

OPINION

Winning compensation from China for coronavirus is a long shot

Legal claims stand no chance, but there are other kinds of punishment



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Many countries are joining a chorus of criticism against China for its mishandling of the coronavirus, which originated in the central city of Wuhan. They are threatening to sue China and extract damages for the tremendous loss of lives and livelihoods the pandemic has inflicted around the world.

Asked about a German newspaper's call for China to pay Germany \$160 billion in compensation, U.S. President Donald Trump vowed that he would seek "a lot more money than Germany's talking about," and on Thursday he tweeted: "They could have easily stopped the plague, but they didn't!" The state of Missouri has filed a case in an American court against the Chinese government for failing to prevent the global pandemic.

Voices in Britain, France, Australia and elsewhere have called for a thorough international inquiry into the origins and early proliferation of the virus out of China, which in turn could become the basis for class action lawsuits. Chinese President Xi Jinping has parried this push by saying any "comprehensive review" should only happen "after the virus is brought under control."

Could a flood of lawsuits demanding financial compensation for spreading the coronavirus drown China? Not so fast. Nation-states enjoy sovereign immunity and cannot be prosecuted in courts. But there are other ways of pursuing justice and finding redress.

The allegation of Brazilian education minister Abraham Weintraub that coronavirus is part of China's "infallible plan for world domination" has takers among elites and ordinary people, especially in countries which fear Chinese hegemonic designs. But pinning down a sinister motive for China to wreak havoc on global public health and the world economy is futile.

After all, China itself has incurred the deaths of thousands of its citizens, possibly far more than the official figure of 4,600 people. China is also facing the sharpest fall in its gross domestic product in four decades as a result of the virus. China's Communist rulers live and die by chasing economic growth targets and they can hardly be raising toasts and celebrating the wreckage they confront from the pandemic.

There is little precedent for countries being forced to pay damages for pandemics. Germany was compelled to pay reparations under the Treaty of Versailles after the First World War on the basis that it launched a war of aggression with imperialistic motives. Both Germany and Japan paid reparations after the Second World War following the rules of the Potsdam Conference of 1945 and the Treaty of Peace of 1951 respectively.

Coronavirus has been compared to the world wars in terms of its planetary destruction, but imputing that China unleashed the virus as an act of war is not tenable. The Trump administration's accusation that the virus emanated from a Chinese biological weapons laboratory will need a lot of substantiation.



Donald Trump responds to a question about his use of the term "China virus" during the daily briefing on Mar. 18; imputing that China unleashed the virus as an act of war is not tenable. © Reuters

Moreover, determining accountability for the COVID-19 pandemic is geopolitically fraught. Trump's lack of a multilateral coalition-building strategy gives leeway to China to divide the world and argue that the compensation claims are diversionary tactics to cover up failures by Western politicians rather than universally shared concerns.

Countries which are reliant on China are being required to profusely thank Beijing for the medical supplies and shipments it is sending. China's "mask diplomacy" -- it has pledged \$2 billion in foreign aid to combat the virus -- is complicated by the shoddy quality of its medical exports, but it is keeping governments of many recipient nations quiet on the reparations issue. Dozens of developing countries joined a bid for a WHO-led inquiry into the global responses to the virus, but the proposed probe does not specifically target China in an intrusive manner.

At the U.N. Security Council, Western powers have tried and failed to get a joint declaration issued which explicitly states that the virus originated in China at a specific point in time. With Russia on its side, China can blunt official condemnation by the international community. The absence of a firm and unanimous Security Council rap on the knuckles leaves legal challenges to China on tenuous territory.

Getting big powers to acknowledge guilt or offer compensation rarely works. No country received reparations from the U.S. even though Wall Street and the political system backing American financial mega-businesses were responsible for the 2008 global economic crash that imposed immense pain and suffering worldwide.

None of the worst per capita emitters of greenhouse gases, including the U.S., Australia and Canada, have paid up for their environmental crimes to countries hit hardest by climate change.

So is there no hope of bringing China to book over the pandemic? There are nonlegal ways in which aggrieved countries can punish China, especially by reducing dependence on it for their supply chains, as Japan and the U.S. are setting out to do.

The mantra that countries should invest less in China is gaining currency as they realize their strategic vulnerability during grave emergencies. Trump has mooted additional trade tariffs as the "ultimate punishment" for China's "horrible mistake" and threatened the U.S. "could cut off the whole relationship" with China, but disinvestment will be a more fundamental comeuppance.

In terms of soft power, China's image in international public opinion has taken a severe beating because of the coronavirus. Whichever way China tries to spin the narrative, the sore feeling that it seeded the pandemic will not be erased in people's minds. It is a small solace but a symbolically important one that the court of global public opinion, if not a formal court, holds China culpable.

In the long run, the coronavirus catastrophe could diminish China's overall power and prestige. That is the most any seeker of justice can realistically get.