

# COVID19 and the Narratives of Emergency Aid: A Claim to Go Beyond States

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## SUMMARY

COVID-19 has created a global health emergency, revealing serious limitations in organizational structures that only deepen inequality. In this context, the questions related to *emergency aid efficiency* are more pertinent than ever. Does emergency aid work? Who are the main donors and beneficiaries? What is their discourse? Within the framework of the linguistic paradigm, it can be argued that their narratives — explanations of objectives and motives — will shape the aid system that emerges from this crisis. A claim is made to go beyond geopolitics, to create a system that enables the people in recipient countries to determine aid priorities and coordinate spending in line with human rights.

**Keywords:** COVID19, health narratives, global health architecture, geopolitics, human rights

*“Aid is likely to work best in countries, communities, and contexts  
where it is needed least,  
while the risks of its working least effectively tend to be highest  
in those countries that need it most.”*

Roger C. Riddell

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## INTRODUCTION

COVID-19 has put health in a *state of emergency* all over the planet revealing serious structural limitations that deepen inequality. This creates a global challenge and calls for international solidarity and cooperation in its wider contemporary acceptance.

Traditionally, states, with their own values and interests, have been considered the main actors of international relations embodying an eternal power struggle. This approach, widely known as *realpolitik*, emphasizes *regularities* and favors the maintenance of the status quo. Today, from a less positivist and more critical-reflective vision, the emergence of new actors is recognized. International events are now seen as the product of action, not only by the states, but by many other players such as companies and NGOs, and even individuals, who interact within the framework of cultural systems, social organizations, and historical epochs, highlighting the *singularities*, and allowing the promotion and explanation of change.

This new vision that has slithered into the analysis of specialists, has also permeated some international practices such as development cooperation and humanitarian aid. International cooperation, formally instituted after the Second World War as “a child of hardheaded diplomatic realism” has transformed its objectives, modalities, and procedures, passing from a centralist, economistic and statist vision of development, to one focused on the enhancement of local ownership from a multisectoral approach in the so-called Sustainable Development Agenda.<sup>2</sup>

International cooperation is now seen as a joint effort between international organizations, governments, civil societies, the private sector, and academia to improve the global standard of living, and the rule of law through the transfer, reception, and exchange of information, knowledge, technology, experiences, and resources. The aid does not go all to governments, nor is it limited to intervention projects from international organizations; much of that aid is now distributed among Non-Governmental Organizations’ (NGOs) projects at the local level. However, governments continue to provide “the bulk of aid” (nearly 80% of the total) in the form of Official Development Assistance ODA.<sup>3</sup> Up to 70% is distributed to recipient countries directly as “bilateral aid” according to “a mixture of different goals”, defined by geopolitics.<sup>4</sup>

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<sup>2</sup> CAROL LANCASTER, FOREIGN AID: DIPLOMACY, DEVELOPMENT, DOMESTIC POLITICS (2006).

<sup>3</sup> *Id.* at 48-61.

<sup>4</sup> ROGER RIDDELL, DOES FOREIGN AID REALLY WORK? (2008). *See also* LANCASTER, *supra* note 1 at 61.

In this context, the questions related to *emergency aid efficiency* are more valid than ever. Does emergency aid work? Who are the main donors and beneficiaries? What is their discourse? What do they say about giving or receiving assistance?

Within the framework of the linguistic paradigm, it can be argued that their narratives — explanations of objectives and motives — will shape the aid system that results from this crisis, according to a mixture of different interests and goals. Some illustrative cases will be analyzed from all over the world. Additionally, Venezuela serves as an example of how authoritarianism linked to corruption may challenge the entire international architecture for humanitarian or emergency aid.

We must go beyond states promoting and defending human rights from below, advancing the transformation of the top-down framework that had characterized both, the provision of aid, and the Rule of Law.

## **1. About Emergency Aid, Donors, and Beneficiaries**

Before diving in, it is important to define emergency aid. *Humanitarian or emergency aid* is meant to assist during emergencies, and therefore is short-term in nature. It is different from *development aid*, which funds longer-term development processes and goals. “Historically, the humanitarian aid has accounted for only a small share – between 5% and 10% of the total – although in the last decades it has increased at a far faster annual rate than total official aid.”<sup>5</sup> With the pandemic, this trend will continue.

In general, foreign aid is provided by three main types of donors: rich country governments, NGOs, and private foundations. They all exist with the belief that donations will help improve the lives of the extremely poor; those hit by emergencies with nowhere else to turn; and those living on the margins of society. However, “[t]he largest (OECD/DAC) donors are responsible for over 80% of all official aid, of which 70% is provided as bilateral aid,” according to “[a] mixture of different goals.”<sup>6</sup> This means the allocation of humanitarian aid “[i]s influenced by the short-term political, security, and commercial interests of donor governments,” and, by their vision of the world and of international relations.<sup>7</sup>

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<sup>5</sup> *Id.*

<sup>6</sup> LANCASTER, *supra* note 1 at 61.

