

# THE RIGHT TO HUMAN SECURITY IN THE NEW DEMOCRACIES OF THE EUROPEAN UNION

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*The issue of security is one of the most debated in the last decade. It is expected to play a significant role in the dynamics of the geopolitical future but also in the new European constitutionalism. Globalization has expanded the scope and extent of the traditional threats to security, but also the asymmetric risks that undermine human security. In fact, human security is no longer a problem that remains within the state but goes beyond its borders. The international community can create a suitable legal framework to ensure the implementation of the right to human security within states.*

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## **I. The human security concept: justification of a new law**

Safety is a key factor in the development of human life and manifests itself at all levels of social, political and administrative profile individually or at national, regional, continental and global levels. It 's a common opinion among specialists (Barry Buzan, Ole Weaver, Jaap de Wilde), that modern concept of security include four factors: political, military, economic and social.

The security policy refers only to the threats that endanger the very existence of the state. The security policy is therefore characterized by the activities that come as a result of political decisions in order to achieve a secure and stable environment. The security policy is a sign of organizational stability of states, systems of government and ideologies that they legitimize. The military element of security aims the interconnection of two levels of offensive weapons and defensive capabilities of states, together with the perception of the same on the intentions of the other participants in international life. Currently, the military dimension of security consists in the following strategies: discouragement of nuclear defensive, integration into political and military alliances, state neutrality, protection of a greater power. Economic security concerns access to resources, finance and markets necessary to sustain acceptable levels of development and state power. Social security is related to the maintenance and protection, within the limits of natural evolution of collective formed by culture, religion, language, and political and social values of peoples. Safety is an individual right which must go along with the freedom of the individual and thus be conceived as an objective which must tend the action of the state and other public authorities, with full respect of the core of the other rights guaranteed by the Constitution.

Human security is often viewed as a "living away from fear." It starts by protecting the individual from armed or arbitrary conflict, deportation and criminal or political violence. Upon completion of this interpretation different parties offer a broader human security and add to the concept of "living away from fear" the "live away from the need", which considers in particular the protection of the individual from poverty, hunger,

diseases or ethnic conflicts. Security, then, means not only the consciousness of freedom guaranteed to the individual but the assertion of state activity to protect the citizen from social risks and dangers caused by the crime.

Globalization has expanded the scope and extent of the traditional threats to security, but also the asymmetric risks that undermine human security. In fact, human security is no longer a problem that remains within the state but goes beyond its borders. The international community can create a suitable legal framework to ensure the implementation of the right to human security within states. The individual is considered as the fundamental unit of the concept of security in an efficient democracy as he is the beneficiary of the security status.

As the nation cannot be reduced to the sum of the individuals of which it is composed, even national security is not composed of the sum of the individual safety of citizens. In this sense, the concept of human security is very different compared to collective security. Collective security is based on the premise that security is indivisible and therefore an act of aggression against any member of the international community is an attack on all members. The term is similar but not synonymous to collective defense. The members of a system of collective defense, such as that of NATO, agree to defend each other from any external threat. Collective security instead is rather a universal concept. So, while NATO implements a system of collective defense, the UN seeks to create a system of collective security. The collective security systems have deficiencies of credibility, given the lack of methods to force the members of the community to defend others, especially in the case of a national interest.

Human security, instead is an optional element, but a fundamental right of humans, materialized in the protection of individuals from violent and non-violent threats. The central point of international security has generally been the security of states and human security is centered on the individual. In international law the states themselves are to accept or not to be recipients of international standards, in the full exercise of their sovereignty. Since there is no legal relationship between the human person and the international community, the right to human security remains subject to the state.

Nevertheless, the globalized world is experiencing a reality that led to the affirmation of the concept of human security in the international arena. Torture, human trafficking, violence, terrorism represent a big challenge for the whole of humanity. To cover all these threats and to foreground the effective protection of the individual and the society, in the 1990s has been coined the concept of human security. Promoted for the first time in the Report of the Development Programme of the United Nations in 1993, the concept has been applied by some European western states law. As a result, the Report of the Commission's 2003 Human Security defines the term as the protection of "the vital core of all human lives in order to increase the freedom and human fulfillment." The concept thus implies the guarantee of human rights, economic development, social justice, education and public health services. The difficulty to clearly define the concept lies in the fact that it comprises a ball so wide of values, which is likely to lose its meaning. The various aspects of human security are often contradictory and subject to the difficulty of distinguishing between objective and subjective assessments. Nevertheless, the principle of human security is simple: what individuals, not states, should be the focus of security policies and that it is interconnected with that of other individuals in the community.

