

Inaugural Lecture

Topic:

Liberty, Dignity and Security: Sifting the Matrix of Humanity

Presented By

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About Prof. Oladejo Justus Olowu

On the same 6 July 1967 as Biafran secessionist soldiers and the federal troops exchanged fiery action signalling the commencement of the gruelling 30-month civil war in Africa's most populous country, Nigeria, Oladejo Justus Olowu arrived the world as the last child of the Revd Isaac Ojo Olowu and Mrs Deborah Monisola Olowu (both of blissful memories), at Oke-Igbo, Nigeria.

A veteran students unionist, Prof. Olowu holds the degrees of LLB (Honours) and LLM, Obafemi Awolowo University, Ile-Ife, Nigeria (1991 and 1998, respectively); the LLM Human Rights & Democratisation in Africa, University of Pretoria, Pretoria, South Africa (2001); the Postgraduate Diploma in International Human Rights, Åbo Akademi University, Åbo/Turku, Finland (2003); and the Doctor of Juridical Science, *cum laude*, University of Notre Dame, Notre Dame, Indiana, USA (2004).

More simply known as "Dejo" among his family, friends and professional colleagues, Prof. Olowu was admitted to the Nigerian Bar in 1992 and remained an active litigation advocate in the superior courts of Nigeria until 1997 when he moved into the academic world. Prof. Olowu's main teaching and research interests are in the broad fields of Public International Law, Human Rights, Development, Legal Theory, and Comparative Constitutionalism.

Prof. Olowu started his professional academic career with his *alma mater*, the Obafemi Awolowo University, Nigeria, on 17 October 1997, and has had stints at the University of Ibadan, Nigeria (2000–2002); the University of Notre Dame, USA (2003); the University of the South Pacific, Fiji Islands and Vanuatu (2005–2006); the University of Fort Hare, South Africa (2007–2008), and the Walter Sisulu University, South Africa (2009). Since 1 January 2010, Prof. Olowu has been a Research Professor of Law (Public Law & Legal Philosophy) at the North-West University, Mafikeng Campus, South Africa. He had at one time served as the Director of the WSU School of Law and a Ministerial Adviser to the South African Law Reform Commission (Project 25 – Minerals and Energy Affairs).

An inquisitive scholar and dynamic orator, Prof. Olowu has participated in various learned conferences and specialised programmes connected with his teaching and research interests in some 45 countries around the world. He has also authored numerous learned publications through reputable legal and interdisciplinary outlets in Africa, the Americas, Asia, Europe, and Oceania. His landmark book publications include *An Integrative Rights-Based Approach to Human Development in Africa* (2009), *International Law: A Textbook for the South Pacific* (2010), *Socio-Economic Rights in Africa: An Evaluation of Strategies* (2011), and *Constitutional Interpretation of Unenumerated Rights* (2012).

Among his many honours and awards, Prof. Olowu was a recipient of the Chairman's Award for Deserving National Youth Service Corps Members, Lafia Local Government Council, Plateau State, Nigeria (1992/93); LLM fellowship of the Centre for Human Rights, University of Pretoria, South Africa (2001); JSD fellowship of the Centre for Civil and Human Rights, University of Notre Dame Law School, Notre Dame, Indiana, USA (2002–2004); fellowship of the Salzburg Seminar (Session 412: Social and Economic Dimensions of Human Rights), Salzburg, Austria (2003); Finnish Ministry of Foreign Affairs Scholarship for the Advanced Course on the International Protection of Human

Rights, Institute for Human Rights, Åbo Akademi University, Åbo/Turku, Finland (2003); Visiting Research Fellowship of the Danish Institute for Human Rights, Copenhagen, Denmark (2004); and ICRC Scholarship for the All-Africa Course on International Humanitarian Law (2007). He also received a Visiting Professorship funded by the Netherlands Ministry of Foreign Affairs and the European Union to the International Winter University, in Skopje, Macedonia (2005).

The South African National Research Foundation (NRF) currently rates Prof. Olowu as an “Established Researcher” for his interdisciplinary work (2009–2014). In recognition of his keen research acumen, Prof. Olowu sits on the Academy of Science South Africa (ASSAf)’s Peer Review Panel for Scholarly Journals in Law and Related Fields, and is the Convenor of its International and Comparative Law group. Prof. Olowu was listed in the International Directory of African Studies Scholars (IDASS) of the Columbia University, New York, USA (2001).

Prof. Olowu is a member of the following professional organisations: the Nigerian Bar Association; the International Network on Economic, Social and Cultural Rights; the International Network on Therapeutic Jurisprudence; the African Network of Constitutional Lawyers; the Network of University Teachers of International Humanitarian Law in Southern Africa and Indian Ocean Region; the Global Alliance for Justice Education; the South African Branch of the International Law Association; and the Peace and Collaborative Development Network. He was a member of the Bar of Vanuatu (2005–2006), and a court-appointed Mediator (2006).

In his present position at NWU, Prof. Olowu conducts personal and collaborative research; supervises Master’s and Doctoral degree projects; and mentors his upcoming colleagues in the Faculty of Law. Prof. Olowu is a devout Christian and loves cultural adventures, chess, African music and soccer, and is an ardent supporter of the Bafana Bafana, the Super Eagles, and the Orlando Pirates. He is blessed with a supportive family and vibrant children.

Liberty, Dignity and Security: Sifting the Matrix of Humanity

Eternal vigilance is the price of liberty; power is ever stealing from the many to the few. The manna of popular liberty must be gathered each day or it is rotten. The living sap of today outgrows the dead rind of yesterday. The hand entrusted with power becomes, either from human depravity or *esprit de corps*, the necessary enemy of the people. Only by continued oversight can the democrat in office be prevented from hardening into a despot; only by unintermittent agitation can a people be sufficiently awake to principle not to let liberty be smothered in material prosperity. – Wendell Phillips (1811–1884), abolitionist, orator and columnist for *The Liberator*, in a speech before the Massachusetts Antislavery Society, Boston, Massachusetts, 28 January 1852, in Suzy Platt (ed), *Respectfully Quoted* (Washington, DC: Library of Congress, 1993) 205.

The Rector,
Ladies and Gentlemen

I Introductory Remarks

At his inaugural lecture to the University of Oxford on 2 March 1954, George Temple, Sedleian Professor of Natural Philosophy, classified inaugural lectures into three species, namely, the sublime, the prophetic, and the familiar.¹ On this landmark event, however, I refrain from Temple's three typologies. Rather, I choose to seize this podium as an opportunity, which most likely would happen only this once in my lifetime, to offer an insight into how and why my person, background, pedigree and experiences have converged in defining my worldview, intellectual temperament and scholarly enterprise.

Mr. Rector, I must confess that writing this lecture was as demanding as selecting its title. I battled through a labyrinth of alluring topics. The question that had intermittently popped up in my mind since 1 January 2009 when I attained the rank of a full Professor of Law at a sister South African university was how to compress all of my life's work and experiences into a pellucid inaugural lecture presentation of 60 minutes or less in such a way that would serve the tripartite objectives of conveying an impression of my research career to date; of informing colleagues about my current and future research efforts and plans; and of introducing my research to audiences beyond the academe. With some degree of contentment and reprieve today, I present my inaugural lecture under the title *Liberty, Dignity and Security: Sifting the Matrix of Humanity*.

Mindful of the elaborate preparations that have gone into this commemorative evening, I do not intend to inflict, and will refrain from inflicting, any discomfort or long-winded narratives that would vanquish your already whetted appetites for tonight's culinary *smorgasbord*. The full length of this lecture will be served on everyone in the audience as you step out of this auditorium tonight, in printed format, and each attendee–

¹ George Temple, "The Classic and Romantic in Natural Philosophy", Inaugural Lecture delivered at the University of Oxford, 2 March 1954, at http://www-history.mcs.st-and.ac.uk/Extras/Temple_Inaugural_I.html (last visited 6 July 2012).

recipient can afterwards digest and revert with their comments on my preachments. What more? In this age of the Internet, most of my works that speak to the topic tonight and the preponderance of words that convey my intellectual outlook are available at the click of computer buttons.

Among the profound questions I pose in this lecture are the following:

- (i) whether there is a universal philosophical foundation for the notions of human dignity and human security or indeed any valid basis for the acceptance of such claims;
- (ii) whether the preservation and protection of the security and dignity of individual human beings in a State supersedes the protection of State security in our present age;
- (iii) whether the duty of States to protect the rights and dignity of individual human beings within their territories extends to non-citizens, Stateless persons, asylum-seekers, refugees and such other vulnerable groups of human beings on the fringes of society; and
- (iv) whether it is the sole prerogative of a State to prevent or vacate the destruction of the rights, dignity and security of individual human beings within its territory and whether individual human beings and/or their collectives have a pre-eminent entitlement to demand and ensure their own security and dignity.

It would therefore suffice, for our present congregation, to declare the summation of my engagement tonight under four cardinal nodes, namely:

One, that dignity inheres in every human being by the ordinary nature of their existence;

Two, that the whole essence of the litany of human rights treaties and the vast bills of rights so far drafted, adopted and/or brought into enforcement is the maintenance and protection of the dignity of the human being;

Three, that by the very nature of the origins of modern States, the primary role and responsibility of the governing is the guarantee and protection of the dignity and security of the governed individual human beings, over and above the interests of those who govern; and

Finally, that the reversal, destruction, diminution or consolidation of every rights-based norm that secures the guarantee of human dignity and human security in any society is not entirely dependent on the posture of any government but more on the agency of the human beings for whose benefit each norm is established.

(Mr. Rector, accompanying this lecture are more than 80 pictorial slides, from all continents, that speak to the crux of my concerns, queries and postulations. I shall therefore be reading only excerpts of the full lecture.)

II Between Human Rights and Human Dignity: Chimerical Ideals or Universal Contestations?

