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Effects of Corruption during the Times of Humanitarian Crisis: Lessons from the Global Battle against Covid-19

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ABSTRACT

In times of humanitarian emergencies, we often ponder on how to gather resources so that we are in a better position to fight back and provide relief to the common masses. But seldom do we attempt to understand the impact other factors apart from funds can have on our response system in the event of a humanitarian crisis. One such factor is “corruption”. It is known that corruption is wrong in many ways, it is a crime and also it is immoral. While we know that it causes serious damage to a nation’s growth and stability but what is to be understood in today’s times is that it is even more damaging in times of a crisis like the today.

Many people belonging to both the public and private arena are taking advantage of the present circumstances. Amidst the chaos created by the virus, funds are being used for personal gains and corrupt people are taking advantage of inadequate anti-corruption mechanisms and lack of transparency and are diverting funds away from people in these crucial times. Lack of government action is resulting in goods and food products being sold at unscrupulous prices.

Also, defective ventilators, poorly manufactured tests or counterfeit medicines are hurting people in their worst moment, thereby denying them their chance to fight against this deadly disease.

In this paper we shall analyse the impact corruption has on a country’s response in times of humanitarian crisis and what are the direct and indirect costs undertaken by humanity because of corruption. Further, it is important to know that what is the international community’s efforts and legal mechanisms with respect to corruption and how different should our approach be in times of humanitarian crisis.

Also, this paper shall attempt to take lessons from the global battle against COVID-19 and the effect of corruption on it.

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I. INTRODUCTION

Corruption in healthcare systems is an unfortunate global socio-political phenomenon, which occurs in country across the world and sustains from the state's system and character, growth, politics, economy and culture. Corruption weakens the sense of justice in society and undermines confidence of the citizens in their public institutions and undermines checks and balances that should protect society. It can potentially be highly threatening to peace, creates circumstances for illegal activities and aids the thriving shadow relationships. Corruption affects how administration in all arenas and functions and is a major barrier to economic growth and good governance.

The outbreak of COVID-19 has turned out to be one of the most tragic turn of events that have taken place in the modern times. It is becoming increasingly clear that in order to somewhat mitigate its devastating effects, we will have to display unprecedented levels of work and resourcing from the international community, international organisations, humanitarian groups, social investors and development agencies. This is important if we wish to bounce back from the negative effects of the pandemic and the accompanying economic recession.

Amongst all the visible challenges, one challenge which we often overlook is "corruption". It is a factor which can very easily derail aid campaigns during any a humanitarian crisis. Many stakeholders involved in rehabilitation schemes fall short when it comes to anti-corruption safeguards, such as due diligence, oversight and accountability mechanisms. This often happens in the quest of achieving rapid impact in their respective endeavours. It is often seen that the huge amount of capital involved in humanitarian settings often turns out to be breeding ground for financial fraud and corruption that can critically endanger the efficiency of donors' contributions, with a disproportionate and unfortunate impact on the most vulnerable and endangered groups².

Humanitarian campaigns can potentially suffer from corrupt practices such as diversion of funds and medical supplies, misreporting of salaries and payments for goods, petty bribery to bypass containment measures, such as roadblocks and quarantined zones, as well as non-transparent procurement processes, resulting in a reduced quantity and quality of aid reaching the needy. Also, there are non-financial forms of corruption as well that affect humanitarian interventions, such as nepotism and unethical patronage in staff recruitment, favouritism and

² Jon Vrushi and Roberto Martinez B. Kukutschka, 'Why Fighting Corruption Matters in The Times of Covid-19' (*Transparency International*, 28 January, 2021) < <https://www.transparency.org/en/news/cpi-2020-research-analysis-why-fighting-corruption-matters-in-times-of-covid-19>> accessed 02 November 2021.

political interference in aid distribution among others³. It is known that, corruption reduces trust, deteriorates democracy and is an obstacle before economic growth and also aggravates disparity, poverty, social division along with the environmental crisis.

Amidst the present crisis, perfect conditions have been created for corruption to bloom. Enormous resources are being applied to address both the health-related aspects and its economic side effects of the COVID-19 crisis. While procurement tasks and enforcement actions are lenient or diminished by the demands of the crisis and requisite social distancing. It has been seen that previous health crises and natural disasters have been inundated by corruption. For example, in the United States, the aftermath of Hurricanes Katrina, Rita, and Wilma saw several cases of corruption, with over 1,439 people charged by 2011 for crimes including fraudulent charities, government and private-sector aid fraud, identity theft, government contract and procurement fraud, and public corruption⁴.

