

Human security, human rights and disarmament

Kevin BOYLE and Sigmund SIMONSEN

The concept of human security has emerged in recent years to re-balance debates on security away from an exclusive and excessive focus on military security of the state and its institutions, towards the people whom the state serves.¹ It has great potential in the era of globalization to renew our focus on global threats and challenges to human well being and advancement.

International human rights standards developed over fifty years derive from the concept of human dignity and worth. The range and depth of these standards has been a signal achievement of the international community. The translation of those standards from normative principles into legally binding obligations accepted by states both in times of peace and conflict has constituted a process of enormous importance to humankind. The creation of machinery for continuing supervision over the implementation of these rights by governments, however limited that machinery may be, is a gain that must not be diluted.

Human security and human rights do not mean the same thing. Nor are they overlapping concepts. They are separate ideas and have separate functions. However, an argument for strong conceptual links between human security and human rights can be made. It is clear, however, that cognate as the human rights and human security perspectives are, they have not been effectively brought together as yet. While the writing on human security acknowledges the importance of human rights, there has been little evidence to date that human rights theory or practice has responded.

This article is an initial exploration as to how conceptual links might be advanced to a practical stage through the promotion and protection mechanisms of the international human rights system. But it also suggests an additional area where combined analysis of human security and international human rights law could be productive and that is the field of disarmament. The involvement of an increasing number of governments in the Human Security Network² and the interest generated by the independent Commission on Human Security³ (CHS) give cause for hope that such renewed focus may also inspire action.

The relationship between human rights and human security

The 2003 Report of the CHS entitled *Human Security Now* rightly sees human security and human rights as complementary:

Human rights and human security are ... mutually reinforcing. Human security helps identify the rights at stake in a particular situation. And human rights help answer the question: How

Kevin Boyle is professor of law at the University of Essex, Sigmund Simonsen is *cand. jur.* of the University of Oslo and has a Master of Laws degree from the University of Essex.

should human security be promoted? The notion of duties and obligations complements the recognition of the ethical and political importance of human security.⁴

A similar affirmation of the positive potential of the relationship, from a human rights perspective, was expressed at a workshop in Costa Rica convened by the CHS in 2001:

We reaffirm the conviction that Human Rights and the attributes stemming from human dignity constitute a normative framework and a conceptual reference point which must necessarily be applied to the construction and implementation of the notion of Human Security. In the same manner, while acknowledging that norms and principles of International Humanitarian Law are essential components for the construction of human security, we emphasize that the latter cannot be restricted to situations of current or past armed conflict but constitute a generally applicable concept.⁵

The CHS defines the purpose of human security as protecting 'the vital core of all human lives in ways that enhance human freedoms and human fulfilment.'⁶ The CHS Report points out that what puts people's security at risk include threats and conditions that have not always been classified as threats to state security. 'Human security is also concerned with deprivation: from extreme impoverishment, pollution, ill health, illiteracy and other maladies.'⁷ Human security thus means, 'protecting fundamental freedoms—freedoms that are the essence of life.'⁸

The International Commission on Intervention and State Sovereignty expressed the same thinking forcefully:

The traditional, narrow perception of security leaves out the most elementary and legitimate concerns of ordinary people regarding security in their daily lives. It also diverts enormous amounts of national wealth and human resources into armaments and armed forces, while countries fail to protect their citizens from chronic insecurities of hunger, disease, inadequate shelter, crime, unemployment, social conflict and environmental hazard. When rape is used as an instrument of war and ethnic cleansing, when thousands are killed by floods resulting from a ravaged countryside and when citizens are killed by their own security forces, then it is just insufficient to think of security in terms of national territorial security alone. The concept of human security can and does embrace such diverse circumstances.⁹

