

## **B. Proceedings**

### **Conference-Roundtable—Coronavirus and International Affairs: Event Summary Description and Concept Note**

**Coalition for Peace & Ethics**

**Prepared by**

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This Section of the Proceedings is divided into two sections. Section 1 includes a short Conference-Roundtable description as it was prepared immediately before the event. Section 2 includes the more detailed Concept Note. Both were prepared by Larry Catá Backer for the Coalition for Peace & Ethics.

*Description and Concept Note*

**1. Conference-Roundtable Description**

The emergence of a new strain of coronavirus, COVID-19, one of a more lethal strain of a class of virus that cause disease in humans, has had a profound effect on virtually all aspects of human activity. As of 2 April 2020, worldwide 900,306 cases have been confirmed 45,693 COVID-19 related deaths have been reported in 206 countries by the World Health Organization.<sup>1</sup> But even those numbers are contested. For the same period through 28 February 2020, Worldometer reported 51,703 deaths of 1,007,103 confirmed cases.<sup>2</sup> The pandemic appears in every corner of the world. While the medical and health implications of COVID-19 are profound and tragic, the effects of the disease on governance, law, and international affairs will likely be even more significant and long lasting. As states, institutions, and individuals respond to the challenges, always contextually unique, all of the structures of the contemporary world have come under stress, and principally the structures and normative frameworks of globalization. These include everything from the free movement of investment, capital, and goods, to migration. The international ramifications have also stressed the constitutional orders of many states as the needs of responses sometimes might threaten domestic (and international) constitutional orders. At the same time, COVID-19 has opened a path to a revolution in the use of data

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<sup>1</sup> The original reference has since been replaced by the WHO COVID dashboard. See World Health Organization, "WHO Coronavirus Disease (COVID-19) Dashboard," (updated through 4 December 2020). Available [<https://covid19.who.int/>]. Between the time the description was written and the beginning of December 2020, the number of infections and deaths had skyrocketed to almost 65 million cases and over 1.5 million deaths. See, *Ibid*.

<sup>2</sup> The numbers continue to be contested but the differences appear to be at the margins by the end of 2020. See Worldometer, "Coronavirus Death Toll" (updated 4 December 220); available [<https://www.worldometers.info/coronavirus/coronavirus-death-toll/>]. The site notes that one of the problems of data analysis was a change in diagnosis classification after 12 February 2020. See, Worldometer, "How to interpret the 15,152 (+600%) surge in new cases of February 12," available [<https://www.worldometers.info/coronavirus/how-to-interpret-feb-12-case-surge/>].

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driven governance, big data, and artificial intelligence in the management of society and collective responses to pandemic.<sup>3</sup>

In this dynamic context, the COVID-19 epidemic has brought out both the best and worst of individuals and human societies. Those best and worst impulses may eventually embed themselves into the patterns of behavior and expressed as law, policy or cultural bias. These impulses are brought to climax as borders are sealed, transport is severely constrained, and the constant focus on pandemic creates the sort of stress on individuals (jobs, mobility, sickness and the like) that produces suicide, madness, and other psychological difficulties. This Conference/ Roundtable brings together experts in law and international affairs from Asia, Europe, North America and the Caribbean to discuss the collateral effects of COVID-19 in those terms. More specifically participants will speak to (1) misperceptions about the situation in China; (2) the use of coronavirus as a veil for racism; (3) national responses to perceptions of crisis; (4) effects of coronavirus on the movement of people, investment and capital across borders; (5) consequences of coronavirus for the state of international affairs and legal structures (e.g., quarantines, education, supply and production chains, human rights versus collective responsibilities, etc.); (6) repercussions for big global trade projects, with specific reference to the Belt and Road and America First initiatives; and (7) effects on education and other service industries. Inputs are welcome and will be posted to the conference website; participants will respond to questions delivered before the roundtable date. Registration for the Conference/Roundtable is required but there is no fee.

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<sup>3</sup> See, Larry Catá Backer, "Automated Law and COVID-19: Data Driven Measures with National Characteristics in China and Israel and the Future of the Law-Governance Complex; Data Driven Management of COVID-19: The Case of Taiwan," *Law at the End of the Day* (24 March 2020); available [https://lcbackerblog.blogspot.com/2020/03/automated-law-and-covid-19-data-driven.html].

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**2. Concept Note<sup>4</sup>**

The emergence of a new strain of coronavirus, COVID-19, one of a more lethal strain of a class of virus that cause disease in humans, has had a profound effect on virtually all aspects of human activity. A February 2020 Report published in *JAMA* reported that of the 72,314 cases of COVID-19 studied (as of 11 February 2020), about 81% of the cases were classified as mild, but that mortality rates varied from about 15% for patients over 80 years of age, 8% for patients 70-79 years of age, and 49% among the critically ill. The average mortality for all people in the study was about 2.3%.<sup>5</sup> Of these, male mortality (2.8%) exceeded female mortality (1.7%).<sup>6</sup> As of 28 February 2020, 2,868 deaths have been reported of 83,905 confirmed cases in 57 countries.<sup>7</sup> By 27 February, the World Health Organization announced that the COVID-19 outbreak “has reached a ‘decisive point’ and has ‘pandemic potential.’”<sup>8</sup>

