

**THE RESPONSE OF INTERNATIONAL LAW
TO THE CHALLENGES TO HUMAN SECURITY**

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ABSTRACT

Human security functions to enhance people’s welfare by ensuring their survival, protecting their livelihoods, and respecting their dignity. In the contemporary era, there are many challenges to human security. These include climate change, food and water scarcity, poverty, human trafficking, armed conflicts, and terrorism. International humanitarian law provides a framework for protecting non-combatants, prisoners of war, the wounded, the sick, and medical personnel during armed conflicts.

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INTRODUCTION

The term “human security” has been defined in United Nations (U.N.) General Assembly Resolution 66/290 as “an approach to assist Member States in identifying and addressing widespread and cross-cutting challenges to the survival, livelihood and dignity of their

people.”¹ There are a number of challenges to human security in the contemporary era that are wide in magnitude and lethal in impact.² The most prominent threats to human security, which relate to the U.N.’s seven arenas,³ include the following: armed conflict; terrorism; poverty; health-related issues; human trafficking; violence against women; depletion of resources on earth that result in food and water scarcity; and an increase in earth’s temperature due to climate change.⁴ Notable international organizations, such as the U.N., have attempted to identify ways to strengthen human security.⁵ However, despite these efforts, tremendous flaws, inefficiencies, and loopholes continue to exist in global politics and environmental regulation, which strengthen the threats to human security at the global level.⁶

This Article discusses the major threats to human security and examines how the international community, under the leadership of the U.N., has responded to these challenges. It examines various goals and policies implemented by the U.N. in an attempt to strengthen human security at the global level. These policies target regions where there is high vulnerability to human insecurities. Additionally, this Article examines whether the United Nations Trust Fund for Human Security (UNTFHS), Agenda 2030, and the Sustainable Development Goals are effectively implementing programs that strengthen human security in insecure regions. Finally, this Article discusses the International

1. G.A. Res. 66/290, ¶ 3 (Sept. 10, 2012).

2. OSCAR A. GÓMEZ & DES GASPER, HUMAN SECURITY: A THEMATIC GUIDANCE NOTE FOR REGIONAL AND NATIONAL HUMAN DEVELOPMENT REPORT TEAMS 2 (2013). See TIMOTHY D. SISK, INTERNATIONAL MEDIATION IN CIVIL WARS: BARGAINING WITH BULLETS 11 (2009).

3. The United Nations identifies seven arenas that affect human security: (1) economic, (2) food, (3) health, (4) environmental, (5) personal, (6) community, and (7) political. The scarcity of food and water can be included in the first three categories: economic, food, and health security. Climate change can be included in the fourth category: environmental. On the other hand, issues such as human trafficking and violence against women can be included in the fifth category, personal, while poverty can be added in the sixth category, community. Similarly, wars and militarization can be included in the last category, political. For details about the seven arenas that affect human security, see GÓMEZ & GASPER, *supra* note 2, at 2.

4. See HANS GUNTER BRAUCH, THREATS, CHALLENGES, VULNERABILITIES AND RISKS IN ENVIRONMENTAL AND HUMAN SECURITY 74 (2005).

5. See, e.g., G.A. Res. 66/290, *supra* note 1.

6. See GÓMEZ & GASPER, *supra* note 2, at 2.

Committee of the Red Cross's efforts to ensure human security in conflict- and disaster-affected regions.

I. THE MEANING AND THE IMPLICATIONS
OF THE TERM HUMAN SECURITY

Human security implicitly requires understanding the different needs that people have for their survival, livelihood, and dignity.⁷ It seeks to ensure that people have adequate facilities and suitable circumstances for their survival and livelihood.⁸ The human security approach serves as a lens to analyze people's well-being.⁹ Governments can use human security reports to help vulnerable, poverty-stricken, and marginalized communities in their respective capacities.¹⁰

A. *Peace and Human Security*

Human security is deeply connected with peace.¹¹ Those living in conflict-affected regions become vulnerable to insecurities because of a lack of peace.¹² These conflicts challenge the people's survival and restrict their livelihoods.¹³ Furthermore, these conflicts impede the effectiveness of government development programs.¹⁴ For example, fragile and conflict-affected countries have achieved slow progress in the Millennium Development Goals.¹⁵ This leads to a failure in raising standards of living and, in turn, people's dignity.¹⁶ Therefore, the

7. *Id.*

8. *Id.*

9. *See id.* at 1, 4.

10. *Id.*

11. *See, e.g.,* G.A. Res. 66/290, *supra* note 1.

12. *See* BRAUCH, *supra* note 4, at 80.

13. *See* U.N. TR. FUND FOR HUMAN SEC., HUMAN SECURITY HANDBOOK 5 (2016), <https://www.un.org/humansecurity/wp-content/uploads/2017/10/h2.pdf> [hereinafter HUMAN SECURITY HANDBOOK].

14. *See id.* at 13.

15. *Id.* For a complete list of the Millennium Development Goals, see *List of Millennium Development Goals, and Goal 8 Targets and Indicators*, UN.ORG, https://www.un.org/en/development/desa/policy/mdg_gap/mdg8_targets.pdf (last visited Apr. 17, 2020).

16. *See* HUMAN SECURITY HANDBOOK, *supra* note 13, at 13.

existence of peace is essential for ensuring human security. Without peace, efforts to strengthen human security will likely yield ineffective results.¹⁷

B. Types of Issues Identified by Human Security

The human security approach helps to identify various issues “ranging from deprivation in all its forms (food, health, education, employment, etc.) to violence and environmental problems.¹⁸ It addresses the vulnerability of people living in a specific area,¹⁹ their financial well-being,²⁰ their fundamental human rights,²¹ and their access to the basic necessities of life.²² Environmental well-being can also be estimated from the level of human security.²³ A region of higher human security may have a greater chance of higher environmental well-being.²⁴ Conversely, regions where human security is threatened will most likely have less favorable circumstances for environmental well-being.²⁵

According to the U.N., human security also involves “freedom from fear, want, and indignity.”²⁶ Therefore, human security creates an indispensable relationship between peace and human development.²⁷

17. *Id.*

18. *Id.* at 13.

19. *Id.* at 8.

20. *See, e.g.*, ROBIN RAMCHARAN, INTERNATIONAL INTELLECTUAL PROPERTY LAW AND HUMAN SECURITY 34 (2012); *see also* ROBERT J. HANLON & KENNETH CHRISTIE, FREEDOM FROM FEAR, FREEDOM FROM WANT: AN INTRODUCTION TO HUMAN SECURITY 168 (2016).

21. Taylor Owen, *Human Security Thresholds*, in ROUTLEDGE HANDBOOK OF HUMAN SECURITY 63 (Mary Martin & Taylor Owen, eds., 2014).

22. *See* HANLON & CHRISTIE, *supra* note 20, at 168.

23. Des Gasper, *Human Security: From Definitions to Investigating a Discourse*, in ROUTLEDGE HANDBOOK OF HUMAN SECURITY 35 (Mary Martin & Taylor Owen eds., 2014).

24. Adequate environmental security is an essential precondition of human security. For details, see PIERRE SANE, UNESCO, HUMAN SECURITY: APPROACHES AND CHALLENGES, ch. 1, 7 (UNESCO Publishing, 2008).

25. *See* HUMAN SECURITY HANDBOOK, *supra* note 13, at 32-34.

26. SHIRLEY A. FEDORAK, GLOBAL ISSUES: A CROSS-CULTURAL PERSPECTIVE 89 (2013). *See* G.A. Res. 66/290, *supra* note 1, ¶ 3(a).

27. G.A. Res. 66/290, *supra* note 1, ¶ 3(c).

Permanent solutions must be achieved to free people from insecurity by creating favorable conditions for installing societal peace and welfare.

*C. The Potential Role of the United Nations
in Strengthening Human Security*

The U.N. can play a key role in strengthening human security around the globe.²⁸ It can utilize its global platform to coordinate with governments in formulating regional goals for empowering vulnerable and marginalized communities.²⁹ Furthermore, the U.N. can provide technical assistance and funding to achieve these goals.³⁰ Similarly, the U.N. can coordinate with states to promote peace at the global level. Efforts can also be made to mitigate risks of conflict and violence at the regional level.³¹ By collaborating with regional organizations, the U.N. can also apply a people-centric approach³² to empower the populace, which may ultimately lead to successfully implementing human security oriented programs in the desired regions.³³ Applying the human security concept can help successfully implement the Sustainable Development Goals (SDGs).³⁴

28. Dietrich Fischer, *United Nations Reform: A System Approach*, in UNITED NATIONS REFORM, 59 (Eric Fawcett & Hanna Newcombe, eds., 1995).

29. The U.N. can use its programs to access data and analyze it statistically to study the relevant aspects of human security. For details about the U.N.'s global organization platform, see Ronald Jansen, Assistant Director, U.N. Statistics Div., UN Global Platform: A Collaborative Environment for the Global Statistical Community (Mar. 29, 2019), [https://unstats.un.org/bigdata/events/2019/tbilisi/presentations/Session%204/29%20Mar%20-%20Friday%20-%20\(1\)%20-%20UN%20Global%20Platform.pdf](https://unstats.un.org/bigdata/events/2019/tbilisi/presentations/Session%204/29%20Mar%20-%20Friday%20-%20(1)%20-%20UN%20Global%20Platform.pdf).

30. See, e.g., U.N. Tr. Fund for Human Sec., *Why Invest in the UNTFHS?*, UN.ORG, <https://www.un.org/humansecurity/wp-content/uploads/2018/04/UN-Trust-Fund-for-Human-Security.pdf> (last visited Apr. 17, 2020) [hereinafter UNTFHS] (discussing some of the projects run by the United Nations Trust Fund for Human Security).

31. U.N. Gen. Assembly, *Supplement to an Agenda for Peace*, in *Reforming the United Nations: The Quiet Revolution*, 535, 536 (Joachim Müller, ed., 2001).

32. Rasmus Hougaard, *The Power of Putting People First*, FORBES (Mar. 5, 2019), <https://www.forbes.com/sites/rasmushougaard/2019/03/05/the-power-of-putting-people-first/#445658d7aff8> (explaining the people-centric approach).

33. G.A. Res. 66/290, *supra* note 1, ¶ 3(b).

34. HUMAN SECURITY HANDBOOK, *supra* note 13, at 5.

It is pertinent to mention here that the U.N. already runs numerous development programs in many regions of the world.³⁵ These programs aim to reduce poverty, hunger, and malnutrition by building peace in different regions.³⁶ The goal behind applying human security is to reduce the gaps and loopholes that may be present in the U.N.'s existing development programs.³⁷ In particular, applying human security can make the SDG programs more people-centered, sustainable, and rigorously implemented.³⁸ For example, in Kenya, the U.N.'s application of human security has advanced more inclusive approach in empowering marginalized people, including women.³⁹

In light of the concept of human security, regional development programs have integrated with the existing human development programs in various regions.⁴⁰ This integration has advanced “an inclusive development process [that] reaches the most marginalized, and foster[s] greater overall well-being and social harmony, with significant gains across countries.”⁴¹

35. See UNTFHS, *supra* note 30.

36. *Id.*

37. See U.N. Tr. Fund for Human Sec., *Human Security and Agenda 2030*, UN.ORG, <https://www.un.org/humansecurity/wp-content/uploads/2017/10/Human-Security-and-the-SDGs.pdf> (last visited Apr. 17, 2020) [hereinafter *Human Security and Agenda 2030*].

38. *Id.*

39. *Id.* See UNTFHS, *supra* note 30, at 31-39.

40. UNTFHS, *supra* note 30 (“Since its establishment in 1999, the UNTFHS has assisted over 220 programmes in more than 90 countries, including regional initiatives.”).

41. *Human Security and Agenda 2030*, *supra* note 37.

II. CHALLENGES TO HUMAN SECURITY

Unfortunately, a number of challenges to human security exist in the contemporary era.⁴² The most prominent challenges are discussed below.