There is historical continuity in linking security to human rights. The core idea of human security can be found in the Four Freedoms proclaimed by Franklin D. Roosevelt in his State of the Union Address on 6 January 1941.¹⁰ Roosevelt's vision of 'a world founded upon four essential freedoms'—freedom of speech, freedom of religion, freedom from want and freedom from fear—was to become one of the cornerstones of the new United Nations.¹¹ In order to secure those freedoms the United Nations was given the purposes of maintaining international peace and security, promoting economic and social development along with human rights, goals to be achieved through international cooperation.¹² That generation recognized that war and hostilities, economic and social deprivation and gross human rights violations represented a breeding ground for insecurity, repression, want and fear. Reporting to the United States Congress in June 1945 just after the San Francisco Conference, American Secretary of State Edward Stettinius, Jr. put it as follows:

The battle of peace has to be fought on two fronts. The first is the security front where victory spells freedom from fear. The second is the economic and social front where victory means freedom from want. Only victory on both fronts can assure the world of an enduring peace No provision that can be written into the Charter will enable the Security Council to make the world secure from war if men and women have no security in their homes and their jobs.¹³

Human security therefore may be thought of as present day rediscovery of the essential linkages between the different purposes of the United Nations, and of the duty on Member States to cooperate in advancing those purposes coherently. The mainstreaming of human rights into all UN activities, following the Secretary-General's reform proposals in 1997, reflected similar thinking.¹⁴ The key concepts that the CHS Report suggests as the 'added value' of the human security idea are protection and empowerment. Human rights goals have come to be articulated in similar terms in the process of establishing the human rights contribution to development, conflict resolution, peacekeeping and peace-building for example. The time should be ripe therefore for the deployment of human security analysis, discourse and perspectives in human rights work. Some tentative ideas as to how such thinking might be stimulated are suggested below through a brief outline of the international human rights system.

The international human rights norms

The promotion and protection of human rights as a purpose of the United Nations brought concern for the individual directly to the international level.¹⁵ The main catalogue of human rights can be found in the Universal Declaration of Human Rights (UDHR).¹⁶ The UDHR is not *per se* legally binding. It is nevertheless widely considered as spelling out the rights that the UN Charter referred to. Over the years the core principles in the UDHR have come to be considered binding as customary international law and/or general principles of international law, and the principles are treated as such by the United Nation's most important monitoring and protection body, the Commission on Human Rights.¹⁷ The UDHR was reaffirmed with the adoption of two legally binding international covenants in 1966, on civil and political rights and on economic, social and cultural rights.¹⁸ Today more than 140 states have accepted to be bound by these treaties. These three instruments are together commonly referred to as the International Bill of Human Rights, and they constitute the foundations of international human rights law. On these foundations a great number of other international and regional human rights treaties have been built. International human rights law is, in principle, applicable to all at all times, i.e. both in peacetime and in times of internal and external conflict. The Geneva Conventions of 1949 added specific protections in the context of armed conflict while a legal regime for the protection of refugees was established by the 1951 Convention relating to the Status of Refugees.¹⁹

This edifice of human rights law provides legal guarantees that address, among many other rights, the rights to food, health, education, housing, and protection of the family. It extends protection to culture, democracy, participation, the rule of law and access to justice. It offers protection against enslavement, torture, inhuman or degrading treatment or punishment, freedom of thought and belief as well as the right to freedom of opinion and expression. The freedom to enjoy all such rights is an element of human security. The effective force of human rights undertakings by states, however, is dependent on the implementation of these rights by governments as well as on the effectiveness of the international human rights machinery set up to monitor and encourage national implementation.

Institutions and mechanisms for implementation of human rights

TREATY BODIES

The international UN-based human rights system is divided into the treaty-based protection mechanisms and those that have developed through the inter-governmental UN Commission on Human

Rights. There are now seven core universal human rights treaties each overseen by a 'treaty body', or a committee of independent experts.²⁰ Each has similar functions—broadly to monitor the implementation of the human rights provisions contained in those treaties. Four of the committees have also been given jurisdiction to receive and adjudicate on individual complaints from those states which accept this optional procedure. When a state ratifies an international treaty, it assumes the obligation to implement the provisions of the treaty at the national level. It also assumes the obligation to submit reports periodically to the relevant treaty body on the measures it has taken to ensure the enjoyment of the rights provided in the treaties. State reports are examined by the treaty bodies, along with information from a variety of sources, in the presence of a delegation from the reporting state. A committee's examination of such reports results in the adoption of 'concluding observations/comments', in which the treaty body presents its concerns and makes specific recommendations to the state party for future action. The state party is expected to implement the recommendation of the treaty bodies. The treaty bodies also adopt general comments or recommendations in which they offer guidance to states about the meaning of specific articles of the treaties.²¹

In practice the different treaty bodies address many dimensions of human security in their activities. In considering reports from states, their concerns span an enormous range of issues, including political violence and terrorism, torture and disappearances as well as forced evictions, poverty, health, housing, discrimination of all kinds as well as the rights of vulnerable groups.

