their respective governments, where power is exercised to apoliticize the population through the creation of other myths.

The myths of prosperity (economic strength) and stability (non-existence of violent conflicts/wars) presented as a state ideology are currently generated in Belarus with an ultimate goal to make the population resistant to external influence. The Belarussian National Union of Youth, having all qualities and characteristics of the Soviet *Komsomol*, advocating the state's anti-Western and an extremely isolationist policy, has its goal to attract as many young people to promote the failing policy as possible, offering benefits to pupils, students and young families in exchange for being loyal to the government's policy.

Belarus has been characterized as the most Soviet of all former Soviet countries. The centralized and highly verticalised state apparatus (officially called "*state vertical*" or "*государственная вертикаль*"), a handful of privatized and private companies, huge state subsidies and the unprofitability of enterprises directly impact public health and infant mortality (including the impact of Chernobyl) and pose a major threat to human security.

The continuation of the Soviet trend to be employed through connections, have a "roof" ("krysha"; rus. slang "*крыша*", meaning something, usually KGB (rus. "*kommitet gosudarstvennoj bezopasnosti*"; eng. *committee of state security*) or police protecting the business from other gang-groups through receiving an obligatory chunk of money from the guarded business), do illegal trade (extra and non-taxed income) in neighbouring Poland or Russia, give out bribes and take them, have a shadow and an official economy, etc., are the signs of the civil morbidity of Belarus.

[14] Aus, Jonathan, "Supranational Governance and Domestic Change in an Area of Freedom, Security and Justice".

Human rights NGOs constitute only 3,14% (i.e. five) of all NGOs in Belarus, which are funded by international organizations, are continuously shut down by state authorities and have an overall very little to nil impact on the human rights and human security situation on the local level. Remembering the aforementioned legislation problems, Belarus is not an exception. The activity of NGOs that are not registered is not allowed. The need to get authorization and the huge registration expenses considerably restrains the growth of the non-profitable sector[15].

A considerable threat to human security in Belarus is the enlargement of the European Union. Bordering on Poland, Lithuania and Latvia, Belarus is being gradually excluded from the trading preferences with the new visa regime, placed upon the entrants by the Schengen requirements. The eventual loss of jobs has reverberated with an increasing unemployment, which up until now constituted around 10%[16].

Belarus is a unique country, where symbols of the past are not only unforgotten, but also fiercely promoted and favoured, leaving the country between the movements towards integration and movements towards disintegration. These movements coincide with the Durkheimian concepts - of solidarity based on interdependence and solidarity based on identity. According to the UNDP Human Development Report, in Belarus, these types of solidarity are marked by the reluctance of Belarussians to identify themselves as a nation with its own distinct culture and language, a large degree of interdependence between individual enterprises of Belarus and former Union of Soviet Socialist Republics and, finally, the dominance of Orthodoxy, which emphasizes collectivist values, which, according to the Report, "*…curtail[ed] individual liberties*"[17].

Human security as a strategy of development is not applicable in Belarus, because development as such is not associated with securing an individual from a potential threat, but with securing the position/status already obtained. Fear to be fired, punished for being too politically curious, imprisoned for audacious claims with regard to state authorities - are the main problems, which human security doesn't solve. The result being an increasing political hibernation of the population, so much needed to immunize the people against human security.

[15] Information Portal for Belarussian Non-Governmental Organisation <www.ngo.by>.
[16] UNDP, National Human Development Report for Belarus, 2000 <http://www.un.minsk.by/pdf/nhdr_2000_en.pdf >.
[17] UNDP, National Human Development Report for Belarus, 2000, at p. 80.

VI. Conclusion

The amorphous concept of human security is meant to be integrated into our conscience as an instrument of dealing with a threat, assuming there is always one and there is always a need for eliminating it. What stays unanswered is whether human security has a mechanism that deals with the *sources of a threat*. What or who creates threats?

The local level is a platform for action, which, before used, has to be prepared within a society itself and with respect to the society's culture and governance. The franchising of democracy in the susceptible to changes Eastern Europe made these countries objects of the democratic regime, brought ready-made patterns for behaviour and thus transformed the countries into the passive recipients of democratic values and myths based on the success-stories of their senders.

The European Union, despite the opposite, is still viewed by many as a *Christendom*, where there is no place for the Turks, Syrians, Russians, meaning Muslims, Orthodox, among others. EU's stringent immigration laws are thus securing the EU citizens from a possible spread of organized crime, human trafficking, etc. Yet, the death of 21 Albanians attempting to reach Italy in January 2004 indicate that fear of staying insecure in their home countries is still the main reason for illegal immigration, human trafficking and for those seeking asylum. Would people painfully wait until all the necessary law enforcement structures are in place in their countries or would they rather head for immediate "benefits" in the West, even at the cost of being trafficked?

Belarus doesn't face the problem of famine, transnational organized crime or armed conflicts. Yet, Belarus is facing a major stagnation, which is driven by the hands-off leadership and the inability of the government to find consensus with the international community and between its citizens. Human security exists as long as people consider it to be a priority. This concept in Belarus is bound to the idea of ownership and the ability to consume, which guarantees personal security, but is economically dependent.

If human security is to exist, it has to prove itself sustainable, operational, effective and innovative, i.e. differing from the already established concepts and institutions for the protection of human beings. In the end, human security is the protection of some individuals against the other individuals.

Human Security – What Does It Mean in the Context of a "Rich" City?

Klaus Starl

This essay analyses the requirement of human security in the context of different levels of welfare and in consideration of the particular situation at the municipal level. Focusing on three well-known formulas of human security, the author examines - from an economic viewpoint - if these three formulas implicate absolute standards as requirement for human security. He concludes that inequality tends to result in personnel insecurity ("fear") and that therefore a human security policy at each and every developmental level would be needed.

I. Introduction

For the demand of a broadly accepted academic and political definition of human security, I will use the following three formulas or expressions for my analysis: (1) "*freedom from fear and freedom from want*"[1], (2) "*survival, daily life and dignity of human beings*"[2] and (3) the analytical semantic of the terms "*human*" and "*security*"[3]. The below presented notions are based on a dynamic understanding of human security[4]. This means that a general definition of human security as an operationalized state of a society is not possible. Human rights as

[1] In his message to the Congress on 6 January 1941, President Roosevelt named four "freedoms": "*freedom of speech and expression*", "*freedom of every person to worship god in his own way*", "*freedom from fear*" and "*freedom from want*".

[2] Sen, Amartya, Why Human Security?, 28 July 2000 <www.humansecurity-chs.org/activities/outreach/Sen2000.pdf> All websites occurring in this essay were last checked on 1 February 2004.

[3] Oberleitner, Gerd, *Human Security and Human Rights*, June 2002, at p. 5 <http://www.etc.-graz.atpublikationen/Human%20Security%20occasional%20paper.pdf>.

well as human security are not an ideal state which should be achieved at the "end of the history" of a dialectic world.

The realisation and implementation of human rights is a permanent requirement for a society consisting of rational human beings who are (only) equal in the way that they intend purposes through their behaviour[5]. Human security is a good required by individuals and therefore strongly related to everyone's rational idea of the good[6], i.e. individual self-fulfilment[7]. For that reason, human security as well as the individual himself, is dependant on social, economic and cultural structures and conditions and also on the level of civil development[8] in the sense of freedoms and achievements[9]. Human security can be seen as a process for the provision of structures and conditions that avoid structural violence[10] and ensure well-being and the freedom to pursue well-being[11]. This approach acknowledges differences between individuals and therefore differences in the substantial needs of human security.

II. What does human security mean for a "rich"[12] city?

Keeping the above mentioned framework in mind, I now want to scrutinize what these formulas may mean for a city without dramatic problems, like a lack of democracy, famine, extreme social injustice, exorbitant corruption and with - in comparison to other cities - rather low crime rates and the absence of war or a post-war situation.

Human security needs continuous efforts, not merely the focus on specific situations of individuals or groups. My viewpoint on the role of human security goes much further, because only turning the focus on specific situations

[4] Commission on Human Security, *Human Security Now*, Commission on Human Security, New York, 2003, at p. 4.
[5] "Rational" is to be understood in the sense of pursuing purposes. See: Hossenfelder, Malte, *Der Wille zum Recht und das Streben nach Glück*, Beck, München, 2000.
[6] See: Rawls, John, *Eine Theorie der Gerechtigkeit*, Suhrkamp, Frankfurt/Main 1979, at chapter 7.
[7] Self-fulfilment is used in the sense of "*…lead the lives they value.*" See: Commission on Human Security, *Human Security Now*, at p. 10.
[8] This is based on Norbert Elias, particularly on the qualified coherence between the individual and the society and the mutual process of civil development. See: Elias, Norbert, *Die Gesellschaft der Individuen*, 4th Edition, Suhrkamp, Frankfurt/Main, 1999.
[9] This is based on a concept of Amartya Sen, which defines development as freedom to choose according to a function of individual capabilities. See: Sen, Amartya, *Inequality Reexamined*, 3rd Edition, Harvard University Press, Cambridge, 1995, chapter 2 and 3; Sen, Amartya, *Development as Freedom*, Knopf, New York, 1999, chapter 1 and 2.
[10] Galtung, Johann, *Menschenrechte – Anders Gesehen*, 2nd Edition, Suhrkamp, Frankfurt/Main, 1997, at p. 165.
[11] Sen, Amartya, *Inequality Reexamined*, at p. 39.
[12] The expression "rich" requires a definition. In this context, I mean a society with a high welfare level and a relatively equal income distribution.

of people implicates that human security could be ultimately achieved (for the other members of the society). Despite my agreement with the importance of empowering less privileged society members to amend and improve their living condition, my argument is that human security matters for everyone in the society. Different levels of achievement indicate only different methods and efforts.

