

## Individuals First: A Human Security Strategy for the European Union

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Since 9/11, many commentators have noted the growing divergence of world views between Europe and the United States. One of the most widely quoted characterizations of this divergence is that of Robert Kagan (2002; 2003). Kagan contrasts what he sees as the American Hobbesian world view, in which military power is the key factor, with the European Kantian view, which places the emphasis on the extension of international law. The former view considers the Hobbesian idea of a state of nature, a »war of every man against every man«, as continuing to apply to the inter-state world. A superpower, asserting its military might whenever and however it deems necessary, is therefore the only possible means to maintain order and keep anarchy at bay. The latter Kantian view favors a law-based approach to maintaining international peace and justice, believing that peaceful and rights-based states cannot exist in isolation in a world where »might is right«. »The problem of establishing a perfect civil constitution is subordinate to the problem of a law-governed external relationship with other states, and cannot be solved unless the latter is also solved« (Kant [1784] 1991: 45, 47). According to Kagan, the Kantian approach is typical of weak states.

Our contention is that a European world view should indeed be based on Kantian principles. As we elaborate below, the European Union itself can be viewed as a »perpetual peace« project, according to which nation-states continue to exist but agree not to go to war with each other and to adhere to certain standards, particularly standards of democracy and human rights. But we differ from Kagan in two important respects. First of all, we argue that, in an era of globalization, this approach is actually more realistic than a Hobbesian world view. Because societies are so interdependent at all levels, it is no longer possible to defend the interests of a

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particular nation or region unilaterally. A geo-political approach which pursues national interest through top-down relations backed by military force will turn out to be counter-productive, as is clearly evident in the »war on terror« operations in Afghanistan and Iraq. Second, we do think that the European approach needs to be underpinned by military force and that Europe needs to be »tougher« than hitherto. But military forces need to be configured in quite new ways. They need to be able to prevent and contain violence in different parts of the world; but this is different, we argue, from being able to fight wars against other states or proto-states. They should address the real security needs of people in situations of severe insecurity; and, by addressing these, they will also make the world safer for Europeans. Indeed, in our view, there is a dangerous disjunction between traditional security instruments and actual security needs.

Naturally, internal security within the Union and within the member states remains of vital importance, and substantial resources of the member states and the EU will continue to be devoted to initiatives to enhance security internally. However, our point is that internal and external security are now inseparable, and that making a contribution to global security should be part of Europe's security policy. This article, like the report of the Study Group on Europe's Security Capabilities (2004), addresses only this external security dimension.

The approach to security we propose is not peculiar to Europe. We would make the same case for NATO or the United Nations. The advantage of thinking about European security capabilities is that European security policy is relatively recent and is not mired in the institutional legacy of past wars and past military traditions. This is not a competitive approach vis-à-vis the United States. Ideally we would hope that eventually the United States would adopt a similar approach.

In the next section, we elaborate why we think the changed global context calls for a radically different approach to security. Subsequently, we discuss the concept of human security, and why we think security outside the borders should concern Europe. The fourth section outlines the seven principles on which we think European security policy should be built. The fifth section contains a reflection on the nature of the European polity in its relation to human security. The conclusion recapitulates the main elements of our vision.

## The Changed Global Context

Before the Second World War the agency dealing with military policy in most countries was called the »Ministry of War«. After the war, these departments changed their name to »Ministry of Defense« in recognition of the emerging norm that aggressive war was no longer legitimate. We would like to propose the need for another shift, from considering »defense policy« to »security policy« and, more particularly, »human« or »global« security. The term »defense policy« tends to mean a policy aimed at defending the state and its inhabitants from foreign aggression, more particularly from the aggression of foreign states. Of course, any security policy has to be concerned with threats to its own people. But our argument will be that it is no longer possible to defend a particular territory or group of people in isolation.

Since the inception of the UN, but more particularly since the 1990s, armies which were originally maintained for the defense of borders have been used for peace-keeping operations outside, and often far away from, those borders. Clearly, the governments in charge of these armies and the citizens who voted for these governments have long believed that these were somehow relevant and useful operations, whether to serve humanitarian goals or to keep the armed forces fit. However, the justification for such operations, and their relation to national defense, remained undertheorized for a long time. Only in the late 1990s did the changing nature of »defense« and »security« really become a matter of debate.