<sup>7</sup> RIDDELL, *supra* note 3 at 24.

It is therefore evident that “domestic politics and international pressures combine to shape how and why donor governments give aid.”<sup>8</sup> Therefore, the motifs and reasons furnish the context and background for examining the architecture through which aid is allocated and administered. But this is only one part of the equation.

What happens with those who receive the aid? They are usually forgotten in the analysis. The protagonist role of governments in the receiving part is enhanced by *The Paris Declaration on Aid Effectiveness* and its promotion of *national ownership*. This implies alignment with the state’s plans, employing countries' institutions and systems, where “[t]hese assure that aid will be used for agreed purposes.”<sup>9</sup> As the same Declaration explains: “Country systems and procedures typically include, but are not restricted to, national arrangements and procedures for public management, accounting, auditing, procurement, results frameworks, and monitoring.”<sup>10</sup>

The approach to human rights as an obligation primarily of the state reinforces this central role of the public sector vs. other actors in the provision and management of the aid.<sup>11</sup> At least the 145 State Parties to the *International Covenant on Economic, Social and Cultural Rights [ICESCR]* bear significant obligations concerning the fulfillment of these rights, which cannot be realized without resources.<sup>12</sup> This is recognized in Article 2 (1) where we read:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, to achieve progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.<sup>13</sup>

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<sup>8</sup> LANCASTER, *supra* note 1 at 61.

<sup>9</sup> PARIS DECLARATION ON AID EFFECTIVENESS, (2005), para. 17, [https://read.oecd-ilibrary.org/development/paris-declaration-on-aid-effectiveness\\_9789264098084-en#page1](https://read.oecd-ilibrary.org/development/paris-declaration-on-aid-effectiveness_9789264098084-en#page1) (last visited Aug 2, 2021).

<sup>10</sup> *Id.*

The Paris Declaration on Aid Effectiveness proposes five fundamental principles for making aid more effective: “(1) Ownership: Developing countries set their strategies for poverty reduction, improve their institutions and tackle corruption; (2) Alignment: Donor countries align behind these objectives and use local systems; (3) Harmonization: Donor countries coordinate, simplify procedures and share information to avoid duplication; (4) Results: Developing countries and donors shift focus to development results and results get measured; (5) Mutual accountability: Donors and partners are accountable for development results.” *Id.*

<sup>11</sup> RADHIKA BALAKRISHNAN ET AL., MAXIMUM AVAILABLE RESOURCES & HUMAN RIGHTS (2011), <https://www.escr-net.org/sites/default/files/marreport.pdf> (last visited Aug 2, 2021).

<sup>12</sup> MAGDALENA SEPÚLVEDA CARMONA, NATURE OF THE OBLIGATIONS UNDER THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (2003).

<sup>13</sup> INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, (1966), art. 27, <https://www.ohchr.org/documents/professionalinterest/cescr.pdf> (last visited Aug 2, 2021).

The problem is "one-third of the global population live in countries experiencing a new wave of autocratisation, and the number rises drastically if we also include people living in 'established' autocratic countries."<sup>14</sup> The Cold War, marked by the fall of the Berlin Wall in 1989, did not mean "the end of history" of conflicts. Leaders everywhere are beginning to test how far they can go. Many embrace a nefarious mix of nationalism and authoritarianism, which often implies a rejection of international norms and institutions. The current debate on humanitarian aid is not considering enough these *emergent, revisionist* powers, maybe "the greatest challenge facing the liberal democratic world – a profound, ideological, as well as strategic challenge," as stated by the historian and foreign policy commentator Robert Kagan.<sup>15</sup>

It is important to highlight that, in this complex scenario, some national plans, and systems, anchored on ideologies, do not align with the values of the donors, and may cause that the aid is not delivered or not received to the detriment of the population in need and their human rights.

The geopolitical rationale has not stopped with COVID-19 and the health aid narratives reflect this on both ends, those who give the aid and those who are meant to receive it.

## **2.The Geopolitics Behind the Narratives of Emergency Aid**

### **2.1 The United States Anti-Asian Rhetoric and the World Health Organization**

Without a doubt, the most striking note in this concert of discordant voices was "the Trump administration's incendiary, racist rhetoric about the coronavirus," and the United States' intention to withdraw from the World Health Organization (WHO) based on alleged

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<sup>14</sup> SHANE QUINN & RICHARD SANNERHOLM, POLICY BRIEF 'RULE OF LAW WASHING' AND THE SUSTAINABLE DEVELOPMENT GOALS (2019), [http://ilacnet.org/wp-content/uploads/2019/12/Using-SDG16-for-rule-of-law-washing\\_20191217\\_V4\\_Final2.pdf](http://ilacnet.org/wp-content/uploads/2019/12/Using-SDG16-for-rule-of-law-washing_20191217_V4_Final2.pdf) (last visited Aug 2, 2021).