There has been considerable divergence among scholars seeking the justification of human rights on the ground of human dignity. While approaches to the human dignity paradigm have varied, the overall outlook revolves on the same threshold – that human rights derive from human beings' moral and physical nature and inhere in both individual and mutual need to live meaningful lives.² Whereas a school of thought

² See Oscar Schachter, "Comment: Human Dignity as a Normative Concept" (1983) 77 *American Journal of International Law*

regards human dignity as the basis for the entitlement of a human being to rights (realm of claims),³ another considers it as a basis for curtailing the interference in the enjoyment of rights (realm of restraints).⁴ Feldman further captures the twofold values of this concept as follows:

We must not assume that the idea of human dignity is inextricably linked to a liberal-individualist view of human beings as people whose life-choices deserve respect. If the State takes a particular view on what is required for people to live dignified lives, it may introduce regulations to restrict the freedom which people have to make choices which, in the State's view, interfere with the dignity of the individual, a social group or the human race as a whole....The quest for human dignity may subvert rather than enhance choice....Once it becomes a tool in the hands of lawmakers and judges, the concept of human dignity is a two-edged sword.⁵

The middle course envisaged in this lecture is the conceptualisation of human dignity in its dual dimensions, namely, human dignity in the context of empowerment, and human dignity in the context of restraint. This sort of conclusion is inevitable in the light of the extensive debates that have engaged political thinkers and legal philosophers on the subject.

Noting that while the use of the terminology "dignity" predated the Age of Enlightenment, Spiegelberg accentuated the point that "human dignity" only gained currency alongside the idea of rights inherent in individuals, an idea coinciding with the Enlightenment.⁶ He went further to draw a line of distinction between the general notion of dignity and the concept of human dignity. According to him:

Dignity in general...is a term of many meanings. It applies to all sorts of carriers, human and non-human, and indicates primarily certain distinctive qualities which give them a rank above others that do not have these qualities. In fact, dignity in the general sense is a matter of degree. It reflects an aristocratic picture of reality in the tradition of the 'Great Chain of Being' with higher and lower dignities. Such dignity is subject to change, to increase and decrease; it can be gained or lost. It finds its expression in such dignities as are conferred on 'dignitaries' through honours or titles, and can be expressed in dignified or undignified comportment.... Human dignity is a very different matter. It implies the very denial of an aristocratic order of dignities. For it refers to the minimum dignity which belongs to every human being qua human. It does not admit of any

848; Michael Novak, "Human Dignity, Human Rights" (1999) 97 *First Things* 39-42.

³ See, eg. Andrew Clapham, *Human Rights in the Private Sphere* (Oxford: Clarendon Press, 1993) 148-149; Winfried Brugger, "Dignity, Rights, and Legal Philosophy within the Anthropological Cross of Decision-Making" (2008) 9(10) *German Law Review* 1243; Allen Wood, "Human Dignity, Right and the Realm of Ends" (2008) *Acta Juridica* 47.

⁴ See, eg. Joseph Raz, *The Authority of Law* (Oxford: Oxford University Press, 1979) 221; Henk Botha, "Human Dignity in Comparative Perspective" (2009) 2 *Stellenbosch Law Review* 171; Łukasz Lasek, Robert Rybski & Mona Klarkowska, "Balancing Security and Individual Liberties in the Constitution of Poland, Germany - The European Union's Charter on Fundamental Rights and the European Convention of Human Rights: A Comparative Perspective", paper presented at the European Constitutionalism Seminar 2010 (*European Integration: Enhanced Protection or a Threat to Individual Freedom and Liberty*), Warsaw, May 2010, at <http://en.zpc.wpia.uw.edu.pl/wp-content/uploads/2010/04/Balancing-HR-and-Security-rev-2.pdf> (last visited 6 July 2012).

⁵ David Feldman, "Human Dignity as Legal Value, Part I" (1999) *Public Law* 682-702. See also Dejo Olowu, "Human Development Challenges in Africa: A Rights-Based Approach" (2004) 5 *San Diego International Law Journal* 179, 201-202.

⁶ See Herbert Spiegelberg, "Human Dignity: A Challenge to Contemporary Philosophy", in Rubin Gotesky & Ervin Lazlo (eds), *Human Dignity: This Century and the Next* (New York: Gordon & Breach, 1970) 42-43.

degrees. It is equal for all humans. It cannot be gained or lost. In this respect human dignity as a species of dignity differs fundamentally from the genus.⁷

It has been suggested that among all the eminent philosophers of the post-Enlightenment era, there is perhaps no greater thinker who was more preoccupied with the concept of human dignity than Immanuel Kant.⁸ Kant's theory of the intrinsic nature of human dignity naturally commends itself as the most acceptable articulation of the thrust of this lecture.

In his celebrated work, *Groundwork of the Metaphysics of Morals*, published in 1785, Kant had postulated that in the "Kingdom of Ends", everything has either a price (which makes it negotiable) or a dignity (which is beyond price and, therefore, non-negotiable).⁹ Putting it more articulately in a latter work, Kant sets out the fundamental principles of his theory in the following words:

Every human being has a legitimate claim to respect from his fellow human beings and is in turn bound to respect every other. Humanity itself is a dignity; for a human being cannot be used merely as a means by any human being...but must always be used at the same time as an end. It is just in this that his dignity (personality) consists, by which he raises himself above all other beings in the world that are not human beings and yet can be used, and so over all things. But just as he cannot give himself away for any price (this would conflict with his duty of self-esteem), so neither can he act contrary to the equally necessary self-esteem of others, as human beings, that is, he is under obligation to acknowledge, in a practical way, the dignity of humanity in every other human being. Hence there rests on him a duty regarding the respect that must be shown to every other human being.¹⁰

While it is possible to find loopholes with the postulations of Kant, his thinking presents us with a plausible philosophical context for this inquiry into human dignity as engendering empowerment and restraint. In this regard, two connotations of rights are derivable: one, the dignity of every human being which negates any involuntary interference by others which may adversely affect one's context of life and liberty; and two, the dignity of every human being which demands support and assistance in the achievement of those conditions that would ensure capacity to function in self-esteem.

The argument here is that as entitlement, the notion of human dignity can be construed as denoting the claim of an individual to free choices as well as to the fulfilment of his or her lawful potentials. On the other side of the coin, as restraint, it is to be regarded as connoting the balance of the tension between the claims of individuals and the State, and *vice versa*, and between the competing claims of individuals *inter se*.¹¹

Whatever other theoretical debates might exist, the notion of human dignity as the substance of all human rights has found its place as a frontline normative (albeit

⁷ *Ibid.*, at 55-56.

⁸ See Jerome J. Shestack, "The Philosophical Foundations of Human Rights", in Janusz Symonides (ed), *Human Rights: Concepts and Standards* (Burlington, VT: Ashgate, 2000) 31, 43.

⁹ Immanuel Kant, *Groundwork of the Metaphysics of Morals* (1785), trans., H. J. Paton (London: Hutchinson Press, 1948) 96.

¹⁰ Immanuel Kant, *The Metaphysics of Morals* (1797), trans., Mary Gregor (Cambridge: Cambridge University, 1991) 209.

¹¹ See Dejo Olowu, "Human Dignity: Reinvigorating Economic, Social and Cultural Rights and the Quest for an Inclusionary Human Rights Theory" (2006) 3(1) *Human Rights Global Focus* 19, 21.

undefined) idea in post-WWII global human rights instruments.

It is striking to note that all the three key documents that constitute what is generally known as the “International Bill of Rights” contain express reference to this concept in their Preambles. The Preambles of each of these documents proclaim that “the recognition of the *inherent dignity* and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.¹² It is worthwhile to note, however, that these hallowed instruments advance this recognition beyond their Preambles.

Article 1 of the UDHR opens with the proclamation that “All human beings are born free and equal in dignity and rights.” The UDHR further refers to that idea in two of its thirty article provisions. Article 22 declares that “Everyone...has the right to social security...for his dignity, and the free development of his personality.” In the context of another right, article 23(3) says “Everyone who works has the right to just and favourable remuneration ensuring for himself and his family *an existence worthy of human dignity*” (emphasis added). Perhaps it was these resounding references to the concept that led Glendon to proclaim human dignity as the “ultimate value” of the UDHR.¹³

In the ICCPR, the only other reference to human dignity is found in its article 10(1) which provides that “All persons deprived of their liberty shall be treated with humanity and with respect for the *inherent* dignity of the human person” (emphasis added). In the ICESCR as well, only one further reference to the notion of human dignity can be found. Article 13(1) stipulates that “Education shall be directed to the full development of the human personality and the sense of dignity.”

Apart from the copious recognition of the notion of human dignity in the International Bill of Rights, it has also gained a place of value in regional human rights instruments. Although both the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, as amended,¹⁴ as well as the European Social Charter, 1961,¹⁵ did not make any allusion to human dignity as their underpinning notion, the more recent Charter of Fundamental Rights of the European Union, 2000,¹⁶ is founded upon the core value of “human dignity” (Preamble, para 1); and opens its promises thus: “Human dignity is inviolable. It must be respected and protected” (article 1). While the Inter-American Convention on Human Rights (Pact of San Jose), 1969,¹⁷ only mentions human rights as “essential rights...based upon attributes of the human personality” (Preamble, para 2), the subsequent Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San

¹² These are the Universal Declaration of Human Rights (UDHR), 1948, GA Resolution 217A (III), UN Doc A/810 (1948); the International Covenant on Civil and Political Rights (ICCPR), GA Resolution 2200A (XXI), UN Doc A/6316 (1966), 999 UNTS 171 (entered into force on 23 March, 1976); and the International Covenant on Economic, Social and Cultural Rights (ICESCR), GA Resolution 2200A (XXI), UN Doc A/6316 (1966), 993 UNTS 3 (entered into force on 3 January, 1976. See UDHR Preamble, para 1; ICCPR Preamble, para 1; ICESCR Preamble, para 1 (emphasis added).

¹³ Mary Ann Glendon, “Foundations of Human Rights: The Unfinished Business” (1999) 44 *American Journal of Jurisprudence* 1, 2.

¹⁴ 213 UNTS 221 (1950), ETS 5 (entered into force on 03 September, 1953), *amended by* Protocol No. 13 of 2002, ETS 187 (2002).

¹⁵ ETS 35 (1961) (entered into force on 26 February, 1965), *revised by* ETS 163 (1996).

¹⁶ 2000/C. 364/01.

¹⁷ OEA/Ser.C/II.5, OASTS 36 (1969) (entered into force on 18 July, 1978).

Salvador), 1988,¹⁸ predicates its recognition of the indivisibility of all human rights on the “dignity of the human person...” (Preamble, para 3). The African Charter on Human and Peoples’ Rights, 1981,¹⁹ makes it more pungent: “Every individual shall have the right to the respect of the dignity inherent in a human being...” (article 5). In another slant, although the Universal Islamic Declaration of Human Rights, 1981,²⁰ made no reference to human dignity as a concept, the Cairo Declaration on Human Rights in Islam, 1990,²¹ emphasises the equality of all human beings in “basic human dignity” (article 1), while the Arab Charter of Human Rights (the Arab Charter), 1994,²² acknowledges its foundations in “the dignity of man” (Preamble, para 1).

