



CRITIC

Centre for Security and Crisis Governance

COVID-19 and the Future of Global Order



Edited by

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TABLE OF CONTENT

INTRODUCTION

COVID-19 and the Future of Global Order	3
Bruno Charbonneau and Chantal Lavallée, Royal Military College Saint-Jean	

COVID-19: A TEST FOR LIBERAL DEMOCRACIES

The COVID-19 Test for Canadian Democracy.....	5
Christian Leuprecht, Royal Military College	
COVID-19 and Continuity of Constitutional Government in Canada	7
Wesley Cunningham, Colonel, Royal Canadian Air Force	
No Coming Back? The Lawfulness of Restrictions on Canadians Flying to Canada	9
Marina Sharpe, Royal Military College Saint-Jean	
The Power of the "Little Brothers": Surveillance and the Future of Democracy	11
Simon Hogue, Royal Military College Saint-Jean	
The United States, COVID-19 and Democratic Erosion.....	13
Elisabeth Vallet, Royal Military College Saint-Jean	

COVID-19: STATES AND GEOPOLITICS

The United Nations Security Council and the COVID-19 Test	15
Bruno Charbonneau, Royal Military College Saint-Jean	
The European Union in Times of Crisis.....	17
Chantal Lavallée, Royal Military College Saint-Jean	
The Weaponization of COVID-19: A Comparison Between China and Russia	19
Pierre Jolicoeur and Anthony Seaboyer, Royal Military College	
COVID-19 and the Canada-US Defence Relationship	21
Nancy Teeple, Simon Fraser University, and Andrew McBride, Captain, Ret'd.	
COVID-19 and Africa.....	23
Cédric Jourde, University of Ottawa	

COVID-19: TOWARDS NEW TRENDS?

Is this the End of Globalization?	25
Shahar Hameiri, University of Queensland	
Humanitarian Action in Times of COVID-19: Between Reaffirmation of Multilateralism and Coherence Issues	28
Mulry Mondélice, Royal Military College Saint-Jean	
From "Soft Power" to "Sharp Power" in Times of Pandemic	30
Yann Breault, Royal Military College Saint-Jean	

Introduction

Bruno Charbonneau and Chantal Lavallée

The COVID-19 pandemic is the interlocking of multiple crises of governance first, and a health crisis second. This is by no means meant to diminish the lives lost, but rather to point at the readiness and responses to the health crisis of governments, societies, international organizations, and others. Medical sciences can, will, and have come up with solutions to deal with COVID-19. How solutions are chosen and implemented, however, is the matter of politics, economics, power and social relations, and governance.

The COVID-19 pandemic is no doubt a turning point. Yet, its historical significance remains to be seen and lived. The claim that COVID-19 was unexpected or unprecedented is hyperbolic. Global pandemics were high on the list of threats of many state security or health agencies and international organizations. Historically, humanity has lived through several pandemics, including deadlier ones like the 1918 influenza pandemic that killed, according to the Centers for Disease Control and Prevention, at least 50 million worldwide. The magnitude of the moment is, arguably, found in the scale of the response: the world—or most of it anyway—stopped cold overnight. What we were once told was impossible became possible. We were told that it was not possible to print money and pay for universal social nets: states are now printing money. It was impossible to stop economic growth: the decline will be sharp and felt for years. It was

impossible to stop progress: a virus undermined the modern idea that we can be the masters of nature. The market was more efficient than the state to respond to human needs: clearly not when it comes to a global pandemic. Experts are biased: well, public health specialists are essentials for taking decisions in managing COVID-19. The enormity of the moment is also partly emotional, instinctive reactions to the shocks that come from the fear of death and from the uncertainty of our individual and collective futures.

COVID-19 presents itself as a philosophical challenge, as a crisis of culture and political imagination. The pandemic reveals who and what we are, and the limits, potential, and possibilities of human systems. It uncovers the inherent inequalities and injustices weaved through, and explaining, structural failures. It exposes failures and falsehoods about our 'mastery of nature', and how such modern myths about the human condition underpinned powerful interests and power relations and structures. These things were known before COVID-19, and most importantly felt and lived by most of the marginalized 80 percent, but COVID-19 makes them harder to deny. Yet, political struggles over who to blame, over what lessons to be learned, and over what transformations to prioritize will undoubtedly deny or seek to deny the structural inequalities and injustices that COVID-19 reveals. What

new world(s) COVID-19 will or might usher is the subject matter of this report.

This report is the start of a conversation and a humble contribution to the debates about the meaning and significance of COVID-19 for global governance, globalization, world order, geopolitics, national security, democracy, and crisis management. It is also the symbolic birth of our new research centre: CRITIC- the Centre for Security and Crisis Governance. This report is the first result of our developing "COVID-19 project."

The contributions

The following articles seek to make sense of both the pandemic and the analytical and public noise surrounding it. We do not claim to know or own the truth. We only pretend to open the space for discussions and debates, founded on expert opinion and analysis. Within such a space, an overview of the global consequences of COVID-19 is a necessary starting point before considering the impacts or consequences for Canada.

First, in the section "COVID-19: a test for Liberal Democracies", contributions from Christian Leuprecht, Wesley Cunningham, Marina Sharpe, Simon Hogue and Elisabeth Vallet are highlighting how the management of the pandemic has challenged international

and national laws and raised a series of issues for democratic governance. While Christian Leuprecht examines the use of power by the Canadian federal government, arguing that constitutional principle of parliamentary sovereignty has been challenged during the emergency, Wesley Cunningham demonstrates that COVID-19 has not created a continuity of constitutional government event as there was no external threat to the constitutionality of the national government. Marina Sharpe, looking into this emergency governance, analyses how a specific measure taken by Trudeau government, namely prohibiting citizens experiencing symptoms of the disease caused by the coronavirus from boarding flights to Canada, might violate Canadians's protected rights. Elisabeth Vallet turns the focus on the American context. She argues that the pandemic context has accelerated the erosion of US democracy under the presidency of Donald Trump. Simon Hogue examines the issue of surveillance in democratic regimes. COVID-19 shows that democratic governments have, in essence, privatized the surveillance of populations that willingly share their personal information with the "little brothers" tech companies.

The second section, "COVID-19: States and geopolitics", examines the responses at the international and regional levels. Bruno Charbonneau analyses the UN Security Council failure to take action and support the Secretary-general appeal for a global ceasefire. Chantal Lavallée analyses the European Union's response, highlighting the limited room for maneuver it has in the health sector where member states have authority. Pierre Jolicœur and Anthony Seaboyer compare the propaganda of China and Russia, showing how they weaponized COVID-19 in the information space. Nancy Teeple and Andrew McBride look into the impact of COVID-19 on the Canada-US defence relationship, arguing that despite political friction between the two countries the defence relationship remains strong. Cédric Jourde turns to the policy responses of African states and reminds us that they take place within specific social contexts and existing power dynamics where political regimes do not hesitate to instrumentalize the crisis and further restrict freedoms.

