



Viral World War (VWW): Where do COVID-19, Multilateralism and the International Law Stand?

Adib Bazgir *

International security analyst & Faculty member at Iranian International Relations Think Tank (IRTT), Senior Foreign Policy Research Fellow at Tehran International Studies and Research Institute (TISRI); Tehran, IRAN

Received: 11 Feb 2020

;

Accepted: 20 Dec 2020

Abstract:

The Coronavirus phenomenon should be considered as an issue that will cause damage to other countries in the context of international interdependence. At the same time, the structure of the international system has placed a responsibility on China, as well as on international organizations and other countries in the fight against this transnational threat. At the international level, given China's position in the international economy and the interdependence of many countries, while overcoming this dependence on other areas and the interaction of the economy of all international countries, the Corona crisis is a matter of cooperation and convergence. Currently, under the auspices of the United Nations and the World Health Organization, countries are trying to do their utmost to help reduce this devastating phenomenon. The US approach so far, unlike Japan, which has been trying to resolve the crisis, has been more concerned with China's fear and instrumental use of the crisis to compete with China and define itself as a superpower. In contrast, pro-multilateralism countries, especially US allies in Europe, have used a pragmatic approach to focus on their national interests and help resolve the international crisis.

Keywords: Coronavirus, Multilateralism, International Law, World Order, Security, WHO

Introduction

The fact that international risks of today's world trespass the natural borders of countries and engage all societies at a universal scale indicates a kind of political maturity in all international actors. The politicization of economic issues, increasing importance of

environmental pollution and its hazards to communities influence international relations and thereby indicate the vulnerability of states and societies to events and currents that are created in the territory of other countries. Under these conditions, the main characteris-

tics of the international system are complexity, numerous and interconnected relations, conflict and cooperation. The Coronavirus, now officially known as COVID-19, is a phenomenon from which, according to the head of the World Health Organization, “no country could think it may evade. This notion is not only wrong, but also it will be irremediable. The virus does not respect international borders.” (Berkeley, 2020) This transnational phenomenon has challenged all international actors and has forced all of them to turn to cooperation and convergence to keep the crisis under control. In this regard, the present paper describes the role of multilateralism in dealing with the coronavirus phenomenon. First, China’s approach toward the spread of COVID-19 and the measures taken by the country, then, reactions to the disease and the consequences of coronavirus at the international level have been analyzed. This paper also provides review of the US critique of China, which studies the US approach to the spread of the virus in China.

Furthermore, Following international accidents, incidents and events, the international law governing the subject and, of course, its dark or gray areas are more under more focus and emphasis. The prevalence of coronavirus in different countries is a phenomenon that may raise the bitter question of whether international law is able to fight against the virus using its relatively comprehensive facilities and structure, considering the normative inflation of intertwined rules and regulations in terms of global health and based on the need for governments and international organizations to comply with international norms. Answering this question requires entering the fundamentals of international law, its purpose, objectives, facilities and capacities, and is out of the present discussion. However, the present paper also

seeks to explain the commitment of governments at the international level to combat the prevalence of diseases that are particularly recognized as global concerns and a state of emergencies from the perspective of the World Health Organization to emphasize the good intentions in cooperation for removing global concerns; i.e. principles on which contemporary international law is doomed to be void. The coronavirus first spread in Wuhan, China, and has become the focus of international attention due to its rapid and deadly prevalence. So, naturally, its international law debates are very important. The World Health Organization (WHO) is publishing daily reports on the prevalence of the virus in the world, which are available to the public very rapidly thanks to the social media and cyberspace. However, not only is there no consensus on the origin of the virus, its relationship to SARS, and other previous infectious and contagious diseases, but there are serious ambiguities about how international health regulations work and how effective they are against corona, which are considered in the following.