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<sup>4</sup> The Concept Note was produced during the first several months of the pandemic. Much has occurred since. For a synopsis of events as they were unfolding then, see, e.g., “Coronavirus: the first three months as it happened,” *Nature* (22 April 2020); available [<https://www.nature.com/articles/d41586-020-00154-w>]. Very little updating and light editing was undertaken in the publication of the Concept Note to keep its context at that moment in the history of the pandemic in sharper focus. Some updating

<sup>5</sup> See, Stephanie Soucheray, “Study of 72,000 COVID-19 patients finds 2.3% death rate,” *Center for Infectious Disease Research and Policy* (24 Feb. 2020), discussing Zunyou Wu and Jennifer M. McGoogan, Characteristics of and Important Lessons From the Coronavirus Disease 2019 (COVID-19) Outbreak in China: Summary of a Report of 72 314 Cases From the Chinese Center for Disease Control and Prevention,” *JAMA* 323(13):1239-1242 (2020).

<sup>6</sup> Worldometer, “Age, Sex, Existing Conditions of COVID-19 Cases and Deaths” (updated 23 February 2020).

<sup>7</sup> The numbers continue to be contested but the differences appear to be at the margins by the end of 2020. See Worldometer, “Coronavirus Death Toll” (updated 4 December 220); available [<https://www.worldometers.info/coronavirus/coronavirus-death-toll/>]. The site notes that one of the problems of data analysis was a change in diagnosis classification after 12 February 2020. See, Worldometer, “How to interpret the 15,152 (+600%) surge in new cases of February 12,” available [<https://www.worldometers.info/coronavirus/how-to-interpret-feb-12-case-surge/>].

<sup>8</sup> “Coronavirus: Outbreak at ‘decisive point’ as WHO urges action,” *BBC News* (27 Feb 2020); available [<https://www.bbc.com/news/world-51665631>].

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While the medical and health implications of COVID-19 are profound, the effects of the disease on governance, law, and international affairs will likely be even more significant and long lasting. Between December and March 2020, as the original epicenter of infection, China was both the first and a particularly hard hit area. China quickly applied a series of strong measures. Core provinces have been effectively quarantined, and the state has had to undertake significant procedures to slow down and more quickly reduce the effects of infection. Many of these measures, modified to suit local conditions, were thereafter adopted as the epidemic morphed into a pandemic from January through March 2020. Chinese officials have had to deal with issues of administrative integrity in the response to the epidemic, as well as the traumatic responsibility to ensure the health and safety of its populations, and the need to rapidly expand its medical facilities to meet the needs of the sick. At the same time, China has seen a substantial collective response by people on the ground who have sacrificed livelihood, convenience and sometimes their lives to meet the threat posed by COVID-19 to the people, the state and society.

The effects of the COVID-19 infection in China has also had profound effects on supply and production chains running through China. For example, Alcoa Corp. recently noted supply chain bottlenecks in China for critical resources; Apple, Inc. announced that it would not meet its 2<sup>nd</sup> quarter financial guidance; Boston Scientific expected revenues from sales to China to be significantly affected; Best Buy expected difficulty in product availability from goods sources in China for much of 2020; and luxury brands seller Capri Holdings expected the sale of its goods worldwide to be negatively affected.<sup>9</sup> It has also profoundly affected the way in which the Chinese Communist Party is undertaking its own path to guidance.<sup>10</sup> The supervision

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<sup>9</sup> Ciara Linnane and Jaimy Lee, "What Apple, Microsoft, GE and other U.S. companies are saying about the coronavirus outbreak," MarketWatch (22 March 2020); available [https://www.marketwatch.com/story/what-apple-walmart-and-other-us-companies-are-saying-about-the-coronavirus-2020-02-18].

<sup>10</sup> Larry Catá Backer, "Chinese Policy Moves Forward in the Shadow of COVID-19 Analysis of 习近平主持中央政治局会议 分析国内外新冠肺炎疫情防控和经济运行形势 研究部署进一步统筹推进疫情防控和经济社会发展工作等 [Xi Jinping presides over the meeting of the Political

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of lower level cadres and provincial officials in their political work has also produced significant response.<sup>11</sup>

The effects have been particularly notable in global financial markets. By the end of February 2020, for example, U.S. market indexes had lost about 4% of their value from pre-COVID-19 trading.<sup>12</sup> Yet, even in this context there were economic winners. Cisco Systems reported that its “Webex division, which develops and sells online meeting and video conferencing applications, has seen an expanded user base in the wake of the coronavirus outbreak. Traffic on some of Webex’s routes in China has increased 22 times, while the company has seen between four and five times as many users in Japan, South Korea and Singapore.”<sup>13</sup> By April 2020, it was clear that the conventional structures of globalization and the effective operation of global production has suffered.<sup>14</sup>

But the effects have not been limited to China. Neighboring Asian states, particularly South Korea and Japan,

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Bureau of the Central Committee to analyze the domestic and foreign new COVID-19 epidemic prevention and control and economic operation situation]” *Law at the End of the Day* (27 March 2020); available [https://lbackerblog.blogspot.com/2020/03/chinese-policy-moves-forward-in-shadow.html].

