R2P=MDGs: Implementing the Responsibility to Protect through the Millennium Development Goals

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Recommended Citation

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Keywords

International Law: History, War, Violence

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IMPLEMENTING THE RESPONSIBILITY TO PROTECT
THROUGH THE MILLENNIUM DEVELOPMENT GOALS

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INTRODUCTION

In 1945 the United Nations was founded on the audacious notion that the use of military force – "the scourge of war" – should be contained at all cost.[1] Then in 1948 the UN General Assembly recognized the interconnected web of civil-political rights and socio-economic rights by adopting the Universal Declaration of Human Rights, inspiring the world community to protect the full spectrum of rights as the surest path to durable peace and human security.[2] Yet in the twenty-first century states continue to pursue geopolitical interests through military interventions, in violation of the UN Charter, and armed forces continue to target civilians, in violation of humanitarian law. Moreover, despite the post-Holocaust pledge "never again," crimes against humanity have continued to proliferate around the globe, from Cambodia and Argentina in the 1970's, to Bosnia and Sierra Leone in the 1990's, to Darfur and Sri Lanka in recent years.[3] Finally, states and international institutions prioritize civil liberties at the expense of social rights, despite overwhelming evidence that pervasive under-development and entrenched socio-economic inequality lead inexorably to armed conflict.

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1. U.N. Charter preamble, *available at* http://www.un.org/en/documents/charter/preamble.shtml.

2. *See* Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) at 71 (Dec. 10, 1948), *available at* http://www.un.org/en/documents/udhr/.

3. *E.g.*, Kelly Dawn Askin, *"Never Again" Promise Broken Again. Again. And Again*, 27 CARDOZO L. REV. 1723, 1723-29 (2006); *see also* Daisy Sindelar, *Post-Holocaust World Promised 'Never Again' – But Genocide Persists*, Radio Free Europe Radio Liberty (Jan. 26, 2005), http://www.rferl.org/content/article/1057096.html; *see also* JENNIFER MOORE, HUMANITARIAN LAW IN ACTION WITHIN AFRICA 1-2 (Oxford University Press 2012) (referencing genocides in Bosnia, Croatia, Rwanda and Darfur in recent years, as well as humanitarian emergencies in Afghanistan, Burundi, Colombia, the Democratic Republic of the Congo, Kosovo, Liberia, Sierra Leone, Somalia, Sudan, Sri Lanka, and Uganda over the past two decades).

This essay is a peaceful call to arms based on the understanding that an essential way to fight the most egregious and widespread human rights abuses is through a broad-spectrum approach to human security grounded in the Millennium Development Goals and a new, non-military, understanding of humanitarian intervention. The *responsibility to protect*, often cited as a justification for military force to stop genocide, crimes against humanity, and other widespread human rights abuses, is better seen as a commitment by all nations to strengthen their own social welfare and human rights systems, and for those nations with more resources to assist those with less to do the same.

Section A below reviews the United Nations' early emphasis on constraining the use of military force and promoting human rights in both civil-political and socio-economic terms. Section B contrasts the prevailing contemporary responses of the international community to varying types of human rights abuses. Section C focuses on two important twenty-first century developments in international law: the responsibility to protect (R2P) and the Millennium Development Goals (MDGs). I conclude by arguing that a socio-economic vision of humanitarian intervention provides the international community with a vital opportunity to return to first principles regarding the meaning of human dignity and security.

A. THE UNITED NATIONS IN INFANCY: PREVENTING WAR AND PROTECTING HUMAN RIGHTS

The Vision of the UN Charter

The Members of the United Nations, in the Preamble to its Charter, pledge themselves "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, [and] in the dignity and worth of the human person . . ."[4] The prevention of war and the protection of human rights are fundamental to the form and function of the United Nations, reflected in the mandate of two of its primary organs: the Security Council, in its charge to maintain peace and security; and the Economic and Social Council, in its call to enhance human security and promote human rights.[5]

In the realm of war and peace, Article 2(4) of the U.N. Charter provides that "[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . ."[6] Qualifying this general

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4. *See* U.N. Charter, *supra* note 1.

5. *See id.* arts. 39, 62.

6. *Id.* art. 2, para. 4.

prohibition, Chapter VII of the Charter empowers the Security Council to order or permit the use of military force where necessary "to maintain or restore international peace and security," and Article 51 recognizes the right to "individual or collective self-defense."[7] Thus, despite the Preamble's recognition of the "scourge of war," the Charter seems to express a qualified acceptance of the use of force.