<sup>15</sup> There is no clear definition of what an "emergent" power is, but some experts think that a fundamental characteristic is that it is also an emerging economy, considering that economic development is necessary and preliminary to political and military emergence. See Paul Kennedy, *The Rise and Fall of the Great Powers* (1987). The BRICS (Brazil, Russia, India, China, and South Africa) are the classical example. However, there is another important characteristic to be considered, which is their will to "revise" the actual International Order, in the sense, they all look forward to increasing their influence either regionally or globally. See WALTER RUSSEL MEAD, *THE RETURN OF GEOPOLITICS, THE REVENGE OF THE REVISIONIST POWERS*, 93 *Foreign Affairs* 67-79 (2014.) In this context, it is also worth paying attention to other actors such as Turkey, Japan, Israel, Saudi Arabia, Qatar, or Ethiopia. See EL MUNDO EN 2019, *EL ORDEN MUNDIAL*, 2019, <https://elordenmundial.com/el-mundo-en-2019/> (last visited Aug 2, 2021). See also QUINN, *supra* note 14 at 4.

manipulation of the institution by the Chinese government, and its claimed total ineffectiveness.<sup>16</sup>

Although United States President Joe Biden has denounced the former administration's plan, the gesture made clear that the North American narrative on health aid under Trump's mandate, was politically motivated within the framework of its rivalry with China.<sup>17</sup> As the largest contributor to the global health agency, US departure would have called into question its financial viability.

This is significant, because it means the main international health organization depends on the vision and interests of main donors. However, another equally important consideration when analyzing the U.S. discourse on COVID 19 is how President Trump's anti-Asian rhetoric translated into social violence.

An analysis of police department statistics published by the California State University Center for the Study of Hate and Extremism has disclosed that “[t]he United States experienced a significant hike in anti-Asian hate crimes in 2020 across major cities.”<sup>18</sup> While the uptick cannot be entirely attributed to President's Trump wielding of the term “China virus” in reference to COVID-19, his “[r]hetoric certainly did play its part in fostering hate.”<sup>19</sup>

## **2.2 Canada, Champion of the SDGs in America**

Canada has a very different discourse aligned with the Sustainable Development Goals (SDGs). Its actions regarding COVID-19 respond to a comprehensive analysis of the needs of different actors both at a regional and a global level.

In March 2021, Karina Gould, Minister of International Development, made a two-day virtual visit to Colombia, and announced investments in six projects as a response to the serious

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<sup>16</sup> KIMMY YAM, *ANTI-ASIAN HATE CRIMES INCREASED BY NEARLY 150% IN 2020, MOSTLY IN N.Y. AND L.A., NEW REPORT SAYS*, NBC News, 2021, <https://www.nbcnews.com/news/asian-america/anti-asian-hate-crimes-increased-nearly-150-2020-mostly-n-n1260264> (last visited Aug 2, 2021).

<sup>17</sup> BBC NEWS MUNDO, *ESTADOS UNIDOS SE RETIRA DE LA OMS: TRUMP NOTIFICA OFICIALMENTE A NACIONES UNIDAS DE LA SALIDA DE SU PAÍS*, 2020, <https://www.bbc.com/mundo/noticias-internacional-53329647> (last visited Aug 2, 2021).

<sup>18</sup> YAM, *supra* note 16.

<sup>19</sup> *Id.*

challenges faced by the country; Those challenges include those arising from the crisis in Venezuela as well as the COVID-19 pandemic.<sup>20</sup>

Canada's Ambassador to Colombia, Marcel Lebleu stated: "Canada and Colombia have a longstanding and close relationship. Both of our countries are facing unprecedented challenges from the COVID-19 pandemic. Canada is pleased to support the Government of Colombia's efforts to provide essential health services during this crisis, including to the most vulnerable."<sup>21</sup>

Canada's aid to Colombia, valued at \$ 29.5 million, responds to the impact the pandemic has had on education, especially for those facing the greatest needs. It will also support peace and security in the areas most affected by the armed conflict. There are plans to increase the economic empowerment of rural women and youth, who have been disproportionately affected by COVID-19.<sup>22</sup>

Additionally, the Canadian government also announced on April 5th "[t]he allocation of \$159.5 million in funding to support international efforts to fight the COVID-19 pandemic. This funding will go to the WHO, UNHCR (United Nations High Commissioner for Refugees), WFP (World Food Programme), International Committee Red Cross, IOM, and other trusted partners."<sup>23</sup>

### **2.3 The European Union: A Return to Borders**

For Germany, health remains fundamentally a matter of human development. For Sweden, health is an essential aspect of gender equality and the sustainable development paradigm. In Spain and the United Kingdom, health is linked to the fight against climate change; but for the British, it is also a question of security and preservation of national interests. These basic approaches have not changed much in the wake of the pandemic. However, it is

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<sup>20</sup> EMBASSY OF CANADA TO COLOMBIA, MINISTRO GOULD CONCLUYE VISITA VIRTUAL A COLOMBIA Y ANUNCIA NUEVOS PROYECTOS (2021), <https://www.canadainternational.gc.ca/colombia-colombie/media/2021-03-05-minister-gould-concludes-virtual-visit-to-colombia-and-announces-new-projects.aspx?lang=spa> (last visited Aug 2, 2021).

