
**INTERNATIONAL LAW AND THE PRINCIPLE OF NON-
INDIFFERENCE IN TIMES OF GLOBAL PANDEMIC OF COVID 19:
POSSIBILITIES AND CHALLENGES**

***DIREITO INTERNACIONAL E O PRINCÍPIO DA NÃO INDIFERÊNCIA
EM TEMPOS DE PANDÊMICA GLOBAL DE COVID 19:
POSSIBILIDADES E DESAFIOS***

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ABSTRACT

Objective: The present article aims to analyze the global epidemic caused by the new coronavirus, whose repercussions occur in several fields of the world scene.

Methodology: To fulfill the proposed objective, the hypothetical-deductive research method is used, based on the premise that the configuration of the pandemic as a global catastrophe entails certain consequences of legal treatment.

Results: The paper propose, from this perspective, to classify the new coronavirus pandemic as a global catastrophe, as it has produced a scenario unprecedented devastating.

Contributions: Within this perspective, the study aims to analyze the possibility of giving international law legal treatment to the phenomenon, in order to make possible the special incidence of the principle of non-indifference.

Keywords: Pandemic; Global catastrophe; International law; Principle of non-indifference; International solidarity.

RESUMO

Objetivo: o presente artigo tem como objetivo analisar a epidemia global provocada pelo novo coronavírus, cujas repercussões ocorrem em diversos campos do cenário mundial.

Metodologia: Para cumprir o objetivo proposto, utiliza-se o método de pesquisa hipotético-dedutivo, partindo do pressuposto de que a configuração da pandemia como catástrofe global acarreta certas consequências de tratamento jurídico.

Resultados: O trabalho propõe, nessa perspectiva, classificar a nova pandemia do coronavírus como uma catástrofe global, porquanto produziu um cenário devastador sem precedentes.

Contribuições: Nesta perspectiva, o estudo visa analisar a possibilidade de dar tratamento jurídico de direito internacional ao fenômeno, de forma a possibilitar a incidência especial do princípio da não-indiferença.

Palavras-chave: Pandemia; Catástrofe global; Direito internacional; Princípio da não-indiferença; Solidariedade internacional.



1 INTRODUCTION

The New Coronavirus was first detected on December. 2019, in Wuhan, a Chinese city, the capital of Hubei. Three months were enough to have this disease spread all over the world.

According to the World Health Organization, this virus, responsible for this pandemic, which is devastating the world, was defined as *“una extensa familia de virus que pueden causar enfermedades tanto en animales como en humanos. En los humanos, se sabe que varios coronavirus causan infecciones respiratorias que pueden ir desde el resfriado común hasta enfermedades más graves como el síndrome respiratorio de Oriente Medio (MERS) y el síndrome respiratorio agudo severo (SRAS). El coronavirus que se ha descubierto más recientemente causa la enfermedad por coronavirus COVID-19”*.

Despite being the virus a microscopic organism, it has high lethality rate, majorly associated to elderly patients or patients with preexistent immunological diseases. Moreover, it spreads in the air, as it may stay up to three hours in the environment. Because of these features, all the continents in the world were affected by this fast pathogen.

The main director of The World Health Organization (WHO), Tedros Adhanom Ghebreyesus, recognized COVID-19 as a global pandemic on March 11th, 2020, after more than 4,300 people died, and more than 120 thousand were worldwide.

In the face of a severe scenario like this global epidemic whose consequences are still unknown, it is possible to state that most of its effects will be devastating not only to human life and health but also to the economy of the affected countries.

Based on this evidence, it is believed that the COVID-19 pandemic may be a global catastrophe, which deserves legal treatment by international law due to the unprecedented devastating scenario.

It may be characterized as a global catastrophe because of several concomitant factors: the pandemic caused by the coronavirus does not consider limits of frontiers, sovereignty or nationalities; it imposes significant human lives losses, the interruption of several economical activities in the world, the blocking of borders of



national States, besides the production of morbid scenes which challenge both Local and World Sanitary authorities.