In addition to the language of the Charter, a customary norm of humanitarian intervention has been cited from time to time to justify military intervention in the name of ending widespread human rights abuses, as in the late 1970's when Tanzanian troops defeated Idi Amin in Uganda and Vietnamese forces removed Cambodia's Khmer Rouge government. Humanitarian intervention was one proffered rationale for the U.S. military intervention in Iraq in 2003.[8] Thus, alongside the difficulty of legally reconciling a treaty-based general prohibition against the use of force with a customary basis for exceptional circumstances in which force is justified, the norm of humanitarian intervention may be prone to a certain self-serving application by states.[9]

Despite the potential for manipulation of the norm, humanitarian intervention remains a compelling concept, particularly in the face of crimes against humanity. The United Nations' recent articulation of the responsibility to protect, discussed below, is a contemporary interpretation of this long-standing tradition. Yet R2P is short-changed when conceived as a mere mandate to use force. Its deeper potential lies in obviating the need for military intervention through the provision of development assistance that enhances socio-economic conditions of life throughout the developing world.

The Universal Declaration of Human Rights

In affirming human dignity, the Universal Declaration of Human Rights (UDHR)[10] remains the mother lode of modern human rights instruments. The significance of the UDHR is unquestioned, whether it is considered to be customary international law, an amplification of the

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7. *Id.* arts. 39, 51.

8. *See* Ann Clwyd, *Iraq is Free at Last: The Evidence of Saddam's Atrocities I Collected Was Enough to Vindicate Invasion, But It Wasn't Taken Seriously*, THE GUARDIAN (Mar. 30, 2004), http://www.guardian.co.uk/politics/2004/mar/30/iraq.iraq1. *See generally* President George W. Bush, Address to the United Nations (Sept. 12, 2002), *available at* http://www.cbsnews.com/stories/2002/09/12/national/main521781.shtml (President Bush addressed the United Nations laying the foundational justifications for the 2003 invasion).

9. *See* JENNIFER MOORE, HUMANITARIAN LAW IN ACTION WITHIN AFRICA 52 ("The potential corruption of the responsibility to protect in the cynical service of national self-interest is dramatically illustrated by the US rationalization for launching the Iraq war in 2003 and Russia's characterization of its invasion of South Ossetia in 2008.").

10. *See generally* Universal Declaration of Human Rights, *supra* note 2.

human rights provisions in the Charter, or the blueprint for a new wave of international human rights treaties. Chief among its progeny are the two International Covenants, adopted in 1966; and three regional human rights treaties, covering Europe, the Americas and Africa, respectively. The human rights enumerated in the UDHR encompass basic physical and psychic integrity, as in the rights to life, humane treatment, equality, and due process; liberty rights, including political participation and freedom of expression; and welfare rights, spanning education, health care, and a decent standard of living.[11]

A core principle of the Universal Declaration is the interdependence and inseparability of so-called *socio-economic* and *civil-political* rights. The UDHR Preamble proclaims "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want . . . as the highest aspiration of the common people."[12] Despite this integrated vision of human rights, when the international community sat down to draft treaty language in 1966, it carved out two separate spheres in the form of two international covenants, one dealing with economic, social and cultural rights, the other with civil and political rights.

B. PUTTING HUMAN RIGHTS LAW TO THE TEST: REMEDIES FOR CIVIL-POLITICAL VIOLATIONS AND SOCIO-ECONOMIC DEPRIVATIONS

Human rights are too often honored in the breach. All too often, students of human rights law explore their subject matter through narratives of human rights violations in countries around the world. What they quickly learn is that the mechanisms for enforcing the norms, through prevention and remedial measures, are limited in scope and impact. Judicial and quasi-judicial bodies are mandated to identify violations, call for reforms, and sometimes impose tort-like reparations, but such action is not uniformly taken. A common distinction is drawn between instances of political repression and experiences of social misery. States are more frequently found liable for denials of civil liberties than they are called to account for deprivations of social welfare.

A welfare-centered vision of humanitarian intervention would help correct the disequilibrium in the implementation of civil-political and socio-economic human rights. Our first task is to trace the historical roots of this double standard, originating in the decision to draft two separate international covenants in the decades following the adoption of the Universal Declaration of Human Rights in 1949.

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11. *Id.* ¶¶ 1-3, 5-7, 11, 18-19, 21-26.
12. *Id.* Preamble.

Repression of Civil Liberties

A variety of human rights treaties have empowered judicial or quasi-judicial bodies to hear allegations of violations of civil and political rights. The first to do so was the 1966 International Covenant on Civil and Political Rights (ICCPR),[13] which entered into force in 1976. The ICCPR codified a number of peremptory norms of international law, namely the prohibitions against torture, slavery, and extra-judicial execution. In addition, the treaty spans a broad spectrum of civil and political liberties, including due process and fair trial rights, freedom of movement, privacy, freedom of conscience and religion, free expression, freedom of assembly, the right to participate in government, and the equal protection of the law. These norms are also set forth in the Universal Declaration of Human Rights. The Civil and Political Covenant further recognizes the right of all peoples to self-determination, and devotes a separate article to the equal rights of men and women.[14]