A. *Armed Conflicts*

The first and foremost threat to human security arises from armed conflicts.⁴³ “Every armed conflict is either international or non-international in character.”⁴⁴ That is, they can be either between two or more states or internal armed conflicts.⁴⁵ Both international and non-international armed conflicts pose threats to human security because they both involve violence and use of force, which result in civilian casualties.⁴⁶ These casualties result regardless of who the parties are or where the conflict is occurring.⁴⁷ For instance, the recent ongoing conflicts in Yemen, Syria, and Afghanistan have resulted in thousands of deaths.⁴⁸ In Syria alone, more than 400,000 people have died in the conflict from 2011 to 2019.⁴⁹ In Afghanistan, the war between the coalition of NATO forces led by the United States and the Taliban has caused around 157,000 deaths, including 43,000 civilian deaths since 2001.⁵⁰ In Yemen, Saudi Arabia’s operations against the Yemeni Houthis broke the entire food supply chain, causing the country’s worst

42. See SISK, *supra* note 2, at 11.

43. YUKIKO NISHIKAWA, HUMAN SECURITY IN SOUTHEAST ASIA 1 (2010).

44. YORAM DINSTEIN, NON-INTERNATIONAL ARMED CONFLICTS IN INTERNATIONAL LAW 1 (2014).

45. *Id.*

46. See Catherine Lotrionte, *When to Target Leaders*, in RESHAPING ROGUE STATES: PREEMPTION, REGIME CHANGE, AND US POLICY TOWARD IRAN, IRAQ, AND NORTH KOREA 103, 112 (Alexander T.J. Lennon & Camille Eiss eds., 2004).

47. *Id.*

48. Havard Strand & Halvard Buhaug, *Armed Conflict, 1946–2014*, in PEACE AND CONFLICT 2016 19, 23 (David A. Backer et al. eds., 2016).

49. *Syrian Civil War Fast Facts*, CNN, <https://edition.cnn.com/2013/08/27/world/meast/syria-civil-war-fast-facts/index.html> (last updated Apr. 9, 2020) [hereinafter *Syrian Civil War*].

50. Neta C. Crawford et al., *Afghan Civilians*, WATSON INST. FOR INT’L AND PUB. AFF., <https://watson.brown.edu/costsofwar/costs/human/civilians/afghan> (last updated Jan. 2020).

famine.⁵¹ Since 2015, this has resulted in 91,600 deaths, including the death of women and children, and has been the major cause of famine and cholera in Yemen.⁵²

Additionally, the U.S. war in Iraq has caused over 182,000 civilian casualties; however, “the actual number of civilians killed by direct and indirect war violence is unknown but likely much higher – in the hundreds of thousands.”⁵³ Thus, the growing occurrence of armed conflicts has threatened human security to the greatest extent.⁵⁴ Unfortunately, all of these conflicts have taken place in the modern twenty-first century, despite the presence of the sophisticated principles, codes of conduct, and regulations of international law.⁵⁵ This calls into question international law’s successfulness in preventing threats to human security.

Pertinently, the definition of human security includes three aspects: “survival,” “livelihood,” and “dignity of the people.”⁵⁶ Armed conflicts threaten all three of these aspects.⁵⁷ That is, armed conflicts not only threaten people’s survival but also pose severe risks to their livelihoods and their dignity.⁵⁸ Many of those who have survived the wars are facing difficulty in earning a sustainable living due to a weak post-conflict economy.⁵⁹ Many attempt to immigrate to other countries, but

51. See WORLD PEACE FOUND. & GLOB. RIGHTS COMPLIANCE, ACCOUNTABILITY FOR MASS STARVATION: STARVATION IN YEMEN 1 (Sept. 3, 2019), <https://reliefweb.int/sites/reliefweb.int/files/resources/Accountability%20for%20Starvation%20Crimes-Yemen.pdf> [hereinafter STARVATION IN YEMEN].

52. Rod Austin, *Human Cost of Yemen War Laid Bare as the death Toll Nears 100,000*, GUARDIAN (June 20, 2019, 4:00 AM), <https://www.theguardian.com/global-development/2019/jun/20/human-cost-of-yemen-war-laid-bare-as-civilian-death-toll-put-at-100000>.

53. Neta C. Crawford, *Iraqi Civilians*, WATSON INST. FOR INT’L AND PUB. AFF., <https://watson.brown.edu/costsofwar/costs/human/civilians/Iraqi> (last updated Nov. 2018).

54. See NISHIKAWA, *supra* note 43, at 1.

55. See Strand & Buhaug, *supra* note 48.

56. G.A. Res. 66/290, *supra* note 1, ¶ 3.

57. NISHIKAWA, *supra* note 43, at 1-2.

58. *Id.*

59. See Ayako Sahara-Kaneko, *Criminalization of Foreign Bodies in Japan: Legitimization of Strict Control of Foreign Workers, Asylum Seekers, and Refugees*, in THE MIGRATION CONFERENCE 2019 - BOOK OF ABSTRACTS AND PROGRAMME 169 (Fethiye Tilbe & Vildan Mahmutoglu eds., 2019).

not all of them are able to do so, as developed countries hesitate to accept immigrants.⁶⁰

Moreover, according to the Human Rights Committee for the International Covenant on Civil and Political Rights, several violations of human rights have occurred in conflict-stricken regions.⁶¹ Children are particularly susceptible to insecurity resulting from human rights violations.⁶² According to the U.N., children become vulnerable to threats such as attacks on schools, sexual misconduct by belligerent warriors, injuries or killings resulting from violent attacks, and kidnapping.⁶³ Thus, “[w]ar and terror violate the human rights of children, including the right to life, [and] the right to be nurtured and protected.”⁶⁴ Similarly, women are victims of violence and other grave violations of human rights.⁶⁵ Human trafficking and rape have been reported to occur in conflict-stricken regions.⁶⁶ For instance, in Syria and Iraq, rape, torture, and violence have become weapons of ISIS.⁶⁷ Such gross violations of fundamental human rights are the consequences of the armed conflicts in those regions, which ultimately threaten human security.⁶⁸

60. *See, e.g., id.* (discussing Japan’s reluctance in accepting Syrian immigrants).

61. Karen Hulme, *Using a Framework of Human Rights and Transitional Justice for Post-Conflict Environmental Protection and Remediation*, in ENVIRONMENTAL PROTECTION AND TRANSITIONS FROM CONFLICT TO PEACE 119, 128 (Carsten Stahn et al. eds., 2017).

62. Isaiah D. Wexler & Eitan Kerem, *Effects of War on Children*, in NELSON TEXTBOOK OF PEDIATRICS 233, 235 (Robert M. Kliegman et al. eds., 2015).

63. *Id.*

64. *Id.*

65. Ardra Manasi, *Gender Dimension of Armed Conflicts: Violation of Rights of Women*, in HUMAN RIGHTS IN A CHANGING WORLD 178, 179 (P. Sukumaran Nair ed., 2011).

66. *Id.*

67. GWILYM LUCAS EADES, *THE GEOGRAPHY OF NAMES: INDIGENOUS TO POST-FOUNDATIONAL* 119 (2016).

68. *See* Wexler & Kerem, *supra* note 62, at 235; Manasi, *supra* note 65, at 179.

B. Terrorism

Another grave threat to human security is terrorism, which has caused heavy civilian casualties.⁶⁹ In the last two decades, numerous incidents of terrorism have occurred in many countries—both developing and developed.⁷⁰ Such attacks include, but are not limited to, the attacks on the World Trade Center in New York on September 11, 2001;⁷¹ the terrorist attacks in Bali in 2002;⁷² the bombings in London in 2005;⁷³ the bombing of the Samjhauta Express train in India in 2007;⁷⁴ the 2014 terrorist incident at the Army Public School in Peshawar, Pakistan;⁷⁵ and the mass shooting at a mosque in New Zealand in 2019.⁷⁶

Terrorist organizations such as Al-Qaeda and ISIS have claimed responsibility for terrorist attacks in numerous parts of the world.⁷⁷ Their purpose is to spread terror.⁷⁸ These organizations and others alike, directly threaten human security,⁷⁹ which impels the global

69. Monica Duffy Toft & Allard Duursma, *Globalization and Security*, in THE OXFORD HANDBOOK OF GLOBAL STUDIES 399, 404 (Victor Faessel ed., 2018).

70. U.N. HUMAN SETTLEMENTS PROGRAMME, ENHANCING URBAN SAFETY AND SECURITY: GLOBAL REPORT ON HUMAN SETTLEMENTS 2007, at 66 (Earthscan 2007).

71. *See generally* NAT'L COMM'N ON TERRORIST ATTACKS UPON THE UNITED STATES, THE 9/11 COMMISSION REPORT (2004), <https://www.9-11commission.gov/report/911Report.pdf> (discussing the September 11, 2001 terrorist attack and the events leading up to it).

72. Shandon Harris-Hogan, *Remembering the Bali Bombings Ten Years on*, THE CONVERSATION (Oct. 11, 2012, 3:55 PM), <https://theconversation.com/remembering-the-bali-bombings-ten-years-on-10040>.

73. NABIL M. ELSAYED & JAMES L. ATKINS, EXPLOSION AND BLAST-RELATED INJURIES: EFFECTS OF EXPLOSION AND BLAST FROM MILITARY OPERATIONS AND ACTS OF TERRORISM 48 (2010).

74. 2 PETER CHALK, ENCYCLOPEDIA OF TERRORISM 647 (2013).

75. EDWARD F. MICKOLUS, TERRORISM WORLDWIDE, 2016, at 203 (2018).

76. *Christchurch Shootings: Mosque Attacker Charged with Terrorism*, BBC (May 21, 2019), <https://www.bbc.com/news/world-asia-48346786>.

77. Daniel L. Byman & Jennifer R. Williams, *ISIS vs. Al Qaeda: Jihadism's Global Civil War*, BROOKINGS (Feb. 24, 2015) <https://www.brookings.edu/articles/isis-vs-al-qaeda-jihadisms-global-civil-war/>.

78. *See id.*

79. *See, e.g.*, FOZIA NAZIR LONE, RESTORATION OF THE HISTORICAL TITLE AND THE KASHMIR QUESTION: AN INTERNATIONAL LEGAL APPRAISAL 376 (2018).

community to take substantial measures to prevent terrorist financing and relevant activities.

C. Human Trafficking

In addition to wars and armed conflicts, human trafficking poses a great risk to human security.⁸⁰ Human trafficking is a transnational crime, which is linked to other crimes such as drug trafficking, smuggling, and money laundering.⁸¹ In this regard, human trafficking primarily includes sex trafficking, which has reached an annual turnover of around \$150 billion.⁸² Globally, approximately seventy-five percent of trafficked humans are women and children.⁸³ Human trafficking is a grave violation of human rights.⁸⁴ Generally, trafficked persons are treated as slaves by the human traffickers and purchasers.⁸⁵ Most trafficked persons are mistreated and deprived of their fundamental human rights such as freedom of movement, freedom from violence, and freedom from inhumane treatment.⁸⁶ Such conditions gravely threaten human security.

D. Poverty

Poverty has been a constant issue since the beginning of human civilization.⁸⁷ Poverty is a lack of access to the basic necessities of life such as food, clothing, shelter, and healthcare.⁸⁸ Poverty further

80. See, e.g., Jennryn Wetzler, *Irregular Migration in Thailand: New Possibilities for Anti-Trafficking and Development Programs*, in HUMAN SECURITY: SECURING EAST ASIA'S FUTURE 75, 88 (Benny Teh Cheng Guan ed., 2012); see also HUMAN SECURITY HANDBOOK, *supra* note 13, at 7.

81. PAUL MILGATE ET AL., CAMBRIDGE HSC LEGAL STUDIES TOOLKIT 44-45 (2013).

82. CARMEN M. CUSACK, CRIMINAL JUSTICE HANDBOOK ON MASCULINITY, MALE AGGRESSION, AND SEXUALITY 32 (2015).

83. *Id.*

84. SHEWIT GEBREEGZIABHER, MODERN SLAVERY IN AFRICAN LAND: SITUATIONS OF TRAFFICKING WOMEN FROM ETHIOPIA TO SUDAN 62 (2014).