There is ample scope for the committees to incorporate human security concerns and dimensions in the consideration of state reports. However, that is rarely—if ever—overtly done. On the other

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Perhaps the most effective way of changing practice would be if human rights NGOs, who are increasingly accepted as partners in the review process of state reports, raised human security concerns in their written critiques of states' reports. But that requires NGOs to be attracted to the idea of human security and to recognize its value in their work. A possible point of departure could be a response to the invocation by states of national security as grounds for limiting rights and the invoking of emergency powers—the abuse of which is so often the cause of serious human rights violations. In turn, treaty bodies could engage in dialogue with reporting states on the matter of national security, where that is expressed in defence of human rights failings.²² Such a dialogue could debate, for example, justifications for disproportionate expenditure on arms in the context of the wider concept of human security.

INTER-COMMITTEE MEETINGS

The treaty bodies have initiated an inter-committee meeting intended to draw the different bodies into a more coherent and cooperative approach in fulfilling their functions. These gatherings are one among several opportunities that could be the occasion for a debate on human security and the human rights mechanisms. Another might be the meetings between individual committees and the states who are parties to the particular treaty. In whatever setting, the interest of the committees will be only achieved if the larger framework of human security can be seen to practically enhance its dialogue with states on implementing their human rights protection obligations and challenges within their jurisdictions.

CHARTER BODIES

The principal UN Charter human rights organs are the Economic and Social Council (ECOSOC), the Commission on Human Rights and its Sub-Commission on the Promotion and Protection of Human Rights.²³ All are concerned with human rights protection globally and build their work upon the Universal Declaration of Human Rights. ECOSOC and the Commission on Human Rights are primarily fora for governments, where through speeches, statements and resolutions, the work of human rights protection, however modest in practice that may be, is carried out. It is in such contexts that interested governments could use the opportunity to introduce new thinking on human security and to address the importance of human security analysis as a reinforcement of the international human rights protection system. A beginning in this regard was made at the fifty-ninth session of the Commission on Human Rights when the Austrian Chair of the Human Security Network addressed the Commission.²⁴ Until the ideas about rethinking security are disseminated more widely, however, the question of the linkage of human rights norms and human security can make little headway.

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

One important option might be to seek to have the subject of human security and human rights added to the research agenda of the Sub-Commission. The Sub-Commission, a body of twenty-six independent experts, operates as a 'think tank' for the Commission and indeed the world on framing intellectual and policy responses to new human rights challenges. The Commission has requested particular studies to be undertaken and the Sub-Commission may also initiate research of its own. For example, in 2003 the Sub-Commission adopted the Norms on the Responsibilities of Transnational Corporations and other Business Enterprises, which have been forwarded to the Commission for consideration.²⁵ These proposals have provoked wide debate and exemplify the mission of the Sub-Commission in advancing thinking on human rights protection. A useful study could be undertaken on the concept of human security and its theoretical and policy implications for the enhancement of human rights protection. There could be no better way to engage the Charter human rights organs in focusing on the potential constructive relationship between this security concept and its implications for the international human rights system.

SPECIAL PROCEDURES

The Commission on Human Rights has established a system of 'Special Procedures'—geographic and thematic mechanisms consisting of variously described independent experts operating individually or in working groups mandated to examine and to report back on major human rights concerns.²⁶ In the case of the thematic mandates, the subject area will be with a category of human rights problems and violations wherever in the world they occur. In the case of the geographic mandates the focus will be on the human rights situation in particular countries. These mechanisms may take on or be granted a fact-finding and complaint-handling role.

