
ENHANCING HUMAN SECURITY: THE EVOLVING ROLE OF INTERNATIONAL LAW IN ADDRESSING GLOBAL THREATS

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ABSTRACT

The concept of human security, introduced in the 1994 UNDP Development Report, is changing global governance and institutions. This study critically examines international law's role in human security, focusing on individual-centric security, state sovereignty, new actors, and security understanding. The study examines how international legal frameworks handle climate change, terrorism, and pandemics. The paper analyses international treaties, conventions, and case law using doctrinal research and jurisdictional comparisons. The discussion highlights the complexity and limitations of current legal mechanisms for human security. The findings suggest that international law needs normative changes to address modern security threats. The conclusion recommends legal reforms to better integrate human security principles for more inclusive and effective global governance.

Keywords: Human Security, International Law, Global Governance, Climate Change, Terrorism

Introduction

Human security represents a change in the understanding of security, focusing on safeguarding and empowering individuals rather than prioritizing the authority of the state. This approach emphasizes the importance of economic, food, health, environmental, personal, community, and political security as essential elements¹. The significance of this lies in the holistic approach to security, which is focused on safeguarding human well-being from a wide range of threats. In the present era of global interconnectivity, mankind confronts intricate dilemmas such as climate change, terrorism, and pandemics that surpass national boundaries and question conventional security concepts centered around individual states². These challenges require flexible international regulations to effectively deal with and reduce risks, emphasizing the importance of a security strategy that prioritizes the welfare of individuals.

This paper examines the role of international law in promoting human security, with a specific focus on climate change, terrorism, and pandemics. It evaluates the effectiveness of existing legal frameworks in advancing human security and identifies limitations. The study proposes normative adjustments to more effectively incorporate human security principles into international law, thereby improving global governance. Methodologically, it employs doctrinal research to analyse legal texts, treaties, and case law, as well as jurisdictional comparisons, to provide valuable insights into the implementation and reform of human security mechanisms on a global scale.

Conceptualisation

The notion of human security has undergone substantial transformation since its inception in the 1994 UNDP Development Report³. At first, security was predominantly considered in relation to state security, with a focus on protecting territorial integrity and national sovereignty. Nevertheless, the concept of human security has altered this viewpoint by prioritizing the safeguarding and empowerment of individuals, underscoring the significance

¹ UNDP | Procurement Notices, https://procurement-notices.undp.org/view_file.cfm?doc_id=11983 (last visited June 29, 2024).

² *With Climate Crisis Generating Growing Threats to Global Peace, Security Council Must Ramp Up Efforts, Lessen Risk of Conflicts, Speakers Stress in Open Debate | Meetings Coverage and Press Releases*, Meetings Coverage and Press Releases | Meetings Coverage and Press Releases, <https://press.un.org/en/2023/sc15318.doc.htm> (last visited June 29, 2024).

³ *Human Development Report 1994 | Human Development Reports*, Home | Human Development Reports, <https://hdr.undp.org/content/human-development-report-1994> (last visited June 28, 2024).

of economic stability, health, environmental sustainability, personal safety, and political freedom⁴. The comprehensive approach to security has had an impact on worldwide governance and institutions, resulting in the creation of policies and frameworks that tackle various and interconnected threats to human well-being.

Theoretical frameworks of human security juxtapose the individual-centric approach with conventional state-centric security models⁵. The individual-centric approach places the safety and rights of individuals as the top priority, establishing a connection between state security and citizen security. It also addresses transnational issues such as climate change, terrorism, and pandemics⁶. Human Development Theory and Critical Security Studies both advocate for human security. Human Development Theory aims to improve human capabilities and choices, while Critical Security Studies challenges traditional security concepts by addressing the underlying causes of insecurity.

The ongoing discourse on human security revolves around the fundamental conflict between individual security and state sovereignty⁷. Proponents of state sovereignty prioritize the importance of security and stability, whereas detractors contend that it can overshadow the protection of human rights. The significance of this debate lies in the fact that the actions taken by states have a direct influence on global security. Contemporary international law is now being shaped by human security frameworks, which advocate for a comprehensive and individual-centered approach.

Analysis of International Legal Frameworks

The transition of human security from a traditional focus on state centred security to a more comprehensive emphasis on human centred security requires a strong international legal

⁴ Home | Human Development Reports, <https://hdr.undp.org/system/files/documents/human-security.human-security> (last visited June 30, 2024).

⁵ *How Should National Security and Human Security Relate to Each Other?*, E-International Relations, <https://www.e-ir.info/2013/04/26/how-should-national-security-and-human-security-relate-to-each-other/> (last visited June 29, 2024).