An important reason for the inadequacy of traditional state security approaches is the changing nature of military power. Clausewitz defined war as »an act of violence designed to compel an opponent to fulfil our will« ([1968] 1832: 1). What has become known as »compellance« (Schelling 1960) is much more difficult nowadays. Small arms, grenades, and so forth have become much more accurate and easy to use, so the difference between those who possess advanced military technology and those who do not has been reduced. Hence the importance of what the Americans call »asymmetric threats«. The US advantage in military technology is much less than the difference in expenditure. The US has an advantage in the air and in information technology. It can be very destructive. But it is not very good at imposing order – at coping, for instance, with suicide bombers who have relatively unsophisticated technology.

Moreover, the means used in traditional warfare have themselves increasingly come to be considered illegitimate. As a consequence of the

barbaric wars of the twentieth century not only were legal constraints on war introduced but also public pressures against war increased. In a world in which human rights norms have become an increasingly salient element of the global discourse, an intervention that uses traditional war-fighting means, including in particular aerial bombardment, can itself be considered a violation of human rights. While contemporary Western governments do try to minimize civilian casualties, they cannot avoid such casualties altogether. The numbers of civilians killed in Afghanistan or Iraq exceeds the numbers killed on September 11 and, for many people, the distinction between war as legitimate killing and violations of human rights is becoming harder to sustain. Related to the growing illegitimacy of traditional war-fighting is the lack of will to engage in wars and, in particular, to risk casualties. The decline in the utility of traditional military power means, on the one hand, less likelihood of external aggression by foreign states and, on the other hand, new sources of insecurity that are less amenable to traditional military methods.

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These developments also have to be understood in the broader context of globalization – growing interconnectedness in all fields, deterritorialization of authority, and the erosion of the autonomy of states. All of these developments call into question the classic equation of the security of the state with the security of the citizen. Classic authoritarian closed states, which threaten the security of their own citizens, are increasingly of concern to other states and global public opinion. At the same time, as the outside world cannot be kept out, formerly authoritarian states often degenerate into »failing states«, which are unable to protect their citizens. The »new wars« that are taking place in many parts of the world call into question the distinctions between »human rights violations« inflicted by the state on its own citizens and »conflict« between armed combatants: battles are rare and most violence is inflicted on civilians. In particular, population displacement is a typical feature of such wars, as a result both of deliberate ethnic cleansing and of the difficulty of distinguishing between civilians and combatants. Such wars blur the distinction between the internal and the external because they spill over borders and involve both local and glo-

bal actors. They also blur the distinctions between public and private, and between military and civilian, since they involve not just regular forces but also paramilitary groups, warlords, mercenaries, and organized crime groups. It is these conflicts that become the »black holes« generating many of the new sources of insecurity – refugees and displaced persons, extremist ideologies, terror, and various forms of trafficking – that spread across borders and are increasingly difficult to contain.

While these developments may initially have appeared to apply primarily to developing and conflict states, the September 11 attacks have made it clear once and for all that no citizens of the world may consider themselves safe behind their national borders any longer, and that sources of insecurity are no longer most likely to come in the form of border incursions by foreign armies. The new »threats« to Europe (terrorism, the spread of weapons of mass destruction, and organized crime, for example) have to be managed through a global strategy aimed at a people-centered concept of security rather than traditional territorial forms of defense.

## Human Security

The idea of human security is an attempt to conceptualize the changing nature of security. It recognizes that »the security of one person, one community, one nation rests on the decisions of many others – sometimes fortuitously, sometimes precariously«, and that »policies and institutions must find new ways to protect individuals and communities ...« (Commission on Human Security 2003: 2–4). The Commission on Human Security uses a broad definition: »to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment«. It goes on to say that what is considered vital differs across individuals and societies, and therefore »we refrain from proposing an itemized list of what makes up human security«.

Deputy High Commissioner for Human Rights Bertrand Ramcharan takes a simpler but equally broad approach: »It is submitted that international human rights norms define the meaning of security« (2002: 9). He then enumerates the international treaties that set out these norms. In Ramcharan's approach, human security becomes practically synonymous with human rights, that is, all internationally codified human rights. While these very broad and holistic notions of human security are quite

intentionally juxtaposed to the much narrower national defense approach, it does in fact make it rather difficult to found a security policy on such concepts.