Roosevelt's famous speech naming the four most important freedoms became a model for the human security formula "freedom from fear and from want". The assumption of "fear" usually concerns the requirement for political and civil rights while "want" is used in the context of social, economic and cultural rights[13]. In my opinion it is not easy to separate them in a community with a high level of welfare. In the sense of Sen's capability approach "freedom from fear" encloses social recognition and self-respect. "Fear" may occur out of frustrated attempts to gain recognition (and a loss of self-respect) or deprivation of recognition (and the frustration of self-respect). Social recognition correlates strongly with the social status but also with the income. Therefore social recognition influences the capability of a person to participate in the society in two ways. Beside civil rights, freedom from fear increasingly concerns social and economic rights with the increasing level of total welfare of a society – particularly a municipal society[14]. There are of course other reasons for "fear": globalization and migration change societies profoundly from more or less homogenous to heterogeneous agglomerations. The mainstream policy of economic growth privileges middle-aged male, who are well educated, wealthy, healthy and – in western countries – white people[15]. Enhancing the ones means by definition discriminating the others[16]. In a more de-solidarised society a climate of increasing "fear" may prevail. And as long as there is "fear" there is the need of a human security agenda.

Also the term "want" is not comprehensive only from the individual point of view without considering the society the individual lives in. In a very specialized society with a high level of welfare and education, like for example Graz, shelter and food is just not enough to gain recognition and lead a life in dignity.

This above mentioned outline already gives the arguments for the analysis of the second formula by Amartya Sen. Survival has to be ensured. This follows from normative law, ethics and common sense. A rich city in the consid-

[13] For a detailed discussion see: Oberleitner, Gerd, *Human Security and Human Rights*, June 2002, at p. 20.
[14] About a detailed discussion on the term "local level" see: Kapuy, Klaus, "The Relevance of the Local Level for Human Security", in Human Security Perspectives, vol. 1, no. 1, 2004, at p. 2 and 3
<http://www.hs-perspectives.etc-graz.at/pdffiles/Kapuy.pdf>.
[15] This statement concerns only the aspect of growth. It is important to consider that growth is a major resource for re-distribution by income-policy though this is a different political decision.
[16] This may be intended politically.

ered context is capable of providing an adequate structure – and mostly does. The "daily life" requires the absence of structural violence and therefore an ever lasting process of structural adaptation and amendment of prevention and protection. The "dignity of human being" is concerned by social recognition and self-respect as discussed above. The analysis of the second formula leads us to the same conclusions: a changing social environment requires a dynamic concept of human security in the sense of a permanent critical interpretation, otherwise human security can not be achieved.

Oberleitner[17] analytically discusses the terms "human" and "security" on the semantic level. He conceives "human" as "individual" in contrast to a political entity, for example a state. Under "security", he summarises Amartya Sen's formula discussed above. Due to the fact that I conceive "human" as both, individual and society[18] and "security" as a *function* of the human society, I would add the social aspect to "human" rather than to "security". This implicates variations of the function when society changes. Since the society is functionally seen as a net of individual interaction, it means that every institution, every actor, every individual is responsible for human security – its own and everybody elses as well.

III. Conclusion

The presented notions - based on acknowledged economical and societal thinking - are strong arguments for human security concepts at any level of society. Individuals and society are interdependent concepts, one can't be viewed isolated from the other. Also "fear" and "want", from the individual point of view, are dependant on the faced societal conditions. In a given, but developing society the individual has a right to conditions, which secure the achievement of her/his well-being according to the individual capacities.

Due to technical progress, political and economic dynamics, also the local society changes and "new human insecurities" arise. Therefore, human security has to be pursued constantly as an enduring process pushed by policymakers, the administration and the civil society. As the human development never ends, the level of absolute security for all will never be reached. Also for that reason we all should keep our work in progress!

[17] Oberleitner, Gerd, *Human Security and Human Rights*, at p. 5.
[18] Elias, Norbert, *Die Gesellschaft der Individuen*, at p. 167.

From Theory to Practice: Graz, First Human Rights City of Europe

Claudia Pekari

This essay deals with the concept of human security in the light of the work and the self-understanding of the Human Rights City Graz (Austria). It enlightens the process of a Human Rights City in terms of the methodology of the People's Decade for Human Rights Education (PDHRE).

I. Introduction

Human security is an emerging new concept, a conceptual shift towards putting the human being in the centre of interest. Though the concept still suffers from theoretical incoherence and the question of definition has not been solved yet, human security, nevertheless, changes institutions, the practice of global governance, the local level and yet even the lives of individuals. Human security deals with all issues that threaten life, security, integrity and the well being of persons, whether these threats are of military nature (war, local violence, weapons, antipersonnel mines) or other. It is an approach that centres on an equal emphasis on "*freedom from fear and freedom from want*"[1].

Moreover, human security is closely inter-linked with the concept of human rights and human development. To secure human beings, it is necessary to secure also the respect for their human rights and their right to social and economic stability. In other words, human rights are the core and normative foundation of human security.

[1] In his message to the Congress on 6 January 1941, President Roosevelt named four "freedoms": "*freedom of speech and expression*", "*freedom of every person to worship god in his own way*", "*freedom from fear*" and "*freedom from want*".

This article deals in particular with Graz as the only Western Human Rights City out of all the existing ones[2]. It raises basic and fundamental questions about the entitlement and the self understanding of Graz being a Human Rights City. It tries to give an answer to the question: Why did Graz - a well developed Western city - explicitly declare itself as Human Rights City and thus imposing the task on itself to question human rights related issues in the town and consequently exposing hidden problems[3]?

In the following, the necessity of strengthening the citizens' equal and informed participation in the decision-making and the problem-solving process, in addition to the necessity to enable women and men to become "agents of change" will be highlighted. In essence, the article aims to prove on the example of Graz the necessity of each town, each community regardless its welfare, its development, its societal situation, to motivate its citizens and to get them involved in the search of solutions of their human rights problems. The importance for each town to energise and to motivate its community to engage in a life long, never-ending process of learning about and living human right means, in short, to know, to claim and to secure the right to be human! And this is where the concept of the Human Rights Cities comes into play.

II. The concept of Human Rights Cities

The Human Rights Cities initiative has been developed by the People's Decade for Human Rights Education (PDHRE)[4]. It is a historic initiative in which a whole community examines traditional beliefs, collective memories and aspirations in relation to the Universal Declaration of Human Rights. The whole process is based on the belief that the citizens of all countries must be aware of their rights and the implications of their government's obligations under international and regional human rights law - in order to make these national and international human rights standards effective. The main idea is to use "*the city and its institutions as a complex social, economic and political entity to become a*

[2] The Human Rights Cities worldwide are: Dinajpur (Bangladesh), Elfasher City (Sudan) Graz (Austria), Kati (Mali), Nagpur (India), Rosario (Argentina), The People of Abra (Philippines), Thies (Senegal). Edmonton (Canada) will be the second Western Human Rights City; Lyon (France) is considering to become a Human Rights City.

[3] It is necessary that even well developed and democratic societies must learn to "*understand human rights and the obligations and the responsibilities that they entail in a holistic and comprehensive way. They must learn to monitor and enforce human rights effectively and efficiently.*" See: People's Decade for Human Rights Education (PDHRE), Developing Sustainable Human Rights Cities <http://www.pdhre.org/projects/hrcommun.html> All websites occurring in this essay were last checked on 1 February 2004.

[4] PDHRE is a non-profit NGO (founded in 1989 and based in New York), which puts its emphasis on promoting, enhancing and providing learning about human rights as relevant to people's daily lives at all levels of society. See online: <www.pdhre.org>.

model for citizen's participation in their development. … This process leads to the mapping and analysis of causes of violations and the designing of ways to achieve the fulfilment of human rights in their city. Appropriate conflict resolution is an inevitable consequence of the learning process as women and men work to secure social and economic transformation and the sustainability of their community as a viable, creative caring society."[5]

In theory the concept implies, among others, the following steps for a successful implementation:[6]

- *The first step* is the creation of a steering committee, with representatives from all sectors of society. Various groups working on different issues, such as children, culture, development, education, food, migrant workers, poverty alleviation, refugees, security, women, form the core of the committee.
- *In a next step*, the members of the steering committee design a plan of action and develop a common vision for their Human Rights City. Educators and the media are summoned to work in close collaboration with the Committee. The Steering Committee develops a "training of trainers" program with, by and for their constituencies, parliamentarians, municipal workers, law enforcement officers, the judiciary, business people, teachers, health care providers, social workers and government officials. This is done in order to make all state and non-state actors understand and uphold their obligations and commitments to human rights.
- *The third step* concerns the citizens themselves. They play a vital part in human rights advocacy in the community - by becoming mentors, monitors, documenters and advocates. Additionally, the citizens are encouraged to participate actively in the community and city hall meetings, street theatre and informal community discussions.
- *In a fourth and last step* monitoring and documenting leads to the development of immediate and long-term plans for the city. During the whole process participants examine local and national laws and policies. This is done to ensure that they are in conformity with the human rights framework.

All together, these steps shall lead to the building of communities which honour, respect and implement international human rights instruments. They aim to build a commitment between governments and local authorities, law enforcement agencies, the judiciary, regulators and community leaders. Thus implementing and enforcing civil, cultural, economic, political and social human rights for every woman, man, youth and child.

[5] PDHRE, The Concept of the Human Rights Cities: What Does it Mean to Be a Human Rights City?
<http://www.pdhre.org/projects/hrcommun.html>.
[6] PDHRE, The Concept of the Human Rights Cities: What Does it Mean to Be a Human Rights City?

II. The process of Graz itself

How did it all begin? In June 2000, the European Training and Research Centre for Human Rights and Democracy (ETC) held an international seminar on "Human Security and Human Rights Education" on behalf of the Austrian Foreign Ministry and invited the Executive Director of PDHRE, Shulamit Koenig[7], who then launched the idea of Graz becoming a Human Rights City.

After a preparation process[8], the Austrian Foreign Minister, Benita Ferrero-Waldner, proclaimed in her speech at the 55th session of the General Assembly of the United Nations (the "Millenium Assembly of the United Nation") on 15 September 2000, that Graz was going to become the first European Human Rights City. She pointed out how important it was that all citizens, in particular all person in positions of leadership, have to respect human rights standards in their decision-making.

On the 8th of February 2001 the City Council of Graz took an unanimous decision to declare Graz a Human Rights City and to commit itself to base all its decisions and acts firmly on the basis of human rights. This commitment is currently being implemented and is leading to the realisation of "Graz – First European Human Rights City".