<sup>11</sup> Larry Catá Backer, “今晚, 国家监委调查组发布关于群众反映的涉及李文亮医生有关情况调查的通报。 [Tonight, the investigation team of the State Supervision Commission released a report on the investigation of the situation involving Dr. Li Wenliang, which was reported by the masses.],” *Law at the End of the Day* (20 March 2020); available [https://lbackerblog.blogspot.com/2020/03/tonight-investigation-team-of-state.html].

<sup>12</sup> Ed Carson, “Dow Jones Plunges As Coronavirus Stock Market Correction Intensifies; Tesla, Apple, Beyond Meat Notable Losers,” *Investor’s Business Daily* (28 Feb. 2020); available [https://www.investors.com/market-trend/stock-market-today/dow-jones-futures-coronavirus-stock-market-correction-tesla-apple-beyond-meat/].

<sup>13</sup> Tomi Kilgore and Jacob Passy, “Here’s how the 30 Dow industrial companies are prepping for the impact of the coronavirus,” *MarketWatch* (28 February 2020); available [https://www.marketwatch.com/story/heres-how-the-30-dow-industrial-companies-are-prepping-for-the-impact-of-the-coronavirus-2020-02-27].

<sup>14</sup> Andrés Ortega, “The Deglobalization Virus?,” *The Globalist* (18 March 2020); [available <https://www.theglobalist.com/coronavirus-covid19-pandemic-globalization-deglobalization-globalism/>].

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have been affected. On 28 February, authorities in Hokkaido declared a state of emergency; "The situation has become more serious. I'd like people to refrain from going outside over the weekend to protect your lives and health," Hokkaido Gov. Naomichi Suzuki said in the declaration."<sup>15</sup> Korea faces both a challenge in the protection of life and in the health of its economy.<sup>16</sup> European states have begun to experience substantial potential disruption of life and states have begun to take extraordinary measures in Italy and other European States.<sup>17</sup> In the United States during the same period, President Trump appointed Vice President Pence to head a task force on federal responses to COVID-19.<sup>18</sup> By the end of February Brazil<sup>19</sup> reported its first COV-19 case and the disease has made its way to sub-Saharan Africa<sup>20</sup> where "The Nigeria Centre for

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<sup>15</sup> "Hokkaido declares state of emergency over coronavirus," *Kyodo News* (20 February 2020); available [ <https://english.kyodonews.net/news/2020/02/69d1b85128b9-urgent-hokkaido-declares-state-of-emergency-over-coronavirus.html>].

<sup>16</sup> Dasl Yoon and Chun Han Wong, "South Korea Spends Billions to Blunt Coronavirus' Economic Impact," *The Wall Street Journal* (28 February 2020); available <https://www.wsj.com/amp/articles/south-korea-spends-billions-to-blunt-coronaviruss-economic-impact-11582872869>].

<sup>17</sup> Rosina Sini, "Coronavirus: Quarantined Inside Italy's Red Zone," *BBC News* ((28 February 2020); available [https://www.bbc.com/news/world-europe-51651099]; Weizhen Tan and Holly Ellyat, "France Sees Second Coronavirus Death; Greece Confirms First Case," *CNBC*; available [https://www.cnbc.com/2020/02/26/coronavirus-latest-updates-asia-stocks.html].

<sup>18</sup> "New coronavirus case may be 1st sign of "community spread" in U.S.," *CBS News* (28 February 2020; available [ <https://www.cbsnews.com/live-updates/coronavirus-outbreak-death-toll-infections-latest-news-updates-2020-02-27/>]. The Trump administration efforts were generally disliked by the mainstream press. The task force continues under the presumptive new administration after January 2020. See Stephan A. Crockett, Jr., "The Real President Is Working on a COVID Task Force, While the White House Squatter Is Crying on Twitter," *The Root* (9 Nov. 2020); available [https://www.theroot.com/the-real-president-is-working-on-a-covid-task-force-wh-1845620347].

<sup>19</sup> By November 2020 WHO would be alarmed by the surge of cases in both Brazil and Mexico. See "WHO alarmed by Covid-19 surge in Brazil, Mexico," (30 Nov. 2020); available [https://medicalxpress.com/news/2020-11-covid-surge-brazil-worrisome-chief.html].

<sup>20</sup> Lara De Meo Hoyt, "Impact of COVID-19 in Sub-Saharan Africa," *Rutgers Global Health Institute* (1 April 2020); available [https://globalhealth.rutgers.edu/news/impact-of-covid-19-in-sub-saharan-africa/].