Coronavirus and necessity of multilateralism

1. Measures taken by China in combating the coronavirus

With the spread of COVID-19, in addition to the fatalities in China, the country's economy has also faced its most difficult challenge since the 2008 global economic crisis. (Yu Jie, 2020) Some analysts state that if the coronavirus is controlled within three months, the country’s GDP will be reduced by 0.8%, and if it is controlled within nine months, the GDP be reduced by 1.9%. (McCloskey, 2020) However, compared to the outbreak of SARS in 2003, currently China’s economy is more fragile and more government measures are required. (Yu Jie, 2020)

Like any other country, China does not intend to hurt its people and its economic interests. The outbreak of the virus has emerged outside the control of the Chinese government, and even according to the World Health Organization, the source of the outbreak is still unknown. (Novel Coronavirus, 2019) However, China's position in the international system is such that the country's misfortune has propagated rumors of its recklessness. Travels, high population numbers, economic mutual effects, etc. are issues that make the China's role in the world significant, but at the same time, they increase the costs of such events for other states. In this case, identification of the source of the outbreak, preventing its spread, management and accumulation of the necessary resources to fight the disease and eradicate it are firstly a responsibility of China and related international specialized institutions, and then, that of other governments in an interconnected global system.

Since China had experienced a similar crisis in the 2003 in the form of SARS outbreak, it was more prepared than others to manage it: First, in the field of health care, according to the World Health Organization, the country's measures were very different from the SARS and much more pragmatic. China constructed a new hospital in only ten days for patients, and ordered quarantine even before the World Health Organization told it to do so, which included the isolation of 50 million in Wuhan and surrounding cities. (McCloskey, 2020)

At the second stage, because the Corona outbreak is not limited to the health sector, either at national or international levels, in fact, at the national level, the Chinese government was to make immediate responses to four issues: public health crisis, economic downturn, possibility of public outrage and mistrust, and the response to possible damage to the country's global reputation. (Yu Jie, 2020)

1.1. Immediate response to the public health crisis

Using its experience from SARS, in the above four cases, China did its best for national and international coordination and cooperation and considered the problem of COVID-19 as a completely national duty in which any negligence is impermissible. Regarding the public health crisis, the country immediately began cooperating with the World Health Organization and provided information to this Organization and the International Network of Scientists. At the same time, China provided the necessary infrastructure for the agile management of the crisis at the national level, for the understanding of which, the reports of WHO should be considered. (Novel Coronavirus, 2019)

1.2. Immediate response to economic downturn

In contrast with the SARS period (2002-2005), during which China was at an economic proliferation stage, today, the country is facing economic stagnation, and this increases the country's pressure to counteract the epidemic (Yu Jie, 2020) (i.e. economic stagnation due to the disease, impairment in public transportation, and closing of restaurants and tourist areas). In economic terms, China has made difficult decisions to slow down its growth.

1.3. Immediate response to possibility of public outrage and mistrust

As with the outbreak of SARS, mass media warfare raises public concern, outrage and mistrust of the Chinese people. Some articles praised Japan's response to the coronavirus in distrust of the Chinese government. (Sara Wu, 2020) In Hong Kong, some took advantage of the crisis in opposing Chinese government. (Steger & Li, 2020)

Meanwhile, by appearing in the public, such as in hospitals, and showing their concern for the health of citizens, Chinese officials took a big step towards calming the community and maintaining national cohesion.

1.4. Immediate response to possible damage to the country's global reputation

Many Chinese officials have been accused of being aware of the outbreak and didn't report it to the World Health Organization. (Qin, 2020) Given China's experience with SARS and promotion of these charges, the country commenced its actions from a very high level. President Xi Jinping himself took the responsibility for confronting coronavirus, which had a positive impact on China's approach at the international level. With this movement, even staunch critics were unable to criticize the government.

Despite the positive steps that China took to curb the spread of the disease and protect national interests, there have been some challenges:

1.4.1 Circumventing centralism and bureaucracy

One of China's problems in counteracting coronavirus is said to be centralism. From this perspective, any delay in the initial response to the virus came as no surprise. The bureaucratic approach, which has given all authority to a limited power circle, causes the necessity to wait for orders to be received from above. However, Xi Jinping's direct involvement largely circumvented bureaucracy for the successful response to the crisis. (Yu Jie, 2020)

1.4.2 Insufficient experience with epidemics and alarm system failure

Despite experiences with SARS in 2002-2005, Wuhan officials' response to the coro-

navirus is considered to have been slow due to the weakness of China's warning system and the efforts on the bureaucracy's side to downplay the crisis. This also shows the fear of making decisions when there is not enough information. (Yu Jie, 2020)

1.4.3 Circumventing the economic downturn

China's non-dynamic economic situation is, in itself, another problem and Beijing pursued a flexible fiscal policy with an emphasis on public investment in response to the stagnated economy. Prior to the coronavirus, the government forced large banks to make bank to reduce interest for individual borrowers and small corporations affected by the after-effects of the economic war with the US, and now, despite the coronavirus, the country is continuing the trend. (Yu Jie, 2020)