From the plenitude of the spirit and visions underlying the human rights instruments highlighted above, it is discernible that four key precepts emerge about the constitutive essence of human dignity:

- (i) that every human being has an *inherent* value of human dignity;
- (ii) that it is from this inherent dignity that every human being derives his or her *possession* of human rights;
- (iii) that these human rights are *inalienable*; and
- (iv) that every human being holds these rights in *equal* measure with all other human beings.

This is the intersection where this present lecture connects with the plethora of contemporary human rights and human dignity discourses.

It is instructive to mention that the second preambular paragraph of the Vienna Declaration and Programme of Action, adopted in June 1993, at the Second World Conference on Human Rights proclaimed that:

Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms.

During the Cold War years, the concept of human dignity had engaged some human rights theorists as a platform for evolving value constructs that would define appropriate policy response to many of the obstacles and threats to international human rights, peace, security and development. Against the backdrop of the tremendous challenges of the post-Cold War era, scholars have begun to get involved with the interpretation of human rights violations on the basis of those conditions that diminish human dignity. Among others, extreme poverty and exclusion; discrimination and intolerance; terrorism, organised crime and corruption, all violate the dignity of human beings and constitute obstacles and threats to human rights.²³

¹⁸ OASTS 69 (1988) (entered into force in 1999).

¹⁹ OAU Doc CAB/LEG/67/3 rev. 5 (1981), 21 ILM 58 (1982) (adopted by the OAU Assembly of Heads of State and Government 27 June 1981) entered into force 21 October 1986).

²⁰ International Conference of the Islamic Council, London: United Kingdom. 19 September 1981.

²¹ Organisation of Islamic Conference, 19th Islamic Conference of Foreign Ministers, Cairo, Egypt (adopted 5 August 1990).

²² Council of League of Arab States, 102nd Session, Resolution 5437 (adopted 15 September 1994) (not yet in force).

²³ See generally, Janusz Symonides (ed), *Human Rights: New Dimensions and Challenges* (Aldershot: Ashgate, 1998) 9-15; Christopher McCrudden, “Human Dignity and Judicial Interpretation of Human Rights” (2008) 19(4) *The European Journal of*

In recent times, the violation of human dignity is being addressed in terms of maltreatment, humiliation and dehumanisation. The interpretation of article 10 of the Constitution of the Republic of South Africa, 1996, which provides that “everyone has inherent dignity and the right to have their dignity respected and protected”, presents us with a piece of pertinent judicial pronouncement. While interpreting this provision in relation to insolvent proceedings in *Advanced Mining Hydraulics (Pty) Ltd. & Others v Botes NO & Others*,²⁴ the Transvaal Provincial High Court (per Judge Fabricius) had declared that “human dignity is violated when persons are subjected to conduct that is *degrading and humiliating*”.²⁵

Lamenting the absence of human dignity from the ‘hard core strategies’ for promoting human rights in scholarly discourses, Goldewijk defines the experiences that implicate renewed focus on strategy building as follows:

At least four main types of maltreatment have been distinguished so far: maltreatment that is causing suffering, that is restricting freedom, that is violating rights and that is perpetrating injustice. Such forms of maltreatment are interrelated. Maltreatment easily brings about humiliation, the injury of self-respect. Whereas humiliation has always existed, it has almost never been seen as a central notion in discussion of human rights policies and strategies, where concepts like injustice, inequality, discrimination, non-recognition, marginalisation and exclusion have often prevailed.²⁶

Reinforcing this perception, Beyleveld and Brownsword have identified the conditions that would ground a violation of human dignity. In their words:

if the capacity to control one’s actions by reference to the choices one has made is the distinctive source of human worth, then to deny a human being the opportunity to choose and control, whether by insult, enslavement, or manipulation, is to offend against his or her dignity – it is in fact, a double offence, a denial of rights as well as a denial of responsibility.²⁷

To the above twosome scholars, human dignity implies dual paired rights, namely, the right to respect for a person’s dignity as a human being, and the right to the prerequisites in which human dignity can thrive. In other words, a human being possesses the right not only to be treated as a full human being, but for other human beings not to reduce or exploit that intrinsic value. It also connotes that the conditions and circumstances that would ensure that a human being’s autonomous capacity to fulfil his potentials are afforded him, without undue interference.

Human rights are characteristically understood, following the apparent, literal sense of the term, as the rights that one has simply because one is human. That they are

International Law 655, 661.

²⁴ 2000 (2) BCLR 119.

²⁵ *Ibid.*, at 127. For an elaborate analysis of other judicial pronouncements on the notion and content of human dignity, see McCrudden, above note 23, 680-695.

²⁶ Berma Klein Goldewijk, “From Seattle to Porto Alegre: Emergence of a New Focus on Dignity and the Implementation of Economic, Social and Cultural Rights” in Berma Klein Goldewijk, Adalid Contreras Baspineiro & Paulo Cesar Carbonari (eds) *Dignity and Human Rights: The Implementation of Economic, Social and Cultural Rights* (Belgium: Intersentia, 2002) 7.

²⁷ Deryck Beyleveld & Roger Brownsword, *Human Dignity in Bioethics and Biolaw* (Oxford: Oxford University Press, 2001)16.

universal rights in that every human being has them; that they are equal rights in that one either is a human being, and therefore has these rights equally, or is not a human being, in which case one does not have them; and that they are inalienable rights: one cannot stop being a human being, and thus cannot stop having these rights.²⁸

Although only traces of the modern discourse of human rights may be found in the scriptures of ancient, classical or contemporary faiths, the core ideas about the dignity of human beings abound in various traditions. The Judeo-Christian tradition and indeed all Abrahamic traditions (including Islamic) express the idea of the dignity of human beings by speaking of them as being *imago Dei*, that is, as beings created in the image and likeness of God.²⁹ The anthropocentrism of the creation stories is evident in the manner in which human beings, although part of God's creation, are also in many respects unique. In addition to possessing an inherent worth as part of God's creation, human beings reflect and embody, in a unique manner, the source of absolute value and dignity, that is God. The covenant and the prophetic traditions each gave expression to the inherent dignity of human beings in different ways. It is on the basis of our 'godlikeness' that human beings are called into an incomparably intimate covenant relationship with God. Moreover the prophetic denunciation of privilege and the demand to do justice is premised on a sense of human dignity that derives from the conviction that all human beings are *imago Dei*. There have even been indications that Hinduism, as represented by the *Bhagavad-Gita*, and Buddhism, as encapsulated in the twin notions of *nirvana* and *nirodha*, as well as the Confucian values of *ren* and *junzi*, all share many of the Abrahamic principles of human dignity.³⁰

The totality of Western and non-Western philosophical debates around human rights and dignity thus reflects an intrinsic value and dignity of all human beings inherent in their unique capacity to reflect, to be creative, to choose and to act according to their choice during the course of their lives. They also indicate that this capacity ought to be respected and protected by, but not subservient to, institutions created by human beings. With the advancements in science and technology, human beings are now able to create wealth or even opulence in many places around the world, yet hunger, deprivation, poverty, and indignity prevail in many other places.

One important institution created by men is the State that has often become an all-powerful leviathan of sorts and even oppressive to the people living within it. What is the *raison d'être* for the State if not for serving the society upon which it is built?

From the totality of all that the social contract theory teaches us, even with all its imperfections, could we not therefore conclude that the State's unique task is to meet societal expectations and the fulfilment of human needs – including security, dignity and livelihood needs? I would further sub-divide security into collective security and human security. The State's responsibility with respect to collective security is to defend itself and its population against external aggression, to maintain the integrity of its territory, to create a good understanding with other countries, to engage in inter-State

²⁸ Olowu, Human Dignity, above note 11, at 24.

²⁹ See Jack Donnelly, "Research Project on Human Dignity: Human Dignity and Human Rights", Swiss Initiative to Commemorate the 60th Anniversary of the UDHR, June 2009, 17-20 (on file); Abdulaziz Sachedina, *Islam and the Challenge of Human Rights* (Oxford: Oxford University Press, 2009).

³⁰ See Linda Hogan & John D'Arcy May, *Constructing the Human Dignity in Interreligious Dialogue* (London: SCM Press, 2003); Donnelly, *ibid.*, 51-75. See also Jack Donnelly, "Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights" (1982) 76(2) *The American Political Science Review* 303.

harmonious relationship, to peacefully resolve conflicts with other States, and so on. Yet, the corollary to all these tasks of the modern State – as members of the United Nations (UN) – as a multilateral inter-State agency, is to build up a collective of secure communities in which all State members can better fulfil their collective security obligation.³¹ The other side of that same coin is human security which focuses on the management of threats and challenges that affect people everywhere; inside, outside, and across state borders, with its main strategy being improving the human condition and targeting the fundamental freedoms — from want and from fear — that define human dignity. The first step in building collective security, therefore, lies in ensuring the security of human beings from fear and want. In other words, a State would be defeating all its best intentions if it concentrates on building its security role on the acquisition of weaponry to the detriment of policies and gestures that would ensure human security.

III Between State Security and Human Security: A Tale of Shifting Sands?

The nation-State, and the norms of national sovereignty and territorial integrity trace their roots all the way back to the Treaty of Westphalia, 1648; as empires gave way to States (for example, the Ottoman Empire) and the power of the nation-State idea grew. The twin notions of “sovereign equality” and “territorial integrity” were ultimately enshrined in the Charter of the United Nations (UN Charter), 1945, as fundamental principles of the organisation.³²

Since the formation of the UN in 1945, the security responsibilities of a State such as the protection of boundaries and people of the State from external aggression were the main concerns of those who established the dominant system and ever since that time, the world order has been shaped, based upon this traditional approach to security. Ever since the advent of modern States over the course of recent centuries, therefore, “security” had been considered a State matter, both as the subject in charge of providing it to the persons under its jurisdiction as well as the object worthy of protection and regulation through laws and policies, and leaders of States have been giving their priorities to State security while the security of individual human beings, in contrast, has been largely ignored.³³ It would be remembered that one of the main justifications for the military internment of Japanese-Americans during the Second World War (WWII) was the concept of State security under which many innocent human beings were classified and detained in concentration camps.³⁴ In today’s world, however, a new perception is emerging that to overcome new and direct threats, the traditional concept of State security alone is no longer sufficient.