Thomas Hobbes based his doctrine of the state through the intrinsic value of security, which was supposed to be the objective meaning and value of the state and its sovereignty. According to the philosopher, the need for security against aggression mutual

induces individuals to meet in the State and submit to the sovereign power. Legal certainty, then, arises from the general subjection to the law, or to know what to follow to overcome the climate of fear and mistrust in the performance of social relations.

A different concept of security can be found in the 1789 Declaration of Rights, (art. 2) that "the right to security" together with the natural and inalienable rights of man are linked with freedom, properties and resistance to oppression. If historically the term "right to security" could be regarded as a figure semantic rhetorical character, seems to enjoy a legal status in the self - as the right to a sheltered life, indispensable to the enjoyment of other individual rights - and partly indirect, in the sense that it is complementary to other rights, or as an instance rooted in the notion of well-being and quality of life. Therefore, the security may qualify as well inextricably linked to the life, physical integrity, human well-being and the quality of his life and the dignity of the person.

## **II. Globalization and its effects on global security**

With the constant threat of risks to global security, this concept should be placed in the foreground. The need for security is gaining ground in modern globalized society and guarantees the fundamental right of the person that cannot be implemented without considering the risks and threats posed by globalization. The effects of economic, political, demographic, cultural, religious, military, ecological process of globalization have a close relationship with the possibility of threat to global security. The studies devoted (Nye, 2005; Stiglitz, 2006; Bruce, 2007; Grossmann, 2007; Malita, 2007, Goldstein and Pevehouse, 2008; Vogel, 2008) reveal multiple dimensions of the phenomenon of globalization which, in turn, can tell us something about the intrinsic dimensions of global security.

The first dimension focuses on the need for multilateral analysis of the security environment on the request of the creation of political, economic, military and social application of which leads to the development of international cooperation. It has been shown that the oppressive governments, poverty and injustice can lead to terrorism, illegal migration and other threats to international security. At the same time, considering the changes in the security environment the scenarios of the evolution of existing alliances seems to create new forms of association and of international cooperation.

The second direction focuses on the asymmetries of the global world, with more impact on the state of security. These economic, technical, scientific, commercial gaps, include those recently developed as the derived demand for raw materials, the reallocation of production sectors considered mature in developed countries, technology transfer etc. The risks of asymmetric nature differ one from another while their intensity and their prevention is very complex and expensive, requiring the involvement of all the states concerned.

Considering the high macroeconomic vulnerability of developing countries to various external shocks, it is noted that international currencies belong to developed countries and the cyclical nature of financial flows severely affect poor countries, while the Fund's investment policy is made from the markets developing countries that have low levels of risk. The cumulative effect of these factors can also be found in the contrast between the high degree of mobility of financial capital.

The fourth direction analyzes the efficiency of resource allocation by the power structures of the state. In this sense, the unequal distribution of foreign direct investment in developing countries, has increased the gap between the incomes of both developed countries than in developing ones.

Finally, the process of globalization provides an environment conducive to the tendencies of disintegration or territorial fragmentation of some countries to use the tools of economic pressure to reduce the sovereignty of the state or appearance of international organizations with statutes governing geopolitical conflict. On this background, the global society and every country has to consider some aspects such as war, violence, genocide or human rights abuses, poverty, disease and environmental degradation, nuclear, radiological, chemical and biological, transnational crime and terrorism. The international situation, from the point of view of human safety, is complex and dominated by two diametrically opposed tendencies: one to increase cooperation and mutual trust between states or regions, the other is to solve with the use of force situations conflict. Security threats generated by the contradictory phenomena such as globalization and fragmentation, in addition to the traditional forms of national threats, highlight new vulnerabilities and dysfunctions in their management. To achieve a more complex picture of the international security situation, we must analyze the most important dimensions in the fields: political, diplomatic, economic, environmental and military one.

### **Terrorism instead of classical war**

Armies facing each other as enemies in war have lost their importance. Today, the threat are technologically superior in terms of military and against the system of European constitutional values that have been consolidated among EU countries. Regardless of source or form, terrorism is a crime not justifiable or excusable; it represents a great threat to a free and pluralistic society and for the rights of the individuals.

Although there is no definition of terrorism internationally recognized, it seems, however, that there is a consensus on what is meant by an act of terrorism, or an intentional attack against civilians or their property in order to intimidate a population or to compel a state or an international organization to do or not do something. The branched structure of international terrorist groups - hardly recognizable and penetrable - is a big challenge. As a potential threat to any country, terrorism has contributed to the growth of spending on armaments, while less measures have been taken to prevent and control. The terrorist attacks especially those of recent years in the USA, Spain, Great Britain have shown that the current security system is not adequate to prevent and combat terrorism.

