

Humanitarian Aid, Human Rights and Corruption

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Abstract:

All human beings are entitled to adequate security in terms of the basic necessities of life, food, shelter, health and well-being. These basic rights are reflected most particularly in the International Covenant on Economic, Social and Cultural Rights, 1966. However, when a government is unable or unwilling to protect these fundamental human rights, international obligations mandate co-operation at the international level in guaranteeing these rights. This obligation is more often than not realised by the provision of financial and humanitarian aid. It has become apparent that there are problems with respect to the delivery of humanitarian assistance as a result of the attendant presence of corruption in emergency situations. According to the Asian Development Bank, humanitarian assistance runs to US \$ 10 billion a year. There is clearly a phenomenon of benefit, at times extensive, by corrupt individuals from humanitarian aid that leaves the most vulnerable to continue their suffering from natural or man-made disasters.

With the rise of international responsibility as embodied in the doctrine of the responsibility to protect and the rise of international civil society there is a sense of responsibility and immediacy in combating the difficulties in humanitarian aid reaching the people who are truly in need. This paper examines various international legal questions that arise from this situation. The framework for this review will be the notion of human security and the proposition that humanitarian emergencies can constitute threats to international peace and security. Emergencies for this purpose will have a wide meaning to encompass not just international or internal armed conflict (the framework for the responsibility to protect) but natural disasters and manmade disasters.

The questions addressed in this chapter, with a view to making recommendations for combating corruption in humanitarian aid, are: (a) 'What does humanitarian aid actually mean and in what circumstances do countries step in to relieve human suffering?'; (b) 'Are there international responsibilities such as those embodied in the responsibility to protect?'; and (c) 'What measures are in place to combat corruption within an international and national law framework and are they sufficiently robust to address corruption in the context of humanitarian aid?'