The final section, "COVID-19: towards new trends?", looks into the future of global order and continuing or emerging trends. According to Shahar Hameiri, the

global economic shock due to the lockdown measures has intensified trends that disrupt global patterns of trade. For Mulry Mondélice, the COVID-19 pandemic might rather constitute an opportunity to rethink humanitarian action, arguing for more multilateralism and coherence. Yann Breault analyses the management of the crisis by Russia, China, US and Europe, emphasizing the battles over the narrative.

Overall, the contributions combine to offer an overview of the multifaceted and multidimensional challenges that COVID-19 presents to global order, international cooperation, and democratic governance. The report announces the need for more research and multidisciplinary approaches to examine how the different consequences of COVID-19 connect and interact.

The COVID-19 Test for Canadian Democracy[★]

Christian Leuprecht
Royal Military College

The continuing COVID-19 emergency raises a fundamental question about government, federalism and democracy and challenges key ordering principles of the Canadian state. We must ask, what is the legitimate extent of the federal government's power during an emergency?

We need Parliament to answer that question. In a Westminster parliament, legislators are sovereign to adopt, amend and abrogate any law they see fit.

However, instead of respecting the constitutional principle of parliamentary sovereignty, federal and provincial political executives are relying on authorities they have been given through previous legislative decisions. Political executives have been relying on broad emergency powers granted to them either by statute or under the Royal Prerogative to impose sweeping restrictions through Orders-in-Council without parliamentary debate.

The minority federal Liberal government, with the support of only the NDP, has now extended the suspension of regular parliamentary sittings until September. Parliamentary debate about this extension was also shut down. For a minority government, that is politically expedient: now it does not have to introduce a budget or fiscal update on which it could fall.

The problem is that it that this defies Canada's foremost constitutional principle: responsible government. Whilst the United Kingdom, Australia and New Zealand have revitalized their Parliaments in all their functions, Canada is a notable outlier, on the trajectory of Charles II. His unrepentant absolutism gave birth of the Westminster system of constitutional monarchy that has prevailed for over 300 years.

The government capitalized on the virus to limit democratic debate on measures it has implemented. It has also shut down the very ability of Parliament to carry out its functions: representation, scrutiny of the executive, and authorizing legislation.

While the provinces and their local governments took the lead on domestic supply and service delivery in response to the pandemic, the federal government has been using the power of the purse and spare fiscal capacity to enact unprecedented financial measures amounting to more than \$200 billion – with minimal scrutiny or debate. As a result, the federal government's total balance sheet is now an unprecedented \$1 trillion in the red. As we move from public health to economic concerns, political executives will likely resort to expensive whole-of-government programs to revive their moribund economic systems. Government will need to invest in citizens instead of just protecting them.

At the same time, the federal government has repeatedly sought exceptional executive powers, acting as if it commanded a majority in the House, initially without consulting Parliament, then curtailing parliamentary debate by imposing unprecedented constraints on question period.

Parliament has already demonstrated its capacity to vote on exceptional measures at an unprecedented pace in this emergency, and thus shown itself to have the knowledge and expertise to uphold Canada's fundamental constitutional principle: responsible government.

That commitment to constitutional democracy is one immediate reason for the broad popular support of governments across the country. The speed, efficiency and unanimity with which the fiscal and legislative measures have been supported by opposition parties – not just in Canada but across the democratic world – belies this poor treatment of democratic parliaments. To the contrary, the events of recent weeks appear to validate the resilience, adaptability and vitality of Canada's constitutional system.

Although the government consulted the House of Commons in its attempt to legitimize a virtual substitute, the government's decision to truncate Parliament is arbitrary, defies convention and prioritizes governance

[★] A longer version is available on : <https://www.macdonaldlaurier.ca/covids-collateral-contagion-faking-parliament-no-way-govern-crisis/>

over representation. Instead of capitalizing on the full diversity of views represented in Parliament to optimize outcomes for all Canadians, the government has silenced Parliament's ability to challenge the executive's agenda.

Canadians have the democratic and constitutional right to scrutinize the Canadian government's handling of the COVID-19 pandemic. In the aftermath of Charles II, the Glorious Revolution ushered in a compromise that has

become constitutional convention: government is responsible to the people through Parliament. Parliament has a supreme duty to hold the executive and government of the day to account, along with the quality and timeliness of advice provided by the civil service. Only through continuous parliamentary audit can Canada's democracy thrive.

What distinguishes Canada from China, Russia, Iran or North Korea is precisely a functional constitutional democracy.

Parliament and the courts are the people's bulwark against excesses of executive power. The public trust they enjoy distinguishes constitutional democracies from authoritarian regimes. It also renders democracies more resilient during times of crisis. Deliberative decision-making through respect for Canada's parliamentary conventions and constitutional principles is indispensable to maintaining the legitimacy of Canada's political regime and the power of the Canadian state.

COVID-19 and Continuity of Constitutional Government in Canada

Wesley Cunningham
Royal Canadian Air Force

The concept of continuity of constitutional government (CCG) is neither new nor particularly exceptional in political theory. As warfare developed and decapitation strikes became possible at the geopolitical level,¹ nations had to treat their CCG efforts as distinct from emergency governance. Today, natural disasters and terrorism tend to drive the need for CCG policy.²

Constitutional government refers to national or sub-national governance that effectively includes, and is seen to include, each of the executive, legislative, and judicial branches. Any event that threatens the proper functioning of constitutional government, be it insidious like a pandemic, or catastrophic like a nuclear attack, is referred to as a CCG event. The efforts undertaken by individual ministries and departments to maintain critical functions is continuity of operations (COOP), whereas a continuity of government (COG) program focusses solely on the executive branch.³ When such a program includes all three branches, it is a continuity of constitutional government program. CCG should not be confused with emergency governance, which describes a constitutionally sound government using its power to address an emergency.

There are four vulnerabilities that an effective CCG program must cover: key individuals, governing assemblies, buildings and infrastructure, and information. Further, a complete CCG program has five elements. First, prevention is how it takes proactive steps to prevent CCG events from

occurring. Second, protection seeks to make the four vulnerabilities resilient. Third, succession addresses the premature death or temporary incapacitation of key individuals in government. Fourth, relocation focusses on infrastructural vulnerabilities by ensuring that alternate locations are established, accessible, and ready to take over for the establishments they replace. The final capstone element is reconstitution, since the ultimate goal must always be the swift return to normalcy in a way that is effective, representative, and constitutional. Reconstitution means quickly and justly re-establishing representational governing bodies during a CCG event, as well as reinstating the whole of government following the crisis.

