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DESCRIPTION

The International and Comparative Law Research Center presents the fourth issue of the overview of publications by academics and practitioners, as well as various documents prepared by intergovernmental and non-governmental organizations, on topics related to the spread of COVID-19 and various aspects of international law that were not included in the overviews of [April 28, 2020](#),* [May 28, 2020](#),** and [June 28, 2020](#),*** along with new publications that came out between June 28 and October 28, 2020.

Relevant publications and documents cover issues related to responsibility of States, international security law, international cooperation, international environmental law, international human rights law, international labor law, migration law, the law of the World Trade Organization, including intellectual property issues, and maritime law. The classification used to place the issues considered in the overview under one or another “branch” is rather illustrative: it is mostly done so for the reader’s convenience.

This overview is not purported to be complete due to ongoing release of new materials. The overview does not constitute an analytical material and is to be used only for reference purposes.

This overview also includes an Annex that provides general conclusions on the four overviews of publications “COVID-19 and International Law” prepared by the Center.

* International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. URL: http://iclr.ru/files/pages/research/papers/ICLRC_COVID-19-and-International-Law-Issue-1-ENG.pdf.

** International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. Issue 2. URL: http://iclr.ru/files/pages/research/papers/ICLRC_COVID-19-and-International-Law-Issue-2-ENG.pdf.

*** International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. Issue 3. URL: http://iclr.ru/files/pages/research/papers/ICLRC_COVID-19-and-International-Law_Issue-3.pdf.

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INTRODUCTION

1. The possibility of holding China accountable for violations of Articles 6 and 7 of the International Health Regulations of 2005 (hereinafter, “IHR”) is continued to be discussed. However, since it is unlikely that this issue will be resolved within the framework of the International Court of Justice, an emphasis is placed on the possibility of using the mandatory dispute settlement procedure provided for in the Convention on International Civil Aviation of 1944 (hereinafter, “**Chicago Convention**”) (paras. 10–14). Attention is also drawn to force majeure, a circumstance precluding the wrongfulness of an act in accordance with the Articles on Responsibility of States for Internationally Wrongful Acts of 2001 (hereinafter, “**ARSIWA**”) (paras. 15–16).

2. Attention is paid to resolution No. 2532 adopted by the UN Security Council (hereinafter, “**UN SC**”) on the threat of COVID-19 to international peace and security and its consequences (paras. 17–21). Besides, concerns continue to be expressed about cyber attacks aimed at obtaining information related to the development and testing of a COVID-19 vaccine, and an analysis of the compliance of such attacks with international law is being conducted (paras. 22–25). Attention is drawn to the emergence of new areas of terrorist activities due to the adoption of measures to combat COVID-19 (paras. 26–30).

3. Despite the importance of cooperation between States in the fight against COVID-19 (para. 31), it is emphasized that it is insufficient and even elusive (para. 32), primarily due to the fact that measures to combat coronavirus are taken primarily at national levels (para. 33). In contrast to the failure of international bodies to respond effectively to the pandemic (para. 34), the example of the European Union (hereinafter, “**EU**”), which has found ways to take coordinated measures and pool resources to ensure the rapid and uninterrupted delivery of critical goods, is given (paras. 35–37). It is noted that in accordance with international human rights law, the responsibility for international cooperation is imposed not only on States but also on private actors (para. 38).

4. International environmental law focuses on the shortcomings of the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora in regulating such trade and the need to reform the Convention to prevent the next pandemic (paras. 39–40).

5. The importance of the right to health and the need to clarify the interpretation of its content in order to better address problems in the health sector are highlighted (paras. 41–43). At the same time, it is emphasized that the activities of human rights organizations are more useful in the protection of civil and political human rights than social, economic, and cultural ones (para. 44). It is also noted that pandemics of this kind legitimize the repressive behavior of States, and concern about the possible increase in the number of human rights violations is expressed in this regard (para. 45). In addition, within the framework of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (hereinafter, “**ECHR**”) positive obligations of States to protect human rights are examined (paras. 46–49), as well as the need for the member States of the Council of Europe to derogate from the provisions of the ECHR in emergency situations (paras. 50–53). The issue of observance of human rights by private companies engaged by States to provide a number of services to the population is discussed (paras. 54–57). In this regard, it is pointed out that private companies must comply with their due diligence obligation (paras. 58–59). Given the need for regular and thorough hand washing in the context of the pandemic, special attention is paid to the right to water (paras. 60–61). A summary

of an online meeting of judges of regional courts for the protection of human rights is provided. They drew attention to the practice of using the pandemic as a pretext for abuse of power by States, including the failure of States to comply with their obligations to ensure certain economic, social, and cultural rights (**paras. 62–64**).

6. International labor law highlights the importance of social dialogue between employees, employers, and a State in dealing with the consequences of the COVID-19 pandemic and provides some examples of its implementation (**paras. 65–66**).

7. In the context of migration law, it is pointed to the difficulties migrants are facing during the COVID-19 pandemic, as well as to the problem of ensuring the safety of migrants in their cross-border mobility after the end of the pandemic (**paras. 67–69**).

8. The law of the World Trade Organization (hereinafter, “**WTO**”) is touched upon with respect to measures taken by States to resume trade in medical products aimed at combating the pandemic (**paras. 70–72**). Attention is also drawn to the vulnerability of micro-, small, and medium-sized enterprises in the context of the COVID-19 pandemic and measures taken to support them (**paras. 73–74**). Besides, the system of intellectual property protection is discussed, in particular, Articles 31 and 73 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter, “**TRIPS**”), the provisions of which can be used to ensure public access to treatment for COVID-19, were analyzed (**paras. 75–78**).

9. Attention is drawn to the problem of delays in changing ship crews caused by the pandemic, which poses a risk to the well-being of the ship’s crew, as well as to the safety of maritime trade. In this regard, recommendations to States ensuring safe ship crew changes and travel during the COVID-19 pandemic are made (**paras. 79–81**).

I. STATE RESPONSIBILITY

10. Since the beginning of the spread of COVID-19, there has been much discussion among international lawyers on the possibility of holding China accountable for violating Articles 6 and 7 of the IHR.¹ However, since China is unlikely to recognize the mandatory jurisdiction of international courts and tribunals, attention is drawn to the mandatory dispute settlement procedure provided for in the Chicago Convention.²

11. In particular, in case of a dispute concerning the interpretation or application of the Chicago Convention that has not been resolved through negotiations, the Council of the International Civil Aviation Organization (hereinafter, “**ICAO**”) has the power to make a decision on it, which may be appealed to the International Court of Justice or an *ad hoc* arbitral tribunal.³ It is noted that this dispute settlement mechanism can provide a jurisdictional basis for relevant claims against China, which is a party to the Chicago Convention.⁴

12. Such claims could arise under Article 14 of the Chicago Convention, which provides that “each contracting State agree to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such *other communicable diseases* as the contracting States shall from time to time decide to designate”.⁵ It is pointed out that COVID-19 can also be related to such diseases.⁶

13. The Article 14 obligation should be read in conjunction with the ICAO standards and recommended practices contained in Annex 9 to the Chicago Convention. Paragraph 8.12 of the Annex reads as follows: “Contracting States shall comply with the pertinent provisions of the International Health Regulations (2005) of the World Health Organization” (hereinafter, “**WHO**”).⁷

14. Thus, if China is charged with violating the provisions of Articles 6 and 7 of the IHR, in particular the obligation to notify the WHO of a public health emergency in a timely manner, Article 14 of the Chicago Convention and Annex 9 give the ICAO Council jurisdiction to review and decide on the situation.⁸

15. Some of the measures taken by States in the interests of public health and economic security in light of the spread of the COVID-19 pandemic have given rise to complaints from foreign investors.⁹ As in the publications included in the overview of April 28, 2020,¹⁰ in this context

¹ See International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. P. 7–8. Para. 8–16; International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. Issue 2. P. 7–8. Para. 10–15; International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. Issue 3. P. 6. Para. 6; see also *Wong M.* The Law of State Responsibility and the Covid-19 Pandemic // Covid-19, Law and Human Rights: Essex Dialogues (School of Law and Human Rights Centre, University of Essex) / ed. by C. Ferstman, A. Fagan. Colchester: University of Essex, 2020.

² *Huremagić H., Kainz F.* COVID-19, China and International Aviation Law: A ticket to The Hague? URL: <https://www.ejiltalk.org/covid-19-china-and-international-aviation-law-a-ticket-to-the-hague/>.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.* Italicized by the ICRLC.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ See, e.g., *Sanderson C.* Mexico Faces Potential Claims over Pandemic Response. URL: <https://globalarbitrationreview.com/article/1227136/mexico-faces-potential-claims-over-pandemic-response>; *Sanderson C.* Peru Hit with Claim by Road Concessionaire, Global Arbitration Review. URL: <https://globalarbitrationreview.com/article/1227863/peru-hit-with-claim-by-road-concessionaire>.

¹⁰ International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. P. 9–10. Paras. 20–24.

attention is paid to the analysis of the applicability of circumstances precluding the wrongfulness of an act under the ARSIWA, in particular, the possibility of States to invoke Article 23 (force majeure) is examined in more detail.¹¹

16. It is noted that, within the framework of this Article, a State must prove that the circumstances that forced it to violate international obligations were not caused by its own behavior and could not have been foreseen by it.¹² Based on the analysis of the practice of resolving arbitration disputes between an investor and a State,¹³ it is assumed that courts tend to reject the reference to force majeure in justification of the measures taken.¹⁴ It is pointed out that in practice, there is a sufficiently high threshold for the applicability of Article 23 of the ARSIWA, which makes it impossible to invoke this provision in justification of the measures taken in response to COVID-19.¹⁵

¹¹ Josh R. Force Majeure under the ILC Draft Articles on State Responsibility: Assessing its Viability Against COVID-19 Claims. URL: <https://www.asil.org/insights/volume/24/issue/24/force-majeure-under-ilc-draft-articles-state-responsibility-assessing>.