This shows that in addition to controlling the issue at the national level, China seeks to pursue its foreign policy by taking a decisive policy that has been used from the start of Xi Jinping administration with the aim of getting achievements and moving away from a peaceful and soothed politics. The country intends to transform its international image from a security and order-disrupting actor to an economic-security actor and a protector to the existing international order, but who believes in its provisions. China is to manage such events such that they have the least impact on its international relations and, above all, to secure its interests at the international level by overcoming this crisis; as a result, accusations of China's non-cooperation may be institutional weakness, but it is not in line with the country's macro-strategies in the international system, which requires international cooperation and credibility.

2. The international response to the coronavirus

The international response to the coronavirus shows that when the spread of the epidemic threatens the economy and credibility of countries globally, the complex link between public health, science and politics finally shows up. Reactions to the emergence of coronavirus at the national, regional and international levels can be examined. At the national level, each country has developed its own experiences, which are varied greatly. At the regional level, especially in Europe, cooperation and convergence occurs before the involvement of international organizations, but at the global level, we need to look at the approach of the United Nations and its affiliates, which have entered the scene very strongly. Also the role of the international media could not be denied, which is considered both positive and negative.

1.5. The role of the United Nations in creating convergence

In a situation where criticism of international institutions, especially the United Nations, has become a pervasive trend and there is a kind of mistrust to this organization and its affiliates, the coronavirus showed the benefits of the United Nations and its affiliates and proved that multilateralism is still a prerequisite in the world for maintaining international security and peace. (Boniface, 2020) Within the framework of international institutional order, international governments have reciprocal rights and responsibilities. In a crisis such as the coronavirus, which is not limited to a specific geography and has particularly affected one of the world's largest economies, the need for cooperation, multilateralism and the strengthening of regional and international cooperation is felt more than ever. In this crisis, mutual rights and

responsibilities have been set out between the WHO and China, between the WHO and other countries, and between China and other countries.

1.6. The role of the World Health Organization

In the meantime, the report by World Health Organization has played one of the most important roles in combating the corona phenomenon. By declaring Public Health Emergency of International Concern (PHEIC) and subsequently, announcing special travel restrictions and bans, the Organization has an important responsibility in controlling international infectious diseases. Although, according to the news, many countries have imposed restrictions on travels to and from China before the announcement of World Health Organization, the announcement of this situation will make the issue more global and official.

1.7. The role of WHO subordinate institutions

The World Health Organization learned from the outbreak of SARS and is aware of the absolute need for empowerment to coordinate international resources during an epidemic and focus resources in order to identify priorities and find solutions to the problems, and finally, provided tools to deal with SARS. At present, these institutions have expanded even more and have higher synergies with one another. These organizations include: The Global Outbreak Alert and Response Network (GOARN), The Coalition for Epidemic Preparedness Innovations (CEPI), Global Research Collaboration for Infectious Disease Preparedness (GIOPID-R), and The Global Initiative on Sharing All Influenza Data (GISAID). (McCloskey & Heymann)

The role of the collection of countries committed to multilateralism: The use of these tools will be fruitless except with a mindset that requires international cooperation and participation in the global information network. It should be clear that actors are committed to their international obligations; for example, some European countries or some others in the southwest Asia have demonstrating their commitment to international cooperation to play a facilitating role in strengthening the cooperative mentality. In return for the assistances of the WHO, China has committed itself to show the maximum international cooperation. Similarly, China's neighbors have been tasked with cooperating with both the WHO and China.

1.8. The role of international media

It should be said that international media and social networks are the most important sources for information, showing both positive and negative effects. There is a need for cooperation between national and international surveillance systems to find information about the coronavirus countermeasures. The existence and synergy of national and international surveillance systems allows scientific information about the disease to be used in epidemic diagnosis in a timely manner and prevent outbreaks, correct clinical encounter with patients, and help with modeling and understanding the possible future directions and useful interventions. (Heymann, 2020) At the same time, the media may cause fear and insecurity and mental uncertainty in communities and provoke reactions that make the crisis more difficult to manage by creating cluster problems (such as reducing crisis control devices, in this case, medical masks). In general, China's crisis management methods and its cooperation with the World Health Organization, accom-

panied by the rapid delivery of information, showed that the "World Network" and the international associations that currently exist can gather experts from around the world to facilitate the focus of research and development efforts on crisis, in order to maximize the impact. (McCloskey & Heymann) According to many experts, as a specialized institution, the WHO has performed well in its mission to work with China. The organization's management of international-scale epidemics not only shows that the organization is functional, but also highlights its essential role and inevitable position. As a result, once again it became clear that in the face of a global threat, only a multilateral response focusing on the role of international institutions may be sufficient. This important result, which has been accepted at the operational and medical levels, should also be considered at the strategic and policy-making levels. (Boniface, 2020)