From this perspective, this study aims at analyzing the coronavirus pandemic phenomenon as a true global catastrophe, allowing its legal treatment by some institutes of international law, especially the principle of non-indifference. To achieve this objective, we use the hypothetical-deductive research method, given the circumstances of the concrete case, we use the hypothesis of configuring a global catastrophe, and this hypothesis deduce the consequences of legal treatment.

2 THE CRISIS OF THE NEW CORONAVIRUS SEEN AS A NEW GLOBAL CATASTROPHE

As it is presented today, the COVID-19 achieves catastrophic dimensions in planetary terms whose effects may reflect in several aspects, both from the individual rights and guarantees and the cultural, social, and economic rights. Its consequences are not limited to the loss of rights to life and health; they spread to economy, to the social relations, to the world of work and to the exercising of human faculties from a holistic perspective.

As main consequences, it is possible to easily mention the excessive number of people who died all over the world, the limitation and restriction of human rights, the growth of xenophobia, the block of borders of States, and the interruption in receiving those whose nationality does not match the correspondence, the increase of uncertainties, the interruption of services, supply shortage and, as a consequence, the growth of financial loss, which will empower the existing crisis. The working relations changed significantly, without being possible to measure whether they are temporary or definite, as well as the culture, sports, and social representations.

All this scenery, especially concerning the harm caused by the pandemic, as the loss of human lives and the restrictions of rights, allows this frame as a global catastrophe, according to Guerra (2017), who developed the idea of catastrophe as a circumstance not only associated to the scenery of volcanic eruptions, earthquakes



and tsunamis, but also to several aspects regulated by the international law, for instance, human rights and armed conflicts.

In this situation, it is possible to infer that COVID-19 is characterized as a catastrophe related to human health which brings effects to all fields of human lives. In this scenery, it deserves special attention once countries which have precarious health systems are intrinsically associated to a greater number of fatal victims (WILKINSON AND PICKET, 2006), which means that poorer countries present worse health indication markers.

Thus, the virus, which has infected more than 4,48 million of people up to now, causing more than 303 thousand of deaths, keeps on spreading fast. In Brazil, there are more than dozens of million cases. In Italy, country where the health system occupies the top spot of the Global Burden Disease ranking – a study developed by the Institute for Health Metrics and Evaluation (IHME), of the University of Washington, with the aim of measuring our access and the quality of health – the number of victims was even greater: until this moment, there are more than 230,000 infected people and more than 33,000 deaths. The United States lead the rates, reaching more than one million infected people and more than a hundred thousand deaths.

This way, we observe that the virus crosses boundaries, without distinguishing people from social class, gender, ethnic, religion or nationality. Thus, the economical, social, and political realities cross disorders and changes, requiring world collective attitudes able to provide international relations guided by humanistic values.

The reason for this international development lies on a feeling of global responsibility, which observes the individual and his/her own dignity as a proposal of the international action of a State in order to overcome the “local entrenchment” (BAUMAN, 2006).



3 THE CHALLENGE OF APPLYING THE PRINCIPLE OF THE NON-INDIFFERENCE

In the international historical context, the constitution of the three pillars of today's society derives from the triad "freedom, equality, fraternity" leading the world to develop the feeling of helping those who need (SETZER, 2014). Resulting from this ideology, the concept of international cooperation emerges in order to reach the ideal of fraternity. Nowadays, this concept is acknowledged in International Law, more precisely in the Universal Declaration of Human Rights, as stated:

Article XXII - Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Similarly, Hildebrando Accyoli assumes that the purposes of the State, that is, providing general well-being, should have its effects extended to other beings with the same origin both in the internal and in the external spheres so that the social development is accomplished:

The main, among the moral duties of the States, is mutual assistance, which manifests itself in various forms. These include: a) the shelter provided by a State, in its ports, to foreign ships that, harassed for bad weather or damaged, seek refuge; (b) sea rescue in case of shipwreck, fire on board, or any other accident; **c) the adoption of certain sanitary measures, which prevent the spread of diseases; (d) assistance and cooperation for the administration of justice, both in civil and criminal matters,** the latter being included in the adoption of its own measures to facilitate social action against crime. (ACCYOLI, 2009) [our emphasis]

From this paradigm, international solidarity is known as a fundamental principle for the exercise of cooperation, and "founded on respect for human rights, establishes the basis for the construction of a world citizenship, where there are no longer relations of, individual or collective domination" (COMPARATO, 2008).



In this way, "technical cooperation among countries presupposes the harmony of international relations guided by solidarity, consensus and equity." (SANTANA; GARRAFA, 2013).

While facing the coronavirus health crisis, "today's world needs, more than ever, an ethical structure and an ethically grounded practice of international solidarity" (HATTINGH, 2019). For this reason, at a 2012 session, the advisory committee of the UN Human Rights Council approved a project on human rights and international solidarity, which recognizes it as a responsibility of States. At the same time, it establishes the relationship between international relations and solidarity, including cooperation:

La solidaridad internacional no se limita a la asistencia y la cooperación, la ayuda, la caridad o la asistencia humanitaria internacionales; consiste en un concepto y un principio más amplios que incluyen la sostenibilidad de las relaciones internacionales, especialmente las económicas, la coexistencia pacífica de todos los miembros de la comunidad internacional, las asociaciones en condiciones de igualdad y la distribución equitativa de beneficios y cargas, el derecho de los pueblos a la paz y la preservación de los sistemas ecológicos. (UNITED NATIONS, 2012).

In this way, it should be managed by the richest and most developed countries in the world to assist the poorest and still developing groups, in order to use solidarity and cooperation as a means of aiding in the necessary adaptation to the crises in contemporary times.

Nevertheless, the theory of humanist capitalism, developed by Balera and Sayeg (2011), demonstrates the obstacles when attempting to align the capitalist system with the demands of man and the citizen, since the developed nations often do not consider the urgent character of the above assistance. From the developed humanist philosophical perspective, although human rights prevail over capitalism, the system alone does not prevent negative effects from harming second- and third-dimension rights. Because of that, the international stance adopted today has an individual character, although the implementation of a multilateral stance is imperative.



This scenario, associated with the catastrophe caused by the COVID-19, bursts into the sad reality of competition between nations instead of cooperation. This practice corroborates the maintenance of socioeconomic inequalities and, at the same time, promotes unfair conducts that negative and directly affect transatlantic commercial partners. Although the context of the global pandemic requires multilateral efforts by the States, the reality seems to challenge the effective incidence of the principle of non-indifference, as demonstrated by some practices that can be easily observed today.

3.1 ACTS CALLED “MODERN PIRACY”

Piracy in its most typical and popular act is characterized by the attack to vessels, crews and / or passengers in order to obtain for themselves or for others the vessel, the loads, luggage, money, or even people – in the latter case, for extortion by kidnapping.

Similarly, the UN Convention on the Law of the Sea of 1982 defines in its 101st article piracy as an illegal act of violence, detention or depredation carried out by a private individual, passenger or crew member of a private vessel or aircraft, which takes place in the open sea while the ship or aircraft, people or property not subject to the jurisdiction of any State.

However, the practice of piracy has been shaped by modern circumstances so that it is possible to obtain the desired good. In this sense, the United States of America is one of the main accused of perfidious practices, being pointed out as responsible for redirecting to themselves a set of 200,000 face covering that were directed originally to Germany. According to the German Interior Minister Andreas Geisel, the face covering was "confiscated" in Bangkok, Thailand.

In view of this, the act was described as a violation of international trade rules - a mechanism aimed at ensuring fairness and predictability in foreign affairs (TIMM; RIBEIRO; ESTRELLA, 2009).

