

Several Issues of International Law Related to COVID-19

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ABSTRACT. COVID-19 has entered the international and UN legal documents with specific meaning and name. In view of the epidemic situation, the international law has made relevant regulations to adjust the rule system of interstate relations, strengthen cooperation among countries and jointly fight COVID-19. International law is a long-term consensus of the international community, which is conducive to safeguarding the interests of the international community. In the “International Health Regulations” (2005), the prevention and control rules and treaties for all kinds of infectious diseases were formulated, and “public health emergencies of international concern” were proposed. In view of the new epidemic situation, the international law has put forward relevant temporary and long-term suggestions, and the successful measures of various countries have been incorporated into it, which has achieved remarkable results. However, with the development of practice, contradictions and problems in international rules have emerged. All countries should cooperate with each other to develop in a coordinated way, further improve the international laws and regulations in the field of public health, and provide a strong guarantee for the stability of the international community.

KEYWORDS: COVID-19, International law

1. Introduction

Nowadays, the COVID-19 epidemic has a far-reaching impact, and has spread to more than 200 countries and regions around the world, threatening people's personal property and national economic development. Novel coronavirus pneumonia virus was named “COVID - 19” by WHO in February 11, 2020. The international community has formulated relevant laws and regulations for the epidemic situation, and coordinated the relevant provisions of various countries, laying the foundation for international cooperation.

2. Effectiveness and Characteristics of International Law on COVID-19 Epidemic

2.1 International Law Lays the Foundation for International Cooperation

Although international law has some limitations, it has certain connection with domestic law, which helps to adjust the contradictions and conflicts in national laws and build a perfect system. The World Health Organization (WHO) is a special government agency in the field of international health. Although it does not have the decision-making power and executive power to take specific measures in Member States, as an important guide in the international health field, it can provide certain support for epidemic prevention, control and information sharing in various countries. The international law has carried on the related stipulation to the COVID-19, according to that, WHO has carried out some organization and coordination to promote good international cooperation and achieve the overall goal of uniting and fighting the epidemic.

2.2 International Law is a Long-Term Consensus of the International Community, Safeguarding the Interests of International Community

International law follows the principle of estoppel, which requires all countries to keep consistent position on international law. No matter which country is the country of origin or detection of the epidemic, it should be treated fairly in order to maintain the stability of the international community. In the face of the epidemic, all countries have a common enemy. Only through coordinated development and joint epidemic prevention can we eliminate this enemy and maintain the stability of the international community. Some countries violate the principle of sovereign immunity against the fact that China is the country that discovered the epidemic and advocate “judicial accountability” to China,

which undoubtedly undermines the relevant provisions of international law and breaks the long-standing consensus of the international community. All countries should recognize the leading role of international law and develop good cooperative relations within the framework of international law.

2.3 Non-Discrimination is a Fundamental Principle of International Law

In order to avoid discrimination and stigmatization, the World Health Organization officially named the new virus, which provides a strong guarantee for all countries to carry out international cooperation and jointly fight the epidemic. Non-discrimination is the basic principle and main feature of international law. With the help of this principle, it can help to prevent individual countries from discriminating against the epidemic detection countries and protect the stability of the international community.

2.4 No Rules or Precedents in International Law to Pursue the Responsibility of Infectious Disease Detection Country

Due to the strong transmission of viruses, it is very difficult to accurately determine the origin of epidemics. Some countries and people do not have a complete understanding of the epidemic situation, discriminating against the country where the epidemic situation was found, and even spreading rumors, which caused a certain stigmatization on the detection country and caused "secondary injury". Therefore, in the international law, there is no accountability for the country where public health incidents were found or originated.

3. Relevant Provisions in "International Health Regulations" (2005)

The current "International Health Regulations" (IHR) was adopted by WHO in 2005, mainly aiming at the SARS virus, which further made up for the relevant provisions of international law to deal with international infectious diseases, and improved the international response capacity. The revised "International Health Regulations" expand the scope of management and provide certain provisions for disease management: any disease or medical condition that poses or may cause serious harm to human beings, regardless of the cause or source. This provision enables the WHO to respond promptly and effectively to possible public health events.