2. Consequences of coronavirus at the international level

Not only the spread of the COVID-19 is not limited to health care section, but also it is not limited to only one country. This is a multidimensional and international issue that is, in general, effective on six aspects (Huang, 2020) of the international affairs in the short- and the long-run:

- **Impacting global economy:** This crisis will impact the global economy because it has caused a major stagnation in China's economic activity, and of course, economic effects of international travel restrictions must also be taken into account. Therefore, this will slow down the world's second-largest economy, which is the driving force of the growth of global economy.

- The World Bank estimates that the crisis could cause up to a 5% drop in global GDP or, in other words, a loss of \$3 trillion, affecting all countries in the world.
- **Interference in the global supply chain:** The second problem is the interference in the international supply chain, because China is the largest manufacturer in the world who takes part in almost all sectors of the global economy and holds about 30% of global value added in production.
 - **Reduction of China's diplomatic commitment:** The coronavirus crisis could overshadow international meetings, such as the EU-China summit in Beijing in March, although Xi Jinping has taken steps to be able to take part in appointments such as the trip to Japan.
 - **Influencing on countries involved in the "One Belt, One Road" initiative:** Given the closure of roads and travel restrictions and bans, China will not be able to deliver the goods required for production to countries involved in the initiative. So, there will be a break in the form of idle capital, which will affect all partner countries in this project and their partners.
 - **Possibility of damage to the international reputation of the Chinese government:** As the crisis the "China's delays in public information" may be further emphasized, questioning the credibility of the Chinese government as a responsible actor in the international system, in the sense that other countries can no longer be prevented from reacting to restrict or remove China from their political relations circle.
- **Possibility of a decreasing dependence on Chinese goods:** The crisis not only has caused a deferment in Chinese exports in the short run, it may also cause a reduction in the countries' dependence on Chinese goods. Of course, these two are only assumptions that may not be very accurate in the real-world economy.
- According to the above, the coronavirus is a phenomenon that will cause damage to other countries in the context of international interdependence. In 2003, China accounted for 4% of the global GDP, and today it accounts for 17%. The country also accounted for 70% of the world's economic growth last year alone, and it is clear that the economy is something that affects all international affairs by creating sectional convergence, that is, the crisis in China will affect the whole of world. (Boniface, 2020)

3. Corona, the US, and damage to the unilateralism

With the awareness of the principal of the national interests, the compass of foreign activities, as well as US "competition" with China at all economic, military, political and technological levels, the US has been criticized that it has ignored the multilateralism approach to dealing with the crisis, or at least, it can be said that the country has tried to use it in opposition to China. Clearly, identity debates shift the existing realities which should be treated in a pragmatic manner to the value debates which create the never ending game of blaming, accusation and fear. In conflicting with the coronavirus, the world, especially Europe and the United States, has been plagued more by rumors than the dis-

ease. People change their route on the streets to avoid confronting with the Chinese. This behavior brings to the mind that all Chinese are infected with the virus and it turns them into unloved “others.” (Boniface, 2020)

Some US media outlets have used headlines to inform about the Corona virus which are obviously directed toward China: “Coronavirus Is a Bigger Threat than Terrorism” (Brown, 2020), “Don't Buy China's Story” (Mosher, 2020), and so on. However, the Professor David Heymann (Heymann, 2020), one of the top officials at the WHO for 22 years has stated in his article: “China has quickly (within a day) shared information with the World Health Organization (WHO) and has formulated a coordinated response to it at the national and international levels, which is a clear indication of the lessons it learned from the outbreak of SARS.” In his view, the criticism of China's reputation [and other countries involved] at the international level, especially if these criticisms are void, will be detrimental in itself, especially in the context of the next crisis (McCloskey & Heymann). So, in Heymann's view, the question is whether American critics want better or worse human conditions. This selection is a fateful challenge for the human beings, which specifies the future boundaries of countries and their intention to converge and cooperate to improve the international problems.