Article 2 of the ICCPR obligates each state party "to respect and to ensure to all individuals . . . the rights recognized . . . without distinction of any kind." The "respect and ensure" language in the Civil and Political Covenant implies a relatively high degree of state obligation encompassing the state's duty to refrain from violations by its own agents and its responsibility to prevent and punish violations by non-state actors. The ICCPR also created a Human Rights Committee (HRC) with limited powers to interpret treaty provisions. States may sue each other in the HRC, alleging violations of enumerated rights. Furthermore, for states that have ratified a Protocol to the ICCPR, individuals may bring claims against their signatory governments for violations of their rights under the treaty. The HRC communicates its conclusion to the individual and the state as to whether specific provisions of the covenant have been violated.[15]

Other treaties that concentrate on civil and political rights are the African [Banjul] Convention on Human and People's Rights, the American Convention on Human Rights, and the [European] Convention for the Protection of Human Rights and Fundamental Freedoms.[16] These treaties have created courts and/or commissions of

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13. *See* International Covenant on Civil and Political Rights art. 28, ¶ 1, *opened for signature* Dec. 19, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).

14. *Id.* arts. 1, 3.

15. Optional Protocol to the International Covenant on Civil and Political Rights art. 5, 4, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 302 (entered into force Mar. 23 1976).

16. *See* African Charter on Human and Peoples' Rights, *adopted* June 27, 1981, 1520 U.N.T.S. 217 (entered into force Oct. 21, 1986) [hereinafter Banjul Charter]; American Convention on Human Rights, *adopted* Nov. 22, 1969, 1144 U.N.T.S. 123 (entered into force July 18, 1978); [European] Convention for the Protection of Human Rights and

human rights with jurisdiction to respond to petitions brought by individuals against their governments, as well as inter-state complaints. These judicial bodies have the capacity to determine if the responsible state party has breached a particular human rights norm and to require that the state make reparations for the harm it perpetrated, or which occurred under its watch. They may also call on the state to reform its legal system to prevent such violations from replicating themselves in the future.[17]

Deprivations of Social Welfare

In contrast to the consequences when there are violations of civil and political rights, the available remedies for breaches of economic and social rights are more limited. Yet despite the more qualified treaty language regarding state obligations to guarantee socio-economic rights, compelling legal, moral, and pragmatic arguments support state responsibility to promote social welfare by guaranteeing decent living conditions for all.

The International Covenant on Economic, Social and Cultural Rights (ICESCR)[18] was adopted in 1966 alongside the ICCPR, and, like its companion treaty, entered into force in 1976. The ICESCR recognizes a broad spectrum of socio-economic rights, including freedom of choice in employment, fair wages, safe working conditions, collective bargaining, social security, an adequate standard of living, health care, and education. These rights are articulated in similar form in the Universal Declaration of Human Rights. In addition, the Economic and Social Covenant contains two articles that virtually mirror two provisions of the Civil and Political Covenant: those devoted to the right of all peoples to self-determination, and the equal rights of men and women.[19]

In contrast to the ICCPR, Article 2 of the Economic and Social Covenant requires state parties "to take steps, individually and through international assistance and co-operation, especially economic and

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Fundamental Freedoms, *adopted* Nov. 4, 1950, 213 U.N.T.S. 222 (entered into force Sept. 3, 1953).

17. Despite their emphasis on civil-political rights, two of the three regional treaties also cover socio-economic rights to a limited extent. The Banjul Charter has three provisions relating to the rights to work, health, and education, respectively. Banjul Charter, *supra* note 16, arts. 15-17. The American Convention includes one provision by which parties "undertake to adopt measures . . . with a view to achieving progressively . . . the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States. . . ." American Convention, *supra* note 16, art. 26.

18. International Covenant on Economic, Social and Cultural Rights, *opened for signature* Dec. 19, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976), *available at* http://www2.ohchr.org/english/law/cescr.htm.

19. *Id.* arts. 1, 3.

technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized . . . [which shall] be exercised without discrimination of any kind. . . ."[20] In effect, the ICESCR made the enjoyment of economic and social rights dependent on state priorities in the allocation of resources or on the largesse of the international community.

The Economic and Social Covenant did not create a quasi-judicial body with powers commensurate with those of the Human Rights Committee created under the Civil and Political Covenant. Nevertheless, despite important limitations on its mandate, the ICESCR did constitute a Committee on Economic, Social and Cultural Rights with certain important responsibilities. State parties must report to the Economic and Social Committee on their progress in promoting the rights to education, health care, social security, and so forth. The committee can also issue "general comments" broadly interpreting certain provisions of the treaty, as it has on a spectrum of socio-economic rights, including housing, food, education, health, and water.[21] However, unlike the Human Rights Committee, the Economic and Social Committee is not mandated to hear inter-state or individual petitions. It also lacks the power to issue injunctive or remedial relief when a state is found to have violated treaty provisions, including the rights to food, affordable health care, free public education, or a decent standard of living.