The search for face covering in North America grows to the same extent as the coronavirus pandemic, and the use of face protection is recommended for the



entire population, according to the country's Centers for Disease Control and Prevention (CDC).

In this scenario, the president of the Île-de-France region declared that the American search for medical supplies resembles a "treasure hunt", while after becoming aware of a stock of available N95 masks, the Americans offered to make an advance payment and three times higher than the market price to obtain the products.

Similarly, the American company 3M was prohibited from exporting medical products to other countries, an attitude considered individualistic by other nations – in fact tanging selfishness.

However, the President Donald Trump defends such government actions through the use of the Defense Production Act, a law introduced in 1950 that provides for greater state control over the direction of industrial production in emergency situations. Thus, the main source of U.S. authority can accelerate and expand the supply of resources from the Industrial Base of the United States of America, to support, in this particular circumstance, national security.

TITLE III – EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY
Sec. 301. PRESIDENTIAL AUTHORIZATION FOR THE NATIONAL DEFENSE. [50 U.S.C. App. § 2091] (a) Expediting Production and Deliveries or Services (1) Authorized activities—To reduce current or projected shortfalls of industrial resources, critical technology items, or essential materials needed for national defense purposes, subject to such regulations as the President may prescribe, the President may authorize a guaranteeing agency to provide guarantees of loans by private institutions for the purpose of financing any contractor, subcontractor, provider of critical infrastructure, or other person in support of production capabilities or supplies that are deemed by the guaranteeing agency to be necessary to create, maintain, expedite, expand, protect, or restore production and deliveries or services essential to the national defense. (...) TITLE VII - GENERAL PROVISIONS - Sec. 702. DEFINITIONS [50 U.S.C. App. § 2152] (...) (6) Domestic industrial base: The term "domestic industrial base" means domestic sources which are providing, or which would be reasonably expected to provide, materials or services to meet national defense requirements during peacetime, national emergency, or war. (7) Domestic source: The term "domestic source" means a business concern – (A) that performs in the United States or Canada substantially all of the research and development, engineering, manufacturing, and production activities required of such business concern under a contract with the United States relating to a critical component or a critical technology item; and (B) that procures from business concerns described in subparagraph (A) substantially all of any components and assemblies required under a contract with the United States relating to a critical component or critical technology item.



In view of this, the application of the principles of international cooperation and solidarity ends up "resulting in projects with dubious or harmful effects, renewing instead of overcoming traditional forms of colonialism locked in external support for the scientific and technological development of peripheral countries" (SANTANA; GARRAFA, 2013).

Thus, the function of the States to ensure equality between citizens, recognized by Immanuel Kant (2008) as a law on which all legal legislation of people must be founded is not carried out in practice, although any attitude that harms the neighbor on the grounds of its own benefit is rejected.

3.2 UNFULFILLED CONTRACTS

Regarding civil society today, man is understood as a free individual, whose crucial duty is based on the responsibility to act with fraternity with the people in need. At the present juncture, an even stricter stance must be taken by the States, thus ensuring those of human rights, especially with regard to the existential minimum and the dignity of the human being.

Nevertheless, the circumstances of individualism were observed in other fields of law, such as in the civil field, with regard specifically to contractual matters. With the outbreak of the COVID-19 pandemic, the commercial relations - mainly those caused by external factors - become potential targets of conflicts.

Although contractual law estimates instruments for preserving legal business, so as to renege the presence of imbalance, asymmetry or inequality, harmful phenomena will happen, causing the erosion of particular interests. In the case of international contracts, the so-called contractual degradation will often affect social demands. In this sense, this obstacle becomes an impossibility for the performance of the obligation, which will lead, consequently, to a revision of clauses or even culminate in the resolution of the relationship.