There have been lots of debates about the US president's unilateral behavior, especially given that the country is in the midst of the next presidential election, but with more than 50 positive cases of COVID-19 (according to the World Health Organization) in the country, and the probability of the spread of the virus, it remains to be seen what the government will plan for.

Legal Survey of COVID-19 upon to the Realm of Health Regulations

1. The position of international health regulations in the international law system

The development and implementation of international health regulations is of particular importance. This set of regulations is not only related to public health and the right to health, it is also closely related to the right to be healthy, and from this perspective, it refers to a set of factors, conditions, mechanisms and structures that are internal in human beings physical and mental health. However, in international law, the distinction between the existence of a legal rule and its application and implementation is always a serious matter, and is sometimes referred to as the Achilles heel of international law. From this perspective, normative inflation is an inescapable definition of many international law systems, for which a coherent mechanism and arrangement have not yet been established or there are no guarantees for their effective implementation, and inevitably, they lack efficiency and are considered ineffective and void. This is especially problematic in regimes that are more closely linked to human life and, ironically, are faced with more resistant from governments, because disregarding the multiple rules and regulations, a lack of legal guarantee for the governments to comply with the law provides an exemption for noncompliance, and undoubtedly, with endangering the norms, it will jeopardizes the right to life as the foundation of all other human rights by resorting to national benefits and interests.

Apart from the Statute of the World Health Organization which is legally mandated on all member states, one of the most important documents especially at times of the spread of diseases that endanger public

health, is the International Health Regulations (hereafter Regulations) adopted in 2005. In the preamble to the document, it is credited as a global document for the protection of human beings against the spread of diseases. The purpose of this set of regulations is to prevent, protect, control, and respond to the international spread of diseases in a way that is commensurate with the risks to public health and also to avoid unnecessary interference in international travel or trade. It is obvious that the difficult mission assigned to these regulations will undoubtedly be fruitless without the attention to minimal interference in the internal affairs of states. Therefore, within the framework of Art. 3 of Regulations, the observance of all regulations is under the light of human beings' inherent dignity, human rights and fundamental freedoms on the one hand, and the protection of public health on the other.

According to Art. 12 of the Regulations, the Director-General of the World Health Organization has the power to declare a situation that poses an urgent threat to public health as an "international concern". Of course, this is only subject to the opinion of the Emergency Committee (hereafter, Committee), which has established through Art. 48 of the Regulations. According to Art. 1 of the Regulations "any unusual health event that poses a threat to the public health of other countries from the perspective of the global spread of a disease, and potentially requires a response based on government cooperation, is considered as a Public Health Emergency of International Concern (PHEIC).

Anyway, it is possible to determine the extent of emergency based on findings from the prevalence of the disease, and it is up to how much accurate and reliable information can be obtained on the prevalence of the disease. Since this information is obtained by

governments, in other words, by the competent national authorities, to be submitted to the Organization, the accuracy of information is a crucial issue in determining any situation. Pursuant to Art. 7 of the Regulations, states are assigned to provide all relevant public health information to the competent international authorities. Art 9 (1) of these Regulations also stipulates that in determination of the nature of any situation, the World Health Organization shall also take into account the reports prepared by the competent national authorities. However, in accordance with Art. 10 (1) of these Regulations, the authority to verify reports sent by non-governmental organizations is the Organization itself. Decision making on the status of governments which do not want to cooperate in any case is also a responsibility of the Organization according to Art.10 (4), although the organization will continue to encourage the said country to cooperate.

Art.6 of the 2005 Regulations obliges the governments to notify the Organization within 24 hours of any incident that may be a case of emergency. Recent studies indicate that nearly 440 such reports have been reviewed by the World Health Organization, the highest number being related to infectious diseases. Out of these reports, only one or two cases have been sent to the committee for emergency assessment. According to Art.15 of the Regulations, after determining the state of emergency, the organization issues letters of recommendation for taking advisory measures to restrict travels or impose business restrictions as much as possible. Failure to comply with the organization's decisions by the member states will be reported by the Organization to other members. For example, in the 2019 report, the Ebola outbreak has not been catered for in the Democratic Republic of the Congo (Villarreal, 2020).