The Working Group on Enforced or Involuntary Disappearances, created in 1980, was the first such mechanism to be established. By 1985, mechanisms dealing with summary or arbitrary executions and torture were added. Later mandates were created to address religious intolerance and the use of mercenaries. In the 1990s the number of special rapporteurs grew to report on the sale of children,

child prostitution and child pornography; arbitrary detention; internally displaced persons; freedom of opinion and expression; violence against women; the independence and impartiality of the judiciary; contemporary forms of racism; and the dumping of toxic waste. Mandates now also include certain economic, social and cultural rights, including the rights of migrants and of indigenous peoples, the right to food, to adequate housing and to health.²⁷

The thematic mechanisms have established a reputation for being one of the most effective tools of the United Nations in the promotion and protection of human rights. The Commission resolutions outlining their mandates are often worded in broad terms, thus giving the mechanisms a relatively large measure of freedom in developing their own working methods. 'For governments that seek their assistance in identifying solutions to human rights violations, the thematic mechanisms constitute a unique resource of human rights expertise'.²⁸ That resource can be of equal value in advancing human security policies and programmes.

A few examples might be given from reports considered at the sixtieth session of the Commission on Human Rights in 2004. The report of the Special Rapporteur on the Right to Health, Paul Hunt, addressed the link between the prevention of violence and the right to health. He notes that the World Health Organization has defined violence as a public health problem and argues that states have as part of the right to health an obligation to take measures to protect vulnerable groups, in particular women, children, adolescents and older persons.²⁹

The Special Rapporteur on the Right to Food, Jean Ziegler, in his fourth report to the Commission included accounts of his fact-finding missions to Bangladesh and the Occupied Palestinian Territories. He also expressed concern over what he sees as the halt in progress to reduce malnutrition and hunger in the world and reported on his reflections on food security and international trade.³⁰

In his annual report, the Secretary-General's Special Representative for Children and Armed Conflict, Olara Otunnu, provided depressing updates on the abduction, maiming and killing of children and their continued recruitment and use in armed conflict.³¹ It added as an appendix the lists of parties to armed conflict that recruit children.

These and other examples of human rights mechanisms that could be cited are clearly addressing dimensions of human suffering and human insecurity that would benefit from being addressed within the larger framework that can be supplied by the concept of human security. The human rights mechanisms need to explore the value of that wider framework in their work, which is also directed at the common goals of development, rights and freedom.

International peace and security

Roosevelt and the founders of the United Nations recognized the interdependency between human (individual), state (national) and international security.³² The security of individuals is dependent

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on the state. The individual's human security can be threatened by their own state in many ways, for example through arbitrary killings and repression, but individuals can also be threatened *through* their state as a result of what is happening at the international level, such as the outbreak of war. The connection runs not only from international events to the individual but from what happens at societal level to the international.³³ The arming of individuals and the level of violence within a state can threaten national security. In turn, where internal conflict or civil war breaks out, international

security can be affected in everything from globally interconnected terrorism and uncontrolled arms trade to refugee flows. Thus non-state actors operating within one country committed the Rwandan genocide, yet it was characterized by the Security Council as a threat to international peace and security.³⁴ International peace and security is thus dependent on national security and both are dependent ultimately on the individual's human security. Such interdependence signifies that neither the individual nor the state acting solely on their own can achieve security. Human security and freedom are not only the primary ends of national and international peace and security, they are also among its principal means. Viewing peace and security in those terms directs attention to the ends and overarching objective that make peace and security important, and put focus where it should be most concentrated—on human needs.

ARMS TRADE

A particular focus of common interest between human rights and human security advocacy has been on armaments and the arms trade. The Human Security Network was established in 1999 after successful efforts led by civil society and some governments resulted in the 1997 Mine Ban Convention. This success has also helped to lead to the current focus on the proliferation of small arms and light weapons. The 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons adopted a Programme of Action and some 138 governments participated in a review of actual progress on national regulation and control in a follow-up conference in July 2003.³⁵

DISARMAMENT

A further and perhaps more long-term agenda for interaction between the human security and human rights approaches is the relationship between respect for human rights, arms control and disarmament. Operationalizing and popularizing the idea of human security can help to clarify and to strengthen a human rights perspective on disarmament. Peace and international security and the promotion and protection of human rights are allied purposes of the United Nations. Human security has the potential to be the accessible idea that may bring out their linkage and thereby add popular engagement to the seemingly dormant ideal of global disarmament, in particular in respect of weapons of mass destruction.