Charged with the task of coordinating the process of implementation of the human rights city model, the ETC[9] established a steering committee, representing NGOs, universities, religious communities, representatives of the civil society and government institutions. The duty of this steering committee was to identify local issues and develop a strategy for action on human rights issues in Graz. In spring 2001, three working groups were created which addressed civil and political, social and economic and cultural rights. Overseeing these working groups, a consortium of community leaders from various organizations[10] was set up.

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[7] Shulamit König is the Executive Director and founder of the Organizing Committee of the People's Decade of Human Rights Education. She spearheaded a worldwide human rights education advocacy and implementation campaign and the promotion of an implementation strategy -- a Decade of Human Rights Education -- with the UN Human Rights Centre, the UN Commission on Human Rights, and at the Vienna Conference. On the 10th December 2003 she was awarded the prestigious human rights education price of the United Nations.

[8] In particular contacts between Walther Lichem, Head of the Department on International Organizations in the Austrian Foreign Ministry, and the former Mayor of Graz, Alfred Stingl, were established.

[9] Namely, Wolfgang Benedek (Director of the ETC) and Eva Schöfer (Project collaborator).

[10] The outcome of this evaluation was published in: Schöfer, Eva, Graz – Erste Menschenrechtsstadt Europas – Eine Bestandsaufnahme, Graz, Mai 2002 <www.etc-graz.at/publikationen/Bestandsaufnahme.pdf>.

After identifying, during 2001, six areas of concern, namely women, children and youth, persons with disabilities, migrants, elderly and socially disadvantaged people, a discussion about the oncoming action strategy was started in 2002 and an action plan[11] was presented to city representatives, local groups and community leaders. The plan envisaged various measures for all target groups as well as measures for each of the six defined groups. Recommended measures for all target groups were, for example, a brochure of existing human rights advisory services in Graz, a mobile meeting-platform, district mediation, the creation of a human rights city forum as well as the creation of an anti-discrimination authority (which is now called ombudsman-institution for human rights and against discrimination).

For the target group of women, for example, a meeting platform for migrant mothers and teachers was planned as well as the assessment of all communal decisions, laws, etc. to verify their compatibility with human rights, their gender-specific effects, whether discriminations based on gender take place (including the thorough use of gender adequate language). The creation and/or upgrading of public space for leisure activities and sport for children and the youth was envisioned. For disabled persons, the enhanced adaptations of public residential buildings and spaces as well as incentives for the adaptation of private residential buildings to the needs of physically disabled persons were figured out.

Quite a number of measures were prepared for migrants, such as the translation of information materials available in public offices, intercultural training modules for official employees in administration, executive bodies, judges in training, doctors and medical personnel and the creation of meeting platforms for migrants and Austrians. Additionally in a long term perspective a town councillor for integration issues shall be implemented and also the political participation of migrants shall be fostered. Finally, for the group of elderly people the creation of meeting platforms for senior citizens and youth and the development of new information methods - "Information comes to the citizen" - was outlined as well as the enlargement of existing methods of quality control to encompass all care facilities.

II. Conclusions - outlook

The implementation phase of the action plan is in progress. Due to some political and budgetary changes within the municipality the realisation of many of the actions suggested in the action plan are delayed and have not been implemented yet.

But, nevertheless, quite a lot of things have happened in the meantime, such as a human rights training programme for the collaborators of the city ad-

[11] Schöfer, Eva, Graz – Erste Menschenrechtsstadt Europas – Eine Bestandsaufnahme.

ministration as well as for teachers of secondary schools. Additionally, a manual on human rights education "Understanding Human Rights" has been elaborated by the ETC on behalf of the Foreign Ministry. Furthermore, a series of panel discussions on so called "hot topics" in context of the project "culture of human rights" have been launched. These hot topics include human rights issues of particular relevance in Graz like the situation of the elderly, religious and human rights, media and minorities and the equality of woman. Also a human rights advisory brochure has been published compromising all information centres of Graz.

A concept of an ombudsman-institution for human rights and against discrimination has been drafted and will hopefully be implemented within the year of 2004. Also in 2004 the establishment of a human rights forum which will address specific problems by using monitoring, evaluating and other tactics is planned as well as the realisation of a district mediation which the specific task to intervene in cases of misunderstanding and disputes and which shall contribute to a better understanding within the population.

Graz is not only planning to eventually sign the European Charta for the Safeguarding of Human Rights in the City, but will also realize the actions suggested in the action plan. Together with profound city marketing, this should lead to an increased awareness and a better understanding of Graz as a Human Rights City within the population. As there is a vital need to understand how civil society can play a pivotal role in promoting and protecting human rights – all in the sense of "Graz – a town of humanity, a town in process".

Human Rights and Social Problems in Austria: the Verification of Allegations of Human Rights Abuses against Members of Fringe Groups

Christoph Weritsch

In the following essay the author – starting off with a personal experience - focuses on the access of members of socially disadvantaged groups to human rights remedies. He argues that the ignorance of social problems is a threat to the progress of human security and that human rights could benefit if engaging with the sociological discipline of social problems.

I. Dilemma

Allow me to briefly illustrate a dilemma I found myself in, when I was on nightshift in a hostel for homeless men. Gerhard R. - one of its "clients" - arrived at the hostel covered with wounds and scratches all over the visible parts of his body. These injuries were about one, maybe two days old and he had a particularly bad one on the back of his head, about nine centimetres long. Altogether they did not look like injuries sustained through a fall. When I asked him what had happened, he became rather agitated. He told me that he had been wrongly accused of shoplifting and because of this had been taken to a nearby police-station where the policemen had tied him to a chair and later, among other things smashed a chair on the back of his head.

I know that Gerhard R. has an alcohol problem and that "tales" of police violence are part of the repertoire of many alcoholics/homeless/wannabe-hard men. Yet my personal guess, after years of experience and observation in the field, is that his story could with equal likelihood be true or not true. I would clearly not say that such events cannot happen in Austria. Despite having developed sympathies for the difficulty of police-work in recent years, I incline to believe him.

More, often-quoted cases comprising a similar problematic occur with regard to asylum seekers and migrants or during political protests. Drug addicts also tend to have an intimate relationship with police forces.

II. Social problems

The problematic with social problems is similar to that surrounding human security. The term could contain just about everything: Aids, alcohol, age, unemployment, drug abuse, ethnic minorities, discrimination of women, disease, violence in families, violence at sport events, youth, physical handicaps, crime and delinquency, political violence (rebellion, war or terrorism), pornography, prostitution, treatment of mentally disabled persons, sexual perversions, child abuse, suicide, environmental problems, traffic, racism, militarism. In short, everyone is (can be) affected and the issues can become - as social problems - directly relevant to human security[1].

According to sociologists the idea of social problems is unique to modern societies[2]. Not that non-industrial societies do not also generate conditions that are harmful or troublesome for their members, but this concept is a category of thought, viewing certain conditions as providing a claim for change through public actions.

What is a social problem? The variety of conditions and phenomena that might be considered problematic by observers, but are not defined as social problems is broad[3]. Traditionally, most sociologists have defined social problems as conditions considered harmful or undesirable by a critical mass of people[4]. Now, sociology is a multi-paradigmatic science and can thus take a multi-faceted approach. Lawyers tend to find this troubling. But it has to be clearly stated that there is an objective reality to social problems. There are conditions in society (such as poverty and institutional racism) that induce material or psychological suffering for certain segments of the population and there are socio-cultural phenomena that prevent a significant number of societal participants from developing their full potential (a category playing a role in the right to education, although it is non-sensical and unsuitable for any scientific discourse).

[1] Eitzen, D. Stanley et al., *Social Problems*, 5th Edition, Allyn and Bacon, Boston et al., 1992; Hastings, William M., *How to Think about Social Problems*, Oxford University Press, New York, 1979; Albrecht, Günter et al. (eds), *Handbuch Soziale Probleme*, Westdeutscher Verlag, Opladen/Wiesbaden, 1999.
[2] Outside the sociology of social problems, reading Foucault may provide anyone with an idea about the forerunners.
[3] Daniel J. Curran and Claire M. Renzetti, *Social Problems. Society in Crisis*, 3rd Edition, Allyn and Bacon, Boston, 1993.
[4] This definition is a bit problematic, though here I do not want to delve deeper into the dangers of majority decisions.

III. Problems of members of fringe groups in administrative and juridical procedures

Administrative law provides procedures that shall enact the rule of law in such cases – notably the "Beschwerde gegen eine Maßnahme unmittelbarer behördlicher Befehls- und Zwangsgewalt" (= "Appeal against an action of immediate and administrative command and force")[5]. At certain periods it was common knowledge to those involved in social work that allegations of violence and human rights abuses by police-organs were countered with libel-charges on a routinely basis. Two important bodies that scrutinise police work are the Human Rights Council[6] and the Council of Europe's Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment[7].

To the lawyer the measure for the degree of the rule of law is the existence and quality of administrative and judicial procedures. Yet what we face here is the basic predicament that members of fringe groups may not be treated in the same manner as others in such procedures and that it is difficult for either side to prove what really happened.

Additionally our concept of truth needs to be reassessed in such situations. First, legal concepts need to be "translated" into practice and the focus has to be put on the human beings, as the individuals in question (Gerhard R. for example) are not exactly the role model that legal norms tend to take as their standard. Second, long-term personal relationships come into play, as we are talking about persons that are after numerous encounters well-known to the police.

Very common subjects in popular culture, also featured, for example, in Hollywood films, deal with the topos that the chance to get one's right (including citizen's rights and human rights) depends, even in well developed democratic legal systems, to a high degree on one's social position. It definitely depends on the ability of the individual to use the clavier of the system and to move and act within it. She or he must know which place to go to, be able to interact with the relevant persons and to address the correct body, communicate clearly her or his intentions and must adhere to an extensive set of social norms that determine the functioning of legal institutions. Further, they must be relatively affluent: direct costs, such as those of a legal representative, may be taken care of by the state in sophisticated systems, but even then they must also afford the time and energy that is needed for pursuing a legal procedure, while the effects of losing could be quite grievous. In short, and despite the good efforts of

[5] Art. 129a, 130 and 131 Bundes-Verfassungsgesetz (= „Austrian Federal Constitutional Law").
[6] See online:
<www.menschenrechtsbeirat.at> All websites occurring in this essay were last checked on 1 February 2004.
[7] See online: <www.cpt.coe.int>.

legislators who try to have an eye on the poor when drafting administrative or civil law procedures, they must be able to perform just about everything a person affected by social problems usually finds too difficult.

