

The right to human security

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Humanitarian crises affect millions of 'strangers' every year, resulting in violations of their inherent human rights and dignity. Those responding to a humanitarian crisis need increased understanding of the effect of conflicts and natural disasters on civilians, especially in terms of key issues such as displacement, security breakdowns, sexual violence and disappearances that affect the most vulnerable: women, children, the elderly and people with disabilities. Our own human security is directly connected to the human security of 'strangers'. Protection of Australia's own security demands an active and effective role in supporting security and stability around the world, with one key to this being a robust overseas aid program that reaffirms the fundamental right of all people to life with dignity, based on respect and the promotion of civil, political, economic, social and cultural rights.

Thus, a comprehensive approach to protecting Australia's national interest must address the poverty and inequity that undermines human security. Poverty does not of itself breed violence, conflict, or terrorism, but conditions of hardship and perceived economic injustice allow extremism and hostility to flourish. On the other hand, a strong and accountable civil society underpins opportunities for ensuring global security. Governments should view their aid programs as tools for strengthening civil society and accountable governance that can thereby create sustainable human development outcomes and, in turn, effectively prevent conflict.

Introduction

The events of 2001 and 2002 that saw terrorism and fear escalate to new levels around the world have highlighted the fragility of peace in the face of growing inequality and enormous poverty. This paper reinforces the need for more, better targeted investment by the international community to address the causes of poverty and to build real human security through aid and development. It also investigates the increased risk for humanitarian agencies working in changed international circumstances.

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The need for human security

The nature of conflict has changed substantially over the past 50 years and continues to change, at times very rapidly, as the current 'war on terror' demonstrates.¹ Briefly, these changes have been characterised by:

- internal or intra-state conflict rather than conflict between states;
- the predominance of irregular armed combatants (militias and so on) rather than regular professional state forces;
- conflict or fighting moving into civilian areas such as towns and villages;
- casualties being predominantly civilian rather than military; and
- conflict being visible around the world through information technology advances.

The Australian Council for Overseas Aid (ACFOA), which represents some 90 Australian aid and development non-government organisations (NGOs), believes that the nature of conflict has changed in part because of growing economic inequality and lack of protection of human rights (Howie 2000). A consequence of this situation is that, at the beginning of a new millennium, there are more people displaced, more people living in poverty and more people affected by conflict than ever before. Indeed, the number of people forcibly displaced has grown in proportion to the spread of inequality and the polarisation of wealth.

Thus, today, international foreign policy is set against a backdrop of radical geopolitical shifts that, in addition to growth in numbers of internally displaced persons, includes a prevalence of humanitarian emergencies and a rise in human trafficking and other transnational crime. Indeed, the current international situation acts as a sobering reminder of the current collective inability of globalisation to prevent prejudice, persecution, poverty and other root causes of conflict and displacement.

Moreover, the increase in conflict and displacement around the world demonstrates the ineffectiveness of military strategies as a primary means of creating global security. Current spending on defence, despite substantial increases, is not and will never be enough to ensure regional, let alone global, security as we find ourselves in an increasingly insecure global environment, despite a massive global arms budget.

ACFOA believes that any concept of regional security must extend beyond military

1 NGOs certainly do not have the answers to how to prevent terrorism — most would advocate a focus on the links between poverty and human rights violations which alienate and disempower individuals and groups so that they view violence as their only option.

planning for conventional conflicts to include measures to reduce regional economic inequality as well as protecting and expanding respect for human rights and democracy and protecting the environment. Such a strategy needs to look not only at ways to deal with conflict when it breaks out, but at ways in which action can be taken early enough to contain conflict and prevent the slide into violence.

Humanitarian agencies such as United Nations (UN) agencies, the Red Cross and Red Crescent Societies and NGOs agree that humanitarian action is of little value if it does not form part of a wider strategic and political framework aimed at addressing the root causes of conflict: 'Without human security, there can be no peace and stability'(Ogata 2000: xi).

