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HUMAN ASPECTS IN THE COMMON
SECURITY AND DEFENCE POLICY OF
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Abstract:

The 21st century strategic landscape shows the human factors and the global governance as the key elements that frame the geostrategic scenario. The Human Security, in the centre of the strategic thinking, imposes a multidisciplinary and comprehensive action capable of performing in this crowded and complex scenario in which Human Rights should be the strategic goal of Western intervention.

The Common Security and Defence Policy (CSDP) is presented as a powerful tool capable of integrating the full range of EU instruments in the crisis management, provided that the political will is able to activate and operate them in the field.

Keywords:

Human Security, Responsibility to Protect (R2P), Human Factor, Global Governance, Strategy, Geopolitics, Geostrategy, European Union, Common Security and Defence Policy (CSDP), Human Rights, Gender, Children and Conflict, Civil Society, International Humanitarian Law.

INTRODUCTION

Nowadays, it is unquestionable that we find ourselves in a paradoxical situation when we face the challenge to place the concept of security in the difficult geopolitical situation. The search for signs showing us the possible evolution of the security scenario in any part of the world in the short, medium and long term is elusive. These signs are totally unstable and even changeable (some disappear, others appear), and, in any case, they change their value and position with an absolute lack of stability and continuity that leave us baffled.

We are currently living a paradigmatic example with the death in Libya of the US ambassador J. Christopher Stevens. Stevens was very keen on the Arab world, as well as a key piece in the fall of Muammar Gaddafi, and knew and felt comfortable in the environment in which he lived with little security, maybe due to its overconfidence, in Libya. We are also living, this last weeks, an upsurge in violence against US diplomatic representations, in particular, and other western countries, caused by the online diffusion of a provocative video for the Muslim world, which consider it blasphemer, and its corollary of comic strips in the European press. An event that, in another context and in a long-lasting reality, has led the ISAF command to suspend the cooperation of the coalition forces with the Afghan National Security Forces, in order to avoid allies' deaths as a result of green-blue confrontations.

It is more and more clear that the human factor appears as the differentiating feature of the complex relations' framework with which we pretend to form the 21st century concept of security. A generic framework, in which there is an increasing agreement on placing global governance in the heart of the security system; and with the man, in the centre of that scenario, with the new possibilities of access to, and exchange of information, that makes the inherited structures from the past century look, in many occasions, maybe not obsolete, but at least, not very effective for establishing behaviour patterns. These behaviour patterns, although they are not formally constituted, must allow to establish a certain guide in the chain of events.

While the human aspect has always been in the essence of the security concept, it was in 1994, after the end of the Cold War (the end of the most characteristic ideological conflict), when the United Nations Development Program (UNDP) included the concept "human security" in its Annual Human Development Report.

"The mentioned Report criticizes the traditional conception of security when stating that <The concept of security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust. It has been related more to nation-states... Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives. With the dark shadows of the cold war receding, one can now see that many conflicts

are within nations rather than between nations.>[1]. After declaring that , it establishes that <Human security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life- whether in homes, in jobs or in communities.>[2]. The Report gathers the threats to human security under seven categories: economic security, food security, health security, environmental security, personal security, community security and political security."[3]

This historical approach leads us to globalize the basic concept of the western thinking, with the human person in the middle of the political goal, focused on the Universal Declaration of Human Rights, and, therefore, based on the basic pillars of the social structure supporting it: justice, freedom and security. This approach is criticized by some politicians and analysts, due to its lack of precision"[4]. It is also questioned by what are considered other sensibilities based on cultural and religious customs. This does not prevent from taking into account "other <critical> approaches... [that] go even beyond Human Security. For these theorists, individuals and societies must constitute the only core of the analysis, considering that States are very different. And, moreover, they are frequently part of the problem of the international system insecurity."[5]

As a matter of fact, there is a practical application of the concept, the doctrine of the "Responsibility to Protect" which appears in the 2005 UN World Summit Outcome held in New York from 14 to 16 September, 2005. The basic principles of the doctrine appear for the first time in an official document, in the Report published under this title by the International Commission on Intervention and State Sovereignty, founded at the request of the Canadian government, in December 2011[6]. In the aforementioned doctrine of the United Nations, each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, but the international community, through the United Nations, also has the responsibility to help in that protection, which includes the responsibility to prevent, act and rebuild, by using the appropriate diplomatic, humanitarian and other peaceful means, even agreeing to adopt collective measures, through the Security Council, in accordance with Chapters VI and VIII of the Charter, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations. [7]

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[1] *Human Development Report 1994*. United Nations Development Program, p. 22, Chapter 2. (1994) http://hdr.undp.org/en/reports/global/hdr1994/chapters/

[2] Ibid., p. 23.