¹² Ibid.

¹³ See ICSID. *Autopista Concesionada v. Republic of Venezuela*. Case No. ARB/00/5. Award of 23 September 2003. Para. 118; ICSID. *RSM Production Corp. v. Central African Republic*. Case No. ARB/07/02. Award of 7 December 2010. Paras. 180, 185.

¹⁴ Josh R. Op cit.

¹⁵ Ibid.

II. INTERNATIONAL SECURITY LAW

17. On July 1, 2020, the UN SC unanimously adopted resolution No. 2532.¹⁶ Pointing out that “the unprecedented extent of the COVID-19 pandemic is likely to endanger the maintenance of international peace and security”, the UN SC “demands a general and immediate cessation of hostilities in all situations on its agenda and supports the efforts undertaken by the Secretary-General and his Special Representatives and Special Envoys in that respect.”¹⁷ This calling has raised some questions about the legal nature of the resolution.

18. It is noted that the UN SC resolution will be binding if it is a “decision” adopted in accordance with Article 25 of the UN Charter.¹⁸ Along with that, the resolution No. 2532 reproduces the wording of Article 34 of the UN Charter, which states the following:

“The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.”¹⁹

19. This Article is contained in Chapter VI of the UN Charter (peaceful settlement of disputes), and, therefore, the measures listed in the resolution No. 2532 are “recommendations” in accordance with Article 36 of the UN Charter.²⁰ At the same time, such a conclusion would contradict “the imperative wording” of paragraph 1 of the resolution, which “requires” the cessation of hostilities.²¹ It is assumed that the adoption of the resolution in the context of “the devastating impact of the COVID-19 pandemic across the world, especially in countries ravaged by armed conflicts,” and of the recognition that “conditions of violence and instability in conflict situations can exacerbate the pandemic”, could indicate the UN SC’s desire to designate the demand for a ceasefire as mandatory.²²

20. Thus, it is difficult to conclude whether the demand for a general and immediate cessation of hostilities is legally binding. However, it is stipulated that the UN SC may adopt an additional resolution to ensure compliance with the provisions of Chapter VII of the UN Charter, which would make the mentioned demand mandatory in a practical sense.²³

21. Besides, it is noted that in addition to traditional security-related measures, such as

¹⁶ See UN Security Council. Security Council Underlines Support for Secretary-General’s Global Ceasefire Appeal, Fight against COVID-19, Unanimously Adopting Resolution 2532 (2020). URL: <https://www.un.org/press/en/2020/sc14238.doc.htm>.

¹⁷ UN Security Council. Resolution No. 2532 (2020). 1 July 2020. Preamble, paras. 1–2. URL: [https://undocs.org/en/S/RES/2532\(2020\)](https://undocs.org/en/S/RES/2532(2020)). Italicized by the ICRLC; see also UN Secretary-General António Guterres. The fury of the virus illustrates the folly of war. URL: <https://www.un.org/en/un-coronavirus-communications-team/fury-virus-illustrates-folly-war>.

¹⁸ Pobjie E. Covid-19 as a threat to international peace and security: The role of the UN Security Council in addressing the pandemic. URL: <https://www.ejiltalk.org/covid-19-as-a-threat-to-international-peace-and-security-the-role-of-the-un-security-council-in-addressing-the-pandemic/>; see also UN Charter. Chapter V. Art. 25. URL: <https://www.un.org/en/sections/un-charter/chapter-v/index.html>.

¹⁹ UN Charter. Chapter VI. Art. 34. URL: <https://www.un.org/en/sections/un-charter/chapter-vi/index.html>. Italicized by the ICRLC.

²⁰ Pobjie E. Op cit.; see also Arcari M. Some thoughts in the aftermath of Security Council Resolution 2532 (2020) on Covid-19 // Questions of International Law E-journal. 2020. Zoom-out 70. P. 63–64.

²¹ Pobjie E. Op cit. The author of the article refers to the opinion of Rosalyn Higgins, the former judge of the International Court of Justice, and notes that in “some limited and, perhaps, rare cases, resolutions adopted under Chapter VI [of the UN Charter] may be binding decisions” see Higgins R. The Advisory Opinion on Namibia: Which UN Resolutions Are Binding under Article 25 of the Charter? // The International and Comparative Law Quarterly. Vol. 21. 1972. No. 2. P. 282; see also Arcari M. Op cit. P. 67.

²² Pobjie E. Op cit.; see also Resolution No. 2532 (2020). Preamble.

²³ Pobjie E. Op cit.

calling for a ceasefire and providing humanitarian aid corridors, the UN SC could also take responsibility for global coordination of the response to the pandemic.²⁴ Agreed measures could include calling for (or lifting of) travel and border restrictions, calling on the Member States to facilitate delivery of assistance including personnel and supplies, enhancing public information campaigns and combating misinformation, and mobilizing technical expertise including deployable medical resources.²⁵ It is also suggested that the UN SC could take steps to ensure equitable global access to vaccines and other medical technologies that are already being used or are still being developed to fight the COVID-19 pandemic.²⁶

22. If in the spring, at the peak of the pandemic, there were cases of cyberattacks against public health systems,²⁷ now their goal is to obtain information related to the development and testing of a vaccine against COVID-19.²⁸ For instance, the United Kingdom, the United States, and Canada have made a joint statement about the so-called “vaccine espionage.”²⁹ Moreover, it is noted that, in addition to espionage, cyber operations hinder vaccine research and development programs that can endanger human health and life.³⁰

23. It is emphasized that international law prohibits cyber operations that cause adverse consequences for the research, testing, production, and distribution of the COVID-19 vaccine.³¹ In particular, if a cyber operation causes a loss of life, illness, or damage to equipment used to conduct medical research and development (including certain loss of functionality), the sovereignty of the State where those consequences manifest has been violated.³²

24. In addition, cyber operations can be qualified as interference of one state in the internal affairs of another if they deprive the latter of the opportunity to engage in research on the development of a vaccine or impedes decision-making.³³ If cyber operations aimed at research and development of the vaccine cause a delay in the provision of it to the population, which in turn results in avoidable death or illness on a significant scale, they will be qualified as illegal use of force.³⁴

25. It is highlighted that States are required, as part of their due diligence, to take all possible measures to prevent, stop, and mitigate malicious cyber operations against data or technologies used for research, testing, production, or distribution of the COVID-19 vaccine that originate from their territory or jurisdiction.³⁵ States also have positive obligations to ensure human rights protection, in particular the right to health and life, by protecting research, testing, production, and distribution of the COVID-19 vaccine.³⁶

26. It is noted that the spread of COVID-19 has had an impact on terrorists and their activities.³⁷

²⁴ *Ibid*; see also *Arcari M.* Op cit. P. 71–73.

²⁵ *Pobjie E.* Op cit.

²⁶ *Ibid.*

²⁷ See International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. Issue 2. P. 9. Para. 16–18.

²⁸ *Schmitt M.* Cyber Operations against Vaccine R & D: Key International Law Prohibitions and Obligations. URL: <https://www.ejiltalk.org/cyber-operations-against-vaccine-r-d-key-international-law-prohibitions-and-obligations/>.

²⁹ Report of the National Cyber Security Centre. Advisory: APT29 targets COVID-19 vaccine development. URL: <https://www.ncsc.gov.uk/files/Advisory-APT29-targets-COVID-19-vaccine-development-V1-1.pdf>.

³⁰ *Schmitt M.* Op cit.

³¹ *Akande D., et al.* The Second Oxford Statement on International Law Protections of the Healthcare Sector During COVID-19: Safeguarding Vaccine Research. Para. 2. URL: <https://elac.web.ox.ac.uk/article/the-second-oxford-statement>.

³² *Schmitt M.* Op cit.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Akande D., et al.* Op cit. Para. 5.

³⁶ *Ibid.* Para. 6. For more information about the legal aspects of developing a coronavirus vaccine in the United States, see *Hickey K., Ward E. H.* Legal Issues in COVID-19 Vaccine Development // Congressional Research Service. 2020.

³⁷ UN Secretary-General. Secretary-General Warns Terrorists Are Exploiting COVID-19 Pandemic, Calls for Vigilance, at Virtual Counter-Terrorism Week Opening. URL: <https://www.un.org/press/en/2020/sqsm20161.doc.htm>.

At the end of June 2020, the UN Counter-Terrorism Committee Executive Directorate published a report identifying new opportunities for terrorists' activities emerged from the pandemic:

- the world's population, including more than one billion students who switched to distance learning, have begun to spend more time on the Internet. The increase in the number of young people using the Internet, especially gaming platforms, gives terrorist groups an opportunity to expose a greater number of people to their ideas;³⁸
- many terrorist groups have already begun to use the COVID-19 pandemic and its consequences for their own purposes to exploit divisions and weaknesses among those they consider enemies. The pandemic has also provided fuel for existing terrorist narratives, with tropes being repurposed to intensify hatred towards particular groups, leading to racist, anti-Semitic, Islamophobic, and anti-immigrant hate speech;
- the pandemic has provided an opportunity for terrorist and other armed groups (especially those operating in areas that are poorly controlled by a State)³⁹ to step up in providing vital services, including health and social security. Public dissatisfaction with the measures taken by States in response to the COVID-19 pandemic has been used by terrorists to promote anti-State violence and accelerationist narratives. This has already led to a decrease in confidence in the financial systems of a number of States and to a rise in cash withdrawals that could be exploited by criminal and terrorist organizations for their own purposes.⁴⁰

27. In addition, it is suggested that the spread of COVID-19 may arouse the interest of terrorists in biological weapons, since the pandemic has demonstrated the limited resources of States to deal with its devastating consequences.⁴¹ It is noted that the pandemic may inspire terrorists to use new atypical methods of warfare, such as disrupting the supply of food or medicine and other medical resources.⁴²

28. At the same time, the above-mentioned report of the UN Counter-Terrorism Committee indicates the difficulties that terrorists may face during the pandemic:

- restrictions imposed by States on the freedom of movement have resulted in far fewer crowded spaces, potentially reducing the effectiveness of common terrorist tactics, including stabbings, bombings, and vehicle ramming. While restrictions on international travel are gradually being lifted, increased border security may make it more difficult for terrorists to move around;
- because of disrupted global, regional, and national supply chains, terrorist groups (especially those operating in remote areas) may find it difficult to access food, medicine, money, and weapons;

³⁸ Mullins S. Assessing the Impact of the Covid-19 Pandemic on Terrorism and Counter-Terrorism: Practitioner Insights // DKI APCSS Security Nexus. Vol. 2020. 21. P. 1.

