



COVID-'19 CRISIS: AN
INTERNATIONAL LEGAL EVALUATION
OF THE CHINESE CENSURABILITY

UNIVERSITY OF LAGOS

BY JOHN KENNEDY IGBOZURIKE

igbozurike@gmail.com

Abstract

From a case of beds waiting for patients to a paradigm shift of patients waiting for beds. This is the new reality many countries around the world have been forced to contend with. The novel coronavirus is not just snuffing life out of people. It is also destroying livelihoods, relationships etc. The virus has indeed inflicted an unprecedented magnitude of damage on the globe.

Flowing from the aforementioned, the question that has continued to spark burgeoning interest in the minds of many is: can China be held culpable for the spread of the contagion? This paper takes the stand that though there might be a possibility that China didn't create the coronavirus intentionally; its malfeasance has certainly led to the spread of the global contagion. Specifically, the Chinese government appears to be complicit in failing to communicate timely information to the international community and relevant authority (the World Health Organization).

Keywords: Pandemic, Culpable, International law, International community.

1. Introduction

China is infamous for playing host to a lot of viruses such as bird flu, the SARS epidemic and now, the novel coronavirus pandemic¹The first identified case of the Coronavirus was recorded within the region² Since then, the virus has embarked on an international quest to locate, hegemonize and destroy new host bodies. As at 16 September, 2020, the World Health Organization (W.H.O) reported that over 931,000 people around the globe had lost their lives to the virus with over 29 million people infected with the virus³ thereby running the risk of losing their lives.

There have been allegations pertaining to secrecy on China's path⁴ and in addition to this, back and forth dialectics bordering around the culpability of China under international law. While it seems like history keeps unspooling in a continuous playback loop, one thing is uncontested; public health emergencies of international concern (PHEIC) ought to be handled transparently; devoid of political manipulations.

The letters of the laws regulating global health seem to have generated a lot of controversy in recent times so, an inquest into the applicability of the concerned laws would suffice.

2. Potential Dialectics that may Emerge from Extant International Legal and Regulatory Frameworks

2.1. *International Health Regulations and World Health Organization Constitution*

The regulation of global health is built on the tenets of the Public International Law⁵ To that extent, the *International Health Regulations(IHR)* (originally adopted in 1969 and revised in 2005) is a binding regulatory instrument that governs its 196 State signatories⁶ This agreement mandates States to detect, assess and report international health threats or outbreaks as well as implement core capacities designed to facilitate responses to national disease outbreak⁷ In view of this, sequel to the 2005 revision, countries are now mandated to detect, access and report specific viral outbreaks⁸ including novel ones such as the coronavirus.

China has been portrayed as the “patient zero” that facilitated the contamination of the globe because the first “confirmed” case was discovered in Wuhan, China.⁹ Flowing from this allegation, questions of corrective justice arise. There have however been debates by a myriad of individuals and institutions. For instance, it has been submitted that although covid-19 was first confirmed in China, it does not necessarily mean it originated there¹⁰ In addition to this, in a statement released by the Chinese Foreign Ministry, it opined that China is also a victim and not a culprit¹¹ While we may be tempted to marvel at the ingenuity of these submissions, it is imperative to have a better insight at the letters of the *IHR*.

¹ Keith Richburg, 'Bird flu. SARS. China coronavirus. Is history repeating itself?' (Stat, January 27 2020) <<https://www.statnews.com/2020/01/27/bird-flu-sars-china-coronavirus-is-history-repeating-itself/>> accessed 19 July 2020

² Helen Davidson, 'First Covid-19 case happened in November, China government records show – report' (The Guardian, 13 March 2020) <<https://www.theguardian.com/world/2020/mar/13/first-covid-19-case-happened-in-november-china-government-records-show-report>> accessed 20 July 2020

³ World Health Organization, 'WHO Coronavirus Disease (COVID-19) Dashboard' <<https://covid19.who.int>> accessed 16 September 2020