Additionally, six characteristics define a good CCG program. It must be robust, meaning that it has sufficient breadth and depth of applicability so that it can be applied to any CCG event. It must be simple to allow it to be executed amid chaos and uncertainty. It must be clear to those who execute it, as well as to the governed who ultimately give it sanction. It must have immediacy to counter no-notice emergencies, and it must be constitutionally compliant, both in fact and in perception. Finally, it must be reversible to permit an expeditious return to normalcy, including the handling of consequences of legitimacy that persist following the emergency.

CCG and Canada

CCG in Canada has an interesting history. As is the case with many nations,

CCG was borne from civil defence preparations during World War II. As the Cold War matured in the late-1950s, the Emergency Measures Organization of the Privy Council Office established a four-point COG plan that led to the construction of the National Emergency Headquarters at Canadian Forces Station Carp: the opposition derisively called this the "Diefenbunker".⁴ For the next two-and-a-half decades, the organization responsible for CCG changed names and was shuffled amongst federal departments but throughout this time, its focus was exclusively on the executive. In 1985, the Emergency Preparedness Act⁵ (EPA) changed this by formally incorporating the term "continuity of constitutional government" into legislation, though it notably failed to define it.

The EPA's successor, the Emergency Management Act⁶ (EMA) of 2007 makes it the explicit responsibility of the Minister of Public Safety and Emergency Preparedness to establish "the necessary arrangements for the continuity of constitutional government in the event of an emergency". As of 2013, Canada's CCG program was the responsibility of tiny staff within Public Safety Canada, with an annual operational budget of \$35,000. CCG arrangements were, at best, disjointed and uncomprehensive.

CCG and COVID-19

Notwithstanding that Canada is months into its response to COVID-19 with no forecast end date, it is an interesting time to reflect on what can be learned. Foremost, it is important to distinguish

whether or not the constitutionality of the government has been affected. Alternatively, does the response to date represent a constitutionally sound government simply exercising its emergency powers? In other words, does the current crisis reflect a CCG event, or emergency governance?

The answer is heavily influenced by Canada's federal structure. At the national level, emergency orders have been issued under the Quarantine Act,⁷ and Ottawa has passed two emergency bills, both done hastily but respectful of constitutional norms.⁸ However, the Emergencies Act⁹ firmly puts the focus of emergency governance at the provincial level. For example, the Act in part defines a "national emergency" as an event that exceeds "the capacity or authority of a province to deal with it". Thus, while there is no declared national emergency so far, every province and territory has declared a provincial emergency or public health emergency per their own legislation.¹⁰ Since there has been no overt external threat to the constitutionality of the national government, we are witnessing emergency governance. COVID-19 does not, so far, represent a CCG event.

That does not, however, mean that there is nothing to learn from CCG. The wider application of a comprehensive CCG program is now much more obvious. It is concerning that the federal government appears to be struggling with ensuring appropriate continuity of operations for the House of Commons and the Senate. The two emergency acts were given Royal

Assent after debate by 33 members of parliament (MPs) and 19 senators over two days for the first act, and a single day for the second.¹¹ Technically, this was perfectly constitutional, as the Constitution Act sets quorum at 20 MPs and 15 Senators.¹² But given the long-term consequences of such bills,¹³ and the need to maintain the electorate's support following the end of the crisis, it may have been wiser to seek a fuller and more representative legislature. Time will tell.

Could this have been accomplished? Given the telepresence technology available today, there ought to be little reason to say no. The United Kingdom quickly established a "hybrid Parliament" to ensure greater MP representation while respecting social distancing.¹⁴ At the same time, Canada's Clerk of the House of Commons noted that a virtual meeting of Canadian Parliament "remains beyond the capacity of the House of Commons", and the speaker has made clear that the House rules and procedures are not ready to be adapted to such a construct.¹⁵ A fulsome CCG program could have been leveraged to improve governance during this emergency. Others have drawn attention to the fact that during this crisis, Canadians are treating Parliament as less essential than "your corner store" that has remained open while finding novel ways to protect workers and customers.¹⁶ As citizens, it is legitimate to ask: how much personal risk should we expect our leaders to take on our behalf to

maintain both the substance and the image of constitutional government? Because it happens so infrequently, it is also worthwhile assessing how emergency governance is handled. A thorough assessment of this will have applications for future emergencies as well as to the development of a comprehensive Canadian CCG program. One might note, for example, the recent draft legislation that sought to give the executive the power to bypass the legislature on matters of finance and taxation for nearly two years.¹⁷ The two-year duration is long from both a historic and contemporary perspective. Ancient Romans bestowed their government emergency powers with a strict six-month backstop,¹⁸ and the extant Emergencies Act limits the declaration of national public welfare emergencies (that includes "disease in human beings") to only ninety days at a time.¹⁹ That this contentious measure was quickly dropped from the final bill at the behest of opposition parties may be taken as an indication of the importance of a functioning legislature during any emergency, whether a CCG event or not.

In the end, any attempt to objectively assess the nature and impact of a crisis while it is ongoing is difficult, and perhaps even futile. That there will be important and long-lasting changes as a consequence of the pandemic is already a truism. Additionally, COVID-19 should convince every Canadian that a CCG policy is a necessity, now more than ever.

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2. This paper is based on my previous work on the subject: "The Need for a Canadian Continuity of Government Policy: Being There When Canadians Need it Most." (master's thesis, Canadian Forces College, 2013).

3. National Security Presidential Directive 51. "National Continuity Policy." May 9, 2007, accessed April 27, 2020. <http://www.fas.org/irp/offdocs/nspd/nspd-51.htm>.

4. Emeline Thermidor, "The Diefenbunker: Echoes from Our Past, Or Back to the Future?" *Maple Leaf* 13, no. 37 (November 17, 2010).

5. Emergency Preparedness Act, R.S.C., c. 6 (4th Supp.) (1985).

6. Emergency Management Act, S.C., c. 16 (2007).

7. Public Health Agency of Canada. "New Order Makes Self-Isolation Mandatory for Individuals Entering Canada." Government of Canada, March 25, 2020. <https://www.canada.ca/en/public-health/news/2020/03/new-order-makes-self-isolation-mandatory-for-individuals-entering-canada.html>.

8. COVID-19 Emergency Response Act, S.C., c. 5 (2020); and COVID-19 Emergency Response Act, No. 2, S.C., c. 6 (2020).

9. Emergencies Act, R.S.C., 1985, c. 22 (4th Supp.).

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11. LEGISinfo - House Government Bill C-13 (43-1). Accessed April 27, 2020. <https://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billid=10710867>; and LEGISinfo - House Government Bill C-14 (43-1). Accessed April 27, 2020. <https://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billid=10716060>.

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13. Snyder, Jesse, Naomi Powell, and Ryan Tumilty. "COVID-19 Bill Would Give Liberals Power to Raise Taxes without Parliamentary Approval until End of 2021." *National Post*, March 24, 2020.

14. "Coronavirus: MPs Approve New Working Arrangements as Commons Returns." *BBC News*, April 21, 2020.