85. See *id.* at 62-63.

86. *Id.*

87. See PRATHEEK PRAVEEN KUMAR, INCLUSIVE GROWTH 200 (2d ed. 2018).

88. ANTHONY OKWUDILI ACHUNONU, POVERTY AND THE CHURCH IN IGBOLAND, NIGERIA 11-12 (2012).

implies that certain people “lack . . . basic capacity to participate effectively in society” and lack financial resources to afford the basic amenities of life.⁸⁹ Consequently, these people have to live in impoverished conditions, while desperately seeking food and other amenities for their survival.⁹⁰ Poverty is a global issue.⁹¹ According to internationally recognized parameters set by the World Bank, \$1.90 income per day is set as the international poverty line; those who earn this much or less are considered to be living in poverty.⁹² The World Bank has also set two other poverty lines: \$3.20 per day and \$5.50 per day for middle- and higher-income countries, respectively.⁹³ According to the World Bank, in 2015, approximately ten percent of the world’s population lives below the international poverty line (\$1.90 per day), while a further twenty-five percent lives below the \$3.20 per day poverty line⁹⁴ and almost half of the world’s population earns \$5.20 or less per day.⁹⁵ These estimates indicate that only half of the world’s population earns more than the highest poverty line recognized by the World Bank.

According to the estimates provided by the World Bank in 2015, there are approximately 736 million people living below the poverty line (\$1.90 per day).⁹⁶ These people do not have access to the basic necessities of life such as proper shelter, clothing, or food.⁹⁷ They are living below the poverty line, getting meager food and water, and barely meeting their basic needs.⁹⁸ They live with hardship rather than with dignity because often they have low-paying or menial jobs.⁹⁹ Thus,

89. *Id.*

90. *Id.*

91. *Id.*

92. WORLD BANK, POVERTY AND SHARED PROSPERITY 2018: PIECING TOGETHER THE POVERTY PUZZLE 67 (2018) [hereinafter POVERTY PUZZLE].

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. See ACHUNONU, *supra* note 88.

98. *Id.*

99. See, e.g., Steven Greenhouse, *Low-Wage Workers Are Finding Poverty Harder to Escape*, N.Y. TIMES (Mar. 16, 2014.), <https://www.nytimes.com/2014/03/17/business/economy/low-wage-workers-finding-its-easier-to-fall-into-poverty-and-harder-to-get-out.html>.

poverty disregards human security by threatening the survival, livelihood, and dignity of those living in poverty.¹⁰⁰

E. Resource Depletion

The earth has finite resources.¹⁰¹ The unsustainable exploitation of resources such as fresh watercourses, fisheries, and forests will ultimately lead to their scarcity,¹⁰² because the demand for these resources is increasing due to ever-growing global population.¹⁰³

1. Water Scarcity

It is feared that many regions in the world will face extreme water scarcity after the year 2025.¹⁰⁴ The stress on existing freshwater resources is expected to rise, which will cause competition over access to water resources.¹⁰⁵ Recent research published by the Joint Research Center of the European Commission expresses the concern that water will become the major cause of conflicts in the world.¹⁰⁶ Due to the scarcity of water, nations will fight each other for access to the major freshwater reserves.¹⁰⁷ Accordingly, the depletion of resources, such as water, can pose risks to human security.¹⁰⁸

100. See HUMAN SECURITY HANDBOOK, *supra* note 13, at 5.

101. WALTER K. DODDS, HUMANITY'S FOOTPRINT: MOMENTUM, IMPACT, AND OUR GLOBAL ENVIRONMENT 10 (2008).

102. MUKHERJEE ANURADHA, LONGMAN PANORAMA GEOGRAPHY 5 (2008).

103. *Id.*

104. PIOTR CAP, THE LANGUAGE OF FEAR: COMMUNICATING THREAT IN PUBLIC DISCOURSE 43 (2016).

105. See James R. Campbell, *Human Health Threats and Implications for Regional Security in Southeast Asia*, in HUMAN SECURITY: SECURING EAST ASIA'S FUTURE 173, 177 (Benny Teh Cheng Guan ed., 2012).

106. Paul Ratner, *Where Will the 'Water Wars' of the Future Be Fought?*, WORLD ECO. F. (Oct. 23, 2018), <https://www.weforum.org/agenda/2018/10/where-the-water-wars-of-the-future-will-be-fought>.

107. *Id.*

108. Lorraine Elliott, *Human Security, Climate Security and Social Resilience*, in HUMAN SECURITY AND CLIMATE CHANGE IN SOUTHEAST ASIA: MANAGING RISK AND RESILIENCE 1, 1 (Lorraine Elliott & Mely Caballero-Anthony eds., 2013).

2. Food Security

The world is also facing inequality in the availability of food.¹⁰⁹ Many people, particularly those residing in poor African countries, cannot afford sufficient quantities of food resources.¹¹⁰ The World Food Program estimates one billion people in the world are facing hunger.¹¹¹ Many of them are also malnourished because they lack access to nutritious food.¹¹² The absence of sufficient nutrition makes people vulnerable, because every human requires access to adequate food and water for survival.¹¹³ Thus, food and water scarcity significantly endangers human security.

F. Global Warming and Climate Change

The rise in Earth's temperature due to the presence of greenhouse gases in Earth's atmosphere is called global warming.¹¹⁴ According to the Intergovernmental Panel on Climate Change (IPCC), it is estimated that the average temperature of Earth will rise by 1.6 to 5.8 degrees centigrade by the year 2100, which is higher than its earlier estimate of 1.0 to 3.5 degrees centigrade.¹¹⁵ Such an increase in the average temperature of Earth has far-reaching, adverse consequences for Earth's ecosystems and its resources.¹¹⁶ According to the National

109. Purushottam Sharma et al., *Global Poverty, Hunger, and Malnutrition: A Situational Analysis*, in *BIOFORTIFICATION OF FOOD CROPS* 19, 20 (Ummed Singh et al. eds., 2016).

110. Jagdish Singh, *Biofortification of Food Legumes and Bioavailability of Nutrients*, in *BIOFORTIFICATION OF FOOD CROPS* 51, 52 (Ummed Singh et al. eds., 2016).

111. TIM DELANEY & TIM MADIGAN, *BEYOND SUSTAINABILITY: A THRIVING ENVIRONMENT* 50 (2014).

112. See Singh, *supra* note 110, at 51-52.

113. For details, see MONASH UNIV. CASTAN CENTRE FOR HUMAN RIGHTS LAW ET AL., *HUMAN RIGHTS TRANSLATED 2.0: A BUSINESS REFERENCE GUIDE* 100-01 (Monash Univ. 2017) [hereinafter *HUMAN RIGHTS BUSINESS GUIDE*].

114. MOHAMMAD ALI, *CLIMATE CHANGE IMPACTS ON PLANT BIOMASS GROWTH* 13 (2013).

115. Seth Den, *Global Temperature Steady*, in *VITAL SIGNS 2001–2002: THE TRENDS THAT ARE SHAPING OUR FUTURE* 50, 50 (2014).

116. BRIAN DAWSON & MATT SPANNAGLE, *THE COMPLETE GUIDE TO CLIMATE CHANGE* 99 (2008).

Aeronautics and Space Administration (NASA), the average temperature of Earth has already risen about 0.83 degrees centigrade from the average temperature before the year 1880.¹¹⁷

1. Rise in Sea Levels

The rise in sea levels is one of the most prominent consequences of global warming.¹¹⁸ As per estimates, global sea levels have risen at a rate of 3.1 millimeters per year since 1993.¹¹⁹ Between 1960 and 2003, this rate was only 1.8 millimeters.¹²⁰ There are two causes for the rise in sea levels: (1) thermal expansion of seawater, and (2) the rise in the pace of glacier melting.¹²¹ Both of these events are caused by global warming.¹²²

2. Increased Absorption of CO2 into Sea and Thermal Expansion

Thermal expansion is defined as the expansion of water due to the absorption of heat from the atmosphere.¹²³ As heat gets trapped in the atmosphere due to the greenhouse effect, this heat is directly absorbed by seawater, which makes the seawater warmer and, to a certain extent, expand.¹²⁴ This happens because the warmer water takes up more space

117. See 2018 Fourth Warmest Year in Continued Warming Trend, According to NASA, NOAA, GLOBAL CLIMATE CHANGE NASA (Feb. 6, 2019), <https://climate.nasa.gov/news/2841/2018-fourth-warmest-year-in-continued-warming-trend-according-to-nasa-noaa>.

118. DAWSON & SPANNAGLE, *supra* note 116, at 380.

119. H.Y. Mok K.W. Li, *Long Term Trends of the Regional Sea Level Changes in Hong Kong and the Adjacent Waters*, in ASIAN AND PACIFIC COASTS 2011 349, 349-50 (Joseph Hun-wei Lee & Chiu-on Ng eds., 2011).

120. *Id.* at 349.

121. S. Jeffress Williams et al., *Sea Level Rise and Its Effects on the Coast*, in COASTAL SENSITIVITY TO SEA-LEVEL RISE: A FOCUS ON THE MID-ATLANTIC REGION 11, 18 (2009).

122. *Id.*

123. CARLA S. JONES & STEPHEN P. MAYFIELD, OUR ENERGY FUTURE: INTRODUCTION TO RENEWABLE ENERGY AND BIOFUELS 38 (2016).

124. *Id.*

than the cooler water.¹²⁵ This phenomenon threatens coastal regions, where the chances of unexpected floods increase.¹²⁶

In addition to the rise in sea levels, global warming has resulted in the increased absorption of carbon dioxide and other greenhouse gases by marine waters.¹²⁷ This absorption is polluting seawater, which is causing damage to the natural habitats of marine species, particularly fish.¹²⁸ Consequently, the survival of fish is threatened, placing human food supply at risk.¹²⁹ Declining fishery production will affect the livelihoods of the people residing in coastal regions by reducing their available food sources. This may challenge human security by threatening the survival and livelihoods of those living in coastal regions.

3. *Melting of Glaciers*

The melting of glaciers is a phenomenon that results from increases in the atmospheric temperature.¹³⁰ The pace at which glaciers melt has increased due to an average increase in Earth's temperature.¹³¹ Furthermore, this pace is expected to increase due to the continual presence of greenhouse gases caused by the burning of fossil fuels on roads and in factories.¹³² Such impact has already been observed in

125. *Id.*

126. Wayne K.D. Davies, *Background to Sustainable Cities*, in *THEME CITIES: SOLUTIONS FOR URBAN PROBLEMS* 151, 155 (Wayne K.D. Davies ed., 2015).

127. DANIEL D. CHIRAS, *ENVIRONMENTAL SCIENCE: CREATING A SUSTAINABLE FUTURE* 492 (2004).

128. CHRISTIAN NELLEMAN ET AL., *IN DEAD WATER: MERGING OF CLIMATE CHANGE WITH POLLUTION, OVER-HARVEST, AND INFESTATIONS IN THE WORLD'S FISHING GROUNDS* 56 (2008).

129. *Id.*

130. JOHN ANDREWS ET AL., *ENERGY SCIENCE: PRINCIPLES, TECHNOLOGIES, AND IMPACTS* 371 (2013).

131. *Id.*

132. Bharat Raj Singh & Onkar Singh, *Study of Impacts on Continuous Shrinkage of Arctic Sea & Sea Level Rise – Can Glaciers Be Growing and Creating New Challenges to UK & USA?*, in *GLOBAL WARMING: CAUSES, IMPACTS AND REMEDIES* 21, 24 (Bharat Raj Singh ed., 2015).

Greenland and Antarctica.¹³³ As per estimates, due to global warming, Greenland lost around 3,600 billion metric tons of ice between 1992 and 2015, while Antarctica lost around 1,500 billion metric tons of ice during the same period.¹³⁴ In a course of twenty years, the pace of ice melting in Greenland has increased to 286 billion metric tons per year, from 50 billion metric tons per year.¹³⁵ In June 2019, around two billion metric tons of ice melted within just one week in Greenland.¹³⁶ Soon after that, in the month of July 2019, around 197 billion metric tons of ice melted from Greenland to the Atlantic Ocean, which included the melting of 12 billion metric tons of ice within a span of 24 hours.¹³⁷ Such colossal magnitude of ice melting into the sea is contributing to an increase in sea levels and is also raising concerns regarding Earth's environmental condition.¹³⁸

4. Floods

A major concern related to the melting of glaciers is the resulting increase in the flow of water in rivers, which poses threats of flooding in river basins and nearby regions.¹³⁹ Such flooding can be damaging to the regions and the locals whose livelihoods depend upon the

133. See Colin P. Summerhayes, *Climate*, in *THE ANTHROPOCENE AS A GEOLOGICAL TIME UNIT: A GUIDE TO THE SCIENTIFIC EVIDENCE AND CURRENT DEBATE* 200, 211 (Jan Zalasiewicz et al. eds., 2019).