³⁹ See, e.g., The Washington Post. Colombian guerrillas are using coronavirus curfews to expand their control. Violators have been killed. URL: https://www.washingtonpost.com/world/the_americas/colombia-coronavirus-farc-eln-guerrillas/2020/07/25/927d3c06-cb64-11ea-bc6a-6841b28d9093_story.html; Aljazeera. Taliban launches campaign to help Afghanistan fight coronavirus. URL: <https://www.aljazeera.com/news/2020/04/06/taliban-launches-campaign-to-help-afghanistan-fight-coronavirus/>.

⁴⁰ UN Security Council. Counter-Terrorism Committee Executive Directorate. Report "The impact of the COVID-19 pandemic on terrorism, counter-terrorism and countering violent extremism". June 2020. P. 2. URL: <https://www.un.org/sc/ctc/wp-content/uploads/2020/06/CTED-Paper%E2%80%93The-impact-of-the-COVID-19-pandemic-on-counter-terrorism-and-countering-violent-extremism.pdf>.

⁴¹ Plachta M. Terrorism and Counter-terrorism at the Times of COVID-19 Pandemic // International Enforcement Law Reporter. Vol. 36. 2020. Issue 8. P. 321.

⁴² Ibid. P. 322; see also Basit A. The COVID-19 Pandemic: An Opportunity for Terrorist Groups? // Counter Terrorist Trends and Analyses. Vol. 12. 2020. No. 3. P. 11.

- the overwhelming focus on COVID-19 may temporarily reduce the media attention given to terrorist attacks, potentially reducing their wider terrorizing or radicalizing impact. This trend, combined with reduced target availability, may lead terrorists to seek even more “attention-grabbing” techniques, as, for example, in the case of the May 2020 attack on a maternity hospital in Afghanistan. These actions, which are harmful to the health and well-being of the community, may discourage potential supporters from joining a terrorist organization.⁴³

29. It is noted that some COVID-19 responses overlap with counter-terrorism measures, including:

- extending the punishment for terrorist crimes to individuals who deliberately seek to infect others with COVID-19;
- the use of cell phone data for invasive digital monitoring of people, which aims to track the movement of a COVID-19 patient and prevent their contact with others, and that can also be used to fight terrorism;
- rapid response to misinformation about COVID-19 on the part of individuals. For example, some major social media platforms have expanded the use of verification mechanisms and banned adverts using misinformation to sell medical products.⁴⁴

30. In general, it is emphasized that the irritation and discontent generated by antiviral measures in European countries may trigger the emergence of new forms of violent activism and terrorism associated with conspiracy theories, fear of increasing arbitrariness on the part of governments, and technophobia. Terrorists can also benefit from a shift in focus from fighting terrorism to fighting COVID-19, which will keep national governments, regional and international organizations busy for the coming months or even years.⁴⁵

⁴³ Counter-Terrorism Committee Executive Directorate. P. 2–3; see also *Mullins S.* Op cit. P. 2, 6.

⁴⁴ UN Security Council. Counter-Terrorism Committee Executive Directorate. Op cit. P. 5.

⁴⁵ *Ibid.* P. 3; see also *Basit A.* Op cit. P. 11–12; *Mullins S.* Op cit. P. 7–8.

III. INTERNATIONAL COOPERATION

31. It is noted that, along with Articles 1(3), 2(5), and Chapter 9 of the UN Charter⁴⁶, the IHR (in particular, Annex I(A)(3)) require State-parties to cooperate in order to promote health capacity-building in the fight against pandemics like COVID-19.⁴⁷ This could take the form of research and information sharing, technical assistance (training and the provision of expertise), and financial and material assistance.⁴⁸ It is highlighted that such cooperation is essential in cases where recipient States do not have the infrastructure necessary to deal with epidemics or pandemics within the country and are not able to independently fulfill their core obligations under the IHR.⁴⁹

32. However, it is stated that a few months after the COVID-19 outbreak, it has become quite obvious that cooperation in the fight against the pandemic — whether at the national or international levels — remains quite elusive.⁵⁰ The lack of fruitful cooperation between States, provided for by the UN Charter, as well as human rights law, is due to global geopolitics, national interests in the areas of public health and economy.⁵¹

33. In particular, it is pointed out that there is a number of paradoxes that set States against each other and undermine mechanisms for constructive cooperation in the face of one of the most serious global threats in recent decades, the COVID-19 pandemic.⁵² The first mention is made of the “patriotism paradox” premised on the populist claim that national power would be strengthened by prioritizing domestic grievances over global needs. It is noted that this approach of some States has undermined the possibility of an adequate response to the COVID-19 pandemic, both within States and at the international level, since the effective protection of the population can only be achieved through joint global measures.⁵³ The second one is called the “border paradox” and has demonstrated that the desire to strengthen border control contributed to greater inequality and increased crime within the State, and, consequently, reduced the security of the domestic population. It is emphasized that such control simultaneously accelerated the spread of the virus among those who are locked up within national borders, making it impossible for them to seek help outside the State.⁵⁴ The last one refers to the “equality paradox,” which has shown that the consequences of the pandemic are not the same for all people, putting marginalized groups in a particularly vulnerable position.⁵⁵ Growing inequality within national borders has had a negative impact on the realization of human rights in a number of States.⁵⁶

⁴⁶ *Desierto D.* Beyond the State: Our Shared Duties to Cooperate to Realize Human Rights during the Evolving Risks of a Global Pandemic. URL: <https://www.ejiltalk.org/beyond-the-state-our-shared-duties-to-cooperate-to-realize-human-rights-during-the-evolving-risks-of-a-global-pandemic/>.

⁴⁷ *Sirleaf M.* Capacity-Building, International Cooperation, and COVID-19. URL: <https://www.asil.org/insights/volume/24/issue/17/capacity-building-international-cooperation-and-covid-19>.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.* For more information on the strengths and weaknesses of the IHR in the fight against pandemics, see *Burci G. L.* The Legal Response to Pandemics: The Strengths and Weaknesses of the International Health Regulations // *Journal of International Humanitarian Legal Studies*. Vol. 1-14. 2020.

⁵⁰ *Desierto D.* Op cit.

⁵¹ *Ibid.*

⁵² *Danchin P. G., Farrall J., Rana S., Saunders I.* The Pandemic Paradox in International Law // ANU College of Law Research Paper. 2020. No 20.18. P. 10. URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3675519; see also *Liu H-Y., Lauts K., Maas M.* Apocalypse Now? // *Journal of International Humanitarian Legal Studies*. Vol. 1-16. 2020. P. 5-6.

⁵³ *Danchin P. G., et al.* Op cit. P. 5-7, 10.

⁵⁴ *Ibid.* P. 7-8.

⁵⁵ *Ibid.* P. 9-10.

⁵⁶ *Ibid.* P. 10.

34. In this regard, it is noted that international law and global governance institutions in their current form are not sufficiently developed or have the appropriate powers to combat COVID-19.⁵⁷ This fact makes it necessary to improve them in order to address such emergencies of international significance as the COVID-19 pandemic more effectively.⁵⁸

35. At the regional level, particularly in the EU, the impact of the COVID-19 pandemic has made it necessary to take coordinated measures and pool resources to ensure the rapid and uninterrupted delivery of critical goods.⁵⁹ A tendency to adopt more comprehensive tools for crisis management at the EU level has been demonstrated.⁶⁰ This is evidenced by the adoption of both the short-term plan to strengthen the EU's preparedness for future COVID-19 outbreaks, published on July 15, 2020,⁶¹ and the European recovery plan, agreed by national governments on July 21, 2020.⁶²

36. In the light of the more integrated approach of EU States to health cooperation, the idea of creating a European Health Union (hereinafter, "EHU") was again brought up.⁶³ In this regard, special attention is paid to the practice of the EU Court of Justice in the formation of the Banking Union: the Court made active efforts to interpret the relevant provisions of the 1957 Treaty on the Functioning of the EU, supporting deeper banking integration.⁶⁴ It is noted that, similar to the creation of the Banking Union, the practice of the EU Court of Justice and its interpretation of the 1957 Treaty on the Functioning of the EU will be important in the development of the EHU and increasing Europe's preparedness for the spread of infectious diseases and resistance towards them.⁶⁵

37. Along with that, it is indicated that the practice of the EU Court of Justice shows that the Court can be very careful in the broad interpretation of the provisions of the EU legislation relating to health policy, which could potentially become problematic for the future of the EHU.⁶⁶ At the same time, it is noted that, based on the recognition of Article 114 of the Treaty on the Functioning of the EU as the legal basis for health integration by the EU Court of Justice, there is a reason to be optimistic about the EU Court's support for the EHU created on the same constitutional basis.⁶⁷ In addition, the Court's ability to contribute to the development and effective functioning of the EU is also conditional on existing evidence that it supports EU health institutions (for example, the European Medicines Agency) in fulfilling their responsibilities.⁶⁸

38. An opinion is expressed that in accordance with international human rights law, the duty of international cooperation is imposed not only on States but also on private actors (individuals and groups of individuals) who are both subjects and addressees of the right to development under the 1986 UN Declaration on the Right to Development and the 2020 Draft Convention

⁵⁷ Liu H-Y., Lauts K., Maas M. Op cit. P. 6.

