

Abstract

State responsibility to prevent and control a pandemic

The submitted thesis explores state responsibility under public international law and how it relates to the obligation to prevent, protect against, control and provide a public health response to international spread of disease. Epidemics are hardly a new or unprecedented phenomenon, and the increased incidence of seasonal influenza strains and other viral respiratory infections are a recurring theme every year. However, the issue of state responsibility for international spread of infectious diseases came to the forefront lately due to the events at the beginning of 2020 when a global pandemic of the new coronavirus COVID-19 appeared, causing over seven million deaths by October 2023 and significant economic losses. The virus was first identified in China, which reported the outbreak to the World Health Organization (WHO) at the end of 2019. Shortly after that, despite public health measures being implemented, the infection began to spread worldwide via international travel, and multiple reports emerged that China had had information about this infectious disease a month before reporting it and deliberately concealed it, which would constitute a violation of International Health Regulations. Given the damage incurred by states, businesses and individuals around the world, which is tied to the pandemic, it is hardly surprising that some states began considering whether China's conduct at the beginning of the pandemic breached its international obligations and whether it would be possible to seek compensation for the damages through domestic or international dispute settlement mechanisms. The thesis explores international responsibility of states in the context of infectious diseases and applies it to the case of the COVID-19 pandemic. To gain a deeper understanding of the topic, the role of the WHO as a coordinating element, which plays an indispensable role in the creation and maintenance of the legal regime of state responsibility for pandemics, and the development of regulations in this field since the mid-20th century, were also examined. Similarly, the thesis also examines selected previous pandemics in the 21st century, the responses of states and the WHO to them, the failures that occurred, and whether international responsibility was ever invoked in the past. The thesis concludes that under certain conditions, it is possible to establish China's responsibility, but this issue cannot be addressed without considering the role of other states and the WHO, which contributed to worsening of the situation through their conduct.

Keywords: state responsibility, liability, due diligence, pandemic