The end of the Cold War had ushered in an epoch totally different from when the Westphalian State was accorded unlimited sovereignty, when citizens of a State lacked footing in international law that could induce them to disobey legal but immoral orders.

³¹ See Dejo Olowu, “Obstacles to International Peace and Security: Implications for the United Nations in the 21st Century” (1998) 2 *University of Ilorin Journal of International & Comparative Law* 33; Robin Coupland, “Humanity: What Is It and How Does It Influence International Law?” (2001) 83 *International Review of the Red Cross* 969.

³² Article 2, UN Charter.

³³ See S. Neil MacFarlane & Yuen Foong Khong, *Human Security and the UN: A Critical History* (Indianapolis: Indiana University Press, 2006) 1; Alexandra Amouyel, “What is Human Security?” (2006) 1 *Human Security Journal* 10, 11.

³⁴ See Dejo Olowu, “Civil Liberties versus Military Necessity: An Examination of the Jurisprudence Emanating from the Classification and Internment of Japanese-Americans during World War II” (2010) 43(2) *Comparative & International Law Journal of Southern Africa* 190; Ronald Saltinski, “America’s Concentration Camps: Anniversary of a National Injustice” (2012) 2(5) *International Journal of Humanities and Social Science* 83.

Scholars have been able to establish a linkage among the end of the Cold War – symbolised by the aversion of a US–USSR nuclear confrontation and the collapse of the East–West bloc; the phenomenon of globalisation – symbolised by the ascendancy of non–State actors in international and domestic relations and mass migration; and the shifts in the conceptualisation of security.³⁵ While it is true that in the past, security threats always emanated from outside national boundaries, in recent years, however, many dangers have not come from outside boundaries. Poverty, environmental degradation, epidemics and infectious diseases, disasters, transnational organised crime, grand corruption, repression, torture and terrorism are a few examples of current perils, occurring within national borders.

In the absence of the threat of a nuclear war catastrophe, the thinking of the post–Cold War world has been the emergence of a notion of security that goes beyond customary concerns with military capacity and the defence of borders, and focussing on an extensive spectrum of social and developmental problems as being capable of constituting threats to international, regional and national security.³⁶ This was the fertile ground within which the idea of human security germinated and flourished.

Although several scholarly sources readily identify UN development work of the 1990s as the sole origins of the human security concept, some scholars are of the view that the concept dates back to pre–UN era.³⁷ Regardless of the contentions about the historical origins of the concept, what is incontrovertible is that the concept of human security was first formulated in the *Human Development Report, 1993*, published by United Nations Development Programme (UNDP).³⁸ The report indicated that the individual must be placed at the centre of international affairs. It was argued that:

the concept of security must change from an exclusive stress on national security to a much greater stress on people’s security, from security through armaments to security through human development, from territorial security to food, employment and environmental security.³⁹

The next *Human Development Report*, published in 1994,⁴⁰ formally set out the concept of human security in the form that has gained global currency. Similarly, the human security framework presented in *Human Security Now, 2003*⁴¹ centres on the individual and the community and not the State. Since that time, human security has gained considerable recognition and weight as a theoretical and practical principle even if it is

³⁵ See Lloyd Axworthy, “Human Security and Global Governance: Putting People First” (2001) 7(1) *Global Governance* 19; Claudia F. Fuentes & Francisco Rojas Aravena, *Promoting Human Security: Ethical, Normative and Educational Frameworks in Latin America and the Caribbean* (Paris: UNESCO, 2005) 31; Amouyel, above note 33, at 11–12.

³⁶ See generally Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post–Cold War Era* (Hemel Hempstead: Harvester Wheatsheaf, 1991); Josuke Ikeda, “Reconciling the Universal and the Territorial: The Concept and the Practice of Human Security” (2007) 13(1) *Interdisciplinary Information Sciences* 13.

³⁷ See, eg, Lawrence T. Woods, “Rediscovering Security” (1997) 21(1) *Asian Perspectives* 84; Amirtav Acharya, “Human Security: East and West” (2001) 56(3) *International Journal* 443; David Capie & Paul Evans (eds), *The Asia-Pacific Security Lexicon* (Singapore: Institute of South East Asian Studies, 2002) 141; Des Gasper & T-D Truong, “Deepening Development Ethics – From Economism to Human Development to Human Security (2005) 17(3) *European Journal of Development Research* 372–384; Tomoko Akami, “In the Name of the People: Welfare and Societal Security in Modern Japan and Beyond” (2006) 30(1) *Asian Perspectives* 157–190.

³⁸ UNDP, *Human Development Report 1993 – People’s Participation* (New York: UNDP, 1993).

³⁹ Quoted in Peter Hough, *Understanding Global Security* (London: Routledge, 2004) 13.

⁴⁰ UNDP, *Human Development Report 1994 – New Dimensions of Human Security* (New York: UNDP, 1994).

⁴¹ Commission on Human Security, *Human Security Now* (New York: UN, 2003).

yet to attain universality.

What, then, is Human Security?

Until the early 1990s, issues of poverty, food distribution, corruption, disasters, pandemics and environmental degradation had not been critically regarded as security concerns. They had simply been treated as matters of development.⁴² These issues, with few exceptional instances, had been so regarded because of their non-military and non-State-centric character and origins.⁴³

A contested idea with no singular universal definition, the notion of human security was first comprehensively presented in the *Human Development Report 1994*. According to the UNDP in that report:

The concept of security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust. It has been related more to nation states than to people.⁴⁴

Despite the definitional quandary around human security, the UNDP also identified two key basic features of the concept, namely, (i) safety from such constant threats as starvation, disease and repression; and (ii) protection from abrupt and injurious disruptions in the patterns of everyday life – be it within domestic, workplace or community spheres – since these threats can be present across social strata regardless of level of national development.⁴⁵ The spheres of threats to which human security provides a platform of response, according to the UNDP, are: (i) economic security (guaranteeing a minimum income); (ii) food security (access to food); (iii) health security (absence of disease); (iv) environmental security (access to supplies of clean water, unpolluted air and non degraded land); (v) personal security (protection against threats of, and, physical violence); (vi) community security (preserving cultural identity); and (vii) political security (protection of human rights and fundamental freedoms).⁴⁶

⁴² See Dejo Olowu, “Conceptualising a Rights-Based Approach to Poverty Alleviation in Africa: The Platform of Social Security” (2003) 43(1) *Indian Journal of International Law* 67; Dejo Olowu, “Good Governance and Development Challenges in the South Pacific: The Promise of Ombudsmanship” (2004) 8 *The International Ombudsman Yearbook* 91; Dejo Olowu, “The United Nations Special Rapporteur on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Wastes on the Enjoyment of Human Rights: A Critical Evaluation of the First Ten Years” (2006) 8(3) *Environmental Law Review* 199; Dejo Olowu, “Environmental Law and Policy in Kiribati: Some Conceptual Concerns and Alternatives” (2007) 7(1) *Hibernian Law Journal* 133.

⁴³ See Josuke Ikeda, “Creating the Human Security Discourse and the Role of the Academic-Policy Complex: International Relations as ‘Japanese Social Science’?” (2009) 15(2) *Interdisciplinary Information Sciences* 197, 198.

⁴⁴ UNDP, above note 40, at 22-24.

⁴⁵ *Ibid.*, at 25.

⁴⁶ *Ibid.*, at 23-25. See also Alice Edwards & Carla Ferstman, “Humanising Non-Citizens: The Convergence of Human Rights and Human Security”, in Alice Edwards & Carla Ferstman (eds), *Human Security and Non-Citizens: Law, Policy and*

The tremendous work of the UNDP on human security has been built upon by various governmental, intergovernmental, non-governmental institutions and agencies as well as scholars and interest groups such that has witnessed the increased international recognition and prioritisation accorded the concept of human security since the mid-1990s.⁴⁷

Human security focuses on strategies that protect and empower people and give them the building blocks of survival, livelihood and dignity. The human security concept is fundamentally rights-based, establishing the need to preserve the core values that all people are entitled to under universal human rights, as one of its vital components.⁴⁸

Although human security has gained a foothold since the 1990s, previous thought patterns about State-centric security are re-emerging. In the years following the 11 September 2001 terrorist attacks on New York and Washington DC, in the US, Western security policy outlook was undergoing a decisive shift to the *status quo* as governments across the globe were modifying their policies, overly highlighting the twin threats of terrorism and weapons of mass destruction. Governments started focusing more on “homeland security”, “State security”, “national security”, and continued to advocate that development funds be appropriated for, and made conditional on, a country’s efforts at combating terrorism and arms proliferation.⁴⁹

Extrapolating from the Palestinian and Chechnya conflicts, for instance, Benedek had asserted that:

Although force including military means will always be necessary to deal with crime in general and terrorism in particular, as long as the root causes of terrorism, the underlying problems which let people become so fanatic that they are ready to do everything are not addressed, each killed terrorist will be replaced by others who are willing to do the same.⁵⁰

In the seminal study produced by Andrew Mack in 2005 titled *The Human Security Report, 2005: War and Peace in the 21st Century*,⁵¹ the conclusion was drawn that “all forms of political violence, except international terrorism, have declined worldwide since the early 1990s.”⁵² Simultaneously, the study pointed out that:

the biggest death tolls do not come from the actual fighting, however, but from war-exacerbated disease and malnutrition. These ‘indirect’ deaths can account for as much as 90% of the total war-related death toll. Currently there are

International Affairs (Cambridge: Cambridge University Press, 2010) 3, 29.

⁴⁷ See Sakiko Fukuda-Parr & Carol Messineo, “Human Security: A Critical Review of the Literature”, CRPD Working Paper No. 11, January 2012 (Leuven: CRPD, 2012) 5-7; Lisa Catherine Berg, *The European Union’s Human Security Doctrine: A Critical Analysis* (MA Thesis, Naval Postgraduate School, Monterey, CA, USA, 2009) 16-28.

⁴⁸ See generally Edward Newman, “Human Security and Constructivism” (2001) 2 *International Studies Perspectives* 239, 241; Constantin Sokoloff, *Denial of Citizenship: A Challenge to Human Security* (New York: Ford Foundation, 2005) 5-6.