Socio-economic human rights violations are as worthy of mandatory reparations and individual accountability mechanisms as are abuses of civil and political rights. Socio-economic deprivations are widespread, and the statistics are especially dramatic when we look at the globe through a comparative lens. If we consider the countries of the industrialized world in the aggregate, gross national income (GNI) per capita averages at nearly $40,000 per year.[22] Yet across the sixty least developed countries (LDCs) of the United Nations, in contrast, GNI per capita averages at less than $1,400 per year. Across the industrialized countries, life expectancy on average is eighty years, but for the LDCs overall, life expectancy is less than sixty years. In the richest countries of the world, average time in school is eleven years, whereas in the poorest countries it is under four years.[23]

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20. *Id.* art. 2.

21. *See* Comments on Economic, Social and Cultural Rights, Introduction, U.N. Doc E/1989/22, annex III, at 87 (1989), *available at* http://www1.umn.edu/humanrts/gencomm/epintro.htm.

22. *See, e.g., GNI Per Capita, PPP (current international $)*, The World Bank, http://data.worldbank.org/indicator/NY.GNP.PCAP.PP.CD (last visited Jan. 17, 2012).

23. *See* U.N. DEVELOPMENT PROGRAMME, THE REAL WEALTH OF NATIONS: PATHWAYS TO HUMAN DEVELOPMENT 152-56 (2010), *available at* http://hdr.undp.org/en/media/

If the indices of underdevelopment, economic inequality, human insecurity, and material deprivation are not enough to compel the world community to prioritize socio-economic rights, then perhaps the correlation between war and poverty will. There are significantly more wars, particularly civil wars, in poorer countries than there are in richer countries. Specifically, for the decade between 1997 and 2006, the probability of armed conflict in the world's most developed countries was less than two percent. For the same period, the probability of armed conflict for the least developed countries was nearly 40 percent.[24] Data linking underdevelopment to armed conflict and other humanitarian emergencies suggest there is a compelling argument for human rights-based interventions that are constructive rather than coercive in nature, entailing investments in social infrastructure rather than military firepower.

C. THE UNITED NATIONS AT THE MILLENNIUM: R2P AND THE MDGs

The *responsibility to protect* is an emergent principle of state accountability for massive human rights violations, developed as an antidote to international paralysis in the face of recurring and enduring humanitarian tragedies from Bosnia to Rwanda and Darfur. Arguably more ambitious than humanitarian intervention, which purports to *justify* a state's military action to stop abuses in another state, R2P implies the state's *obligation* to end such abuses.

"The Responsibility to Protect" was the title of a paper published in December 2001 by the International Commission on Intervention and State Sovereignty, established by the Government of Canada, exploring a principled basis for "intervention on human protection grounds."[25] The Commission's recommendations were cited by then-U.N. Secretary General Kofi Annan in his 2005 report to the UN General Assembly entitled "In Larger Freedom." R2P was endorsed by 150 members of the General Assembly during the 2005 session.[26] As a source of international law, the concept is still in the throes of progressive

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HDR_2010_EN_Complete_reprint.pdf (stating that the specific data for the LDCs is life expectancy of 57.7 years, years of schooling of 3.7 years, and GNI per capita of $1,393).

24. John Siebert, *Addressing Armed Violence in Development Programming*, PROJECT PLOUGHSHARES (May 1, 2008), *available at* http://www.ploughshares.ca/content/ addressing-armed-violence-development-programming. The more exact figures are a 1.6 percent probability of armed conflict across the industrialized world and a 38.7 percent probability for the least developed countries considered in the aggregate. *Id.*

25. International Commission on Intervention and State Sovereignty, The Responsibility to Protect (Dec. 2001), *available at* http://responsibilitytoprotect.org/ ICISS%20Report.pdf.

26. *See* G.A. Res. 60/1, ¶¶ 138-39, U.N. Doc A/RES/60/1 (Oct. 24, 2005), *available at* http://unpan1.un.org/intradoc/groups/public/documents/un/unpan021752.pdf; *see also* Neil MacFarquhar, *When to Step In to Stop War Crimes Causes Fissures*, N.Y. Times, July 22, 2009, *available at* http://www.nytimes.com/2009/07/23/world/23nation.html.

development. Annan recommended that the Security Council adopt a resolution formalizing R2P, but such action has not yet been taken.