<sup>21</sup> EMBASSY OF CANADA TO COLOMBIA, WE ARE ALL WITH COLOMBIA: CANADA HELPS COLOMBIA WITH ITS COVID-19 RESPONSE (2020), <https://www.canadainternational.gc.ca/colombia-colombie/highlights-faits/2020/2020-04-09-support-appui.aspx?lang=eng> (last visited Aug 2, 2021).

<sup>22</sup> *Supra* note 19.

<sup>23</sup> *Supra* note 20.

worth noting a return to the borders that affects most of all migrants and refugees.<sup>24</sup> The European Union (EU) will maintain its specific weight in the world, to the extent that it knows how to solve its internal problems and manage the crisis in a coordinated, integrated, and supportive way.

Vice-President for the European Way of Life, Margaritis Schinas, acknowledged,

Solidarity has taken on a whole new meaning in the unprecedented actions taken by the European Union to manage the COVID-19 pandemic. That same solidarity now needs to be translated into the field of migration management as well. We can only manage migration well if we do it together – whether migration is high or low. It is high time for an agreement on our proposals for a European migration and asylum policy.<sup>25</sup>

Recent data shows the EU has registered a 33% year-on-year decrease in asylum applications and a 6-year low in irregular border crossings due to COVID-19.<sup>26</sup> Low arrivals from those seeking asylum means less work for asylum systems. Indeed, it seems like an opportune time for agreements on better, more efficient, and resilient ways for Europeans to take responsibility together.

## 2.4 China, Russia, and Vaccine Nationalism

In Asia, China and Russia stand out. The Chinese discourse and actions aim to wash the blame on its government for the late announcement of the disease originating in Wuhan. Under the so-called "mask diplomacy," Beijing sends donations to developing countries everywhere, including Latin America. Chinese vaccine producers Sinovac and Sinopharm continue to increase their production. When the United States focuses on its crisis, some experts consider that the Asian power is trying to improve its global position in the region.<sup>27</sup>

Russia has presented itself as a donor of "humanitarian technical aid" and reinforced its image as a rising power participating in the race to manufacture a COVID-19 vaccine.<sup>28</sup>

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<sup>24</sup> ELCANO ROYAL INSTITUTE, CORONAVIRUS: TENDENCIAS Y PAISAJES PARA EL DÍA DESPUÉS (2020), <http://www.realinstitutoelcano.org/wps/wcm/connect/56c43c18-7853-4237-aa1e-b03b4ae4194d/ARI41-2020-Ortega-Coronavirus-tendencias-y-paisajes-para-el-dia-despues.pdf?MOD=AJPERES&CACHEID=56c43c18-7853-4237-aa1e-b03b4ae4194d> (last visited Aug 2, 2021).

<sup>25</sup> EUROPEAN COMMISSION, MIGRATION STATISTICS UPDATE: THE IMPACT OF COVID-19 (2021), [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_232](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_232) (last visited Aug 2, 2021).

<sup>26</sup> *Id.*

<sup>27</sup> LA CALLE TV, *CHINA ENVÍA MATERIAL A AMÉRICA LATINA PARA LUCHAR CONTRA LA COVID-19*, <https://lacalle.tv/noticias/china-material-a-america-latina-covid-19/> (last visited Aug 2, 2021).

<sup>28</sup> CÉSAR HERRERA, *SPUTNIK V: RUSIA REGISTRA LA PRIMERA VACUNA CONTRA LA COVID-19*, DIARIO CONCEPCIÓN, 2020, <https://www.diarioconcepcion.cl/mundo/2020/08/11/sputnik-v-rusia-registra-la-primera-vacuna-contra-la-covid-19.html> (last visited Aug 2, 2021).



Mounting evidence suggest Sputnik V is safe and effective. As written in a journal from Chile: “although it is possible, for a country with fewer resources, contacts, and political weight, to manufacture masks or face shields, producing a vaccine or specialized tests is another story.”<sup>29</sup>

To counteract the effects of this major-league competition to produce more and better vaccines, in which Western powers are also prominent, a notorious behavior has taken hold since 2009, when some countries monopolized the purchase and distribution of the swine flu vaccine: the so-called “vaccine nationalism.”<sup>30</sup> It is a matter of the state to establish agreements, alone or collectively, to produce and receive the necessary vaccine doses to serve its population. Equitable distribution of the COVID-19 vaccine is key because, after all, the pandemic will not disappear until everyone is immunized.<sup>31</sup>

## 2.5 Latin America: Corruption is the Virus

In Latin America, a region already characterized by weak or perverted institutions, the pandemic has increased the space for malpractice from public officials. Hospitals in many regions are facing shortages in staff, beds, ventilators, and other medical equipment and health supplies. “Seeking to speed up the procurement processes, governments ended up making bids and rules more flexible, and this opened space for opportunists.”<sup>32</sup>

For example, in Bolivia, “Health Minister Marcelo Navajas was detained for purchasing ventilators at vastly inflated prices,” and prosecutors claim that “an Ecuadorian criminal ring colluded with Health Ministry officials to sell body bags to hospitals at over 13 times the appropriate price.”<sup>33</sup>

These illustrative examples of corruption in the medical field represent only a small fraction of the pandemic-related corruption scandals that have come to light. Efficiency has been prioritized over transparency.