Moreover, in many cases we are talking about groups that are at the fringes not only socially, but also with regard to law. They are, not only, not always protected by law, but they also violate laws with deviant behaviour. Some of them even reject the system and thus the logic and present incarnation of law. It should not be forgotten that outside the realm of middle-class majorities it can often be extremely difficult to abide by the law during the everyday fight for survival. The pretension to absoluteness that the human rights approach often has, means that human rights must also be guaranteed for those who are not fully at home in the tight framework of the legal system[8].

We are clearly not talking about a new issue - the welfare state-system springs to mind and human rights law developed in the wake of pressure from those without rights, beginning with the French Revolution - but one, thinking about human rights and human security must think even further. One discipline affiliated with the social sciences - notably sociology - that could be of relevance, is the study of social problems. To merge this field's knowledge with the human rights discussion in the realm of theory could be a step forward, in particular with a view to the element of empowerment in the field of human rights and human security.

IV. Concluding thoughts

Once more it becomes apparent that, despite efforts made in the second and subsequent generations of human rights, the human rights system cannot deny its liberal origins and is thus structurally ill-equipped to deal with social questions. If one believes in human rights though, this belief nowadays contains an inherent demand that they are made applicable and enforceable on all levels of the social spectrum. This should not be based on ideas of justice, as the relationship between law and justice is very difficult, but on the demands of a universal system of human rights.

The argument is also a moral one: if thinking about human rights wants to escape the suspicion that it is no more than an apologetic fig leaf for neoliberal economic and social policies, it must take social problems into account. Thus it may as well find itself at its limits. Do economic and social rights hold enough in store? The issue of freedom from poverty has been discussed extensively, as has been that of rule of law and fair trial – together some of these concepts might form a tool to address deprivation of the rights of socially deprived groups.

[8] Hossenfelder, Malte, *Der Wille zum Recht und das Streben nach Glück. Grundlegung einer Ethik des Wollens,* C.H. Beck, München, 2000.

But where should Gerhard R. turn to? Does national criminal law hold remedies for him, national civil law, or international criminal courts, do the regional systems of human rights protection help, or other systems? This is all far too complicated for him and he will just have to hope that this does not happen again. He stands there in my office, his eyes glowing with hate and pain and he tells me that one day he'll take revenge. This may get him into jail, but to him this still holds a much greater promise of success than some wacky legal system.

And when I talk about the merits of the international human rights system concerning a particular issue in front of an audience made up of local NGO-workers, I earn blank and disapproving stares. To them what matters is the here and now, at best local, administrative law. We have some way to go in making human rights guarantees relevant at this level in Western democracies.

Human Security Dilemma in Nigeria's Delta

Akpobibibo Onduku

The existing paradox at the heart of the debates concerning the Niger Delta seems to be a Nigerian state and oil multinationals in a high level official collaboration frugally ignoring the aspirations of the people. This is perpetuated without due regard to the sustainable livelihood and natural rights of the people. The essay attempts to reveal the complex strategic underpinnings that have threatened and still are a threat to human security in the region with the locals caught in the web by the effects of corporatism.

I. Introduction

The oil-rich Niger Delta[1] is today challenged by serious and overlapping social and environmental problems. The region has been engulfed in conflicts which are manifested in political, socio-economic and communal feuds over federally controlled resources with roots in the activities of the Western oil-exploring corporations. It is envisaged that tackling the security dilemma would contribute greatly to the manifestation and utilization of the full potentials of the Niger Delta.

Broadly speaking, the concept of security is as old as humanity. To a considerable extent, the issue of security has been considered nationally, but we are gradually being confronted with a security dilemma that goes beyond this

[1] The Niger Delta has a peculiar terrain which tends to make development difficult. For instance, it is one of the largest wetlands in the world. It covers an area of 70,000 square kilometres and is noted for its sandy coastal ridge barriers or saline mangroves, fresh water, permanent and seasonal swamp forests as well as low land rain forest. The whole area is traversed and criss-crossed by a large number of rivers, rivulets, streams, canals and creeks. The coastal line is buffeted throughout the year by the tides of the Atlantic Ocean while the mainland is subjected to regimes of flood by the various rivers, particularly River Niger. See: Niger Delta Development Commission (NDDC), *NDDC Profile*, NDDC, Port Harcourt, 2001, at p. 3.

notion. The changing security paradigms in the oil-rich Niger Delta region of Nigeria call for a critical analysis. This is because there seems to be no sincere effort by the government in abating the cycle of violence in a region which has threatened the peace, the progress and the stability of Africa's most populous nation (with a population of more than 120 million people).

The Nigerian state seems to have long lost its glory as the "giant of Africa". Patriotism and good governance have considerably given way to an increasing official and corporate corruption. The leaders have also lost the culture of service and imbibed instead a culture of lordship. And swimming in this scenario are the Western corporate interests, which want to maximise their profits by exploiting the oil wealth. It's time leaders and the corporate world realise that leadership and corporate social responsibility demand people-friendliness. The citizens need their unbiased commitment to the development of all fabrics of society. Therefore a collective appreciation of the dynamics of this multidimensional and complex crisis emanating from the oil-bearing region is needed.

Respective literature captures the suffering of the people of the Niger Delta region. It has been extensively argued that the locals in the Niger Delta swamp still live in primitive conditions alongside with the high tech and modern facilities of the multinational community they are host to[2]. The story of the people is one of total denial of indigenous people's rights by successive ruling governments. They have been robbed of their resources and the wealth extracted from the region is still being looted and plundered[3]. There seems to be a very strong collusion between the government and the Western commercial interests against the inhabitants and any sustainable development effort in the region. With these reflections, I have chosen in much of this essay to dwell on the issues that threaten human security in the Niger Delta region.

II. The problem

We are in an era where human security is considered a highly ambiguous interdisciplinary research subject and gradually becoming an issue of global concern. Central to the human security debate is the United Nations Development Programme (UNDP) approach that focuses on health, economic, food, environmental, community and political threats[4]. For now, an acceptable

[2] I have elsewhere described this pitiable condition of the region as akin to the "stone age". See: Onduku, Akpobibibo, "The Lingering Crisis in the Niger Delta: Fieldwork Report", in Peace, Conflict and Development: An Interdisciplinary Journal, July 2003 <http://www.peacestudiesjournal.org.uk/docs/OilConflict.PDF> All websites occurring in this essay were last checked on 1 February 2004.

[3] For an understanding of the horrendous acts see: I. Okonta and O. Douglas, *Where Vultures Feast: Shell, Human Rights and Oil in the Niger Delta*, Sierra Club Books, San Francisco, 2001.

[4] UNDP, *Human Development Report 1994*, Oxford University Press, 1999. Or see also:

and sustainable approach in dealing with the human security dilemma in the Niger Delta is still an illusion.

As a concept, security encompasses various issues connected with human experiences of safety, ecological integrity, material welfare, cultural preservation, confidence and more. Societies in conflict or emerging from conflict seem to constitute a majority of those that are far away from widely agreed goals of economic well-being and social development. The broadening of security in the Niger Delta to include foreign military intelligence reflects the changing international and national environments. The recent emergence of the British Scotland Yard detectives[5] and the request for United States Marines[6] underscores the fact that the security of the region is becoming a global commodity fast. This notion is corroborated with the revelation that *"US officials said that a key mission for US forces would be to ensure that Nigeria's oil fields, which in the future could account for as much as 25% of all US oil imports, are secure."*[7] Therefore, we can begin to understand the interest of the multinational oil corporations to influence and manipulate the strategizing of security. This even extends to the overall policy of the nation. The "state" itself prefers to "dine" with the multinationals and continues to ignore the basic needs of the Niger Delta people. The gap between the wealthy and the poor has never been greater than today. The exclusion from and the deprivation of the benefits of development from whole communities has naturally contributed to the tensions, violence and conflict within the region. The escalation of intranational, ethno-political conflicts in the region has further threatened peace, security and survival of the state.

The Niger Delta basin is Nigeria's economic lifeline, naturally endowed with viable deposits of hydrocarbon and gas reserves. In spite of sitting on a stupendous oil wealth, the people of the Niger Delta live under very miserable conditions which are attributed to the greed of the Nigerian central government. Studies into causes of protracted social conflicts have shown that conflicts most often occur when basic human needs, such as the need for physical security and well-being, communal or cultural recognition, participation, and control, and distributive justice are repeatedly denied, threatened, or frustrated, especially

<http://www.undp.org/hdro/hdrs/1994/english/94.htm>.

[5] Ogwuda, A., "Expatriates' Kidnapping: Scotland Yard Detectives Storm Delta State", The Nigerian Vanguard Newspaper, 12 August 2003 <http://www.vanguardngr.com/articles/2002/cover/f412082003.html>.

[6] Odjegba, E., "US Marines in Niger Delta to Protect US Investments only – Okumagba", The Nigerian Vanguard Newspaper, 12 October 2003 <http://www.vanguardngr.com/articles/2002/national/nr412102003.html>.

[7] This was culled from the Wall St. Journal, Al, June 10, 2003 by The Institute of Policy Studies in a release: The Institute of Policy Studies, Lunch with Oronto Douglas of Nigeria – Wednesday the 18th, 16 June 2003 <http://mailman.aaas.org/pipermail/hrandenv/2003q2/000223.html>.

over a long period of time[8]. The severe political and economic discrimination in the Niger Delta has left a durable legacy of reverberating echoes of conflict.