⁴⁹ See Edy Korthals Altes, “Reflections on Peace and Security in the 21st Century”, 2 August 2006, at <http://www.paricenter.com/library/papers/alt05.php> (last visited 06 July 2012); Wolfgang Benedek, “Human Security and Prevention of Terrorism”, Occasional Papers Series No. 2, 30 October 2002 (Graz: European Training & Research Centre for Human Rights and Democracy, 2002) 1; Parinaz Kermani, “The Human Security Paradigm Shift: From an ‘Expansion of Security’ to an ‘Extension of Human Rights’” (2006) 1 *Human Security Journal* 24.

⁵⁰ *Ibid.*

⁵¹ Andrew Mack, *The Human Security Report, 2005: War and Peace in the 21st Century* (Oxford: Oxford University Press, 2005).

⁵² *Ibid.*, at 29-30.

insufficient data to make even rough estimations of global or regional ‘indirect’ death toll trends.⁵³

This perhaps explains why some 21st-century writers have warned us that the fact that wars (whether between States or within States) have diminished should not make us oblivious of other sources of insecurity, violence, fear, and violence.⁵⁴

A worrisome litany of empirical studies indicates that in the age of the “War against Terror” declared by the US immediately after the 11 September 2001 attacks and taken up by various governments around the world, the figures of people dying as a result of “structural violence”,⁵⁵ a concept that encapsulates excess mortality in developing countries due to civil wars, repression, extra-judicial killings, internal conflicts and related problems, including poverty and environmental misery, diseases, malnutrition, polluted water, and so on, are becoming ever so mind-boggling.⁵⁶ What more? It should shock every human being that in an age of cutting-edge human advancements, more people have been killed and are being killed by their own governments than by foreign armies.⁵⁷

In an atmosphere in which States are increasingly resorting to the use of their monopoly of violence (through the army, paramilitary police, regular police and several other law enforcement apparatuses) in suppressing voices of dissent or protests against the legitimacy of State or of State policies, there seems to be reasons, as the brutal State responses to recent democratic protests in Egypt, Yemen, Saudi Arabia, Tunisia, Libya, and lately, Syria; fuel subsidy removal and governance protests in Nigeria; and intermittent service delivery protests in South Africa, have shown, to believe that the 21st century is witnessing a return to the tradition of the time when the monopoly of violence was a cornerstone of the medieval State.⁵⁸ Yet, the point must not be missed that quite often, these eruptions of popular protests were catalysed by the apparent venality or corruption of State officials or from the exploitation and repression of already disempowered populace.

The fallout is that in the 21st-century world, rather than reshaping society by making States and their rulers keep their side of the basic social contract, through the provision of security and freedom from fear and want, so that individual human beings can pursue their lives in peace, the prioritisation of many States has been towards increased militarisation of security and escalating defence expenditure.

A recurring narrative in the over two decades of post-Cold War political

⁵³ *Ibid.*

⁵⁴ Gavin Cawthra & Robin Luckham (eds), *Governing Insecurity. Democratic Control of Military and Security Establishments in Transitional Democracies* (London: Zed Books, 2003); Bethany Lacina et al, “The Declining Risk of Death in Battle” (2006) 50 *International Studies Quarterly* 3.

⁵⁵ See John Galthung, “Violence, Peace and Peace Research” (1969) 6 *Journal of Peace Research* 170-171; Amouyel, above note 33, at 12.

⁵⁶ See Milton Leitenberg, “Deaths in Wars and Conflicts in the 20th Century”, Cornell University Peace Studies Program Occasional Paper No. 29, 3rd ed (Ithaca, NY: Cornell University, 2003); United Nations Intellectual History Project, “Peace and Human Security”, Briefing Note No. 14, April 2009, 1.

⁵⁷ See Rudolph J. Rummel, *Death by Government: Genocide and Mass Murder since 1900* (Piscataway, NJ: Transaction Publishers, 1997); Keith Krause, *Towards a Practical Human Security Agenda* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2007) 13.

⁵⁸ See generally James Wood, *The King’s Army* (Cambridge: Cambridge University Press, 1996) 43; Trevor Ngwane, *Ideology and Agency in Protest Politics: Service Delivery Struggles in Post-Apartheid South Africa* (MA Development Studies Dissertation, University of KwaZulu-Natal, Durban, South Africa, 2011) 24.

pronouncements and academic writings has been that the world has become increasingly complex, chaotic, dysfunctional and dangerous with the source of conflict and violence shifting from classic inter-State warfare to Hobbesian intra-State, intra-communal civil strife conducted by non-State actors in failed or failing States.⁵⁹ While the security policy and machinery of many States remain focused on preserving national sovereignty, today's reality is that most deaths are not a result of inter-State war or assault on national borders. Rather, disease, violence, natural disasters, and civil conflict are the leading causes of preventable premature mortality as the world waddles on in the 21st century.⁶⁰

The foregoing analysis leads to the consciousness that the clamour for a new, comprehensive approach to security is urgent. The human security concept therefore emerges as a veritable framework to bring human-centred approach to the values of the modern State by making the interests of individuals a priority for governance and politics.

Whatever criticisms and shortfalls may be ascribed to the human security idea,⁶¹ this conceptual reframing of security has significant policy implications and marks a departure from the realist, State-centred concept of security that had dominated scholarship as well as foreign policy thinking of major powers for centuries. If nothing else, the idea throws up fresh issues and thoughts around human vulnerabilities and responsive strategies as priorities for global security that were never contemplated within international security agenda.⁶²

The human security discourse has helped to underscore the complex issues, often uncared for or relegated, sandwiched between disarmament, human rights and development. In an increasingly globalised world, therefore, the most deadly threats to human security emanate from the conditions that lead to egregious and systematic human rights violations including torture, xenophobia and racial discrimination,⁶³ genocide and civil wars,⁶⁴ global epidemics including HIV/AIDS,⁶⁵ environmental spoliation,⁶⁶ disasters,⁶⁷ forced or child labour,⁶⁸ human trafficking,⁶⁹ gender

⁵⁹ See Alan Okros, "Rethinking Diversity and Security" (2009) 47(4) *Commonwealth & Comparative Politics* 346, 350.

⁶⁰ See Taylor Owen, "Measuring Human Security: Methodological Challenges and the Importance of Geographically Referenced Determinants", in PH Liotta et al (eds), *Environmental Change and Human Security* (Dordrecht: Springer: 2008) 35, 36; Altes, above note 49, *ibid.*

⁶¹ For such criticisms, see Yuen Foong Khong, "Human Security: A Shotgun Approach to Alleviating Human Misery?" (2001) 7 *Global Governance* 231; Roland Paris, "Human Security: Paradigm Shift or Hot Air?" (2001) 6(2) *International Security* 87; Barry Buzan, "A Reductionist, Idealistic Notion that Adds Little Analytical Value" (2004) 35 *Security Dialogue* 369-370; Eve Lester, "Socio-Economic Rights, Human Security and Survival of Migrants: Whose Rights?", in Alice Edwards & Carla Ferstman (eds), *Human Security and Non-Citizens: Law, Policy and International Affairs* (Cambridge: Cambridge University Press, 2010) 314, 332, 356.

⁶² MacFarlane & Khong, above note 33, at 228-230; Fukuda-Parr & Messineo, above note 47, at 4.

⁶³ Dejo Olowu, "Calibrating the Promise of the Optional Protocol to the Convention Against Torture, and Other Cruel, Inhuman, and Degrading Treatment or Punishment" (2007) 18(3) *Stellenbosch Law Review* 483; Dejo Olowu, "Xenophobic Violence in South Africa: An International and Domestic Legal Perspective", in AA Olowu (ed), *Xenophobia: A Contemporary Issue in Psychology* (Ile-Ife, Nigeria: Ife Centre for Psychological Studies, 2008) 296.

⁶⁴ Dejo Olowu, "Quest for Justice and Reconciliation in Post-Genocide Rwanda: An Evaluation of the International and Domestic Legal Responses" (1999) 12(2) *Lesotho Law Journal* 31.

⁶⁵ Dejo Olowu, "Gender Vulnerabilities, Spousal Abuse and the Incidence of HIV/AIDS in Lesotho: A Case for an Integrative Rights-Based Approach" (2011) 10(3) *African Journal of AIDS Research* 235.

⁶⁶ Dejo Olowu, "Environmental Governance and the Accountability of Non-State Actors in Africa: A Rights-Based Approach" (2007) 32 *South African Yearbook of International Law* 261; Dejo Olowu, "Resolving Conflicts and Dilemmas in the Control of Natural Resources: Case for a Rights-Based Approach", Mizanur Rahman (ed), *Human Rights and Sovereignty over Natural*

discrimination,⁷⁰ starvation, and human underdevelopment.⁷¹

Taken together, these are the indices of matters that should inform all discourses and planning on the human dimensions to security, development and multilateralism. Every human being ought to be considered equal in realising his or her own potential and should be respected as a human person regardless of nationality, race, gender and other identities. The basic concept of human security is a call for a paradigm shift of security from staying on the narrow State security ideas to expanding its focus to include people's perspective.

IV Securing Humanity: Coalescing Struggles and the Agency of Reversals

To illustrate the inevitability and desirability of the nexus among human rights, human dignity and human security which have been the recurring sub-themes of this lecture, I urge you to imagine this scenario:

I am a lowly-paid temporary employee living in an extremely deprived and remote shanty community. I work so hard to provide for my extended family of twelve as the singular wage earner, yet, my efforts seem inconsequential. With no reliable transport system, no electricity, no sewerage, little food, and no heating mechanism, surviving winter in my decrepit shack is better conjectured. My government renders no support as the elected leaders are busy siphoning public funds to fortify their mansions and to satisfy their avarice and other obscene interests. Thousands of my fellow citizens later took to the streets for a pro-people, anti-policy protest, only to be crushed by State police in a maximum show of force. My friends, neighbours and relations were arrested, detained and tortured as suspected terrorists and their dependants begin to starve to death. In my despondency, I wonder if anyone, anywhere in the world, cares about my life or whether my life is even worth living.

At this time of global economic downturn and anxiety, the enormity of the anguish caused by neoliberal capitalism and deregulation should elicit serious concern for the tripartite concepts of human rights, human dignity and human security, stimulate an awakening to the need to rethink and reconceptualise socio-economic structures and, consequently, to transform the role of the State. Alas! The typical modern State of the 21st century promotes a systematic exclusion of the most vulnerable human beings and persons on the margins from mainstream political, economic and social relevance.⁷²

Resources (Dhaka, Bangladesh: ELCOP & Palal Prokashoni, 2010) 55.