The right to provide humanitarian assistance

Humanitarian agencies are committed to the primacy of the 'humanitarian imperative', which stipulates that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity, and that affected civilians have a right to protection and assistance (www.ifrc.org/publicat/conduct/; www.sphereproject.org). However, a right of access to vulnerable populations by humanitarian agencies in order to provide humanitarian relief is not yet codified in international law.

The right of humanitarian agencies to provide protection and assistance, as currently stated in international law, is regulated by provisions contained in the 1949 Geneva Conventions and their Additional Protocols of 1977. Special status is given to the International Committee of the Red Cross (ICRC) and the national Red Cross and Red Crescent Societies under the Geneva Conventions that provide the right to assist people in need. Under these conventions, parties to a conflict must grant the ICRC all facilities within their power to enable it to carry out the humanitarian functions assigned to it by the Conventions and the Protocol, in order to ensure protection and assistance to the victims of conflicts. The ICRC may also carry out any other humanitarian activities in favour of these victims, subject to the consent of the parties to the conflict. In practice, the ICRC always asks the consent of State parties. Current provisions constitute no obstacle to the humanitarian activities which the ICRC or any other impartial humanitarian organisation may, subject to the consent of the Parties to the conflict concerned, undertake for the protection and relief of civilian persons.

There is also regulation of access to humanitarian relief in international conflicts after a peace agreement has been reached. The Fourth Convention provides for agreements by parties to a conflict for the evacuation from besieged or encircled

areas of wounded, sick, disabled and old people, children and women in labour, and for the passage of ministers of all religions, medical personnel and equipment on their way to such areas [IV, 17].

However, apart from the Red Cross provisions and these 'local agreements', humanitarian agencies do not have the right to access and deliver services to people in need, but instead have to operate with consent. For example, humanitarian agencies need to negotiate agreements with local decision makers like the relevant peacekeeping force, community leader or irregular armed forces. Complexity often arises when identifying appropriate power holders, and signing agreements with a particular faction can be perceived as indicating bias or a lack of impartiality.

Further, recent changes in the nature of international conflict have meant that humanitarian agencies must now operate in a much less secure environment and that they have become open targets of hostilities in the field. This new environment has also led to massive difficulties in managing and co-ordinating assistance. For example, in Rwanda in 1994 the difficulty in accessing affected communities led to a litany of problems including a lack of accountability, lack of local input and terrible cholera outbreaks. Similar difficulties occurred in East Timor, where humanitarian agencies spent much time negotiating access to affected communities with a number of different entities, including the Australian Defence Force and the UN authority.

Operational issues

At the operational level, humanitarian agencies are finding themselves working in contexts where military forces are also present. External military forces are increasingly intervening in countries in conflict, which forces a more direct engagement between the military, the local population and humanitarian agencies than ever before. Within this context, the military has become involved in providing civilian assistance to varying degrees. This engagement has ranged from the protection of humanitarian convoys to the direct implementation of relief aid distribution. This raises significant issues of principle, as well as policy and operational questions for humanitarian agencies.

Both humanitarian agencies and militaries involved in peace operations have a mutual interest in establishing and maintaining the peace. However, there are profound differences between the mandates and principles of formal military forces and humanitarian agencies. Once the political decision has been made by a state to contribute to a peace operation, the military has a core mandate to foster security and protect civilians by establishing and enforcing a safe and stable environment. Conversely, humanitarian agencies have a mandate to implement humanitarian aid

programs based on clear humanitarian principles. It is essential for the sustainable fulfilment of the mandates of both parties that these two roles — impartial humanitarian assistance as a response to an urgent and inalienable right, and peace operations with their inevitable political mandate — are distinguished.

In the recent past, there have been many instances in which the distinct roles of NGOs and the military have become clouded. This has had serious ramifications, not only for humanitarian agencies, but also for the success of individual peacekeeping missions; for the civil and political recovery of the affected state; and for the follow-on regional and global security objective.

Lessons from recent interventions

Lessons learned from recent experiences in Kosovo, East Timor and elsewhere include the need for: better coordination; more respect and dialogue between actors; protection to become a core component of relief interventions; better understanding and dissemination of international humanitarian law (IHL); and a greater understanding of the role of civil society.