⁴ *Supra* Note 1

⁵ Lawrence. O. G., Devi Sridhar, Ph.D., 'Global Health and the Law'. [2014] 370:1732-1740 The New England Journal of Medicine <<https://www.nejm.org/doi/full/10.1056/NEJMra1314094>> accessed 19 July, 2020

⁶ Lauren Tonti, 'The International Health Regulations: The Past and the Present, But What Future?' [2020] Harvard International Law Journal. <<https://harvardilj.org/2020/04/the-international-health-regulations-the-past-and-the-present-but-what-future/>> accessed 20 July 2020

⁷ *ibid*

⁸ Centers for Disease Control and Prevention, 'Global Health Protection and Security: International Health Regulations' <<https://www.cdc.gov/globalhealth/healthprotection/ghs/ihr/index.html>> accessed 16 September 2020

⁹ Mercy Kuo, 'Investigating China: COVID-19 and the CCP.' (The Diplomat, 19 May 2020) <<https://thediplomat.com/2020/05/investigating-china-covid-19-and-the-ccp/>> accessed 18 July 2020

¹⁰ CGTN, 'Facts Tell: There's no need for China to apologize about COVID-19.' (YouTube, 7 March 2020). <<http://m.youtube.com/watch?v=wA2aMdCGM>> accessed 20 July 2020

¹¹ RiyazulKhaliq, 'Virus can emerge anywhere: China responds to criticism.' (Anadolu Agency, 14 May 2020) <<https://www.aa.com.tr/en/asia-pacific/virus-can-emerge-anywhere-china-responds-to-criticism/1840852>> accessed 19 July 2020

A combined reading of *Articles 6 and 7 of the International Health Regulations* clearly mandates countries, to report all events which may constitute public health emergency of international concern to the World Health Organization (W.H.O) within 24 hours, sequel to the assessment of events occurring within the concerned territory¹² It is on record that the first confirmed case, Wei Guixian was admitted into the Wuhan Hospital on December 16, 2019¹³ By December 27, 2019, the Wuhan Health officials were informed that the cause of the illness was coronavirus.¹⁴ They however chose to hold on to the information and only informed the W.H.O of the true nature of the virus on January 21¹⁵; several weeks later. This is clearly outside the 24 hour window created by the aforementioned regulation. This is why China has also been accused of censoring and withholding vital information at the early stage of the outbreak¹⁶ In addition to this, China also rejected several offers from the W.H.O thereby complicating matters¹⁷

It is also sacrosanct to mention the provision of *Article 43 of the International Health Regulations* which mandates States to provide adequate health measures in response to the public health emergency. Considering the nature of transmission of the virus from carriers, a recommended health measure at the time would have been to seal the Chinese international borders. China didn't implement this until the closing days of January¹⁸

Safe to say that China is bound by the provisions of the *IHR* as it became a party on the 15th of June 2007 and pursuant to Article 22 of the World Health Organization Constitution, it was entered into force on the aforementioned date¹⁹

State parties to the *IHR* may try to claim violations of the International Health Regulations against China through Articles 21 and 22 of the World Health Organization Constitution. Article 21 enables the W.H.O to adopt regulations like the *IHR* and *Article 22* provides that regulations adopted pursuant to Article 21 shall come into force for member States after due notice has been given to the concerned parties.²⁰

From the following, a counterargument on the applicability of the IHR may surface. China specifically, may raise a counterargument that in the light of the aforementioned articles, it supposed and alleged contravention of the provisions of the IHR flowing from Articles 21 and 22 of the W.H.O Constitution concerns only the interpretation or application of the W.H.O Constitution and not a breach of the provisions of the IHR.²¹

A rebuttal to this counterargument however would be that the aforementioned articles concern only the WHO's authority to adopt regulations and the process of these regulations coming into force and as such, has nothing to do with China's legal obligation to comply with the IHR²² specifically, Articles 6,7 and 43 of the International Health Regulations.