In the events that followed throughout April, contractual relations established between northeastern Brazilian states and a Chinese supplier were shaken by external circumstances. In this situation, a shipment of 600 mechanical respirators acquired by



the Brazilian government through a company based in Los Angeles, California. The devices, whose purchase value exceeded R\$ 42,000,000.00, were retained at the Customs Of the United States of America and later sold to another American city. According to the Chinese government, the purchase was made through a "trading company", which was responsible for intermediating negotiations between a manufacturer and another purchasing company.

However, the Chinese diplomat Qu Yuhui said no contractual breach was formally carried out, either by the Chinese supplier or by China's own government. He reported that there was a problem in U.S. customs, but that until then the Embassy was not even aware of the facts. However, he recognized that some buyers may make more advantageous offers to sellers. Thus, the struggle to obtain individual advantage is intrinsically linked to the failure to apply the principle of international solidarity.

Despite, it is worth mentioning that contractual relations arise, among other reasons, to ensure the freedom and equality of individuals:

[...] the category of legal business emerges, thus, as a product of a political-legal philosophy that, based on a theory of the subject, based on his freedom and formal equality, builds a unitary figure capable of encompassing, gathering, all the legal phenomena arising from the manifestations of the subjects' will in the field of their legal-patrimonial activity. (AMARAL, 2008).

Thus, the inapplicability of solidarity generates above all more harmful effects in relation to those who are in a greater state of vulnerability. Part of this inefficiency stems from the relative enforceability of international cooperation, which, despite dealing with a duty of solidarity between nations, is not understood as a cosmopolitan judicial guarantee.

3.3 THE CLOSURE OF THE BORDERS OF THE NATIONS

The pure definition of pandemic translates one of the worst scenarios related to this disease, given its severity scale. It means that a new pathogen transcends borders in order to contaminate different people, countries and continents. Due to case



records on six continents of the world, the World Health Organization declared on March 11, 2020 that the new coronavirus was a pandemic.

The global spread of diseases such as COVID-19 is undeniably favored by the movement of people, which intensifies the fluidity of the spread of the virus through transport modes, especially in the air. In the current circumstance, air transport flows allow contaminated individuals to arrive in other countries, which corroborated the spread of the disease.

It is possible to point out an analogous case, in Wuhan, the epicenter of the virus, air transfers allowed approximately 30,000 individuals to fly daily to different destinations around the world (CHAVES; BELLEI, 2020). To contain further dissemination of COVID-19, the Chinese government has chosen to restrict mobility between its territories by closing public transport networks. As a result, international relations have also been modified, which has led several countries to implement the closure of land borders and restrict the entrance of people from contaminated places.

However, international borders are an important territorial part of a nation, since they concern the boundary between two or more political units and are one of the main points of spatial interactions. However, while a disease crosses borders, the States are responsible for adopting measures related to prevention of the population in the field of health.

The partial or total closure of borders should be carefully analyzed, since its effects reach areas related to international law, as well as to economic and social relations. On March 2020, European countries decided to limit the flow of people at their borders, and later the attitude was replicated in several countries, such as South Africa, Saudi Arabia, Australia, Peru, Colombia, Israel, and many others. It is important to highlight that European countries cohabit with the free movement of persons, given the condition of open borders established from the Schengen Treaty. The agreement established the absence of border or customs controls between the signatory countries.

The dynamics of borders are prior to the coronavirus outbreak. The ideology of wall buildings on territorial boundaries stems from a triple imperative of fight: illegal immigration, drug trafficking, and in many nations, terrorism. In other words, it is indeed



a response to globalization. However, the construction of "barriers" that properly aim to repel any foreigner, once he is observed as a "sick enemy", may represent a violation of the consecrated values of international law.

Such an attitude, although it aims at controlling or delaying the spread of the virus, only matters in the intensification of prejudices. In this sense, Kant (2008) recognized that "the interference of foreign powers would be a violation of the right of an independent people who fights their internal illness; it would therefore be a scandal, and would endanger the autonomy of all States."