It is clear from Australia's recent involvement in conflict situations in East Timor, Bougainville, Fiji and the Solomon Islands that Australia can contribute effectively to the prevention of conflict and to peace keeping. However, our contribution must be underpinned by sound poverty reduction and human development strategies to be sustainable. Australia's involvement should not just be in the form of expensive and extended peacekeeping exercises.

An acknowledgement of the key role NGOs play in social development, stability and the rebuilding of civil society after a crisis is crucial for sustained peace. This can be achieved in practice through effective co-ordination, respect of staff, local community and NGO input into the planning of interventions. It can be achieved in law through joint efforts to better implement existing law and through joint advocacy for law reform to ensure a right of access for humanitarian relief to vulnerable populations.

All actors should make *protection* needs a part of every needs assessment, including calculating and minimising the potential negative side effects of relief interventions as part of a 'do no harm' approach (Anderson 1999). They should also be properly trained in the international legal framework, including IHL, and have a clear understanding of their potential role as human rights monitors. Importantly, a strong and accountable civil society should be understood as one of the core catalysts for ensuring global security. Thus, governments need to view their international aid

programs as important tools in strengthening civil society and in promoting accountable governance at all levels. This will facilitate more effective conflict prevention and more rapid and sustainable rehabilitation, something which a defence program cannot achieve on its own.

The ultimate goal of any intervention should be to contribute to accountable, effective and sustainable human security to ensure sustainable peace. Thus a key measure of the effectiveness of a peacekeeping mission should not be how quickly peace is restored, but how long it takes until peace can be sustained locally without the presence of external peacekeepers. This sustainability will be largely dependent on the ability of local civil society to contribute to rebuilding responsible political, judicial and military institutions which it can hold accountable to the needs of the people. This is a time consuming process that has to be based on strong community development principles of equity, participation and local ownership.

These principles are accommodated by humanitarian agencies in program design and implementation. They also need to be understood and accommodated by the military forces that directly implement assistance programs because of their importance to sustainable project outcomes. Activities that seem to be so obviously needed, such as building a health clinic or installing a water system, can backfire if the local population is not consulted and involved. Questions about long term maintenance, the replacement of equipment and who will take responsibility for upkeep and resourcing projects in the long term need to be addressed during the design and implementation of any intervention.

Crises and human rights

During the emergency phase of a crisis, a 'patchwork' of IHL, refugee law and human rights law applies to all actors. Human rights law and IHL are united in the goals of preserving life and the dignity of the human being and of limiting suffering. But the two branches of law have developed separately because historically they have had two distinct purposes — human rights law seeks to regulate states, and IHL ideally seeks to establish individual criminal responsibility. The other key difference is temporal — IHL applies to defined categories of armed conflict, whereas human rights law operates at all times but can be derogated from during a declared state of emergency.

Non-derogable human rights and Common Article 3 rights in the Geneva Conventions are essentially the same, and apply at all times and in all circumstances. Basically these are:

- the right to life;
- prohibition of torture;

- prohibition of cruel treatment;
- prohibition of humiliating and degrading treatment; and
- prohibition of discrimination on the ground of race, ethnicity, sex or religion.

Gaps in the international human rights framework

If all actors have a better understanding of the protection needs of the local population, their response will be more effective. To date, international law does not accommodate these needs, nor reflect the reality of the needs of affected people. Recent studies by the ICRC have shown that the devastating ways that armed conflict can affect civilians, particularly women, include the following.

Displacement

Increased insecurity and fear of attack often cause women and their dependants to flee. Women and children constitute the majority (usually estimated at 80 per cent) of the world's internally displaced persons and refugees (UNHCR 2002).

Missing persons

One of the most harrowing consequences of armed conflicts, which continues long after the hostilities are over, is that people go missing. The majority of missing persons are men, which leaves large numbers of women seeking news of their fate.

Security

The absence of men and the general instability and lawlessness that characterises many of today's conflicts heighten the insecurity of women caught up in conflict situations, and exacerbates the breakdown of the traditional support mechanisms upon which the community previously relied.