15. "Having all MPs at virtual Parliament next week beyond current capacity: Clerk." *The Canadian Press*.

16. Murphy, Rex. "Is Parliament Not as 'Essential' as Your Corner Store?" *National Post*, April 20, 2020.

17. Fife, Robert, and Bill Curry. "Government, Opposition Reach Deal on Emergency Bill to Respond to Coronavirus Economic Fallout." *The Globe and Mail*, March 25, 2020.

18. "Dictator." From the *Oxford Classical Dictionary*, N. G. L. Hammond and H. H. Scullard, eds., Clarendon Press, Oxford (Second Edition, 1970).

19. Emergencies Act, R.S.C., 1985, c. 22 (4th Supp.), § 7(2)

No Coming Back? The Lawfulness of Restrictions on Canadians Flying to Canada

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At his daily COVID-19 press conference on 16 March, Prime Minister Justin Trudeau informed the Canadian public that citizens experiencing symptoms of the disease caused by the coronavirus would be prohibited from boarding flights to Canada. A government webpage subsequently elaborated that if "you are Canadian or a permanent resident, and you have symptoms consistent with COVID-19, you may still enter Canada by land, rail or sea. You may not enter Canada by air, to protect the health of all travelers"¹ (the Restriction).

Of all the unprecedented measures taken by the government to stop the spread of the novel coronavirus, this Restriction is, from a legal perspective, among the most extraordinary, because it interferes with Canadians' internationally and domestically protected right to enter Canada. This short article details the right to enter one's country of citizenship under international and domestic law and analyses the Restriction in this light.

The right to enter one's country of citizenship is protected by customary international law and by international treaties. The Universal Declaration of Human Rights, a declaration of the UN General Assembly with elements that have attained the status of customary international law, provides that everyone "has the right to leave

any country, including his own, and to return to his country".² The International Covenant on Civil and Political Rights (ICCPR) provides that "no one shall be arbitrarily deprived of the right to enter his own country".³ In addition to the obvious prohibition of arbitrary deprivations of the right to enter, this ICCPR provision also protects the right of entry as such.⁴

The right of a Canadian to enter Canada is protected domestically by the Canadian Charter of Rights and Freedoms (the Charter), which forms part of Canada's constitution. Section 6(1) of the Charter states that every "citizen of Canada has the right to enter, remain in and leave Canada". The Charter's section 33 notwithstanding clause—which allows parliament and provincial assemblies to legislate in contravention of certain Charter provisions—cannot be invoked in relation to section 6. Thus section 6 is subject only to the Charter's general section 1 limitation clause, which permits "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society".

The legal basis of the Restriction is an interim order of the Minister of Transport to "Prevent Certain Persons from Boarding Flights to Canada due to COVID-19", most of which came into force on 18 March. This order has, however, already been repealed four times; the

version in force at the time of writing was its fifth iteration. It prohibits private operators of aircraft and airlines from "allowing a person to board an aircraft" if the person's answers to certain health questions indicate that s/he has a fever and cough or a fever and difficulty breathing, or if an official of the private operator or airline observes such symptoms.⁵ Transport Canada provided airlines with written guidance to assist them in implementing the interim order.

Whether the Restriction is lawful internationally depends on whether it is "arbitrary" within the meaning of the ICCPR. The International Court of Justice (ICJ) has said that arbitrariness "is not so much something opposed to a rule of law, as something opposed to the rule of law. It is a wilful disregard of due process of law, an act which shocks, or at least surprises, a sense of juridical propriety".⁶ The Restriction is provided for by law, so by this ICJ standard, it is not arbitrary.

The UN Human Rights Committee—the ICCPR treaty monitoring body—notes that even deprivations provided by law "should be in accordance with the provisions, aims and objectives of the Covenant and should be ... reasonable in the particular circumstances".⁷ The Committee goes on to note that "there are few, if any, circumstances in which deprivation of the right to enter one's own country would be reasonable".⁸

It is worth noting, in this context, that the Restriction prohibits symptomatic Canadians from flying to Canada, not from entering Canada. This distinction, while practically meaningless to a Canadian overseas (for whom air travel would be the only real way of returning), renders the Restriction consistent with the provisions, aims and objectives of the ICCPR. Indeed, the government likely took pains to point out that symptomatic Canadians "may still enter Canada by land, rail or sea" for precisely this human rights reason. The Restriction does not violate Canada's ICCPR obligations.

The Restriction's domestic lawfulness depends on whether it passes the Oakes test, which stems from the Supreme Court of Canada case that established how the Charter's section 1 limitation clause should be applied.⁹ The first prong of the test assesses whether a measure's purpose is sufficient to warrant infringing a constitutionally protected right. Limits on Charter rights typically pass the first prong of the Oakes test. The Restriction

is no exception. Its purpose of protecting travelers from a deadly virus that is highly communicable within the close quarters of an airplane is more important than allowing symptomatic Canadians to return to Canada by plane, especially given that Canadians' right is to return to Canada, not to return to Canada by plane. Furthermore, by the time the Restriction took effect, the Prime Minister had for days been urging Canadians to come home.

The second part of the Oakes test assesses whether the right-restricting measure is reasonable and demonstrably justified. This requires a rational connection between the measure and its objective; that the measure impair the protected right as little as possible; and proportionality between the measure's effects and its objective. There is a rational connection between prohibiting symptomatic Canadians from flying home and protecting other travelers from airborne infection. The Restriction clearly impairs the right as little as possible, as it does not prohibit Canadians from entering

Canada; it merely prevents them from entering by air. For this same reason, the Restriction is proportional. The Restriction thus passes the second prong of the Oakes test.

The Restriction is lawful, both internationally and domestically. However, this conclusion was not obvious and emerged from the analysis. Almost all of the measures taken to prevent the spread of the novel coronavirus—such as restrictions on the freedoms of association and assembly and to move within Canada—implicate our human rights; they must therefore be analysed in this light. Indeed, on 15 April, 301 organisations, academics and other relevant professionals urged all levels of government in Canada to "ensure robust human rights oversight" of responses to COVID-19.¹⁰ As policy responses to pandemic continue to emerge, so will such calls.

1. <<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/latest-travel-health-advice.html#f>>, accessed 13 April 2020.

2. Art 13(2).

3. Art 12(4); article 22(5) of the American Convention on Human Rights provides that no one "can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it". However, Canada has neither signed nor ratified this instrument.

4. UNCHR "General Comment No. 27" (2 November 1999) UN Doc CCPR/C/21/Rev.1/Add.9, para 19.

5. Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 5, <<https://www.tc.gc.ca/eng/mediaroom/interim-order-prevent-certain-persons-boarding-flights-canada-COVID-19-no-5.html>>, (9 April 2020) accessed 13 April 2020, s 12.