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<sup>29</sup> *Id.*

<sup>30</sup> DIARIO CONCEPCIÓN, *EL NACIONALISMO DE LAS VACUNAS*, 2020, <https://www.diarioconcepcion.cl/editorial/2020/08/21/el-nacionalismo-de-las-vacunas.html> (last visited Aug 2, 2021).

<sup>31</sup> *Id.*

<sup>32</sup> CASEY WETHERBEE, *INTERTWINING AFFLICTIONS: CORRUPTION AND COVID-19 IN LATIN AMERICA THE DIALOGUE, LEADERSHIP FOR THE AMERICAS* (2021), <https://www.thedialogue.org/blogs/2020/10/intertwining-afflictions-corruption-and-covid-19-in-latin-america/> (last visited Aug 2, 2021).

<sup>33</sup> *Id.*

José Ugaz, the former chairperson of Transparency International, stated that “[w]henver there’s a dire situation, spending rules are relaxed and there’s always someone around looking to take advantage to make a profit.”<sup>34</sup> Of course, politics is also involved; and cynicism. In Argentina and Peru, shown favoritism with the vaccines toppled health ministers. During a visit to Mexico in February, after calling for the resignation of his minister, Argentinian President Alberto Fernández sought to bury the scandal: "Let's end the clowning (...) there is no law in Argentina that says 'the person who vaccinates someone who went ahead in line will be punished,'" <sup>35</sup> he said. No, there is not.

## 2.6 Authoritarianism as a Challenge for the Humanitarian Aid System

In some cases, the pandemic has also served as an excuse to consolidate autocratic power. Like other parts of the world, governments in the Americas took extraordinary measures to fight COVID-19 in the form of various *states of emergency* that restricted civil rights. According to Transparency International “these restrictions curtailed freedoms of speech and assembly, weakening institutional checks and balances, and reducing the space for civil society.”<sup>36</sup>

One of the most dramatic examples is the case of Venezuela. COVID-19 has given its current President, Nicolas Maduro (Maduro) a convenient pretext to silence critics and consolidate power. He declared a *state of alarm* on March 13, 2020, invoking the need to counter the pandemic. According to legal experts, “[t]his decree not only contradicts the constitutional provisions for states of exception but is also being employed to impose abusive limitations on human rights, to aggravate political repression and persecution, to blur the seriousness of certain socio-economic problems, and to contain social protests.”<sup>37</sup>

As stated by Elliot Bulmer,

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<sup>34</sup> SANDRA D. GONZALEZ ET AL., *FCPA RISKS IN LATIN AMERICA DURING THE COVID-19 PANDEMIC*, XI THE NATIONAL LAW REVIEW (2020), <http://FCPA Risks in Latin America During the COVID-19 Pandemic> (last visited Aug 2, 2021).

<sup>35</sup> GERARDO LISSARDY, *ESCÁNDALOS CON LA VACUNA DEL CORONAVIRUS: CÓMO LA LUCHA CONTRA LA COVID-19 DESNUDA VIEJOS VICIOS DE AMÉRICA LATINA*, BBC NEWS MUNDO, 2021, <https://www.bbc.com/mundo/noticias-america-latina-56218624> (last visited Aug 2, 2021).

<sup>36</sup> CPI: 2020: AMERICAS, TRANSPARENCY.ORG (2021), <https://www.transparency.org/en/news/cpi-2020-americas> (last visited Aug 2, 2021).

<sup>37</sup> JESÚS MARÍA CASAL HERNÁNDEZ, *STATES OF EMERGENCY WITHOUT RULE OF LAW: THE CASE OF VENEZUELA* VERFASSUNGSBLOG (2020), <https://verfassungsblog.de/states-of-emergency-without-rule-of-law-the-case-of-venezuela/> (last visited Aug 2, 2021).