The EU Member States have made human rights and democracy a central aspect of democratic reforms while EU's institutions promoted human security in the political dialogue with third countries, through the development cooperation and assistance. Nevertheless all European Union's new democracies have signed up to a wide range of international and regional human rights treaties and are subjects of international bodies of the Council of Europe and the United Nations.

An important aspect of the European tradition of human security is that the founding Treaties of the European Communities and further the EU's Treaties is that their primary objective was to lay the foundations of an ever closer union among the peoples of Europe long divided by war and conflicts through initially economic integration. In addition, the developing political cooperation among Member States led to the reaffirmation that the safeguarding of human rights were an essential aspect of international relations and human security among all was to be affirmed as a democratic principle of all new democracies integrating in the EU.

While the 1993 Treaty on European Union states that one of the objectives of the EU's Common Foreign and Security Policy is the development and consolidation of "democracy and the rule of law, and respect for human rights and fundamental freedoms" in a broad sense, the Treaty of Amsterdam of 1999 marks a significant step forward in

integrating human security rights into the EU's legal order. A new Article 6 was added, which reaffirmed that the EU "is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States". In December 2000, when the European institutions solemnly proclaimed a Charter of Fundamental Rights of the European Union, in a single text there were enshrined the civil, political, economic and social rights enjoyed by the citizens and residents of the European Union, which were laid down in a variety of international, European and national legal sources. The provisions of this Charter are addressed to the institutions of the Union and apply to the Member States only when they are implementing Union law.

### **Perspectives of applying the right to human security in the European Union**

The new European democracies are increasingly engaging in international democracy support, having leveraged their membership in a number of Euro-Atlantic international organizations and used their bilateral diplomatic ties with democratization laggards to motivate and pressure them to observe democratic norms and practices. They are also been supplying small but growing amounts of democracy assistance in the world. The democracy promotion efforts of these countries have contributed to the creation of a climate of security in EU and also to the affirmation of the right of human security principle in the EU law.

Eastern European countries have developed and maintained relatively extensive transnational networks, facilitating the diffusion of democratic norms and practices. These networks link the Eastern European democracy promoters to the political and civic elites of a number of autocracies and hybrid democracies and also to various civic multipliers in those countries.

In the European new democracies ethnic sentiments, language, and religion are no longer the glue that holds nations together. Besides, many nations have become conscious of the fact that through historical and political developments, nations were formed through systems of migration and conquest. The emerging and resultant new nationalisms have often posed a threat to any democratic ideals that the emerging states had hoped for. Instead, social instability has become common. In this instable climate the human security right hasn't an effective mechanism of appliance. Since the 2005 World Summit, where leaders agreed that human security concerned both "freedom from fear" and "freedom from want", the right to human security was affirmed in the new democracies of EU but it has been limited to the policy-making community. It was defined as protection of the individual against threats that endanger the freedom, dignity and human fulfillment. It includes violent or non-violent threats, increasingly felt in a globalized world where international conflicts no longer have as subject states that are compared against each other, but that affect individuals.

In the modern, globalized society is widely believed that the state borders have lost importance, but it is essential to focus our attention on the frontiers in the true sense of the word, the regional borders or even in the more abstract sense the ethnic borders, human frontiers that separate people. The great geopolitical changes of globalization teach us how to overcome barriers and promote new rights with target human persons as such, in respect of an equality that is not subject to state entity but which emerges in the international community.

A first conclusion is that the observance and respect for the right to human security against threats devastating that transcend state borders, such as terrorism or organized crime can be effectively guaranteed through the creation of a framework for regional

cooperation. Discrimination and intolerance, cross-border crime and terrorism undermine human security through entities not grasped from the usual preventative measures and police. If these are the "new wars" of today, then there is need for new solutions to a peace that is not limited to non-belligerent relations between states but representing the full respect of human security. In an international system that transcends the boundaries of the state only a regional governance can ensure the safety and stability of states. And the European Union, with the increasing effective democracies integrating in the "jus publicum europeum" demonstrates the region with the higher level of effectiveness of ensuring the right of human security internally and of promoting it in the world.