134. CHIP FLETCHER, *CLIMATE CHANGE: WHAT THE SCIENCE TELLS US* 168 (2018).

135. Aylin Woodward, *We're Approaching a Point of No Return in Greenland. Here's Why*, *WORLD ECO. F.* (May 23, 2019), <https://www.weforum.org/agenda/2019/05/greenland-is-approaching-the-threshold-of-an-irreversible-melt-and-the-consequences-for-coastal-cities-could-be-dire-974b963f45/>.

136. Brandon Miller, *Greenland Lost 2 Billion Tons of Ice This Week, Which Is Very Unusual*, *CNN* (June 15, 2019), <https://edition.cnn.com/2019/06/14/us/greenland-sudden-ice-melt-wxc/index.html>.

137. Sophie Lewis, *11 Billion Tons of Ice Melted in Greenland — in Just One Day*, *CBS NEWS* (Aug. 2, 2019, 1:48 PM), <https://www.cbsnews.com/news/11-billion-tons-of-ice-melted-greenland-just-one-day/>.

138. See FLETCHER, *supra* note 134.

139. INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, *CLIMATE CHANGE 2007 - IMPACTS, ADAPTATION AND VULNERABILITY* 187 (2007).

ivers.¹⁴⁰ For instance, in Pakistan, up to sixty-five percent of employed persons are either directly or indirectly connected with the agriculture sector,¹⁴¹ which, in turn, depends on the Indus River Basin for irrigating crops.¹⁴² Unfortunately, in 2010, the flow of water in the Indus River Basin increased significantly due to the melting of glaciers and heavy monsoon rains.¹⁴³ This caused immense flooding in the regions connected to the Indus River Basin¹⁴⁴ and a loss of around 429 billion Pakistani rupees to the agricultural sector of Pakistan due to the inundation of 1.93 million acres of cropland.¹⁴⁵ Furthermore, as many as 274,334 animals died in the flood.¹⁴⁶ The flood affected the lives of twenty million people and caused 2,000 human casualties.¹⁴⁷

5. Hurricanes and Typhoons

Another major consequence of global warming and climate change is the intensification of the strength of hurricanes.¹⁴⁸ The warming of oceans due to climate change causes hurricanes to become more concentrated and act with higher force, resulting in more destruction.¹⁴⁹ In recent years, there have been a number of hurricanes and typhoons in coastal areas, especially in the United States and Japan.¹⁵⁰ These

140. *Id.*

141. HAFIZ KHALIL AHMAD, PAKISTAN PRODUCTIVITY PROFILE 1965–2005 28 (2011).

142. ASAD SARWAR QURESHI ET AL., STRATEGIES FOR THE MANAGEMENT OF CONJUNCTIVE USE OF SURFACE WATER AND GROUNDWATER RESOURCES IN SEMI-ARID AREAS: A CASE STUDY FROM PAKISTAN 1 (2004).

143. Syed Iazaz Ahmad Bukhari & Shahid Hassan Rizvi, *Impact of 2010 Floods on Pakistan's Agriculture*, 7 *J. Env'tl. & Analytical Toxicology* 1, 1 (2017).

144. *Id.*

145. *Id.*

146. *Id.*

147. K. ALAN KRONSTADT ET AL., FLOODING IN PAKISTAN: OVERVIEW AND ISSUES FOR CONGRESS 1 (2010).

148. Brandon Miller, *Climate Change Makes Storms Like Dorian More Dangerous*, CNN (Sept. 4, 2019), <https://edition.cnn.com/2019/09/03/weather/climate-change-effects-on-hurricanes/index.html>.

149. *Id.*

150. PUKHRAJ RAKHECHA & VIJAY P. SINGH, APPLIED HYDROMETEOROLOGY 126 (2010).

hurricanes have caused human casualties and damage to infrastructure.¹⁵¹ While commenting on Hurricane Sandy on November 1, 2012, Bill McKibben, an American environmentalist, said, “we’ve been given a warning by science, and a wake-up call by nature; it is up to us now to heed them.”¹⁵²

In summary, there are numerous challenges to human security in the contemporary era.¹⁵³ Prominent challenges include the occurrence of armed conflicts and terrorist incidents, global warming and climate change, poverty, and food and water scarcity.¹⁵⁴ The United States’ armed conflicts in Iraq and Afghanistan,¹⁵⁵ the ongoing complex conflict in Syria,¹⁵⁶ and the conflict between Yemeni Houthi rebels and the Saudi government in Yemen¹⁵⁷ are some of the most prominent current armed conflicts; they have resulted in numerous human casualties, including civilians.¹⁵⁸ Additionally, terrorism has threatened the security of several regions.¹⁵⁹ For example, Al-Qaeda and ISIS are terrorist groups that have threatened the national security of states and individual human security in the last two decades.¹⁶⁰ Moreover, the issue of human trafficking and sex trafficking is further intensifying the challenge to human security because the total annual turnover of sex trafficking has exceeded \$150 billion.¹⁶¹ The growing scarcity of water and food resources is challenging the sustainable

151. KENNETH W. EDWARDS, *AND AMERICA QUAKED: A CHILLING SERIES OF VISIONS OF A FUTURE AMERICAN CATASTROPHE* 106 (2012).

152. A.S. Maheshwari, *The Climate Change and Air Pollution: The Correlated Actions*, in *GLOBAL PERSPECTIVES ON AIR POLLUTION PREVENTION AND CONTROL SYSTEM DESIGN* 203, 204 (G. Venkatesan & Jaganthan Thirumal eds., 2019).

153. See SISK, *supra* note 2, at 11.

154. See BRAUCH, *supra* note 4, at 74.

155. See Crawford et al., *supra* note 50 (discussing the conflict in Afghanistan); Crawford, *supra* note 53 (discussing the conflict in Iraq).

156. See *Syrian Civil War*, *supra* note 49.

157. See, e.g., *STARVATION IN YEMEN*, *supra* note 51, at 1; Austin, *supra* note 52.

158. See Strand & Buhaug, *supra* note 48.

159. See Toft & Duursma, *supra* note 69, at 404.

160. Robin Wright et al., *The Jihadi Threat: ISIS, Al Qaeda, and Beyond*, UNITED STATES INST. OF PEACE (2017), <https://www.usip.org/sites/default/files/The-Jihadi-Threat-ISIS-Al-Qaeda-and-Beyond.pdf>.

161. CUSACK, *supra* note 82, at 32.

availability of food and water, which, in turn, challenges human security because adequate availability of food and water is essential for ensuring human security.¹⁶² Likewise, poverty has also emerged as a social menace, depriving people of access to adequate food and water.¹⁶³ Lastly, the increase in Earth's average temperature due to the burning of fossil fuels and other greenhouse gases is threatening human security by creating certain conditions such as a rise in sea levels, the melting of glaciers, floods, and hurricanes.¹⁶⁴ There is a dire need to create sustainable policies and goals to counter these challenges to human security in the contemporary era.

III. STEPS TAKEN BY THE INTERNATIONAL COMMUNITY TO ENSURE HUMAN SECURITY

The international community, especially the United Nations, has taken many steps to strengthen the protections for human security at the worldwide level.¹⁶⁵ Such steps include, but are not limited to, General Assembly resolutions, a number of international summits and conventions, and the initiation of regionalized human security-oriented programs.¹⁶⁶

A. *United Nations General Assembly Resolution*

The U.N. General Assembly has taken the lead in establishing the foundations of the principles and norms of international law for strengthening human security around the globe. In this regard, the universally recognized definition of human security has also been presented by the U.N. General Assembly in its Resolution 66/290 in 2012.¹⁶⁷ The resolution also sets up a trust fund solely for the purpose

162. HUMAN RIGHTS BUSINESS GUIDE, *supra* note 113, at 100-01.

163. ACHUNONU, *supra* note 88, at 11-12.

164. *See* DAWSON & SPANNAGLE, *supra* note 116; *see also* Singh & Singh, *supra* note 132.

165. *See* G.A. Res. 66/290, *supra* note 1.

166. *See, e.g.*, Emma McClean, *Human Security and International Law: Much Ado about Nothing?*, in RIGHTS IN CONTEXT: LAW AND JUSTICE IN LATE MODERN SOCIETY 253, 253 (Reza Banakar ed., 2016).

167. *See generally* G.A. Res. 66/290, *supra* note 1.

of protecting human security around the globe.¹⁶⁸ Additionally, it identifies the principles of recognizing and establishing human security, while also distinguishing human security from other concepts and principles of international law.¹⁶⁹ For instance, the resolution differentiates between the concept of human security and the principle of state responsibility as recognized by international law.¹⁷⁰ Furthermore, it affirms that “[h]uman security does not replace State security,” which implies a distinction between the concepts of human security and state security.¹⁷¹

Additionally, the resolution guides governments in ensuring that all three fundamental aspects of human security—the survival, livelihood, and dignity of their citizens—are protected.¹⁷² In this regard, the resolution also recognizes the strong relationship between “peace, development, and human rights,” which is essential for upholding human security.¹⁷³ Therefore, it emphasizes the idea that human security necessarily involves a people-centered approach for the security and sustenance of the people as well as for the preservation of the environment.¹⁷⁴ To ensure the practical implementation of the resolution’s guidelines, it asks the secretary-general to submit to the floor of the General Assembly, a report of the member States’ views on the human security guidelines in U.N. General Assembly Resolution 66/290.¹⁷⁵ This demonstrates the U.N. General Assembly’s commitment to provide a universally recognized framework for strengthening human security around the globe.

B. The United Nations Trust Fund for Human Security

The United Nations Trust Fund for Human Security (UNTFHS) aim to collaborate with governments to identify and resolve human vulnerabilities as well as fill the gaps that exist in ensuring human

168. *Id.* ¶¶ 5, 6.

169. *Id.* ¶¶ 3-4.

170. *Id.* ¶ 3(d).

171. *Id.* ¶ 3(e).

172. *Id.* ¶ 3(g).

173. *Id.* ¶ 3(c).

174. *Id.* ¶ 3(b).

175. *Id.* ¶ 8.

security at the regional level.¹⁷⁶ The fund also implements certain programs, which are crafted according to the security needs of the vulnerable communities in their respective regions.¹⁷⁷ Such projects also empower the people by making them resilient to human security related vulnerabilities.¹⁷⁸ In this regard, these projects seek to remove vulnerabilities related to people's survival, livelihood, and dignity by making appropriate arrangements to manage vulnerabilities and avert predicaments.¹⁷⁹ Furthermore, the projects focus on long-term welfare instead of short-term assistance.¹⁸⁰ To meet this end, collaborations with local welfare bodies are also pursued.¹⁸¹ The impact of the UNTFHS is far-reaching as it has sponsored around 220 programs in more than ninety countries since its foundation in 1999.¹⁸²

C. Responding to Climate Change Threats

The U.N. has taken measures to respond to climate change threats. It persuaded all nations to agree on the fact that carbon emissions have caused global warming and that emissions need to be lowered significantly.¹⁸³ It arranged a number of international summits and conferences to mitigate the risks associated with climate change.¹⁸⁴

176. See UNTFHS, *supra* note 30.

177. See *id.* (discussing how some specific programs are crafted according to the security needs of vulnerable communities in regions such as in Egypt, Peru, Pakistan, and Serbia); see also HUMAN SECURITY HANDBOOK, *supra* note 13, at 41 (discussing examples of programs implemented in other regions such as in Mali).

178. See UNTFHS, *supra* note 30; see also HUMAN SECURITY HANDBOOK, *supra* note 13.

179. This is because the core definition of human security necessarily implies protecting the livelihood and dignity of people around the world. Therefore, the UNTFHS projects aim to reduce vulnerabilities and threats that people face in accessing their livelihood and in ensuring their survival and dignity. See generally UNTFHS, *supra* note 30.