⁶ *The Challenges of the 21st Century (Chapter 1) - Global Governance and the Emergence of Global Institutions for the 21st Century*, Cambridge Core, <https://www.cambridge.org/core/books/global-governance-and-the-emergence-of-global-institutions-for-the-21st-century/challenges-of-the-21st-century/429DCB93303BFD26F788902FC68E4D0E> (last visited June 30, 2024).

⁷ Oberleitner, G. (2005). Human Security: A Challenge to International Law? *Global Governance*, 11(2), 185–203. <http://www.jstor.org/stable/27800564>

framework to effectively tackle current issues like climate change, terrorism, and pandemics⁸. This section examines prominent global treaties, conventions, and pertinent legal precedents, and evaluates how various jurisdictions incorporate human security principles into their legal frameworks.

The Paris Agreement, ratified in 2015, stands as a pivotal international treaty for addressing human security. Its goal is to limit global temperature rise well below 2 degrees Celsius from pre-industrial levels, aiming for 1.5 degrees Celsius.⁹ Recognizing the link between climate change and human security, the agreement urges global cooperation to mitigate its adverse impacts. Nations are encouraged to adopt nationally determined contributions (NDCs) and enhance efforts to reduce greenhouse gas emissions, thereby promoting global environmental sustainability and human security¹⁰.

Several international treaties and conventions have played a crucial role in dealing with terrorism. The International Convention for the Suppression of the Financing of Terrorism (1999) prohibits the provision of funds for terrorist activities and promotes worldwide collaboration in tracking and immobilizing terrorist assets¹¹. The International Convention for the Suppression of Terrorist Bombings (1997) has the objective of discouraging and penalizing acts that involve explosives¹². It emphasizes the importance of legal frameworks in protecting human security from terrorism.

Global health regulations, such as the International Health Regulations (IHR) (2005) established by the World Health Organization (WHO), play a vital role in effectively handling pandemics and safeguarding human well-being. These regulations require countries to possess the ability to identify, assess, communicate, and address public health risks¹³. The IHR, by prioritizing global collaboration and expedited dissemination of information, seeks to hinder

⁸ *From State Security to Human Security: The Evolving Nature of the United Nations Security Council's Jurisdiction - Inter Gentes*, Inter Gentes, <https://intergentes.com/from-state-security-to-human-security-the-evolving-nature-of-the-united-nations-security-councils-jurisdiction/> (last visited June 28, 2024).

⁹ <https://unfccc.int/process-and-meetings/the-paris-agreement> (last visited June 26, 2024).

¹⁰ Environmental Law Journal – New York University School of Law, https://www.nyuelj.org/wp-content/uploads/2019/05/Carlarne_Balancing-Equity-and-Effectiveness.pdf (last visited June 30, 2024).

¹¹ Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, https://www.mpil.de/files/pdf1/mpunybaust_5.pdf (last visited June 30, 2024).

¹² Witten, S. M. (1998). The International Convention for the Suppression of Terrorist Bombings. *The American Journal of International Law*, 92(4), 774–781. <https://doi.org/10.2307/2998146>

¹³ *The International Health Regulations: The Governing Framework for Global Health Security*, PubMed Central (PMC), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4911720/> (last visited June 30, 2024).

the transmission of infectious diseases and guarantee international health security¹⁴. The legal community's dedication to holding perpetrators of human rights abuses accountable and promoting global initiatives to protect individuals is reinforced by legal precedents, such as the International Court of Justice's Advisory Opinion on Nuclear Weapons (1996)¹⁵ and the International Criminal Court's prosecution of Jean-Pierre Bemba Gombo (2016)¹⁶.

Legal systems across the globe utilize diverse approaches to integrate principles of human security. The European Union (EU) has implemented an extensive legal structure, which encompasses the Charter of Fundamental Rights, to ensure the protection of essential rights for human well-being, such as access to healthcare and safeguarding the environment¹⁷. The General Data Protection Regulation (GDPR) of the European Union (EU) places even greater emphasis on safeguarding personal data in the era of digital technology. On the other hand, the United States employs a decentralized method where federal and state laws regulate various aspects of human security, particularly through counter-terrorism measures such as the USA PATRIOT Act¹⁸. Nevertheless, the US has faced criticism for its position on climate change and global health collaboration¹⁹, as demonstrated by its initial withdrawal from the Paris Agreement and difficulties in coordinating pandemic response.