⁶⁷ Dejo Olowu, "The Hyogo Framework for Action and Implications for Disaster Management and Reduction in Africa" (2010) 3(1) *Jambá: Journal of Disaster Risk Studies* 303.

⁶⁸ Dejo Olowu, "Child Labour Phenomenon and Institutional Inertia in Africa: The Nigerian Experience" (2003) 13(2) *Caribbean Law Review* 157.

⁶⁹ Dejo Olowu, "Child Trafficking, Children's Rights and the Crisis of State Interventionism: The West African Experience" (2004) Special Issue Spring, *Human Rights Law Review* 62.

⁷⁰ Dejo Olowu, "Rethinking Development in the South Pacific: The Challenges of Women's Rights, Women Empowerment and the Role of the Civil Society" (2007) 5(4) *International Journal of Civil Society Law* 115; Dejo Olowu, "Mainstreaming Women, Equating Men: Charting an Inclusionary Approach to Transformative Development in the African Decade for Women" (2011) 15 *Law, Democracy & Development* 160.

⁷¹ Dejo Olowu, *An Integrative Rights-Based Approach to Human Development in Africa* (Pretoria, South Africa: Pretoria University Law Press, 2009) 3.

⁷² See Dejo Olowu, "Refugees, Asylum-Seekers and the Legal Obligations of States for Their Protection: Critical Reflections on the South African Approach" (2006) 6 *ISIL Yearbook on International Humanitarian & Refugee Law* 233; Dejo Olowu, "Globalisation, Labour Rights, and the Challenges for Trade Unionism in Africa" (2006) 18 *Sri Lanka Journal of International Law* 129; Habibi Yusuf Sarjono, "The Vicious Cycle of Poverty", 25 March 2009, at

With multiple layers of laws that criminalise conditions of poverty and stiff regulations of the freedom of expression and privacy in many countries, there is no gainsaying the reality of a return to the pre-eminence of the State as the referent subject and object of security as vibrant as what was known in long-gone era.

Human security and human rights neither mean the same thing nor do they overlap. They are distinct ideas and have distinct precepts. Nevertheless, a case for strong theoretical nexus between human security and human rights can validly be made. What is obvious, thus far, is that related as the human rights and human security perspectives may be, they have not been well synergised. While the writing on human security acknowledges the importance of human rights, there is little evidence that human rights theory or practice has responded to date.⁷³

Human security is closely linked to the development of human capabilities in the face of change and uncertainty. In this sense, sustainable human development provides an ethical and normative framework that conforms to certain fundamental, universal moral values about the right to life and freedom of choice and can be viewed as a tool for conflict prevention and national, regional and international security. This view is supported by the empirical observations that States that spend little on the military and much more on human development have been more successful at defending their national sovereignty than those that spend heavily on arms.⁷⁴ To illustrate this point, the relatively peaceful experiences of low defence spenders such as Botswana, Costa Rica, Mauritius and Sweden, among others, can be compared with the conflicts afflicting high military spenders such as Iraq, Israel, Myanmar, Nigeria, Sudan and Syria, just to mention a few.

Whether powerful or weak, States and governments that ignore the naked realities of their human societies but rather prioritise maximum control, aggrandisement, prebendal politics, profligacy, or subtle agenda of ethno-racial supremacy over structured prioritisation of human dignity, human rights, human needs, human development and human well-being can never achieve real or sustainable peace.

What more? Despite the upswing in the traditional measures on the part of States to achieve security, the majority of the world's people still live in fear in the 21st century, and neither supposedly powerful States nor relatively weaker States have any sense of better security as the heightened surveillance and military spending in Afghanistan, the US, the EU, Nigeria, Iraq, Colombia and numerous others would confirm. Is the answer to global and national security, then, an increase in security *apparatchik*, in the acquisition of added and superior weapons, or in the reinforcement of military personnel and the advancement of their torture skills and killing techniques? Or does the answer lie in a comprehensively new approach to security, which could prove to be both a way of attaining social harmony and making territories more secure?

<http://hankamindonesia.wordpress.com/2009/03/25/the-vicious-cycle-of-poverty/> (last visited 6 July 2012); Barbara Y. Phillips, *Dignity and Human Rights: A Missing Dialogue?* (New Delhi: PWESCR, 2011) 27.

⁷³ See generally, Kevin Boyle & Sigmund Simonsen, "Human Security, Human Rights and Disarmament", in Kerstin Vignard (ed), *Disarmament Forum: Human Rights, Human Security and Disarmament* (New York: UNIDIR, 2004) 5, 6.

⁷⁴ See UNDP, *Human Development Report 2007-2008* (New York: UNDP) 294-298 (Table 19 Priorities in public spending); Newman Kwadwo Kusi, "Economic Growth and Defence Spending in Developing Countries: A Causal Analysis" (1994) 38 *Journal of Conflict Resolution* 152; Olowu, *An Integrative Rights-Based Approach*, above note 71, at 3-4; Lucy Nusseibeh, "Why Human Security Is Relevant to the Israeli-Palestinian Conflict" (2008) 15(3) *Palestine-Israel Journal* 7.

Notwithstanding the theoretical and definitional bickering over human security, the crux of all its tenets is the principle that the individual human being and not the State, should be the referent object of all security discourses and planning. This is the arterial nerve that connects the tripartite concepts of human rights (liberties), human dignity and human security into a closely-woven fabric.

As Lester rightly posited, broadly conceived, human security factors in “critical, severe or pervasive threats to the vital interests of human life, livelihood and dignity, *where the harm caused can be prevented or mitigated by human action*.”⁷⁵ The new view of security involves not only martial intervention as a response to crises, but connotes a responsibility for the anticipation and avoidance of crises and the restoration of society. Human security aims at long-term interventions and the resolution of grievances, and does not only come into play when society and governance have collapsed. This linkage is often missed perhaps because of the dominant conceptualisation of the origins of these three notions within the narrow confines of UN human rights work and the fiat of universalism talk. While we must not shy away from the truism that within the genus of ‘human’ discourses, their relationships are often shockingly considered in remote, frosty compartmentalisations. This may perhaps be the result of the “liberal individualism”,⁷⁶ “monotheistic colonialism”,⁷⁷ or “the trichotomisation of human rights”⁷⁸ labels that have been ascribed to the context in which UN human rights efforts were birthed.

The lesson learnt is that we must not limit the historical, legal and philosophical foundations of human security to UN documents and similar instruments as the concept’s validity antedates them all. What, for instance, was the whole essence of the stiff resistance put up by various tribal and indigenous peoples in different lands against the expansionist colonial projects of times far gone? After all, neither did the pillaged villagers in pre-colonial times consult legal codes before resisting the onslaught of slave raiders nor did the radical leaders of decolonisation warfare in Africa, Asia, and the Americas seek legalistic validation for their antagonism to colonial enterprise.⁷⁹

Among the Malagasy people, there is a proverb that says: “Poverty won’t allow him to lift up his head; dignity won’t allow him to bow it down.”

Just as the resistance struggles of bygone era were not founded on codified instruments but rather on innate moral persuasions, so must the current struggles for the security of human beings extricate themselves from the lacuna of holistic, direct codifications against poverty, homelessness, official secrecy and repression, grand corruption, human trafficking, and all the conditions that give rise to these phenomena. Fortunately, the task of the present times is relatively simpler in that even in the

⁷⁵ See Lester, above note 61, at 322 (emphasis added). See also Shahrbanou Tadjbakhsh, “Human Security: Concepts and Implications”, Paper No. 117-118, September 2005, Paris: Centre for Peace and Conflict Resolution, 2005, 10.

⁷⁶ Brenda Almond, “Rights”, in Peter Singer (ed), *A Companion to Ethics* (London: Blackwell, 1993) 267; Brenda Almond, “The Political Philosophy of Needs and Weak States”, in Melvin Ayogu & Don Ross (eds), *Development Dilemmas* (London: Routledge Hamilton, 2004) 193.

⁷⁷ Lawrence Hamilton, “Needs, States and Markets: Democratic Sovereignty against Imperialism” (2003) 102 *Theoria* 17, 45.

⁷⁸ Olowu, *An Integrative Rights-Based Approach*, above note 71, at 18. See also Dejo Olowu, “The United Nations Human Rights System and the Challenges of Commitment and Compliance in the South Pacific” (2006) 7(1) *Melbourne Journal of International Law* 155.

⁷⁹ See Fabian Klose, “Human Rights, State of Emergency and Wars of Decolonisation”, in Stefan-Ludwig Hoffmann (ed), *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2011) 237, 238-241.

absence of a distinctly enforceable international law notion of human security, there are veritable pathways to achieving its ends through recourse to existing binding norms,⁸⁰ within international, regional and national systems.

Of course, we must suffer no delusion that the postulations and theories that coalesce in the advocacy of human security have encountered a smooth sail in application and practice. Far be it.

While States such as Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand are spearheading the global currency of human security through the Human Security Network established in 1999, and incorporating the concept into their foreign policies,⁸¹ with South Africa participating as an observer, the famed lone-standing global superpower, United States, openly speaks of its commitment to “military humanism” and the nebulous concept of “responsibility to protect” in its leadership of the North Atlantic Treaty Organisation (NATO) as well as its neo-liberal economic agenda of free trade, capital market liberalisation, secure property rights, deregulation and privatisation, in its leadership of the Washington Consensus, yet, it has made no cognisant effort at establishing or supporting human security as a norm of international law or as a policy of international relations.⁸²

Apart from governments, there is a lengthy chronicle of writers who have levied various criticisms against human security as an antidote to the unhelpful notions of security. Krause and Williams contended that regarding a human being as the referent object of security runs the risk of abstracting and ignoring the collective identity and its distinction.⁸³ Kim and Hyun alleged that the human security concept is based on Western notions of democracy and free market economy.⁸⁴ On his own part, McDonald

⁸⁰ See generally Ryszard Piotrowicz, “Human Security and Trafficking of Human Beings: The Myth and the Reality”, in Alice Edwards & Carla Ferstman (eds), *Human Security and Non-Citizens: Law, Policy and International Affairs* (Cambridge: Cambridge University Press, 2010) 404, 410.

⁸¹ See UNESCO, *What Agenda for Human Security in the Twenty-first Century?* (Paris: UNESCO, 2001) 17; Austrian Foreign Ministry, “The Human Security Network”, at <http://www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/human-security-network.html> (last visited 6 July 2012).