The impact the cases of the Ebola crisis in west Africa was immense, corruption became the cause of diversion of crucial funds and resources and compromised containment procedures as citizens were able to bribe their way out from limitations on their movement⁵. In the current crisis, recent journalistic and watchdog reports from several countries show that instances of price-gouging and profitable contracts being awarded without proper procurement procedures to well-connected corporations. For instance, in Colombia, the inspector general has reportedly launched fourteen coronavirus-related investigations, mostly pertaining to overpricing of emergency goods and medicines. In Italy, it was found that a government contract for 32 million face masks was awarded to an agricultural company specializing in high-tech greenhouses, later, the responsible agency had to annul the contract and initiate an investigation into the same⁶.

Although amidst a serious humanitarian crisis, it is rather difficult to manage minute details on the ground and implementation of anti-corruption mechanisms seem to take backseat. But what we often forget in this regard is that corruption is a phenomenon which when starts growing, latches on to the ongoing crisis and then they feed of each other, degrading the situation further. Also, one mustn't forget that combating any humanitarian crisis, especially something of the scale of COVID-19, requires huge amounts of money. These stimulus or aid packages can pertain to different requirements such as urgent aid, economy stimulus packages, policy

³ *ibid.*

⁴ 'Corruption and the COVID-19 Pandemic' (World Justice Project, 2020) < <https://worldjusticeproject.org/sites/default/files/documents/Corruption%20Design%20File%20V4.pdf>> accessed 08 November 2021.

⁵ *Ibid.*

⁶ *Ibid.*

measures (immediate, mid to long term). Now, even if money is present in adequate amounts still, the presence of corruption can result in poor responses to humanitarian emergencies. Corrupt influence can force the diversion of capital to unnecessary or impractical policy measures simply for their own benefit.

Apart from economic losses, corruption can have massive impact on our response and also can be fatal in terms of how many lives we could have saved, if decision making at all levels and in various spheres be it private or public, was free of corruption.

The emergency response to the COVID-19 pandemic exposed serious cracks in health systems and democratic values and systems, underlining that those who possess power and control government purse strings often instead of acting in public welfare serve their selfish interests harming the most vulnerable sections of the society in the worst manner. As the global community transitions from crisis to recovery, anti-corruption efforts must keep pace to ensure a fair and just revival from this horrifying experience, we all have been through and also to ensure that in future we are better prepared to fight and survive.

Corruption is one of the key obstacles in our path to achieving the United Nations' Sustainable Development Goals (SDGs), and the COVID-19 pandemic is making those goals even more difficult to attain. The long-term effects of corruption on health care systems remind us that corruption often intensifies the effects of a crisis⁷.

Corruption is prevalent across the COVID-19 response, from bribery for COVID-19 tests, treatment and other health services, to public procurement of medical supplies and overall emergency preparedness.

One such example can be that of the corrupt practices adopted during the coronavirus pandemic. Such instances could be seen across India. Complaints were made that private hospitals were overcharging even in such dire times. This was accompanied by overpricing and black-marketing of essentials such as oxygen cylinders and medicines. This shows that corruption did not take a break during the pandemic, rather it flourished, adding to the misery of the people⁸.

corruption diverts funds from much needed investment in health care, leaving communities without doctors, equipment, medicines and, in some cases, clinics and hospitals. In addition, a lack of transparency in public spending heightens the risk of corruption and ineffective crisis

⁷ Transparency International, 'CORRUPTION PERCEPTION INDEX' (CPI, ISBN: 978-3-96076-157-0, 2021).

⁸ 'Profiteering during Covid' (The Tribune, 26 June 2021) < <https://www.tribuneindia.com/news/editorials/pofiteering-during-covid-274152>> accessed 02 November 2021).

response.

Budget transparency, particularly during an emergency response like COVID-19 when speed and efficiency matter, can be difficult to enforce during a crisis. Transparency is nevertheless key to ensure public resources are spent appropriately and reach their intended recipients. For this reason, robust and transparent procedures for budget allocations, public contracts, and audits must be in place before a crisis hit⁹.