¹² See *Articles 6 and 7 of the International Health Regulations (2005)*.<<https://apps.who.int/iris/bitstream/handle/10665/246107/9789241580496-eng.pdf;jsessionid=A0D242238E3D169690A37C3BF35E1874?sequence=1>> accessed 21 July 2020

¹³ Bethany Allen-Ebrahimian, 'Timeline: The early days of china's coronavirus outbreak and cover-up.' (Axios, 18 March 2020) <<https://www.axios.com/timeline-the-early-days-of-chinas-coronavirus-outbreak-and-cover-up-ee65211a-afb6-4641-97b8-353718a5faab.html>> accessed 20 July 2020

¹⁴ *Ibid*

¹⁵ Romeo R. B., 'China, International law and COVID-19.' (Inquirer.net, 22 March 2020)<<https://opinion.inquirer.net/128226/china-international-law-and-covid-19>> accessed 18 July 2020

¹⁶ *Supra* Note 6

¹⁷ Donald McNeil Jr. & Zolan Kanno-Youngs, 'C.D.C and W.H.O offers to help China have been ignored for weeks.' (The New York Times, 7 February 2020)<<https://www.nytimes.com/2020/02/07/health/cdc-coronavirus-china.html>> accessed 22 July 2020

¹⁸ Anna Fifiel& Lena Sun, 'Travel ban goes into effect in Chinese city of Wuhan as authorities try to stop coronavirus spread.' (The Washington Post, 23 January 2020)<https://www.washingtonpost.com/world/asia_pacific/nine-dead-as-chinese-coronavirus-spreads-despite-efforts-to-contain-it/2020/01/22/1eaade72-3c6d-11ea-afe2-090eb37b60b1_story.html> accessed 20 July 2020

¹⁹ World Health Organization, 'Strengthening health security by implementing the International Health Regulations.'<https://www.who.int/ihr/legal_issues/states_parties/en/> accessed 22 July 2020

²⁰ The wrongfulness of an act of a State is precluded if the act constitutes a lawful measure of self defence taken in conformity with the Charter of the United Nations.

²¹ Article 22: The wrongfulness of an act of a State not in conformity with an international obligation towards another State is precluded if and to the extent that the act constitutes a countermeasure taken against the latter State in accordance with chapter II of parts three. Article 21: The wrongfulness of an act of a State is precluded if the act constitutes a lawful measure of self defence taken in conformity with the Charter of the United Nations.

²² Peter Tzeng, 'Taking China to the International Court of Justice over COVID-19' [2020] EJIL <<https://www.ejiltalk.org/taking-china-to-the-international-court-of-justice-over-covid-19/>> accessed 19 July 2020

It should be on record that although the IHR is binding on its signatories with the inclusion of China, the W.H.O cannot, of its own accord, maintain an enforcement action against any nation for contravention of the IHR²³. Owing to this, the W.H.O has to walk a diplomatic tightrope and this has led to low compliance with regards to obligations imposed on State parties.

3.2 International Human Rights Law

The International Bill of Human Rights is an internationally recognized set of norms that among other things impose obligations on States to respond to outbreaks of epidemics. China as a State party to the International Covenant on Civil and Political Rights (ICCPR) has a set of core obligations to eliminate pandemics²⁴ and to take appropriate measures to address and curb life-threatening diseases²⁵ as facets of the obligation to preserve the sanctity of life. While their efforts geared towards curbing the pandemic thus far are indeed commendable, one cannot help but revisit the challenge of the initial delay with regards to its obligation to report as highlighted above.

In addition to the aforementioned, zeroing down to health related obligations within the context of international human rights law, China, under the International Covenant on Economic Social and Cultural Rights has a duty to address problems of diseases transmissible beyond borders²⁶ and make efforts to control epidemics by making use of relevant technologies, improving surveillance among other things²⁷. The country has satisfied the requirements here by shifting to online medical platforms for routine care and using the 5G platform to support rural response operations²⁸.

3.3 International Criminal Law

This realm is overseen by the International Criminal Court (ICC) which is established by the Rome Statute. Article 7 of the Rome Statute deals with widespread systemic attack with the connivance of governmental apparatus. Flowing from this provision, it seems like the Chinese government may be held culpable²⁹ but there are several intricate limitations. Primarily, the Chinese government is not a party to the Rome Statute³⁰. China can however voluntarily submit itself to the ICC for investigation and assessment of culpability but this is unlikely.