⁸² See Bjørn Møller, “The United States and ‘the New World Order’” (1998) 11(1-2) *Indian Journal of Asian Affairs* 77; Joseph E. Stiglitz, *Globalization and Its Discontents* (New York: WW Norton & Co, 2003); Dejo Olowu, *Conceptualising an Integrative Rights-Based Approach to Human Development in Africa: Reflections on the Roles and Responsibilities of Non-State Actors* (Copenhagen: Danish Institute for Human Rights, 2005) 32-52; Paul O’Connell, “On Reconciling Irreconcilables: Neo-liberal Globalisation and Human Rights” (2007) 7(3) *Human Rights Law Review* 483; Engobo Emeseh et al, “Corporations, CSR and Self Regulation: What Lessons from the Global Financial Crisis?” (2010) 11(2) *German Law Journal* 230; Jan Nederveen Pieterse, “Global Rebalancing: Crisis and the East–South Turn” (2011) 42(1) *Development & Change* 22; Özlen Hiç Birol, “Globalization in Historical Perspective” (2012) 398 *International Journal of Business and Social Science* 92; Hans von Sponeck, “The UN and NATO: Which Security and for Whom?”, New Age Peace Foundation, 17 February 2009, at http://www.wagingpeace.org/articles/2009/02/17_vonsponeck_un_nato.php (last visited 6 July 2012); Anita Singh, “Canada, the US and Human Security – The Use of Rhetoric in Foreign Policy Making”, at <http://www.cdai.cdai/uploads/cdai/2009/04/singh06.pdf> (last visited 6 July 2012). It is instructive to know that through the platform of the CSSDCA, the African Union (AU) has been engaging the inclusion of human security doctrines in its work. See Thomas Kwasi Tiekou, “African Union Promotion of Human Security in Africa” (2007) 16(2) *African Security Review* 26; Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), at http://www.africa-union.org/structure_of_the_commission/cssda.htm (last visited 6 July 2012); African Human Security Initiative (AHSI), “Enhancing the Delivery of Security in Africa: Complementing the African Peer Review Mechanism” at <http://www.africanreview.org/> (last visited 6 July 2012).

⁸³ Keith Krause & Michael Williams, “From Strategy to Security: Foundations of Critical Security Studies”, in Keith Krause & Michael Williams (eds), *Critical Security Studies: Concepts and Cases* (Minneapolis, MN: University of Minnesota Press, 1997) 7-9.

⁸⁴ Woosang Kim & In-Taek Hyun, “Toward a New Concept of Security: Human Security in World Politics”, in Thakur Tow & In-Taek Hyun (eds), *Asia’s Emerging Regional Order: Reconciling Traditional and Human Security* (Tokyo: UN University

asserted that human security is a terminology based on the Western values of developed world and thus limited as a security theory.⁸⁵ Roland Paris, one of the most outspoken critics of the concept contended that “cultivated ambiguity renders human security an effective campaign slogan, but it also diminishes the concept’s usefulness as a guide for academic research or policymaking.”⁸⁶ The sum of the charges against the human security concept would seem to be that it is an over-ambitious universalist venture that involuntarily got caught up in culture-centrism.⁸⁷

A quick reply to the criticisms, phobias and uneasiness around the human security discourse is that the concept avails itself to continued partnership with all disciplines and approaches in resolving humanity’s myriad challenges. Against the backdrop of the anti-terror agenda that is already established in the global North, the task that should be paramount among objective citizens of the world is how to counter its cancerous effects on the amelioration of the consequences of globalisation, revisionist security philosophy, extreme poverty, climate change, HIV/AIDS and other vagaries of human life and survival.

In the marketplace of competing ideals and conflicting persuasions, we do not necessarily have to square off in this-or-none choices among human discourses, rather, through effective, broadminded and open dialogue, we can construct a Catholicism of solutions, towards turning our swords into ploughshares, rather than upholding ossified approaches and orthodoxies that would turn our ploughshares into swords.

Our present generation has the choice to either translate the promise of human security into a tool of *realpolitik* or to turn it into another neologism for hegemonic contestations and reversal.

V Looking into the Future of a Humanocentric Odyssey

In a sermon titled *Justice and the Conscience*, published in a book of sermons in 1853, the slavery abolitionist, Revd Theodore Parker, had declared:

I do not pretend to understand the moral universe; the arc is a long one, my eye reaches but little ways; I cannot calculate the curve and complete the figure by the experience of sight; I can divine it by conscience. And from what I see I am sure it bends towards justice.⁸⁸

This excerpt and the later visions it stirred up are the very essence of liberal-spiritual reasoning, of which Parker, and later, Revd Martin Luther King Jnr, were adept. Their principal theme was not in the morality of the universe or in the justice toward which it hypothetically bends, but in the arc itself. That arc is the inspiring realism of both men’s visions because they understood that within the arc, there were axiomatic truths

Press, 2000) 33-35.

⁸⁵ Matt McDonald, “Human Security and the Construction of Security” (2002) 16(3) *Global Society: Journal of Interdisciplinary International Relations* 277.

⁸⁶ Paris, above note 61, at 88.

⁸⁷ See Liu Zhijun, “Contention on the Value of ‘Human Security’” (2006) 44(3) *International Review* 77, 84-85.

⁸⁸ Theodore Parker, “Of Justice and Conscience”, in Theodore Parker (ed), *Ten Sermons of Religion* (Boston: Crosby, Nichols & Company, 1853), quoted in Revd Matt Tittle, “We are the Keepers of the Dream”, 14 January 2007, at http://www.revmatt.org/sermons/keepers_of_the_dream.pdf (last visited 6 July 2012).

that should enable all human beings to enjoy inalienable rights expressed through compassion and love for other human beings. This understanding further validates and advances the human security idea for the modern world.⁸⁹

The significance of the human security discourse goes beyond its definitional attributes. While human security indeed has a well-built relationship with the concepts of justice, equity, and fairness, it is more about freedom from threats and risks, risks that are progressively more likely to assume global proportions in their magnitude.⁹⁰

The human security discourse revolves around setting and realising priorities in national and international policy decisions. The discourse therefore includes a robust interest in the interconnectivity among traditionally distinct themes, by which it serves the purpose of tying assorted institutional and disciplinary concerns into creating a veritable platform for dealing with the vulnerabilities of human beings on the basis of their rights and dignity.⁹¹

The construction of just and egalitarian societies is inseparable from struggles for the social, equitable and sustainable enjoyment of common goods, the democratisation of urban and rural access to the means of production, agrarian reform, the genuine democratisation of governance, food security, environmentally-responsible governance and practices, the livelihoods of peasants and their families, and of migrant, indigenous, aged, disabled, HIV/AIDS-orphaned, homeless, displaced and minority populations around the world.

If the trajectory of the paradigm shift in security discourse is accepted as the protection of the individual so poignantly canvassed by several governments, eminent scholars and institutions in the recent past, the question to then ask are: Security against what? Against who? What threats lead to human insecurity? I contend that these are the critical questions that must define the future of all discussions about peace, security, human rights, dignity and development in the global age. They are questions that assume pre-eminence because they crack open the veils of military violence and encompass all social, cultural, economic, political, environmental and climatic threats to the safety and livelihood of human beings in every epoch and every clime.

Despite all that has been said and written about the paradigm shift in the conceptualisation of human beings rather than the State as the referent and core of security considerations, the sad postscript is that much of the grounds gained in the period between the end of the Cold War and the turn of this century have regrettably been eroded by the incident of 11 September 2001 and all the attendant hoopla and hype around the war against terror.

One of the most crucial challenges facing the global community today is how to ensure respect for human rights in the context of the struggle against terrorism, whether real

⁸⁹ See generally "Theodore Parker", at http://en.wikipedia.org/wiki/Theodore_Parker#cite_note-25 (last visited 6 July 2012). For the moral basis of human security, see Kermani, above note 49, at 31, arguing that "The theoretical strengths of human security, in my opinion, stem from the moral strengths of human rights: its components are necessarily *interdependent* and that it implies *individual and social responsibility* in creating an institutional order which not only provides, but also *secures* human rights, security, and development."

⁹⁰ See Karen O'Brien & Robin Leichenko, "Human Security, Vulnerability and Sustainable Adaptation", UNDP, Human Development Report Office, Occasional Paper No. 9 (New York: UNDP, 2007) 3.

⁹¹ See Sadako Ogata & Johan Cels, "Human Security - Protecting and Empowering the People" (2003) 9 *Global Governance* 3, 275.

or imagined. So much has been written about the linkages between poverty and the rising trends in international and domestic terrorism.⁹² I submit that the much taunted nexus between poverty and terrorism is often mythical and exaggerated. More than anything else, what feeds terrorism is the unrelenting *gung-ho* State-led culture of repression and voicelessness that has marked the experiences of human beings in many modern States.

Compounding this scenario is the perception among the downtrodden, emasculated and disempowered people at the lowest rungs of society that their leaders have short-changed them. When those who were assigned the responsibility of massing and distributing the common wealth of the State suddenly transform from being sly guards into thieving demons, coupled with perceived incompetence or compromise of the judicial system, the only recourse open to the hapless individuals constituting the citizenry is public demonstration which often turns violent. I submit that there is no greater menace of terrorism than that which elected officials in several countries are perpetrating against their own people.

For as long as the powerhouses of the 21st century would not recognise that the disjuncture between economic globalisation and social justice needs more urgent attention and rectification; for as long as they fail to envision and embrace the concerted ideal to be tough on terrorism and equally tough on the conditions which lead people to imagine that al-Qaeda, al-Shabaab, Basque ETA, Boko Haram, Hamas, Hezbollah and similar groups are better agents of justice in the modern world, the 21st century will continue to witness sparks and flames of pooled anger and public indignation towards governments and institutions representing them.

To pundits who feel that forgotten, forsaken, disenfranchised and emasculated human beings in any State should remain interminably loyal to expired ideologies and obsolete liberation credos, all that we claim to be 'our rights' in this age were attained through protracted struggles, often sanguineous, brutal and wearisome, and now, from Denmark to Zimbabwe, Honduras to China, Australia to Syria, we are being taught, threatened and conditioned to believe, by those who wield State powers and other obscene influence, that our marches, protests, resistance, voices, cartoons, graffiti, songs, *toyi-toyi* and other demands for our basic dignity, life, liberty and livelihood are deviant acts smacking of terrorism.