In 2009, during the term of Annan's successor Secretary-General Ban Ki-moon, the General Assembly reevaluated the responsibility to protect, inviting the testimony of Edward Luck, Ban's special advisor on R2P. Luck recommended a three-stage approach: first, calling upon the state of origin to fulfill its primary responsibility to protect the people residing on its territory from massive human rights abuses; second, encouraging the home state to call on other states for help in the event it is unable to stop violations on its own; and third, if necessary, requiring the international community to intervene to provide life-saving assistance, with military action a last resort.[27]

During the debate regarding implementation of R2P, several state representatives and experts challenged the wisdom of the principle, most notably and eloquently the Assembly President himself, Rev. Miguel D'Escoto Brockmann of Nicaragua. D'Escoto cautioned that R2P was ripe for abuse by powerful countries, and suggested that "R2I" – the right to *intervene* – was a more candid term of art.[28]

The potential for corruption of the responsibility to protect in the cynical service of national self-interest is dramatically illustrated by the U.S. rationalization for launching the Iraq war in 2003, and Russia's characterization of its invasion of South Ossetia in 2008. But the prevailing critique of R2P may obscure two competing and compelling realities. First, the more long-standing norm of humanitarian intervention already tolerates military intervention by another state in extreme human rights emergencies, so the risk of a superpower overreaching is not a new one. Second, the most challenging aspect of R2P is not that it permits military intervention, but that it may require states to provide assistance to states facing humanitarian crises, including food, shelter, sanitation, and medical care.[29]

Envisioning R2P primarily in terms of military engagement is shortsighted. The untapped potential of the responsibility to protect is in challenging the developed states to assume a larger responsibility for redistributing their own considerable economic resources in promoting and protecting socio-economic rights in the developing world. The Millennium Development Goals (MDGs) provide a framework for assessing development priorities and material conditions of life for

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27. *An Idea Whose Time Has Come – and Gone?*, The Economist (Jul. 23, 2009), *available at* http://www.economist.com/research/articlesBySubject/displaystory.cfm?subjec tid=348951&story_id=E1_TQDRSSRR.

28. *Id.*

29. *See* JONATHAN MOORE, MORALITY AND INTER-DEPENDENCE 23-25 (1994).

people in the global South and for channeling the resources of the global North to respond to those needs.[30]

The Millennium Development Goals

In 2000, the UN General Assembly convened to grapple with the stark realities of human insecurity throughout the globe, in the form of widespread poverty, failures in primary health care, illiteracy, environmental degradation, and the widening development gap between rich and poor countries. With a sense of urgency, the General Assembly sought to establish specific quantitative benchmarks for improved material conditions of life, particularly for people residing in the developing world. The fruit of these discussions was the adoption of the United Nations Millennium Declaration, which set forth specific goals for the international community to meet by 2015. The eight Millennium Development Goals (MDGs) comprise: (1) reducing extreme poverty and hunger by one half; (2) achieving universal primary education; (3) promoting gender equality; (4) cutting child mortality by two thirds; (5) lowering maternal mortality by three quarters; (6) fighting HIV/AIDS; (7) strengthening environmental sustainability; and, (8) building a global partnership for development.[31]

The Millennium Development Goals are just that: they constitute soft law. Nevertheless, the Millennium Declaration is a springboard for the progressive development of stronger protections for socio-economic human rights. It establishes an aspirational framework from which to interpret obligations under treaty or customary law. Limited progress toward realizing the Millennium Development Goals suggests the need for better enforcement of socio-economic rights, as well as a vision of humanitarian intervention that focuses on enhancing material and community well-being rather than the application of military force.

PROGRESS TOWARD THE MDGS

Halving Poverty and Hunger

According to the United Nations' yearly progress report on the Millennium Development Goals, the international community is on track to meet the goal of halving the number of people living on less than $1.25 a day, the marker of extreme poverty. The global poverty rate, at 46 percent in 1990, was down to 27 percent in 2005, and is projected to be at or below 15 percent by 2015.[32] In Sub-Saharan

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30. *See* United Nations Millennium Declaration, G.A. Res. 55/2, ¶¶ 11, 14-15, U.N. GAOR, 55th Sess., Supp. No. 49, U.N. Doc. A/Res/55/2, at 4 (Sept. 18, 2000).

31. *Id.* ¶¶ 19-21.

32. UNITED NATIONS, THE MILLENNIUM DEVELOPMENT GOALS REPORT 2011 6-7 (2011), *available at* http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress 2011/11-31339%20(E)%20MDG%20Report%202011_Book%20LR.pdf.