Some points which need to be kept in mind while understanding the impact of corruption on humanitarian response to COVID-19¹⁰:

- In many countries, fight against COVID-19 have seen violations of anti-corruption standards such as cutting corners in procurement procedure, or persons in power taking advantage of the crisis to increase their private benefits.
- Traditional anti-corruption policies have proven to be inadequate in situations of serious humanitarian crisis such as the present outbreak, as learned from the experience of the Ebola outbreak. Anti-corruption policies have to be altered as per the need of the hour¹¹.
- There must be a strict regulatory procedure for drug research and development, with decision making kept under scrutiny to secure public interest and equal access.
- Donors must take care that they are extending funding only through recognised and respectable channels should channel funding through existing channels that already apply anti-corruption best practice with respect to the funds collected.
- Health workforce management and recruitment in many developing countries has failed because of corruption and lack of transparency to ensure successful implementation of complex treatment procedures by the staff. As pressure to recruit more and more staff increases due to the increased number of patients, effective crisis management depends on following a certain standard of hiring and staff management procedures in a fair and effective manner.

⁹ Susan Breaux and Indira Carr, 'HUMANITARIAN AID AND CORRUPTION' (2009) <<https://ssrn.com/abstract=1481662>> accessed 02 November 2021.

¹⁰ Sarah Steingrüber, Monica Kirya, David Jackson and Saul Mullard, 'Corruption in the time of COVID-19: A double-threat for low-income countries' (U4 ANTI CORRUPTION RESOURCE CENTRE) <<https://www.u4.no/publications/corruption-in-the-time-of-covid-19-a-double-threat-for-low-income-countries.pdf>> Acc 4 Nov 2021

¹¹ Ibid.

- It is important to keep involving civil society organisations in the important role of monitoring health outcomes and procurement systems, to track budget spending, and provide user feedback.
- Practitioners seeking to ensure and build integrity in the health sector require a thorough understanding of the social forces that perpetuate the corrupt practices.

It is important to understand the immense humanitarian cost of corruption, which lead to human rights violations, if governments are unsuccessful to combat fraud and bribery especially with respect to health-care supply chains, considering that doing so is very important to provide essential medicines and personal-protective equipment to the people, without which our fight against COVID-19.

If medications are diverted because of bribery, innocent public who are underprivileged and remain devoid of good quality treatment because of which they could die, leading to a gross violation of human rights.

Thus, it can be said that the responsibility falls on the States to combat this menace rigorously, efficiently and in a more cohesive manner to ensure that companies are implementing adequate safeguard against corruption in business activities to ensure respect for human rights and for this the 'UN Guiding Principles on Business and Human Rights'¹².

It is important that states have deny financial assistance to corporations located in overseas tax havens, or require companies who receive funding to act properly in line with the corruption laws prevailing in their country.

They risk their lives going to work in grocery stores, factories, on farms and in hospitals and nursing homes. States should only support those companies who actively ensure their safety and well-being.

The Working Group emphasized the urgent need for remedy for victims. Individuals and communities harmed by corporate bribery and human rights abuses often have no recourse and judicial corruption can be a major barrier.

We must call upon the businesses to ensure they devote additional attention to anti-corruption mechanisms, especially during crisis' times and to integrate respect for human rights into corporate decision-making, along with anti-corruption compliance.

¹²UN Guiding Principles on Business and Human Rights (OHCHR, 2011) <https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf> accessed 08 November 2021.

The Covid-19 pandemic emphasized substantial gaps in national and international plans regarding containment of a pandemic and that inadequate attention was paid to good governance and prevention of corruption. The pandemic has distressed economies and, in some cases, left people with no work or means of subsistence. The whole world is facing problems but differ in how they battle them and also regarding the impact of corruption. The nature and extent of corruption fluctuates continuously where it is present and its occurrence differs depending on the level of development in the state and so it takes different forms in different countries. But, the consequences of corruption are catastrophic both for a country's economy at large and its citizens in almost every aspect of their lives. If in rich and developed nations corruption affects the financing of medical services, access and quality of services and in poor countries, it can be a matter of life and death.

II. EFFECT OF CORRUPTION ON A HUMANITARIAN INTERVENTION

(A) Direct Costs

Corruption leads to the direct loss of significant amounts of humanitarian assistance funds.