180. HUMAN SECURITY HANDBOOK, *supra* note 13, at 41.

181. UNTFHS, *supra* note 30.

182. *Id.*

183. Cornelio Sommaruga, *The Global Challenge of Human Security*, DIPLOMAT COURIER (July 20, 2011), <https://www.diplomaticcourier.com/posts/the-global-challenge-of-human-security>.

184. See, e.g., REPORT ON GLOBAL ENVIRONMENTAL COMPETITIVENESS (2013), at 20 (Li Jianping et al. eds., 2014).

Prominent conventions include the Rio Earth Summit 1992 (also known as the “Earth Summit”);¹⁸⁵ the United Nations Framework Convention on Climate Change 1994;¹⁸⁶ the Kyoto Protocol 1997;¹⁸⁷ and the Paris Agreement 2015.¹⁸⁸

1. The Rio Earth Summit 1992

The Earth Summit was held in June of 1992 in Rio de Janeiro, Brazil.¹⁸⁹ It is also known as the United Nations Conference on Environment and Development.¹⁹⁰ The U.N. member states discussed many aspects relating to the adverse impacts of climate change on economies and societies.¹⁹¹ The summit also presented frameworks and suggestions for mitigating the risks of climate change.¹⁹² It called for a systematic review of industrial processes to make such processes favorable to the environment and development.¹⁹³ In particular, the conference demanded the inspection of harmful materials produced by factories, especially radioactive materials that are discarded by factories without a special procedure.¹⁹⁴

Furthermore, the summit urged member states to consider installing alternative sources of energy¹⁹⁵ and initiating public transport systems

185. *See id.*

186. *See* Anita M. Halvorssen, *The Origin and Development of International Environmental Law*, in *ROUTLEDGE HANDBOOK OF INTERNATIONAL ENVIRONMENTAL LAW* 25, 36 (Shawkat Alam & Erika J. Techera eds., 2013).

187. *See id.*

188. *See* Kurt Winter, *The Paris Agreement: New Legal Avenues to Support a Transboundary Harm Claim on the Basis of Climate Change*, in *INTERNATIONAL JUDICIAL PRACTICE ON THE ENVIRONMENT: QUESTIONS OF LEGITIMACY* 188, 199 (Christina Voigt ed., 2019).

189. *REPORT ON GLOBAL ENVIRONMENTAL COMPETITIVENESS*, *supra* note 184, at 20-21.

190. *Id.*

191. *Id.*

192. For example, the summit presented the United Nations Framework Convention on Climate Change 1994. *See* Halvorssen, *supra* note 186, at 36.

193. *See* U.N. Conference on Environment and Development, *Agenda 21*, U.N. Doc. A/CONF.151/26/Rev.1, ch. 2, para. 2.21 (Apr. 23, 1992) [hereinafter *Agenda 21*].

194. *See id.* ch. 7.

195. *Id.* ch. 7, para. 7.47.

to reduce the number of vehicles on the roads¹⁹⁶ to lower carbon emissions.¹⁹⁷ Additionally, the summit discussed the growing use of water and projections of future water scarcity.¹⁹⁸ Notably, the summit's greatest achievement was the signing of an agreement that led to the United Nations Framework Convention on Climate Change.¹⁹⁹

*2. The United Nations Framework Convention
on Climate Change 1994 and the Kyoto Protocol 1997*

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted at the Earth Summit in 1992 and entered into force in 1994.²⁰⁰ The convention's main purpose was to lower the concentration of greenhouse gases in Earth's atmosphere.²⁰¹ To achieve this goal, the UNFCCC created nonbinding restrictions on the emission of greenhouse gases for every country.²⁰² However, the convention did not detail any implementation plans for meeting targets to restrict greenhouse gases.²⁰³ Nonetheless, in 1997, at the Conference of Parties, the Kyoto Protocol was ratified in Kyoto, Japan,²⁰⁴ which entered into force in February 2005.²⁰⁵

Unlike the Earth Summit, the Kyoto Protocol set binding restrictions on the emission of greenhouse gases.²⁰⁶ Developing countries, in particular, were asked to follow the restrictions on

196. *Id.* ch. 7, para. 7.52.

197. *See, e.g.*, STEPHEN A. ROOSA & ARUN G. JHAVERI, CARBON REDUCTION: POLICIES, STRATEGIES, AND TECHNOLOGIES 219 (2009).

198. Agenda 21, *supra* note 193, ch. 18, para. 18.6.

199. Halvorssen, *supra* note 186, at 36.

200. *Id.*

201. FRIEDRICH SOLTAU, FAIRNESS IN INTERNATIONAL CLIMATE CHANGE LAW AND POLICY 51 (2009).

202. Halvorssen, *supra* note 186, at 36.

203. *Id.*

204. *Id.*

205. *Id.*; Kyoto Protocol to the United Nations Framework Convention on Climate Change, Dec. 11, 1997, 2303 U.N.T.S. 162 [hereinafter Kyoto Protocol].

206. Ali Reja Osmani, *Greenhouse Gas Mitigation Through Energy Efficiency: Perform, Achieve, and Trade (PAT) – India's Emission Trading Scheme*, in RENEWABLE AND ALTERNATIVE ENERGY: CONCEPTS, METHODOLOGIES, TOOLS, AND APPLICATIONS-245, 246 (Info. Res. Mgmt. Ass'n ed., 2016).

emissions of greenhouse gases.²⁰⁷ Under Article 2 of the Kyoto Protocol, greenhouse gas emissions must be lowered to a scientifically acceptable level for Earth's atmosphere.²⁰⁸ In essence, the Kyoto Protocol is an extension of the UNFCCC guidelines designed to restrict emissions of greenhouse gases.²⁰⁹ "Currently, there are 192 parties (191 States and 1 regional economic integration organization) to the Kyoto Protocol to the UNFCCC."²¹⁰

The Kyoto Protocol was amended in 2012, and the new amendment was named the Doha Amendment as it was adopted in Doha.²¹¹ The Doha Amendment imposed binding greenhouse gas restrictions on thirty-seven industrialized countries and the European Community.²¹² However, the amendment has not entered into force yet because it requires the acceptance of 144 states.²¹³ "As of February 18, 2020, 137 Parties have deposited their instrument of acceptance."²¹⁴

3. *The Paris Agreement 2015*

The Paris Agreement was adopted in 2015 and entered into force in November of 2016.²¹⁵ The agreement demanded that both developed

207. The Kyoto Protocol restrictions apply to six greenhouse gases: carbon dioxide (CO₂), methane (CH₄), sulphur hexafluoride (SF₆), nitrous oxide (N₂O), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs). See N. K. UBEROI, ENVIRONMENTAL MANAGEMENT 101 (2d ed. 2004).

208. Kyoto Protocol, *supra* note 205, art. 2.

209. MARTINA K. LINNENLUECKE & ANDREW GRIFFITHS, THE CLIMATE RESILIENT ORGANIZATION: ADAPTATION AND RESILIENCE TO CLIMATE CHANGE AND WEATHER EXTREMES 48 (2015).

210. *The Kyoto Protocol - Status of Ratification*, UNITED NATIONS CLIMATE CHANGE, <https://unfccc.int/process/the-kyoto-protocol/status-of-ratification> (last visited Apr. 23, 2020).

211. PAOLO CRISTOFANELLI ET AL., HIGH-MOUNTAIN ATMOSPHERIC RESEARCH: THE ITALIAN MT. CIMONE WMO/GAW GLOBAL STATION (2165 M A.S.L.) 18 (2017).

212. *What Is the Kyoto Protocol?*, UNITED NATIONS CLIMATE CHANGE, https://unfccc.int/kyoto_protocol (last visited Apr. 23, 2020).

213. *The Doha Amendment*, UNITED NATIONS CLIMATE CHANGE, <https://unfccc.int/process/the-kyoto-protocol/the-doha-amendment> (last visited Apr. 23, 2020).

214. *Id.*

215. Winter, *supra* note 188, at 199.

and developing countries lower their emissions of greenhouse gases.²¹⁶ It set the target global warming level below 1.5 degrees centigrade, lowering the earlier two degree centigrade target.²¹⁷ The agreement also created “nationally determined contributions” aimed at regulating the greenhouse gas emission levels for each country.²¹⁸ This requires each country to formulate and report respective plans not only to lower greenhouse gas emission levels, but also to meet the criteria for emissions set in its nationally determined contribution.²¹⁹ However, it does not force any country to meet the emission targets immediately or within a certain timeframe.²²⁰

As a result of the U.N.’s efforts, 195 countries have signed the Paris Agreement.²²¹ Furthermore, several countries have planned to reach their greenhouse gas emission targets either by replacing diesel vehicles with fuel-efficient vehicles or by other similar arrangements. For example, France has announced an initiative to completely ban all diesel and petrol vehicles on its roads by the year 2040.²²² This plan is in accordance with the nationally determined contribution set for France under the Paris Agreement.²²³ Furthermore, France will stop using coal to generate electricity.²²⁴ France has announced it will invest around four billion euros to obtain an alternate source of manufacturing energy.²²⁵ Like France, the United Kingdom has announced a plan to ban all diesel and petrol cars by the year 2040, while Germany has

216. WYTZE VAN DER GAAST, INTERNATIONAL CLIMATE NEGOTIATION FACTORS: DESIGN, PROCESS, TACTICS 116 (2016).

217. Xiufeng Yue et al., *From 2 Degree Centigrade to 1.5 Degree Centigrade: How Ambitious Can Ireland Be?*, in LIMITING GLOBAL WARMING TO WELL BELOW 2°C: ENERGY SYSTEM MODELLING AND POLICY DEVELOPMENT 191, 192 (George Giannakidis et al. eds., 2018).

218. JAN KLABBERS, INTERNATIONAL LAW 286-87 (2017).

219. *Id.*

220. *Id.*

221. Kjersti Flottum, *Willingness of Action*, in THE ROLE OF LANGUAGE IN THE CLIMATE CHANGE DEBATE 113, 113 (Kjersti Flottum ed., 2017).

222. H. RAMHORMOZI, THE ANATOMY OF CONSUMERISM: THE STORY OF EXCESS, GREED, SELF-INDULGENCE, WEALTH ACCUMULATION, INSURMOUNTABLE WASTE, AND ENVIRONMENTAL DEGRADATION 295 (2019).

223. *Id.*

224. *Id.*

225. *Id.*

passed a resolution banning combustion engine vehicles by the year 2030.²²⁶ Likewise, Norway is aiming to reduce carbon emissions by the year 2025,²²⁷ and the Netherlands is considering banning diesel and petrol vehicles on its roads by the year 2025.²²⁸ Furthermore, the Netherlands' parliament is working on a bill that aims to reduce greenhouse gas emissions by up to forty-nine percent by the year 2030 and up to ninety-five percent by the year 2050.²²⁹ By implementing this bill, the Netherlands will meet its nationally determined contribution and exceed its targets of lowering greenhouse gas emissions as set out by the Paris Agreement.²³⁰ The Netherlands has already enabled the powering of its electric trains by wind energy, which will help lower its emissions.²³¹

4. United Nations Efforts for Consensus Building on Mitigating Climate Change Risks

The U.N. is also providing a platform to establish consensus among states in reducing greenhouse gas emissions and in accepting the fact that climate change is threatening human security.²³² The U.N. conferences have helped formulate frameworks to reduce greenhouse gas emissions and substantiate the U.N.'s efforts under the authority of international law.²³³ The rules and guidelines of the conventions have

226. RUI XIONG & WEIXIANG SHEN, *ADVANCED BATTERY MANAGEMENT TECHNOLOGIES FOR ELECTRIC VEHICLES 1* (2019).

227. *Id.*

228. *Id.*

229. *See Climate Policy, GOV'T OF NETH.*, <https://www.government.nl/topics/climate-change/climate-policy> (last visited Apr. 23, 2020).

230. *Id.*

231. *Dutch Electric Trains Become 100% Powered by Wind Energy*, *GUARDIAN* (Jan. 10, 2017, 1:27 PM), <https://www.theguardian.com/world/2017/jan/10/dutch-trains-100-percent-wind-powered-ns>.