⁵⁸ Ibid.

⁵⁹ Beaussier A-L., Cabane L. Strengthening the EU's Response Capacity to Health Emergencies: Insights from EU Crisis Management Mechanisms // European Journal of Risk Regulation. 2020. P. 12; see also Goldmann M. Human Rights and Democracy in Economic Policy Reform: The European COVID-19 Response Under Scrutiny // International Journal of Human Rights. Vol. 24. 2020. P. 8-13.

⁶⁰ Beaussier A-L., Cabane L. Op cit. P. 12.

⁶¹ European Commission. Short-term EU health preparedness for COVID-19 outbreaks. COM (2020) 318 final. 15 July 2020. URL: https://ec.europa.eu/info/sites/info/files/communication_-_short-term_eu_health_preparedness.pdf.

⁶² European Council. Conclusions of the Special meeting of the European Council. EUCO 10/20. 21 July 2020. URL: <https://www.consilium.europa.eu/media/45109/210720-euco-final-conclusions-en.pdf>.

⁶³ European Parliament. Parliament wants a European Health Union. URL: <https://www.europarl.europa.eu/news/en/press-room/20200710IPR83101/parliament-wants-a-european-health-union>; see also EuroNews. EU plans for health union to boost pandemic preparedness. URL: <https://www.euronews.com/2020/09/18/eu-plans-for-health-union-to-boost-pandemic-preparedness>.

⁶⁴ Bartlett O. COVID-19, the European Health Union and the CJEU: Lessons from the Case Law on the Banking Union // European Journal of Risk Regulation. 2020. P. 2-3.

⁶⁵ Ibid. P. 2.

⁶⁶ Ibid. P. 6.

⁶⁷ Ibid. P. 8.

⁶⁸ Ibid. P. 9.

on the Right to Development.⁶⁹ The existence of such a duty for individuals is explained through the prism of the provisions of the Universal Declaration of Human Rights of 1948 stating that “everyone has duties to the community in which alone the free and full development of his personality is possible,”⁷⁰ as well as the International Covenants of 1966 which impose on people the obligation to cooperate in ensuring respect for human rights and not to engage in any activity or perform any act aimed at the destruction of any human rights and freedoms.⁷¹

⁶⁹ *Desierto D.* Op cit.; see also UN Human Rights Committee. Draft convention on the right to development 2020. Resolution A/HRC/WG.2/21/2. 17 January 2020. Art. 3(g), (h), (i). URL: https://www.ohchr.org/Documents/Issues/Development/Session21/3_A_HRC_WG.2_21_2_AdvanceEditedVersion.pdf.

⁷⁰ UN General Assembly. Universal Declaration of Human Rights. Resolution 217A (III). U.N. Doc A/810. 10 December 1948. Art. 29.

⁷¹ International Covenant on Civil and Political Rights. UN Doc. A/6316, 999 U.N.T.S. 171. 16 December 1966. Preamble, Art. 5(1); International Covenant on Economic, Social and Cultural rights. UN Doc. A/6316. 993 U.N.T.S. 3. 16 December 1966. Preamble, Art. 5(1).

IV. INTERNATIONAL ENVIRONMENTAL LAW

39. Many scientists associate the origin of COVID-19 and its further spread among the world's population with bats sold in food markets in China.⁷² In this regard, attention is drawn to the shortcomings of the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora in regulating trade in specimens of wild animals and plants.⁷³

40. It is noted that to date, the Convention does not cover species of wild fauna and flora that pose a threat to human health. It is also highlighted that if there was sufficient understanding among the world community of the danger posed by animals with zoonotic diseases or carrying coronavirus, their inclusion in Annex I of the Convention⁷⁴ would have led to a ban on trade in them.⁷⁵ In this regard, reform of the Convention is suggested, by including animal species that may cause problems in the area of public health, for example, bats, in its regulation.⁷⁶ It is pointed out that expanding the scope of the Convention has great potential to prevent the next wildlife-related pandemic, as well as to better regulate trade in wild fauna and flora that pose a risk to human health.⁷⁷

⁷² Medical News Today. Novel coronavirus: Your questions, answered. URL: <https://www.medicalnewstoday.com/articles/novel-coronavirus-your-questions-answered>.

⁷³ Firmansyah A. CITES reform: Enhanced wildlife trade regime needed to avoid next pandemic. URL: <https://www.ejiltalk.org/cites-reform-enhanced-wildlife-trade-regime-needed-to-avoid-next-pandemic/>.

⁷⁴ Annex I includes all endangered species of wild fauna and flora whose trade has or may have an adverse impact on their existence.

⁷⁵ Firmansyah A. Op cit.

⁷⁶ Ibid.

⁷⁷ Ibid.

V. INTERNATIONAL HUMAN RIGHTS LAW

41. In the context of the COVID-19 pandemic, special attention is paid to the right to health.⁷⁸ It is noted that the implementation of this right has faced a number of obstacles, in particular, due to budget savings in many States in the field of social policy.⁷⁹ In the context of rapidly growing social inequality, reducing health care costs is particularly dangerous for the health of marginalized and particularly vulnerable groups, including people living in poverty.⁸⁰

42. It is pointed out that international human rights bodies do not pay enough attention to the obligation of States to use the maximum available resources to ensure the right to health.⁸¹ Furthermore, until now, the interpretation of the principles of equality and non-discrimination has excluded the concept of economic inequality.⁸²

43. It is emphasized that, despite the concern expressed about the impact of the pandemic on human rights, the recommendations of international human rights bodies and experts remain rather abstract and broad.⁸³ For instance, it is pointed out that it remains unclear what positive obligations on the right to health apply in the context of pandemics, or what the specific relationship is between the protection of the right to health and restrictions on other human rights in the context of the COVID-19 pandemic.⁸⁴ In this regard, it is noted that international human rights bodies need to clarify the content of the right to health by means of interpretation in order to better address problems in the health sector.⁸⁵

44. It is argued that the measures taken by States in the fight against COVID-19 pose a particular threat to the enjoyment of civil, political, social, economic, and cultural human rights.⁸⁶ In this regard, it is emphasized that the activities of human rights organizations are more useful in the field of protection of civil and political human rights, since such organizations are often the only entities that can point to the threat of violation of these rights and protect them.⁸⁷ At the same time, despite the importance of economic, social, and cultural human rights,⁸⁸ it is pointed out that the activities of human rights organizations to ensure their implementation are less effective.⁸⁹ This thesis is explained by the fact that in the modern world there is no specific

⁷⁸ *Bueno De Mesquita J.* Covid-19: An Inconvenient Truth? Re-Evaluating Progress and Confronting Challenges for the Right to Health // Covid-19, Law and Human Rights: Essex Dialogues (School of Law and Human Rights Centre, University of Essex) / ed. by C. Ferstman, A. Fagan. Colchester: University of Essex, 2020.

⁷⁹ *Ibid.* P. 87.

⁸⁰ *Ibid.*

⁸¹ *Ibid.* P. 88.

⁸² *Ibid.*

⁸³ *Ibid.* P. 90.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.* P. 92.

⁸⁶ *Seyhan E.* Pandemic Powers: Why Human Rights Organizations Should Not Lose Focus on Civil and Political Rights // Journal of Human Rights Practice. Vol. 1. 2020. No. 8. P. 4; see also *Nyamutata C.* Do Civil Liberties Really Matter During Pandemics? // International Human Rights Law Review. Vol. 9. 2020. Issue 1. P. 62–98; *Barnes A., McDonnell E.* An Overview of Emerging International Human Rights Law Guidance: Promoting Human Rights Compatibility of Government COVID-19 Responses // Report of Bonavero Institute of Human Rights. No. 5/2020. URL: https://www.law.ox.ac.uk/sites/files/oxlaw/bonavero_report_5_of_2020.pdf. For more information on the relationship between measures taken at the national level in accordance with the constitutional law of States and international law, see *Villarreal P. A.* Public Health Emergencies and Constitutionalism Before COVID-19: Between the National and the International // Constitutionalism Under Extreme Conditions. Ius Gentium: Comparative Perspectives on Law and Justice / ed. by R. Albert, Y. Roznai. Vol 82. Springer, Cham, 2020. P. 224–235.

⁸⁷ *Seyhan E.* Op cit. P. 5–7.

⁸⁸ See UN Committee on Economic, Social and Cultural Rights. Statement on the Covid-19 Pandemic and Economic, Social and Cultural Rights // International Human Rights Law Review. Vol. 9. 2020. Issue 1. P. 135–142.