[e]mergency provisions are necessary because they enable the state to respond effectively to crises while keeping the exercise of emergency powers within the rule of law. If they are well designed and properly applied, emergency provisions are a self-defense mechanism for democracy—a way of ensuring democratic resilience by providing the power needed to deal with serious threats and challenges within the framework of a democratic constitution.<sup>38</sup>

Yet, many governments have exerted these extraordinary powers inappropriately—“not to restore democratic normality but to bypass any channel of democratic accountability.”<sup>39</sup>

Venezuela is interesting also because it is the only case known of withdrawal of the offer of vaccines for political reasons. The COVAX global vaccine program of the United Nations (UN) offered to sell doses of the AstraZeneca (AZNL) vaccine to Venezuela, pending a previous negotiation between the government and the opposition regarding the provenance of the funds. However, Maduro blocked the conversations following “[s]upposed concerns about blood clotting.”<sup>40</sup> He subsequently refused permission to another vaccination plan proposed by FEDECAMARAS (the main Venezuelan business organization) in alliance with other important actors of the Civil Society.<sup>41</sup>

It is obvious that Maduro wants total control over the acquisition and distribution of vaccines, and prefers that people die before compromising his power. Meanwhile, only his acolytes have been inoculated with the few Chinese, and Russian vaccines that have entered the country. There are rumors of some being sold in the black market and announcements that the country will produce what is needed in alliance with Cuba.<sup>42</sup>

“The right to health cannot be politicized, and the international community is failing if this universal right is not restored in Venezuela.”<sup>43</sup>

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<sup>38</sup> ELLIOT W. BULMER, EMERGENCY POWERS INTERNATIONAL IDEA CONSTITUTION-BUILDING PRIMER 18 (2018), <https://www.idea.int/sites/default/files/publications/emergency-powers-primer.pdf> (last visited Aug 2, 2021).

<sup>39</sup> *Id.*

<sup>40</sup> VENEZUELA'S SEEKING OF SPECIFIC VACCINES WILL SLOW INOCULATION, GUAIDO SAYS, REUTERS (2021), <https://www.reuters.com/world/americas/venezuelas-seeking-specific-vaccines-will-slow-inoculation-guaido-says-2021-04-14/> (last visited Aug 2, 2021).

<sup>41</sup> *Id.*

<sup>42</sup> ALJAZEERA, *VENEZUELA TO PRODUCE CUBAN COVID VACCINE: MADURO*, 2021, <https://www.aljazeera.com/news/2021/4/12/venezuela-to-produce-cuban-covid-jabs-maduro> (last visited Aug 2, 2021).

<sup>43</sup> VENEZUELAN'S RIGHT TO HEALTH CRUMBLES AMID POLITICAL CRISIS, 393 THE LANCET 1177 (2019), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)30729-9/fulltext#articleInformation](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)30729-9/fulltext#articleInformation) (last visited Aug 2, 2021).

## 2.7 Cuban Doctors

A review of this topic would be incomplete without a reference to Cuban aid embodied in its "export" doctors. Since 1960, the work of these doctors has been defended by the communist regime as a symbol of their "solidarity" with the world.<sup>44</sup>

Fidel Castro once referred to them as his "army in white coats." In addition to being a source of pride and prestige, they constitute an economic lifeline for the Cuban regime, providing it with foreign currency. That is why some of these doctors complain about being "exploited."<sup>45</sup> Indeed, "[t]he Cuban government's export of those medical services is, in fact, the state's biggest business and source of profit. In 2018, it earned \$6.2 billion from the export of medical services, constituting its largest source of foreign exchange."<sup>46</sup> This is even greater than remittances from Cubans abroad, or tourism.<sup>47</sup>

Cuban doctors are suspected of fulfilling other roles linked to local politics. With the recent shift to the right in some of the countries in the region, they had to leave Brazil, then Ecuador, and Bolivia, since the new governments did not want them there.<sup>48</sup>

In Venezuela, the controversy generated by the presence of Cuban health personnel in the context of the *Barrio Adentro mission* (program), has been reflected in the media, who have taken sides either with the government or the opposition with legitimating or delegitimizing discourses depending on the case.<sup>49</sup>

The Barrio Adentro Mission began in 2002 with the aim of offering health services in poor areas of the country. In one of the portals of the Ministry of Popular Power for Health, it is noted that:

The work carried out by the Cuban Mission has been important for the consolidation of Barrio Adentro (...) and there are millions of people with problems to access health, who now enjoy this benefit. For this reason, we

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<sup>44</sup> BBC NEWS MUNDO, *EL MUNDO OCULTO DE LOS MÉDICOS CUBANOS QUE SON ENVIADOS A TRABAJAR AL EXTRANJERO*, 2019, <https://www.bbc.com/mundo/noticias-america-latina-48275780> (last visited Aug 2, 2021).

<sup>45</sup> *Id.*

<sup>46</sup> SAMUEL FARBER, *CUBAN DOCTORS ABROAD – APPEARANCES AND REALITIES* (2020), <https://newpol.org/cuban-doctors-abroad-appearances-and-realities/?print=pdf> (last visited Aug 2, 2021).

<sup>47</sup> *Id.*

<sup>48</sup> DW, *CUBA RETIRARÁ A CIENTOS DE MÉDICOS COOPERANTES Y FUNCIONARIOS DE BOLIVIA*, 2019, <https://www.dw.com/es/cuba-retirará-a-cientos-de-médicos-cooperantes-y-funcionarios-de-bolivia/a-51271497> (last visited Aug 2, 2021).