Africa, the poverty rate has also decreased, although less markedly than the global rate, from 58 percent in 1990, to 51 percent in 2005, and is projected to hit 36 percent by 2015.[33] Not only does Africa lag behind global trends, but also the gap between the regional and global poverty rates is widening. Relatively speaking, if projections are accurate, the Sub-Saharan African poverty rate in 2015 will be over 200 percent of the overall world poverty rate, whereas in 1990 it was only around 25 percent higher than the global rate.[34]

Unlike the global poverty rate, which is steadily decreasing, there has been a notable lag in progress toward reducing the incidence of hunger worldwide. In 1990, around 20 percent of world's population had difficulty meeting their daily nutritional needs. While that percentage had decreased to 16 percent in 2000, it was still at 16 percent in 2007, and based on UN projections it will not meet the target level of 10 percent by 2015.[35] The lack of a strong correlation between improvements in the poverty rate and decreases in the hunger rate suggests a "disconnect" between marginal increases in income and improved access to food.[36] Food availability and affordability are likely to further deteriorate given our current global financial crisis, which is characterized by increasing volatility in the price of staple foodstuffs. Moreover, food insecurity is regarded as the most important catalyst for civil strife, more significant even than increasing levels of poverty.[37] Thus, enhancing food security, alongside income generation, is essential to development assistance and should be at the heart of articulating a socio-economic vision of humanitarian intervention.

Universal Primary Education

In the developing world as a whole, the percentage of children completing a full course of primary school increased from 82 percent to 89 percent over the past decade. Despite this progress, universal primary education is not expected to be attained by 2015, based on current projections. Nevertheless, the situation in Sub-Saharan Africa has improved more than any other region, going from 58 percent to 76 percent over the same period. Thus, in contrast to the poverty rate, in the field of primary education the gap between rich and poor countries is narrowing, at least from the perspective of Sub-Saharan Africa.[38]

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33. *Id.*

34. *Id.*

35. *Id.* at 11.

36. *Id.*

37. *See* Per Pinstrup-Andersen & Satoru Shimokawa, *Do Poverty and Poor Health and Nutrition Increase the Risk of Armed Conflict Onset?*, 33 FOOD POL'Y 513, 519-20 (2008) (concluding that government policies that improve access to food and health care enhance stability).

38. THE MILLENNIUM DEVELOPMENT GOALS REPORT 2011, *supra* note 32, at 16-17.

For education to have its full impact on enhancing the quality of life, the pipeline must continue beyond the primary level. Access to secondary and post-secondary education, particularly for women, enhances other socio-economic rights and furthers other MDGs, as we shall see below.

Promoting Gender Equality

The United Nations measures progress toward gender equality chiefly in terms of gender parity in education, primary through tertiary; access to income-generating activities; and representation in national legislatures. Focusing on work, while women's involvement in non-agricultural employment is increasing, it is not targeted to reach 50 percent by 2015. In 1990, women filled 35 percent of all non-farm-related jobs, to men's 65 percent, and by 2009 they were up to 40 percent, and by 2015, women are expected to constitute 41 percent of all non-farm wage-earners. The situation for women in Africa lags behind global trends but is still improving steadily and at an even higher rate: in 1990 women were 24 percent of the non-agricultural workforce, in 2009 they were up to 33 percent and in 2015, the figure is projected to be 36 percent.[39] More progress in women's equal access to employment will be enhanced by advancements in women's level of education, which in turn will serve the socio-economic conditions of life for other members of their families and communities.[40]

Reducing Child Mortality

The United Nations uses the term "child mortality" to refer to the death of a child before reaching five years of age. The fourth Millennium Development Goal is to cut the incidence of child mortality by two-thirds over a 25-year period. Worldwide deaths of children under five have already declined by one-third over the past two decades, from 12.4 million per year in 1990 to 8.1 million in 2009. It is feasible that child mortality will decrease by the same amount by 2015.[41] However, the child mortality rate in Sub-Saharan Africa is twice the mean for the developing world overall, and the gap between Africa and the other regions in terms of infant mortality appears to be widening. In concrete terms, one in eight African children dies before her fifth birthday, whereas worldwide one in 16 children die before age five.[42]

Indicators of progress in the struggle to help children survive their first five years reveal the proverbial glass as half empty and half full. For example, in four African countries, the national child mortality rate

39. *Id.* at 21.
40. *Id.* at 21-22, 26.
41. *Id.* at 24.
42. *Id.* at 25.

has already decreased by 50 percent over the past twenty years.[43] However, it is essential that child mortality rates not be viewed in a vacuum. The improved quality of children's lives requires the overall enhancement of socio-economic conditions in their families and communities. Illustrating the interconnected web of human rights protections, children whose mothers are educated have greater chances of survival into healthy adulthood, and their future prospects improve as their mothers attain higher levels of education.[44]

Lowering Maternal Mortality

The specific millennium development target for women in their childbearing years is to reduce maternal mortality by three-quarters. Worldwide, deaths of women during and immediately after childbirth have been reduced by around 35 percent over the past two decades, still a far cry from the 75 percent goal. Once again, there are regional disparities. Nearly nine out of ten women who die in childbirth reside in Sub-Saharan Africa or South Asia.[45] Moreover, for most women who do not survive childbirth, the immediate cause of death is avoidable, as in cases of hemorrhage, sepsis, or malaria.[46]

In yet another illustration of the inter-connections between health and other attributes of social status, women who die in childbirth are more likely to have had less schooling, to have given birth to more children, and to have experienced more gender-based discrimination than women who survive childbirth.[47] The data on women's reproductive health reinforces the broader lesson that enhancing women's equality and full participation in community life should be at the heart of development policy, and a central aspect of welfare-based humanitarian intervention.