6. *Electronica Sicala S.p.A. (ELSI) (United States of America v Italy)* [1989] ICJ Rep 15, para 128 (emphasis added).

7. UNHRC (n 4) para 21.

8. *Ibid.*

9. *R v Oakes* [1986] 1 SCR 103.

10. "A call for human rights oversight of government responses to the COVID-19 pandemic", <https://www.amnesty.ca/sites/default/files/COVID%20and%20human%20rights%20oversight%20public%20statement%20FINAL_0.pdf>, accessed 20 April 2020.

The Power of the "Little Brothers": Surveillance and the Future of Democracy

Simon Hogue

Royal Military College Saint-Jean

The expansion of surveillance in the fight against the COVID-19 pandemic raises fears of the consolidation of "Orwellian" states where centralized surveillance would sustain authoritarian regimes and policies. However, the risks associated with surveillance in a democratic state are different from those in authoritarian states. Despite the exceptional measures put in place, democratic constitutional frameworks restrict the scope of governmental power. These restrictions do not preclude the possibility of abuse or profiling. Recent history shows the extent of exceptional practices deployed in the context of counter-terrorist policies. Nevertheless, for the time being, no large-scale state surveillance initiatives similar to those deployed in Asia exist in North America.¹ In short, "Big Brother", the ubiquitous and inquisitive surveillant state, does not exist - yet. Rather, surveillance is carried out by a multitude of "little brothers": the private little brothers of the state.

Surveillance in a democracy

Facebook and Google hold more data on the US population than the American government. Despite the shock of Edward Snowden's revelations, mass surveillance in the United States remains largely dependent on the involvement

of private telecommunications and Internet companies. This collaboration, which Snowden compared to the "crown jewels," generates nearly 80 per cent of the data collected by the National Security Agency.

However, the sharing of data is not always harmonious, as Apple's refusal to unlock the iPhone devices of suspects in the San Bernardino terrorist attack reminds us. The opposition of private companies to the implementation of a "back door", which would allow the authorities to directly access the collected data, shows the desire of companies to maintain control over their technology.

The COVID-19 crisis confirms the rise of the giants of the "dematerialized" economy. Confined, Western populations are turning to Amazon, Netflix and Zoom to consume, entertain themselves or work. These companies are living off big data. Silicon Valley is posting profit increases even though a large part of the economy is at a standstill and a global recession is predicted. In so doing, the crisis consolidates three trends associated with what Shoshana Zuboff calls "surveillance capitalism": the economic power of the digital giants, the growing role of private actors and new technologies in governance and the resulting social inequalities. These on-going trends are accelerating.²

Tracing, privatization of governance and growing inequalities

The growing interest in contact-tracing technologies illustrates the political and social transformations at work. On April 10, 2020, Apple and Google announced a collaboration to develop geo-localization technology that will enable contact-tracing and the monitoring of virus transmission. Compatible with the iOS and Android operating systems, this application will use Bluetooth functionality to determine whether an individual has come into contact with an infected person.³ This initiative, and other similar public, private or citizen initiatives, raises hopes and fears. They promise a more efficient, rapid and less costly tracking of the virus. At the same time, they pose privacy risks - ranging from the leakage or theft of medical and social data to the identification and repression of individuals - that promises of anonymization of data attempt to address.

Apple and Google are working together to mitigate the inability of governments to track the disease. Yet they are using their virtual monopoly on mobile device operating systems to

impose their technology and solution. In doing so, they are becoming part of the governance of public health. The data produced on the transmission of the virus will become crucial for understanding the evolution of the disease and coordinating efforts to curb its spread, accentuating the states' dependence on these behemoths of the new economy. Moreover, these data could eventually be considered commercial and marketable products.

However, the same technology, embedded in mobile devices, will contribute to the vulnerability of segments of the population, particularly the elderly and the disadvantaged. Contact-tracing and the mapping of the spread of the disease will not be conducted with the same accuracy among these less connected populations, yet particularly affected

by the virus.⁴ Finally, it is not excluded that contact-tracing could be used in deconfinement policies. This would make it possible to control international or local mobility on the Wuhan model, at the risk of exacerbating inequalities between connected and unconnected individuals.

Surveillance and the democratic future

In the face of the COVID-19 crisis, corporate surveillance consolidates its presence and power. The giants of the digital economy are imposing themselves through their technological capacities and their promises of low-cost results. On steroids and without supervision, these "little" private brothers are creating pressure on the

authority and legitimacy of Western democracies. Unable to monitor the pandemic, governments find themselves in a situation of dependency while private actors, masters of potentially intrusive and unequal technologies, are exempt from accountability.

Without rejecting contact-tracking technologies, Western governments must remain realistic about the promises made by the Silicon Valley muses. It must be possible to interrupt this surveillance experiment if the results are not forthcoming or prove to be detrimental to the most vulnerable. The best applications alone will not be able to make up for years of neoliberal policies cutting public services.

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The United States, COVID-19 and Democratic Erosion

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On April 13, 2020, at a press conference on the management of COVID-19, the US president stated bluntly that "when someone is the president of the United States, his authority is absolute"¹ - particularly in imposing on state governors the terms and the timetable for ending lockdowns. In principle, nothing is further from constitutional reality.

The adaptability of American democracy

On the one hand, "the Union is a meeting of States";² of fifty states which together form a "single and indivisible republic". The construction of the United States of America, around a confederal ideal first and then federal, has shaped the face of contemporary American constitutional law. It defines the terms of a vertical separation of powers. In the context of a crisis such as the one in the United States today, the federal government has in principle the capacity to mobilize funds, resources and expertise to coordinate a nationally articulated response through agencies such as the Federal Emergency Management Agency (FEMA) - for example, in the field of medical equipment acquisitions to prevent States from competing against each other.

The Constitution also defines a horizontal separation of powers: fearing that any power would aspire

to be total, the Founding Fathers, in search of balance, set up a complex mesh of weights and counterweights. Their vision of the system was closer to Montesquieu's vision (according to which "power stops power") than to the one usually associated with the Founding Fathers (a rigid separation of powers). The fundamental objective is to limit the temptations of arbitrary power through constant confrontation and necessary collaboration.

Over the last two centuries, this arrangement of powers has undergone major swings, as the ramparts put in place by the founding fathers are not hermetic. The abuses of the Grant (Whiskey Ring scandal), Harding (Tea Pot Dome scandal) and Nixon (Watergate) governments, and the changes in the balance of power caused by the combination of national and even international crises and influential presidents (such as Abraham Lincoln, Woodrow Wilson and Franklin Delano Roosevelt, who in their own way altered the face of the Union or completely transformed the presidency) testify to the adaptability and resilience of the regime. Interpretations of the scope of the president's powers essentially fall into two schools, one emphasizing the primacy of Congress, the other ensuring the supremacy of the president.³ It is the latter that is overrepresented today in the White House with William Barr⁴ or with the latest Supreme Court judges, both of whom have indicated a preference for this unitary executive doctrine.