On the flip side, by virtue of Article 13 of the Rome Statute, the United Nations Security Council can refer a matter involving non-State members to the ICC however, China being a permanent member of that Council, enjoys veto power³¹ so, exploring this path would certainly be a fruitless enterprise³².

²³Gian Luca Burci, 'The outbreak of COVID-19 Coronavirus: are International Health Regulations fit for purpose?' [2020]EJIL <<https://www.ejiltalk.org/the-outbreak-of-covid-19-coronavirus-are-the-international-health-regulations-fit-for-purpose/>> accessed 20 July 2020

²⁴Office of the High Commissioner for Human Rights, Para. 2 CCPR General Comment No. 6: Article 6 (Right to Life). Adopted at the Sixteenth Session of the Human Rights Committee on 30 April 1982.<<https://www.refworld.org/pdfid/45388400a.pdf>> accessed 19 July 2020

²⁵United Nations Human Rights Committee, International Covenant on Civil and Political Rights. General Comment No. 36. Article 6: right to life. [2019]<<https://www.refworld.org/pdfid/5e5e75e04.pdf>> accessed 20 July 2020

²⁶Para 40 CESCR General Comment 14: The Right to the Highest Attainable Standard of Health (Art. 12). <<https://www.refworld.org/pdfid/45388400a.pdf>> accessed 19 July 2020

²⁷Para 16, *Ibid*

²⁸World Health Organization, 'Report of the WHO-China Joint Mission on Coronavirus Disease 2019 (COVID-19)'.<<https://www.refworld.org/pdfid/45388400a.pdf>> accessed 22 July 2020

²⁹Akshat Bajpai, 'Here's how China can be held legally accountable for coronavirus cover up.' (WION, 14 April 2020)<<https://www.wionews.com/opinions-blogs/heres-how-china-can-be-held-legally-accountable-for-coronavirus-coverup-292425>> accessed 21 July 2020

³⁰Observer Research Foundation, 'Can China be held responsible under international law for the COVID-19 pandemic?' (YouTube, 19 May 2020)<<https://youtu.be/W7196jPL3Ew>> accessed 19 July 2020

³¹*Supra* Note 26

³²Brett Joshpe, 'Considering Domestic and International Frameworks for Analyzing China's Potential Legal Liability in the Aftermath of COVID-19.' (SSRN, 13 May 2020) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598614> accessed 21 July 2020

3.4 General International Law

Finally, with regards to general international law, there is an obligation imposed on States by Article 18 of the Vienna Convention on the Law of Treaties³³ not to defeat the objective or aim of a treaty. It may be safe to draw a conclusion that China has defeated the objective of the World Health Organization Constitution. In Article 1 of the W.H.O Constitution,³⁴ the listed objective is the attainment of the highest level of health by all peoples. This argument is premised on all the aforementioned allegations (pertaining to late report) against China as well as several other allegations such as China's attempt to block discussions on COVID -19 at the Security Council's meeting³⁵

4.0. Case Laws and Core Uncodified International Law Principles

4.1 Harm Principle and its Nexus to State Responsibility

The *Trail Smelter Arbitration*³⁶ laid the foundation for the establishment of a revolutionary concept relating to trans-boundary damages i.e. the harm principle which holds that the actions of a State should only be limited to prevent harm to other States³⁷ Indeed, while this case relates to International Environmental Law; its principles may extend to the context of response to pandemics³⁸

This principle was reiterated in the *Corfu Channel case (1949)*³⁹ In that case, the court held that no State may “*knowingly allow its territory to be used for acts contrary to the rights of other States*”. China had the obligation to ensure that the virus did not infringe on the rights of other countries⁴⁰

Where harmful or wrongful acts are committed by public servants acting in official capacity, those acts are attributable to the State⁴¹ Noteworthy is the provision of Article 2 of the Draft Articles on Responsibilities of States for Internationally Wrongful Acts (ARSIWA) 2001 which defines “wrongful acts” as those that can be attributed to the state as well as constitute a breach of international obligation. After the discovery of the virus, responsibility flowed from local Wuhan authorities⁴² to President Xi⁴³ as they were all in the loop on the situation but failed to communicate with the stipulated time frame⁴⁴ These are all public servants functioning in multiple organs and strata of the State hence, their conduct may be attributable to China⁴⁵ This underscores State responsibility and international law is founded on the tenets of State practice.