However, failure to implement the 2005 Regulations does not require enforcement, and given the non-binding nature of the issued recommendations, failure to comply with its provisions does not have any legal implications for governments, although Art.56 of the Regulations of Dispute Resolution Arrangement refers to the comprehensive arrangements in resolving disputes and the international responsibilities of failure to do so.

2. Effectiveness of international health regulations in dealing with the outbreak of the coronavirus

Despite the fact that the coronavirus is returning to China with a pathogen that it is not yet well known to many scientists, the significant spread of the virus and its killing power has prompted the World Health Organization to react to the disease. Following the reports received, the Committee met for the first time on January 22 and 23, 2020, to evaluate the status of COVID-19 at the organization's headquarters in Geneva. Although no global concern or emergency situation was declared in the meeting, the committee called on the Chinese government to provide more information and said it would only be able to make a proper decision on the global spread of the coronavirus when comprehensive scientific data is provided to the Committee.

However, it should be noted that in its decisions, the Committee also pays attention to reports received from other countries, and in other words, without the participation and cooperation of other states, decision making is not possible. However, it is clear that the organization has an important mission, and that is to strike a balance between the national interests of each state, the human rights, and the supreme interests of the international community in its broadest sense.

Following the significant spread of coronavirus in many countries in addition to the country of origin, the second meeting of the committee was held on January 30. In this meeting, while confirming China's informing and clarifications in terms of the number of patients, the country was praised for its health care measures. However, the Committee affirmed that measures need be taken to determine the state of emergency and declare this as a global concern. According to the Committee on the coronavirus can be overcome only through international cooperation. (novel-coronavirus, 2020)

In addition to providing recommendation to the Chinese government, the Committee encourages other countries to commit themselves to sharing credible reports on the spread of the coronavirus in accordance with regulations with the World Health Organization and to behave in a non-discriminatory manner based on Art.3 of the Regulations, although, based on available information, it does not recommend any travel and trade restrictions.

However, it should be noted that under Art.43 of the Regulations, any decision to take additional measures by governments in the field of public health is possible only within the national borders. Accordingly, Member States that are acting in accordance with the measures taken on the basis of international transit and prevent the entry and exit of international travelers, luggage and goods for more than 24 hours, are obliged to submit their reasons related to public health to the organization within 48 hours after the adoption of those measures, and these reasons and evidences and measures will be made available to other Member States.

Since the issuance of the first report of the WHO on the coronavirus on January 21, 2020, which showed the outbreak of the virus

in only four countries, up until the 36th report, indicating prevalence in 33 countries of the world the most serious concern has always been information sharing, and collaboration of the member states by good will. International practice confirms the reluctance of governments to be literally un-transparent. Following the Chinese government's report on the outbreak of SARS in the country from 2002 to 2003, the issue has become a more serious concern for the World Health Organization. In such situations, one of the potential reasons why governments do not intend to provide accurate and reliable statistics is the pre-emptive activities of countries.

It should not be simply overlooked that declaring a state of emergency due to the outbreak of the disease may lead to taking serious measures by other governments. Restricting travel, traveler quarantines, or trade restrictions are part of these serious measures. On the other hand, without accurate and reliable information, the organization will not be able to make decisions. The existing legal instruments and the institutional capacity of the organization are based on information and statistics that are generally provided to the organization through governments, and therefore, the lack of widespread reliable information or transparency causes the system to lose its efficiency. In such cases, although norm-setting is performed due to its high importance, the lack of appropriate structure, weak implementation guarantees, and the lack of transparency on the part of governments prevent the existing norms from being implemented efficiently. Of course, in a system that owes its credibility to the will and consent of governments to fulfill international obligations, the lack of cooperation in the implementing the obligations is an undeniable reality.

It is not easy to ignore the fact that, today the coronavirus has become a pervasive threat in society. Apple and Starbucks have closed all of their branches in China, and Sony and Amazon have retreated from all international exhibitions such as Mobile World Congress in Barcelona. (fortune.com, 2020) Disregarding the economic consequences of the outbreak in the global and labor market and especially China's economy, the fundamental question: are governments assigned, under international law, to limit trade and apply trade restrictions on the origin of corona (China) and the countries with high numbers of infection cases?