However, both the Commission on Human Security and the wider literature on human rights offer points of departure for a narrower concept. In the Commission's report, Amartya Sen conceptualizes human security as narrower than either human development or human rights. In relation to human development, he focuses on the »downside risks«: »the insecurities that threaten human survival or the safety of daily life, or imperil the natural dignity of men and women, or expose human beings to the uncertainty of disease and pestilence, or subject vulnerable people to abrupt penury«. In relation to human rights, he sees them as »a class of human rights« that guarantee »freedom from basic insecurities – new and old« (Commission on Human Security 2003: 8–9). However, here too he refuses to list the human rights or the insecurities involved. The human rights literature also tends to shy away from recognizing a hierarchy of norms, predicated on a similar fear of devaluing and trivializing some hard-fought rights by according them second-class status.

However, it is clear that certain rights, or certain violations, are singled out in international law by being put into categories like »ius cogens« or »peremptory norms«, by being non-derogable in emergency situations, or by constituting international crimes under the Statute for an International Criminal Court. Examination of these categories could lead to the identification of a narrower core of human security threats. Genocide, large-scale torture, inhuman and degrading treatment, disappearances, slavery, crimes against humanity and war crimes as defined in the International Criminal Court (ICC) statute are commonly agreed to warrant special status, while killings and arbitrary detentions may also come under this category (Seiderman 2001). Violations of the right to food, health and housing, even grave and massive ones, are not commonly recognized as belonging to this category, although some authors would make a case for them as »survival rights« (Donnelly and Howard 1988; Seiderman 2001: 293–4). In practice, the distinction may not matter as massive violations usually entail more than one category of rights. In the case of Kosovo, for instance, the mass expulsions were grave violations of the right to housing, but were also accompanied by killings, torture and inhuman and degrading treatment.

We propose that, while the holistic category of human security as proposed by the Commission or by Ramcharan might inform the common

foreign, security and development policy of the European Union as a whole, a narrower category of situations that become intolerably insecure, as outlined above, could be one of the criteria for deciding to deploy operational capacities.<sup>1</sup>

## **Why is Human Security of Concern to the European Union?**

### The Moral Case

The moral case for Europe's interest in human security outside its borders is founded simply on our common humanity. It posits that human beings have a right to live with dignity and security, and a concomitant obligation to help each other when that security is threatened. It defends the idea that all human life is of equal worth, and does not accept that human lives become cheap in desperate situations. There is nothing distinctively European about such moral norms. On the contrary, they are by their nature universal. However, they have a particular appeal to Europeans. Whenever European states have intervened abroad for humanitarian reasons, whether in Kosovo, East Timor or Sierra Leone, this has been based on very strong public support, even public pressure, from European citizens. Moreover, beyond state action, large numbers of Europeans have voluntarily gone to Yugoslavia to help with post-conflict reconstruction, to Guatemala to accompany returning refugees, or to Palestine to monitor human rights violations.

Morality also gives some guidance as to the way in which »concern« for the human security of others should be expressed in policy decisions. A basic precept is »first, do no harm«. It makes no sense, therefore, to engage in actions that destroy the security or even the lives of those they are meant to protect. It may be necessary and should be acceptable, based on the equal worth of all human life, to risk lives in order to restore the security of others. Such willingness has recently been more evident within civil society initiatives than in state-sponsored military missions. Finally, as the Commission on Human Security makes clear, restoration of security must be coupled with empowerment. In the section outlining our vision for a European security policy, we elaborate on the ramifications of these basic precepts.

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1. By »deploying operational capacities«, we do not necessarily mean »intervening«; that is, there need not be a conflict with sovereignty.

## The Legal Case

If human security is considered as a narrower category of protection of human rights, as proposed above, then it is now generally accepted that other states, and international institutions such as the EU, have not only a right but also a legal obligation to concern themselves with human security worldwide. Articles 55 and 56 of the United Nations Charter enjoin states to promote *universal* respect for, and observance of, human rights. This obligation is restated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration of 1993.

In its new Draft Constitution, the European Union explicitly recognizes the same obligation. Article 4 states: »In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and protection of human rights and in particular children's rights, as well as to strict observance and development of international law, including respect for the principles of the United Nations Charter.« The European Union does, therefore, recognize that it has obligations concerning the human security of people outside its borders. However, neither the United Nations nor the European legal framework has much to say about the nature and extent of these obligations.