Combating HIV/AIDS and Other Preventable Diseases

The United Nations defines the HIV incidence rate as the number of people out of 100 who are newly infected with HIV during a given year. The global number of new cases peaked in 1997, and between 2001 and 2009 dropped by 25 percent, from 0.08 to 0.06, meaning that in 2009, six people out of ten thousand were newly infected with HIV, as compared to eight a decade before. In Africa, the HIV incidence rate in 2009 was 0.4, which is over six times the global rate of new infections. Nevertheless, Africa's AIDS incidence rate has been shrinking even faster than the global rate, down from 0.57 in 2001,

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43. *Id.* at 24-25.
44. *Id.* at 26.
45. *Id.* at 29.
46. *Id.*
47. *Id.*

signifying a 30 percent decrease in new HIV cases over the past decade.[48]

Along with battling HIV/AIDS, the sixth MDG also targets improved prevention and treatment of other serious diseases such as tuberculosis and malaria. With regard to malaria, the increased numbers of children who now sleep under treated bed nets are evidence of advances in prevention. Properly used bed nets dramatically reduce malaria transmission by preventing the mosquito carriers from alighting on the skin of children during the evening hours when the mosquitoes sting. In Sierra Leone, for example, just two percent of children were sleeping under mosquito-blocking nets in 2000, and by 2010 the percentage of protected children had increased to 26 percent. The figures for other African countries are even more dramatic: in Tanzania, two percent of children protected in 2000 had increased by 2010 to 64 percent of children who were sleeping under bed nets.[49]

Strengthening Environmental Sustainability

The MDG relating to the environment is to reverse the loss of environmental resources, particularly forests and water, and to cut emissions in greenhouse gases. With respect to woodlands, deforestation in some regions, particularly in Africa and South America, is partially offset by afforestation, or the natural expansion of forests, particularly in Asia and Europe. Nevertheless, the net impact has been the average yearly loss of 5.2 million hectares of forest throughout the past decade. Only the rate of deforestation is decreasing, down from a yearly average of 8.3 million hectares of lost forest over the decade from 1990 to 2000.[50]

Regarding greenhouse gases, global carbon dioxide emissions continue to rise, from 21.8 billion metric tons in 1990 to 30.1 billion metric tons of carbon emissions in 2008, a 38 percent increase. At least the rate of increased emissions has slowed, from a 2.9 percent increase from 2006 to 2007, down to a 1.7 percent increase from 2007 to 2008. However, at least part of this slowdown in increased emissions is related to the decreased economic activity associated with the current global financial crisis.[51]

Sustainable water usage varies throughout the globe, from plentiful supplies to extreme depletion, in the case of North Africa and Western Asia. According to indicators used by the United Nations, if a country or region withdraws 25 percent or less of its renewable water resources at a given time, water resources are considered to be abundant.

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48. *Id.* at 36-37.
49. *Id.* at 43-44.
50. *Id.* at 48-49.
51. *Id.* at 49-50.

Contrastingly, if 60 percent or more water resources are withdrawn, a situation of scarcity is said to be approaching. Finally, if 75 percent or more water resources are exploited, sustainable limits have been exceeded. While most regions of the world still have plenty of surface water and groundwater for the time being, including South America, Sub-Saharan Africa and South-East Asia, two regions are approaching scarcity and two have exceeded sustainable bounds. Central Asia exploits 56 percent of its renewable water resources and Southern Asia utilizes 58 percent of its supply. Northern Africa is withdrawing 92 percent of its surface water and groundwater and Western Asia is utilizing a quantity of water that amounts to an astounding 166 percent of the available supply.[52]

Global statistics regarding the depletion of environmental resources are sobering, to say the least. We are moving backwards: the world's population as a whole is engaging in increasingly unsustainable patterns of resource exploitation. Humanitarian intervention, often focused on immediate conditions of violence, repression, and social misery, should also take into account the long-term impact of the depletion of our shared global environment. Militaristic interventions may exacerbate resource wars, whereas a greener vision of humanitarian intervention can concentrate on alleviating the competition for scarce resources that fuels armed conflict in the first place.