The current president has interpreted this doctrine widely. Indeed, the style of the current president, who dismissed his last experienced advisers, who has enshrined the attrition of the State Department, the relocation of agencies, leaving many key positions vacant, and favored interim appointments at the top of bureaucracies, has changed the way power is exercised within the executive branch itself. Counsellors, deputy ministers and department heads answer only to the president, to whom they are de facto subordinate. A form of resistance that appeared in the autumn of 2018⁵ coexists with a kind of omerta based on the fear of presidential reprisals;⁶ and rightly so, as the number of dismissals and spectacular repercussions that followed the acquittal of the president by the Senate⁷ - while the apathy of the senators seems to be the result of similar mechanisms - attests.⁸

The vulnerabilities of the American constitutional system

In this context, the COVID-19 pandemic has helped to redistribute the constitutional cards. And the imbalance of power induced by the Trump presidency can be accentuated in two ways.

Firstly, internally: by acquitting the president in the impeachment proceedings, the senators refused to

make a decision and, to do so, explicitly sent the ball back to voters. In their words, it is up to the American electorate to decide, but in a particularly complex context. In addition to the practices of gerrymandering, the obstacles to voting, the vulnerability of voting machines, which have plagued the voting process for the past two decades, we must add foreign interference, the manipulation of information, which has been particularly clear since the last presidential cycle, and now the difficulty of voting in the context of a pandemic. In other words, American democracy may encounter so many obstacles on its path this year that its effective implementation may be more questionable than ever. The Democracy Index published by *The Economist* magazine clearly shows the shift in American democracy away from being a leading democracy. In this context, a second wave of COVID-19 represents an additional unknown in an already very complex equation.

The second effect is the resonance of the erosion of the rule of law outside the country. The president's support for proven autocrats, his disdain for multilateral mechanisms based on trust and an architecture traditionally oriented towards liberal democracies, his support (or lack of condemnation) for supremacist groups or practices

of journalism censorship (of which the Khashoggi affair is the paroxysm) legitimizes authoritarian abuses. The pandemic acted as an accelerator in a context where these drifts were felt from Hungary to Brazil. By refusing to act and by renouncing to place his country at the head of an effective and coordinated response, the president has also allowed a discourse to take hold (official, as the Chinese Embassy in Paris does - or unofficial, simply by widely disseminating this view in the media) in favour of the virtues of the authoritarian response to ward off contagion⁹ - which further weakens the liberal order and democratic values in a context where, according to several indicators, the number of democracies in the world and their economic weight is rapidly declining.

Hence, the model of liberal democracy is seriously undermined by the pandemic, whether it be the prevalence of discourses that underlines the deleterious delays in complex decision-making, or its fragility observed in many countries struggling with the need to impose social distancing and increased surveillance methods, or even the excesses of some of them, which reveal pre-existing fragilities. In this sense, the United States is not and is increasingly distancing itself from its founding

myth of the "city on the hill", moving away from the "exceptionalism of the benevolent superpower".¹⁰

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The United Nations Security Council and the COVID-19 Test

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The United Nations Security Council (UNSC) has been extraordinarily inept in responding to the COVID-19 pandemic crisis. This is worrying given its relevance as the world's authority in the use of force and matters of war and peace. The UNSC is the only UN body that has the power to take legally binding decisions on member states and, under Chapter VII of the UN Charter, to enforce these decisions through sanctions or the use of military force. This makes it the UN's most powerful organ and forum. And yet it has remained remarkable silent on the impact of the pandemic on international peace and security, and deeply divided by attempts within the UN to address this issue.

On 23 March 2020, UN Secretary-General (UNSG) Antonio Guterres called for an "immediate global ceasefire" in order "to put armed conflict on lockdown and focus together on the true fight of our lives".¹ There is no doubt that wars allow diseases to spread while reducing local and international abilities to deal with their impacts.² A global health pandemic and the responses required to contain it are also likely to exacerbate pre-existing conflict dynamics around the world. So any opportunity to reduce conflicts and promote peace processes during an unprecedented international health crisis should be promoted wholeheartedly. Through this call for a

global ceasefire, Guterres showed real leadership.

So why has the UNSC failed to support Guterres's initiative or pass any resolution to address the COVID-19 crisis?³ And what does this failure tell us about the UNSC in particular and the UN system in general?

Prelude to failure

First things first. The UNSC has been wrought with fractures, tensions and conflicting priorities between its five permanent veto members (the P5) since its creation in 1945, with arguably a hiatus in the 1990s. But these have been exacerbated by recent economic and geopolitical power shifts that have produced stresses on multilateral organizations and practices. The rise of rightwing nationalist movements and governments have further challenged the legitimacy of a multilateral world order. And the relevance of the UNSC has been denigrated by the United States' invasion of Iraq in 2003 without a UNSC resolution, and by UNSC responses to the Arab revolutions, Libya, Syria, Crimea, and Ukraine.

And yet these tensions have not inhibited the UNSC's growing attention to the links between health and international security. In 2000, with resolution 1308 on HIV/AIDS, the UNSC acknowledged

that health crises could threaten international peace and security. And in 2014, resolution 2177 recognized that the Ebola outbreak in West Africa threatened stability and carried within it the risk "of civil unrest, social tensions and a deterioration of the political and security climate". The UN response to the 2014 Ebola crisis, supported by the Obama administration, provides a stark contrast to the case of COVID-19. While the response was far from perfect, the point is that global medical emergencies such as COVID-19 are not a strategic surprise. State governments and international organizations can and have developed international health cooperation mechanisms, based on the knowledge that disease contagion disrupts international peace and security.

The UNSC COVID-19 test

The working assumption of the World Health Organization (WHO) and associated international health cooperation mechanisms, which have always prioritized the interests of states from the Global North, is that disease contagion is more required in the Global South.⁴ The WHO has therefore always regarded the Global South as being the principal beneficiaries

of its health cooperation activities. In terms of COVID-19, this assumption was wrong because the pandemic has struck harder and faster in the Global North (at least for now). However, we do not at this point know enough about the trajectories of the pandemic to understand how it will impact worldwide, and particularly in conflict-affected zones. The pandemic is likely to further expose the vulnerabilities and limitations that lie at the nexus of war, geopolitics, and health.

At the UNSC, global health cooperation could have begun with a resolution supporting the UNSG's call for a global ceasefire. Instead, the United States and Russia were more concerned about the ramifications of a global ceasefire for their respective military operations in Iraq, Afghanistan, and Syria.

A further key obstacle was the petty blame game between the United States and Chinese governments. While China has worked hard to deflect international criticism of its handling of the outbreak of COVID-19, it has consistently failed to offer a compelling alternative to US global leadership. Under the presidency of Donald Trump, the United States has abdicated its global role and instead is scapegoating China and the WHO, and is ignoring the necessity of global cooperation around COVID-19 in favour of playing politics in the run-up to the 2020 presidential election.⁵ So far, both the United States and China have succeeded only in demonstrating their inability or unwillingness to lead the UN system.