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Disease Control reported the case on 27 February and said it was working to trace the infected person's contact."<sup>21</sup> Israel has also reported its first case, with a suspected transmission from Italy, which subsequently became much worse and more controversial in the criticism of official responses.<sup>22</sup> In many countries schools, from primary schools to universities, to have been closed and instructors are moving quickly to develop delivery of education remotely.<sup>23</sup> Much of Chinese education has now gone online.<sup>24</sup> At the same time universities have begun to ban overseas travel to designated states and to bring students home who are studying abroad.

By April 2020, what had at first been assumed to be a more intense version of prior smaller scale epidemics—SARS, MERS, and the like—exploded into a substantially more lethal and disruptive pandemic. Italy was the first to feel significant effect.<sup>25</sup> By February-March, the center of infection moved from Asia to Europe. And in Europe, the initially hardest hit states were in the Mediterranean—Italy and Spain in particular. For both states, the lessons learned were quite hard—from the approaches to containment, to the policies of treating and segregating patients.<sup>26</sup> Like Italy, Spain declared a national emergency, imposed severe restrictions on movement, and

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<sup>21</sup> Amy Maxmen, "This Nigerian doctor might just prevent the next deadly pandemic," *Nature* (20 Feb. 2020); available <https://www.nature.com/articles/d41586-019-00615-x>].

<sup>22</sup> Eyal Leshem, Arnon Afek1, and Yitshak Kreiss, "Research Letter: "Buying Time with COVID-19 Outbreak Response, Israel," *Journal of Emerging Infectious Diseases* 26(9) (Sept. 2020); available [\[https://wwwnc.cdc.gov/eid/article/26/9/20-1476\\_article\]](https://wwwnc.cdc.gov/eid/article/26/9/20-1476_article).

<sup>23</sup> "Coronavirus: Japan to close all schools to halt spread," *BBC News* (27 Feb. 2020); available [\[https://www.bbc.com/news/world-asia-51663182\]](https://www.bbc.com/news/world-asia-51663182).

<sup>24</sup> Anna Fifield, "In China, 200 million kids have gone back to school. Online," *The Washington Post* 17 Feb. 2020); available [\[https://www.washingtonpost.com/world/asia\\_pacific/in-china-200-million-kids-have-gone-back-to-school-online/2020/02/17/e5cc6f10-5131-11ea-80ce-37a8d4266c09\\_story.html\]](https://www.washingtonpost.com/world/asia_pacific/in-china-200-million-kids-have-gone-back-to-school-online/2020/02/17/e5cc6f10-5131-11ea-80ce-37a8d4266c09_story.html).

<sup>25</sup> Flora Sapio, "COVID-19 and the Unadorned Italian Experience," *Law at the End of the Day* (30 March 2020; available [\[https://lbackerblog.blogspot.com/2020/03/covid-19-and-unadorned-italian.html\]](https://lbackerblog.blogspot.com/2020/03/covid-19-and-unadorned-italian.html).

<sup>26</sup> Megan Williams, "The lessons Italy has learned about its COVID-19 outbreak could help the rest of the world," *CBC News* (2 April 2020); available [\[https://www.cbc.ca/news/covid-19/italy-covid-19-outbreak-lessons-1.5517520\]](https://www.cbc.ca/news/covid-19/italy-covid-19-outbreak-lessons-1.5517520).



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faced an enormous death toll.<sup>27</sup> Africa. As well is confronting the pandemic both as a health and an economic calamity.<sup>28</sup>

The United States confronted the full force of the pandemic only in March 2020. The nation went from an observer to close to the center of infection. Like other nations, its economy, politics, and societal organization has been affected. With state and national orders to slowly and then more quickly require the closure of a substantial portion of the economic sector, the suffering of those infected is now aligned with a substantial portion of the population whose economic security has been threatened.<sup>29</sup> The federal government, like many governments in other parts of the world, has sought to ameliorate the suffering through significant infusions of cash (and subsequently the need to incur substantial public debt, the consequences of which remain unknown.<sup>30</sup> But these measures may do little more than suggest the extent to which strong governmental and private institutional measures (especially those targeting self-preservation and collective stability) produce a context of free riding in which individuals will eventually bear a substantially large part of collective response.<sup>31</sup> The resulting political, societal and business risk

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<sup>27</sup> Sam Jones, "Spain orders non-essential workers stay home for two weeks," *The Guardian* (28 March 2020); available [<https://www.theguardian.com/world/2020/mar/28/covid-19-may-be-peaking-in-parts-of-spain-says-official>].

<sup>28</sup> Jonathan Kiwana and David F.K. Mpanga: "Coronavirus Disease Outbreak: Some Legal Considerations for Business in Uganda," *Law at the End of the Day* (1 March 2020); available [<https://lbackerblog.blogspot.com/2020/03/jonathan-kiwana-and-david-fk-mpanga.html>].

<sup>29</sup> Benn Ashford, "Shocking scenes in Orlando where half-mile line of cars wait for food bank after theme parks' shutdown put thousands out of work - as government reveals coronavirus has so far made 10 million Americans unemployed," *Daily Mail* (3 April 2020); available [<https://www.dailymail.co.uk/news/article-8180859/Half-mile-line-food-bank-Orlando-cratered-economy-struggles-feed-newly-unemployed.html>].