In contrast, Japan places a high importance on human security in its foreign policy, as demonstrated by its ODA Charter which specifically targets poverty alleviation, healthcare, and education²⁰. Japan consistently upholds international health regulations and actively participates in climate change mitigation efforts, showcasing a comprehensive approach to human security.

¹⁴ Mohamed Helal, International Law and the Quest for Security: The Humanitarian Dimension, 31(1) International Law Journal 54 (2020), <https://www.jstor.org/stable/2998146>

¹⁵ *Legality of the Threat or Use of Nuclear Weapons*, Cour internationale de Justice - International Court of Justice | INTERNATIONAL COURT OF JUSTICE, <https://www.icj-cij.org/case/95> (last visited June 30, 2024).

¹⁶ International Criminal Court, <https://www.icc-cpi.int/sites/default/files/CaseInformationSheets/BembaEng.pdf> (last visited June 30, 2024).

¹⁷ *The normative framework of the EU's commitment to human rights: The Treaties, the Charter, Member States' constitutional traditions, and international law* | *The European Union and Human Rights: Law and Policy* | Oxford Academic, <https://academic.oup.com/book/39731/chapter-abstract/339763834?redirectedFrom=fulltext> (last visited June 27, 2024).

¹⁸ *What is the USA Patriot Web*, Department of Justice | Homepage | United States Department of Justice, <https://www.justice.gov/archive/ll/highlights.htm> (last visited June 30, 2024).

¹⁹ Haggerty, K. D., & Amber Gazso. (2005). Seeing beyond the Ruins: Surveillance as a Response to Terrorist Threats. *The Canadian Journal of Sociology / Cahiers Canadiens de Sociologie*, 30(2), 169–187. <https://doi.org/10.2307/4146129>

²⁰ Ministry of Foreign Affairs of Japan, Revision of the ODA Charter (2003), <https://www.mofa.go.jp/policy/oda/reform/revision0307.html>.

Ultimately, international legal frameworks, such as treaties, conventions, and domestic laws, play a crucial role in tackling worldwide challenges to human security. These frameworks enable and support international cooperation, offer legal certainty through the interpretation of legal cases, and demonstrate a wide range of jurisdictional approaches. Continuous normative adaptations and strengthened global governance are essential for effectively tackling emerging global threats and enhancing human security on a global scale.

Challenges and Limitations

The intricate nature of current international legal frameworks presents substantial obstacles in effectively addressing human security in a comprehensive manner²¹. The international legal frameworks encounter difficulties due to the presence of overlapping jurisdictions, inconsistent interpretations, and fragmented enforcement. These challenges have a direct impact on the achievement of unified climate objectives and the delicate balance between counter-terrorism efforts and the protection of human rights.

An essential concern in promoting human security through international law is the conflict between the authority of individual nations and the necessity for worldwide collaboration in addressing common challenges such as climate change, terrorism, and pandemics²². States are cautious about relinquishing authority to international bodies due to concerns about losing control over domestic affairs, which impedes the establishment of effective global legal frameworks. The COVID-19 pandemic revealed deficiencies in international health regulations and coordination among nations, highlighting shortcomings in global response capabilities²³. Similarly, the effort to combat terrorism is impeded by divergent national priorities and legal standards in different jurisdictions, which obstructs the implementation of law enforcement measures and collaboration.

In addition, the international legal system frequently lacks effective mechanisms to ensure that states are held responsible for not fulfilling their human security obligations, which worsens

²¹ Peters Anne, *The refinement of international law: From fragmentation to regime interaction and politicization*, OUP Academic (Oct. 30, 2017), <https://academic.oup.com/icon/article/15/3/671/4582635>.

²² *Global Health Law: International Law and Public Health Policy*, PubMed Central (PMC), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7150305/> (last visited June 27, 2024).

²³ *Pandemic prevention, preparedness and response accord*, World Health Organization (WHO), <https://www.who.int/news-room/questions-and-answers/item/pandemic-prevention--preparedness-and-response-accord> (last visited June 30, 2024).

the difficulties in implementing these obligations²⁴. The rapid advancements in global phenomena such as cyber-terrorism and intensifying climate impacts are surpassing the capabilities of legal responses. This calls for the implementation of innovative strategies and strengthened global cooperation in order to effectively safeguard human security²⁵. To tackle these problems, it is necessary to implement comprehensive legal changes, strengthen collaboration between countries, and give high importance to the protection of individuals in both global and national governing structures.