One of the major reasons behind this can be said to be the complexity of the system of providing relief/assistance. Right from providing for basic human needs such as food and shelter or ensuring rebuilding of essential infrastructure such as roads, hospitals and schools, is never a one-man job and encompasses a multitude of stakeholders depending on the circumstances on ground the ability of the affected State to respond to the needs without international assistance. Such network comprises of donor organisations, UN agencies, government authorities, I-NGOs, Red Cross, local NGOs, international defence forces and a multitude of local actors such as local village chiefs and community representatives¹³. Now in such a scenario the menace of corruption often strives to raise its head. This is because there is because there is no one agency to regulate this whole process and the presence of various actors on grounds creates a situation on chaos on the ground which sometimes gets hard to manage.

Further, it is important to understand that it is not always that an agency or NGO involved in providing humanitarian assistance has a strong ground network to facilitate the aid process and it has to seek the assistance of various actors on ground. This depends on the situation on ground, the degree of crisis and the extent of help required by the local actors and government authorities. The involvement of many individuals and agencies without any proper system of

¹³ Matthew Jenkins, Aram Khaghaghordyan, Kaunain Rahman and Jorum Duri, 'The costs of corruption during humanitarian crises, and mitigation strategies for development agencies' (Transparency International, 19 April 2020) <the-costs-of-corruption-during-humanitarian-crises-and-mitigation-strategies-for-development-agencies.pdf (u4.no)> accessed 03 November 2021).

checks and balances may potentially lead to abuse of aid by partner NGOs or officials of ground. This has another negative effect i.e., that the investors become sceptical about putting in more donations, as they fear that money put in by them will be misused.

It is clear that corruption cannot be taken lightly and even though in the times of crisis such as now (COVID-19), when controlling corruption may not be our top priority as it leads to the direct loss of significant amounts of humanitarian aid funds. The health sector often suffers the most in this regard. As per a recent survey in sub-Saharan Africa, it was seen that 14% of citizens who received medical services reported paying a bribe, which ranged to 43% in Liberia and the Democratic Republic of Congo, and a whopping 50% in Sierra Leone¹⁴. This fact is very unfortunate and worrying as, if a person will not be able to pay bribe, he will potentially have to remain devoid of life saving treatment and medicines. Worldwide, it is estimated that at least US\$455 billion of the US\$7.35 trillion spent on healthcare per year is lost to fraud and corruption¹⁵.

Such organized corruption which is settled deep down in the system harms the ability of local healthcare systems in low-income countries to respond to humanitarian emergencies.

According to an independent audit by the Global Fund, and later the Associated Press in 2011, it was found that a whopping US\$34 million worth grants may have been misused in Djibouti, Mali, Mauritania and Zambia¹⁶. Allegations made in this regard ranged from forging of documents, improper book-keeping, donated drugs diverted and sold on the black market, and as much as 30% to 67% of funds were allegedly misused¹⁷. Such instances harm the people as the funds which they could have received for welfare of people are stopped.

In 2017, the International Federation of Red Cross and Red Crescent Societies (IFRC) revealed that US\$6 million were misplaced due to corruption and fraud during its Ebola outbreak operations from 2014 to 2016¹⁸. Since the reveal, the IFRC has put in place a “triple defence” fraud prevention framework to strengthen its three lines of defence, namely operations, compliance and internal investigation. This teaches us two lessons- one that even an internationally renowned organization such as IFRC finds it difficult to control corruption during the process of delivering humanitarian aid, thus, one cannot deny the role or presence

¹⁴ ‘GLOBAL CORRUPTION BAROMETER AFRICAN 2019: CITIZEN’S VIEWS AND EXPERIENCE OF CORRUPTION’ (Transparency International, 11 July 2019) < <https://www.transparency.org/en/publications/gcb-africa-2019> >

Accessed November 03 2021.

¹⁵ Ibid.

¹⁶ Matthew Jenkins, Aram Khaghghordyan, Kaunain Rahman and Jorum Duri (n 6) 6.

¹⁷ Ibid.

¹⁸ Ibid.

of corruption in this regard. Secondly, the defence system as mentioned above shows us the path forward with respect to prevention of corruption during the times of a humanitarian crisis.