[3] Amador Enseñat y Berea. *El concepto de Seguridad Nacional en las estrategias de Seguridad Nacional*. December 2009.

[4] Mario Laborie Iglesias. *La evolución del concepto de seguridad*. June 2011. DIEEM05-2011.

[5] Ibid., p. 4

[6] International Commission on Intervention and State Sovereignty. *The Responsibility to Protect, Ottawa*: International Development Research Centre, December 2001.

[7] 2005 UN World Summit Outcome (UN General Assembly Resolution 60/1) 24 October 2005.

THE COMMON SECURITY AND DEFENCE POLICY OF THE EUROPEAN UNION (CSDP)

The European Security Strategy clearly establishes that: "Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order", in order to, in the implementation report five years later, declare that: "Drawing on a unique range of instruments, the EU already contributes to a more secure world. We have worked to build human security, by reducing poverty and inequality, promoting good governance and human rights, assisting development, and addressing the root causes of conflict and insecurity." At the same time, the Strategy echoes the responsibility to protect and, therefore, states that: "With respect to core human rights, the EU should continue to advance the agreement reached at the UN World Summit in 2005, that we hold a shared responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

Moreover, in order to respond to changes in the environment in security matters, the Strategy considers essential to improve the internal efficiency, in the regional environment and at a global level, and to do so it is necessary to "continue mainstreaming human rights issues in all activities in this field, including ESDP[8] missions, through a people-based approach coherent with the concept of human security. The EU has recognised the role of women in building peace. Effective implementation of UNSCR[9] 1325 on Women, Peace, and Security and UNSCR 1612 on Children and Armed Conflict is essential in this context."

So, the European Union, which launched its first military operations in 2003[10], and since then has deployed 27 military, police and rule of law operations on three continents—Africa, Europe and Asia—, includes the human factor from the beginning of its planning with a clear approach to Human Rights, and the protection and support of gender. This vision is not only based on a matter of principles, but also in the critical meditation of the results achieved during almost 10 years of experience, and which pretends to make the operations more effective.

In this sense, and to achieve its goals in the crisis management, conflicts prevention and post-conflict stabilization, taking into account that human rights violations are a fundamental part of crisis generation and its evolution in long-lasting and significantly cruel conflicts, the promotion of these rights with a special emphasis on gender, rights of the child and the rule of law are key for its resolution. This approach will enable the stabilization of the societies suffering from these injustices, by setting the basic pillars to start the path which will guide them to sustainable development. In order to achieve it, it is essential that, from the beginning and during the development, the civilian missions and the military

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[8] European Security and Defence Policy
[9] UN Security Council Resolution
[10] CONCORDIA, in the Former Yugoslav Republic of Macedonia FYROM and ARTEMIS in the Democratic Republic of the Congo

operations include expert staff in these matters.

The EU reflects this effort to deal with the issue in a comprehensive and methodical way in its theoretical approach to Human Rights and Gender in the European Security and Defence Policy[11]. This approach is divided by the Council into: Human Rights, Gender, Children and Armed Conflict, International Humanitarian Law, Transitional Justice[12], Standards of Behaviour, Protection of Civilians and Civil Society.

In the **introduction** it clearly defines the problem, which is how to transfer EU common values[13], when implementing the CSDP, in societies living different sensibilities during the execution of military operations and civilian missions. The preservation of these principles is not only something coherent, but also a challenge of credibility.

Human Rights

The Political and Security Committee (COPS)[14] endorsed in 2006 that: "The protection of human rights should be systematically addressed in all phases of ESDP operations, both during the planning and implementation phase, including by measures ensuring that the necessary human rights expertise is available to operations at headquarter level and in theatre; training of staff; and by including human rights reporting in the operational duties of ESDP missions."

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[11] Mainstreaming Human Rights and Gender into European Security and Defence Policy. Council of the European Union

[12] Transitional justice is a response to systematic or widespread violations of human rights. It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse.
http://ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf

[13] "The European Union is based upon and defined by its attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and the rule of law. The European Union considers that adherence to these principles constitutes the prerequisite for peace and stability in any society. As a global player in many regards, e.g. economically, in terms of its contribution to humanitarian efforts etc., the EU also has a global responsibility to protect and promote human rights." These three elements are essential: The European Instrument for Democracy and Human Rights (EIDHR); The UN Human Rights Council (HRC); and the agreement with the Universal Periodic Review -UPR.