### **Bibliography:**

1. **Andò, S.** (2003). Proposta di un diritto per le minoranze, Dike.
2. **Andò, S.** (2003). Una difficile definizione dell'identità culturale, Dike.
3. **Andò, S.** (2004). Human Rights and deportation of different cultural identities, in *Mediterranean Journal of Human Rights*, 7- III
4. **Andò, S., Sbailò, C.,** (2003). Oltre la tolleranza. Libertà religiosa e diritti umani nell'età della globalizzazione, Marco Valerio, Torino
5. **Bartole, S.** (1997). La Convenzione-quadro del Consiglio d'Europa per la protezione delle minoranze nazionali, in *Rivista italiana di diritto e di procedura penale*, anno XXXIX fasc.2
6. **Bartole, S.** (1995). Partecipazione politica e tutela delle minoranze nell'esperienza delle nuove democrazie dell'Europa centro-orientale, Lanchester, F. *La legislazione elettorale degli Stati dell'Europa centro-orientale*, Giuffrè, Milano
7. **Bartole, S.** (1998). Una Convenzione quadro per la tutela delle minoranze nazionali, in Bartole S., Olivetti Rason N., Pegoraro L., *La tutela giuridica delle minoranze*, CEDAM, Padova;
8. **Berend, Ivan T.,** (1996). Central and Eastern Europe, 1944-1993: detour from the periphery to the periphery, Cambridge University Press, Cambridge
9. **Brzezinski, Z.,** (2004). The Choice: Global Domination or Global Leadership, Basic Books, New York.
10. **Calabrò, G. P.,** (1999). Valori supremi e legalità costituzionale. Diritti della persona e democrazia pluralistica, Giappichelli Editore, Torino
11. **Capotorti, F.** (1983). Human Rights: the hard road towards universality, in D.M. Johnston e R. st. J. Mac Donald *The structure and process of international law*, Martinus Nijhoff, Hague
12. **Capotorti, F.** (1967). Introduzione ai Patti internazionali dei diritti dell'uomo, CEDAM, Padova.
13. **Cassese, S.,** (2005). *Universalità del diritto*, Università Suor Orsola Benincasa Editoriali Scientifica, Napoli
14. **Cordell, K. and S. Wolff** (2004), 'Introduction: Ethnopolitics in Contemporary Europe', in: K. Cordell and S. Wolff (eds), *The Ethnopolitical Encyclopaedia of Europe*, Pallgrave/MacMillan
15. **Culic, I.** (2007), '*Dual Citizenship in Eastern Europe*', paper presented at the 2007 World Convention, Association for the Study of Nationalities (ASN), Columbia University
16. **Ferrarese, M. R.** (2002). Il Diritto Al Presente: Globalizzazione E Tempo Delle Istituzioni, Il Mulino, Bologna
17. **Ferrarese, M. R.** (2000), Le Istituzioni Della Globalizzazione: Diritto E Diritti Nella Società Transnazionale, Il Mulino, Bologna
18. **Gundara, J. S.** (2000) The Political Context of Intercultural Public and Social Policy in Europe in Gundara J. S. and Jacobs, S. (eds) *Intercultural Europe: Diversity and Social Policy*, Hants: Ashgate Arena.

16. **Habermas, J.** (1994) Citizenship and National identity: Some Reflections on the Future of Europe in Turner, B. and Hamilton, P. (eds) *Citizenship. Critical Concepts*, London: RKP, pp. 341-358.
17. **Hannum H.**, (2000) The Rights of persons belonging to minorities, in J. Symonides, *Human Rights: Concept and Standards*, UNESCO,
18. **Huntington, S.**, (1998) *The Clash of Civilizations and the Remaking of World Order*, London: Touchstone
19. **Huntington, S.**, (1998) La terza ondata. I processi di democratizzazione alla fine del XX secolo, Il Mulino
20. **Huntington S. P.**, (1998) *The Clash of Civilizations and the Remaking of World Order*, London: Touchstone
21. **Kofman, E.** and Sales, R. (1992) Towards fortress Europe? in *Women's Studies International Forum*, **Vol. 15**, part 1, p.24.
22. **Kymlicka, W.** (1995). *La cittadinanza multiculturale*, Bologna, Il Mulino.
23. **Lowenthal, D.** (2000) European Identity: An Emerging Concept. in *Australian Journal of Politics and History*, **Vol. 46, No 3**, pp.314-321
23. **Rubenstein, R. E., Crocker, J.**, (1994). Challenging Huntington, in *Foreign Policy*, **No. 96**
24. **Strath, B.** (2000), „Multiple Europes: Integration, Identity and Demarcation to the Other”, in: B. Strath (ed.), *Europe and the Other and Europe as the Other*, Brussels: Peter Lang