International law has a great deal more to say about the much narrower question of the limits to the right, or obligation, to intervene militarily against the will of another state. Traditionally, the only exceptions to the non-intervention principle have been self-defense or the authorization of intervention by the UN Security Council, based on a decision that a situation constitutes a »threat to the peace, breach of the peace, or act of aggression«. It has regularly characterized situations of massive human rights violations as such, and has authorized intervention on this basis in Northern Iraq, Somalia, Bosnia, Liberia and Sierra Leone. However, since the Kosovo war there has also been a debate on whether there should be a – very restrictive – opening for humanitarian intervention not based on a Security Council resolution. Various commissions, including the ICISS (2001), the Independent International Commission on Kosovo (2000) and the Advisory Council on International Affairs (2000) have attempted to formulate criteria for the admissibility of such intervention.



Many other experts, however, continue to be of the opinion that any deviation from the Security Council framework would open the floodgates to unilateral action with dubious motives.

While this debate continues to be important, we prefer to focus in this article on the manner and means of intervention, which has been almost entirely neglected and is in need of more urgent attention. However, we would like to stress that, if there is to be an alternative to the Security Council route at all, it should be very narrow and unambiguous. We do not espouse a »just war« concept that would be open to interpretation by those intending to wage the war. We revisit the relevance of international law to the manner and means of security policy in our discussion of principles.

### The Enlightened Self-interest Case

While we believe that both moral and legal justifications for a European security policy founded on human security are the most cogent arguments, and are in fact popular with the citizens of Europe (see our section on European identity below), it is also possible to make a compelling »enlightened self-interest« case for the adoption of a human security policy by the European Union. The whole point of a human security approach is that Europeans cannot be secure while others in the world live in severe insecurity. National borders are no longer the dividing line between security and insecurity: insecurity gets exported.

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We believe that the »threats« Europeans face are all related to human security and mostly rooted in areas of severe insecurity. In »failing states« and conflict areas, the criminal economy expands and gets exported: the drug trade, human trafficking and the easy availability of small arms, and even the brutalization of society, are not contained within the »conflict zone« but felt beyond it, including in Europe. When the state breaks down, communalist ideologies are mobilized, generally rooted in religion or ethnicity; and while this leads first and foremost to a spiral of violence within the conflict zones, terrorist networks also thrive upon and recruit from such situations, with the effects again being felt in Europe.

In the case of Afghanistan, for instance, these connections with drugs as well as terrorism are now obvious, but they were not so 10 or 15 years ago. It may also be, therefore, that, in a case like the Great Lakes region in Africa, which does not export terrorism or drugs at present, the severe insecurity of millions may have as yet unforeseeable consequences for Europeans. In a globalized world, the brutalization of a society, with daily experience of high levels of violence and the cheapening of human life, is bound to affect other societies. Holistically perceived, the enlightened self-interest case comes very close to the moral case, which is why we believe a Kantian vision should now be considered as a form of realism, not just idealism. Dealing with terrorism and organized crime only by devising more robust punitive and intelligence measures within our borders, which may in fact endanger the democratic values and institutions of Europe, can never be more than firefighting. We believe that the only real response to such threats is to address the security needs of people in situations of severe insecurity. We do not have the illusion that this will deliver perfect security to Europeans, but it is the most credible way to address the causes of insecurity at source.

## **Seven Principles for a Human Security Policy for Europe**

The set of principles outlined below is drawn from the actual experience of insecurity in different parts of the world – Central and West Africa, South East Europe, the South Caucasus and the Middle East (see Brittain and Conchiglia; Keen; Kostovicova; Faber and Kaldor; and Said, in: Glasius and Kaldor (ed.), forthcoming 2005).

The European Security Strategy (ESS) rightly places much emphasis on the »prevention« of crises as opposed to the doctrine of »pre-emption«. But it is often difficult to distinguish between different phases of conflict. The conditions that cause conflict – fear and hatred, a criminalized economy that profits from violent methods of controlling assets, weak illegitimate states, the existence of warlords and paramilitary groups, for example – are often exacerbated during and after periods of violence and there are no clear beginnings or endings. The situation in Palestine, for instance, was supposed to be »post-conflict« after the Oslo accords, but has clearly reverted to being in the midst of conflict. The conflicts of the South Caucasus used to be called »frozen«, but »festering« might have been a better characterization. The principles for a Eu-

European security policy should therefore apply to a continuum of phases of varying degrees of violence that always involves elements of both prevention and reconstruction.