Furthermore, the despoliation of the Niger Delta environment and the resulting conflicts have their roots in the discovery, exploration and exploitation of oil by the multinationals. The people have continued to abhor the continuous criminal and massive flaring of gas which has contributed to the degradation of the environment. This practice according to some civil groups "… *is not permitted anywhere in the world and it should stop*"[9]. Today, oil accounts for about 90% of Nigerian exports and more than 80% of the government revenue. The Niger Delta being the "goose that lays the golden eggs" has little or nothing from this precious resource. There is also the need for a more fundamental change in the government's approach. The oil boom brought great wealth amid greater corruption to Nigeria while constant practices in the Delta region, such as farming and fishing, have been continuously getting weaker.

Consequently, demands for a more equitable distribution of the oil-based wealth and the observance of sustainable business practices with due regard to a clean environment is today championed by several groups globally. Particularly threatened is the mangrove forest of Nigeria, which is the largest in Africa and of which 60% are located in the Niger Delta[10]. Therefore, the Niger Delta's potential for sustainable development remains unfulfilled and is now increasingly threatened by environmental devastation and worsening economic conditions.

The human security dilemma arising from the conflicts in the region is aggravated by the several goal-post shifting activities of the parties involved. Caught between vicious global corporations and a visionless government, the village communities have now opted for non-violent protests in a bid to protect what little remains of their endangered environment and source of livelihood.

The result has been mass slaughter, raping of women and children and the sacking of entire towns and villages orchestrated by the Nigerian military

[8] To further understand the root causes of conflicts, see: Burton, J., *Conflict: Human Needs Theory*, St. Martin's Press, New York, 1990; D.G. Pruitt and J.Z. Rubin, *Social Conflict: Escalation, Stalemate, and Settlement*, Random House, New York, 1986.

[9] This statement was made in a recent communiqué issued at the end of the "Eminent Person's Conference" of the Ijaw National Congress (INC) held on 27-28 November, 2003 at Port Harcourt. See: INC, Ijaws Sprout Fire, December 2003 <http://www.nigerdeltacongress.com>.
The Ijaws are the majority ethnic group in the Niger Delta and the fourth largest in Nigeria, a nation of about 250 dialectical groups speaking near 400 different languages.

[10] See Douglas Oronto and Ola Doffie, "Defending Nature, Protecting Human Dignity: Conflicts in the Niger Delta", in European Centre for Conflict Prevention (ed), *Searching for Peace in Africa: An Overview of Conflict Prevention and Transformation*, Utrecht, The Netherlands, 1999, at pp. 335-336.

troops[11]. Widely internationalised was the execution of the leading minority rights and environmental campaigner, Ken Saro-Wiwa and his eight Ogoni kinsmen by hanging in 1995 and the Odi invasion of 1999 where over 2000 locals where brutally murdered[12]. The locals have now resorted to hostage taking, hijacking and kidnapping of expatriate oil company workers and demanding ransom, and repeated invasion and blockading of oil installations. The companies are determined to continue in business by aligning with the government and adopting "divide and rule tactics" leading to multiple communal and ethnic crisis in the region[13]. The complexity of the conflict has grown today with the revelation of the involvement of top government security personnel and their domestic and foreign secret business associates in bunkering practices along the coasts[14]. These are grave propelling factors for human insecurity in the region.

III. Strategic underpinnings

Since the basis of conflict is the clash of interests, values and goals, conflicts can be transformed when the causes are changed[15]. The upholding of human rights pursuing inclusive and equitable development and respecting human dignity and diversity are very important. Equally decisive is to develop the capability of individuals and communities to make informed choices and act on their own behalf. For instance, a bottom-up approach in programme implementation might be necessary. In many respects, "*human security requires including the excluded*"[16]. It focuses on the widest possible range of people having enough confidence in their future - enough that they can actually think about creating genuine possibilities for people to live in safety and decency. Seen from this perspective, human security reinforces state security but does not replace it.

In all, it may depend on the perceptions and sincere feelings with regard to collective responsibilities and commitment of all stakeholders. To be realistic

[11] See: Onduku, Akpobibibo, "The Lingering Crisis in the Niger Delta: Fieldwork Report"; I. Okonta and O. Douglas, *Where Vultures Feast: Shell, Human Rights and Oil in the Niger Delta.*

[12] See: Human Rights Watch, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities,* Human Rights Watch, New York, 1999.

[13] For more, see: Onduku, Akpobibibo, Sustainable Development as a Strategy for Conflict Prevention: The Case of the Niger Delta, 2001 <http://www.ogele.org/features/features_nigerdelta.html>.

[14] Amaize, E., "Bunkering: N-Delta Topshots under Probe", The Nigerian Vanguard Newspaper, 16 September 2003 <http://www.vanguardngr.com/articles/2002/cover/f416092003.html>.

[15] Miall, H., *The Peacemakers: Peaceful Settlement of Disputes since 1945,* Macmillan, London, 1992, at p. 55.

[16] Commission on Human Security, *Human Security Now: Protecting and Empowering People,* Commission on Human Security, New York, 2003, at p. 5.

the process of change, which is involved, is itself a source of tension and potential conflict. Prevention of conflicts and maintenance of peace is therefore largely a matter of learning to manage the processes of dynamic change required to enable all to have access to the benefits that the globalisation of our economies has made possible. Human security in the Niger Delta should be pursued along the pathway to development which is sustainable in economic, environmental, social and human terms. It is crystal clear that the human costs of the conflict in the Niger Delta today and the wounds inflicted on the attitudes of the people are immense. Also their wounds inflicted by the government and multinational corporations, heal much more slowly than their physical wounds. The Nigerian Federal Government seems to believe absolutely in the Niger Delta Development Commission (NDDC)[17] as having the "magic touch". The NDDC should dissipate its creative synergies in the physical, social and human development of the region. This will equip the unemployed population to provide for themselves a future and cease violent activities. The militarization of the region has been frowned at as it is evident that the continuous occupation creates greater security problems. In all, in this 21st century, redressing the gross imbalances and inequities are quintessential to overcoming the challenges posed by the human security dilemma in the region.

IV. Concluding remarks

So far, in much of this discourse, I have tried to portray the human security dilemma in one of the world's oil-rich regions. It has been argued that human security cannot be ensured in the midst of pervasive and deep poverty, as well as gross social and economic inequalities. It has been highlighted that governance plays a major role in the creation of the enabling environment of peace, security and progress. That is why there must be genuine intentions in approaching the way forward for the Niger Delta. This should involve the participation of all stakeholders in the strategizing process.

It is now obvious that for any development action, an understanding of the institutional conditions under which the action will take place should be a priority. In fact, an appropriate starting point should consider efforts geared towards preventing an escalation of the conflict and at the same time not ignoring the interests and aspirations of the people. Sustainable development efforts in the region should embrace options for positive peace, which revolves around addressing the issues of poverty, environmental devastation, political, economic and social justice, low level of literacy and unemployment. The multinational corporations, too, need to be sincere and more transparent in their operations by reappraising their policies. These form the core of the human security dilemma in the region. To be candid, the Nigerian state still lacks the essential ingredients necessary for tackling this.

[17] The NDDC is the government's interventionist agency established in 2000 to meet the developmental aspirations of the age-long neglected people of the Niger Delta.

The Contribution of the International Criminal Court (ICC) to an Improvement of Human Security in a Post-Conflict Situation

Anke Sembacher

In a post-conflict situation, the threats to human security are manifold. Only one of them relates to the justice needed for the crimes committed during the armed conflict. In some post-conflict situations, national courts will be able to cope with this enormous task and bring to trial the individuals responsible for genocide, crimes against humanity and war crimes. For those cases, when countries are not in the position to do so, the ICC, under certain prerequisites, can take over the task to ensure the human security in this country and to guarantee full justice to both victims and perpetrators.

I. Introduction

After wars or armed conflicts[1], there are various tasks that need to be addressed and handled with proper care in order to re-establish human security general as well as at the local level. The reconstruction of basic infrastructure like streets, water and electric supplies are as important as a functioning health care and school system[2]. But next to these very important aspects, all influencing human security in its very many facets[3], of a functioning everyday life, reconciliation between the former warring parties must not be forgotten. Truth and

[1] Since World War II, the notion of war has gradually been replaced by the one of armed conflicts. See: Ipsen, Knut, *Völkerrecht*, 4. Auflage, Beck Publishers, München, 1999, at p. 1055.
[2] Harroff-Tavel, Marion, "Do Wars ever End? The Work of the International Committee of the Red Cross when the Guns Fall Silent", in International Review of the Red Cross, vol. 85, no. 851, pp. 465-496, at p. 465-466.
[3] W. Benedek, M. Nikolova and G. Oberleitner, *Human Security and Human Rights Education – Pilot Study*, ETC Occasional Papers, 2002, at p. 14.

Reconciliation Commissions form one important possibility to achieve the goal of reconciliation[4].

However, there are situations when courts and tribunals need to take over the task of examining the atrocities committed during the conflict. The important question to be answered is whether these courts should be national courts or international tribunals. Examples for both possibilities can be found starting from as early as after World War I, the more prominent ones for the international option being the International Military Tribunals in Nuremberg and Tokyo after World War II and the both ad-hoc Tribunals for the Former Yugoslavia and Rwanda[5]. National trials have been conducted in many countries after World War II, based on the experiences of Nuremberg and Tokyo, but also in later conflicts.

The tribunals at Nuremberg and Tokyo faced one major criticism, as they tried genocide, crimes against humanity and war crimes for the first time, and, even more fundamental, they themselves had only been established after the end of World War II, "ex-post-facto"-justice to put it in the used term[6]. The Ad-Hoc Tribunals for the Former Yugoslavia (ICTY) and for Rwanda (ICTR) faced similar opposition, especially when it came to their legality[7].

Concerning the crimes under the jurisdiction of the ICTY and the ICTR, it is more than fairly safe to say that genocide, crimes against humanity and war crimes cannot be said to be applied retroactively anymore. All of them have been codified, or at least acknowledged within a very short time after World War II. The crime of genocide[8] was codified in the 1948 Convention, which

[4] Schoefer, Eva, "Discrimination", in W. Benedek and M. Nikolova (eds), *Understanding Human Rights*, Austrian Ministry of Foreign Affairs and the ETC Graz, Vienna, 2003, at p. 94.