232. For instance, the U.N. has arranged several conventions on climate change that have helped member states realize the grave impacts of climate change. *See, e.g.*, *REPORT ON GLOBAL ENVIRONMENTAL COMPETITIVENESS* (2013), *supra* note 184, at 20.

233. *See id.*

become part of codified international law. As a result, the U.N. has emerged as a leader in this regard.²³⁴

D. Agenda 2030

The Agenda 2030 is “a commitment to eradicate poverty and achieve sustainable development by 2030 world-wide, ensuring that no one is left behind.”²³⁵ The indirect goal of Agenda 2030 is to fulfill the conditions of protecting human security²³⁶ by protecting people from hunger, disease, violence, fear, and poverty.²³⁷ All of these aspects are indirectly connected with the three conditions of human security: “survival, livelihood, and dignity of people.”²³⁸ Moreover, Agenda 2030 aims to achieve an equitable distribution of resources by providing deprived and less privileged people access to social protection, healthcare, and an adequate supply of food and water.²³⁹ Furthermore, Agenda 2030 strives to achieve access to education for everyone.²⁴⁰ These goals are aimed to be achieved sustainably for the people.²⁴¹ Pertinently, under the targets of Agenda 2030 and the Sustainable Development Goals, the UNTFHS has sponsored the launch of different programs in ninety countries.²⁴² These programs are implemented with the collaboration of regional welfare organizations.²⁴³ The programs for reducing human insecurity aim to achieve long-term benefits.²⁴⁴

234. *Id.*

235. *The 2030 Agenda for Sustainable Development and the SDGs*, EUR. COMM'N, https://ec.europa.eu/environment/sustainable-development/SDGs/index_en.htm#content (last visited Apr. 23, 2020).

236. *Human Security and Agenda 2030*, *supra* note 37, at 1.

237. *Id.*

238. G.A. Res. 66/290, *supra* note 1, ¶ 3(e).

239. *Human Security and Agenda 2030*, *supra* note 37, at 1.

240. *Id.*

241. HUMAN SECURITY HANDBOOK, *supra* note 13, at 5.

242. *Human Security and Agenda 2030*, *supra* note 37, at 1.

243. *Id.*

244. *Id.*

E. Armed Conflicts and International Humanitarian Law

International humanitarian law (IHL) has provided sufficient guidelines for the protection of individuals in the event of armed conflicts.²⁴⁵ IHL distinguishes between non-combatants and combatants, providing protection to them and to prisoners of war.²⁴⁶ Furthermore, it obligates states to provide protection to the wounded, medical personnel, and relief workers in warlike situations.²⁴⁷

1. Non-Combatants

In the context of IHL, non-combatants do not participate in the fight against any party to an armed conflict.²⁴⁸ Non-combatants can be civilians who are not involved in any kind of planning or war-related activity, or soldiers who only work as paramedics.²⁴⁹ Article 50 of Protocol I to the Geneva Conventions defines a civilian as any person who is not a combatant.²⁵⁰

Protocol I to the Geneva Conventions grants protection to non-combatants.²⁵¹ No warring party can use force against non-combatants.²⁵² Article 51 affirms that protection must be provided to non-combatants.²⁵³ In addition to Protocol I, Article 8 of the Rome Statute of the International Criminal Court also makes it illegal to attack

245. See, e.g., JEAN-MARIE HENCKAERTS & LOUISE DOSWALD-BECK, CUSTOMARY INTERNATIONAL HUMANITARIAN LAW, VOLUME 1: RULES (Cambridge Univ. Press 2005) (providing rules promulgated by the International Committee of the Red Cross).

246. Richard V. Meyer, *The Privilege of Belligerency and Formal Declarations of War*, in TARGETED KILLINGS: LAW AND MORALITY IN AN ASYMMETRICAL WORLD 183, 208 (Claire Finkelstein et al. eds., 2012).

247. Geoffrey S. Corn, *Medical Operations*, in U.S. MILITARY OPERATIONS: LAW, POLICY, AND PRACTICE 603, 621 (Geoffrey S. Corn et al. eds., 2016).

248. See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), arts. 50-52, June 8, 1977, 1125 U.N.T.S. 3 [hereinafter Additional Protocol I].

249. *Id.*

250. See *id.* art. 50.

251. *Id.* arts. 50-52.

252. *Id.*

253. *Id.* art. 51.

non-combatants.²⁵⁴ Further, Protocol I to the Geneva Conventions prohibits using civilians as defensive shields.²⁵⁵ The Geneva Conventions also prohibit attacking the sources of civilians' livelihoods such as farms, crops, and health facilities.²⁵⁶ Children and women are provided with special protection during war,²⁵⁷ such as protection against sexual abuse.²⁵⁸ Additionally, refugees and internally displaced people are protected.²⁵⁹

Significantly, the aforementioned obligations bind all parties to an armed conflict.²⁶⁰ Therefore, it is mandatory to protect non-combatants.²⁶¹ This binding obligation of the Geneva Conventions also applies to non-international armed conflicts.²⁶² According to Article 3 of the Fourth Geneva Convention 1949, regardless of where the conflict is taking place, each party is responsible for protecting civilians.²⁶³ The Fourth Geneva Convention particularly defines non-combatants as "persons taking no active part in the hostilities."²⁶⁴ IHL also prohibits taking such persons hostage.²⁶⁵ Even before the Geneva Conventions, the Hague Conventions of 1899 also obliged member states to protect non-combatants during fighting.²⁶⁶

254. Rome Statute of the International Criminal Court, art. 8(2)(b)(i), July 12, 1998, 2187 U.N.T.S. 90 (It is a war crime to "[i]ntentionally direct[] attacks against civilian objects, that is, objects which are not military objectives.").

255. Additional Protocol I, *supra* note 248, art. 12(4).

256. *Id.* art. 54(2).

257. *See* Declaration on the Protection of Women and Children in Emergency and Armed Conflict, G.A. Res. 3318 (XXIX), ¶¶ 4-5 (Dec. 14, 1974).

258. Additional Protocol I, *supra* note 248, art. 76.

259. *Id.* art. 73.

260. *Id.* art. 96.

261. *Id.* art. 37.

262. Geneva Convention [No. IV] Relative to the Protection of Civilian Persons in Time of War, art. 3, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 [hereinafter Fourth Geneva Convention].

263. *Id.* art. 3(1).

264. *Id.*

265. *Id.* art. 3(1)(b).

266. *See, e.g.,* Convention for the Adaptation to Maritime Warfare of the Principles of Geneva Convention of August 22, 1864, art. 6, July 29, 1899, 32 Stat. 1827, 1 Bevans 263.

2. Prisoners of War

“Prisoners of war” (POWs) is a term used to describe people who are detained by a warring party, during or after an armed conflict.²⁶⁷ According to the Third Geneva Convention, for individuals to qualify as POWs, they must have taken part in a military operation against the party that arrested them.²⁶⁸ Moreover, they must have a fixed distinctive sign of the other belligerent party’s army that is recognizable at a distance, and they must carry arms openly.²⁶⁹ However, it is not required that the POWs be armed soldiers of the other warring party.²⁷⁰ Additionally, under the Third Geneva Convention, upon their detention, non-soldiers can be considered POWs²⁷¹ if they took up arms to fight a belligerent army seeking to invade or occupy their land.²⁷² Thus, although uniforms hold significance in determining POWs status, they should not be considered the only criterion.²⁷³ Insurgents, mercenaries, terrorists, and militia cannot be considered POWs, primarily because such groups do not follow the rules of war.²⁷⁴ Those who do not follow the rules of war are considered unlawful combatants and may not qualify as POWs upon their arrest.²⁷⁵ There is one exception to this rule: guerillas are given POWs status when they are arrested, whether they wear any particular uniform or not.²⁷⁶ Soldiers who surrender also obtain POWs status if they are wearing proper uniforms or have the

267. See, e.g., Additional Protocol I, *supra* note 248, art. 44.

268. Geneva Convention [No. III] Relative to the Treatment of Prisoners of War, art. 4, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135 [hereinafter Third Geneva Convention].

269. *Id.* art. 4(A)(2).

270. See *id.* art.4(A)(4).

271. *Id.* arts. 4(A)(2), (5).

272. *Id.* art. 4(A)(6).

273. *Id.* art. 4(A).

274. See, e.g., *id.* (Protection is only provided to those who “conduct[] their operations in accordance with the laws and customs of war.”).

275. See, e.g., BOAZ GANOR, GLOBAL ALERT: THE RATIONALITY OF MODERN ISLAMIST TERRORISM AND THE CHALLENGE TO THE LIBERAL DEMOCRATIC WORLD 45 (2015).

276. Donald E. Hacker, *The Application of Prisoner-of-War Status to Guerrillas Under the First Protocol Additional to the Geneva Conventions of 1949*, 2 B.C. INT’L & COMP. L. REV. 131, 132-33 (1978).

emblem of a warring party.²⁷⁷ Finally, any civilians or non-combatants such as contractors who are connected with such soldiers are also declared POWs upon their arrest.²⁷⁸

IHL has provided substantial guidelines regarding the treatment of POWs.²⁷⁹ For example, Chapter II of the Annex of the Fourth Hague Convention 1907 includes guidelines on treating POWs.²⁸⁰ These guidelines were extended in the 1929 and 1949 Geneva Conventions. For example, Article 4 of the 1949 Geneva Convention protects detained prisoners who are either contractors or soldiers of the opposing warring party.²⁸¹ The protection applies from the time of detention until repatriation or release.²⁸² In particular, the convention prohibits the torture of prisoners.²⁸³

The Third Geneva Convention imposes an essential obligation: treat POWs respectfully and humanely at all times.²⁸⁴ Their detention must be reported to their relatives in their home countries, as well as to the International Red Cross Committee.²⁸⁵ Additionally, they must be given proper healthcare, food, and clothing during their detention.²⁸⁶ They must not be forced to do any kind of dangerous work.²⁸⁷ Moreover, they must not be forced to reveal any information other than their name, service number, and related identity details.²⁸⁸ Upon

277. See Hague Convention [No. II] with Respect to the Laws and Customs of War on Land, Annex, arts. 1-3, July 29, 1899, 32 Stat. 1803, 1 Bevans 247.

278. *Id.* art. 13. See also Third Geneva Convention, *supra* note 268, art. 4(A)(4).

279. See, e.g., Third Geneva Convention, *supra* note 268, arts. 12-16 (covering "General Protection of Prisoners of War").

280. See Hague Convention [No. IV] Regulations Respecting the Laws and Customs of War on Land, Annex, arts. 4-20, Oct. 18, 1907, 36 Stat. 2277, 1 Bevans 631 (covering POWs).

281. Third Geneva Convention, *supra* note 268, art. 4.

282. See *id.* pt. III (covering "Captivity").

283. *Id.* art.17.

284. *Id.* art.13 (covering "General Protection of Prisoners of War").

285. *Id.* art. 70.

286. *Id.* arts. 15, 22 (covering POWs' health care); *id.* art. 26 (covering POWs' food); *id.* art. 27 (covering POWs' clothing).

287. See, e.g., *id.* art. 33(c).

288. *Id.* art. 17.

termination of the armed conflict, they must be repatriated immediately.²⁸⁹

It is also an essential duty of the warring parties to report the identification details of POWs found in times of conflict or peace.²⁹⁰ This information may also be shared with the Central Prisoners of War Information Agency of the International Committee of the Red Cross.²⁹¹

If a state is found to have breached the IHL rules on the treatment of POWs, it will be punished under the IHL guidelines.²⁹² An example of such punishment is the Nuremberg Trials of the Nazi German army after WWII.²⁹³ Those German soldiers and army officers who treated POWs inhumanely and were involved in genocide were put on trial and sentenced accordingly.²⁹⁴ Thus, it becomes essential for every state to treat POWs humanely and ensure their dignity and security of life during detention.