Sexual violence

Rape, forced prostitution, sexual slavery and forced impregnation are all criminal means and methods of warfare that have attracted attention in recent years. Sexual violence is brutal and terrifying for its victims and for the whole community. It constitutes a serious violation of both human rights and IHL.

There are gaps in the international legal framework between the three overlapping areas of human rights, refugee and humanitarian law, that need to be filled to help address these issues. These include the following.

- Human rights are not granted to 'aliens' in the same measure as they are to citizens. There is no complaint mechanism for breaches of the International Covenant on Economic, Social and Cultural Rights, as there is for breaches of the International Covenant on Civil and Political Rights. The human rights system is generally weak on issues of poverty and forced displacement.
- Refugee law does not offer the same level of international protection to internally displaced people as it does to refugees.
- IHL is weak in the area of protection of non-combatants, especially in protection of those in non-international armed conflicts. The legal issue of proportionate response to a legitimate military target which is being illegally placed or shielded in a civilian area requires urgent attention.

The President of the ICRC recently spoke on this point, stating that:

Specific challenges arising in modern conflicts relate to the definition of military objectives. There is considerable debate as to when traditionally civilian objects, such as TV and radio stations, make an effective contribution to military action and therefore become legitimate military targets (Kellenberger 2002).

Internationally, this has led to humanitarian agencies looking at ways of self-regulating and of improving humanitarian assistance. Global initiatives such as The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief (www.ifrc.org/publicat/conduct/), the Sphere Project (www.sphereproject.org) and the *People in Aid Code* (www.peopleinaid.org.uk/) have been widely endorsed by the humanitarian sector and have played an important role in guiding the work of NGOs worldwide. Co-ordination bodies, such as ACFOA, the International Council of Voluntary Agencies (ICVA) (www.icva.ch/) and the UN Organisation for Coordinating Humanitarian Affairs (UNOCHA), (www.reliefweb.int/ocha_ol/) have also worked very hard in recent years to develop codes of practice, train staff and improve civil-military interaction.

The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief outlines 10 key principles that provide an essential framework to help the Red Cross and NGOs negotiate access to all victims of natural and man-made disasters (www.ifrc.org/publicat/conduct/). The Sphere Project developed a Humanitarian Charter and minimum standards for disaster relief that taken together, contribute to an operational framework for accountability in the provision of humanitarian assistance. The Humanitarian Charter affirms the fundamental importance of, the right to life with dignity; the distinction between combatants and non-combatants; and the principle of non-refoulement. These principles are drawn

from provisions stated in IHL, international human rights law and refugee law.

In short, the practice of humanitarian agencies is changing, but the legal framework has not kept pace. There have been frequent attacks on humanitarian agencies, showing that the little law that we have is not respected. This is an issue for governments globally, as the delivery of emergency assistance and the transition towards social/human development will always be crucial to the success of a peacekeeping mission and to ensuring sustainable peace.

Danger from strangers or strangers in danger?

It is also important to understand the global phenomenon of asylum seekers as an international human rights issue that requires a co-ordinated regional and international response. The Australian Government has recognised as human rights violations the root causes of refugee flows, such as political persecution, corruption, repression, endemic poverty and conflict (www.ausaid.gov.au). However, it has failed to act consistently within the acknowledged broader context of the root causes of poverty and refugee movements.

The Australian Agency for International Development's (AusAID) policy statement entitled 'Peace, Conflict and Development' examines the 'strong links between poverty and conflict'. The policy notes:

Violent conflict is a powerful reverser of development gains and a primary cause of poverty, while high levels of poverty can increase the risk of violent conflict. Lack of economic opportunity, inequitable resource distribution, discrimination based upon religious or ethnic divisions within society, poor governance and the mismanagement or illegal exploitation of natural resources can also cause conflict (www.ausaid.gov.au: 6).