<sup>49</sup> FRANCES D. ERLICH, *LOS CUBANOS EN MISIONES DE SALUD EN VENEZUELA. REFERENCIAS CONTRAPUESTAS Y POLARIZACION DISCURSIVA*, 10 *LATIN AMERICAN JOURNAL OF DISCOURSE STUDIES* (2010), <https://raled.comunidadeled.org/index.php/raled/article/view/200>

give little importance to those groups that still have neoliberal dreams about what health has to be<sup>50</sup>

But for the opposition, the presence of these Cuban doctors in the country is irritating for reasons related to their professional competence and political intentions, as shown in some excerpts of the national press below:

Since this government opened the door to Cuban doctors, a cloak suspicion felled on their professionalism since they have refused to comply with the legal regulations that govern their Venezuelan colleagues at the time of proving their university credentials.<sup>51</sup>

The fundamental problem is that these Cuban doctors (who have to leave family hostages on the island to guarantee their loyalty and prevent their defection) have been imposed an additional task, which is to indoctrinate poor people in the supposed benefits of the Bolivarian revolution.<sup>52</sup>

In any case, while talking about Cuban doctors, solidarity has the colors of ideologies.

### **3. Claim for an Enhanced Role of Civil Society Organizations**

Something is really wrong. “The COVID-19 pandemic is a global threat that does not recognize borders and can only be overcome through coordinated action all around the world.”<sup>53</sup> Yet, geopolitical competition has not stopped with the pandemic, as reflected in the health aid narratives. It is urgent to think about a global health “architecture” less centered in states and more linked to human rights. This implies an enhanced role for NGOs and other Civil Society Organizations (CSOs), “[a]s independent development actors in their own right,” which passes through “building more effective and Inclusive partnerships for Development as recommended in the *Accra Agenda for Action*.<sup>54</sup>

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<sup>50</sup> *Id.*

<sup>51</sup> ERLICH, *supra* note 48, quoting EL NACIONAL at A6 (September 19, 2003.)

<sup>52</sup> *Id.* QUOTING ANALITICA (March 15, 2006.)

<sup>53</sup> EMBASSY OF CANADA TO COLOMBIA, *supra* note 20.

<sup>54</sup> *THE ACCRA AGENDA FOR ACTION* (2008). “The term civil society has roots in the different meanings that philosophers, such as Hobbes and Kant, theorized. There are references to civil society in the works of thinkers such as Rousseau or Hegel and, later, in Marx and Gramsci. Gramsci extensively explored the concept in his *Quaderni dal carcere* 4, where he viewed civil society as the space for the elaboration of ideas and consensus-building processes.” (...) “The term Civil Society Organizations (CSO) is increasingly used to indicate non-state, non-profit, voluntary organizations formed by people within the social sphere of civil society; organizations that draw from community, neighborhood, workplace, social organizations and other institutions, and are seen as a

Over the last two decades, “[i]nitiatives by donors, nongovernmental organizations (NGOs), public health experts, and states to build health systems in the aftermath of conflict” have yielded a set of ideas and strategies that, when flexibly applied, can guide both the provision of emergency aid and the design of aid mechanisms and policies to strengthen local capacities in countries with autocratic regimes.<sup>55</sup>

This would have a double benefit from the point of view of aid effectiveness: (1) a high rate of success, and (2) a direct contact with oppressed populations.

According to Riddell, studies show a broader spread of successful projects in the nonprofit sector than in the official one, going from “a low of 60% to highs of 90%.”<sup>56</sup> And, at the first high-level meeting of the global partnership for effective development co-operation, which took place in Mexico in 2014, it was said that CSOs “[c]an help mobilize political will for change and effectively manage resources” in education, health, and water, sanitation, and hygiene (WASH).<sup>57</sup>

As seen in the case of Venezuela, autocrats can prevent aid from reaching those who need it the most. For Peter Ackerman and Hardy Merriman, the international community has the Right to Assist (R2A) people around the world who have decided to resist autocratic rulers.<sup>58</sup>

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channel through which people seek to exercise citizenship and contribute to social and economic change” *Id.* at 139.

“The term CSO is often used as a synonym for NGO. However, the term NGO is rather used for organizations that have a formal structure, offer services to people other than their members and are, in most cases, registered with national authorities. From this perspective, NGOs may be considered part of civil society and eventually represent one type of CSO.” *Id.* at 140.

See THE ACCRA AGENDA FOR ACTION, (2008),

[https://www.afdb.org/fileadmin/uploads/afdb/Documents/AccraAgendaAaction-4sept2008-FINAL-ENG\\_16h00.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/AccraAgendaAaction-4sept2008-FINAL-ENG_16h00.pdf) (last visited Aug 2, 2021).