Whether the influential few running the decadent profiteering economic systems in every country and indeed the capitalist machines of the world would perpetually sustain this shape of affairs or not is a matter dependent on the agency of ordinary folks; the teeming billions of unrecognised toilers, those in the lower rung of the human heap, and the have-nots. This is the intersection where human security meets human agency.⁹³

⁹² See, for example, Alan B. Krueger & Jitka Maleckova, "Education, Poverty and Terrorism: Is There a Causal Connection?" (2003) 17(4) *Journal of Economic Perspectives* 119; Rosa Ehrenreich Brooks, "War Everywhere: Rights, National Security Law, and the Law of Armed Conflict in the Age of Terror" (2004) 153(2) *University of Pennsylvania Law Review* 675; Khusrav Gaibulloev & Todd Sandler, "The Adverse Effect of Transnational and Domestic Terrorism on Growth in Africa" (2011) 48 *Journal of Peace Research* 355.

⁹³ See generally Todd Landman, "Democracy and Human Security: Essential Linkages", in Reginald Austin et al (eds), *Democracy, Conflict and Human Security: Further Readings* (Stockholm: International Institute for Democracy and Electoral Assistance, 2006) 13.

In the face of the hordes of unemployed youths, collapsed social security and welfare services, ramshackle public health services and numerous elderly pensioners deprived of basic needs and medical cover, mounting costs of corruption, amidst other horrendous indices of state failure, ignoring human security as the primary foundation of stability is the launching pad for impending upheavals against recalcitrant governments. After all, world history teaches us that nations that ignore their poor and their weak soon implode or go up in flames.

The attainment and sustenance of human security will be contingent upon respect for *all* human rights, which was the core of the UN at inception. The correlative of that is the commitment of all and pursuit by all in exploring how the human security concept can provide a more holistic approach grounded in people's realities and the potential limitation of current policy frameworks. The UN Human Rights Council as well as all the conglomeration of UN, international, regional and national development, health, human rights, climate, marine and security *apparatchik* will have to commit to advance human rights with dignity and to ensure the concept of human security is incorporated in all their programmes and planning.

The next engagement that should preoccupy security writers and interest groups is how to calibrate and analyse incidents of human security compliance or non-compliance. In other words, how do we know if we are 'there' yet? Or, how do we know if a State is in 'violation'? Various measurement approaches have been canvassed although there is yet to be a universally accepted consensus. While King and Murray proposed "generalized poverty" method,⁹⁴ Bajpai suggested a qualitative assessment of governments' capacities and policies,⁹⁵ and Lonergan, Gustavson and Carter canvassed the GECHS Index of Human Insecurity.⁹⁶ Owen's recent work on suggested yardsticks of approaches shows there would be need to aggregate indicators of human security in both subjective and objective ways.⁹⁷ The future of an analytic approach to the concept would necessitate rigorous consideration of data availability, data integrity, and data aggregation as invariable values in standardising its evaluations.

The conversations in which some notable States like Canada, Ireland, Norway and Japan as well as so many social justice activists and civil society organisations have participated in searching for ways to build a broad-based, effective movement and to compel serious attention to this realm of spirituality and the exploration of human security as a path towards a new, equitable world should encourage us to continue in the study, practice and sharing of this important dimension to building a just human society.

In 2004, marking the third year after the 11 September 2001 incident and a year after the unilateral invasion of Iraq, Mary Robinson, former President of Ireland and former UN High Commissioner for Human Rights, summed up this concern in the following graphic words:

⁹⁴ Gary King & Christopher Murray, *Rethinking Human Security* (Harvard University Program on Humanitarian Policy and Conflict Research, 2000) 13–15.

⁹⁵ Kanti Bajpai, *Human Security: Concept and Measurement*, Kroc Institute Occasional Paper 19 (Notre Dame: Kroc Institute, 2000) 53–56.

⁹⁶ Steve Lonergan, Kent Gustavson & Brian Carter, *The Development of an Index of Human Insecurity*, Global Environmental Change and Human Security Project, International Human Dimensions Programme on Global Environmental Change, Research Report (2000).

⁹⁷ Owen, above note 60, at 62.

Approximately 25,000 people in the last six years have died due to terrorist attacks throughout the world. Compare this with the number of people who have died over the same period due to hunger, malaria and other preventable diseases. That number is closer to 25,000 per day. On which of these problems is the political energy of the multilateral system focused at the moment? What we need now is a major course correction; “a new approach” which begins with a broader understanding of what defines human and global security. We must craft a policy that manages and balances our increasing interdependence with our increased vulnerability. Governments from both the North and the South must expand their thinking and policies to encompass a broader understanding of security beyond the security of states.⁹⁸

VI Concluding Remarks

The assumption is easily made that State security means security for the people in a State, but as the history of the past century has abundantly revealed, especially during the Cold War era, State security does not automatically translate into the security of human beings within the State. There has frequently been a stand-off between apologists of human security and protagonists of State security on the one hand, and a trade-off between State security and human security, on the other.

Among the foremost problems that humanity faces is that of mindsets – including the way people think about and perceive one another, the principles of tolerance and mutual respect, the issue of our multifaceted diversity, and the imperial tendencies of the global North. In a world endemically fractured and systemically jaundiced, sheer hatred is often dressed in the garb of superiority, utter xenophobia and racism masquerade as nationalistic zeal, crass mediocrity and incompetence parade as quality and leadership, and brazen exploitation of the weak mimics the appearance of beneficial mercantilism.

This lecture summarises my entire career which to date has been about understanding these and other phenomenal human problems and seeking cross-disciplinary ways to ameliorating their effects, including adding an alternative voice to entrenched mindsets of fear, hatred, domination, exclusion and rejection. The totality of my preachments abides in the fundamental values of respect for and protection of the rights and dignity inherent in every human being, everywhere. I am eternally convinced that if we were to imbibe these values, whether as persons in authority or as governed, our world would only be the better for it. However, in recognition of the futility of *Utopia* and the remoteness of an *El Dorado* existence, my stance is that ordinary human beings themselves must assert, confess, demand and promote the freedom, equality and unity of all peoples towards the end of changing attitudes and mindsets that are contrary to the security of human life, liberties and livelihood. After all, “eternal vigilance is the price of liberty....”

When my views and published works are gathered after me, some would commend me as a transcendentalist, some as an existentialist, some as a humanist, some as a realist, and some as a reformist; yet, others would indict me as a fundamentalist, a legalist, or

⁹⁸ Mary Robinson, “Connecting Human Rights, Human Development and Human Security”, Human Rights in an Age of Terrorism, University of Connecticut, Storrs, USA, 10 September 2004, at http://www.realizingrights.org/index.php?option=com_content&view=article&id==54 (last visited 6 July 2012).

an unrepentant ideologue. I leave that judgment to posterity but will not quiver to say that I am simply one whose soul ponders, through the intersectionality of law and other rigorous disciplines, the perpetual struggle of human beings to attain the perfect image and purpose of God, their Creator. In this regard, I remain a sentinel of action for the rest of my natural life.

Reflecting on all my legal and interdisciplinary exposure, research efforts and vocational experiences, Mr. Rector, the same conclusion I had drawn in my first graduate thesis as well as in my first academic publication almost two decades ago holds unflinching validity today: that securing human beings is philosophically superior, conceptually more fulfilling, essentially more peace-achieving and of practically higher dignity-assuring value than State or 'national' security permutations.⁹⁹

It will be a fitting way to draw the curtain on this lecture by leaving with you this poem originally written in Hindi, titled "We Who Toil":

*We who toil are one
We who fight oppression are one!
In Korea, in India,
In Russia, China and Japan.
In Africa, in England,
We exist in the heart of every true one in the world.
We are not black or white, we are just one, one!
We have to lighten up these hutments forever,
We have to make the golden fields rustle forever.
Raise your hand and let go of the fear of death,
We have to sing the songs of life forever,
We who laugh in the face of death are all one, one!
We do not sell the smiles of children,
We do not sell the longings of our mothers.
In this market place of desire, where everything is up for grabs,
We do not sell the lives of human beings.
Those mad about freedom are all one, one!¹⁰⁰*

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⁹⁹ Oladejo J. Olowu, *The United Nations Secretary General in the Pursuit of International Peace and Security: An Appraisal* (LLM Dissertation, Obafemi Awolowo University, Ile-Ife, Nigeria, 1998); Olowu, *Obstacles to International Peace and Security*, above note 31, *ibid*.

¹⁰⁰ Indian People's Theatre Association, "We Who Toil" *Defining Dignity: An Anthology of Dreams, Hopes and Struggles* (Delhi: Indian People's Theatre Association, 2003) 169.

¹⁰¹ This early-life impartation resonates with the scriptural mandate found in Proverbs chapter 31 verse 8-9 which has become

memory), for her lifelong admonitions and witty sayings.

I salute my elder siblings, Professors Akinsolape Olowu and Bamidele Olowu, who, by the distinguished scholarly paths they charted, instilled in me tools for fortifying my own academic enterprise. I also recognise the goodwill of my numerous other mentors and senior colleagues at various stages of my scholarly pursuits, particularly Dr NF Aina, Professors Akin Oretuyi, JD Ojo, Ademola Yakubu, Bob Hughes and Bruce Winick (all of blessed memories), Emeritus Professor David Ijalaye (SAN), Professors Margaret Okorodudu-Fubara, AA Oba, Yemi Akinseye-George (SAN), Ademola Popoola, Christof Heyns, Frans Viljoen, Sandra Liebenberg, Julia Sloth-Nielsen, Martin Scheinin, Hans-Otto Sano, Dinah Shelton, Paolo Carozza, David Wexler, Penelope Andrews, Ken Cooper-Stephenson, Noel Dias, Patrick Osode, Garth Abraham, Akin Ibidapo-Obe, Edward Oyewo, Deji Adekunle, Eyinna Nwauche, Mizanur Rahman, the Honourable Justices Diran Akintola and Femi Abass, Chief (Mrs) PC Ajayi-Obe (SAN) as well as Drs Kola Olaniyan and Amos Idowu, among numerous other noble souls, for their faith in me and in my capabilities. All these were the giants on whose broad shoulders I rode at various times to envision my enduring accomplishments.

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To all the students I have instructed across four continents, I dedicate this lecture in the hope that they will transmit my legacies beyond me.

At the utmost, I am grateful to God Almighty (Jehovah Nisi is His name!) for the inspiration and vigour all through my career leading to this lecture.

Thank you all for your time and interest. Ke a leboga. E se o. Asante. Thank you. Dankie. Merci. Obrigado.

the bedrock of my personal life, work and writings: "Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy." *Holy Bible, New International Version*, 1984.

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