A report by the Australian Government's Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) supported this view in its inquiry into Australia's role in UN reform. It claims that one of the most important factors leading towards a breakdown in peace and security is a lack of economic development. Further, inadequate access to the necessities of life, linked to the economic situation, poverty, environmental issues and a decline in official development assistance (ODA) are significant causes of violence (JSCFADT 2001: Section 6.1).

However, regardless of the reasons for flight, ACFOA believes there is a need to reframe the current debate on refugees to focus on Australia's obligations under the 1951 Refugee Convention, international human rights law and our humanitarian obligations. ACFOA also believes that the international community, including OECD

donor countries and NGOs, should provide better financial and technical assistance to countries of first asylum, who themselves often struggle with issues of poverty and conflict.

Indeed, poverty is a serious issue relating to burden sharing of refugee outflows between states, and donor countries should be focussed on sharing the costs of hosting refugees more equitably.² At the start of 2002, the number of people 'of concern' to UNHCR was 19.8 million — roughly one out of every 300 persons on earth (<http://www.unhcr.ch>). They received US\$800 million out of a projected US\$1 billion budget from OECD countries to care for and to protect these people. The top three refugee-hosting countries in 2001 were Iran, Pakistan and Tanzania, which hosted over 3.6 million refugees between them (<http://www.unhcr.ch>). The top 10 refugee hosting countries are all developing nations that are ranked below 90 (out of 162) in the Human Development Index (HDI).³ The top 10 refugee producing countries, led by Afghanistan, Burundi and Iraq, are also all ranked below 100 out of 162 in the HDI (UNDP 2001). These figures demonstrate that the ability of countries of first asylum to cope with mass influxes is a core issue to be addressed. Further, the term 'effective protection' needs to be defined more accurately in this context.

Increased and effective ODA that strengthens human rights, governance and conflict resolution in the world's poorest countries is the only long term solution to forced people movement. Improving the conditions of refugees in host nations and making their return to countries of origin viable in human rights terms is the best way to avoid the increasing levels of desperate competition for scarce resettlement places and for forced movement on to other countries. Support for countries of first asylum and for source countries is also the only sustainable method of preventing people movements across the Asia Pacific region and on to Australia.

Human rights and human security

The attacks against the United States in 2001, the subsequent bombings in Bali and Kenya and the re-emergence of a global focus on 'rogue' states has understandably created an increased concern about global security. The immediate response to such concerns has been to tighten national security and to ensure that, as far as possible, national defences are as robust as they can be. However, while this is an appropriate

2 This has been recognised collectively by States in the recent UNHCR Agenda for Protection, available at <www.unhcr.ch>.

3 The HDI is collated by the United Nations Development Program (UNDP) and published in their annual *Human Development Report*.

first measure, closing gaps in security defences and attacking nation states that allegedly foster terrorism will not in itself address the long term underlying causes of global unrest and terrorism.

A development approach to human security is one that assists the poor and marginalised to overcome the obstacles that cause and maintain poverty, and also addresses their most pressing immediate needs. Based on this, a well focused overseas aid program is one that will not only address the priority needs of poor and marginalised communities, but which will do so in such a way that benefits can be sustained in the long term. This implies that assistance must be strategic in its poverty focus, in its support for local formal structures and in the strengthening of local communities and organisations. It must also support real progress toward achieving agreed international development goals. If the assistance is strategic in these terms, it will sustain its benefits in the long term as well as having maximum impact on real human security, providing a 'platform' for future regional security.

Human rights concepts must embody human dignity. Violations of people's rights must be understood as humiliating and dehumanising, and as resulting from the deprivation of their fundamental freedoms and basic entitlements. Donnelly explains that 'human rights are needed not for life but for a life of dignity. Violations of human rights deny one's humanity; they do not necessarily keep one from satisfying one's needs' (Donnelly 1991: 17).

Human development based on human rights recognises economic, social and political development as an inalienable human right and attributes responsibility to national governments and to the international community.

ACFOA believes that Australia needs to adopt a long term view of the national interest by investing strongly in a whole-of-government approach to sustainable development and to poverty reduction in our region. This will serve to strengthen our commitment, not only to regional human security, but also to a healthier and more robust regional economy, thereby accruing sustainable benefits to Australia as well as to neighbouring developing countries.