<sup>55</sup> LEONARD S. RUBENSTEIN, POST-CONFLICT HEALTH RECONSTRUCTION: NEW FOUNDATIONS FOR U.S. POLICY (2009), [https://www.usip.org/sites/default/files/post-conflict\\_health\\_reconstruction\\_0.pdf](https://www.usip.org/sites/default/files/post-conflict_health_reconstruction_0.pdf) (last visited Aug 2, 2021).

<sup>56</sup> ROGER C. RIDDELL, DOES FOREIGN AID REALLY WORK? AN UPDATED ASSESSMENT DISCUSSION PAPER 33 (2014), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2409847](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2409847) (last visited Aug 2, 2021).

<sup>57</sup> FIRST HIGH-LEVEL MEETING OF THE GLOBAL PARTNERSHIP FOR EFFECTIVE DEVELOPMENT AND COOPERATION, (2014), <https://studylib.es/doc/4492999/first-high-level-meeting-summary---global-partnership-for...> (last visited Aug 2, 2021).

<sup>58</sup> PETER ACKERMAN & HARDY MERRIMAN, EVITANDO ATROCIDADES MASIVAS (2020).

The controversial doctrine of The Responsibility to Protect (R2P) has a potential substitute: The Responsibility to Assist (R2A) which does not focus on states and their interests permeated by ideologies; It proposes a regulatory framework that considers, above all, the well-being of populations at risk and favors international coordination and support for their activities

The doctrine of the R2P was conceived as a framework of principles designed to prevent mass atrocities (genocide, ethnic cleansing, war crimes, crimes against humanity). However, its application at the global level is problematic because it conflicts with the principle of non-intervention, which for most states does not allow exceptions.

Ackerman and Merriman draw on the perspective of Maina Kiai, a former UN Special Rapporteur on the Rights of Assembly and Peaceful Association, who argues that the right to free association includes not only the ability of individuals and legal entities to form associations, but also the ability to see, receive and use human, material, and financial resources from local, and international sources.<sup>59</sup> In this approach, the role of donors is especially important. Yet, “[r]ather than defining solutions, they use their resources, technical expertise, and moral authority to create space in which democratic self-discovery can occur,” in a sort of “deliberative model” as the one proposed by Thomas F. McInerney director of PROLAW.<sup>60</sup>

For these authors, the role of the recipient population is not passive at all. Both donors and national organizations engage in a collective and democratic search for solutions to their problems. These solutions certainly would pave the way for a new architecture of humanitarian aid centered on the rights of the people in need.

Regarding corruption, it is evident that emergencies create a climate conducive to the relaxation of the normal procedures, which in turn, facilitates all sorts of malpractice from public officials. To prevent it, it is vital to ensure more transparency in public procurement while encouraging civil society and journalists to serve as watchdogs. Civil society is then a key factor for increasing humanitarian aid effectiveness.

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Another factor that undermines the viability of the R2P is that it requires the approval of the United Nations Security Council, a diplomatic body that reunites countries with the possibility of veto, which makes it possible to tackle the most radical motions (for example, an armed intervention) MARIA GABRIELA MATA, DE LA RESPONSABILIDAD DE PROTEGER AL DERECHO A ASISTIR. DEBATES IESA (2020), <http://www.debatesiesa.com/de-la-responsabilidad-de-proteger-al-derecho-a-asistir/>

<sup>59</sup> SPECIAL RAPPOREUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION, REPORT OF THE SPECIAL RAPPOREUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION, MAINA KIAI (2013), [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf) (last visited Aug 2, 2021).

<sup>60</sup> THOMAS F. MCINERNEY, *LAW AND DEVELOPMENT AS DEMOCRATIC PRACTICE*, 37 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 935 (2005), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=531382](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=531382) (last visited Aug 2, 2021).

## FINAL REMARKS

- A better understanding of the basis upon which aid is currently allocated or received is crucial to increase the effectiveness of the aid provided.
- As States continue to be the main actors of the “global health architecture,” geopolitical competition will not end, and the WHO may be the first victim.
- The COVID-19 pandemic calls for international solidarity and cooperation in its wider contemporary acceptance, meaning an enhanced role for Civil Society organizations.
- More priority should be given to strengthen local capacities and enable people in recipient countries to determine aid priorities and coordinate aid spending. This is especially important when citizens are victims of corrupt autocratic governments.
- Considering R2P is controversial and difficult to implement, more attention should be given to the nascent doctrine of R2A. It could serve as a framework for organizing the delivery of humanitarian aid, despite the resistance of the autocrats of the world. As per other types of partnerships, “[c]oncrete strategies, supported by a strong international political will, are essential.”<sup>61</sup> It is important to consolidate the Global Partnership as a “[m]ulti-stakeholder and innovative platform for advancing global development in a sustainable and inclusive manner.”<sup>62</sup>

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<sup>61</sup>ACKERMAN, *supra* note 57.

<sup>62</sup> *Id.*



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