⁸⁹ *Seyhan E.* Op cit. P. 7.

concept of the good society, which does not allow to formulate a clear vision of how resources should be allocated and, consequently, solve the problem of economic inequality.⁹⁰

45. It is indicated that after the end of the state of emergency, measures to fight the COVID-19 pandemic may contribute to the expansion of more violent methods to combat other socially harmful activities.⁹¹ In this regard, a parallel is drawn between measures to combat coronavirus and terrorism: travel bans, preventive detentions, curfews, surveillance, and expanded police powers.⁹² It is emphasized that pandemics and other similar crises that legitimize the repressive behavior of States will become more frequent.⁹³ In such situations, there is a greater risk of violation of the rights of certain individuals, only human rights organizations are able to monitor the activities of State bodies in order to prevent their abuse of power.⁹⁴

46. It is noted that when applying measures to combat the COVID-19 pandemic under the ECHR, a State has positive obligations both to protect an individual (or a group of individuals) from the dangerous consequences caused by the virus SARS-CoV-2, and to ensure the protection of their rights.⁹⁵

47. When analyzing the first type of obligations, it is emphasized that health *per se* is not protected by the provisions of the ECHR.⁹⁶ However, reference is made to the practice of the European Court of Human Rights (hereinafter, “**ECtHR**”, “**Court**”), in which, in the case of failure to provide adequate medical care, the Court found a violation of Article 2 of the ECHR (right to life).⁹⁷ In a situation where relatives of a deceased patient were denied access to medical information, the Court found a violation of Article 8 of the ECHR (right to respect for private and family life).⁹⁸ It is noted that ensuring these rights imposes a number of positive obligations on a State, including, among other things, establishing an appropriate legislative and administrative framework, taking practical measures to protect individuals, and providing them with information that allows individuals to assess the risks to their health and life.⁹⁹

48. Despite the practice of applying Articles 2 and 8 of the ECHR in order to protect health, it is indicated that the provision of Article 5(1) of the ECHR on the right to liberty and security of person most fully protects individuals from such threats to their health as the COVID-19 pandemic.¹⁰⁰ This right of an individual corresponds to the duty of a State to take concrete measures to minimize such threats both for the individual and for the society.¹⁰¹

49. When analyzing the second type of State obligations, it is noted that according to the practice of the ECtHR, measures taken in the fight against COVID-19 related to human rights are legitimate if they exclude arbitrariness and disproportionality within the framework of a broader non-discriminatory approach.¹⁰²

50. Previous overviews have already addressed the issue of derogation by Council of Europe

⁹⁰ Ibid. P. 6.

⁹¹ Ibid. P. 4.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid. P. 2, 7.

⁹⁵ *Bachmann S., Sanden J.* State Responsibility for the (Public) Right to Health and Security in Times of COVID Pandemic: European Perspective // Indonesian Journal of International & Comparative Law. Vol. 7. 2020. No. 3. P. 417.

⁹⁶ Ibid. P. 411.

⁹⁷ Ibid. P. 411–412; see also ECtHR. *Center of Legal Resources on behalf of Mr. Valentin Câmpeanu v. Romania*. Application no. 47848/08. Grand Chamber. 17 July 2014. URL: <http://hudoc.echr.coe.int/fre?i=001-145577>.

⁹⁸ *Bachmann S., Sanden J.* Op cit. P. 412; see also ECtHR. *Case of R.R. v. Poland*. Application no. 27617/04. Fourth Section. 28 November 2011. URL: <http://hudoc.echr.coe.int/eng?i=001-104911>.

⁹⁹ *Bachmann S., Sanden J.* Op cit. P. 412.

¹⁰⁰ Ibid. P. 413–414.

¹⁰¹ Ibid. P. 414.

¹⁰² Ibid. P. 422.

member States from some provisions of the ECHR in emergency situations in accordance with Article 15.¹⁰³ During the spread of the pandemic, a number of States have derogated from certain human rights obligations¹⁰⁴. Despite the indication of the need to declare a state of emergency in a State that allows derogation from human rights,¹⁰⁵ the view is expressed that the real effect of such a derogation on the human rights situation is extremely limited in the context of the COVID-19 pandemic.¹⁰⁶

51. It is noted that, as a rule, the assessment of the significance and effectiveness of derogations from human rights obligations is made only by example of military emergencies.¹⁰⁷ However, it is argued that this type of emergency is significantly different from health emergencies, the responses to which cannot be comparable.¹⁰⁸ It is indicated that these types of emergencies affect different human rights, require different measures, and have different degrees and duration of intervention.¹⁰⁹ Consequently, the relevance of the arguments used in relation to military emergencies to the COVID-19 pandemic raises reasonable doubts.¹¹⁰

52. In addition, it is emphasized that States do not need to derogate from their obligations in a situation of health emergency, since many provisions of the ECHR have a built-in “natural” mechanism that allows States to take measures aimed at reducing the negative consequences of the pandemic.¹¹¹ Such a mechanism refers to an analysis of the proportionality of measures taken by a State in the circumstances of the COVID-19 pandemic. As soon as the pandemic is over, the ECtHR will no longer need to take into account emergency circumstances. In this situation, Article 15 of the ECHR will not have any additional effect.¹¹²

53. It is pointed out that in the context of a pandemic, the margin of appreciation granted to States under the ECHR is likely to be broad. The declaration of a state of emergency may justify even broader limits on State interference in the exercise of human rights.¹¹³

54. It is noted that due to the spread of COVID-19, the number of areas in which States resort to private security services has increased, and that raises some concern in the field of human rights.¹¹⁴ It is pointed out that in addition to existing activities where the private sector has long been involved in the provision of security, such as in migrant detention centers, the pandemic has also led to private contractors being contacted to carry out public health testing or provide tracking and tracing services.¹¹⁵

¹⁰³ International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. P. 12. Paras. 29–30; International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. Issue 2. P. 13. Para. 26; International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. Issue 3. P. 13. Para. 25.

¹⁰⁴ Republic of Albania, Republic of Armenia, Republic of Estonia, Georgia, Republic of Latvia, Republic of Moldova, Romania, Republic of San Marino, Republic of North Macedonia. By now, these States, with the exception of Georgia, have withdrawn their notifications of derogation from their obligations under the ECHR as the emergency situation in their territories has ceased to exist. Georgia has extended the emergency situation until January 1, 2021. URL: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/declarations>.

¹⁰⁵ Green A. Derogating from the European Convention on Human Rights in Response to the Coronavirus Pandemic: If not Now, When? // European Human Rights Law Review. 2020. No. 3. P. 262.

¹⁰⁶ Dzehtsiarou K. Article 15 derogations: are they really necessary during the COVID-19 pandemic? // European Human Rights Law Review. 2020. No. 4. P. 360.

¹⁰⁷ Ibid. P. 361; see also Green A. Op cit.

¹⁰⁸ Ibid. P. 360.

¹⁰⁹ Ibid. P. 361–362.

¹¹⁰ Ibid.

¹¹¹ Ibid. P. 360.

¹¹² Ibid. P. 360, 368–369.

¹¹³ Ibid. P. 360.

¹¹⁴ MacLeod S. Private Security, Human Rights, and Covid-19. URL: <https://www.ejiltalk.org/private-security-human-rights-and-covid-19/>.

¹¹⁵ Ibid; see also Manganje E., Hodgson T. F. BHR Symposium: Corporate Accountability, COVID-19 and the Right to Health. URL: <https://opiniojuris.org/2020/09/09/bhr-symposium-corporate-accountability-covid-19-and-the-right-to-health/>.

55. For example, enabling private security companies to use force, detain people, operate prisoner transport, or run detention facilities increases the risk of human rights violations.¹¹⁶ Besides, there is reasonable doubt about the adequacy of training of private security personnel in the field of public health, which is necessary for processing confidential data of the population, including biometric data.¹¹⁷

56. It is emphasized that the conduct of private security companies is regulated by acts of “soft” law, the scope of which is limited: the Montreux Document, which applies only to situations of armed conflict,¹¹⁸ and the International Code of Conduct for Private Security Service Providers, which is applied in “complex environments.”¹¹⁹ Consequently, the activities of private actors in the above-mentioned areas fall outside the scope of both documents, which indicates gaps in the regulation.¹²⁰

57. Nevertheless, it is pointed out that even in the context of a pandemic, when States decide to transfer some security responsibilities to the private sector, they continue to have human rights obligations.¹²¹ In this regard, States should ensure effective monitoring and supervision of private contractors and require them to comply with human rights standards.¹²²

58. Due to redirection of companies’ supply chains caused by the spread of COVID-19, as well as the gradual transition back to normal operating conditions, the issue of companies’ compliance with their due diligence obligation continues to be discussed.¹²³ In this regard, it is noted that companies should follow the 2011 UN Guiding Principles on Business and Human Rights¹²⁴ in order to identify, prevent, and mitigate adverse human rights impacts throughout the value chain.¹²⁵

59. Although the Guiding Principles are not binding as such, there is a tendency to expand and refine standards for the observance and protection of human rights by businesses.¹²⁶ In particular, examples are given of the EU’s submission of new rules on mandatory corporate, environmental, and human rights due diligence in 2020,¹²⁷ as well as a new approach on the potential liability of a parent company for human rights violations by foreign subsidiaries.¹²⁸

¹¹⁶ *MacLeod S.* Op cit.; see also Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination: the gendered human rights impacts of private military and security companies. Resolution No. A/74/244. 29 July 2019. URL: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/74/244.

¹¹⁷ *MacLeod S.* Op cit.; see also International Commission of Jurists. Report “Living Like People Who Die Slowly: The Need for Right to Health Compliant COVID-19 Responses”. September 2020. P. 36–39. URL: <https://www.icj.org/wp-content/uploads/2020/09/Universal-Global-Health-COVID-19-Publications-Reports-Thematic-Reports-2020-ENG.pdf>.

¹¹⁸ Annex to the letter dated 2 October 2008 from the Permanent Representative of Switzerland to the United Nations addressed to the Secretary-General. Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict. Resolution No. A/63/467–S/2008/636. 6 October 2008. URL: <https://undocs.org/en/A/63/467>.

¹¹⁹ Complex environments — any areas experiencing or recovering from unrest or instability, whether due to natural disasters or armed conflicts, where the rule of law has been substantially undermined, and in which the capacity of the state authority to handle the situation is diminished, limited, or non-existent. See Annex to the letter dated 13 January 2012 from the Permanent Representative of Switzerland to the United Nations addressed to the United Nations Secretary-General. Resolution No. A/67/63–S/2012/76. 16 February 2012. Part B. URL: <https://undocs.org/pdf?symbol=en/A/67/63>.