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It is now possible—or more accurately, *acceptable*—to establish the link between the human rights and disarmament through the concept of human security. States claim that armaments are necessary to be able to defend vital interests such as territorial integrity and political independence, as well as protect its citizens. Armament may then be seen as necessary to fulfil human rights obligations—the responsibility to protect their citizens 'right to life, liberty and security of person'.³⁶ However, this argument has been extensively misused and it is deceptive. How can a government defend that it is necessary to spend more money to protect their citizens against undefined external military attack than to guard them against the omnipresent enemies of good health and other real threats to human security on a daily basis? It is also—at best—a misunderstanding of state responsibilities to protect flowing from the UN Charter and subsequent human rights instruments.³⁷

The Human Rights Committee, which was established to monitor the implementation of the Covenant on Civil and Political Rights and the Protocols to the Covenant, in an early General Comment

concluded that: 'The development and proliferation of weapons of mass destruction not only threaten human life but also absorb resources that could otherwise be used for vital economic and social purposes, particularly for the benefit of developing countries, and thereby for promoting and securing the enjoyment of human rights for all.'³⁸ This thinking also found expression in the Preamble of the 1986 Declaration on the Right to Development,³⁹ and the Final Document of the 1987 International Conference on the Relationship Between Disarmament and Development.⁴⁰

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The continued development and the proliferation of weapons of mass destruction (WMD) remains a formidable source of fear everywhere. Secretary-General Kofi Annan has expressed the issues succinctly:

In the twenty-first century humankind remains threatened by weapons of mass destruction, which could be deployed by design or mistake by a number of states, or spread to other states causing destabilization and tension or fall into the hands of dangerous non-state actors who are difficult to deter and unlikely to show restraint.⁴²

The concern over WMD is however wider than the current global fear over their spread to new states or use by non-state actors. The objective under international law should remain the *elimination* of such weapons. As Mohamed ElBaradei, Director-General of the International Atomic Energy Agency, has commented recently: 'We must abandon the unworkable notion that it is morally reprehensible for some countries to pursue weapons of mass destruction yet morally acceptable for others to rely on them for security—and indeed to continue to refine their capabilities and postulate plans for their use.'⁴³

In 2003, the UN Secretary-General established a high-level panel to examine new global security threats.⁴⁴ This initiative provides an opportunity to incorporate the human security concept and its relationship with human rights, not least because the panel's mandate extends to economic and social issues related to peace and security. The subsequent report will also hopefully renew the United Nations commitment to the goal of disarmament and to the elimination of nuclear and other WMD.

Perhaps the most effective initiative that the UN human rights programme could take in the short term would be to mandate a special rapporteur to explore afresh the question of securing human rights and disarmament as related goals of the international community. There is a clear need in international law for an authoritative interpretation of the human rights dimension of this aspect of international peace and security. Such an initiative would give a further impetus to the convergence of human security and human rights analysis.

Conclusions

The new thinking on human security can be of great value from a human rights perspective. The two concepts are not the same but can reinforce each other both at theoretical and practical levels. However a considerable distance remains between the two approaches. A practical way forward to

explore theoretical and practical dimensions of the relationship would be to have an expert of the UN Sub-Commission on the Promotion and Protection of Human Rights nominated to undertake more detailed consultations and thinking on how the two fields may offer support and strength to each other. In addition it has been suggested that there is a case for a separate special rapporteur or expert to examine the vital question of military disarmament, human rights and lasting peace.