Thus, some nations prefer distancing instead of the union of forces.

Brazil, the Latin American country with the highest number of coronavirus-infected people, also opted to close its borders, a decision supported by Law No. 13,797 of February 6, 2020. In *Diário Oficial da União*, this measure was described as "exceptional and temporary", aligning with the global trend. In the Brazilian scenario, the restriction is based on the argument of difficulty of the Brazilian Unified Health System (SUS) in supporting the treatment of a great number of patients infected by SARS-Co-V-2.

However, this conduct is particularly concerned: Venezuelan migration, whose flow of migrant citizens has grown massively since 2015, when Venezuela's economic and social crisis has become worse. In this way, Brazil faces the old concern of having immigrants saturating Brazilian medical services, in the same way that it fears overloading the school system and the labor market when the health crisis is over.

Prejudice against foreigners is based on differences. Thus, "even though they are far from causing material damage to the members of the society that host them, their behavior, but ultimately their own presence, also threaten socially shared values, which instinctively come into contact with "difference", are conceived as if they were immutable and well defined in their contours." (SANTORO, 2014).

In this way, international cooperation and solidarity are once again fail when put into practice. Thus, it is important to emphasize the need to give more attention to human beings and the collectivity, "the simple fact of existence binds man, woman and child to the international legal order" (ARENDDT, 1998).



3.4 XENOPHOBIA AND RACISM

As mentioned at the beginning of this article, COVID-19 originated in China, and despite the numerous international mechanisms aimed at curing the virus, racist and xenophobic insults against Asians rise among the most diverse societies. This is because many people interpret individuals with Asian phenotypes as the human representation of the pandemic, an attempt to infringe human rights.

In order to map cases of racism and xenophobia, the Asian Pacific Policy and Planning Council (A3PCON), a coalition of community organizations that defends the rights and needs of the American Community of Asian and Pacific Islands by promoting the needs, interests and concerns of Asian communities, conducted a survey of complaints of coronavirus-related discrimination. The report analyzed 1,497 reports between March 19 and April 15, 2020, within the U.S. territory.

Among those pieces of information, the ethnicity of the whistleblowers proves an increase in discrimination of Chinese associated with the fear of spreading the disease. This group experiences, individually, 40% of intolerance. It was also concluded that verbal harassment led the reports, reaching 69.8% of all. Although in smaller proportions, physical aggressions reach 8.5%.

In this wake, the social network community on the web acts as a strong ally in spreading hatred and prejudice against foreigners. For this reason the Network Contagion Research Institute (NCRI), a team of neuroscientists, technology industry leaders, physicists and machine learning experts from industry, has developed a social networks investigation to track and expose the epidemic of virtual fraud, manipulation and hatred in order to mitigate such media practices. This study was called "WEAPONIZED INFORMATION OUTBREAK: A Case Study on COVID-19, Bioweapon Myths, and the Asian Conspiracy Meme". Through an innovative methodology developed by NCRI, the flows of hatred directed to the Asian population were mapped, and a case study was conducted on the dissemination of information about the "conspiracy of biological weapons".

This study demonstrated the expansion of "synophobic and anti-Asian feelings". Thus, biased information which circulated among extreme communities



before the pandemic, circulate in traditional communities now. In addition, an increase in the use of the term "biological weapon" corresponding to the emergence of COVID-19 and the supposed creation of the virus in laboratories was observed, which propagates the Asian conspiracy theory on an international scale.

According to this perspective, UN Commissioner for Human Rights Michelle Bachelet said that "like COVID-19, racism and xenophobia are contagious killers."

