



INTERNATIONAL HUMANITARIAN LAW AND THE FIGHT AGAINST EPIDEMICS: AN ANALYSIS OF THE INTERNATIONAL NORMATIVE SYSTEM IN LIGHT OF THE COVID-19 PUBLIC HEALTH EMERGENCY

This presentation aims to analyze the difficulties connected with the spread of epidemics in times of war, which may be considered "an emergency within an emergency", involving difficult problems with no easy solutions, from both a practical and legal point of view. The protection of the right to health during armed conflicts is governed by an international regulatory framework which results in a complex reading and understanding picture for the fight against epidemics and pandemics, including COVID-19. The Geneva normative system, created and developed since 1949 to meet different objectives and varying needs, could hardly be expected to be ready or immediately proactive when faced with an unprecedented historical challenge such as the coronavirus. Nevertheless, this analysis shows that, if analyzed and interpreted in an evolutionary, systematic and coherent manner, international humanitarian law seems capable of providing a response to COVID-19 and, more broadly, to controlling epidemics in times of war. What is certainly needed is to revise the relevant legal arrangements through an evolutionary re-interpretation and, above all, to guarantee a joint response and coordinated intervention capacity between all systems and at all levels. While examining the normative point of view of the issue and the practice of the International Movement of the Red Cross and Red Crescent, this paper also aims to open a debate, that can be further developed, on other relevant aspects, such as the World Health Organizations's activities and the accountability perspective, including the international criminal justice system.