<sup>30</sup> Larry Catá Backer, "Text of the "Coronavirus Aid, Relief, and Economic Security Act" or the "CARES Act" (HR 748)," *Law at the End of the Day* (28 March 2020); available [<https://lbackerblog.blogspot.com/2020/03/text-of-coronavirus-aid-relief-and.html>].

<sup>31</sup> Larry Catá Backer, "Subsidizing the Free-Riding State and Enterprise Apparatus on the Backs of those Least Capable of bearing that Burden-- The Micro Consequences of COVID-19 and Containment Measures," *Law*

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affects all states irrespective of the character of their political-economic model.<sup>32</sup>

COVID-19, then, has left virtually no aspect of human society unaffected in any part of the world.<sup>33</sup> It has intensified suicide and madness as transparency provides both a measure of mitigation and hysteria.<sup>34</sup> It implicates and transforms the conversation about sustainability.<sup>35</sup> It has produced contests for control of the narrative of pandemic that appears to have been as intensely debated as the efforts made to alleviate the suffering of the infected.<sup>36</sup> COVID-19 has been intermeshed with larger political and economic trajectories in the relations between the United States and China.<sup>37</sup> It has centered the hard decisions about who lies and who dies, who receives hospital treatment and who does not, in ways that may touch not just on

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at the End of the Day (8 March 2020); available [https://lbackerblog.blogspot.com/2020/03/subsidizing-free-riding-state-and.html].

<sup>32</sup> Larry Catá Backer, “The Collapse of the ‘Quarantine Hotel’: Thoughts on Business, Legal, Political, and Societal Risk for State and Enterprise COVID-19 Strategies,” *Law at the End of the Day* (7 March 2020); available [https://lbackerblog.blogspot.com/2020/03/the-consequences-of-state-and.html].

<sup>33</sup> Yuri Gonzalez Hernandez, “Report on the Emerging Scope of COVID-19 in Cuba,” *Law at the End of the Day* (30 March 2020); available [https://lbackerblog.blogspot.com/2020/03/yuri-gonzalez-hernandez-report-on.html].

<sup>34</sup> Larry Catá Backer, “COVID-19 and Suicide—The Dark Side of the Narrative and the Agony of Pandemic,” *Law at the End of the Day* (31 March 2020); available [https://lbackerblog.blogspot.com/2020/03/covid-19-and-suicide-dark-side-of.html].

<sup>35</sup> Larry Catá Backer, “Sustainability and COVID-19—Water Scarcity, Epidemics, and the Case of Cuba,” *Law at the End of the Day* (29 March 2020); available [https://lbackerblog.blogspot.com/2020/03/sustainability-and-covid-19-water.html].

<sup>36</sup> Larry Catá Backer, “Dueling COVID-19 Banjos: The United States and China Fiddle With Narrative While the Pandemic Burns,” *Law at the End of the Day* (26 March 2020); available [https://lbackerblog.blogspot.com/2020/03/dueling-covid-19-banjoes-united-states.html].

<sup>37</sup> Larry Catá Backer, “‘Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region’; The Congressional-Executive Commission on China (CECC), Economic Decoupling, and Supply Chains in the Shadow of COVID-19,” *Law at the End of the Day* (10 March 2020); available [https://lbackerblog.blogspot.com/2020/03/global-supply-chains-forced-labor-and.html].

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moral choices but on the way in which society values human life in fact even as it asserts a rule of law rejecting such valuations in.<sup>38</sup> The spillover of hysteria and false information to other targets also products tragedy, especially when aimed at domestic animals, and principally pets.<sup>39</sup> COVID-19 has underlined the substantial connection between health, economics, and politics, on a micro and macro level.<sup>40</sup> At the same time, COVID-19 has opened a path to a revolution in the use of data driven governance, big data, and artificial intelligence in the management of society and collective responses to pandemic.<sup>41</sup> Lastly, the effects on education systems globally have been profound in the short term—moving much educational delivery to online formats—and may

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<sup>38</sup> Lauren Fruen, “NYC paramedics are told to STOP taking heart attack patients who have little chance of survival to hospitals already swamped with coronavirus cases,” *Daily Mail* (2 April 2020); available [https://www.dailymail.co.uk/news/article-8180329/NYC-paramedics-told-stop-taking-certain-patients-cardiac-arrest-hospital.html].

<sup>39</sup> Larry Catá Backer, “Dogs and COVID-19: An Emerging Tragedy Born of Fear?,” *Law at the End of the Day* (21 March 2020); available [https://lcbackerblog.blogspot.com/2020/03/dogs-and-covid-19-emerging-tragedy-born.html]. Subsequently, it became clear that the fear of infection from family pets was not great. “A small number of pets worldwide, including cats and dogs, have been reported to be infected with the virus that causes COVID-19, mostly after close contact with people with COVID-19.” US Centers for Disease Control and Prevention, “Coronavirus Disease 2019 (COVID-19, If You Have Pets,” last updated 9 Sept. 2020. The CDC recommended treating pets like other family members. *Ibid.*

<sup>40</sup> Larry Catá Backer, “The Convergence of Economics, Politics, and Health as Globalization Moves into its New Era: 16 March 2020 G7 Leader’s Statement,” *Law at the End of the Day* (16 March 2020); available [https://lcbackerblog.blogspot.com/2020/03/the-convergence-of-economics-politicsa.html].