[14] The Political and Security Committee (COPS) is the permanent body in the field of common foreign and security policy mentioned in Article 38 of the Treaty on European Union. It is made up of Ambassadors from the 27 Member States. Its remit is: to monitor the international situation in the areas covered by the common foreign and security policy (CFSP); to contribute to the definition of policies; to monitor implementation of the decisions taken under the responsibility of the High Representative of the Union for Foreign Affairs and Security Policy. Under the responsibility of the Council and the High Representative, the Committee exercises political control and strategic direction of crisis management operations. It may thus be authorised to take decisions on the practical management of a crisis. It is assisted by a Politico-Military Group, a Committee for Civilian Aspects of Crisis Management, and the Military Committee (MC) and Military Staff (MS). Following the entry into force of the Treaty of Amsterdam, the Helsinki European Council of December 1999 approved the establishment of COPS. The Committee was originally temporary but became a standing body after the Nice European Council of December 2000.

Henceforth, the elements related to human rights should be included in the Concept of Operations (CONOPS), the Operation Plan (OPLAN) and the rules of engagement (ROE), because they take into account its two aspects of promotion and respect.

Gender

On 31st October 2000, the UN Security Council adopted the 1325 resolution, which constituted the turning point in the international community's engagement to forever modify the archaic vulnerability condition of women in a conflict situation. Especially when this conflict is armed. Therefore, the resolution asks for an international effort to involve women at all decision-making levels in the peacekeeping and conflicts' resolution; as well as in the humanitarian aid efforts.

In this sense, the EU has established the UNSCR 1325 as a basic principle for its CSDP's operations and missions, and has developed a theoretical and practical structure for its implementation at all levels, but, in particular, in the area of operations. This approach, that could be considered very theoretical, is complemented with the practical and comprehensive application in all the phases of an operation that, through the EU experience, generate a more effective dynamic in the achievement of the mandate's objectives[15].

In order to effectively follow the objective's achievement in gender balance, statistics will be required. Also, like in the human rights case, the importance of advisers, information focal points and training, together with an information active policy, is emphasized. In this sense, there is a special interest on politics and actions for the effective integration of displaced persons and refugees, always with a huge feminine and children's component. This comprehensive approach is linked to the concept of the Security Sector reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR), as well as in the Rule of Law[16] activities, with a special accent on the necessary legal reforms to avoid discrimination due to gender reasons.

Also, it is important to highlight that, for the EU, to include gender issues in its operations and missions is not an objective, but a way to improve its capacities and effectiveness, by using all the human resources with their maximum potential. Another element to be

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[15] There is a detailed check list in: "Check list to Ensure Gender Mainstreaming and Implementation of UNSCR 1325 in the Planning and Conduct of ESDP Operations" (doc. 12068/06)

[16] "For the United Nations, the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency."

emphasized is the economic consideration of women incorporation in the social system and thus within the economic flow. Recently, in the last APEC (Asia-Pacific Economic Cooperation)[17] Meeting, the US Secretary of State, Hillary R. Clinton, by using the World Bank sources, evaluated the economic impact of gender discrimination, on $ 40 billion annual losses in the Gross Domestic Product of the group of economies of the area[18]. But the fact is that women's malnutrition while breastfeeding constitutes a physical as well as mental drawback for the future teenager, which becomes a handicap in the development possibilities of the societies suffering from it.

Another essential aspect of the gender perspective within the CSDP is ensuring, in relation to third countries, zero tolerance regarding sexual exploitation and prostitution.

Children and Armed Conflicts

Unfortunately, children are, too frequently, the victims and actors of conflicts caused by adults[19]. This cruel issue, and highly usual in a lot of conflict scenarios, is expressed through the frequent resolutions in the UN Security Council affairs demanding a coordinated and active action; at a local, regional and global level. The EU considers that all the effort made to protect children can have an impact not only in the current period, but also in future generations, thus, its results have a very important projection into the future.

Supporting the United Nations, and all the international criminal system, every CSDP[20] mission and operation must inform and send an analysis of the impact on the children situation focused on the six basic violations (although others are not excluded): recruitment and deployment of children by armies and armed groups, killing and maiming of children, attacks against schools and hospitals, blockage of humanitarian access, sexual and gender-based violence, and kidnapping.