3. *Wounded, Sick, and Shipwrecked*

The terms “wounded” and “sick” imply those who require medical care and, as a result, cannot take part in fighting.²⁹⁵ The term “shipwrecked” includes those civilians or military personnel who are not taking part in active fighting, have survived their ship or aircraft falling, and have landed in a hostile country.²⁹⁶

IHL protects the sick, wounded, and shipwrecked.²⁹⁷ The First Geneva Convention focused on this issue.²⁹⁸ The convention also extended protection to medical care givers that help the wounded and

289. *Id.* art. 66.

290. *Id.* art. 23.

291. *Id.* art. 123.

292. *Id.* art. 129.

293. See Jack Kugler, *War*, in *THE OXFORD COMPANION TO POLITICS OF THE WORLD* 894, 897 (Joel Krieger et al. eds., 2001).

294. *Id.*

295. Additional Protocol I, *supra* note 248, art. 8(a).

296. *Id.* art. 8(b).

297. *Id.* art. 10.

298. See Geneva Convention [No. I] for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, arts. 1-11, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31 [hereinafter First Geneva Convention].

sick in times of war.²⁹⁹ The convention particularly prohibits any kind of attack on the wounded, sick, and shipwrecked, or on the medical teams that provide care to them during armed conflicts.³⁰⁰ This rule is one of the most fundamental principles of the law of armed conflicts.³⁰¹ The rule was also included in Additional Protocol I in 1977.³⁰² Article 10(2) of Additional Protocol I mentions that the “wounded, sick, and shipwrecked shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition [without distinction] founded on any grounds other than medical ones.”³⁰³ Furthermore, Additional Protocol I to the 1949 Geneva Conventions prohibits reprisals and violence against such people.³⁰⁴

The humane treatment of the wounded, sick, and shipwrecked has certain implications. For instance, no action may be taken that may injure them or hurt them in any respect.³⁰⁵ The shipwrecked must be rescued immediately and should be provided with necessary medical care if needed and, in doing so, they must also be protected from pillage.³⁰⁶ Moreover, the Geneva Conventions prohibit subjecting wounded, sick, or shipwrecked to risky or wrongful medical procedures.³⁰⁷ Regardless of whether the patient gives consent, no such medical procedures may be carried out.³⁰⁸ Such medical procedures include the following: medical science or other scientific experiments; bodily mutilations; organ removal; or transplants, except as required for their survival or for recovery from an injury.³⁰⁹ This restriction has

299. *Id.* arts. 4, 9, 19.

300. *Id.* arts. 19, 20.

301. See EMILY CRAWFORD & ALISON PERT, INTERNATIONAL HUMANITARIAN LAW 120 (2015).

302. Additional Protocol I, *supra* note 248, art. 10 (covering protection and care).

303. *Id.* art. 10(2).

304. *Id.* art. 20.

305. See, e.g., First Geneva Convention, *supra* note 298, art. 50.

306. Additional Protocol I, *supra* note 248, art. 8(b).

307. *Id.* art. 11.

308. *Id.* art. 11(2).

309. *Id.*

been reiterated in Additional Protocols I and II of the Geneva Conventions 1949.³¹⁰

The wounded, sick, and shipwrecked also have an absolute right to refuse any surgical operation.³¹¹ Additionally, detailed records of all of their medical procedures are required.³¹² Article 11 of Additional Protocol I states, “each party to a conflict shall endeavor to keep a record of all medical procedures undertaken with respect to any person who is interned, detained or otherwise deprived of liberty as a result [of an international armed conflict].”³¹³ Moreover, the protecting power must ensure that the medical record is “available at all times for inspection.”³¹⁴

4. Medical Personnel

IHL also protects medical personnel in the event of an armed conflict.³¹⁵ IHL strictly prohibits using any kind of force or violence against medical personnel, whether they are civilians or military-affiliated.³¹⁶ If medical personnel are arrested by an opposing army, then they obtain special status.³¹⁷ That is, although they are not regarded as POWs upon detention, they are entitled to all of the relevant rights given to POWs under the Geneva Convention 1949.³¹⁸

In this regard, the First Geneva Convention also recognizes medical personnel associated with the military during armed conflicts as non-combatants; therefore, they must be protected and treated accordingly.³¹⁹ Although medical personnel indirectly help the military

310. *See id.*; Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 4, June 8, 1977, 1125 U.N.T.S. 609.

311. Additional Protocol I, *supra* note 248, art. 11(5).

312. *Id.* art. 11(6).

313. *Id.* art. 11(1).

314. *Id.* art. 11(6).

315. *Id.* art. 15 (explaining the scope of the protection).

316. *Id.* art. 16.

317. *See* First Geneva Convention, *supra* note 298, arts. 24, 28.

318. *Id.*

319. HENCKAERTS & DOSWALD-BECK, *supra* note 245, at 13.

in fighting, this does not deprive them of their non-combatant status, unless they actively take part in the fight.³²⁰

It is essential that medical teams have an emblem, preferably the red cross, displayed on their uniform or on their vehicles.³²¹ They can also wear a badge displaying the Red Cross emblem.³²² The purpose of displaying the emblem is to ensure that no belligerent party attacks them.³²³

5. *Prohibiting Illegal Means and Methods of Warfare*

International criminal law prohibits using illegal means and methods of warfare because they can severely threaten human security.³²⁴ This section discusses how international law has banned such means and methods of warfare. IHL restricts belligerent parties from choosing their means and methods of warfare.³²⁵ Additionally, Protocol I to the Geneva Conventions provides rules declaring that certain tactics such as perfidy, terrorization, starvation, and indiscriminate attacks are illegal actions and therefore must not be performed by any state under any circumstances.³²⁶ It also forbids attacking an area where there is a high presence of civilians.³²⁷ Furthermore, it proscribes misuse or exploitation of medical emblems.³²⁸

Certain dangerous weapons, for example chemical weapons, biological weapons, blinding laser weapons, and landmines, are

320. Anthony Dew & Don Carrick, *Military Medical Personnel – A Unique Responsibility to Protect*, in RESPONSIBILITIES TO PROTECT: PERSPECTIVES IN THEORY AND PRACTICE 116, 133 (David Whetham & Bradley J. Strawser eds., 2015).

321. Additional Protocol I, *supra* note 248, arts. 8(1), 18.

322. *Id.*

323. *Id.*

324. *Id.* arts. 35-47 (covering methods and means of warfare).

325. See Mara Tignino, *Water in International Humanitarian Law*, in RESEARCH HANDBOOK ON INTERNATIONAL WATER LAW 224, 226 (Stephen C. McCaffrey et al. eds., 2019).

326. See Additional Protocol I, *supra* note 248, art. 37 (covering prohibition on perfidy); *id.* art. 51(2) (covering terror); *id.* art. 51(4) (covering prohibition on indiscriminate attacks); *id.* art. 54 (covering starvation).

327. *Id.* art. 51(2).

328. *Id.* art. 38.

prohibited during armed conflicts.³²⁹ Restrictions on such weapons have been imposed in several treaties under international law.³³⁰ It is essential to determine the legality or illegality of every modern weapon of warfare that a state invents.³³¹ Article 36 of Additional Protocol I to the Geneva Conventions provides the following guidance:

In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.³³²

To determine the legality or illegality of modern weapons, legal advisers must be present.³³³ Article 82 of Protocol I to the Geneva Conventions states,

The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are available, when necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject.³³⁴

F. The Role of the International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) has been given an essential role in international law, particularly, by the Hague and Geneva Conventions, to ensure human security in times of

329. For details, see INT'L COMM. OF THE RED CROSS, DRAFT RULES FOR THE LIMITATION OF THE DANGERS INCURRED BY THE CIVILIAN POPULATION IN TIME OF WAR, art. 14 (1956) (detailing the prohibited methods of warfare).

330. See, e.g., Robin Geib, *Land Warfare*, in THE LAW OF ARMED CONFLICT AND THE USE OF FORCE: THE MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW 637, 641 (Frauke Lachenmann & Rüdiger Wolfrum eds., 2017).

331. This is required to protect the life of victims of war. See, e.g., Tignino, *supra* note 325.

332. Additional Protocol I, *supra* note 248, art. 36.

333. *Id.* art. 82.

334. *Id.*

conflict.³³⁵ The ICRC has distinctive red cross and red crescent symbols that denote its purpose to provide emergency medical service and humanitarian assistance to the wounded, sick, combatants, non-combatants, and anyone else who is affected by the conflict.³³⁶

The ICRC's fundamental goal is to provide humanitarian assistance to all in need, without any discrimination.³³⁷ It does not limit itself to providing assistance "to protect life and health and ensure respect for the human being" or to "prevent suffering"; rather, it goes beyond this to ensure human security.³³⁸ ICRC measures are directed at ensuring the well-being and security of the humans affected by armed conflicts or by natural disasters.³³⁹ Essentially, the ICRC's actions embody the Institute of International Law's definition of humanitarian assistance. "Humanitarian assistance means all acts, activities and the human and material resources for the provision of goods and services of an exclusively humanitarian character, indispensable for the survival and the fulfilment of the essential needs of the victims of disasters."³⁴⁰ Humanitarian assistance ensures human security because it facilitates the conditions of human survival in adverse circumstances.³⁴¹

The ICRC does not affiliate itself with any warring party;³⁴² rather, it is an independent international organization with the sole purpose to

335. Amitav Acharya, *Human Security*, in *THE GLOBALIZATION OF WORLD POLITICS: AN INTRODUCTION TO INTERNATIONAL RELATIONS* 478, 490 (John Baylis et al. eds., 2011). See Additional Protocol I, *supra* note 248, art. 81.

336. See Yves Sandoz, *The International Committee of the Red Cross as Guardian of International Humanitarian Law*, INT'L COMM. OF THE RED CROSS (Dec. 31, 1998), <https://www.icrc.org/en/doc/resources/documents/misc/about-the-icrc-311298.htm>; see also Acharya, *supra* note 335.

337. See Sandoz, *supra* note 336.

338. See INT'L COMM. OF THE RED CROSS, *THE ICRC: ITS MISSION AND WORK* 8 n.13, 16 (2009), https://www.icrc.org/en/doc/assets/files/other/icrc_002_0963.pdf [hereinafter ICRC].

339. *Id.*

340. Kate Mackintosh, *Beyond the Red Cross: The Protection of Independent Humanitarian Organizations and Their Staff in International Humanitarian Law*, in *INTERNATIONAL LAW AND HUMANITARIAN ASSISTANCE: A CROSSCUT THROUGH LEGAL ISSUES PERTAINING TO HUMANITARIANISM* 33, 36 (Hans-Joachim Heintze & Andrej Zwitter eds., 2011).

341. *Id.* at 36-37.

342. ICRC, *supra* note 338, at 4.

provide humanitarian assistance without any discrimination.³⁴³ Neutrality is the basic precondition for providing indiscriminate humanitarian assistance, thus the ICRC exercises complete neutrality in every conflict.³⁴⁴ The ICRC uses its red cross and red crescent emblems to distinguish its workers and vehicles from combatants and non-combatants during a conflict.³⁴⁵ No army shall attack those showing red cross or red crescent emblems on their uniform, badges, or vehicles.³⁴⁶ All warring parties must provide protection to the ICRC.³⁴⁷ The red cross sign can also be assigned to the medical teams of the warring parties during an armed conflict.³⁴⁸ Belligerent parties are prohibited from attacking such medical teams and the civilians associated with them.³⁴⁹ Thus, anyone displaying the red cross sign must be protected from attacks during armed conflicts.³⁵⁰ Accordingly, the parties to the Geneva Conventions are responsible for ensuring that the red cross emblem is not exploited or misused by any person or entity in their territory.³⁵¹ Article 38 of Additional Protocol I to the 1949 Geneva Conventions prohibits private medical organizations from misusing the red cross or the red crescent emblem.³⁵²

It is mandatory to protect persons providing humanitarian assistance from violence.³⁵³ No matter their nationality or the organization they belong to, humanitarian relief workers are guaranteed protection, unless they take part in fighting.³⁵⁴ This protection applies

343. *Id.*

344. *Id.*

345. *See Sandoz, supra* note 336.

