

THE COVID-19 OUTBREAK: RESPONSIBILITY OF CHINA
UNDER INTERNATIONAL TREATIES

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ABSTRACT

Covid-19 has transformed the world into an event of global uncertainties', where people are even uncertain of what will happen with the world next week, let alone planning for future. Perhaps the biggest uncertainty in modern times concerns the role of the country where it all started i.e., Wuhan, China.

There are various questions regarding the role of China and whether the virus is state-sponsored in order to injure the economy of its rival countries? Whether China was wholly responsible for this cause? China is a party to the major international agreements regulating the biological weapons, having acceded to the Geneva Protocol in 1952 and the Biological and Toxin Weapons Convention (BTWC) in 1984.

This paper would focus on the International Human Rights violations and whether The Republic of China have violated the international Human Rights instructions such as UDHR, ICCPR along with IHR 2005? This paper will present the arguments for and against the state and find out whether the China is actually liable for the spread of Covid-19.

KEYWORDS: COVID-19, China, UDHR, BTWC, International Treaties & Agreements, ICCPR

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INTRODUCTION

The international outbreak of COVID-19 has brought the world and their governments from around the world to take serious steps of health measures in reaction to the public health demanding situations which have arisen, in addition to their consequences that social, financial and ramifications. The primary international organization known as the World Health Organization (WHO) is helping the world in coping up with this time of global health crisis and a pandemic. There have been various international treaties which were formed with the aim of collaboration and collective peace and, especially after the World War II. The treaties like UDHR, ICCPR and IHR were formed as a result of various violations of basic human rights and their health issues and due to were aimed to provide benefits to the humans irrespective of their country. The signatories of these treaties have to follow them and any violation to their provisions can lead a country to a miserable position.

This paper is divided into several parts where, in the Part II, the importance of international treaties has been explained. The Part deals with the responsibility of China and its violation of these treaties. The Part IV deals with the argument in favor of China in respect to these favoring respecters. V provides a conclusion of the whole paper and answers the question the public of China of actually held liable for the of Covid-19.

IMPORTANCE OF INTERNATIONAL TREATIES

At the beginning of the twenty-first century, there are more than 50,000 international treaties which have been signed covering nearly every aspect and every facet of international relations and state authority respectively:

1. All the signatory of treaties have agreed to limit their powers to act in variety of ways – from limiting various political rights through ICCPR, to how they behave towards their own citizens under UDHR. During the period, most of the scholars have agreed to or to understand role of in open the understand the shaping state behavior.
2. The state's behaviour commit to these treaties, once they analyze the anticipated positive and negative impacts of all the international laws that will be a them after toing a signatory to the treaty. Unless a state chooses to ratify a treaty, the effect of such treaty will not be applicable on their state i.e., non-binding. It becomes quite obvious that the state joins a treaty because they will derive some benefits

from it which will be, more than suffering harm. For example, if an agreement requires state to put a low tariff charges on imports, then it will the same treatment on the exports of state's exports as scholars have agreed to the notion that these treaties are usually bought so that it benefits the to benefit including China.

Therefore, it becomes important to understand that what importance and role these play when they are ratified by the powerful the powerful states ratify them **Rights (UDHR)**⁴⁷

The Universal Declaration of Human Right was formed post the World-War 2. The basic aim for forming this was to ensure people and of the world to respect and claim the worldwide humans. The UDHR provides a common standard of achievement for all peoples and all nations. The States commitment on human rights treaties have been very critical to understand because easy constitute a paradigmatic hard case. These treaties, like UDHR of do not don't really offer any reciprocal benefits to the state, as many other treaties However. But in reality, UDHR was a breakthrough especially because it came after the Second World War. This treaty was a revolution in international relations and has remained an inspiration till date. It is a part of UN Practice and also a part of into national customary law. The UN even have held many countries responsible under the UDHR, irrespective has of whether they are a part of treaty or not.

International Convention Civil and Political Right treaty⁴⁸

The International Covenant on Civil and political Rights (ICCPR) is committed to a broad Political of political and civil rights, including the equality of individuals before the tribunals and courts, the right to democratic speech, the security and liberty of individuals and the freedom to join associations. The State Parties, in accordance with the Connivance Other Barbaric, Abusive or Degrading Treatment (CAT), are expected to report on the steps they have the State Parties ken to give force to the rights inherent in the Treaty. An optional ICCPR protocol to be individually ratified by states that requires people to pretend to be require of breach of the rights set out in the covenant. They may file a lawsuit with the Council on Human Rights.

International Health Regulations (IHR)⁴⁹

⁴⁷ Juan E. Mendez, The 60th Anniversary of the UDHR, 30 U. PA. J. INT'L L. 1157 (2009)

⁴⁸ Shiyun Sun, Understanding and Interpretation of the ICCPR in the Context of China's Possible Ratification, 6 Chinese J. INT'L L. 17 (2007)

⁴⁹ Ching-Fu Lin, COVID-19 and the Institutional Resilience of the IHR (2005): Time for a Dispute Settlement Redesign? 13 CONTEMP. ASIA ARB. J. 269 (2020).