(B) Indirect Costs:

Amidst a humanitarian crisis, usually, we don't keep a check on losses a country suffers due to corruption. It is because our priority at that time is saving lives and minimizing losses which can potentially be inflicted due to the crisis at hand. But, this very desperation to save lives and minimize humanitarian damage is misused by corrupt actors in all spheres of administration, be it public or private and the nexus thus formed becomes fatal for the safety and stability for the society.

Also, it is important to understand that corruption occur not only during active humanitarian crisis but even in the aftermath. It can occur during public works, procurement and reconstruction efforts along with active rescue missions¹⁹. Also, we mustn't forget that humanitarian crises also amplify prevailing weaknesses in affected countries especially if the country is underdeveloped and poor, such as inadequate domestic regulation systems and fragile political climates. This situation is made worse because of socio-economic crimes such as fraud or corrupt conduct.

If we apply this concept in the context of India, we must understand that the effects of corruption in India amidst the pandemic and post pandemic can be devastating, if not controlled. At the same time, despite the fact that the pandemic has had devastating impact on India, the nation will have to attempt to bounce back in terms of economy and development. This journey will be quite challenging because of economic deprivation and the ecological plunder. People who are morally corrupt will attempt to exploit this situation and harm the nation which is already hurt because of COVID-19. But we can prevent this from happening by ensuring the prevalence of corruption-free administration and transparent policymaking. If this happens, India can not only get rid of the virus of corruption but also fight the coronavirus in a more effective manner, whilst continuing on its growth journey²⁰.

In health crises, bribery not only has financial costs but also can potentially cost human lives. People who can afford pay bribes to receive access to care as soon as possible, while the unfortunate poor people are left to pray that they get proper medical attention and remain at mercy of other people. Instances of bypassing quarantine measures to reduce the prevalence of

¹⁹ 'Disaster preparedness' <<https://www.ifrc.org/disaster-preparedness>> accessed 03 November 2021).

²⁰ K Jayakumar, 'Beware of corruption in post-COVID times' (THE NEW INDIAN EXPRESS, 16 July 2020) <<https://www.newindianexpress.com/opinions/2020/jul/16/beware-of-corruption-in-post-covid-times-2170392.html>> accessed 04 November 2021.

COVID-19 clusters pandemic are often seen and are made possible by the tool of bribery²¹.

Further, in such situations, the potential cost of corruption may be immense due to the infection risk posed to the overall population, further enhancing the humanitarian crisis.

The COVID-19 pandemic has showed no mercy on anyone and is affecting the developed and developing countries simultaneously. Following the commencement of such a humanitarian crisis this severe, it is important that we continue to reduce the root causes of corruption while punishing the perpetrators of corruption in a proper manner so that we cure this disease for a long-term period. This pandemic will be seen by some as an opportunity to take advantage of the emergency to abuse their power for private gain. In these peculiar circumstances, it is critical that corruption not be ignored.

Another, fact which highlights the importance of working even harder on our anti-corruption movement is, that the best evidence we currently have of the origin of SARS-CoV-2 leads to a market in Wuhan, China, that engaged in the corrupt and illegal trade of exotic wildlife, whereby this zoonotic disease was transferred to humans, this also shows that officials of all ranks be it on a domestic level or in the international sphere did not do their job of regulation of such markets in a proper manner. Also, health systems affected countries who were receiving aid of both financial nature and in the form of kind, equipment's, medicines, etc. who also suffered from chronic systemic weaknesses were not able to use the aid in an appropriate manner²².

It is critical that existing investments, as well as any additional funds made available to tackle the disease are deployed fairly and in a strategic manner. Anti-corruption safeguards and accountability/transparency measures will ensure that humanitarian aid deployed to help fight the virus is used well and benefits those who actually require it.

It is important to identify of the emerging corruption trends associated with the disease outbreak and suggests priorities development actors can adopt to minimise the threat corruption poses to an effective response to the crisis.

III. CORRUPTION RISKS IMPACTING HEALTH SYSTEMS DURING DISEASE OUTBREAKS

During an outbreak, it is often seen that attention and funding for other health operations gets

²¹ Matthew Jenkins, Aram Khaghghordyan, Kaunain Rahman and Jorum Duri (n.8)6.