The "International Health Regulations" (2005) have made relevant provisions on the epidemic situation, including the purpose and scope of four aspects: first, the risk of public health; second, avoid unnecessary interference to international transportation and trade in the prevention and control of epidemic situation; third, do a good job in the prevention and control of epidemic situation to avoid the formation of certain national transmission; fourth, the formulation of response measures related to public health. The system and rules on the epidemic situation include many aspects. First, to put forward the checkpoint of global monitoring, all countries are required to detect early, report early and contain early, and take preventive and control measures in advance, so as to improve the emergency level of public health emergencies and effectively prevent and control the occurrence and spread of the epidemic. Second, the concept of "public health emergencies of international concern" is put forward in the regulations, which breaks through the traditional concept of public health, broadens the scope of application, and reserves legal space for dealing with other public health risks. Third, the temporary and long-term suggestions are clarified. In response to the epidemic, the Director General of the World Health Organization held a press conference in accordance with the relevant procedures of the regulations and issued the interim recommendations, suggesting that all countries should take appropriate health prevention and control measures. The long-term proposal was proposed by WHO and can be amended at any time according to the relevant provisions of the regulations.

4. Relevant Regulations on Postal Service under Epidemic Situation

Due to the impact of epidemic situation, some countries suspended postal services with China in the early stage of the outbreak. In international law, this situation has been specified in detail. Under the exceptional conditions such as force majeure, postal services can be suspended. In addition to extreme weather, natural disasters, suspension of shipping and other force majeure, during the Ebola epidemic, postal services were suspended due to infectious diseases. When there are "public health emergencies of international concern", the postal services of various countries need to fully consider the relevant provisions in the regulations, which can provide certain guidance for countries in postal business processing and health measures.

However, some countries have suspended their postal services with China on the ground that suspension of navigation constitutes force majeure. By combining with the relevant provisions of international law, it is found that not all cases belong to force majeure. For those countries that rely on air transport for postal services and suspend all flights

with China, they advocate that the original suspension of flights is reasonable. Mainly due to the impact of the epidemic, in order to prevent and control the spread of the epidemic, air transport was stopped. Moreover, it is impossible to adjust the flying route of post in the short term, so this reason is reasonable. However, for some countries and China have part of the flights and the third country can be transhipped, it's unreasonable to take the reason of suspension as a force majeure factor.

5. Restrictions on International Travel

In the international law, there are some restrictions on international travel under the epidemic situation, mainly by strengthening the quarantine requirements and health inspection of passengers, which can effectively prevent and control the virus carried by passengers and expansion of the virus. The World Health Organization (WHO) requires all countries to strictly comply with the relevant requirements of the "International Health Regulations" (IHR) and take appropriate restrictive measures. In the early stage of the outbreak, some countries restricted the entry travel of Chinese citizens to prevent the spread of the epidemic to a certain extent. With the rapid spread of the epidemic abroad, China has also strengthened the relevant quarantine of inbound passengers to prevent reverse import.

6. Regulations on Understanding the COVID-19 Situation

On March 11, the Director General of WHO announced that the COVID-19 has reached the level of pandemic. In international law, different norms are applied to pandemic and "public health emergencies of international concern". Pandemic is a definition of the epidemic degree and severity of influenza. In the "Framework for Prevention of Pandemic Influenza" issued by the World Health Organization (WHO), "pandemic" is divided into six levels of early warning. Different levels take different prevention and control measures, and the higher the level, the higher the possibility of becoming a "pandemic". "Public health emergencies of international concern" is specified in the "International Health Regulations" (2005), which defines its main definition, its main constituent elements and identification procedures, and puts forward temporary and long-term suggestions to take targeted health measures for transportation, goods and personnel of each Contracting State. In the regulations, there was no disease identified as a "pandemic".

7. Conclusion

In conclusion, the COVID-19 have seriously affected the economy, transportation, sanitation and safety of various countries. The international community has paid high attention to it, improved the relevant provisions on public health emergencies, and provided an important international legal framework for the cooperation of various countries. In the continuous practice, the existing problems have been revised and improved to ensure the coordinated development of all countries and fight the epidemic together.

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