ACFOA also believes that it is possible to halve absolute poverty by 2015, in line with the Millennium Development Goals (MDGs). In 2000, through the United Nations Millennium Summit and Declaration, a number of development goals and targets agreed to in major international fora over the previous decade were synthesised into eight specific, time-bound targets for international development, to be achieved by 2015 (Appendix 1). These MDGs were endorsed by 149 world leaders including Australia's Prime Minister, and by the UN General Assembly on behalf of all UN

member states. However, for these goals to be reached, general political commitments must be turned into specific and effective action to meet basic needs, protect human rights and prevent conflict.

Nonetheless, the MDGs provide a framework for Australia to harmonise its national and international interests with good global citizenship. An explicit whole-of-government commitment to integrate the MDGs into the planning and evaluation of Australia's policies on aid, trade, debt and the environment would complement international moves to really fight poverty by working towards the concrete and agreed MDG targets. At the same time, real progress towards the achievement of the MDGs will enhance human security and regional and global security by attacking the poverty and inequity which plays a role in breeding violence and conflict, as discussed in this paper.

Conclusion

The role and scope of the work of humanitarian agencies has grown steadily in importance over the past three decades. This has happened in a world which has been characterised by rapid, complex and often unpredictable political, institutional, environmental, demographic, social and economic changes. In such an environment, humanitarian agencies have proven their comparative advantage in responding to change; that is, non-government agencies are typically more flexible and are able to respond more rapidly to changing social and political environments than government and institutional donors.

Currently, one of the most important and challenging global changes is the move towards regional and globalised economies. Humanitarian agencies agree that if the negative impacts of globalisation are not addressed, sustainable human development cannot be achieved. Humanitarian agencies are more than just service providers of aid to the disadvantaged. They are also agents for economic and social change towards more sustainable development outcomes. Humanitarian and development actions need to be seen as part of a spectrum of human rights activities.

Australia's official aid program has a vital role to play. It can contribute to reducing refugee flows through the provision of essential humanitarian aid and basic social services, and by promoting human rights, good governance and more equitable economic development in countries in which refugee flows originate. A renewed commitment to ODA in the context of human rights protection and poverty alleviation must be fostered in developed nations. Increased levels and better targeting of ODA would greatly enhance the international commitment to achieving anti-poverty targets, including those in the UN MDGs, thereby ensuring global human security. ●

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UNHCR *Refugees by Numbers* (Media Relations and Public Information Service, Geneva 2002) [online] available: <www.unhcr.ch> and follow links to publications.

Other ACFOA documents and papers that informed this paper and are publicly available on the ACFOA website — <www.acfoa.asn.au> — are as follows:

ACFOA Resolution — Refugees, Asylum Seekers and Internally Displaced Peoples (2002);

ACFOA Submission to the Foreign and Trade Policy White Paper (2002); and

ACFOA Submission to the 2003-2004 Federal Budget (2003).

Appendix 1

The Millennium Development Goals

Goal 1: Eradicate extreme poverty and hunger

Halve, between 1990 and 2015, the proportion of people whose income is less than US\$1 a day.

Halve, between 1990 and 2015, the proportion of people who suffer from hunger.

Goal 2: Achieve universal primary education

Ensure that by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.

Goal 3: Promote gender equality and empower women

Eliminate gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015.

Goal 4: Reduce child mortality

Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate.

Goal 5: Improve maternal health

Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio.

Goal 6: Combat HIV/AIDS, malaria, and other diseases

Have halted by 2015 and begun to reverse the spread of HIV/AIDS.

Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases.

Goal 7: Ensure environmental sustainability

Integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources.

Halve, by 2015, the proportion of people without sustainable access to safe drinking water.

Have achieved, by 2020, a significant improvement in the lives of at least 100 million slum dwellers.

Goal 8: Develop a global partnership for development

Develop further an open, rule-based, predictable, non-discriminatory trading and financial system (includes a commitment to good governance, development, and poverty reduction - both nationally and internationally).