²² Ibid.

less attention. This can be a root cause of certain instances of corruption on its own²³:

1. Emergency procurement that increases corruption risks
2. Stealing available supplies, price extorting, and resale on the grey and black markets
3. Increase in substandard and falsified products entering the market.

(A) Procurement of goods and services for disease management

Evidence from audits of international aid expenditure during the 2013–2016 ‘West African Ebola’ outbreak show that procurement procedures and anti-corruption safeguards were widely overlooked, this resulted in the procurement of not only substandard equipment but also procurement at exorbitant prices. In the case of COVID-19, considerable funding will be required to obtain the equipment and basic infrastructure needed to provide intensive care²⁴. Thus, keeping in mind that the pandemic is not gone yet we must keep an eye on the element in the society looking to take wrongful benefit of this whole situation.

The scarcity and demand for ventilators and other equipment for intensive care will increase the risk of corruption in the procurement of these goods. Opacity and corruption in health workforce governance, recruitment, and management Strong and capable leadership, backed by a health workforce with the necessary expertise, is the cornerstone of an effective response to pandemics.

Also, in many countries, corruption and lack of transparency have led to the recruitment of people who are unfit to implement complex treatment protocols, which reduces the ability of a country to handle a crisis. This issue is pertinent at a time when health systems are under pressure to recruit as many workers as possible. During the Ebola outbreak, audits of international development spending showed that funds for health and awareness raising efforts were fraudulently documented²⁵.

Another instance of corruption can be found in the process of payment of paying remuneration to the frontline workers. It is also seen that there is often a failure to provide healthcare workers’ salaries and dues destined for organisations were paid out to private individuals by those charged with distribution. Petty forms of corruption carried out by healthcare workers such as informal payments, overprescribing, favouritism, and nepotism are likely to be harm the system, especially when the system is seemingly beaten during the times of corona.

²³ Sarah Steingrüber, Monica Kirya, David Jackson and Saul Mullard (n.6).

²⁴ Ibid.

²⁵ Ibid.

(B) Opacity in research and development

There is a global demand and need to advance research and development of diagnostics and therapeutics to address the COVID-19 outbreak and considerable amounts of public funding is being spent in furtherance of the same. In the best of times, pharmaceutical research is non-transparent and expensive and it is possible that industry and market functioning with such dynamics will be manipulated for the sake of higher profit.

(C) International Law Measures to Combat Corruption²⁶

Corruption is not a modern phenomenon. It is as old as humanity. It is however a politically sensitive subject and it is only since the mid-1990s that the international community has responded to the calls for an international effort to combat corruption. In this section the various international responses to the phenomenon are reviewed. All of the major organs of the United Nations dealing with issues of humanitarian aid and the General Assembly and the Security Council have engaged in specific actions with respect to the provision of delivery of aid.

(i) **Security Council:** A significant change in international practice is that the international community is now prepared to intervene and ensure the delivery of aid using force in situations of internal or international armed conflict. This is ensured by the United Nations Security Council under powers enshrined on them under Chapter VII powers upon finding that a situation is threat to international peace and security. But unfortunately, this has not been extended to cases of natural disaster but broadly only applicable to the delivery of humanitarian aid in the situation of internal armed conflict.

But, in ‘Resolution 794’ the UNSC decided that the severity of the human tragedy caused by the conflict worsened by the difficulties being formed to the distribution to humanitarian aid will be considered a threat to international peace and security. Further, the resolution authorised the use of military force to ‘promote the process of relief distribution’.

(ii) **General Assembly:** The General Assembly has been in the past responsible for standard setting and guidelines concerning humanitarian aid. In the ‘60th Anniversary Summit’ and ‘the general statement on human security’ the GC made certain statements in this regard.

1. Firstly, with respect to children and armed conflict:

“118. We therefore call upon all States concerned to take concrete measures to ensure accountability and compliance by those responsible for grave abuses against children. We also reaffirm our commitment to ensure that children in armed conflicts receive timely and effective

²⁶ Susan Breau and Indira Carr (n.5).

humanitarian assistance, including education, for their rehabilitation and reintegration into society”.

There was then the general statement on the ‘responsibility to protect’ which includes the obligation to use humanitarian means to protect populations:

“139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity...”

The issue with these provisions/statements is similar to that of the Security Council action they directly relate to situations of armed conflict and not natural disasters or other humanitarian crisis’.

