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Dorothy Estrada-Tanck, *Human Security and Human Rights under International Law: The Protections Offered to Persons Confronting Structural Vulnerability*. London: Hart Publishing, 2016, 360pp. £54.99. ISBN 9781509902385.

Existing scholarship on the relationship between law and human security is slim.¹ Estrada-Tanck's deeper consideration of synergies between international human rights law (IHRL) and human security is a welcome addition to a body of work in desperate need of expansion. In the legal sphere, work on vulnerability and the increased risks of persons to human rights violations is frequently encountered but authors do not make the direct link to the body of work on human security that resides outside legal scholarship. Furthermore, existing work in other related fields such as development, international relations, and security studies do not, for the most part, expressly consider law as a method for mobilising human security. An overriding debate for the last two decades has been the exact content of human security, which is to be expected. Other authors have attempted to move the debate beyond definitional discussion and sought to implement human security's approaches as a second generation of human security.² Estrada-Tanck's book is one such endeavour.

Naturally, a monograph cannot cover all aspects of human security nor all situations where individuals are faced with threats or exposed to severe vulnerabilities. The book develops a thesis that identifies synergies between human security and IHRL by utilising both a human security lens to examine IHRL and a rights-based approach to human security. These two approaches mean the book can have usages beyond the analysis of violence against women and undocumented (female) migrants located in the later chapters and can be operationalised in other situations. The book also grounds itself in human rights case law from international and regional bodies to give the work substantive legal content.

In Chapter 1, Estrada-Tanck identifies the use of vulnerability by the 2012 UN General Assembly Resolution defining human security.³ Estrada-Tanck bases her interpretation of human security on this resolution due to its strong basis in human rights and because of the fact a General Assembly resolution is the product of multilateral state consensus (pp 28-29). The chapter argues that a definition of human security can be constructed from existing IHRL and include all rights. The book disagrees with Barbara von Tigerstrom that only 'basic rights' related to 'survival, livelihood and dignity' are relevant for human security and postulates that once human security is given IHRL content it can be used to identify widespread violations or how a violation has a particularly serious impact on a vulnerable population.⁴ Estrada-Tanck envisions human security as first promoting action on threats and vulnerable situations that do not fall under the traditional grave categories of genocide, crimes against humanity, and war

¹ Examples include, Gerd Oberleitner, 'Human Security: A Challenge to International Law?' (2005) *Global Governance* 11(2) 185-203; Lyal Sunga, 'The Concept of Human Security: Does it Add Anything of Value to International Legal Theory or Practice?' In Marie-Luisa Frick and Andreas Oberprantacher (eds), *Power and Justice in International Relations. Interdisciplinary Approaches to Global Challenges* (Ashgate 2009) 131-148; Hisashi Owada, 'Human Security and International Law' In: Ulrich Fastenrath, Rudolf Geiger, Daniel-Erasmus Khan, Andreas Paulus, Sabine von Schorlemer and Christoph Vedder (eds), *From Bilateralism to Community Interest: Essays in Honour of Bruno Simma* (OUP 2011) 505-520; Barbara von Tigerstrom, *Human Security and International Law: Prospects and Problems* (Hart 2007); Christine Chinkin and Mary Kaldor, *International Law and New Wars* (CUP 2017).

² See Wolfgang Benedek, Matthias Kettemann and Markus Möstl (eds), *Mainstreaming Human Security in Peace Operations and Crisis Management* (Routledge 2011) and Oscar A. Gómez, Des Gasper and Yoichi Mine 'Moving Development and Security Narratives a Step Further: Human Security in the Human Development Reports' (2016) *The Journal of Development Studies* 52(1) 113-129; Chinkin and Kaldor, *supra* note 1, 32-34.

³ UN General Assembly, 'Follow-up to paragraph 143 on human security of the 2005 World Summit Outcome', (25 October 2012) UN Doc A/RES/66/290.

⁴ See von Tigerstrom, *supra* note 1.

crimes. Second, human security can contextualise threats and responses for specific populations such as women, undocumented migrants, and other ethnic or religious groups (pp 38-39).

Chapter 2 provides greater depth to the book's choice of risk situation and structural vulnerability identifiers. Estrada-Tanck briefly engages with Martha Fineman's thesis on vulnerability but chooses to adopt a similar approach to that of regional human rights bodies supporting the identification of vulnerable groups. Authors have argued previously that there is no conceptual clash between the approach of the European Court of Human Rights (ECtHR) in identifying vulnerable groups and Fineman's conclusion that all human beings are vulnerable because, "All applicants are vulnerable, but some are more vulnerable than others".⁵ Readers unfamiliar with vulnerability literature may need to refer to other texts to fully assess the book's decision to adopt the approach, especially with regards to the risks associated with designating a group as vulnerable.⁶ Due to the fact the book rests on vulnerability a more expansive discussion of the risks associated with such an approach is warranted. The book links the vulnerability approach to situations of state responsibility for breaches of human rights law where states must prevent the mere risk of violations. The risk of violations can be aided by the identification of vulnerable groups by regional human rights courts that in turn result in greater positive obligations for the state.