Likewise, the set of principles proposed below is intended to guide the actions of high-level EU officials, politicians in the member states, diplomats, and soldiers and civilians in the field alike. Some of these principles (i.e. multilateralism) may be more relevant to politicians or diplomats, and others (i.e. use of force) to the military. But it is essential to the building of a coherent and effective policy that everyone should have an awareness and a shared understanding of all the guiding principles. Moreover, policies based on these principles will have more public support, and hence more room for manoeuvre, if the European public also understands and endorses them.

### Principle 1: The Primacy of Human Rights

The primacy of human rights is what distinguishes the human security approach from traditional state-based approaches. Although the principle seems obvious, there are deeply held and entrenched institutional and cultural obstacles that have to be overcome if it is to be realized in practice.

The central preoccupation of both practitioners and analysts of foreign policy in recent years has been the conditions under which human rights concerns should take precedence over sovereignty. This debate often neglects the issue of the means to be adopted in so-called human rights operations. This is especially important where military means are likely to be deployed. It is often assumed that the use of military force is justifiable if there is legal authority to intervene (*ius ad bellum*), and if the goals are worthwhile. However, the methods adopted must also be appropriate and, indeed, may affect the ability to achieve the goal specified. In other words, the *how* is as important as the *why*.

This means that human rights such as the right to life, the right to housing, or the right to freedom of opinion are to be respected and protected even in the midst of conflict. Unless it is absolutely necessary and has a legal basis, personnel deployed on human security missions must avoid killing, injury, and material destruction. Human security implies that everyone is treated as a citizen. The primacy of human rights also implies that those who commit gross human rights violations are treated as individual criminals rather than collective enemies.

Principles 6 and 7, below, spell out what would constitute operational conduct in line with a human security approach.

## Principle 2: Clear Political Authority

The end goal of a human security strategy has to be the establishment of legitimate political authority capable of upholding human security. Diplomacy, sanctions, the provision of aid, and consultations with civil society are all among the array of instruments available to the European Union aimed at influencing political processes in other countries – opening up authoritarian regimes, strengthening legitimate forms of political authority, and promoting inclusive political solutions to conflict. The capacity to deploy civilian personnel is a crucial addition to these instruments. They represent the EU's commitment to help build and sustain legitimate political authority in crisis situations. Even if military forces are to be used, they can only succeed on the basis of local consent and support. The most that can be achieved through the use of military forces is to stabilize the situation so that a space for a political process can be created.

On the side of the European Union itself, there must be clear political authority over command and control of its missions. Where European security units are deployed, there needs to be a close linkage between policy-makers and those on the ground, with the former having ultimate control over the operations. Of course, this point has always applied in warfare and has been emphasized by many of the great military strategists, including Clausewitz. But it is easy to neglect once the logic of deployment takes over.

The European Union faces an additional challenge when it comes to political control. The present situation, in which troops supposedly operate under a single line of command while in reality they still take instructions from their own domestic politicians, particularly in emergencies, is unworkable. On the other hand, a truly integrated European command structure raises the question of democratic control. If basic decisions about deployment, tasks and risks, and withdrawal, are taken at the European level, there should be a double accountability: to national parliaments and to the European Parliament. In practice however, there could be a lack of accountability to either.

Finally, human security missions should be led by a civilian. This should typically be a politician, or someone with a sense of the politics

both of the sending states and the host society, with easy access to policy-makers as well as receptive to local political actors.

### Principle 3: Multilateralism

We understand multilateralism to have a much more comprehensive meaning than »acting with a group of states«. In that narrow sense, nearly all international initiatives might be considered multilateral. Multilateralism is closely related to legitimacy, and has three basic aspects.

Firstly, it means a commitment to work with international institutions and through the procedures of international institutions. This means, first and foremost, working within the United Nations framework, but it also entails working with or sharing out tasks among other regional organizations such as the OSCE and NATO in Europe, the African Union (AU), the South African Development Community (SADC), and the Economic Community of West African States (ECOWAS) in Africa or the Organization of American States (OAS) in the western hemisphere. Working with and through international organizations does not mean having a sacred regard for preserving them as they are. A commitment to effective multilateralism also means a commitment to reform where necessary.