IV. UNITED NATIONS CONVENTION AGAINST CORRUPTION

‘The United Nations Convention against Corruption’ is the only legally binding international anti-corruption instrument. The convention is one of a kind and is mandatory in nature, this makes it a comprehensive solution to the global menace of corruption.

The Convention covers five main areas:

- preventive measures,
- criminalization and law enforcement,
- international cooperation,
- asset recovery, and
- technical assistance and information exchange.

The Convention covers many different forms of corruption, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector. Such type of coverage can be helpful as corruption in the private sector has impacted our fight against COVID-19 in a serious manner.

(A) Recommendations for stakeholders involved

This emergency requires that corruption risk mitigation is built into the donor support provided to the response to prevent further damage to societies both financially and morally, and maintained in existing investments. Donors should leverage their aid and influence, wisely building on the experience of past humanitarian crisis’.

Apply a sectoral approach to anti-corruption: This must remain a priority during a humanitarian crisis and in this particular case of the COVID-19 outbreak. It is not advisable to

rely on traditional anti-corruption policies and programmes focusing primarily on financial management to identify and prevent corruption, as we must remember that funds can be diverged and documents can be forged, and moreover while combating any pandemic, excess of bureaucracy can prove to be fatal. The Ebola outbreak has taught us that such mechanisms in the face of an epidemic are insufficient and if we adopt a sectoral approach to tackling corruption, we can achieve our desired health and humanitarian outcomes²⁷.

One of the ways in we can implement this is by including anti-corruption experts in the public health discourse and using their expertise to move forward. We must properly understand the corruption risks they are facing, and implementers must design interventions as per them. Despite prevalence of corruption in the appointment of public officials, developing countries such as DRC, Uganda, and Nigeria have been able to control the spread of Ebola by appointing experts with strong leadership skills to spearhead their epidemic response plans.

Share risk and minimise compliance burdens: The strict compliance standards for financial record keeping and anti-corruption kept in place for aid providing stakeholders leads to the burden of risk being carried by NGOs and restricts their ability to act²⁸.

Such run-of-the-mill compliance mechanisms have not been very successful, are time consuming and expensive. It was suggested that donors reflect on their own policies to avoid stifling activity and prevent achieving outcomes²⁹.

Channel funding jointly and use existing networks: When it comes to anti-corruption best practice in health, the Global Fund is recognised as having robust policies to allow for prevention and management of corruption within grants, as well as sanctions enforcement. There are increasing amounts of bilateral donor funding being channelled through the global Fund already such as COVAX coalition, and the fund is considering grant making to combat the covid outbreak. This presents an opportunity for donors to join together for greater impact using a trusted grant-making entity with robust and established anti-corruption mechanisms.

Safeguard the justice system and deter fraud: To the extent that it is possible, the justice system must be allowed to continue to function in order to enforce sanctions and rule on cases of corruption, thereby maintaining systems of accountability during a state of emergency. The relevant anticorruption and criminal justice agencies should issue strong warnings against fraud

²⁷ Sarah Steingrüber, Monica Kirya, David Jackson and Saul Mullard (n.6).

²⁸ 'ICYMI: How will COVID-19 impact crisis zones?' (THE NEW HUMANITARIAN, 19 March 2020) <<https://www.thenewhumanitarian.org/2020/03/19/coronavirus-crisis-zones-online-conversation>> accessed 05 November 2021.

²⁹ Ibid.

and corruption in crisis response measures, and prepare to launch investigations against those who are abusing their public positions to profit from the crisis.

Integrity risks are heightened in crises due to a rapid influx of funds and increased pressure to respond fast. Cracks in systems already vulnerable to corruption are further exploited in emergencies. The demand for urgent and large-scale procurement increases the risk of overpricing, dubious contract arrangements, and fraudulent expenditures.

If not mitigated, corruption deprives beneficiaries of much-needed assistance, especially the poorest and most vulnerable. It also discourages citizens from actively participating in development. Hence, development organizations need to collaborate within and outside their institutions to root out corruption and show zero tolerance when corruption is discovered - even more so in crises.

Here are five fundamental measures to mitigate integrity risks in development projects especially during emergencies.