What this diplomatic debacle over COVID-19 has exposed is the structural problems that arise because of the centrality of the UNSC within the UN system. The UNSC's failure to support

the UNSG's call for a global ceasefire, and (perhaps more fundamentally) to coordinate a global response to the pandemic highlights two structural inequalities within the UN system.

The first is the relationship between the UNSC, the UNSG and the UN General Assembly. While in recent years the focus has been on reforming the UNSC (in terms of its membership and veto power), under Charter rule the UNSG and UNGA have the authority to call upon the UNSC to fulfill its primary responsibility. The UNSG's authority under Article 99 could be used more often to bring matters to the attention of the UNSC, while the UNGA could rely on its United for Peace Resolution of 1950 to overcome a veto in the UNSC.⁶ Both options, while not without challenges and political risk, could bring greater compliance with the principles and purposes of the UN system, and force the UNSC to act.

While such options might seem unlikely in the short term, they might become unavoidable in light of the economic impacts of the coronavirus.⁷ As the pandemic continues to spread, notably in the Global South, political struggles over global health cooperation, distribution of medical resources and expertise (from masks to vaccine), economic rescue packages, recovery and reconstruction, and so on, will exacerbate patterns of global inequality, potentially causing instability and armed conflict. And when the global economy goes into depression, the structural inequalities inherent in systems of development aid, humanitarian assistance, and global political economy will be increasingly challenged by Global South countries at the UNGA or through various UN agencies (see the 1960s for a

precedent). This will be the biggest test for the UN system and for the relevance and legitimacy of the UNSC.

Conclusion

It is tempting to conclude that much rests on the result of the US November election. A change in leadership at the White House would certainly transform the political dynamics of the UNSC. Yet, a new US administration will offer no solution to the multiple crises of multilateralism.⁸ The COVID-19 quarrels at the UNSC merely underline the limits of a UN system that is built upon, and reproduces, global structural inequalities. In this context, is it too radical to consider the possibility that the UNGA could again become a site to challenge such structural inequalities as it did in 1974 with its Declaration on the Establishment of a New International Economic Order? In light of the failures of the UNSC to deal with COVID-19, in response to the decline of US global leadership, and in the context of the bigger challenge that climate change represents, highlighting and debating UNSC reforms does not go far enough. It is far from clear if the UN system can challenge and change the global structures on which it was built, that produce and reproduce patterns of violence and injustice. But one thing is clear: the UNSC is not where one will find the seeds of change. Advocating a mere tinkering of the international structures from which our major problems arise is insufficient. We need to be more radical in our thoughts and actions.

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The European Union in Times of Crisis

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Has the COVID-19 pandemic sounded the death knell for 70 years of European construction? The question was quickly raised as some journalists and experts rushed to write the chronicle of a death foretold for the European Union (EU). It must be admitted that the EU was weakened by a series of crises in recent years: financial in 2008, migration with a peak in 2015, existential with the Brexit since 2016, the rise of populism and its multiple attacks on the rule of law (particularly in Poland and Hungary). All these difficulties have called into question its single market and economic governance, its legal and political foundations, and its unity. As deplored by Jacques Delors, former President of the European Commission (1985-1995) in one of his rare public appearances, national management and responses to the pandemic have undermined European solidarity and "put the EU in mortal danger".¹ If the EU was once said to be sick, it is now in remission.

Symptoms

The crisis hit hard in Europe, which quickly became the epicenter of the pandemic. Although all EU countries were affected, they were to varying degrees depending on the timing of the outbreak, the response, and the state of their health systems. The lack of cooperation and solidarity between European States was quickly criticized.

While many interpreted this as a failure of the EU, some argued that it was rather the weakness of the Member States to embody the European spirit. The national representatives were certainly caught unaware, justifying the withdrawal to their security and national interest. They thus preferred to invoke the national state of health emergency rather than concerted action in the European framework. Some even resorted to military narratives as if they were going to war "alone" against this so-called invisible threat.

Faced with a lack of intergovernmental cooperation, the European Commission, the EU's supranational institution par excellence with the capacity for initiative in many sectors (except health) and which looks after the European interest, was accused, even by the European intellectual elite, of showing poor leadership in coordinating efforts. In times of crisis and uncertainty, the EU is always a perfect scapegoat: an actor that is both omnipresent and distant, with diffuse and complex but real power. It is too often forgotten that its action is guided by the broad political guidelines of the Heads of State and Government in the European Council and by the decisions taken by national ministers in the Council of the EU. That said, national representatives rarely hesitate, even in the most pro-European States, to discredit the Commission in the face of popular discontent.

Autopsy

Why has the EU not (better) coordinated its response to the pandemic? Social Europe does not exist. States never transferred to the EU their national authority in matters and in the field of health. The EU can only encourage cooperation and policy coordination, which it did in the Council of the EU (where health ministers met several times) and in the European Council. In general, it ensured that measures taken by one State does not impacts others negatively. A roadmap to ease lockdown was also produced by the Commission. However, its room for maneuver remains very limited.² Some, like Guy Verhofstadt, former Belgian Prime Minister (1999-2008) and former Member of the European Parliament (2009-2019), are calling for radical change, the creation of a European Health Agency and more responsibility for the European Commission. Other former national politicians and experts are calling for the creation of a common EU policy for the protection of human health with Health Shield Europe initiative to be deployed in close cooperation with NATO.³ Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy acknowledged that "in the rest of the world, health has become a security issue, but in Europe it is a matter of integration".⁴

The EU therefore has few means to act in health matters, but this does not prevent the Commission from mobilizing its expertise to provide financial support to States and their health systems for the purchase of medical equipment and the prevention of unemployment. Several Member States, including heavily affected Spain and Italy, were quick to call for a genuine European Marshall Plan for economic recovery. At the European Summit end of April, the Heads of State and Government formally mandated the Commission to develop such a recovery plan. Commission President, Ursula von der Leyen, proposed to restructure the EU's next multiannual financial framework for 2021-2027 accordingly.

Nevertheless, the representatives of the Member States have on many occasions expressed their differing views on the measures to be adopted. The health crisis coupled with an economic crisis are exacerbating the old debates on the EU, between intergovernmental cooperation and integration towards a delegation of powers to Brussels, and the actions to be taken (to what extent certain richer countries in the North should help countries in financial difficulty in the South). This is also evidenced by the difficult discussions to reach an agreement at the Eurogroup, which brings together the finance ministers of the 19 Eurozone countries. They are divided over a recovery plan, "corona bonds", and debt to be pooled through the European Stability Mechanism of the Eurozone.