Notes

1. 'States are now widely understood to be servants of their peoples, and not vice versa.' United Nations Secretary-General Kofi Annan, 1999, Message for the New Millennium, in *Imagining Tomorrow*, United Nations, p. 3.
2. The Human Security Network (HSN) is a group of like-minded countries from all regions of the world that maintains a dialogue on questions pertaining to human security. For the origins and activities of this network see < www.humansecuritynetwork.org > .
3. The Commission on Human Security was chaired jointly by Sadako Ogata, former UN High Commissioner for Refugees and Amartya Sen, Nobel Laureate. See Commission on Human Security, 2003, *Human Security Now*, New York, at < www.humansecurity-chs.org/index.html > .
4. Commission on Human Security, *op. cit.*, p. 10.
5. San Jose Declaration, 2 December 2001, at < www.humansecurity-chs.org/doc/sanjosedec.html > .
6. Commission on Human Security, *op. cit.*
7. *Ibid.*, p. 6.
8. *Ibid.*, p. 4.
9. International Commission on Intervention and State Sovereignty (ICISS), 2001, *The Responsibility to Protect*, Ottawa, p. 15, at < www.dfait-maeci.gc.ca/iciss-ciise/menu-en.asp > .
10. Franklin Delano Roosevelt, *State of the Union Address*, 6 January 1941.
11. Roosevelt, *ibid.*; Townsend Hoopes and Douglas Brinkley, 1997, *FDR and the Creation of the UN*, Yale University Press.
12. United Nations Charter, Article 1.
13. Cited in United Nations Development Programme, 1994, *Human Development Report 1994*, UNDP.
14. Secretary-General Kofi Annan, 1997, *Renewing the United Nations: A Programme for Reform*, United Nations document A/51/950.
15. UN Charter, Article 1.3, see also Articles 55 and 56.
16. Universal Declaration of Human Rights (1948).
17. See < www.unhchr.ch/html/menu2/2/chr.htm > .
18. International Covenant on Civil and Political Rights (1966) and International Covenant on Economic Social and Cultural Rights (1966).
19. See < www.unhchr.ch/html/menu3/b/o_c_ref.htm > .
20. In addition to the two covenants mentioned in note 18 these are: the International Covenant on the Elimination of All Forms of Racial Discrimination, The International Covenant on Elimination of All Forms of Discrimination against Women, The Convention on the Rights of the Child, The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
21. Office of the United Nations High Commissioner for Human Rights. See < www.unhchr.ch > .
22. See for example *Concluding Observations of the Human Rights Committee: Israel*, 21 August 2003, document CCPR/CO/78/ISR.
23. See < www.unhchr.ch/html/menu2/2/sc.htm > .
24. See Fifth Ministerial Meeting of the Human Security Network, Graz, 8–10 May 2003, at < www.humansecuritynetwork.org/meeting-e.php > .
25. E/CN.4/sub.2/2003/12/Rev.2 of 26 August 2003.
26. See < www.unhchr.ch/html/menu2/2/mechanisms.htm > .
27. See Amnesty International, *The United Nations Human Rights Mechanisms 2002*, which offers a good and comprehensive overview. See < web.amnesty.org/library/print/ENGIOR400092002 > .
28. Amnesty International, *ibid.*
29. E/CN.4 /2004/49, 16 February 2004.
30. E/CN.4/2004/10/Add.1 and Add. 2, 29 and 31 October 2003.
31. E/CN.4/2004/70, 28 January 2004.
32. Hans Kelsen, 1951, *The Law of the United Nations*, Stevens & Sons, London.

33. Barry Buzan, 1991, *People, States and Fear*, Harvester; B. Ramcharan, 2004, Human Rights and Human Security, *Disarmament Forum*, no. 1, pp. 39–47.
34. Security Council resolutions 918 (1994) and 929 (1994).
35. For the official report see A/CONF192/BMS/2003/1.
36. Universal Declaration of Human Rights, Article 3.
37. See International Commission on Intervention and State Sovereignty, *op. cit.*
38. UN Human Rights Committee, General Comment No 14 (1982).
39. Declaration on the Right to Development, A/RES/41/128 adopted 4 December 1986.
40. A/CONF130/39.
41. Commission on Human Security, *op. cit.*, p. 135.
42. Kofi Annan, 2004, Special Comment, *Disarmament Forum*, no. 1, pp. 3–4.
43. *International Herald Tribune*, 13 February 2004.
44. UN News Service, 4 November 2003.