Similarly, the declaration of the World Conference against Racism, Racial Discrimination, Xenophobia, and other Forms of Related Intolerance outsourced the principle of equality between individuals, while jointly condemning theories of interracial superiority:

Declaramos que todos los seres humanos nacen libres e iguales en dignidad y derechos y están dotados de la posibilidad de contribuir constructivamente al desarrollo y al bienestar de sus sociedades. Toda doctrina de superioridad racial es científicamente falsa, moralmente condenable, socialmente injusta y peligrosa y debe rechazarse, junto con las teorías que tratan de determinar la existencia de razas humanas separadas. (ASSEMBLEIA GERAL DA ONU, 2001).

In the Brazilian scenario, although the virus has been imported from Italy, the global pattern of racial discrimination against Asians is perpetuated. The notorious episode occurred on April 4, 2020, when the high-ranking executive of Brasilia carried out racist insults to China through Twitter. The Education Minister Abraham Weintraub used his own profile to publicize a racist cartoon, and, at the same time, he accused the Chinese government of having economic advantages from the pandemic.

These practices link the virus to a single ethnic group and country, which is contrary to the recommendations of the World Health Organization, which seek to reaffirm the principles of equality and non-discrimination recognized in the Universal Declaration of Human Rights.

Thus, it may seem extremely challenging to apply the desired principle of non-indifference, as demonstrated by the countless measures that bring to light the selfishness and individualism of Nations and human beings, which make it possible to



conclude by a practical inapplicability of the principles of solidarity and international cooperation.

The above-mentioned principles, corollaries of the principle of non-indifference, are enshrined in international law within a security culture and are intrinsically related to the responsibility of world protection, based on the resignation with the suffering of others, whose performance, despite being similar to a utopian dimension, is still pragmatic (BRASIL, 2005).

Thus, the practical denial of solidarity and cooperation point to the importance of the incorporation of non-indifference. This exercise co-opts to the international scenario to the extent that it has been thought of as an instrument capable of supporting interstate actions and "problems related to economic difficulties, environmental catastrophes, social upheaval, organized crime, drug trafficking, disruption with the rule of law, hunger, misery, armed conflicts (...) variables that may affect sovereign states" (GUERRA, 2008).

Thus, the applicability of non-indifference is a principle that guides the actions of international subjects, once it is related to the promotion of "changes in behaviors and actions adopted by States in order to reduce the multiple problems existing in the world" (GUERRA, 2016). In other words, nations must take a non-indifferent stance in the face of copious and adverse situations that are announced in the field of international relations.

Thinking about non-indifference means recognizing that development is a universal process, that is, it requires the joint action of States in order to build the solution of social and economic problems, since the success of one depends on the success of the collectivity (SEITENFUS, ZANELA and MARQUES, 2007). Thus, non-indifference should be understood as a collective and organized phenomenon, oriented towards shared objectives of varying scope, but which in their entirety are intended to reduce inequalities and democratic stability, since: "(...) the national interest is best served if we can understand that we live in a community" (AMORIM, 2007).



Therefore, nowadays some measures contradict indifferent conduct, in order to illustrate that fraternity, solidarity and the communion of global actions to the welfare of the population can still prosper, despite the mandatory multilateral actions.

In this sense, actions have been carried out with the intention of validating the development and combat of nations with regard to COVID-19. An example of this could be observed in donations of medical supplies (150,000 face coverings) made by the China Bank of Industry and Commerce (ICBC) to São Paulo government. The conduct translates solidarity to the people of São Paulo, which also constitutes an engagement in terms of aid, extremely important in the current conjuncture. Chinese provinces also made donations to the Brazilian people. This was the case of Sichuan, which delivered on May 8 a batch of medical supplies to the government of Pernambuco. On this occasion, the Consul General of China in Recife declared that friendship among peoples, whose existence refers to the early 1990s, is being strengthened through cooperation in the fight against coronavirus.