³³Vienna Convention on the Law of the Treaties (with annex) concluded at Vienna on 23 May 1969. <<https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>> accessed 20 July 2020

³⁴Constitution of the World Health Organization adopted by the International Health Conference held in New York and signed on July 22, 1946. <https://www.who.int/governance/eb/who_constitution_en.pdf> accessed 20 July 2020

³⁵Shishir Gupta, 'UNSC won't discuss Covid-19; China blocks it with help from Russia, South Africa.' (MSN, 27 March 2020) <<https://www.msn.com/en-in/news/world/uns-wont-discuss-covid-19-china-blocks-it-with-help-from-russia-south-africa/ar-BB11M6cS?li=AAggbRN>> accessed 22 July 2020

³⁶Trail Smelter Arbitration (United States v. Canada) Arbitral Trib., 3 U.N. Rep. Int'l Arb. Awards 1905 (1941). <<https://www.casebriefs.com/blog/law/international-law/international-law-keyed-to-damrosche/chapter-18/trail-smelter-arbitration-united-states-v-canada/>> accessed 22 July 2020

³⁷ Kumar. A., 'Covid-19: China's Responsibility and Possible Legal Actions.' (Jurist, 10 May 2020) <<https://www.jurist.org/commentary/2020/05/abhishek-kumar-china-covid19-responsibility/>> accessed 19 July 2020

³⁸Washburnlaw, 'Covid-19 Colloquium – Public International Law.' (YouTube, 7 April 2020) <<https://youtu.be/7OvohLhCFr8>> accessed 18 July 2020

³⁹Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania), 1949 I.C.J. 4. accessed from: <https://www.ici-cj.org/en/case/1>

⁴⁰Op cit footnote 14

⁴¹Ibid

⁴²Op cit footnote 34

⁴³Rachel Sandler, 'Chinese President Xi Jinping knew about Coronavirus two weeks before informing the public.' (Forbes, 16 February 2020) <<https://www.forbes.com/sites/rachelsandler/2020/02/16/chinese-president-xi-jinping-knew-about-coronavirus-two-weeks-before-informing-the-public/>> accessed 21 July 2020

⁴⁴Op cit footnote 14

⁴⁵Op cit footnote 34

4.2. Due Diligence Principle

According to *Black's Law Dictionary*, it is a measure of prudence as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent man under particular circumstances; not measured by any fixed standard, but depending on the unique facts of the special case⁴⁶

The question that arises at this juncture is: did China do due diligence to curb the outbreak, i.e. did it identify the risks and potential harm that the virus posed and do its best to curb the spread? The *IHR* imposes a number of due diligence obligations on States such as the creation and maintenance of the capacity to deal with a pandemic and obligations to inform the W.H.O and the international community, collaborate with States and cooperate with the W.H.O to the extent possible as highlighted hitherto⁴⁷

From the perspective of substantive law, the prior poser seems to totally disfavor China however, procedural law and admissibility of adduced evidence may qualify the relevance of the argument. A potential counterargument in favor of China may be the need for States to prove causation⁴⁸ There must have been an indispensable link of causation between the antecedent (the failure to report) and the consequence (the spread), so that the two may not merely be connected in time by a relation of simple contiguity⁴⁹ Basically, is China's failure to report *directly connected* to the spread?

The United States of America has been a major antagonist of the Chinese government on matters pertaining to the pandemic⁵⁰ In the event that they institute an action against China, a counterargument may be the fact that the White House was sluggish in its response to the pandemic⁵¹ This obviously contravenes the duty of a State to protect the people within its territory from the pandemic and as such, is subpar with the requirements of due diligence⁵² It may then shift the burden of proof to the plaintiff.