[5] Schabas, William, *An Introduction to the International Criminal Court*, Cambridge University Press, Cambridge, 2001, at p. 6.

[6] Schabas, William, *An Introduction to the International Criminal Court*, at p. 6.

[7] Especially the ICTY had to face motions questioning its legality, a move also brought forward continuously by Slobodan Milosevic. In the decision concerning a defence motion in the Tadic-trial, the Appeals Chamber explicitly clarified, that the establishment of the ICTY by the UN-Security Council fell squarely in the Council's obligation and duties under Art 41 of the UN-Charter (Prosecutor vs. Dusko Tadic a/k/a "Dule", Decision on the Defence Motion on the Interlocutory Appeal on Jurisdiction, IT-94 -14 -AR72, para. 36).

[8] Art. 6 of the ICC Statute gives a definition of genocide: "*For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group."

entered into force on 12 January 1951. War crimes[9] have been included in the four Geneva Conventions of 1949 with their grave breaches regime and crimes against humanity[10] are enclosed in the statutes for the Tribunals in Nuremberg and Tokyo. The first two ones did not pose a serious source of problems, but the latter one brought up the question whether crimes against humanity can only be committed during armed conflicts[11]. While the tribunals had to find a solution for their cases, the Rome Statute for the ICC does not ask for a nexus with an armed conflict when it comes to crimes against humanity.

Since the entry into force of the Rome Statute of the ICC on 1 July 2002, the ICC has often been presented as the solution in a post-conflict situation. Nevertheless, it has been forgotten that, first of all, it should be the responsibility of the respective state to try the perpetrators, and that the ICC only has jurisdiction when certain prerequisites are met.

II. The prerequisites

When a country submits itself to the ICC, there are certain aspects it has to pay attention to. The ICC only has jurisdiction over its member states. That

[9] Art. 8 of the ICC Statute first clarifies the question of jurisdiction of the Court over war crimes in its paragraph 1 (Art. 8 (1.): "*The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.*") and then enumerates what conducts constitute war crimes in international and non-international armed conflicts.

[10] Art. 7 of the ICC-Statute contains the following definition of crimes against humanity: "*1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*

(a) Murder;
(b) Extermination;
(c) Enslavement;
(d) Deportation or forcible transfer of population;
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(f) Torture;
(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
(i) Enforced disappearance of persons;
(j) The crime of apartheid;
(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."

[11] Schabas, *An Introduction to the International Criminal Court*, at pp. 35 - 36.

means that as of 28 November 2003, 92 states had committed themselves to obey by the norms of the ICC. Third-party states do only play a marginal role in jurisdictional regime, but have been included in the Statute as they often pose as important partners when it comes to the conduct of investigations, for example.

Secondly, the jurisdiction of the ICC is limited to those crimes mentioned in the Statute that happened after the entry-into-force of the Statute on 1 July 2002. The restriction of the jurisdiction ratione temporis serves as the answer to the old argument of an international tribunal being an act of "ex-post-facto"-justice (see above).

Thirdly, only those crimes enlisted in Art. 5 to 8 of the ICC-Statute fall under the subject matter jurisdiction of the court. So far, these are genocide (Art. 6 of the ICC-Statute), crimes against humanity (Art. 7 of the ICC-Statute) and war crimes (Art. 8 of the ICC-Statute). The fourth crime mentioned in Art. 5 of the ICC-Statute, the crime of aggression has not been defined yet, and will therefore only be included into the statute upon successful completion of a definition.

The fourth prerequisite concerns the admissibility of a case under the precondition that all three elements mentioned above have been fulfilled. Only then, and only if a state is unwilling or unable to prosecute properly, will the ICC step in and fulfill the duty of bringing justice to both victims and perpetrators of genocide, crimes against humanity and war crimes. In his strategy paper, the Prosecutor of the ICC, Mr. Luis Moreno of Argentina, has explicitly said that his office would take a two-tiered approach and "*initiate prosecutions of the leaders who bear most responsibility for the crimes*" [12]. He emphasized that the Office of the Prosecutor was not willing to release states from their responsibility to prosecute the perpetrators of the respective crimes, but that the Office of the Prosecutor realizes the existence of the impunity gap and aims at its closure[13].

Exactly this fourth prerequisite is the source for many aspects of a prosecution of war criminals by the ICC and the question of the level of impact of the ICC on human security in a post-conflict situation.

[12] Office of the Prosecutor, Paper on some policy issues before the Office of the Prosecutor
<http://www.icc-cpi.int/otp/030905%20Policy%20Paper.pdf> All websites occurring in this essay were last checked on 1 February 2004.
[13] Office of the Prosecutor, Paper on some policy issues before the Office of the Prosecutor.

III. The aspects influencing the ICC's impact in a post-conflict situation

Some of the arguments in favor and against a prosecution by the ICC evolved as early as the negotiations in Rome from 15 June to 17 July 1998, where the statute of the Court was the subject of a Diplomatic Conference[14]. States raised their concerns which they had, also in the light of the experiences of the two ad-hoc Tribunals. The issues in questions were universality, primacy, complementarity, all of which are of importance for human security aspects.

Unlike the first ideas of creating a universally active court, the ICC now enjoys only complementarity compared to national systems of criminal justice, and, to be clearer, only towards the systems of those states, which have already signed and ratified the treaty. This is the exact opposite from what was envisioned first – a court which would centralize universal jurisdiction, as performed by the Belgian state[15], and therefore ensures the stability of law by being the only court responsible for trying perpetrators and by enjoying absolute primacy over national courts.

This three-tiered axis "universal jurisdiction – primacy – complementarity" should now be given further attention as the improvement of human security in a post-conflict situation is inevitably linked with it.

Universal jurisdiction in general is a heavily discussed issue. As mentioned above the Belgian state showed the will and ability to prosecute when the respective state was blind to the need of a prosecution. Nevertheless, this approach led to serious arguments with the United States of America and also to a decision of the International Court of Justice[16]. The other extreme position would be the one of the ad-hoc Tribunals which enjoy primacy over the domestic courts of Former Yugoslavia[17] and Rwanda. In the Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction[18] the Appeals Chamber upholds the decision of the Trial Chamber when it emphasizes that the crimes under the

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[14] Schabas, William, *An Introduction to the International Criminal Court*, at p. 15.

[15] Lemaitre, Roemer, Belgium rules the World: Universal Jurisdiction over Human Rights Atrocities
<http://www.law.kuleuven.ac.be/jura/37n2/lemaitre.htm>.

[16] UN Press Release, ICJ rejects Belgian Arrest Warrant for Foreign Minister of Democratic Republic of Congo, 14/02/2002, AFR/379, ICJ/602.

[17] Art. 9 of the ICTY-Statute:
"*1. The International Tribunal and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991.*
2. The International Tribunal shall have primacy over national courts. At any stage of the procedure, the International Tribunal may formally request national courts to defer to the competence of the International Tribunal in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal."

[18] Prosecutor vs. Tadic, *Decision on the Defence Motion*, IT-94 -14 - AR72.

jurisdiction of the ICTY "*are not crimes of a purely domestic nature. They are really crimes which are universal in nature, well recognised in international law as serious breaches of international humanitarian law, and transcending the interest of any one State … in such circumstances, the sovereign rights of States cannot and should not take precedence over the right of the international community to act appropriately as they affect the whole of mankind and shock the conscience of all nations of the world. There can therefore be no objection to an international tribunal properly constituted trying these crimes on behalf of the international community*" [19].

As the Prosecutor has pointed out in his policy paper, as mentioned above, states will not be released from their responsibility, but they will not be overridden as well. And this is most probably the biggest contribution the ICC can make in a post-conflict situation, ensuring justice and assistance, when the domestic system fails, but respecting the sovereignty of states when they wish to prosecute the perpetrators themselves. Even if states wish to do so, the Office of the Prosecutor has made it clear that it would step in to try high-ranking officials, the potentially more critical trials, and leave the smaller burden of trying lower-ranking perpetrators to the respective state or states[20].

Besides this most important aspect, the ICC will definitely contribute to the improvement of human security in a post-conflict situation through the mere fact that its Statute provides an almost comprehensive list of the most heinous crimes on earth so that definition of these crimes need not be extracted from more than one document.

IV. Conclusion

With the stability of law which the Court most probably will provide, its mere existence and the assistance it has offered to its state parties, the ICC will definitely play a role in future post-conflict situations. The balancing act on a tightrope for the ICC will be to figure out whether it should or should not investigate and prosecute a specific conflict. It will have to thoughtfully consider what the requirement of admissibility, unwillingness or inability of a state, exactly means and how it may be interpreted. However, the existence of the ICC should not be overestimated. It still has to encounter many aspects of its practical existence and functioning in practice, as they have only been identified theoretically by now.

Besides the aspect of providing stability of law via the mere codification of some of the most heinous crimes, there is one aspect which definitely will play a major role in the improvement of human security. The ICC can contribute

[19] Prosecutor vs. Tadic, para. 59.
[20] Office of the Prosecutor, Paper on some policy issues before the Office of the Prosecutor.

to the improvement of human security in a post-conflict situation by aiming at the closure of the impunity gap, which is maybe one of the biggest threats to lasting human security in a post-conflict situation.

Human Rights of Women and their Acceptance in Muslim Societies

Simona Drenik

In this essay the concept of human security is presented from the viewpoint of the dialog among civilizations. The author focuses on Islam as a reason for reservations against the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the need for an ongoing dialogue, which contributes to providing de facto human security.

I. International human rights and human security

In the 21st century, state identity and sovereignty are being undermined by globalisation, which abolishes frontiers, homogenises cultures and flattens out differences that cross its path. The events of 11 September 2001 started a new era. The era we are leaving began with the fall of the Berlin Wall on 9 November 1989 and the subsequent end of the Soviet Union on 25 December 1991. This phase of history had three much-hyped characteristics: (1) the promotion of democratic government, (2) insistence on the idea of state based on law and (3) the glorification of human rights.