¹²⁰ *MacLeod S.* Op cit.

¹²¹ *Ibid*; see also *Coco A., Dias T. de S.* Prevent, Respond, Cooperate: States’ Due Diligence Duties vis-à-vis the COVID-19 Pandemic // *Journal of International Humanitarian Legal Studies*. Vol. 1-19. 2020.

¹²² *Ibid*.

¹²³ See International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. Issue 3. P. 13–14. Para. 27.

¹²⁴ UN Human Rights Council. Guiding Principles on Business and Human Rights. Resolution No. 17/4. 16 June 2011. Part 2 (the corporate responsibility to respect human rights). URL: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

¹²⁵ *Jennett J. H., Hamzi L., Mashru R.* Corporate Human Rights Due Diligence in times of COVID-19. URL: <https://www.ejiltalk.org/corporate-human-rights-due-diligence-in-times-of-covid-19/>.

¹²⁶ *Ibid*.

¹²⁷ European Parliament. Human Rights Due Diligence Legislation – Options for the EU. PE 603.495. June 2020. URL: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/603495/EXPO_BRI\(2020\)603495_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/603495/EXPO_BRI(2020)603495_EN.pdf).

¹²⁸ See UK Supreme Court. *Vedanta Resources PLC and another v. Lungowe and others*. UKSC 2017/0185. 10 April 2019. URL: <https://www.supremecourt.uk/cases/uksc-2017-0185.html>.

In addition, in August 2020, the second revised Draft of the Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises was published.¹²⁹ This document clarifies the content of companies' responsibility to ensure respect for human rights.¹³⁰ In this context, it is concluded that companies that adopt a more responsible approach to due diligence are not only better prepared to comply with new legislative changes in this area, but also contribute to reducing the risk of adverse human rights consequences associated with the COVID-19 pandemic.¹³¹

60. It is noted that since the beginning of the spread of COVID-19, much attention has been paid to the need for regular and thorough hand washing.¹³² In this regard, it is pointed out that the right to water is an integral part of ensuring an adequate standard of living, and States are obliged to observe this right under Article 11 of the International Covenant on Economic, Social and Cultural Rights of 1966.¹³³

61. However, access to clean water (even water that is not drinkable) is still a problem in many developing and less developed States.¹³⁴ Particular attention is paid to atolls that have very limited freshwater resources, including due to the penetration of salt water into the ground water.¹³⁵ It is emphasized that the COVID-19 pandemic has demonstrated the general vulnerability of the population of some States due to water scarcity, when even simple instructions to wash hands regularly cannot be realistically followed.¹³⁶ As a result, the need for States to take joint efforts and measures to ensure access to water throughout the world's population is highlighted.¹³⁷

62. On July 9, 2020, in order to implement the San José Declaration¹³⁸ and the Kampala Declaration,¹³⁹ representatives of the African Court of Human and Peoples' Rights (hereinafter, "ACtHPR"), the ECtHR, and the Inter-American Court of Human Rights (hereinafter, "IACtHR")¹⁴⁰ held an online meeting to discuss the impact of COVID-19 on human rights in their respective regions.¹⁴¹

63. The judges of the ECtHR and the ACtHPR emphasized the practice of using the pandemic as a pretext for abuse of power by States.¹⁴² In order to avoid such situations, the ECtHR judges

¹²⁹ UN Human Rights Council. Open-ended Intergovernmental Working Group on Transnational Corporations and other Business Enterprises with respect to Human Rights. The Second Revised Draft of the Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises. 6 August 2020. URL: https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/OEIGWG_Chair-Rapporteur_second_revised_draft_LBI_on_TNCs_and_OBEs_with_respect_to_Human_Rights.pdf.

¹³⁰ *Mangenje E., Hodgson T. F.* Op cit.

¹³¹ *Jennett J. H., Hamzi L., Mashru R.* Op cit.

¹³² See, e.g., World Health Organization. Clean Care is Safer Care. URL: https://www.who.int/gpsc/clean_hands_protection/en/.

¹³³ *Farran S., Smith R., Molloy S.* Covid-19 and the Right to Water: The Impact of Handwashing Guidance in Atolls with Limited Running Water. URL: <https://opiniojuris.org/2020/08/21/covid-19-and-the-right-to-water-the-impact-of-handwashing-guidance-in-atolls-with-limited-running-water/>; see also UN Committee on Economic, Social and Cultural rights. General Comment No. 15: the right to water. Resolution E/C.12/2002/11. 20 January 2003. URL: <https://undocs.org/en/E/C.12/2002/11>.

¹³⁴ *Farran S., Smith R., Molloy S.* Op cit.

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ Joint Declaration of the Presidents of the African Court on Human and Peoples' Rights, the European Court of Human Rights and the Inter-American Court of Human Rights, on the occasion of the 40th Anniversary of the entry into force of the American Convention on Human Rights and the creation of the Inter-American Court of Human Rights (Declaration of San José). 18 July 2018. URL: https://echr.coe.int/Documents/San_Jose_Declaration_2018_ENG.pdf.

¹³⁹ The African Court on Human and Peoples' Rights, the European Court of Human Rights and the Inter-American Court of Human Rights, at the First International Human Rights Forum 28 to 29 October 2019 (Kampala Declaration). 29 October 2019. URL: https://echr.coe.int/Documents/Kampala_Declaration_ENG.pdf.

¹⁴⁰ Within the framework of these declarations, the ECtHR, IACtHR, and ACtHPR have committed themselves to increase the sharing of information and best practices between each other.

¹⁴¹ Dialogue between the Three Human Rights Courts of the World: The impact of COVID-19 on Human Rights. URL: <https://www.youtube.com/watch?v=FMW0FS4WjB0&feature=youtu.be>.

¹⁴² *Davi T.* Judicial Dialogue between the Three Human Rights Courts on the Impact of COVID-19 on Human Rights: Extracting the Essentials. URL: <https://opiniojuris.org/2020/09/25/judicial-dialogue-between-the-three-human-rights-courts-on-the-impact-of-covid-19-on-human-rights-extracting-the-essentials/>.

identified four general principles to be followed by States when taking measures in response to the pandemic:

- measures passed in the public interest must comply with the principle of proportionality;
- the principle of legality should be respected: vague and overly broad measures are prohibited;
- rules restricting rights must not afford too much discretion to the executive power;
- emergency laws or declarations must be strictly tailored to meet the exigencies of the situation¹⁴³.

64. In addition, the judges pointed out that many States do not comply with their obligations to ensure certain economic, social, and cultural rights. Thus, the IACtHR judges noted that the poor quality of health care and infrastructure, as well as inequality in the provision of essential services, pose a serious threat to the realization of the right to health in their region.¹⁴⁴ The ACtHPR judges drew attention to the need to combat the marketing of unsafe drugs as COVID-19 remedies, as well as the need to address healthcare inequality in the region.¹⁴⁵ The ECtHR judges, in turn, called on States to comply with their obligations to protect the life and health of people under Article 2 of the ECHR, including providing health systems with the necessary resources.¹⁴⁶

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

VI. INTERNATIONAL LABOR LAW

65. The COVID-19 outbreak has had a negative impact on labor markets. Both the Organization for Economic Cooperation and Development and the International Labor Organization have indicated a sharp decline in the number of jobs and/or production in the first half of 2020. They expressed concerns that the job recovery will be far from complete.¹⁴⁷

66. In this regard, the importance of social dialogue in dealing with the consequences of the COVID-19 pandemic is highlighted and examples of its implementation are provided. It is noted that in order to prevent the shutdown of entire sectors of the economy and preserve jobs, “social partners” (employees and employers), together with governments of States, promptly took a number of measures to coordinate short-term changes in labor agreements.¹⁴⁸ Besides, social dialogue has played a key role in developing policies to protect workers’ health from the spread of the virus. For example, additional agreements and protocols have been concluded that provide workers with personal safety equipment, boosting sanitary provisions, reorganizing workplaces and working hours to allow for social distancing, and taking extra precautionary measures for those at a higher risk of serious illness, such as older workers.¹⁴⁹ Moreover, it is pointed to the attempts made by the social partners to find flexible working-time arrangements in balanced ways. In particular, this took the form of shifting working hours from periods of idle time (during lockdown) to periods when a recovery of production was to be expected.¹⁵⁰

¹⁴⁷ Global Deal, International Labor Organization, Organization for Economic Co-operation and Development, the Global Deal Support Unit. This Global Deal Flagship Report 2020: Social Dialogue, Skills and COVID-19. 20 October 2020. P. 10. URL: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_758550.pdf.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

VII. MIGRATION LAW

67. It is noted that in order to contain and reduce the spread of COVID-19, a total of 219 States have imposed travel restrictions. These measures in the area of populations' mobility have created new problems for migrants and other mobile groups, exacerbating their already vulnerable position.¹⁵¹ Moreover, the gradual lifting of internal restrictions and the opening of borders between States has raised the question of how to ensure security for cross-border mobility of people, and migrants in particular, after the COVID-19 pandemic.¹⁵² At the same time, it is indicated that it will be important to take into account national health and social system preparedness not only at physical or regulated borders or points of entry (including airports, ports, and ground crossings), but also during immigration processes, along informal borders, travel routes, and other spaces where migrants interact with local communities.¹⁵³

68. It is pointed out that due to a number of factors, such as high levels of poverty, overcrowded housing conditions, and high concentration in jobs where physical distancing is difficult, immigrants are at a much higher risk of COVID-19 infection than other residents of States.¹⁵⁴ This fact has also increased stigmatization, xenophobia, and discrimination against migrants and other vulnerable groups due to alleged links with people infected with COVID-19.¹⁵⁵

69. Immigrants are potentially in a more vulnerable position in the labor market due to their generally less stable employment conditions and lower seniority on the job. It is also noted that during the crisis in the labor market, when networks of contacts — of which migrants have fewer — become more relevant for finding a job, discrimination against them increases significantly.¹⁵⁶ Attention is drawn to the fact that the loss of jobs and income, residence permits, and resources for life have affected the movement of the population, as a result of which hundreds of thousands of migrants around the world have found themselves in a difficult situation.¹⁵⁷

¹⁵¹ International Organization for Migration. Global Strategic Preparedness and Response Plan. 9 September 2020. P. 1. URL: <https://crisisresponse.iom.int/response/iom-global-strategic-preparedness-and-response-plan-coronavirus-disease-2019>.