4.3 Pacta Sunt Servanda Principle

This is a Latin maxim that denotes agreements must be kept. In the context of international law and agreements, it means that *every treaty in force is binding upon the State parties to it and must be performed by them in good faith*.⁵³ China is bound by the provisions of the *IHR*, an agreement it acceded to in 2007⁵⁴ as aforementioned. Failure to comply with the provisions of the agreement adopted by members of the World Health Organization is a contravention to the provisions of the aforementioned regulation⁵⁵

5.0. Conclusion

While this paper envisages the likelihood of China's culpability owing to the fact that the sovereign State has been portrayed as patient zero and it has an obligation under the *ICCPR* to eliminate pandemics geared towards bolstering the sanctity of human life, which it failed to fulfill, it is highly unlikely for culpability to lie in a criminal action as this is subject to the whims and caprices of China, being a member of the United Nations Security Council.

⁴⁶ Bryan. A. (2009). *Black's Law Dictionary*. 9th edition. United States of America. Thomson Reuters.

⁴⁷ *Supra* Note 6

⁴⁸ *Supra* Note 27

⁴⁹ Dissenting opinion by Judge Azevedo in *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)*, 1949 I.C.J. 78. <http://www.worldcourts.com/search/search.cgi?zoom_query=causation&zoom_cat=22&zoom_per_page=10&zoom_xml=0&zoom_and=1&zoom_sort=0> accessed 21 July 2020

⁵⁰ Jeff Mason *et al*, 'Trump ratchets up criticism of China over coronavirus.' (Reuters, 18 March 2020). <<https://www.reuters.com/article/us-health-coronavirus-trump-china/trump-ratchets-up-criticism-of-china-over-coronavirus-idUSKBN2153N5>> accessed 19 July 2020

⁵¹ Jacquelyn Corley, 'U.S Government response to COVID-19 was slow. But how does it compare to other countries?' (Forbes, 10 April 2020) <<https://www.forbes.com/sites/jacquelyncorley/2020/04/10/us-government-response-to-covid-19-was-slow-but-how-does-it-compare-to-other-countries/>> accessed 22 July 2020

⁵² *Supra* Note 35

⁵³ From Article 26 of the *Vienna Convention on the Law of Treaties* signed at Vienna in 1969 and Article 26 of the *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations* signed at Vienna in 1986.

⁵⁴ *Supra* Note 18

⁵⁵ China contravened Articles 6,7 and 43 of the *International Health Regulations*. See *Supra* Notes 11-15

This paper concludes by stating that although litigation within the precinct of civil liability at the international level may be a potent tool in the diplomatic arsenal of States going up against China, practical realities highlighted hitherto and the extant international legal framework limit potential liability arising from the coronavirus contagion that may accrue to China.