- i.** Make sure that projects are transparent and fair and have adequate accountability and control mechanisms.
- ii.** Advance due diligence without forgoing project or policy integrity. Due diligence may be compromised only in absolute emergencies as background investigations can be an obstacle before aid delivery. It is critical to ensure the integrity of due diligence requirements even in the COVID-19 era.
- iii.** Keep complaint mechanisms functional and undertake inquiries as deemed fit.
- iv.** Inspire officials and citizens to remain attentive, and report alleged fraud and corruption cases and act as whistle blowers. Also, citizen involvement must be stimulated. The citizens must be supplied with proper information so that they remain vigilant.

In order to ensure that vital development projects remain free of corruption during the pandemic and in aftermath, we must all play our part and build a community of people with integrity. Because if the contrary happens, the poor will have to suffer massively.

In the present humanitarian crisis, if the deprived sections of the society remain deprived of aid due because of corruption, it could mean the difference between life and death for them.

V. CONCLUSION

The corona pandemic requires urgent action from all involved in national and global health response. What we do know from previous epidemics and global crises is that they provide a perfect environment for corruption to flourish and that this guarantees further loss of life,

depreciation in public trust, and dysfunction in society that persists much longer than the crisis itself. In this moment, safeguarding corruption must be prioritised alongside the health response. At the same time, it is important to avoid premature or poorly-thought-out reforms that can do more harm than good, such as overwhelming a society's capacity to absorb aid and put it to effective use.

As mentioned earlier, the health systems of many low-income countries suffer from systemic weaknesses that could make an effective response to COVID-19 difficult. However, experience from the HIV/AIDS and Ebola crises shows that the challenges are not insurmountable. Development partners need to ensure that development aid is not misused or misappropriated. They can do this by ensuring transparency in procurement, implementing civil society oversight of grant disbursements and service delivery, and encouraging integrity norms in the health workforce.

The ongoing crisis also offers an prospect to toughen leadership and strengthen governance in the medical sector, clean up ghost workers, and provide salaries and benefits for healthcare professionals. The COVID-19 crisis has shown that transparency should be strengthened throughout the medical private sector who provide medical devices, pharmaceuticals, life/science, medical supplies and also are involved in research and development, drug trials, etc., so as to ensure that profit-making does not override public interest. The pandemic is also a reminder that the global community and governments should make sufficient investments in pharmaceutical management and distribution which would be beneficial for not only the present times but for the future as well.

Also, this is a good time to strengthen the WHO sub-standard and falsified medicines department and ongoing efforts to tackle pharmaceuticals corruption such as the Good Governance for Medicines Initiative.

In order to minimise the risks of corruption faced in the delivery of humanitarian assistance at various levels. Among these strategies are³⁰:

- Assessment of the risks of corruption and fraud in the delivery of humanitarian assistance on the basis of which adequate systems – financial, monitoring and auditing – should be put in place;

³⁰ Barnaby Willitts-King and Paul Harvey, 'Managing the risks of corruption in humanitarian relief operations' (Overseas Development Institute, 31 March 2005) <<https://www.alnap.org/system/files/content/resource/files/main/1977.pdf>> accessed 06 November 2021.

- Organization of procurement processes that match international best practices in Tender invitation such as open invitation for quotes, decisions on procurement by expert committees;
- Agencies should share their knowledges and approaches so there could be a clear formulation of policies for prevention of corruption;
- Have clear policies in respect of corruption that are widely publicised not only to the internal staff but also to external stakeholders such as contractors and other the agency deals with;
- Effort must be made to remove taboos in discussion or talk of corruption and ensure adequate whistle-blower protection;
- Ensuring the inclusion of corruption training part of the induction programme for individuals involved in aid work and public officials as well. Sensitisation of the at risk regarding the aid entitled for them by extensive coverage of information and provide instruments for reception of feedback and complaints; and
- It is important to learn from past mistakes, which can be done by conducting an audit post the humanitarian crisis.

As governments around the globe undertake legal and legislative manners in haste due to the present-day crisis, they must prioritise public interest by discouraging and punishing corrupt individuals who seek to take advantage of the crisis through fraud and corruption. It is important that we retrospectively scrutinise procurement and other official policy decisions during the crisis by a special fact-finding body. This would also allow the world to learn lessons before the next pandemic strikes, whose threat looms large upon us.