It is a very important issue that was lastly raised by the United Nations which adopted a resolution on past 19th September[21], stressing the eight previous resolutions produced since 1999 about the same subject. In the Secretary-General report[22], which is used as the base of

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[17] Jesús Diez Alcalde, *APEC 2012: hacia el fortalecimiento económico de la región Asia-Pacífico.*
Available at: http://www.ieee.es/contenido/noticias/2012/09/DIEEEI60-2012.html

[18] "Now, by some estimates by the World Bank and others, restrictions on women's economic participation are costing the APEC region more than $40 billion in lost GDP every year." Available at: http://www.state.gov/secretary/rm/2012/09/197519.htm

[19] Statistics show it clearly: In the past decade alone, armed conflicts are estimated to have claimed the lives of over two million children and physically maimed six million more. There are some twenty million displaced and refugee children, as well as one million orphans**.** At any given time, there are estimated to be at least 300,000 child soldiers participating in conflicts.

[20] There is a detailed check list in: "Checklist on Children Affected by Armed Conflict". (doc. 9822/08)

[21] UNSCR 2068 (2012):
http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/515/61/PDF/N1251561.pdf?OpenElement

[22] http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/320/83/PDF/N1232083.pdf?OpenElement

the resolution, there was a detailed revision of the serious violations committed in the 17 situations within the Security Council Agenda, as well as another seven.

Also, and for the first time, Thomas Lubanga Dyilo was found guilty by the International Criminal Court, on 12th March 2012, of war crimes of enlisting and conscripting children under the age of 15 in the Patriotic Force for the Liberation of Congo and using them to participate actively in hostilities. He was sentenced on July to 14 years of prison. Hence, an important first case of international jurisprudence has been established, and it can be used as a warning signal to allow judging similar cases.

International Humanitarian Law

According to the EU fundamental principles, International Humanitarian Law must be considered as a priority goal in the development of the CSDP's operations and missions, in order to relieve the effects of armed conflicts. The legal framework is essential to regulate the means and methods used during the conflict, forcing all the involved actors to comply with the regulations. At the same time, this framework must be applied to all cases, both in conflicts of international and internal character, irrespective of their origin.

Transitional Justice

The CSDP can adopt an integral approach to conflict resolution thanks to the wide variety of instruments provided by the EU. This comprehensive approach can be the most effective way to support the post-conflict transition and institutional reinforcement that allow a socially stable coexistence. As conflicts nearly always involve violations of human rights, the balance between peace and justice is essential to avoid a bad start which could block a sustainable and long-lasting solution for the crisis factors.

In this sense, the concept of transitional justice is essential to help in establishing a legal framework. This legal framework must allow confronting past abuses and support a deep and full transition that will lead to reconciliation in order to overcome social traumas and past atrocities. In this transitional background, reconciliation and justice must be combined with other public interest objectives, such as the consolidation of peace, democracy, economic development and public security. This vision must be taken into account during the operational planning, and, in particular, on the exit strategy.

Code of Conduct

The multiplication of CSDP operations and missions, as well as the increasing complexity of the crisis situations, increases the vulnerability and exposure of the EU personnel directly involved or in the environment of the area of operations. The scenario in Afghanistan gives us dramatic examples of how inappropriate behaviors have disastrous effects of tragic consequences. The concept of soft power, and the so-called *war narratives*, require an exemplar standardized code of conduct. Although, according to the reality of the human factor, the first requirement is, undoubtedly, to win, it is not less true, in order to win the

peace, the need of persuading.

So, by asking the deployed personnel for the highest standard of behavior, we are not only doing things rights, but also reinforcing the EU credibility as a global actor in the crisis management through the CSDP.

The generic reference, which is used as a model for the code of conduct[23], allows a common approach to the problem, contributing to its moral cohesion, although each operation should apply its specific rules of conduct depending on the environment and the mandate in which it is developed. This generic reference, essential to maintain the coherence between military operations and civilian missions must be reviewed continuously through the creation of learned lessons.

The basic elements to preserve the mandate legitimacy and, eventually, the consent and cooperation of parties involved in the conflict are: personal integrity; impartiality when achieving the operation's objectives, regardless of provocation and challenge; the strict neutrality when carrying out the tasks, showing no favoritism, in spite of personal opinion; not expressing in public political, religious or ethnic preferences, or getting involved personally in any political activity in the area of operations; and to respond impartially to any request of assistance.