The International Health Regulation was formed in response to reemergence of international disease threats along with a lot of international travel. The purpose and scope of IHR was "to prevent, protect against, can were and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade. Instead, regulation was made not only to deal with, rather it applies to the, and rather the risk initially and other important issues. This regulation was originally adopted at the World Health Assembly in 1969 and was revised last in 2005. The World Health Organization (WHO) is empowered by this law to act as a global mechanism of supervision mechanism **INA**

There are more than 26 million confirmed cases and around 8,50,000 deaths in the world due to the globally ovid-19. The question among is that was it possible to prevent this huge loss of life? Could China have done something in order to prevent the disease from spreading to the whole world?

QUESTION THAT WHETHER CHINA QUESTION THE PROVISION OF UDHR

China has been a signatory to both the UN Charter and the UN Universal Declaration of Human Rights under the flag of the Republic of the banner China's flag Republic of was the first China's ban rights declaration in the western world that guaranteed equal rights as well as other political rights. Nonetheless, the United Nations did not represent mainland China and thus did not adhere to any. They thus did rights systems of the United Nations with the Civil War, the Communist victory over the homeland and the nationalist flight to Taiwan (from where China was represented by the United Nations until it was disbanded by the People the People's Republic of China disbanded the UN, the representatives of the People's Republic of China reaffirmed their recognition of the United Nations Charter and the General Declaration of Huma However, Rights. But because China was in the middle of the midst of the Cultural Revigo76), until the late 1970s, it did not participate strongly in the UN. China has since been a signatory of the ICCPR, but the new amendments are yet to be ratified.

According to a study⁵⁰, it was found out that creating awareness can not only lower the infection rate of the disease but can even stop it from becoming epidemic, but Khynese authorities stopped the doctors to disclose Chinese information about this new disease to the public which made awareness

⁵⁰Sebastian Funk, Erez Gilad, Chris Watkins and Vincent A.A. Jansen, "The Spread of awareness and its impact on epidemic outbreaks" *Proceedings of the National Academy of Sciences of the United States of America* 2009

next to impossible and the disease which could have been stopped be. Theming epidemic, became pandemic.

“The Article 19 of the UDHR states that, everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”⁵¹ Therefore, it provides for right of every person to have freedom of opinion and the expression as well as to hold opinions and share them through media or anywhere as they deem fit, but the approach of Chinese government not to. However, the any information⁵² about the contagious disease was violative of this provision of Article 19 of UDHR.

QUESTION THAT WHETHER CHINA VIOLATED THE ICCPR

The China was also signatory to ICCPR, Article 19 that, “*Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through other media of his choice.*” The World Health Organization in a press July, admitted that the World Health Organization the China kept everyone in dark about the kept everyone in the dark, this Article was also violated by Chinese government when they tried to cover the up the pandemic and did not disclose any information to public.⁵³

QUESTION THAT WHETHER CHINA VIOLATE THE ABOUTTION PROVISION OF INTERNATIONAL HEALTH REGULATIONS 2005

The Republic of China has also violated the provision provided under Article 7 of International Health Regulations 2005 stating, “If a State Party has evidence of an unexpected or unusual public health event within its territory, irrespective of origin or source, which may constitute a public health emergency of international concern, it shall provide to WHO all relevant public health information.”⁵⁴ This provides that the state party has to provide the information to World Health Organization the on

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⁵¹Universal Declaration of Human Rights 1948, Article 19.

⁵²“China was slammed for initial COVID-19 secrecy, but its scientists led the way in tackling the virus, Science Business” (Aug 16, 2020, 1:19 PM), <https://sciencebusiness.net/covid-19/international-news/china-was-slammed-initial-covid-19-secrecy-its-scientists-led-way>

⁵³China hid truth about Covid-19 pandemic from its people for almost a week, Hindustan Times (Aug 18, 2020, 2:40 PM), <https://www.hindustantimes.com/world-news/china-hid-truth-about-covid-19-pandemic-from-its-people-for-almost-a-week/story-8CiFkBxJh37CEl67eK5paN.html>

⁵⁴International Health Regulations 2005, Article 7.

if it finds any unexpected or unusual public health events in its territory. China faced such a situation when Covid-19 began to spread to its territory and China abstained from sharing information with the WHO except for the virus genome⁵⁵ and deliberately misled the WHO so that whole world cannot be ready to sustain their economy and such actions led the local outbreak to become pandemic.