Secondly, multilateralism entails a commitment to creating common rules and norms, solving problems through rules and co-operation, and enforcing the rules. The EU as an international norms promoter rather than as a superpower is less threatening to non-European states and offers a pole around which support could be built in multilateral fora such as the United Nations.

Thirdly, multilateralism has to include coordination, rather than duplication or rivalry. An effective human security approach requires coordination between intelligence, foreign policy, trade policy, development policy and security policy initiatives, of the member states, of the Commission and the Council, and of other multilateral actors, including the United Nations, the World Bank, the IMF and regional institutions. Preventive and pro-active policies cannot be effective if they are isolated and even contradictory. This is not a new insight, in fact it is a truism, but it is still not acted upon in practice.

## Principle 4: The Bottom-up Approach

The decision about the kind of policies to be adopted, whether or not to intervene and how, must take account of the most basic needs identified by the people who are affected by violence and insecurity. This is not just a moral issue, it is also a matter of effectiveness. People who live in the affected area are the best source of intelligence.

A continuous process of communication, consultation, dialogue and partnership can provide a form of early warning and a guide to what strategies are most likely to be effective as well as feedback and evaluation for ongoing missions. In effect, the bottom-up approach is a method of on-the-job learning. Various techniques can be used, including local broadcasting and publications, town hall meetings, and question and answer sessions, to explain the mission, discover mistakes, receive new information, respond to new initiatives, and learn who to involve in implementation. Of course, local people will have different views and interests, but missions must familiarize themselves with the complex politics of the region. Women's groups are particularly important in this respect. Such groups are generally independent of the parties to the conflict and are the main local conduit for humanitarian work; for these reasons they often have valuable insights and advice to offer.

International interventions can never be more than »enabling«. What they can achieve depends on the consent of the majority of the population. There is a tendency among »internationals« to assume that they know best. Institution-building is bound to fail when it excludes those for whom the institutions are built. Without a bottom-up approach, an operation cannot successfully work towards its own redundancy. Despite good intentions, the top-down approach is deeply rooted in international institutions, not only in attitudes but also in the culture that develops around international missions. International officials often remain within their own circles, and as they are often on very short-term missions they lack a long-term commitment.

## Principle 5: Regional Focus

New wars have no clear boundaries. They tend to spread through refugees and displaced persons, through minorities who live in different states, through criminal and extremist networks. Indeed most situations of severe insecurity are located in regional clusters. The tendency to focus

attention on areas that are defined in terms of statehood has often meant that relatively simple ways of preventing the spread of violence are neglected. Time and again, foreign policy analysts have been taken by surprise when, after considerable attention had been given to one conflict, another conflict would seemingly spring up out of the blue in a neighboring state.

A regional focus is not only an issue for intelligence-gatherers or diplomats, it also has operational implications. The UN involvement in the Great Lakes region in Africa, for instance, has been characterized by piecemeal interventions confined to one state, whilst refugees and combatants crossed borders back and forth. Moreover, the common practice in multinational operations of parcelling out separate pieces of territory to each national force can lead to damaging discontinuities of practice. A continuous regional focus could instead allow successful practices to spread quickly from one locality to the next.

## Principle 6: Use of Legal Instruments

The use of law, and particularly international law, as an instrument does not pertain just to diplomatic fora and decisions concerning whether to intervene: they are at the core of *how* operations should be conducted.

At an operational level, the primary task of any deployment should be to assist law-enforcement. This means that a much larger investment will have to be made in civilian capabilities for law-enforcement, i.e. police, court officials, prosecutors and judges. The EU is just beginning to comprehend this task in the Balkans. For the military, it means a shift from the traditional use of military force as war fighting to that of law enforcement. They have to be actively involved in assisting the police and civil authorities. In situations like Bosnia and Kosovo, for example, greater efforts to bring about justice could have made a big difference to the depth and speed of reform and reconstruction.

Unlike in classic wars in which only states bore responsibility, armed forces have to act within a legal framework that applies to individuals. Operations by the European Union should have legal accountability mechanisms open to those who are »operated« upon. There should be not only codes of behavior for the troops involved, but also sanctions for breaking the codes.

But whose law should be applied? While local law continues to apply in principle, the answer to this question is by no means straightforward

in failed states, where there has been a breakdown of law and order, or in repressive states, where relevant domestic laws may lack legitimacy. A coherent legal framework is crucial so as to provide legal security to troops as well as to the local population.