In Chapter 3 Article 28 of the Universal Declaration of Human Rights and Article 29 of the Maastricht Principles are identified as 'human security territory'.⁷ This is because an international environment conducive to human rights is similar to the vital core of human security and its role as the enabler of human development. Estrada-Tanck sees these provisions as the key link between human rights and human security where human security does not have sufficient content to become a new, distinct human right. Instead it is an 'integrating bridge' between interrelated norms that protect from risks and vulnerabilities (p 97). This link raises the important question as to whether it is desirable for human security to be a human right as per Article 28?

Chapters 4 and 5 take narrower focuses. Chapter 4 looks at violence against women and aims to emphasise the need for human security to be given a stronger human rights and gender footing. The book argues human rights instruments on women could give content to gender aspects of human security and allow human security to have more precision and further empower people as rights holders (p 120). Chapter 5 examines undocumented migrants and takes a reverse synergy approach to see if human rights law can be enriched through human security. The conclusion is that the use of a human security lens increases the visibility of vulnerabilities that lead to human rights violations (p 204-212) Particularly, where there are 'invisible victims' or victims who are stigmatised by the law. One of Estrada-Tanck's examples is state-level laws in the US which 'deepen human insecurity' and deny fundamental human rights to persons based on their immigration status.

Chapter 6 further narrows undocumented migrants to specifically analyse the situation of women. A key issue with undocumented migrants is the fact that much of the vulnerability they face is constructed by the law (p 216). The book expresses the view that this is because

⁵ Lourdes Peroni and Alexandra Timmer, 'Vulnerable Groups: The promise of an emerging concept in European Human Rights Convention Law' (2013) *International Journal of Constitutional Law* 11(4) 1056-1085, quoting a ECtHR judge at 1060-61.

⁶ See John Tobin, 'Understanding Children's Rights: A Vision beyond Vulnerability' (2015) *Nordic Journal of International Law* 84(2) 155-182, 165.

⁷ The Maastricht Principles were adopted by a meeting of academic experts and have been signed by former members of UN treaty bodies and Special Rapporteurs. The Principles do not constitute a legally binding document. Available at: 'Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights' (Maastricht University & the International Commission of Jurists, 2011) <https://www.fidh.org/IMG/pdf/maastricht-eto-principles-uk_web.pdf> last accessed 23 May 2017.

the state does not provide adequate avenues for undocumented migrants to seek the enforcement of their rights and their situation is further exacerbated by states clamping down on safe, legal migration routes. The book's example of the vulnerability of undocumented women who suffer abuse from their partner and only come forward to escape such abuse once they have legal status is especially eye-opening. The chapter also enumerates case law that has or has not applied a human security lens. For example, in *MSS v Belgium* the ECtHR found that the applicant was entitled to sufficient social conditions to live with dignity in line with a human security lens. It is interesting that it is not only different courts/committees that interpret similar human rights laws differently but Estrada-Tanck shows how the same court can adopt wholly different approaches to human security in its case law where the vulnerability of applicants has not been expressly considered.

Estrada-Tanck gives a range of conclusions that cannot be fully set out here. Generally, the book argues that human security makes visible human rights risks that would be otherwise hidden and can be a heuristic tool to identify risk situations and structural vulnerabilities that require extra attention to prevent human rights violations. This would allow human security to operate as the enabling environment expressed in Chapter 3 and would promote communication between the state, human rights bodies, civil society, and individuals that embody human security's bottom-up approach, along with the use of non-traditional sources of evidence in human rights cases. The book also argues that IHRL, international humanitarian law and international criminal law can give normative content to human security and rectify many of the definitional issues faced by the concept. The compatibility of sharing normative content between human security and public international law requires more detailed attention in future work but viewing human security as a heuristic tool with which to analyse legal regimes is promising.

The book articulates well the increased risks that persons in situations of structural vulnerability face and reflects the policy-driving purpose of the human security concept. Particularly, the idea that if we view law as a living phenomenon then a dialectic process of determining the common good resulting in human security encapsulates the purpose this book perfectly (p 251). In light of Rebecca Cook's 'seamless web' of law where unrelated areas of law can reinforce each other, drawn on by Estrada-Tanck, human security can identify the severity of threats and vulnerabilities across a range of fields and connect actors in seeking the common good. Human security was incorporated into the foreign policies of several middle power states, is used by the UNDP as an analytical framework, and the UN supports human security projects globally but the operationalisation of human security must go further.⁸ Readers may have reservations with the argument that human security should have IHRL content due to assertions that the existing, binding IHRL regime should not be undermined or that IHRL has an inherently state security-based approach that is incompatible with human security. Nevertheless, Estrada-Tanck's work demonstrates that the role of states and their existing human rights obligations cannot be ignored when analysing human security. There is a clear need for states and institutions to work together with civil society and communities on lessening the effect of structural vulnerability on human insecurity by adopting a human security lens.

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⁸ See the [UNDP Human Development Reports](#) (global, regional and national) and the work of the [UN Trust Fund for Human Security](#).