<sup>41</sup> Larry Catá Backer, “Automated Law and COVID-19: Data Driven Measures with National Characteristics In China and Israel and the Future of the Law-Governance Complex,” *Law at the End of the Day* (24 March 2020); available [https://lcbackerblog.blogspot.com/2020/03/automated-law-and-covid-19-data-driven.html]; Larry Catá Backer, “Data Driven Management of COVID-19: The Case of Taiwan,” *Law at the End of the Day* (6 March 2020); available [https://lcbackerblog.blogspot.com/2020/03/data-driven-management-of-covid-19-case.html].

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have lingering effects on the way in which society approaches the conception and delivery of education.<sup>42</sup>

The COVID-19 epidemic has brought out both the best and worst of individuals and human societies. Perhaps emblematic of these actions was the situation around the quarantining of cruise ships<sup>43</sup> It was reported that the “new coronavirus breaks down the promise of the cruise ship as a bubble of independent banality of the open ocean. As the virus — and fears of the virus — spread, the problems balloon, and the bubble bursts. And it shows how that environment reflects the medical, political, and cultural effects of epidemic disease.”<sup>44</sup> Especially notable was the now well-known challenges for passengers in Japan<sup>45</sup> and Italy.<sup>46</sup> For example, while the actions of the Cambodian state in permitting passengers to disembark from a cruise ship was hailed as a positive humanitarian gesture, the discovery after disembarkation that at least one passenger was infected<sup>47</sup> suggested the challenges that even the simplest action might produce.<sup>48</sup> But the speed with which states closed

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<sup>42</sup> Larry Catá Backer, “American University Responses to the COVID-19 Infection Threat: CDC ‘Interim Guidance for Administrators of US Institutions of Higher Education (IHE) to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-19),” *Law at the End of the Day* (5 March 2020); available [https://lcbackerblog.blogspot.com/2020/03/american-university-responses-to-threat.html].

<sup>43</sup> Nicole Westerman, “Coronavirus-contaminated cruise ships mirror the global crisis,” *The Verge* (20 Feb. 2020); available [https://www.theverge.com/2020/2/20/21145315/coronavirus-cruise-ship-outbreak-diamond-princess-policy-impact].

<sup>44</sup> Ibid.

<sup>45</sup> “Diamon Princess Updates (through 18 Feb. 2020);” Diamon Princess Website; available [https://www.princess.com/news/notices\_and\_advisories/notices/diamond-princess-update.html].

<sup>46</sup> Chloe Taylor, “Costa Cruises says passenger has common flu, after 6,000 tourists were held amid coronavirus fears,” *CNBC* (31 Jan. 2020); available [https://www.cnbc.com/2020/01/30/6000-people-in-lockdown-on-italian-cruise-ship-over-coronavirus-fears.html].

<sup>47</sup> “Coronavirus: How did Cambodia’s cruise ship welcome go wrong?,” *BBC News* (20 Feb. 2020); available [https://www.bbc.com/news/world-asia-51542241].

<sup>48</sup> Richard C. Paddock, Sui-Lee Wee and Roni Caryn Rabin, “Coronavirus Infection Found After Cruise Ship Passengers Disperse,” *The New York Times* (20 Feb. 2020); available

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their borders also indicated the fragility of globalization and its encouragement of free movement of people in the wake of fear of infection and the need to protect local populations.<sup>49</sup> This is particularly acute for states that rely on the quintessential economic sector that embodies the foundational ideal of globalization—tourism.<sup>50</sup> And it has presented a crisis for morality—as all sorts of actors seek to use the cover of the pandemic to advance partisan political positions.<sup>51</sup>

Those best and worst impulses may eventually embed themselves into the patterns of behavior and expressed as law, policy or cultural bias. The outer boundaries of these worst impulses van border on the absurd. On 28 February 2020, for example, it was reported that a survey indicated that about 38% of beer drinkers are boycotting the Mexican beer Corona. “‘There is no question that Corona beer is suffering because of the coronavirus,’ said Ronn Torossian, the founder of 5WPR, the public relations firm which conducted the survey. ‘Could one imagine walking into a bar and saying, “Hey, can I have a Corona?” or “Pass me a Corona”,’ he said.”<sup>52</sup> At bottom, then, COVID-19 has served to reveal both the strengths and weaknesses of the global structures of human society as it has

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[<https://www.nytimes.com/2020/02/16/world/asia/coronavirus-cruise-americans.html>].

<sup>49</sup> Sarah Marsh, “Four cruise ship passengers test positive in UK – as it happened: Turkey and Pakistan close borders with Iran after eight deaths, while in northern Italy towns are on lockdown after jump in cases,” *The Guardian* (23 Feb. 2020); available [ <https://www.theguardian.com/world/live/2020/feb/23/coronavirus-outbreak-woman-tests-positive-after-disembarking-diamond-princess-live-news>].