The local population should be involved in the administration of justice as much as possible. Citizens in these situations need to regain the protection of the law, and to help transform it if the old laws were unjust or repressive. In some cases, skilled and politically untainted police and legal staff are available to do most of the work, and all they need is military protection and a stamp of international legitimacy. In other cases, a legal system has to be rebuilt from the ground up, while there are many in-between scenarios in which training and mixed international-local staffing would be appropriate.

Finally, the principle implies that terrorists, war criminals, human rights violators and drug traffickers are made subject to the law. They too should be treated at the individual level, with instruments of law, rather than collectively with instruments of war. They should face fair trials according to international human rights standards, whether before international, domestic or hybrid courts.

## Principle 7: Appropriate Use of Force

Classic warfare is between sides. Soldiers must protect themselves and civilians on their own side and an effort is also made to minimize civilian casualties on the other side. The emphasis on firepower and technology, however, has often meant heavy loss of life especially among enemy soldiers but also among civilians. In human security operations, the lives of those deployed cannot be privileged. The aim should be to protect people and minimize casualties. This is more akin to the traditional approach of the police, who risk their lives to save others, even though they are prepared to kill *in extremis*, as human security forces should also be. Hence, in line with principle 1 (primacy of human rights) and principle 6 (legal instruments), minimum force is the key. Minimum force suggests for instance that it would be an over-reaction to kill someone who threatens violence when an arrest can be made.

Our approach does not suggest that the use of force is to be avoided under all circumstances. Nothing should undermine the inherent right of self-defense. If someone is threatening violence a soldier can respond appropriately, regardless of whether force has been authorized under



Chapter VI or Chapter VII of the United Nations Charter. There may even be situations in which it is legitimate to kill someone who is trying to kill a third party. Clearly, soldiers need to be confident of their rights to use force and have to tailor their tactical decision-making to the situation they find themselves in. However, they remain legally accountable for their actions and should face prosecution in court when the legality of their use of force is in question.

The use of minimal and precise force, of course, puts troops at more immediate risk than using overwhelming force. This logic should be appreciated by the military, the politicians and the general public.

## **The Distinctive Nature of the European Union**

As mentioned above, the human security approach need not be unique to Europe. But it can be considered as a particularly appropriate policy for the European Union, depending on one's view of what the European experiment is all about.

There has always been a tension in the Common Foreign and Security Policy (CFSP) as well as the European Security and Defense Policy (ESDP) between a human or global security concept and a state security concept. This tension continues to be expressed in the most recent European documents, for example, the European Constitution. It refers to a Common Security and Defense Policy (thus bringing together CFSP and ESDP) which includes both the development of military and civilian assets for »peace-keeping, conflict prevention, and strengthening international security in accordance with the principles of the United Nations« (Article 40.1) and »the progressive framing of a common Union defence policy« (Article 40.2), presumably referring to the defense of territory. The European Security Strategy goes much further in making Europe's »responsibility for global security« the centerpiece of a European security strategy and argues that this has to be achieved through an international order based on effective multilateralism. We believe, as the ESS also points out, that it is no longer realistic to separate global or human insecurity from threats to Europe.

These tensions reflect different conceptions of Europe. One conception has always been of Europe as a »peace project«. This is an enlightenment idea – many of the great liberal thinkers (Abbé St Pierre, Rousseau, and Kant) developed perpetual peace projects. In the same spirit, the

founders of what was to become the European Union wanted, in the immediate aftermath of the Second World War, to preclude another war on European territory.

This continues to be a strong motive in the minds of European citizens: when asked what the European Union means to them personally, the third-ranking answer in the Eurobarometer survey, after the euro and freedom of movement, is »peace«. Indeed, 89 percent of the respondents consider »maintaining peace and security in Europe« to be a priority of the EU. It is also considered to be the most effective of EU policies (European Commission 2004: 1.3; 2.2; 4.4).