In this context, the concept of human security, which combines two major dimensions of international affairs - a traditional state security concept and a modern human rights concept - developed. Both dimensions are however influenced by the third, the economic dimension. Human security is from this viewpoint a concept trying to combine all three dimensions with one single aim to assure the security of individuals in all aspects. Do international common standards present a general conflict or general acceptance of the new international legal order and to what extend can they assure human security? Human rights of women are a good example to examine the interests of states as well as cultures to implement international human rights standards into domestic legal systems and to examine the cultural diversity.

II. Human rights of women and Muslim societies

Two basic positions that one can take on human rights (of women) – the universalist and the culturalist relativism[1] - are well known. However, they do not offer any added value to the dialogue among civilizations. The potential for conflict in a large number of states between the objects of several human rights treaties, on the one hand, and customary laws and practices as well as religious beliefs, on the other hand, have become a salient contemporary concern. Many human rights seriously conflict with the Shari'a[2]. Gender-related issues are prominent here. Such conflicts assume a large significance, since the control and influence over women by customary law and religious belief may far exceed that of modern state-secular law. Customary law and practices may conflict with prohibitions in the text of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)[3] or in the action taken by the bodies created by these two treaties[4]. But at the same time it has to be pointed out that the

[1] See inter alia: Donoho, Douglas L., "Relativism versus Universalism in Human Rights: The Search for Meaningful Standards", in Stanford Journal of International Law, vol. 27, 1991, pp. 345-391; Mayer, Anna Elizabeth, "Cultural Particularism as a Bar to Women's Rights: Reflection to the Middle East Experience: Women Living under Muslim Laws", in J. Peter and A. Wolper (eds), *Women's Rights, Human Rights: International Feminist Perspectives*, Routledge, New York, 1995, pp. 176-188, at p. 179-180. For a general examination of the ways that Islam is used to justify deviations from international human rights standards, see: Mayer, Anna Elizabeth, *Islam and Human Rights*: *Traditions and Politics*, Boulder, CO: Westview, 1991; Naris, Jamal, *The Islamic Law of Personal Status*, 2nd edition, Graham and Trotman, London, 1990. For information on retrograde impact of Iran's Islamic revolution on the progress that has been made towards enhancing women's rights, see: Azari, Farah, *Women of Iran: The Conflict with Fundamentalist Islam*, Ithaca Press, London, 1983; Guity, Nashat (ed), *Women and Revolution in Iran*, Boulder, CO: Westview, 1983.

[2] Shari'a or Shariah is the body of religious law governing the Sunni and Shia branches of Islam. Islam draws no distinction between religious and secular life, and hence Shariah covers not only religious rituals and the administration of faith, but every aspect of day-to-day life. The authority of Shari'a is drawn from two major and two lesser sources. The first major source is the specific guidance laid down in the Qur'an, and the second source is the Sunnah, literally the "way", i.e. the way that Muhammad (the Prophet of Islam) lived his life. (The compilation of all that Muhammad said, did, or approved of is called the Hadith.) A lesser source of authority is *Qiyas*, which is the extension by analogy of existing Shari'a law to new situations. See: <http://www.wordiq.com/cgi-bin/knowledge/lookup.cgi?title=Sharia> All websites occurring in this essay were last checked on 1 February 2004.

[3] CEDAW was adopted by the UN General Assembly on 18 December 1979 (GA Res. 34/180, 18 December 1979) and was opened for ratification on 1 March 1980. It entered into force on 3 September 1981, after 20 states had ratified the Convention.

[4] H. J. Steiner and P. Alston, *International Human Rights in Context: Law, Politics, Morals*, Oxford University Press, Oxford, 2000, 2nd edition, at pp. 404-408.

Muslim culture is not hermetic to the notion of human rights[5].

In the last 50 years human rights of women have made immense gains worldwide. They have not evolved uniformly because of religious, political, social, and economic differences. Although discrimination against women continues overtly and unabated in most countries, Islamic countries have been singled out in the Western press for their treatment of women. In particular, Islam has often been named as the main factor inhibiting the development of human rights of women in Muslim countries[6].

III. Islam as the reason for reservations to CEDAW

Claims that Islam justifies non-compliance with international norms regarding human rights of women have been raised in connection with debates over the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Although few Muslim countries have ratified CEDAW, among those that have, all have entered reservations to its substantive provisions, several based on religious grounds.

A subject that deserves separate attention in many commentaries on ratification to CEDAW are reservations referring to the overriding importance of Shari'a law. Islamic law is often considered to be discriminatory towards women *per se* and so far it has been far from reconciling the cause of human rights of women with Islamic law. The UN Committee on Women's Rights has made an abortive attempt in 1987 and 1988 to initiate a study about the human rights of women under Islamic law, but this idea has not received a favourable reception, if any at all[7].

Four states explicitly invoke Shari'a law in the reservations, whereas the reservations of two other states seem to be based on the codification of Shari'a as domestic family law (Tunisia and Turkey). Bangladesh, Egypt, Libya, and Tunisia have invoked "Islam" as the reason for making reservations. Egypt said for example, that it would comply with CEDAW's anti-discrimination provisions "*provided that such compliance does not run counter to the Islamic*

[5] See 1976 Universal Declaration of Peoples Rights (initiated by the Lelio Basso Foundation for the Rights and Liberation of the People); 1985 Tunisian Charter of Human Rights; 1981 Human Rights Declaration in Islam (elaborated in the context of the Islamic World Congress); 1981 Islamic Universal Declaration of Human Rights (promulgated at UNESCO headquarter in Paris); 1990 Cairo Declaration on Human Rights in Islam (adopted by the Organisation of Islamic States).

[6] In the present paper Muslim countries and Muslim societies refer to the member states of The Organization of the Islamic Conference (OIC). For more information see the official website of the OIC
<http://www.oic-oci.org>.

[7] Lijnzaad, Liesbeth, *Reservations to UN-Human Rights Treaties, Ratify and Ruin?,* Martinus Nijhoff, Dordrecht, 1994, at p. 320.

Shari'a"[8]. From the fact that Egypt did not, after ratifying CEDAW, subsequently modify its laws, which discriminate women, one could infer that Egyptian officials concluded that reforms undertaken pursuant to CEDAW principles to give women equal rights would violate Shari'a requirements[9].

The reservations based on Islam were so sweeping that some critics – made by the Federal Republic of Germany, Mexico, the Netherlands and Sweden – claimed that these reservations are not compatible with the object of CEDAW, which is to free women from systematic subordination because of gender[10]. Showing their concern to that issue, some of the countries that are parties to CEDAW debated whether the entered reservations are acceptable[11]. The result of the negotiation process was that due to appeals to cultural particularism the United Nations tolerated a situation where some Middle Eastern countries were treated as parties to a convention whose substantive provisions they were unwilling to abide by[12]. Implicitly, the United Nations acquired the cultural relativist position on human rights of women, allowing Islam and the culture to be invoked as defence for the non-compliance with the terms of the convention. Yet, article 5(a) of CEDAW calls on parties "*to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotypes roles for men and women.*" However, in the United Nations the religious/cultural bases for Muslim countries' objecting to CEDAW principles remained unexamined, yet they are subjected to critical scrutiny.

Of all human rights treaties, CEDAW has the distinction of having the greatest number of reservations with the potential to modify or exclude most of the terms of the treaty[13]. But it must be stressed that not Muslim countries alone brought forward reservations that undermined the treaty. Countries like Belgium, Brazil, Canada, Great Britain, Germany, etc., did so as well. When CEDAW was

[8] General reservation on article 2 made by Egypt upon ratification of CEDAW <http://www.unhchr.ch/html/menu3/b/treaty9_asp.htm>.
[9] The Libyan reservation is sweeping and far-reaching, it completely submits accession to the Convention of Shari'a law. The reservations of Egypt, Iraq and Bangladesh mention the provisions that conflict with Shari'a law. For a survey of reservations made to CEDAW see: Cook, Rebecca, "Reservations to the Convention on the Elimination against Women", in American Journal of International Law, vol. 30, no. 3, 1990, pp. 673-724, at pp. 687-703.
[10] Mayer, Anna Elizabeth, "Cultural Particularism as a Bar to Women's Rights: Reflection to the Middle East Experience: Women Living under Muslim Laws", at p. 182.
[11] Mayer, Anna Elizabeth, "Cultural Particularism as a Bar to Women's Rights: Reflection to the Middle East Experience: Women Living under Muslim Laws", at p. 182.
[12] Clark, Belinda, "The Vienna Convention Reservations Regime and the Convention on Discrimination Against Women", in American Journal of International Law, vol. 85, no. 2, 1991, pp. 289-321, at pp. 297-298.
[13] Mayer, Anna Elizabeth, "Cultural Particularism as a Bar to Women's Rights", at p. 183.

concerned states were permitted to make their own determinations as to whether their reservations were incompatible with CEDAW. This stood in sharp contrast to the rule imposed regarding the Convention on Elimination of all Forms of Discrimination (CERD), where a two-thirds vote by other state parties can declare a state's reservations incompatible with the object of the Convention[14]. Therefore, the greater tolerance of discrimination against women might be linked to the prevailing pattern of the exclusion of women from real influence in the UN system and in instituting international law more generally[15].

Discussions on this matter were tabled in the Third Committee (UN General Assembly) and at the United Nations Fourth World Conference on Women in Beijing in 1995, where over 180 governments signed the Beijing Declaration – Platform for Action, which explicitly called for equality between men and women and was acknowledged by the international community as a guiding principle towards the promotion of human rights of women [16]. The basic premise presented by governments to justify their rejection of compliance with the principle of equality between men and women in the family was that Shari'a was a divine law which could not be questioned and that "*it made women as equal as they should be.*"[17]

IV. Dialogue among civilisation and human rights of women

Does the transition period from the 20th to the 21st century present general conflict or general acceptance of the new legal order? Trough the example of human rights of women, we could see that both aspects are represented. On the one hand, there are fundamental conflicts between at least two civilisations, the Western and the Islamic, in the perception of the basic values and the understanding of the principle of equality between women and men. But on the other hand, we can notice at least a formal recognition of the new international legal order, thus only because of pragmatic reasons.