<sup>50</sup> Pavel Vidal: “Analysis: Coronavirus to Deliver a Blow to Cuban Tourism,” *Cuba Standard* (16 March 2020); available [ <https://www.cubastandard.com/analysis-coronavirus-to-deliver-a-blow-to-cuban-tourism>].

<sup>51</sup> Larry Catá Backer, “Morality and COVID-19: Abortion in the Shadows of Coronavirus and its Challenge for Moral Stances,” *Law at the End of the Day* (24 March 2020); available [ <https://lbackerblog.blogspot.com/2020/03/morality-and-covid-19-abortion-in.html>].

<sup>52</sup> Ariel Zilber, “Coronavirus fear sparks boycott of Corona BEER as survey finds 38% of beer-drinking Americans say they now won’t drink the lager,” *Daily Mail* (28 Feb. 2020); available [ <https://www.dailymail.co.uk/news/article-8056489/Coronavirus-fear-sparks-boycott-Corona-BEER-survey-finds-38-say-wont-drink-lager.html>].

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evolved under the current model that was crafted in the wake of the end of the Second World War.<sup>53</sup>

Outside of China there have been indications of mistrust of Chinese efforts.<sup>54</sup> Insinuations of the connection between COVID-19 and bio-warfare activity have been made.<sup>55</sup> Inside China there has been a sense that the epidemic might be used strategically to weaken China. The equation of COVID-19 with China has produced episodes of anti-Chinese behaviors outside of China.<sup>56</sup> And it has provided an opportunity to express race and cultural prejudice<sup>57</sup> from eating habits to social organization to business.<sup>58</sup> At the same time, people have flouted quarantine rules, potentially imperiling others, and increasing the likelihood of more severe steps taken in response by state authorities. Israeli researchers recently reported coming closer to a COV-19 vaccine.<sup>59</sup> In South Korea “app

<sup>53</sup> “COVID-19 revealing little parts of fundamental shifting of global ordering: Prof. Larry Backer,” *Mehr News Agency* (18 Mach 2020); available [https://en.mehrnews.com/news/156860/COVID-19-revealing-little-parts-of-fundamental-shifting-of-global].

<sup>54</sup> Javier C. Hernandez, “China Spins Coronavirus Crisis, Hailing Itself as a Global Leader,” *The New York Times* (28 Feb. 2020); available [https://www.nytimes.com/2020/02/28/world/asia/china-coronavirus-response-propaganda.html].

<sup>55</sup> Bill Gertz, “Coronavirus may have originated in lab linked to China's biowarfare program,” *The Washington Times* (26 Jan. 2020); available [https://www.washingtontimes.com/news/2020/jan/26/coronavirus-link-to-china-biowarfare-program-poss/].

<sup>56</sup> Quentin Fottrell, “‘No Chinese allowed’: Racism and fear are now spreading along with the coronavirus,” *MarketWatch* (3 Feb. 2020); available [https://www.marketwatch.com/story/no-chinese-allowed-racism-and-fear-are-now-spreading-along-with-the-coronavirus-2020-02-03].

<sup>57</sup> Natasha Chen, “Coronavirus outbreak leading to racism against Asians,” *CNN* (19 Feb. 2020); available [https://www.cnn.com/videos/us/2020/02/19/coronavirus-xenophobia-hostility-asian-americans-pkg.cnn].

<sup>58</sup> Oliver O’Connell, “Wave of racist attacks against Asian Americans in wake of coronavirus outbreak,” *The Independent (UK)* (22 Feb. 2020); available [https://www.independent.co.uk/news/world/americas/coronavirus-news-china-asian-american-racist-attacks-a9352576.html].

<sup>59</sup> Taron Steinbuch, “Israeli scientists claim to be weeks away from coronavirus vaccine,” *New York Post* (28 Feb. 2020); available [https://nypost.com/2020/02/28/israeli-scientists-claim-to-be-weeks-away-from-coronavirus-vaccine/]. As it turned out a vaccine came fast but it was not until immediately after the US Presidential elections in November 2020 that the press in the US and the UK announced vaccine breakthrough that are likely to be viable. See Maggie Fox, “Here's a look at how the different coronavirus vaccines work,” *CNN* (30 Nov. 2020);

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developers there knew exactly how to react: They started coding. Mobile apps that help track the disease in South Korea ranked as six of the top 15 downloads on the country's Google Play app store on Thursday. Developers of some apps — which source their data from public government information — told CNN Business that they have been getting a surge in downloads since launching their products earlier this month.”<sup>60</sup> At the same time, devices used to monitor and track individuals may become more commonplace, providing challenges in the context of data protection, markets for data and data use by private and public organs. At the same time, the transparency by state officials has been subject to criticism, and not just in China.<sup>61</sup> But such a policy was tempered by the value of transparency as a positive political and health measure, and the Trump Administration proved adept at changing strategy as the public mood changed.<sup>62</sup> At the same time U.S. Governors evidenced the resiliency and perhaps re-invigoration of the federal system; the public persona of New York Governor Cuomo was of particular note.<sup>63</sup> While there may be perfectly good reasons for these decisions (among them the need to preserve social order and

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available [<https://www.cnn.com/2020/11/24/health/covid-vaccines-design-explained/index.html>]. At about the same time reports were circulating of a Chinese vaccine. See Lilli Pike, “In China, nearly 1 million people have reportedly already gotten a coronavirus vaccine,” *Vox* (25 Nov. 2020); available [<https://www.vox.com/2020/11/25/21612338/does-china-have-a-covid-19-vaccine-1-million-sinopharm-sinovac>].