¹⁵² International Organization for Migration. Policy paper "Cross-Border Human Mobility amid and after COVID-19". 21 July 2020. P. 1. URL: https://www.iom.int/sites/default/files/documents/issue_brief_cross-border_human_mobility.pdf.

¹⁵³ Ibid. P. 19.

¹⁵⁴ Organization for Economic Co-operation and Development. Report "What is the impact of the COVID-19 pandemic on immigrants and their children?" 19 October 2020. P. 2. URL: https://read.oecd-ilibrary.org/view/?ref=137_137245-8saheqv0k3&title=What-is-the-impact-of-the-COVID-19-pandemic-on-immigrants-and-their-children%3F.

¹⁵⁵ Global Strategic Preparedness and Response Plan. Op cit. P. 1.

¹⁵⁶ Report "What is the impact of the COVID-19 pandemic on immigrants and their children?" Op cit. P. 1.

¹⁵⁷ Global Strategic Preparedness and Response Plan. Op cit. P. 1.

VIII. THE LAW OF THE WTO

70. COVID-19 has put extreme pressure on health systems around the world. This was primarily caused by temporary border closure and travel restrictions in order to contain the spread of the coronavirus. Such restrictions on cross-border movement have had a significant impact on trade, including in medical products.¹⁵⁸

71. As it is noted, the acute shortage of medical personal protective equipment faced by almost all States in the early phase of the pandemic has eased with the expansion of production and trade cooperation.¹⁵⁹ Initial data for 41 States suggests that trade in medical goods grew by 38.7 % in the first half of 2020. However, it is pointed out that some developing countries are still facing periodic shortages of specific goods.¹⁶⁰

72. Among the measures in the field of trade in medical goods adopted by States, it is indicated that 40 WTO members have temporarily removed duties, taxes, and charges on COVID-19 critical medical goods and other essential supplies. Such measures have helped reduce the cost of the goods needed to fight the pandemic, both for the health sector and the general public.¹⁶¹ In addition, cutting back red tape has expedited customs procedures and border clearance of critical medical supplies to combat COVID-19. Measures taken by the WTO members in this area include establishing priority clearance channels, lessening and simplifying documentary requirements and electronic processing, and improving border agency cooperation. Expedited transit procedures have also helped landlocked countries improve their access to essential medical supplies.¹⁶²

73. Special attention is paid to the vulnerability of micro-, small, and medium-sized enterprises in the context of the COVID-19 pandemic. Such enterprises are particularly vulnerable to the economic consequences of the pandemic, given their limited financial resources and their predominant presence (95 % of all companies worldwide) in economic sectors affected by social distancing measures and transport disruptions. Such enterprises are also particularly exposed to trade restrictions on agricultural products.¹⁶³

74. In this regard, a number of urgent measures to encourage and support micro-, small, and medium-sized enterprises have been adopted by States. For example, liquidity support to address cash flow issues, with the aim of preserving jobs and ensuring business continuity.¹⁶⁴ Governments have also taken measures aimed at developing the resilience of these enterprises and strengthening their capacity to deal with shocks to demand and supply chains.¹⁶⁵

75. It is pointed out that the TRIPS intellectual property protection system can make a

¹⁵⁸ WTO. Cross-Border Mobility, COVID-19 and Global Trade. Information note. 25 August 2020. P. 1. URL: https://www.wto.org/english/tratop_e/covid19_e/mobility_report_e.pdf.

¹⁵⁹ WTO. How WTO Members Have Used Trade Measures to Expedite Access to COVID-19 Critical Medical Goods and Services. Information note. P. 1. 18 September 2020. URL: https://www.wto.org/english/tratop_e/covid19_e/services_report_16092020_e.pdf.

¹⁶⁰ Ibid. P. 2.

¹⁶¹ Ibid. P. 3–4.

¹⁶² Ibid. P. 5–7.

¹⁶³ WTO. Helping MSMEs Navigate The COVID-19 Crisis. Information note. 24 September 2020. P. 1. URL: https://www.wto.org/english/tratop_e/covid19_e/msmes_report_e.pdf. For more information about the impact of the pandemic on the agricultural sector, see WTO. COVID-19 and Agriculture: A Story of Resilience. Information note. 26 August 2020. URL: https://www.wto.org/english/tratop_e/covid19_e/agric_report_e.pdf.

¹⁶⁴ Ibid. P. 5.

¹⁶⁵ Ibid. P. 6–7.

significant contribution to solving the problems caused by COVID-19, facilitating access to existing technologies and promoting the creation, manufacturing, and dissemination of new technologies.¹⁶⁶

76. It is emphasized that Article 31 of the TRIPS allows compulsory licensing and government use of a patent without the authorization of its owner under a number of conditions aimed at protecting the legitimate interests of the patent holder.¹⁶⁷ Thus, all WTO members may grant such licenses and government-use orders for health technologies, such as medicines, vaccines, and any other product or technology needed to address COVID-19. For example, in May 2020, a government license for the production of medicines from COVID-19 was issued in Hungary, which ended in June of this year due to the end of the emergency in the country.¹⁶⁸ In some States, the parliament has requested the government to issue compulsory licenses to ensure access to medicines, vaccines, or diagnostics for COVID-19, and others have updated or clarified their laws related to intellectual property rights in the light of the pandemic.¹⁶⁹

77. It is also noted that the need for an urgent response to the COVID-19 pandemic has prompted national and regional authorities to take measures to speed up or simplify the administration of the intellectual property system, especially in relation to trademarks, as well as to provide practical support to firms seeking to develop technologies or products of potential benefit in combating the pandemic.¹⁷⁰

78. The overview of April 28, 2020, pointed to a discussion about the permissibility of States to invoke Article 73 of the TRIPS to ensure public access to treatment for COVID-19.¹⁷¹ It is noted that the provisions of this Article allow States to suspend the implementation of patent rights in order to facilitate the import or local production of essential medicines and/or vaccines.¹⁷² However, there are arguments that explain why referring to Article 73 may be useless for some States during the COVID-19 pandemic:

- only States with the capacity to produce pharmaceutical products domestically can presumably invoke Article 73(b)(iii) of the TRIPS to justify the suspension of patent rights for national security purposes during the COVID-19 pandemic;
- there is a doubt that a State can invoke Article 73(b)(iii) of the TRIPS to justify the suspension of patent rights in its territory in order to protect the essential security interests of another State by exporting patented medicines or vaccines to that State;
- some least developed States are currently exempt from providing patent protection for pharmaceutical products until 2033. Consequently, it is not necessary for such States to take measures to suspend patent protection of pharmaceutical products.¹⁷³

¹⁶⁶ WTO. The TRIPS Agreement and COVID-19. Information note. 15 October 2020. P. 1. URL: https://www.wto.org/english/tratop_e/covid19_e/trips_report_e.pdf.

¹⁶⁷ Ibid. P. 9.

¹⁶⁸ The Government Decree 212/2020 on public health compulsory licenses for exploitation within Hungary. 16 May 2020. URL: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219512.383062.

¹⁶⁹ For a list of such countries, see WTO. COVID-19: Measures regarding trade-related intellectual property rights. 5 October 2020. URL: https://www.wto.org/english/tratop_e/covid19_e/trade_related_ip_measure_e.htm.

¹⁷⁰ WTO. The TRIPS Agreement and COVID-19. Op cit. P. 6–8, 11–13.

¹⁷¹ International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. P. 19–20. Para. 47.

¹⁷² Oke E. K. Is the National Security Exception in the TRIPS Agreement a Realistic Option in Confronting COVID-19? URL: <https://www.ejiltalk.org/is-the-national-security-exception-in-the-trips-agreement-a-realistic-option-in-confronting-covid-19/>.

¹⁷³ Ibid. See also Oke E. K. Can States Invoke the National Security Exception in the TRIPS Agreement in Response to COVID-19? URL: <https://www.afronomicslaw.org/2020/10/06/can-states-invoke-the-national-security-exception-in-the-trips-agreement-in-response-to-covid-19/>.

IX. MARITIME LAW AND RELATED MATTERS

79. As noted in the overview of April 28, 2020,¹⁷⁴ the COVID-19 outbreak has led to significant problems in the global shipping industry related to ship crew changes. The International Maritime Organization (hereinafter, “**IMO**”) indicates that due to restrictions imposed and still not lifted by States, a large number of seafarers are forced to extend their service onboard ships after many months at sea, unable to be replaced after long tours of duty or to be repatriated via aircraft to their home countries.¹⁷⁵

80. It is noted that shipping is vital for maintaining global supply chains, but the current situation poses a risk to the well-being of the ship crew and the safety of maritime trade. In this regard, in addition to the IMO’s recommendations of March 27, 2020, on measures to facilitate ship crew changes in seaports during the COVID-19 pandemic,¹⁷⁶ the IMO has published “Recommended Framework of Protocols for ensuring safe ship crew changes and travel during the Coronavirus (COVID-19) pandemic.”¹⁷⁷

81. The latter document has highlighted the need for seafarers to strictly comply with testing and quarantine requirements in the context of the COVID-19 pandemic. Attention is also drawn to the fact that if seafarers feel unwell or suspect COVID-19 symptoms, they should not commence or continue working at sea. The document also includes additional recommendations to prevent infection on board when seafarers join their ship.¹⁷⁸

¹⁷⁴ International and Comparative Law Research Center. COVID-19 and International Law. Overview of publications. P. 21–22. Para. 51–55.

¹⁷⁵ IMO. Recommended Framework of Protocols for ensuring safe ship crew changes and travel during the Coronavirus (COVID-19) pandemic. Circular Letter No.4204/Add.14/Rev.1. 5 October 2020. P. 1. URL: [https://wwwcdn.imo.org/localresources/en/MediaCentre/HotTopics/Documents/COVID%20CL%204204%20adds/Circular%20Letter%20No.4204-Add.14%20-%20Coronavirus%20\(Covid-19\)%20-%20Recommended%20Framework%20of%20Protocols.pdf](https://wwwcdn.imo.org/localresources/en/MediaCentre/HotTopics/Documents/COVID%20CL%204204%20adds/Circular%20Letter%20No.4204-Add.14%20-%20Coronavirus%20(Covid-19)%20-%20Recommended%20Framework%20of%20Protocols.pdf).

¹⁷⁶ IMO. Coronavirus (COVID-19) – Preliminary list of recommendations for Governments and relevant national authorities on the facilitation of maritime trade during the COVID-19 pandemic. Circular Letter No.4204/Add.6. 27 March 2020. URL: <https://wwwcdn.imo.org/localresources/en/MediaCentre/HotTopics/Documents/Circular%20Letter%20No.4204Add.6%20%20Coronavirus%20Covid-19%20Preliminary%20List%20of%20Recommendations.pdf>.

¹⁷⁷ Recommended Framework of Protocols for ensuring safe ship crew changes and travel during the Coronavirus (COVID-19) pandemic. Op cit. Annex.

¹⁷⁸ Ibid. P. 1.

ANNEX. GENERAL CONCLUSIONS ON OVERVIEWS OF PUBLICATIONS “COVID-19 AND INTERNATIONAL LAW” (ISSUES 1-4)

1. The COVID-19 pandemic has changed the world, affecting almost every area of human relations. It has also had an impact on international law.
2. Since January 2020, experts have been actively discussing the role of international law in the context of the COVID-19 pandemic. In the framework of numerous publications, attention has been paid to the following fields of international law: state responsibility, international security law, international cooperation, international environmental law, international human rights law, international labor law, migration law, refugee law, international humanitarian law, international criminal law, international investment law, the law of the WTO, the law of the sea, and maritime law.
3. Issues of **international state responsibility** were largely related to the consideration of the possibility of holding China internationally accountable for violations of Articles 6 and 7 of the IHR. In this context, the reasons for bringing this State to justice were analyzed, the problem of establishing a link between the alleged illegal act of China and its consequences was discussed, and the WHO's leverage over the Chinese government in order to obtain detailed information about the origin of the SARS-CoV-2 virus was considered. Besides, the jurisdictional problem of bringing claims against China was pointed out, and the ideas of creating an International Commission of Inquiry for COVID-19 and using the mandatory dispute settlement procedure provided for by the Chicago Convention were put forward. The possibility of introducing countermeasures against China was also examined, as well as feasible forms of compensation for damage on its part.
4. In addition to China's alleged responsibility, an assessment of the compliance of States' actions in response to the COVID-19 pandemic with international legal obligations under the IHR was made. Moreover, the possibility of qualifying the COVID-19 pandemic as a circumstance precluding international wrongfulness of an act was considered. Force majeure, state of necessity, and disaster were analyzed as such circumstances.
5. **International security law** was touched upon in the context of cyberattacks aimed, first, at the health systems of a number of States during the pandemic, and, second, at obtaining information related to the development and testing of a COVID-19 vaccine. In this regard, an analysis of the principles and norms of international law that protect States from such attacks was made, and a proposal to adopt a new norm on responsible behavior of States in cyberspace was put forward.
6. Special attention was paid to the analysis of the UN SC resolution No. 2532 on the threat of COVID-19 to international peace and security and its consequences. Concern was expressed about the emergence of new terrorist activities due to the adoption of measures to combat COVID-19. In addition, the possible difficulties that terrorist groups may face during the pandemic were analyzed.

7. **International cooperation** was mainly linked to the public health emergency prevention measures envisaged by the IHR, their shortcomings, and the overall problem of applying the IHR in practice. Both the insufficient and even elusive nature of international cooperation between States in the fight against COVID-19 and the failure of international organizations to take effective measures to respond to the pandemic were pointed out. It was also noted that under international human rights law, the responsibility for international cooperation is imposed not only on States and international organizations but also on private actors.

8. In addition to the critical assessment of the WHO's work, the possibility of improving the coordinated international response to the spread of infectious diseases, both between the WHO and other international organizations and between individual States, which in some cases have the right to take actions that go beyond WHO's recommendations, was discussed. The view was expressed that measures to prevent emergencies such as pandemics should also be based on the provisions of the Sendai Framework for Disaster Risk Reduction 2015-2030, as well as the Draft Articles on the Protection of Persons in the Event of Disasters of 2016.

9. Besides, the idea of adopting a new universal treaty in the field of health protection was put forward. Also, the example of the EU as an association that has found ways to take coordinated measures and pool resources in order to ensure the rapid and uninterrupted delivery of critical goods during the pandemic was noted as positive.

10. Within the framework of **international environmental law**, attention was paid to the shortcomings of the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora in regulating such trade and the need to reform it to prevent the occurrence of the next pandemic.

11. The impact of the pandemic on **international human rights law** was considered in the context of restrictive measures imposed by States in connection with the spread of COVID-19 and their impact on human rights and freedoms. Such measures involve restrictions on the rights and/or derogations of States from their human rights obligations under the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, and the ECHR. Issues related to restrictions of the following rights were discussed in detail: to life, to freedom of movement, to privacy, to freedom of speech, to a fair trial, to freedom from discrimination, to health, to water, and to social security. In the context of the ECHR, the positive obligations of States to protect human rights were considered, and the necessity for members of the Council of Europe to derogate from provisions of the ECHR in emergencies was analyzed.

12. Separately, the challenges faced by the most vulnerable groups of the population during the pandemic were considered: persons deprived of their liberty, women, people with disabilities, indigenous peoples, and industrial workers.

13. It was noted that pandemics of this kind legitimize the repressive behavior of States, which indicates a possible increase in the number of human rights violations. In this regard, the work of human rights organizations is extremely important.

14. Besides, the issue of respect for human rights by private companies engaged by States to provide some services to the population was raised. It was pointed out that both private companies and States themselves must comply with "due diligence" obligations.

15. Within the framework of **international labor law**, the importance of social dialogue between employees, employers, and a State in the fight against the consequences of the COVID-19 pandemic was discussed, as well as some examples of its implementation were given.

16. In the context of **migration law**, the problems faced by migrants in the context of the pandemic were highlighted. In particular, due to their living and working conditions, they are at greater risk of contracting the virus and subject to xenophobia and discrimination. The issue of ensuring the safety of migrants in their cross-border mobility after the end of the COVID-19 pandemic was also considered.

17. Within the framework of **refugee law**, the issue of compliance of restrictive border crossing measures imposed by many States with the principle of non-refoulement was considered.

18. In the light of **international humanitarian law**, attention was paid to issues related to the pandemic, such as the position of medical personnel and vulnerable groups, access to water, humanitarian assistance, the exercise of public authority by non-state armed groups and their obligations to the population living in the territories under their control, as well as the obligations of the occupying powers.

19. The provisions of **international criminal law** were analyzed in the context of the possibility of qualifying the actions of the US President to dissolve the White House Coronavirus Task Force as a crime of genocide.

20. In the context of **international investment law**, attention was drawn mainly to the problem of protecting the rights of foreign investors. In particular, mechanisms for protecting their rights in the context of the introduction of restrictive measures by States to combat COVID-19, as well as exceptions to the standards of such protection in the interests of States were considered. In addition, the possibility for companies to claim compensation for expected future profits due to restrictive measures imposed by States and damage to their investments was investigated.

21. **The law of the WTO** was touched upon in the light of the grounds for States to impose restrictive measures on the export of certain goods during the pandemic. The applicability of the WTO Agreement on Sanitary and Phytosanitary Measures to trade restrictions related to public health was also analyzed. Issues about transparency of measures affecting trade and non-discrimination in subsidizing companies were examined as well.

22. The recovery of States' economies after the pandemic was viewed through the prism of multilateral cooperation between States in the field of trade, including drugs and medical supplies. In order to strengthen such cooperation, special attention was paid to the WTO Agreement on Trade Facilitation, reforms of national rules related to its implementation, and procedures in this area.

23. Besides, the law of the WTO has been analyzed in the context of intellectual property protection. In particular, Articles 31 and 73 of the TRIPS, the provisions of which can be used to ensure public access to treatment for COVID-19, were considered. Arguments were given to explain why invoking provisions of Article 73 might be useless for some States during the current pandemic. Attention was also drawn to the possible difficulties associated with the production and distribution of the future COVID-19 vaccine.

24. In the context of **the law of the sea** and **maritime law**, issues related to recommendations of international organizations and bodies of interstate associations on countering the pandemic in the field of international maritime trade, as well as measures taken by some States to restrict access to their ports were considered. Besides, the issue of delays in changing ship crews, which poses a risk to the well-being of the ship crew and the safety of maritime trade, was raised. In this regard, recommendations to States ensuring safe ship crew changes and travel during the COVID-19 pandemic were made.