Galvanizing a Global Partnership for Development

The eighth and final MDG, the global partnership for development, encompasses commitments by industrialized countries to provide economic assistance to developing countries in the form of emergency aid, longer-term development programs, and debt relief. In essence, the final MDG is the strategy for funding the MDGs overall. In 2010, net aid to developing countries by developed countries was nearly 130 billion dollars, which amounted to less than half of one percent of the combined national incomes of the wealthier countries, or 0.32 percent. Nevertheless, this was the highest yearly level of combined global development assistance on record.[53]

Despite the development assistance record set in 2010, the 130 billion dollars still represented a 19 billion dollar deficit according to pledges that had been made by eight of the world's wealthiest countries in 2005 at a development aid summit held that year in Gleneagles, Scotland. Moreover, the aid gap had a harsher impact on certain regions of the developing world, especially Sub-Saharan Africa, which in 2010 received fourteen billion dollars less assistance than had been

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52. *Id.* at 52.
53. *Id.* at 58.

promised in 2005.[54] The recent shortfall in development assistance is attributed to various sources, including the global financial crisis, and the fact that a disproportionate amount of African assistance was pledged by European countries that are among those hardest hit by the economic recession.

The current MDG donation target challenges each industrialized country to give 0.7 percent of its national income to development assistance. While several Nordic states already exceed this benchmark and nations such as the United Kingdom and Belgium are close to meeting it, other wealthy countries lag behind. For example, in 2009 the United States gave only 0.2 percent of its national income in aid to developing countries,[55] while devoting nearly 5 percent of its gross domestic product that same year to military spending.[56] At the same time, the United States is the biggest donor in absolute terms as opposed to relative terms, giving nearly twenty-nine billion dollars in development assistance in 2009.[57]

If developed countries respond to the MDG development assistance challenge, increasing the proportionate share of their combined national incomes from 0.32 percent to 0.7 percent, their generosity would double the yearly allocation of funds, from 130 billion to 260 billion dollars, devoted to poverty alleviation, women's empowerment, child protection, health promotion, and environmental sustainability around the world. Ambitious as that increased sum may appear, 260 billion will not get us all the way to 2015 and the full implementation of the MDGs. To begin with, it is very close to the figure, 250 billion dollars, that the World Health Organization estimates will be necessary for successfully meeting MDGs in the health sector alone.[58]

Full implementation of the Millennium Development Goals will require new and creative financing methods, beyond the scope of this essay. One example worthy of further analysis is the strategy of *social financing*, promoted by Nobel laureate Muhammad Yunus as a means of stretching the development dollar. Under this approach, anti-malaria bed nets are purchased through the sale of special bonds and new schools are constructed on commercial credit, with individual donor countries serving as guarantors. For Yunus, "[t]he concept of

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54. *Id.* at 58-59.

55. *Id.* at 59; *see also* OECD, TABLE 1: NET OFFICIAL DEVELOPMENT ASSISTANCE IN 2009 (Apr. 14, 2010), http://www.oecd.org/dataoecd/17/9/44981892.pdf.

56. STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE, THE SIPRI MILITARY EXPENDITURE DATABASE: USA, http://milexdata.sipri.org/result.php4.

57. *Development Aid Rose in 2009 and Most Donors will Meet 2010 Targets*, OECD Development Co-operation Directorate (Apr. 14, 2010), http://www.oecd.org/document /11/0,3746,en_2649_34447_44981579_1_1_1_1,00.html.

58. *See* Muhammad Yunus, *More Health for the Money*, Devex (Nov. 16, 2011), http://www.devex.com/en/articles/more-health-for-the-money-3.

innovative financing is that successful financial instruments in the private sector are recast to suit development objectives . . . ."[59]

CONCLUSION: WHY R2P REQUIRES DEVELOPMENT ASSISTANCE

The responsibility to protect is an ambitious project spearheaded by the United Nations. R2P also represents a vital opportunity for the world community to transform its understanding of humanitarian intervention. Rather than a new license to intervene militarily, R2P challenges and obligates nations to affirm and realize socio-economic rights in the developing world. Countries coming out of prolonged armed conflict urgently depend upon socio-economic development to avoid relapsing into violence and brutality. The Millennium Development Goals provide a framework for defining and prioritizing the most essential development needs, as well as a blueprint for investing and focusing development assistance in individual countries. Implementing a social welfare vision of R2P through the MDGs will require innovative fundraising strategies, including the transformation and channeling of private credit in the public interest.

Improving women's access to food, employment, education, and reproductive and other health services are at the heart of the Millennium Development Goals. Such efforts are also crucial in fighting poverty, protecting children, lessening economic inequality, and preventing social instability and armed conflict at the global level, and therefore should be central aspects of the responsibility to protect.[60]

The Millennium Development Goals are essential benchmarks for countries at risk of war and repression as well as those struggling to emerge from armed conflict and humanitarian emergencies. When states embrace R2P through the MDGs, they commit to a human security partnership with countries in socio-economic distress in the pursuit of long-term conflict resolution. For human rights activists, this human welfare-centered vision of the responsibility to protect is an essential reminder that social justice and civil liberties are equal pillars of and partners in the global human rights movement.

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59. *Id.*
60. THE MILLENNIUM DEVELOPMENT GOALS REPORT 2011, *supra* note 32, at 26.