<sup>60</sup> Ivan Watson and Sophie Jeong, “Coronavirus mobile apps are surging in popularity in South Korea,” *CNN Business* (28 February 2020); available [<https://www.cnn.com/2020/02/28/tech/korea-coronavirus-tracking-apps/index.html>].

<sup>61</sup> Geoff Earle, “White House GAGS government health experts from speaking about coronavirus saying they must have Mike Pence's approval for EVERYTHING they say about mounting crisis - despite VP having zero medical qualifications,” *Daily Mail* (27 Feb. 2020); available [<https://www.dailymail.co.uk/news/article-8052775/White-House-GAGS-government-health-experts-speaking-coronavirus.html>].

<sup>62</sup> “White House Debates How Far to Go on Face Mask Guidelines,” *The New York Times* (2 April 2020); available [<https://www.nytimes.com/2020/04/02/world/coronavirus-live-news-updates.html>].

<sup>63</sup> Alisa Wiersema, Kendall Karson, and Josh Margolin, “Draft Cuomo 2020' groundswell emerges amid the New York governor's coronavirus response,” *ABC News* (31 March 2020); available [<https://abcnews.go.com/Politics/draft-cuomo-2020-groundswell-emerges-amid-york-governors/story?id=69879290>].

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reduce likelihood of irrational panics), it is becoming clearer that, in either liberal democratic or Marxist-Leninist Systems, the failure to justify the modalities of transparency can subject the government and its officials to some sometimes substantial costs.

This Roundtable brings together experts in law and international affairs from Asia, Europe, North America and the Caribbean to discuss the collateral effects of CORVID-19 in those terms. Participants include Sun Ping (East China University of Political Science and Law); Flora Sapio (Università degli Studi di Napoli L'Orientale); Keren Wang (Penn State Dept of Communication Arts and Sciences); Sun Yuhua (East China University of Political Science and Law); Maria Chiara Marullo (Universitat Jaume I Valencia Spain); Gao Shan (Business Analyst, Thompson Reuters, lawyer licensed in China and New York); Miaoqiang Dai (SIA MIA 2019); Nicolas Schulz (Ludwig Maximilians University (MA 2019) (Munich, Germany); Alice Hong (SIA, RNLIA); and Larry Catá Backer (Penn State International Affairs and Law). In addition, interventions will be made with a focus on Africa and the Caribbean region. These may be delivered in written or oral form.

Participants will speak to seven broad issue areas:

(1) misperceptions about the situation in China;

(2) the use of coronavirus as a veil for racism;

(3) national responses to perceptions of crisis;

(4) effects of coronavirus on the movement of people, investment and capital across borders;

(5) consequences of coronavirus for the state of international affairs and legal structures (e.g., quarantines, education, supply and production chains, human rights versus collective responsibilities, etc.);

(6) repercussions for big global trade projects, with specific reference to the Belt and Road and America First initiatives; and



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(7) effects on education and other service industries.

The Roundtable will be organized as follows: Each participant will be permitted a very short initial intervention (about 5 minutes), which can be supplemented by additional written materials posted to the Roundtable Website). Additional interventions may be added. After these initial statements, the Roundtable will be open to questions. The Roundtable will be developed in two forms. All interested individuals and organizations are encouraged to submit questions before 20 March 2020. Questions should be submitted via e-mail to the conference organizers with the subject line "Roundtable Questions."

Questions will be posted to the Conference Website to encourage further dialogue. These questions will be answered either during the Roundtable or thereafter. Questions submitted during the course of the Roundtable should be sent to the same address and will be answered on the Roundtable Website.

In addition, Inputs are welcome and will be posted to the conference website; participants will respond to questions delivered before the roundtable date. Individuals or organizations interested in submitting inputs should be guided by the theme of this Concept Note and more specifically by the focus of the seven discussion issue areas described above. Please identify yourselves and your organization if any that is submitting the Input and indicate whether you wish to include contact information. All inputs should be submitted to the conference organizers with the Subject heading "Roundtable Inputs."

Given the realities of pandemic mitigation and institutional responses, it is no longer possible to conduct a live meeting. This Conference/Roundtable, though originally conceived as a conventional live event, has now been revised to be delivered as a WEBINAR. We hope that technology will make that change both seamless and of value to individuals who are interested in participating. Conference/Roundtable organizers will strive to make a recording of the event available at a later date.

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