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There are, of course, different versions of the »peace project« idea, including both classic inter-governmental models (Moravcsik 1998) and the notion of Europe as a new type of cosmopolitan polity, a »civil space«, or a »normative power« (Manners and Whitman 2000). According to these latter conceptions, nation-states remain as legal repositories of sovereignty but sovereignty changes in fundamental ways. Nation-states become »post-modern« (Cooper 1996) or »globalizing« (Clark 1999) or »post-national« (Beck 2000). What this means is that they exercise their sovereignty through multilateral institutions and they agree to constraints on the use of force. Externally, the use of force is subject to international law. Domestically, nation-states have to adhere to certain democratic and legal standards. A human security strategy derives from this conception of Europe. This conception of Europe is above all based on the principle of human equality: nation-states can no longer privilege the lives of their own nationals. This multilateral and human rights-oriented identity is already expressed and embedded in the EC and EU treaties, the basic rights charter, human rights clauses in the EU's bilateral agreements and common foreign policy declarations.

In a globalizing world, the »peace project« has to be understood as a process rather than an end goal. The coming together of legal relations and a civil space had to be reproduced and extended to keep the process going. In the interdependent post-Cold War environment, the peace project can succeed only as a global project and not as a merely European

one. In a sense, the human security approach is an extension of the internal methods of integration. The European Union is a political experiment that cannot be confined by territory.

The other conception of Europe is as a super-power in the making. There has always been a strand of Europeanism which sees the project as a way of reversing the decline of Europe's Great Powers. Many European politicians have long favored a common defense policy because they believed that Europe had the potential to become a superpower rivalling the United States. This is the conception of Europe that envisages a defense policy on the American model, as opposed to a human security policy. Such a policy would build European security capabilities on the same model as those of the member states, only bigger and better.

European identity is as yet weak. Fifty-seven percent of Europeans think of themselves as European to some degree (with 47 percent defining themselves as national citizens first and European citizens second), and 58 percent feel »fairly or very attached« to Europe (Eurobarometer 2004:1.1; 1.3). Interestingly, Europeans have shown steady support – of about 65 percent – for a common foreign policy over the last ten years, and even higher – 70 percent – support for a common defense policy, against declining support, presently at 48 percent, for the EU as a whole (Eurobarometer 2004: 2.4.1; 3.2; 3.4). Policy objectives that we consider part of a holistic security approach are all considered to be best dealt with by the EU rather than national governments: fighting international terrorism (by 84 percent); fighting the trade in, and exploitation of, human beings (79 percent); fighting organized crime (71 percent); and fighting drugs (68 percent).

However, with the possible exception of the »human trafficking and exploitation« objective, this does not in itself tell us whether respondents have a Hobbesian or a Kantian view of European security policy. Other aspects of the same survey suggest that, while there is support for both, the Kantian view is the more popular. Trust in all kinds of government institutions is waning. Trust in the European Union is considerably higher, at 41 percent, than trust in the national government (31 percent). However, the most trusted institution is in fact the United Nations at 48 percent. This suggests a high level of support for the multilateralist approach. Fifty-three percent of Europeans believe »asserting the political and diplomatic importance of the EU around the world« to be a priority area for the EU. On the other hand, 74 percent of Europeans think that »the EU should guarantee Human Rights around the world, even if this

is contrary to the wishes of some other countries«, and 69 percent believe that »the EU should have a rapid reaction force that can be sent quickly to trouble spots when an international crisis occurs« (Eurobarometer 2004: 3.6).

How this identity is developed will depend on what happens in practice and whether Europe is seen to contribute to human security. The failure to intervene effectively in Rwanda and Bosnia, or the divisions over Iraq, may well have had the opposite effect, while the Kosovo war was controversial. Some would argue that it is more difficult to »sell« the more sophisticated Kantian vision to Europeans than it was to sell old-fashioned patriotic wars. But, as the Eurobarometer survey suggests, the sophisticated judgment of European citizens in a complex world should not be underestimated.

## **Human Security: A Realistic Vision**

We argue that there is a middle way between a non-intervention stance and a geo-political approach to global security, a European security policy that is quite prepared to use military force if necessary but uses it for different aims, based on different processes and using different means, from those of traditional war-fighting. We propose that the goal of such a European security policy should be to establish and maintain what might be termed »human security«. It should be founded on the primacy of individuals, not states. The process through which it operates should be a multilateral commitment to international law and international institutions at the global level, and a bottom-up approach at the local level. The means it uses are based on law enforcement rather than war-fighting, premised on the equal value of all human lives instead of privileging one side, aimed at protecting people and arresting individual criminals rather than defeating an enemy, and situated within a framework of international law. We argue that in the twenty-first century such an approach is the only realistic version of a European security policy.

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