REFERENCES

- Akshat Bajpai, 'Here's how China can be held legally accountable for coronavirus coverup.' (WION, 14 April 2020) <<https://www.wionews.com/opinions-blogs/heres-how-china-can-be-held-legally-accountable-for-coronavirus-coverup-292425>> accessed 21 July 2020
- Anna Fifield & Lena Sun, 'Travel ban goes into effect in Chinese city of Wuhan as authorities try to stop coronavirus spread.' (The Washington Post, 23 January 2020) <https://www.washingtonpost.com/world/asia_pacific/nine-dead-as-chinese-coronavirus-spreads-despite-efforts-to-contain-it/2020/01/22/1eaade72-3c6d-11ea-afe2-090eb37b60b1_story.html> accessed 20 July 2020
- *Articles 6 and 7 of the International Health Regulations (2005)*. <<https://apps.who.int/iris/bitstream/handle/10665/246107/9789241580496-eng.pdf;jsessionid=A0D242238E3D169690A37C3BF35E1874?sequence=1>> accessed 21 July 2020
- *Article 26 of the Vienna Convention on the Law of Treaties* signed at Vienna in 1969 and *Article 26 of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations* signed at Vienna in 1986.
- Bethany Allen-Ebrahimian, 'Timeline: The early days of china's coronavirus outbreak and cover-up.' (Axios, 18 March 2020) <<https://www.axios.com/timeline-the-early-days-of-chinas-coronavirus-outbreak-and-cover-up-ee65211a-afb6-4641-97b8-353718a5faab.html>> accessed 20 July 2020
- Brett Joshpe, 'Considering Domestic and International Frameworks for Analyzing China's Potential Legal Liability in the Aftermath of COVID-19.' (SSRN, 13 May 2020) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598614> accessed 21 July 2020
- Bryan. A. (2009). *Black's Law Dictionary*. 9th edition. United States of America. Thomson Reuters.
- CGTN, 'Facts Tell: There's no need for China to apologize about COVID-19.' (YouTube, 7 March 2020). <<http://m.youtube.com/watch?v=wA2aMdCGM>> accessed 20 July 2020
- *Constitution of the World Health Organization* adopted by the International Health Conference held in New York and signed on July 22, 1946. <https://www.who.int/governance/eb/who_constitution_en.pdf> accessed 20 July 2020
- *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)*, 1949 I.C.J. 4. accessed from: <https://www.icj-cij.org/en/case/1> on the 12th of October, 2020
- Dissenting opinion by Judge Azevedo in *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)*, 1949 I.C.J. 78.
- <http://www.worldcourts.com/search/search.cgi?zoom_query=causation&zoom_cat=22&zoom_per_page=10&zoom_xml=0&zoom_and=1&zoom_sort=0> accessed 21 July 2020
- Donald McNeil Jr. & Zolan Kanno-Youngs, 'C.D.C and W.H.O offers to help China have been ignored for weeks.' (The New York Times, 7 February 2020) <<https://www.nytimes.com/2020/02/07/health/cdc-coronavirus-china.html>> accessed 22 July 2020

- Gian Luca Burci, '*The outbreak of COVID-19 Coronavirus: are International Health Regulations fit for purpose?*' [2020] EJIL <<https://www.ejiltalk.org/the-outbreak-of-covid-19-coronavirus-are-the-international-health-regulations-fit-for-purpose/>> accessed 20 July 2020
- Helen Davidson, '*First Covid-19 case happened in November, China government records show – report*' (The Guardian, 13 March 2020) <<https://www.theguardian.com/world/2020/mar/13/first-covid-19-case-happened-in-november-china-government-records-show-report>> accessed 20 July 2020
- Jacquelyn Corley, '*U.S Government response to COVID-19 was slow. But how does it compare to other countries?*' (Forbes, 10 April 2020) <<https://www.forbes.com/sites/jacquelyncorley/2020/04/10/us-government-response-to-covid-19-was-slow-but-how-does-it-compare-to-other-countries/>> accessed 22 July 2020
- Jeff Mason *et al*, '*Trump ratchets up criticism of China over coronavirus.*' (Reuters, 18 March 2020). <<https://www.reuters.com/article/us-health-coronavirus-trump-china-/trump-ratchets-up-criticism-of-china-over-coronavirus-idUSKBN2153N5>> accessed 19 July 2020
- Keith Richburg, '*Bird flu. SARS. China coronavirus. Is history repeating itself?*' (Stat, January 27 2020) <<https://www.statnews.com/2020/01/27/bird-flu-sars-china-coronavirus-is-history-repeating-itself/>> accessed 19 July 2020
- Kumar. A., '*Covid-19: China's Responsibility and Possible Legal Actions.*' (Jurist, 10 May 2020) <<https://www.jurist.org/commentary/2020/05/abhishek-kumar-china-covid19-responsibility/>> accessed 19 July 2020
- Lauren Tonti, '*The International Health Regulations: The Past and the Present, But What Future?*' [2020] Harvard International Law Journal. <<https://harvardilj.org/2020/04/the-international-health-regulations-the-past-and-the-present-but-what-future/>> accessed 20 July 2020
- Lawrence. O. G., Devi Sridhar, Ph.D., '*Global Health and the Law*'. [2014] 370:1732-1740 The New England Journal of Medicine <<https://www.nejm.org/doi/full/10.1056/NEJMra1314094>> accessed 19 July, 2020
- Mercy Kuo, '*Investigating China: COVID-19 and the CCP.*' (The Diplomat, 19 May 2020) <<https://thediplomat.com/2020/05/investigating-china-covid-19-and-the-ccp/>> accessed 18 July 2020
- Observer Research Foundation, '*Can China be held responsible under international law for the COVID-19 pandemic?*' (YouTube, 19 May 2020) <<https://youtu.be/W7I96jPL3Ew>> accessed 19 July 2020
- Office of the High Commissioner for Human Rights, Para. 2 CCPR General Comment No. 6: *Article 6 (Right to Life). Adopted at the Sixteenth Session of the Human Rights Committee on 30 April 1982.* <<https://www.refworld.org/pdfid/45388400a.pdf>> accessed 19 July 2020
- Para 40 CESCR General Comment 14: The Right to the Highest Attainable Standard of Health (Art. 12). <<https://www.refworld.org/pdfid/45388400a.pdf>> accessed 19 July 2020
- Peter Tzeng, '*Taking China to the International Court of Justice over COVID-19*' [2020] EJIL <<https://www.ejiltalk.org/taking-china-to-the-international-court-of-justice-over-covid-19/>> accessed 19 July 2020
- Rachel Sandler, '*Chinese President Xi Jinping knew about Coronavirus two weeks before informing the public.*' (Forbes, 16 February 2020) <<https://www.forbes.com/sites/rachelsandler/2020/02/16/chinese-president-xi-jinping-knew-about-coronavirus-two-weeks-before-informing-the-public/>> accessed 21 July 2020
- RiyazulKhaliq, '*Virus can emerge anywhere: China responds to criticism.*' (Anadolu Agency, 14 May 2020) <<https://www.aa.com.tr/en/asia-pacific/virus-can-emerge-anywhere-china-responds-to-criticism/1840852>> accessed 19 July 2020
- Romeo R. B., '*China, International law and COVID-19.*' (Inquirer.net, 22 March 2020) <<https://opinion.inquirer.net/128226/china-international-law-and-covid-19>> accessed 18 July 2020