REASONS IN FAVOR OF CHINA

The United Nations Human Rights Committee has described freedom of expression as of paramount importance for any democratic society⁵⁶, but Republic of China. However, the, Republicated democracy, but a communist state who believes in controlling the media and have control over the society and that is the way they have been flourishing and rising as next superpower. It is a matter of sovereignty for China.

The question that China violated the provisions of International Human Rights instruments are far-fetched from the truth as along with all the world, Republic of China has also suffered at the hands of this virus, but as Chin. However, as control and strictness over its society, it could prevent the virus from spreading in the country but whereas the democratic countries of the west were not able to control their could more prominent and couldn't take drastic measures and hence they became the bigger victim to the virus.

QUESTION THE QUESTION THE PUBLIC OF CHINA VIOLATED THE PROVISIONS OF UDHR

China is a signatory to both the UN Charter and the UN Universal Declaration of Human Rights and had ratified the same and China is obliging with the provisions ever since China's The action to not to disclose any information about the new outbreak, comes under the ambit of Article 29(2) and Article 30.

Article 29(2) provides for the reasonable restrictions on the rights provided under the declaration. This provision states that a state can put restrictions upon these rights "*to such limitations as are determined by law*". Further this restriction can only be put up when there is a question of;

- i. Securing Due Recognition

⁵⁵World Health Organization: "*China not sharing data on coronavirus infections among health-care workers*, *The Washington Post*" (Sep 6, 2020, 8:00 PM), https://www.washingtonpost.com/world/asia_pacific/world-health-organization-china-not-sharing-data-on-health-care-worker-coronavirus-infections/2020/02/26/28064fda-54e4-11ea-80ce-37a8d4266c09_story.html(last visited).

⁵⁶Tae Hoon Park v Republic of Korea (628/1995), CCPR/C/64/D/628/1995 (1998), 20 October 1998; 6 IHRR 623 (1999) at para 10.3.

- ii. Respect of the Citizen and freedom of others
- iii. Morality
- iv. Public order
- v. General welfare

The Republic of China took the necessary actions in order to public order and not to creations amid its citizen which could have incited fear and might have led to panic buying, riots, depletion of stocks etc. such as what happened in other western countries⁵⁷. Whereas, the Article 30 of the provides that nothing in this declaration can bind the state and that its provisions does not have any over the Republic of China.

QUESTION THAT CHINA THE QUESTION THE PROVISIONS OF ICCPR

The Republic of China is a signatory to International Covenant on Civil and Political Rights but have not satisfied it and hence the treaty has no binding authority it. this, the state has yet not violated its provisions.

Almost all the jurisdictions, states, declarations, conventions etc., provide some type of restrictions along with rights. And CCPR, it provides certain limitations⁵⁸ in case of;

- i. When such restrictions are imposed by law
- ii. Such restrictions are for rights and reputation of the others
- iii. For protection of;
 - a. Public the Order
 - b. Public Health
 - c. Morals.

Thus, China respected the provisions ICCPR and then appropriate to the restrictions as disclosing such information at an early stage might cause the fear and the same reaction as in western countries.

QUESTION THAT CHINA VIOLATE THE PROVISIONS OF INTERNATIONAL HEALTH REGULATIONS, 2005

⁵⁷Paulina Cachero, Photos of ravaged grocery stores show how people are panic-buying across the US in the wake of the coronavirus pandemic, INSIDER, (13 March 2020, 2:00 PM), <https://www.insider.com/americans-panic-buying-grocery-stores-food-toilet-paper-coronavirus-pandemic-2020-3>

⁵⁸International Covenant on Civil and Political Rights 1966, see art 19(3).

The article 7 of International Health Regulations 2005 provides the state to provide the information to WHO if it finds any evidence of an unexpected or unusual public health event within its territory. The Republic of China did not have any reasonable apprehension or any evidence that the virus could be this much contagious was evidently as it was considered as “pneumonia-likes”. china did not impose strict regulation pose or lockdowns in cases of pneumonia. When the outbreak got out of hands of Khynese Chinese ties and the Republic of China got sufficient evidence and information of this unexpected and unusual public health, then Chide share the genome virus's sequence of the v and did its part.

CONCLUSION

The Covid-19 was declared a pandemic disease by it is WHO after it's outbreak round the globe, war coinitial was in China. There have been various organisations, scholars, and journalists that are talking about the liability of China unfamous international provisions and the popular on-going popular china responsible for the spread of disease. The WHO's funding was The US Government also stopped the WHO's funding while favoring a hurdles for WHO it this pandemic. As the paper above highlights as importance of international treaties, the violation of China of the treaties and the reason which not to be China to not be held liable for the spread of However, disease. But it still is very evident that even though there are claims which might support China but that china could easily be, China for illustration of human rights for the death of about a million people in the world. There are various international treaties and conventions like the Biological and Toxin Weapons Convention (BTWC), the responsibility of States for International various Public Law which have been violated by the China making violation said of the Covid-19.