Protection of Civilians

Civilians are the weakest element in the current scenarios of conflict. They are, frequently, accidental victims of the conflict (the so-called collateral damage), although they are also the target of deliberated attacks. As the European Security Strategy explains: *"Over the last decade, no region of the world has been untouched by armed conflict. Most of these conflicts have been within rather than between states, and most of the victims have been civilians [...] Since 1990, almost 4 million people have died in wars, 90% of them civilians. Over 18 million people world-wide have left their homes as a result of conflict."*

The world, through Human Security and the Responsibility to Protect, has originated a profound debate and has established, although it is not fully accepted, a doctrinal body for its implementation. The EU, within its considerable variety of instruments serving the CSDP, counts, in its structure, with the Committee for Civilian Aspects of Crisis Management(CIVCOM) which depends on the COPS and works in parallel with the Military Committee. These bodies, in turn, can count on the Civilian Planning and Conduct Capability (CPCC) and the Military Staff of the European Union (EUMS) for its implementation.

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[23] https://www.un.org/en/peacekeeping/documents/ten_in.pdf *"Ten rules code of personal conduct for blue helmets"; "G*eneric standards of behaviour for personnel in CSDP operations";
http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-products-products&productcatid=14
"Plan of Action and Core Principles of Codes of Conduct on Protection from Sexual Abuse and exploitation in Humanitarian Crisis"

Civil Society

Failing and failed states are one of the causes of crisis recurrence; Solana's report about the European Security Strategy indicated that: *"Conflict is often linked to state fragility. Countries like Somalia are caught in a vicious cycle of weak governance and recurring conflict. We have sought to break this, both through development assistance and measures to ensure better security. Security Sector Reform and Disarmament, Demobilisation and Reintegration are a key part of post-conflict stabilisation and reconstruction, and have been a focus of our missions in Guinea-Bissau or DR Congo. This is most successful when done in partnership with the international community and local stakeholders."*

"The link between security, development and good governance"[24], through the efforts to reinforce the State's institutions, together with the support to individuals, groups, social entities defending and promoting human rights and fundamental freedoms, and the improvement of the cooperation with NGOs and civilian organizations that strengthen the population social framework[25], are essential aspects to improve the operational effectiveness in the theatre of the CSDP missions.

CONCLUSIONS

According to the evolution of the geopolitical framework, the security strategic thinking should establish the human factor as the fundamental core idea of its narrative, with more than 60% of the population under 30 years old. Human Security appears clearly, more and more, as the distinctive feature of the complex relational framework with which the 21st century concept of security pretends to be created. A generic framework in which humanity must be placed in the middle of the scenario, that Joseph Nye graphically stages as: *"… increasingly crowded of new actors"*, with new possibilities of information access and exchange. A situation that according to Brzezinski[26] is causing the appearance of moving events that increases power's dispersion: *"the worldwide political awakening of populations, until recently, politically passive or repressed"*.

The EU with its wide variety of tools capable of acting in a comprehensive way[27] constitutes

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[24] Cuaderno de Estrategia del IEEE nº 138. *"La Reforma del Sector de Seguridad: el nexo entre seguridad, el desarrollo y el buen gobierno"*.
http://www.ieee.es/documentos/cuadernos-de-estrategia/detalle/cuaderno-138.html

[25] *"Recommendations for Enhancing Co-operation with Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) in the Framework of EU Civilian Crisis Management and Conflict Prevention"* (doc. 15574/1/06, 22 November 2006).
"Action Plan for Civilian Aspects of ESDP". European Council (17-18 June 2004).
http://www.consilium.europa.eu/uedocs/cmsUpload/Action%20Plan%20for%20Civilian%20Aspects%20of%20ESDP.pdf

[26] BRZEZINKSI, Zbigniew. *"Strategic Vision. America and the crisis of global power"*. Basic Books. New York. 2012.

[27] "To develop that comprehensive approach we need three things:
• A clear definition of our strategy, bearing in mind the EU's interests;
• We have to have effective coordination of what we do;
• And swift delivery by the EU and member states' networks overseas"
ASTON, Catherine. *" Speech by High Representative Catherine Ashton in the European Parliament on the Brok Report on the Annual Report on CFSP".* 11.09.2012

a model that other regional organizations should follow. These organizations are increasingly integrating all the necessary elements to act in "multi-faceted, complex and particular"[28] situations with the human factor as the core concept and facing the difficulties originated by this approach. But this model, this potentiality used through the CSDP, as an active actor in the current and future geostrategic framework, is not very useful if, as the European Security Strategy emphasizes: *"We have instruments in place that can be used effectively, as we have demonstrated in the Balkans and beyond. But if we are to make a contribution that matches our potential, we need to be more active, more coherent and more capable. And we need to work with others."*

Human Security is a perfect opportunity for strengthening the values, on which the EU is based, to become its strategic goal, capable of bringing together the national interests and harmonize the political wills of its members, allowing the CSDP to be more active, coherent, cooperative and capable.

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[28] *Ibid.*