Recommendations for Legal Reforms

To effectively address the existing security challenges, it is imperative to make substantial normative adjustments in international law, with a focus on prioritizing human security in treaties and conventions rather than national interests²⁶. By incorporating principles of equitable resource allocation and climate justice, the amendment to the Paris Agreement has the potential to strengthen international collaboration in addressing climate change²⁷. Counter-terrorism treaties should strive to achieve a delicate equilibrium between safeguarding national security and upholding human rights in order to avoid causing harm to marginalized communities. It is essential to enhance the mandates and resources of institutions such as the United Nations (UN), World Health Organization (WHO), and international courts in order to effectively enforce human security norms²⁸. Expanding the jurisdiction of the International Criminal Court and increasing funding for the World Health Organization can strengthen global efforts to address environmental and terrorist risks.

Robust regulations, particularly in the field of cybersecurity, require inclusive governance that

²⁴ Anne van Aaken & Betül Simsek, Rewarding in International Law, <https://www.law.nyu.edu/sites/default/files/Anne%20van%20Aaken%20and%20Betul%20Simsek%20-%20Rewarding%20in%20International%20Law.pdf>.

²⁵ Mohammad Sameer Farooq, The Legitimacy of International Law: Challenges and Emerging Issues, https://www.researchgate.net/publication/376072217_THE_LEGITIMACY_OF_INTERNATIONAL_LAW_CHALLENGES_AND_THE_EMERGING_ISSUES.

²⁶ *International law and human security in a kaleidoscopic world - Indian Journal of International Law*, SpringerLink, <https://link.springer.com/article/10.1007/s40901-020-00109-w> (last visited June 30, 2024).

²⁷ *Fairness, equity, and justice in the Paris Agreement: Terms and operationalization of differentiation* | Leiden Journal of International Law | Cambridge Core, <https://www.cambridge.org/core/journals/leiden-journal-of-international-law/article/abs/fairness-equity-and-justice-in-the-paris-agreement-terms-and-operationalization-of-differentiation/4AD4C512175ECFC80F14083BDAB4CA1A> (last visited June 30, 2024).

²⁸ World Health Organization, The Role of the World Health Organization in the International System (2013), <https://www.chathamhouse.org/sites/default/files/publications/research/2013-02-01-role-world-health-organization-international-system-clift.pdf>.

encompasses states, international organizations, civil society, and the private sector²⁹. This ensures the implementation of comprehensive solutions. Enhancing gender and social inclusivity contributes to the enhancement of overall human security by addressing vulnerabilities. International oversight enhances accountability by ensuring adherence to human security norms and holding perpetrators responsible, thereby promoting fairness. Technological innovations such as data analytics, artificial intelligence (AI), and blockchain bolster the capabilities of global law enforcement and governance, augmenting the levels of transparency and efficiency in transactions³⁰. Implementing normative changes, strengthening institutions, promoting inclusive governance, establishing strong accountability measures, and utilizing technology are essential reforms to improve global human security frameworks.

Conclusion

This study highlights the essential importance of international law in improving human security. Examining treaties, conventions, and case law exposes substantial advancements and noteworthy deficiencies in existing frameworks. The study underscores the difficulties in tackling intricate worldwide dangers such as climate change, terrorism, and pandemics. It emphasizes the necessity of a comprehensive approach that harmonizes national sovereignty with security measures that prioritize individuals, thus promoting efficient global governance. Additional research is necessary to evaluate the implementation of human security principles, employing empirical studies and interdisciplinary perspectives to improve comprehension and safeguard vulnerable populations.

Legal reforms are crucial for fostering a secure global society in the face of contemporary threats. To enhance global security, it is necessary to give priority to human security and adjust to present challenges by strengthening international institutions, implementing measures to ensure accountability, and promoting inclusive governance³¹. These reforms are essential for effectively dealing with urgent crises and laying the groundwork for enduring peace and

²⁹ *Institutional interplay in global environmental governance: lessons learned and future research - International Environmental Agreements: Politics, Law and Economics*, SpringerLink, <https://link.springer.com/article/10.1007/s10784-022-09569-4> (last visited June 30, 2024).

³⁰ Tanja A. Börzel & Thomas Risse, *Human Security and the Evolution of Global Governance: An Analytical Framework*, 38(1) *International Organizations Law Review* 1 (2022), <https://link.springer.com/article/10.1007/s11196-022-09927-0>.

³¹ Helen Nesadurai, *Human Security in Southeast Asia: Changing Security Dynamics and ASEAN's Response*, 117/118 *Sciences Po Review of International and Strategic Studies* 103 (2010), https://www.sciencespo.fr/ceri/sites/sciencespo.fr/ceri/files/etude117_118.pdf.

security. It is crucial to prioritize the principles of human security in international law in order to establish a more equitable and righteous global order.