A similar action was developed by the U.S. company Alcoa, a U.S. company that operates bauxite mines and alumina refineries in several territories around the global, including Brazil. Among other measures, it acquired emergency health items, as well as personal hygiene materials and basic monthly food baskets to the cities of Poços de Caldas, in Minas Gerais; São Luís, in Maranhão; and Juruti, in Pará. He worked on the construction of 40 new isolation beds in Minas Gerais (20 for Santa Casa de Poços de Caldas (MG) and 20 more in the Field Hospital), and in addition, made donations of mechanical respirators and KN95 face coverings to hospitals in the public network of the State of Maranhão, which exceeded the sum of R\$ 500,000.00.

Among other measures, the UN has ruled on the need for international cooperation to achieve protection for all individuals. In this sense, a resolution (A/RES/74/274) was adopted at the General Assembly on 20/04 with the purpose of promoting global action to rapidly increase the development, manufacture and access to medicines, vaccines and medical equipment to address the current coronavirus pandemic. The proposal was presented by Mexico and sponsored by 75 countries.



The resolution recommends options to ensure that there is "timely and equitable access to tests, medical supplies, medicines, and future coronavirus vaccines for all, especially developing countries."

Better coordination, including the private sector, is also intended for "rapid development, manufacture and distribution of diagnostics, antiviral drugs, personal protective equipment and vaccines."

The appeal to all countries is to take immediate action to avoid acts of speculation and improper storage, which "may hinder access to essential medicines, vaccines, personal protective equipment and safe, effective and affordable doctors."

The document reaffirms that the role of the United Nations is essential in coordinating the global response to control and contain the spread of COVID-19. Despite, some of the UN member countries stopped supporting the initiative, including the U.S. and Brazil. The others are: Venezuela, North Korea, Slovenia, Gabon, Hungary, Iran, Pakistan, Congo, Romania, Russia, Somalia and Australia.

4 UNFINISHED CONCLUSION

When erected to pandemic category by the World Health Organization, with catastrophic effects and consequences in the international system, the problem involving COVID-19 must be faced by all, collectively and not by isolated actions. To think, as at certain times, that a virus of this lethality could remain attached to a given territory could not indicate satisfactory results.

Today's world is quite different from that in which the national States emerged. Communication is instantaneous, the flow of people is intense, barriers have come to exist much more in geographic charts and problems and diseases have become global.

Compliance with the principle of non-indifference must be a true compass to guide the practices of States in the face of the most diverse and adverse situations that manifest themselves in the field of international relations, whether they are caused by economic crisis; environmental disasters; social convulsion; organized crime; drug



trafficking; breaking with the rule of law; armed conflicts; hunger, misery and disease, as in the case of COVID-19.

In fact, the problems indicated above affect humanity and make arrangements to be coordinated at the international level, with repercussions on the domestic law of national States.

Given the disaster announced, would it be possible to observe positive effects? What important lessons for the global community can such a devastating pandemic bring?

One of the first effects to be observed is the need to manage public health satisfactorily, so that the number of cases of infected people and deaths is reduced.

We still need to adopt measures and practices to prevent and contain COVID-19 for all and not just for some people.

No one is self-sufficient to solve such big problems on their own and therefore there must be a real sense of cooperation for this problem to be solved. This involves technical, scientific, logistical, economic, sanitary, and so on.

Undoubtedly, this is the most important lesson of this pandemic picture, that is, the understanding of how much individuals depend on one another. Perhaps the time has come for history to be rewritten and the perception of the true meaning of HUMAN BEING.

At some moments in human history solidarity was important, as it continues to be, but there are many cases that this noble value is not observed, as unfortunately has been noted at this time of global pandemic. Therefore, we call upon all to adopt a non-indifferent stance so that this moment of global crisis can be overcome.

A true commitment of international society must be built in the search for dialogue, cooperation between peoples, peace, and a more solidary and human planet, which is not indifferent to the problems of others. From the development of the "culture of non-indifference" with the effective participation of the multiple actors in global society, for sure this moment will be overcome and, we hope, an international order will emerge that the main locus is the individual, not the capital.



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