The answer is not easy. Human rights are an intertwined system whose rules and realities can only be relied upon in the light of a comprehensive and coherent interpretation; on the one hand, the right to transit and freedom has been recognized in human rights instruments, especially the Civil and Political Rights Treaty (Art. 12), and on the other hand, these rights could only be controlled by the State where it is linked with the general order of public health, provided that there is no discriminatory, the controls are temporary and not violating the human rights. On the one hand, the main issue is right to be healthy for people involved in the disease, and those who, like the people of Wuhan, China, are in isolation and quarantine, and another issue is the rights of the international community, who may lose their health due to non-implementation of travel restrictions. How can the conflict between these rights be summed up in the international human rights system?

The answer to this question, in the first place, is rooted in the need for a harmonious interpretation of human rights, because these rights all have a common origin as the inherent dignity of human beings and, therefore,

are necessarily from the same family. However, in situations where the harmonious interpretation is not possible, in addition to the possibility of the conventional restrictions by the government in the application of heterogeneous human rights, the extraordinary limitations set out by the countries on these rights, specifically the right to transit and freedom (according to Art. 19(3) of the International Civil Rights Treaty), are implemented freely under the two following provisions: First, respect for the rights and dignity of individuals, and second, consideration for the preservation of national security or public health and morals. Therefore, although this Clause itself has a broad interpretation and governments may exploit it to advance other interests, in the event that any government realizes that public health is at risk, with the observance of the provisions of the Treaty, it can limit the free movement of people to avoid any future threats.

At the same time, we should not neglect the association between public health and international trade and the effects and consequences of restrictive measures on the global economy and the economies of the states involved. Under the WHO Regulations, and in pursuit of national health or other political considerations, governments may take steps to restrict trade in goods and services to protect the lives or health of humans, animals, or plants, should these measures are not taken arbitrarily or discriminatory among the countries.

Conclusion

According to the above, the coronavirus should be considered as a phenomenon that will cause damage to other countries in the international interdependence context. At the same time, the structure of the international system has placed a responsibility on China,

as well as on international organizations and other countries, to combat this transnational threat. In addition to controlling the issue at the national level, China seeks to pursue its foreign policy by taking a decisive policy that has been used from the start of Xi Jinping administration with the aim of getting achievements and moving away from a peaceful and soothed politics. The country intends to transform its international image from a security and order-disrupting actor to an economic-security actor and a protector to the existing international order, but who believes in its provisions. Therefore, wants such events to have the least impact on international relations and that, above all, overcoming this crisis will benefit the country at the international level. At the international level, given China's position in the international economy and reliance of many other countries on this country, coronavirus is a crisis which requires of international cooperation and convergence. Currently, under the auspices of the United Nations and the World Health Organization, countries are trying to do their best to reduce the destructive effects of this phenomenon. Unlike Japan, which has so far tried to resolve the crisis, the US approach has focused on chino phobia and misusing this crisis to compete with the china and define itself as a "good power". In contrast, states that advocate multilateralism, especially the United States allies in Europe, have taken a pragmatic approach to focus on their national interests and contribute to shade the international crisis away.

Moreover, the binding obligations of states in human rights documents are an extensive interpretation of human rights that require the exercise of all the powers and capabilities of the state in providing the public mental and physical health and are closely linked to the right to life, and this necessitates

paying attention to any event that endangers public health. Undoubtedly, travel and trade can be suspended temporarily and non-discriminatory by governments that fear of damage to the public health, although this should be in accordance with the provisions of the International Civil and Political Rights Treaty and subject to the provisions of Art. 4. On the other hand, international health regulations, which are expected to require governments to respect the right of citizens to health, can be analyzed and considered only from the perspective of soft rights, given that they are not binding. These regulations have not been binding on governments to restrict travel and trade for fear of the spread of coronavirus and not are able to oblige governments to do so by significant implementation guarantees.

With that said, what strategies does international law provide to governments in the face of events such as the coronavirus that endanger public health? Undoubtedly, where the life of the international community is at stake, there is no difference between the governments of the North and the South. Not only the coronavirus could be a threat to the

citizens of developing countries, but also it can seriously endanger the health and life of people in developed countries. In such situations, adherence to the moral obligations of governments in the international community is more important than their legal obligations. Transparency in the presentation of scientific and evidential statistics on the prevalence of the virus not only provides the ground for citizens to trust the government, but also leads to respect for the international community and public health worldwide. Finally, it seems that the unparalleled “treasure of health” could be protected only through the attention of governments to the interests of the international community, respect for the right to life enshrined in the International Bill of Human Rights, observance of the principle of good faith in international relations as the constructive principle of many contractual and non-contractual obligations, comprehensive and complete interpretation of human rights in the system of international human rights system, increase of international cooperation, respect for the principle of information in case of emergency, application of the principle of precaution and proper care in all biological issues.