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[14] Art. 20, paragraph 2 of the Convention on the Elimination of all Forms of Discrimination (CERD) states: "*A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two third of the States Parties to this Convention object to it.*"

[15] Mayer, Anna Elizabeth, Cultural Particularism as a Bar to Women's Rights, at p. 184
The full text of all reservations is available online at the United Nation website
<http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/iv_boo/iv_8.html>.

[16] United Nations Fourth World Conference on Women: Declaration and Platform for Action, 35 I.L.M. 401 (1996).

[17] Kazi, Seema, Muslim Women in India, Minority Rights Group International, UK, 1999, at pp. 28-30
<http://www.minorityrights.org/admin/Download/Pdf/muslimwomenrep.pdf>.

Governments of Muslim countries, like many other governments, formally subscribed to international human rights instruments because - most probably - they consider the human rights idea as an important legitimation force both at home and abroad. Consequently, the acceptance and implementation of this reform methodology could involve a political struggle within Muslim nations as part of a larger general struggle for human rights. It is a belief that a discourse, which places the concept of universal rights in a constant dialogue with the Muslim Shari'a, therefore has a bigger chance of success in human rights education in Muslim societies[18]. It is clear that in the future some reforms should be made in relation to the status of women in Muslim societies and to protect different forms of violation against women. However, Islamic reform-needs must be based on the Koran and Sunna, the primary sources of Islam, while one should take into account that these sources have to be understood and applied through human interpretation and action.

The need for a dialogue among civilisations is of great importance as the values of civilisations are more and more exposed in the context of globalisation. It seems that the outcome of this dialogue could be the only way to provide *de facto* human security. As Michael Ignatieff states, "*Group rights are needed to protect individual rights*"[19]. But at the same time it has been shown that rights are much more limited than the "universal credo of a global society" or "a secular religion". In the future, a bridge between the universalist and cultural relativist position should be established. It is my view that the stronger link between "traditional" group rights and individual rights should be established. For human security, this step would be as important as it is for national (constitutional) legal practices to establish the bridge between natural law and legal positivism.

[18] The UN Decade for Human Rights Education is declared from 1995 to 2004.
[19] Ignatieff, Michael, "The Attack on Human Rights", in Foreign Affairs, vol. 80, no. 6, November/December 2001, pp. 102-116, at p. 108.

Securing the Anthropos

Vuk Maksimovic

Trying to secure our future we have to look deep down into our origin and our prime goal of living. The otherness is within us, but to acknowledge it we are bound to reveal our existence and our prime motivation for the realization of Self and those ethical standards like human security and human rights, with their pledge to all of us.

"To learn to look away from oneself is necessary in order to see many things. – This hardiness is needed by every mountain-climber. He, however, who is obtrusive with his eyes as a discerner, how can he ever see more of anything than its foreground!
But thou, O Zarathustra, wouldst view the ground of everything, and its background: thus must thou mount even above thyself- up, upwards, until thou hast even thy stars under thee!
Yea! To look down upon myself, and even upon my stars: that only would I call my summit, that hath remained for me as my last summit!"[1]

Struggling with the new era of globalisation, thinking about the approaches to life of the mankind, human security perspectives and the concept of human rights, we definitely need a new spectrum of ideas, which had tried to break through and get within our reach for many decades, even centuries, and one could even say - millenniums. So, one can easily say – we need a new reading of the old ideas. The question of human rights is our main goal, because it is necessary that people have the same starting point and the same conditions for developing the Self, regardless of their predispositions. But what are we striving for is the main question related to human security. The question itself needs academic and spiritual approach.

The minimalists approaching the human rights problem state that we should guarantee physical security (bodily security). But protecting the shelf, are we also protecting the vital core? *"A commitment to human rights and*

[1] Friedrich Nietzsche, Thus Spake Zarathustra, page 77, translated by Thomas Common <http://www.eserver.org/philosophy/nietzsche-zarathustra.txt>.

humanitarian law is the foundation for building human security."[2] I have an idea that human security is "protective meat" safeguarding the human rights core, and that we cannot avoid questioning – is this strive declarative, or do we really want to endure in efforts of protecting the core, which is something that covers all humans. In order to confront the needs of the mankind we have to find the common denominator, which is not an easy task.

The clash of confronted opposite life approaches between East and West seeks for its resolution, in order to resolve this conflict we have to combine the opposite poles**,** "incorporating the otherness" as Walther Lichem[3] has said. Thus I will try to give a line of attack from an anthropologist point of view, trying to resolve all those attempts to bring reasonable security to any part of the world.

Led by the ideas of Russian cultural philosopher and mystic P.D. Ouspensky, I would like to emphasize some (esoteric) facts that you will hardly swallow if you try to comprehend them without incorporating the otherness.

Human security analogue to the outer circle is the "protective meat" around the first one, which is analogue to human rights (the core). This inner circle is the one where ideas are coming from. Where did we get from the idea to create the Universal Declaration on Human Rights, to stop suffering the fellow human and to invoke the myth of the Golden Age? This idea came from the inner circle, from the reflecting Self of the mankind, and now we are trying to evolve this energy into the action of the outer circle (human security). This path is leading us to the question of life and purpose. The question of gathering material wealth, and the proclamation of spiritual levitation is the question that triggers us for at least a thousand years. In this conflict between East and West, this clash of opposites, we are trying to resolve the universalism of a new humanitarian law. We cannot escape ideas, the idea of spirit, and the idea of material wealth, because they are incorporated in our existence. Once more, I will try to reflect upon the subject that is hidden for the purpose of maintaining the vital possibilities of life. In another words, using the title of the book written by P. D. Ouspenky – "The New Model of the Universe"[4], we need a new model of existence. Trying to look into this esoteric circle (inner one) we will be able to implement human security as a true notification of an endeavour towards expanding the human consciousness and incorporating the otherness that we are eager for! Ouspensky wrote that we should look at the problem we are facing with the psychological method which means trying to overview the narrow

[2] Chairman Summary of the First Ministerial Meeting of the Human Security Network in Lysøen (Norway), 20 May 1999
<http://www.humansecuritynetwork.org/docs/Chairman_summaryMay99-e.php>.
[3] Delivering a lecture to Summer Academy participants at the European Training and Research Centre for Human Rights and Democracy (ETC) Walther Lichem said that the term "tolerance" is not enough. The only thing that will make a difference in approaching diversity he called – "incorporating the otherness". Extracted from the authors notes, September 2003, ETC, Graz.
[4] P.D. Ouspensky, *A New Model of the Universe*, Alfred A. Knopf Inc., London, 1931.

minded notion that we can deal only with the things that we can measure[5]. Still, we are measuring the quantity and quality of one's thoughts!

Our main concern must be education, revival of the Being (the fundamental ontological intuition in contrast to empirical or phenomenal knowledge) bringing new possibilities and new awareness. Qualitative judgement is something that we are trying to produce, and in order to do so we have to combine diversities that come out from the basic science – metaphysics.

Humanist education incorporates the symbols of existence, the ancient knowledge of respecting the creation, as well as the ability to recognize welcoming and nurturing behaviour. Or, as Bela Hamvas says: "*I am not going to understand things if I separate things and look at them, and define them by themselves. On the contrary, I will understand things in case I am able to see the interrelationship between them that they are in a continuous line which points back to the origin*."[6] A search for origin is a search for an analogy between different cultures and people. A denominator that we are seeking for combined religious and scientific point of view and referring to the Golden Age – there were no terms like religion or science detached from one another. Bela Hamvas reinvented this term giving the title "Scientia Sacra" to his book. There is no way that we can skip our own depth, trying to resolve the suffering of a fellow brother.

We would like to abolish pain, but like in the analogy with the body (bodily security), pain is the main source of information about what is wrong or in a poor health. We should not take painkillers in order to reduce the pain, because we will cut off the crucial information of the corrupted core. We have to increase the crisis in order to resolve it. If we try to conserve it, we will receive gangrene. This means that we should predict (human security protective meat) events, or if they appear in a destructive form before we can predict them we should carry the deed all the way till its end! Any conserved situation will empower itself in its own boundaries, and it will burst out again, refreshed and strengthened. Maybe in 50 years, maybe not even then, but we will have to recognize that we failed and that, once again, we have to engage in resolving the already resolved situation! If we are talking about the new world leadership (are we?), I would like to say**,** to repeat, that we need a new spectrum of ideas. This transformation of our perception is what this whole concept is about. We need new methods, not an old, familiar and destructive one. Are we trying to empower the misfortunate and mislead with new leadership or with new kismet?

Hegemony of the human security option can be obtained only through constant expanding of human awareness and the purpose of living. Any other way is like dancing in the dark, showing the new moves with nobody to see

[5] P.D. Uspenski, *Novi model Univerzuma*, Metapysica, Beograd, 2003, at p. 8.
[6] Hamvas, Bela, *Scientia Sacra II*, Geopoetika, Beograd, 1994, at p. 246.

them, just like unconscious mind cannot see and incorporate them in future action!

"*Human security and human development are thus two sides of the same coin, mutually reinforcing and leading to a conducive environment for each other … Innovative international approaches will be needed to address the sources of insecurity, remedy the symptoms and prevent the recurrence of threats which affect the daily lives of millions of people*." [7]

These innovative approaches are something that we are looking for, and in order to succeed we have to take a look inside ourselves. When the demands are lowered, the values are being forged. What are our demands? Will we forge our own will, trying to produce a method that will enable prosperity? Can we still withhold our economic and warfare relevance ratio? Can we neglect our basic need for metaphysical circle, which is our basic stone healer?

There is no way that we will endure with this concept if we cannot look down upon our selves and recognize all those things that lead us to this kind of environment and inter-human relationships. Because of this, we need spiritual guidance, not only economic or political one; both of them, because both politics and economy are only manifestations of our global perspective and our path upon which we make our steps.

We declare ourselves religious (atheist believe in randomness as the creative force), but there is no sense of upper order or lower existence! There is something within all of us that is divine, and if we really want to take this divine nature out, first we have to walk our inner paths and declare true values that cannot be reduced to a smaller demand!

[7] Chairman Summary of the First Ministerial Meeting of the Human Security Network in Lysøen (Norway), 20 May 1999
<http://www.humansecuritynetwork.org/docs/Chairman_summaryMay99-e.php>.