346. Additional Protocol I, *supra* note 248, art. 17.

347. *Id.*

348. FRITS KALSHOVEN, REFLECTIONS ON THE LAW OF WAR: COLLECTED ESSAYS 1029 (2007).

349. *Id.*

350. *Id.*

351. RALPH CRAWSHAW & LEIF HOLMSTRÖM, ESSENTIAL RULES OF BEHAVIOUR FOR POLICE IN ARMED CONFLICT, DISTURBANCE AND TENSION: LEGAL FRAMEWORK, INTERNATIONAL CASES AND INSTRUMENTS 49 (2014).

352. Additional Protocol I, *supra* note 248, art. 38.

353. *Id.* art. 17.

354. *Id.*

in all international armed conflicts.³⁵⁵ Any mistreatment of humanitarian relief workers such as torture, violence, kidnap, or murder is considered a breach of Article 3 of Protocol I to the Geneva Conventions and will constitute a war crime.³⁵⁶ Thus, humanitarian relief workers obtain special protection in armed conflicts as they, in turn, perform the role of ensuring the security and survival of people affected by the conflicts.³⁵⁷

In summary, the international community, in particular the U.N. and the International Committee of the Red Cross, have responded to the challenges of human security. The U.N. has approved a number of resolutions in its General Assembly, first, in regards to defining the term “human security,” and then, in setting goals to ensure the strengthening of human security worldwide.³⁵⁸ The U.N. has also set up the UNTFHS, which has a number of projects operating in many regions that are vulnerable to human insecurity.³⁵⁹ The fund aims to make sustainable changes in living conditions to ensure long-term strengthening of human security.³⁶⁰ Additionally, the U.N. has arranged a number of summits and conventions to deal with the challenges posed by climate change and global warming.³⁶¹ Such notable conventions are as follows: The Rio Earth Summit 1992,³⁶² the United Nations Convention on Climate Change 1994,³⁶³ the Kyoto Protocol 1997,³⁶⁴ the Doha Amendment 2012,³⁶⁵ and the Paris

355. See Helen Durham & Phoebe Wynn-Pope, *Protecting the ‘Helpers’: Humanitarian and Health Care Workers During Times of Armed Conflict*, in YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW 2011, at 327, 337 (Michael N. Schmitt & Louise Arimatsu eds., 2012).

356. See, e.g., Additional Protocol I, *supra* note 248, art. 3.

357. Alison Duxbury, *The Protection of Humanitarian Relief: The Legal Framework*, in ROUTLEDGE HANDBOOK OF THE LAW OF ARMED CONFLICT 403, 405 (Rain Liivoja & Tim McCormack eds., 2016).

358. See, e.g., G.A. Res. 66/290, *supra* note 1.

359. See UNTFHS, *supra* note 30.

360. *Id.*

361. See, e.g., REPORT ON GLOBAL ENVIRONMENTAL COMPETITIVENESS (2013), *supra* note 184, at 20.

362. See *id.*

363. Halvorssen, *supra* note 186, at 36.

364. See *id.*

365. See CRISTOFANELLI ET AL., *supra* note 211.

Agreement 2016.³⁶⁶ Agenda 2030 is another indirect endeavor to ensure the strengthening of human security on a global level.³⁶⁷ Like the U.N., the ICRC is committed to ensuring human security by performing relief work in conflict and disaster affected regions.³⁶⁸ In this regard, IHL has provided a number of rules for protecting civilians, the wounded, sick, shipwrecked, POWs, medical personnel, humanitarian workers, and religious persons in the event of armed conflicts.³⁶⁹ The four Geneva Conventions of 1949 and Additional Protocol I of 1977 contain the above mentioned rules, which are binding on all State parties.³⁷⁰ Thus, the U.N., the ICRC, and the rules of IHL collectively set frameworks to protect human security during times of both peace and conflict.

CONCLUSION

Human security is defined as “an approach to assist Member States in identifying and addressing widespread and cross-cutting challenges to the survival, livelihood and dignity of their people.”³⁷¹ The concept of human security helps evaluate the level of human development.³⁷² Unfortunately, in the contemporary era, several threats exist to human security.³⁷³ For instance, poverty, water scarcity, violence, terrorism, armed conflicts, human trafficking, social inequality, and climate change are challenging human security.³⁷⁴ Poverty prevents people from accessing the basic necessities of life.³⁷⁵ It creates problems of deprivation and malnutrition.³⁷⁶ It also deprives people of other

366. See Winter, *supra* note 188.

367. See *Human Security and Agenda 2030*, *supra* note 37, at 1.

368. See Additional Protocol I, *supra* note 248, art. 81; see also Acharya, *supra* note 335.

369. See Sandoz, *supra* note 336; ICRC, *supra* note 338.

370. See, e.g., Additional Protocol I, *supra* note 248, arts. 37, 96; see also Fourth Geneva Convention, *supra* note 262, art. 3.

371. See G.A. Res. 66/290, *supra* note 1.

372. GÓMEZ & GASPER, *supra* note 2, at 1.

373. SISK, *supra* note 2, at 11.

374. See *id.*; see also GÓMEZ & GASPER, *supra* note 2, at 2.

375. HENNIE LÖTTER, POVERTY, ETHICS AND JUSTICE 85-86 (2011).

376. According to UNCICEF, poverty causes deprivation. For details, see Elizabeth Fernandez & Ioana Romana, *Child Poverty in the International Context*, in

necessities such as quality education, an adequate level of health facilities, sufficient quantities of food, and decent livelihoods.³⁷⁷ According to the World Bank's estimates in 2015, approximately 736 million people in the world live in extreme poverty.³⁷⁸ They cannot afford the basic necessities of life in adequate qualitative and quantitative terms. Such conditions deprive them of an adequate level of human security.³⁷⁹ In addition to poverty, water scarcity poses another risk to human security.³⁸⁰ The world is moving toward scarce freshwater resources.³⁸¹ This scarcity and stress on water resources is particularly evident in Africa and South Asia, where the per capita availability of water has declined significantly.³⁸²

Another prominent risk to human security is climate change, which is causing many harmful effects in Earth's environment.³⁸³ For example, Earth's average temperature is rising, which is increasing sea levels. In turn, glaciers are melting more rapidly.³⁸⁴ Consequently, coastal regions and regions alongside river basins are being gravely impacted by floods, significantly threatening human security.³⁸⁵

THEORETICAL AND EMPIRICAL INSIGHTS INTO CHILD AND FAMILY POVERTY: CROSS NATIONAL PERSPECTIVES 11, 16 (Elizabeth Fernandez et al. eds., 2015). In their study, Saunders and Naidoo define "deprivation" as lack of resources. For details about their study, see Peter Saunders & Yuvisthi Naidoo, *The Deprivation Approach and the Attainment of Human Rights: Evidence for Australia*, 13.2(2) AJHR, 137, 142 (2008).

377. R. LAMONT SMITH II, PREACHING TO IMPROVE AN ECONOMIC DEPRIVED COMMUNITY 40 (2006).

378. POVERTY PUZZLE, *supra* note 92, at 1.

379. HUMAN SECURITY HANDBOOK, *supra* note 13, at 5.

380. Chris Cocklin, *Water and 'Cultural Security'*, in HUMAN SECURITY AND THE ENVIRONMENT: INTERNATIONAL COMPARISONS 154, 154 (Edward Page & M.R. Redclift eds., 2002).

381. Madan K. Jha, *Sustainable Management of Groundwater Resources in Developing Countries: Constraints and Challenges*, in ON A SUSTAINABLE FUTURE OF THE EARTH'S NATURAL RESOURCES 325, 328 (Mu. Ramkumar ed., 2013).

382. *Id.*

383. Reda el Fellah & Mohamed Behnassi, *Global Environmental Change and the Crisis of Dominant Development Models: A Human Security-Centered Analysis*, in ENVIRONMENTAL CHANGE AND HUMAN SECURITY IN AFRICA AND THE MIDDLE EAST 25, 40 (Mohamed Behnassi & Katriona McGlade eds., 2017).

384. Elliott, *supra* note 108, at 1.

385. *Id.*

Furthermore, climate change is increasing natural disasters, such as hurricanes and storms.³⁸⁶

Terrorism and armed conflicts are the other two major threats to human security,³⁸⁷ which have caused hundreds of thousands of civilian deaths.³⁸⁸ The rise of terrorist organizations such as ISIS and Al-Qaeda in the contemporary era has threatened human security as well as state security.³⁸⁹ Additionally, issues such as human trafficking and domestic violence,³⁹⁰ particularly violence against women and children, threaten the human security of vulnerable individuals.³⁹¹

The U.N. has taken the lead in countering the existing threats to human security by formulating policies and goals to ensure an adequate level of human security globally. For example, the UNTFHS³⁹² and regional programs to reduce the insecurity of the vulnerable people in different regions are paving the way for sustainable human development and an increased level of human security.³⁹³ Furthermore, summits such as the Rio Earth Summit 1992, the United Nations Framework Convention on Climate Change 1994, the Kyoto Protocol 1997, the Doha Amendment 2012, and the Paris Agreement 2016 indicate the U.N.'s determination to mitigate the adverse effects of climate change and global warming. Agenda 2030 is also another example of the U.N. and the international community collaborating to create goals and strategies for sustainable development and improved human security.³⁹⁴ Above all, the codification of the rules of war in the Geneva Conventions and their additional protocols also aim to protect

386. W.J.W. Botzen & J.C.J.M. Van Den Bergh, *Managing Natural Disaster Risks in a Changing Climate*, in CLIMATE CHANGE AS ENVIRONMENTAL AND ECONOMIC HAZARD 209, 211 (Boris Porfiriev ed., 2009).

387. NISHIKAWA, *supra* note 43, at 1-2.

388. JAMES R. LEE, CLIMATE CHANGE AND ARMED CONFLICT: HOT AND COLD WARS 24 (2009).

389. *See* Wright et al., *supra* note 160.

390. GÓMEZ & GASPER, *supra* note 2, at 13.

391. HUMAN SECURITY HANDBOOK, *supra* note 13, at 41.

392. UNTFHS, *supra* note 30.

393. *See id.*

394. DOUGLAS ROCHE, THE UNITED NATIONS IN THE 21ST CENTURY: GRAPPLING WITH THE WORLD'S MOST CHALLENGING ISSUES: MILITARISM, THE ENVIRONMENT, HUMAN RIGHTS, INEQUALITY 38 (2015).

humans in times of armed conflicts.³⁹⁵ The application of these rules directly leads to improved human security in armed conflicts.³⁹⁶ For instance, Article 3 of Protocol I to the Geneva Conventions provides protection of “persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause.”³⁹⁷

Apart from the U.N., the ICRC has also been making efforts toward the codification and implementation of the rules of armed conflicts to ensure human security.³⁹⁸ Moreover, a number of international and regional agencies such as non-governmental organizations are working to improve conditions to strengthen human security.³⁹⁹ It is necessary that the international community, especially the governments of belligerent states and the governments of regions facing insecurities, collaborate with the U.N., the UNTFHS, and the ICRC to implement the relevant policies, goals, agendas, and rules to ensure an increased level of human security in their regions.

395. Davide Tundo, *Justice and Protection of Civilians in Armed Conflicts Through the Enforcement of the International Legal Obligations: The Case of the Gaza Strip*, in *RETHINKING INTERNATIONAL LAW AND JUSTICE* 63, 67 (Charles Sampford et al. eds., 2016).

396. David Reif discusses how the Geneva Conventions and its additional protocols are beneficial in protecting human lives. *See, e.g.*, David Reiff, *Humanitarian Action in a New Barbarian Age*, in *HUMAN SECURITY FOR ALL: A TRIBUTE TO SERGIO VIEIRA DE MELLO* 52, 52 (Kevin M. Cahill & Sérgio Vieira de Mello eds., 2004).

397. Additional Protocol I, *supra* note 248, art. 3.

398. MIRIAM BRADLEY, *PROTECTING CIVILIANS IN WAR: THE ICRC, UNHCR, AND THEIR LIMITATIONS IN INTERNAL ARMED CONFLICTS* 2 (2016).

399. *See, e.g.*, 2 GR. BRIT. PARLIAMENT HOUSE OF COMMONS & INT'L DEV. COMM., *CONFLICT AND DEVELOPMENT: PEACEBUILDING AND POST-CONFLICT RESOLUTION*, SIXTH REPORT OF SESSION 2005-06, at 151 (2006).