- Shishir Gupta, '*UNSC won't discuss Covid-19; China blocks it with help from Russia, South Africa.*' (MSN, 27 March 2020) <<https://www.msn.com/en-in/news/world/unsc-wont-discuss-covid-19-china-blocks-it-with-help-from-russia-south-africa/ar-BB11M6cS?li=AAggbRN>> accessed 22 July 2020
- *Trail Smelter Arbitration (United States v. Canada)* Arbitral Trib., 3 U.N. Rep. Int'l Arb. Awards 1905 (1941).<<https://www.casebriefs.com/blog/law/international-law/international-law-keyed-to-damrosche/chapter-18/trail-smelter-arbitration-united-states-v-canada/>> accessed 22 July 2020
- *Vienna Convention on the Law of the Treaties (with annex)* concluded at Vienna on 23 May 1969. <<https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>> accessed 20 July 2020
- Washburnlaw, '*Covid-19 Colloquium – Public International Law.*' (YouTube, 7 April 2020) <<https://youtu.be/7OvohLhCFr8>> accessed 18 July 2020
- World Health Organization, '*WHO Coronavirus Disease (COVID-19) Dashboard*' <<https://covid19.who.int>> accessed 16 September 2020
- World Health Organization, '*Report of the WHO-China Joint Mission on Coronavirus Disease 2019 (COVID-19).*' <<https://www.refworld.org/pdfid/45388400a.pdf>> accessed 22 July 2020
- World Health Organization, '*Strengthening health security by implementing the International Health Regulations.*' <https://www.who.int/ihr/legal_issues/states_parties/en/> accessed 22 July 2020
- United Nations Human Rights Committee, International Covenant on Civil and Political Rights. General Comment No. 36. Article 6: right to life. [2019] <<https://www.refworld.org/pdfid/5e5e75e04.pdf>> accessed 20 July 2020