References

- Berkeley Lovelace, V. Jr. (2020). "WHO Warns Failure to Prepare for Coronavirus Now 'could be a Fatal Mistake'", CNB News, 27 February 2020, at: <https://www.cnb.com/2020/02/27/who-warns-failure-to-prepare-for-coronavirus-could-be-a-fatal-mistake.html>
- Boniface. Pascal, (2020). "Coronavirus: UNE Affaire Géopolitique", Iris, France, February 18, 2020, at: <https://www.iris-france.org/144420-coronavirus-une-affaire-geopolitique/>
- Brown, Lee, (2020). "Coronavirus Is a Bigger Threat than Terrorism: World Health Organization", New York Post, February 12, 2020, at: <https://nypost.com/2020/02/12/coronavirus-is-a-bigger-threat-than-terrorism-world-health->
- Heymann. David, (2020). "Data Sharing and Outbreaks: Best Practice Exemplified", The Lancet Online, January 24, 2020, DOI: [https://doi.org/10.1016/S01406736\(20\)30184-7](https://doi.org/10.1016/S01406736(20)30184-7), at: [https://www.thelancet.com/journals/lancet/article/PIIS01406736\(20\)301847/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS01406736(20)301847/fulltext)
- Heymann. David, (2020). Find more at: <https://www.lshtm.ac.uk/aboutus/people/heyman.david>
- Huang. Cary, (2020). "Six Ways the Coronavirus Crisis Will Change China's Relations with the World", South China Post, February 19, 2020, at: <https://www.scmp.com/comment/opinion/article/3051118/six-ways-coronavirus-crisis-will-change-chinas-relations-world>
- McCloskey, Brian and David L. Heymann, (2020). "SARS to novel coronavirus – old lessons", *Epidemiology and Infection* 148, e 22, 1-4. <https://doi.org/10.1017/S0950268820000254> received: 29 January 2020
- Mosher. Steven, (2020). "Don't Buy China's Story: The Coronavirus May Have Leaked from a Lab", New York Post, February 22, 2020, at: <https://nypost.com/2020/02/22/dont-buy-chinas-story-the-coronavirus-may-have-leaked-from-a-lab/>
- Novel Coronavirus (2019-nCoV), at: <https://www.who.int/docs/default-source/coronaviruse/donor-alert.pdf> organization/
- Qin, Amy, (2020). "China's Leader, Under Fire, Says He Led Coronavirus Fight Early on", New York Times, February 15, 2020, at: <https://www.nytimes.com/2020/02/15/world/asia/xi-china-coronavirus.html>
- Steger Isabella & Jane Li. (2020). "'Lands apart, Shared Sky': Japan's Response to Coronavirus is Winning Unusual Praise in China", Quartz, , February 4, 2020, at: <https://qz.com/1796494/china-internet-users-praise-japan-for-coronavirus-response/>
- Villarreal, Pedro, (2020). "The 2019-2020 Novel Coronavirus Outbreak and the Importance of Good Faith for International Law", 28/01/2020.
- Wu. Sara, (2020). "Coronavirus widens Hong Kong anger at government, China", Reuters, February 7, 2020 at: <https://www.reuters.com/article/us-china-health-hongkong-protests-insigh/coronavirus-widens-hong->

kong-anger-at-government-china-
idUSKBN20F0E3

- Yu Jie. (2020). “Centralization is Hobbli-
China’s Response to the Coronavi-
rus”, Chatham House, London, 2020,
at:
<https://www.chathamhouse.org/expert/comment/centralization-hobbling-china-s-response-coronavirus>
<https://fortune.com/2020/02/12/coronavirus-travel-work-trip-do-i-have-to-go/>
https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200121-sitrep-1-2019-ncov.pdf?sfvrsn=20a99c10_4
https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200225-sitrep-36-covid-19.pdf?sfvrsn=2791b4e0_2
<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>
[https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-\(2005\)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-\(2019-ncov\)](https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov))