

States Liability on COVID-19 Damages Under Common but Differentiated Responsibility Principle

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ABSTRACT

The adverse effects of the COVID-19 on the environment became a potential source of threats to the natural environment and human life. While a short range of temporal improvements can be seen during lockdown measures, but the virus is spreading out quickly among human societies and wildlife habitats. In this respect, the WHO, concerned organization, and governments established several guidelines to control the transmission of COVID-19. Notably, these guidelines are not classified as legal instruments. International environmental law plays a vital role in adjusting the legal interaction between the COVID-19 pandemic and state obligations in these complicated circumstances. Regarding International law instruments, all countries are liable to transmit the virus and have taken precautionary measures. However, they do not meet the same obligations in this case. According to the common but differentiated principle (CBDR) although each state has the responsibility to participate in protecting the environment from the global crisis. Developed states, due to their financial resources and technological facilities, deal with a broader range of responsibilities, not only to adopt a national policy to decline the effects of coronavirus but also to transfer medical facilities, exchange the latest data and information about COVID-19 and its predictable treatments and also financial assistance especially to the regions struggling with poverty that face food insecurity and water shortage.

Introduction

Since 31 December 2019, the China government reported a cluster of cases of pneumonia in Wuhan, Hubei province, and COVID-19 was eventually identified. After a while, the virus spread out to the entire world, and finally, on 11 March World Health Organization (WHO) announced the COVID-19 outbreak as a pandemic. As a result, the virus became an International disaster that all nations deal with it. In this respect, the COVID-19 adversely affected in different aspects of human life such as health, economy, and the environment that is our case of research. However, these impacts do not have the same consequences in all countries. Developed countries, regarding their technological progress and first-class medical equipment, have better facilities to control the adverse effects of the virus on their environment, whereas developing countries suffer from a lack of efficient tools to manage the impacts of COVID-19 on the environment. Hence, they do not have equal responsibility for damages caused by COVID-19 on the environment. According to this statement, countries, due to their gross national income (GNI) classified as (developed and developing) that meet different duties on protecting the environment. In this respect, the principle of common but differentiated responsibility sets out general and specific responsibilities for states regarding their categorization. This principle is reflected in many International environmental law conventions such as Rio Declaration 1992 and

Paris Agreement 2015. In this paper, we seek to assess developed and developing countries' responsibility for ecological damages caused by the COVID-19 in light of the common but differentiated responsibility principle.

1. COVID-19 impacts on the environment

Nowadays, COVID - 19 outbreak has affected most countries (216) and has been infected over 9 million people worldwide. The adverse effects of the coronavirus involve the healthcare system, travel ban, global economy, environment, etc. Consequently, to prevent and control the virus extend governments implemented policies according to the (WHO) guidelines, such as lockdown in the house, travel ban, and physical distancing in public areas. These policies indirectly led to some positive and negative effects on the environment we are trying to point out.

1-1 Positive impacts

1-1-1 Air quality

According to the European Environment Agency report, data and information indicate that air pollution levels have declined significantly in many European cities where lockdown and travel ban measures have been implemented. It is notable this decrease is highly concern with the reduction of road trips in megacities. This pollutant is mostly emitted from burning fossil fuels in the transport industry and electricity generation, making it strongly linked to human activities.

(eea.europa.eu) However, this impact is not limited to European countries, and the US Travel Association report shows that airports are almost empty during this period. (ustravel.org) As a result, aviation emission accounted for 2.4% of global CO₂ emission in 2018, sharply reduced. (eesi.org) Although the air pollution level has dropped by precautionary measures, it should be considered that this effect will be temporary unless governments and concern organizations implement long-term policies.

1-1-2 Reduction in CO₂ emission

The effect of the mentioned measures is limited to air quality and concern to the CO₂ emission quantity. Before the COVID-19 transmission, the percentage of carbon dioxide emissions increased by about 1% per year over the last decade. Furthermore, a study about the impact of isolation and travel ban on daily Co₂ emission during COVID-19 pandemic and pre-COVID-19 condition among more than 69 countries illustrates the closing of industrial sectors and the decline in the usage of fossil fuels, especially in India, the US, and china the daily emission of Co₂ decreased in comparison with the same period in April 2019. However, a continuation of this decrease depends on the variety of elements that governments should take into account after the COVID-19 pandemic. (Le Quéré and others2020)

1-1-3 Clean beaches

accordance with, The COVID-19 pandemic confinement that involves plenty of measures such as, travel ban and social distancing caused to a reduction in the rate of trips and tourism. Consequently, beaches around the world are now protected under better environmental conditions and have much cleaner waters. Whereas, like the other mentioned positive impacts, this improvement will be temporal as well. Besides, the lack of tourists, especially in islands and coastal areas, caused unemployment and an economic crisis. (Ormaza-González, F., & Castr-Rodas,2020)

1-2 Negative impacts

1-2-1 Impacts on the human beings

Humans are part of the environment. They live in it, from it, and with it. Consequently, Humans need to interact with the environment to obtain plenty of resources such as food, water, fuel, raw materials, etc. Therefore, humans can change the environment either positively and negatively, and the environment affects our lives in many different ways. (Seymour V 2016) As a result, the right to a healthy environment is one of the fundamental human rights that is confirmed in most binding and non-binding international legal instruments. The international covenant of economic, social, and cultural rights in 1966 guarantees the right to safe and healthy working conditions in article7. (Saul, B., Kinley, D., & Mowbray, J 2014) the Stockholm Declaration

1972, in its first principle, implies the basic environmental factors that are essential for a healthy environment. (Stockholm, Declaration 1972)

Furthermore, the Rio Declaration 1992 in article 10 states that “human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. (Rio Declaration 1992) Hence, the quality of human life directly concerns the environmental phenomena, and each threat to the environment, whether natural or humankind, will be affected by human health. (Giorgetta,S.2002)

After the COVID-19 pandemic, as already mentioned, planned measures caused a series of undesirable situations to human life in the past few months. Lockdowns that were adopted to prevent and control the transmission of the COVID-19 limited freedom of movement in societies. As a result, these measures tend to change in people's life cycles and caused to increase in the rate of stress and anxiety during the lockdown. Regardless of the geographical situation, these disorders may cause depression, self-harm, extreme fear, drug use, and domestic violence. (Ćosić, K., Popović, S., Šarlija, M., & Kesedžić, I,2020) In this respect, home lockdown can enable the common tools of abuse, against women which can be seen worldwide, especially in developing countries that usually women and girls are responsible for household duties and taking care of children. (IUCN.org)

1-2-2 Environmental standards exception

During the COVID-19 pandemic, many corporations, private and governmental sectors, due to quarantine and social distancing measures, faced the majority of hardness with implementing their environmental obligations. In this respect, the U.S. Environmental Protection Agency (EPA) and other federal and state agencies that regulate environmental issues are currently focused on health and safety issues associated with COVID-19. (natlawreview.com) Hence, (EPA) announced it might ease enforcement of environmental legal obligations during the COVID-19 national emergency and regulate temporary policies. (epa.gov) However, some argue that is a sagacious decision because, during the COVID-19 pandemic, corporations deal with a lack of key staff and technical equipment, so they will not be able to take appropriate measures. While others believe that these exceptions tend to be a practice in the long-term about environmental law implementation. Moreover, some environmental obligations are directly affecting public health, and there is no exception to these issues. For instance, cancelation of medical waste recycle even temporary would be a potential source of the COVID-19 retransmission. Therefore, this exception might be threatened public health and caused to spread of the virus. On the other hand, this global crisis is likely to postponed environmental action in 2020. International

conferences such as climate COP 26 in Glasgow, COP 15 of the biodiversity in Kunming, and the other international environmental meetings tend to be delayed this year caused by the COVID-19 pandemic. (Leslie-Anne and Duvic-Paoli, 2020)

1-2-3 Medical waste

Management and incineration of medical waste are some of the most difficult challenges during the coronavirus outbreak. Therefore, due to prevent COVID-19 transmission, usage of masks, plastic gloves, and gowns highly increased between hospitals and healthcare centers as well as individuals. However, medical waste is categorized on non-hazardous and hazardous medical waste types. That the second one during the COVID-19 pandemic will be a potential source of the virus retransmission. In the absence of a comprehensive framework for dumping and burning medical waste, infected waste might release toxins on the environment and caused to the secondary transmission of the COVID-19. (wedocs.unep.org) On the other hand, the rapid increase in the amount of medical waste disabled related organizations to assess an accurate quantity of hazardous waste. Finally, most of the waste workers, especially in developing countries, are unprotected against this type of waste, and it will be dangerous for their health. (ircwash.org)

2. States international liability & responsibility

As already mentioned, the COVID-19 impacts the environment divided into positive and negative impacts. In the first part, we discussed that positive impacts would be temporal to the environment, unlike adverse effects. Therefore, the governments should be ready to take appropriate measures to control the environmental damages of coronavirus in the long term. In this respect, governments have international responsibility and liability for the environmental damages caused by the COVID-19. This section will discuss different aspects of international responsibility and liability of states during the COVID-19 pandemic.

2-1 Historical background

One of the key topics of international law is international state responsibility. This theme from different aspects is central and directly deals with the international interests of all countries in the world. This subject is classified into two concepts of responsibility that are related to the internationally wrongful act of a state and liability that concerns the Acts Not Prohibited by International Law. It is notable that distinguishing between these two concepts will be difficult, especially in non-English languages. The development and codification of these two themes have a long story that I will be mentioned now.

2-1-1 Responsibility

The International Law Commission (ILC) began its work on state responsibility in 1956 with a focus on State responsibility for injuries to aliens and their property under special rapporteur Garcia Amador. After Amador, the ILC announced four special rapporteurs between 1961-1997, that each of them focused on the one special area of state responsibility from diplomatic protection, the origin of state responsibility and forms, and degrees of responsibility. (space law.univie.ac.at) Finally, in 1996 the ILC presented the first reading text of draft articles. However, in 1997- 2001 under special rapporteur James Crawford the ILC accomplished the Responsibility of States for Internationally Wrongful Acts which was adopted in 2001. The draft article introduced the most controversial topics of state responsibility with the acceptable legal solution. (Wittich, S 2002) Despite the development of state responsibility rules during this period, this draft article is classified as soft law instruments, while a wide range of its provisions is known as international customary law. Moreover, these rules are reflected in plenty of International law binding instruments. The ILC draft article is divided into four parts and fifty- nine articles. The main point of the draft article on the Responsibility of States for Internationally Wrongful Act concerns the concept of state responsibility. Article 1 defines it as every Internationally wrongful act of a State that entails the international

responsibility of that State. (ILC2001 draft article) According to James Crawford:” It is of particular significance that such a provision is not limited, as had been proposed, to the responsibility of States towards other States, which would have significantly curtailed the scope of the obligations covered by the Articles and could have stifled the development of international law”. Furthermore, the same principle applies to international persons, such as international institutes and organizations. Moreover, there is no distinction between hard law and soft law instruments obligations that can be seen in article 12. Consequently, the term of the internationally wrongful act is not limited to certain actions so it covers all wrongful activities of a state, regardless of the source of that act. (Crawford, J. 2012) Article 2 deals with the compulsory elements for an internationally wrongful act. According to article 2: There is an internationally wrongful act of a State when conduct consisting of an action or omission: (A) is attributable to the State under international law; and (B) constitutes a breach of an international obligation of the State. it reflects the consideration that different primary rules on international responsibility may impose different standards of fault, ranging from “due diligence” too strict liability. Therefore, the article explains that fault is not necessarily required in every case for international responsibility to arise. (Crawford, J. page 3)

2-1-2 Liability

The theme of "International Liability considers a debatable subject. The General Assembly, in resolution 32/152 of 19 December 1977, endorsed the conclusion of the Commission and invited it, at an appropriate time and in the light of progress made on the draft articles on State responsibility for internationally wrongful acts and on other topics in its current program of work, to commence work on the topic of International Liability for Injurious Consequences Arising out of acts not prohibited by International law. Furthermore, the commission, in its Thirtieth Session established a working group to consider the topic from different aspects. (Yearbook of the International Law Commission 1978) The ILC in 1997 decided to divide this subject into two sections, prevention of transboundary damage from hazardous activities and international liability in case of loss from transboundary harm arising out of hazardous activities. (legal.un.org) In 2001, some states and some ILC members argued that the concept of liability had been assessed in the ILC draft article on state responsibility, while the UN general assembly and a wide range of developing countries asked the commission to restart work on liability with consideration of international law developments and the government's statements. Consequently, in 2004 the ILC adopted draft principles and sent it to states for negotiation. Finally, in 2006 the ILC adopted the Draft Principles on the allocation of loss in transboundary harm arising out of

hazardous activities. (Alan, B. 2010) The liability of a state does not necessarily cause by its fault or wrongful acts, but from the injurious consequences suffered by persons beyond its boundaries. A State must refrain from harming or hurting neighboring States, but it must also prevent harm in the territories of neighboring states. the primary rule that provides that a State must refrain from harming its neighbors received the further application with far broader implications. (Sucharitkul, s 1995)

These rules can be seen in plenty of cases, such as the Trail smelter case, the lake Lanoux arbitration, the Corfu channel case. In the 21st century, the rules that apply to the concept of state liability has been promoted by, the 2001 draft article on the prevention of transboundary harm from hazardous activities and the 2006 draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities. In the environment, we face a lack of a specific instrument that establishes general and particular international rules governing responsibility and liability. However, in most treaties and binding instruments, the term of liability can be seen, such as the 1982 convention on the law of the seas.

2-2 State international responsibility and liability on environmental damage

2-2-1 Environmental damage

To define the term environmental damage, we deal with two related questions that should be answered. Firstly, it constitutes environmental damage; secondly, the level of environmental damage that may raises liability. The term environmental damage is a debatable topic in international law. In the past few decades, especially after the 1972 Stockholm Declaration, lots of states have signed plenty of agreements and conventions in the regional and international levels that directly and indirectly include the definition of environmental damage. This theme has been defined in the majority of international law instruments, either binding and non-binding, this issue is a controversial topic in customary international law and state practice. However, regarding the development of international environmental law, the definition of this concept has been changed over the past decades. (Khalatbari, Y., Hermidas Bavand, D., Zare, A., & Poorhashemi 2016) In 1972 the Convention on international liability for damage caused by space objects in its first article defined environmental damage like loss of life, personal injury or other impairment of health; or loss of or damage to property of states or of persons, natural or juridical, or to the property of international intergovernmental organizations. This definition includes all aspects of the human and natural environment. Furthermore, 2010

Nagoya–Kuala Lumpur Supplementary Liability Protocol to the Biosafety Protocol defines environmental damage as an adverse effect on the conservation and sustainable use of biological diversity, taking into account risks to human health. Also, in most cases, such as Trail smelter, Lake Lanoux, and gabcikovo-nagymaros, we faced the subject of environmental damage. However, some argue that the term ecological damage exclusively concerns natural resources such as (water, soil, air, flora, and fauna) and does not include human life. To sum up, it is notable each environmental damage definition is modified by the context and the subject of an instrument. Hence, differences between definitions are not in opposition. Although, according to mutual interaction between human life and natural resources, humans are an integrated part of the environment, and each threat to human health can be considered potential damage to the natural environment.

2-2-2 State liability on environmental damage

Various human activities such as dam building-road construction, and industrial waste adversely affect the environment. However, the lack of agreed international standards that establish a limitation for environmental damages that bring state liability is noticeable. Although, conventions, juridical decisions, and state practice provide that environmental damage must be significant. (Sands, P., & Peel, J 2012) Furthermore, in some cases such as Trail smelter,

the tribunal states that: the injury must have a 'serious consequence' to justify a claim. In addition, some environmental disasters such as the Chernobyl accident indicated the importance of binding international instruments to establish specific standards for states regarding the measurement of environmental damage. In this respect, the ILC, in its commentary on the 2006 Draft Principles on the Allocation of Loss for Transboundary Harm provided: The term 'significant' is understood to refer to something more than 'detectable' but need not be at the level of 'serious' or 'substantial'. The damage must lead to a real detrimental effect on matters such as human health, industry, property, environment, or agriculture in other States. Such detrimental effects must be susceptible to being measured by factual and objective standards. (Yearbook of the International Law Commission 2006) overall, states have liability to such damage that adversely affect the natural environment and human life; however, regarding the context and purpose of each international instrument, the definition of damage might be differentiated; nevertheless, the vast majority of international environmental instruments encourage states to take into account the prevention and precautionary principles in the light of cooperation to achieve mutual interests.

3- Common but differentiated responsibility principle (CBDR)

3-1 Origin of (CBDR)

The common but differentiated responsibility principle (CBDR) roots in the concept of equity in general international law. As already mentioned, states deal with the majority of environmental challenges and problems on different levels. Sometimes the environmental problems might be extended to the global crisis. In this situation, however, all countries are responsible for environmental problems and sustainable development, but each state has a different set of capabilities. The CBDR is a guideline to developed and developing countries to cooperate in an international level concern to environmental protection and sustainable development goals.

3-1-1 Common but differentiated responsibility principle elements

This principle includes two elements. The first element is related to the common responsibility of states for the protection of the environment or parts of it at the national, regional, and international levels. The second concerns the need to take account of differing circumstances, particularly concerning each state's contribution to the creation of a particular environmental problem and its ability to prevent, reduce, and control the danger. In practical terms, the application of the principle of common but differentiated responsibility has at least two

consequences. Initially, it entitles or may require all concerned states to participate in international response measures aimed at addressing environmental problems. Secondly, it leads to environmental standards that impose differing obligations on states. According to this element states whether developed or developing, have responsibility on all levels to protect the global environment and to take appropriate measures to prevent, control, and decrease the potential threat in the light of international cooperation. This concept reflected in the 1992 Rio Declaration article 7:

“States shall cooperate in a spirit of global partnership to conserve, protect, and restore the health and integrity of the Earth's ecosystem. Given the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development because of their pressures on the global environment and the technologies and financial resources they command. “Moreover, the 1992 Climate Change convention on article 3 (1) provides that: “parties should act to protect the climate system based on equity and following their common but differentiated responsibilities and respective capabilities”

Rachel Boyte argues: “This concept evolved from the notion of common concern and common heritage of humankind It has been recognized that given the reality of ecological

interdependence, and the concomitant recognition of the global nature of environmental problems, the protection of the global environment has come to be seen as the common concern of humankind, and not solely a matter of domestic jurisdiction of each State.(Boyte, R 2010) However, Common responsibility can be defined as the shared obligations of two or more states towards the protection of a particular environmental resource, taking into account its relevant characteristics and nature, physical location, and historic usage associated with it. On the other hand, the term of differentiated responsibility is classified as one of the key factors in the international environmental law instruments that provides the obligations of states regarding their level of development to obtain environmental protection and sustainable development in the light of equity. After the 1972 Stockholm Declaration, the focus of treaties has been switched from the commonality of responsibilities to the differentiated responsibility. (Boyte, R 2010) This transformation can be seen in the vast majority of post-Stockholm conventions. For instance, the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer. The differentiated responsibility reflected in the several articles of this instrument. In this respect article 10 established a financial and technological mechanism to support developing countries. In the 1992 United Nations Conference on Environment and Development this topic was a controversial theme that

reflected in Rio Declaration article 7. (French, D.2000) the differentiated responsibility of states for the protection of the environment is widely accepted in treaties and other practices of states. It translates into differentiated environmental standards set based on a range of factors, including special needs and circumstances, future economic development of developing countries, and historic contributions to causing an environmental problem. Under the 1992 Climate Change Convention, the principle of 'common but differentiated responsibilities' requires specific commitments only for developed country Parties and other developed parties, and allows differentials in reporting requirements. The 1997 Kyoto Protocol applies the principle of 'differentiated responsibility' to OECD countries, setting a range of different targets depending upon states' historic contribution and capabilities. The special needs of developing countries, the capacities of all countries, and the principle of 'common but differentiated' responsibilities have also resulted in the establishment of special institutional mechanisms to provide financial, technological, and other technical assistance to developing countries to help them implement the obligations of particular treaties. So all the nations belong to the common world and each has some responsibility towards each other to protect the "gifts of nature. This approach has been followed during the late years of the 20th century and the 21st-century international instruments. The 1992 Convention on Biological

Diversity allocates its 20 and 21 articles about CBD. These articles provide the obligation of developing countries on this instrument is depended on the effective implementation by developed country Parties of their commitments under the convention related to financial resources and transfer of technology and eradication of poverty in developing countries. Furthermore, this principle adopted the 2015 Paris agreement on climate change. In this conference, parties agreed to keep temperature increase well below 2°C and to pursue efforts to limit it to 1.5°C. The target of 1.5°C offers hope for developing countries, particularly in Africa. (Josephson, P 2017)

In this respect, Article 7 (1) provides a global purpose to significantly strengthen adaptation to climate change through support and international cooperation. Hence, the developed countries should have collaborated with the developing countries to reduce greenhouse gas emissions. Moreover, Under article 9.3 of the Paris Agreement, developed countries are to continue to take the lead in mobilizing climate finances from a variety of sources, including both public and private, and finance developing countries. To sum up, the review of this principle in international environmental law instruments illustrates that all states have the responsibility and obligation to protect the environment and common heritage of humankind against the global crisis in the light of international cooperation. However, developed countries regarding their role in the environmental crisis

and technological facilities bear more responsibilities reflecting equity in international law.

4. COVID-19 pandemic and Common but differentiated responsibility principle

The COVID-19 pandemic was categorized as a global crisis that affected the world in many ways. One of the most important effects of this virus concerns the environment. The environmental damage caused by COVID-19 is a potential threat to all countries, either developing and developed, Just like climate change. Therefore, the international community has a responsibility to protect the environment from this disaster and try to reduce its impact under cooperation spirit. Under these circumstances, the common but differentiated responsibility principle plays a key role in explaining states responsibility. As mentioned, the principle bears more responsibility to the industrial countries regarding their economic level and technological progress. In the case of the COVID-19 pandemic the world deals with a virus that adversely affected the environment from different ways. Moreover, the scientists still could not find any treatment for this virus. Consequently, governments and international organizations should take appropriate measures to control and reduce the COVID-19 impacts. Regards to reach this purpose, developed countries play a crucial role. On the one hand, they should be taking into account the national policies to control virus transmission. On the

other hand, they should associate with developing countries to transfer medicine, healthcare facilities, and exchange data and information about latest methods and treatments. Besides the industrial countries, international organizations play a contemporary role in facilitating financial aids to developing countries. For instance, The World Bank is known as an international development organization that can collaborate to finance the developing countries during the COVID-19 outbreak. While the political relationships affected in the process of financial association to some developing countries, such as Iran, are situated between the highly affected countries by COVID-19, but its emergency funding request to International Monetary Funding (IMF) is under assessment. (reuters.com) In this respect, the United States sanction caused delays in the assessment of Iran's request. Thus, international organizations should ignore political pressures and participate in developing countries regarding their independence.

However, this approach implemented rarely during the past few months. Commercial benefits and political relationships affected state responsibility. In this respect, some states, such as the United States, with bilateral sanctions against some developing countries like Iran and Yemen, extended this pandemic to a broader platform. These sanctions may tend to be a threat to developing countries' food security and bear many disasters in developing countries. As a result, developed and developing countries

have a common responsibility to protect the environment and control virus effects, but developed countries should be played the role of a leader in this crisis and have collaborated with developing countries to control and reduce the COVID-19 impact on the environment and human health.

5- Conclusion

According to this paper, COVID-19 has affected the environment in different ways. The environmental impacts of COVID-19 are not only limited to the virus retransmission from medical waste and domestic violence during quarantine, this global crisis caused to postponed some environmental obligations and declined the level of environmental standards, especially in industrial sectors. Moreover, the COVID-19 delayed several international environmental conferences in 2020. Therefore, temporal environmental improvement such as reducing Co2 emission should not be considered the advantage of coronavirus. This global crisis has two sides for each government.

On the one hand, they are the victims of the coronavirus and deal with a vast majority of national difficulties caused by COVID-19. On the other hand, they should have taken appropriate measures to prevent and control the transmission of COVID-19, so they are liable to the transmission of the virus. Whereas regarding the common but differentiated responsibility principle there is a distinction on the level of state responsibility, industrial countries should

facilitate and finance developing countries to control the transmission of virus besides their national obligations. However, in this case, this principle has been ignored by developed countries and international organizations, while, just like climate change, the COVID-19 is a global concern that affected all aspects of human life as well as the natural environment. Unfortunately, as long as diplomatic relationships and political issues among governments have caused ignorance of international environmental law principles, environmental issues remain unsolved. In this situation, the United Nations should play a facilitating role in the international community. Obviously, in the absence of an internationally binding instrument, the implementation of this principle tends to be complicated. Thus, the UN security council could establish a resolution concerns the implementation of common but differentiated principles in the case of pandemic viruses such as coronavirus. If it happens, the global process of control and reduction of COVID-19 will be improved under an international legal framework.

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