

CHINA'S RESPONSIBILITY IN THE PANDEMIC

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PERSPECTIVE

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The new type of coronavirus, COVID-19, which emerged in China, spread to the whole world in a few months and became a global crisis. This crisis, which has serious economic, social and political consequences, brought along claims that the world system should be reinterpreted. In this sense, it was defined not only as a global health problem but as a multidimensional danger. The first signs of the new type of coronavirus were seen in Wuhan, China in early December. The news of the virus epidemic, which started to be shared by the Chinese via social media in early December, was stopped by the Chinese administration and the spread of rumors was prevented. Again in this direction, the speeches of the doctors and health personnel regarding the subject were silenced. Thus, it took about seven weeks between the first symptoms and China closing down the areas where the virus spread to take action. Since this situation is provable, it stands before us as the most serious issue that China can blame in this crisis. The allegations that the virus in question first appeared in a wild animal market in Wuhan carried the

event to a different dimension. Although the opinion of the experts confirms that the coronavirus first passed through the bats, the debate continues whether the use of these bats as food still causes this. Statements made that such viruses can lead a common life in wild animals, but they can somehow cause serious diseases when they are infected, and the world public opinion and the culture of evaluating wild animals as food have been questioned by the world public opinion. . In the international dimension of the issue, the fact that COVID19 was called "**Chinese virus**" by US President D. Trump in the early days of the spread of the epidemic, and especially after the Chinese authorities said that the virus was brought to Wuhan by US soldiers, does not seem like a randomly used concept. Because this concept was an indication that the virus with global destructive effects is caused by China, moreover, that China should have a responsibility in this situation and to attract the attention of the world to this point. These views began to be discussed more and more in public, and in different parts of the world, China's

responsibility in this pandemic took its place on the agenda. So what is the idea of China's responsibility in this epidemic? The first answer to this question is information retention and disinformation. That is, the Chinese administration's attitude to the isolation of information that the ban showed when the outbreaks first appeared, and then misinformation about the nature of the virus that it did not pass from person to person. In this sense, it is thought to have a significant share in the devastating global epidemic, because the first seven weeks, including the most critical period in the spread of the epidemic, were “**covered**” in this way. The second answer to the problem is the health security gap. The situation in which the wild animal markets in China do not have sufficient control and the exotic wild animals in question contain harmful viruses and microorganisms that would endanger human safety. Although this situation has not been clearly proven, accusations against China are increasing day by day. "Coronavirus Compensation?" Which was recently published by the Henry Jackson Association in England. Assessing China's Potential Culpability and Avenues of Legal Response (Report on Coronavirus Compensation China's Potential Accusability and Legal Intervention Paths) provided that these ideas were first published in a report and brought to the agenda. Again in this report, it was stated that especially G-7 countries spent £ 3.2 trillion in order to prevent this pandemic and that China should provide financial compensation especially to these countries due to the above-mentioned responsibilities. At the moment, the failure of China as the starting point of the pandemic and then the World Health Organization in

managing the process; increased their comments that this issue should be resolved in the UN. However, it should be questioned here whether the UN is a truly competent and sufficient institution. Especially the structure of the UN Security Council paves the way for unfair decisions (or silent stay), which we have seen many examples in the world. It should also be noted that China is one of the five permanent members who also have the veto power of the Security Council. This shows that a negative decision about China, such as compensation, cannot be made from the Council. Of course, it will be a reductionist approach to see the UN only as a Security Council. Although the Council is the only binding decision-making body of the UN, the impact of the UN General Assembly or the secretary's decisions or agendas on the international public cannot be denied. In addition to this effect, there have been extraordinarily binding and effective decisions taken from the General Assembly such as the "unification for peace" which we have seen in the example of the Korean War. This shows that, depending on the conditions of the day, depending on the capacity of states to act together, new concepts can be added to international law and in particular to the UN system. Of course, we should mention here that the ultimate determiner is the concept of 'power'. As a matter of fact, in the Korean War, additions to international law and the UN system were made under the leadership of the powerful US.

The role of responsibility and compensation issues in international law is a bit complicated. In the International Health Regulation prepared in 2005; “Each

State Party is responsible for all events that may lead to public health emergencies within its territory in accordance with its decision instrument, as well as any health measures implemented in response to these events, through the National IHT Focal Point and within 24 hours when public health information is evaluated. will inform WHO with the most effective communication tools. " Article 6, which has the statement, shows that China is responsible for not informing the World Health Organization at the time when the coronavirus symptoms are said to appear first. The World Health Organization may take a compensation decision in case of violations of the statutes of the states that are party to the regulation, or open the way for compensation to the states that are party to the regulation. So does this responsibility impose a binding? In accordance with Article 20 of the World Health Organization Constitution, it is understood that the regulations organized by the Organization and the International Health Regulation, which China is a party, are binding. The widespread acceptance in international law on this matter is that the International Health Regulation is binding. However, the question that comes to mind is whether there is a mechanism that controls the implementation of this binding decision. WHO does not have an institution controlling sanctions. In accordance with the International Health Regulation, public pressure on the non-enforcement of a binding compensation decision that may be made for China cannot be subject to penalties other than the singular or collective boycott practices of the states. In order for the matter to be taken to the International Court of Justice, China's consent is required.

Therefore, this option also disappears. As we mentioned in the relations with the UN before, the determining factor will be the states demanding compensation in the future 'power' relations and the state (China) subject to compensation. On the other hand, in an example of the tale of La Fontaine, while the mice, who can ring the cat and notice it as soon as it arrives, and escape so that they can escape, the joy of this ingenious idea is when an old mouse says, "Everything is so beautiful, but who will wear the bell?" similar to the question, in this case also appears. Who will officially make this accusation, which is being talked about more and more now? A claim for compensation to China can be created through the relevant articles of the International Health Regulations. However, it is very unlikely that, at first glance, China, which is the biggest product exporter in the world and has a significant share in the global economy, and which is one of the countries that overcame the epidemic crisis and thus entered the normalization process, is very low at first glance. it doesn't stay pragmatic. The possibility of an official move seems unlikely in this context. On the other hand, the discourse of "Chinese virus" of US President Trump, who seems to be eager to bring the issue of China's responsibility to the international agenda, has disappeared for the last two weeks. The necessity to cooperate with China both in terms of healthcare equipment in the crisis period and in terms of economic relations at such a critical point, the water must is extremely essential for the USA. As a result, the ability to compensate for the extremely high economic and social cost of this pandemic to states across the world will be directly related to who the

administrators of the future world system are. Contrary to expectations, if the international status quo is maintained, claims for compensation will emerge when the health dimension of the pandemic is overcome and the system becomes available. Depending on the location of China in the system, this demand may be partially met. However, in a system where the status quo has been broken in line with expectations, it is

unlikely that states will unite or have access to a boycott force against China, which experienced this virus earlier and entered a recovery period before other states. In such a scheme, will compensation claims go beyond the rumor? We can say that this will be determined by the new system to be installed.