Remission

Once the emergency is over, the EU, which has been described as powerless, returns to the heart of the discussions on how to get out of the crisis and into economic recovery. In France, for example, President Macron called for European solidarity and even the relaunch of the "political project" that is the EU.⁵ More and more national and civil society representatives across Europe are proposing solutions and initiatives on a European scale in the economic, environmental, food security, health, and social sectors. The EU offers a framework commensurate with the crisis as measures will necessarily be ambitious and colossal and require close coordination between States. That said, EU action is based on a mode and practices of governance guided by the principle of subsidiarity, which clarifies the division of competences between the States and the Union. In areas where competences are shared or not exclusive to the Union, the Union is legitimate if it brings added value to proposed solutions.

In this respect, there are great opportunities for the newcomers who took their office in December 2019: Ursula von der Leyen at the head of the Commission, Charles Michel at the European Council and Christine Lagarde at the European Central Bank have proposed economic recovery plans and the mobilization of the European mechanisms at their

disposal. EUR 7.4 billion was raised at the European Commission's donor conference to fund vaccine research, rekindling "global solidarity".⁶ Josep Borrell is likewise pushing a number of initiatives, including a joint statement with Canada⁷ and a European military task force to be deployed in complementarity with NATO.⁸ There is also the adoption of the multi-annual budget for 2021-2027, which could serve as a lever for recovery. This will be the major challenge of the next EU presidency, which will be held by Germany from July 2020.

Conclusion

If in the turmoil the EU was discredited for its inaction, COVID-19 rather revealed the limits of European governance. The EU became a catalyst for many anxieties and frustrations. Some people talk about deglobalization, but renationalization, especially with the return to hard borders, will not save States from all their ills. States are also the subject of criticism. For instance, in France, several complaints against ministers have been lodged with the Court of Justice of the Republic to denounce the government's mismanagement of the health crisis.⁹ In response, others are calling for a new European patriotism and the revival of European integration. One thing is certain: the EU is at a crossroads.

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The Weaponization of COVID-19: A Comparison Between China and Russia

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China and Russia's¹ leaders have blatantly weaponized² the COVID-19 crisis for political gain and preexisting agendas. President Xi and President Putin have set their own personal interests of consolidating power and eradicating dissent over the health and even the lives of their own citizens around the world.³ Both leaders perceive the threat to their grip on power from reduced economic activity as greater than from losing the lives of tens of thousands of citizens they serve. The current leadership of China and Russia have therefore lost any remains of soft power based on reputation and trust they may have had. Both countries show striking similarities in how they have weaponized COVID-19 in the information space to achieve political agendas. This chapter provides a brief comparison of some similarities in the weaponization of COVID-19 by China and Russia. Both China and Russia – among other countries – have weaponized the crisis for political gain by exploiting the crisis for propaganda campaigns towards other powers as well as using COVID-19 to justify a drastic increase in influence operations on their citizens.

From the beginning of the outbreak first the President of China and later also the President Russia of spread disinformation to initially hide cases and downplay the threat of the virus for their citizens. China, knowing that

the virus could spread from human to human as early as December 2019, chose to hinder the spread of any information about the virus and even denied its existence. Instead of sharing information about the virus with the WHO or even its own citizens, the regime arrested doctors who raised the alarm about the illness as the cases of the new virus that were identified in their hospitals increased dramatically.⁴ Russia has a similar strategy of hindering information flow about the virus in Russia. Three doctors “fell” from hospital windows in two weeks alone.⁵ One of the three doctors had become famous for posting a video online explaining how insufficient the hospital supplies of protective gear are and that he had been forced to continue working in the hospital as a doctor even after testing positive for COVID-19.

China and Russia have though not only spread disinformation domestically. They also use narratives related to the virus in their ongoing information operations against the West aimed at creating panic and intentional confusion about the virus. Chinese agents have, for example, spread text messages and social media posts that falsely claimed the US president was “locking down the country.”⁶ Russia's disinformation campaigns aimed at worsening the impact of COVID-19 in the European Union (EU), aimed at generating panic and sowing distrust

in Western government institutions, are even produced in English, French, German, Spanish and Italian for targeting foreign audiences.⁷

In order to generate goodwill, both China and Russia have offered assistance to other countries dealing with the viral outbreak, such as exporting personal protective equipment (PPE) for frontline medical workers.⁸ Media coverage of their generosity was then exploited to support ongoing propaganda campaigns claiming that either China or Russia had to come to the help of the West as neither the EU nor NATO were allegedly willing to help their member states. At times China but certainly Russia needed the PPE resources (that they were sharing purely for propaganda purposes) for themselves.⁹

The EU has considerably invested in helping its member states.¹⁰ Individual EU member states have also very effectively helped each other to cope with the virus when for example Germany flew ICU patients from Italy, France and Spain to German hospitals for treatment.¹¹ At the same time, both China and Russia spread the narrative that democracies are too weak to save the lives of their citizens and only “strong countries” like Russia and China are able to deal with the virus.¹² Ironically, Russia is one of the countries in the world that is currently experiencing the fastest growth of its epidemic.

Similar approaches have also been introduced to reduce the flow of "unauthorized" information by – even more strictly than before – trying to censor any critical citizen commentary of the response to the virus or even the threat the virus it poses. In Russia¹³ and China¹⁴ testing (at least initially) was denied to citizens in an effort to statistically keep the number of affected people low to create the impression of health care systems sufficiently equipped to deal with the crisis – in contrast to how they described Western democracies as dealing with the crisis. Both have drastically under-reported both domestic cases COVID-19 infections as well as related

deaths. China has gone even as far as to ban online gaming with foreigners as well as chatting online with foreigners in an effort to reduce the spread of information.¹⁵ Both countries have also introduced sweeping surveillance measures on communication and gatherings in which protest against insufficient health care resources to fight COVID-19 and related measures could be expressed. Russian citizens are required to apply online if they want to move more than 100 m away from their door step.¹⁶ China has famously quarantined whole cities,¹⁷ enforced compliance with drones and even physically looked doors to apartment buildings with infected citizens.

The similarities in the approaches of both China and Russia are striking. The leadership of both countries seem to be exploiting the pandemic to increase the spread of propaganda and disinformation domestically and abroad, crush dissent even stricter than before as well as normalize a range of extreme surveillance measures to control their citizens through tracking their moves and restricting their movements – measures being watched with great interest by authoritarian leaders in an increasing number of countries.

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COVID-19 and the Canada-US Defence Relationship

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The Canada-US relationship is one of mutual interdependence, albeit asymmetrically given Canada's status as a middle power relative to the US great power. These states' geographic proximity and common European heritage create a unique partnership in the defence of the North American continent and securing the Western Hemisphere from threats originating from abroad. However, the continent is not a safe haven, as demonstrated by the Cold War threat of an intercontinental attack across the pole, the 9/11 aerial terrorist attacks, individual radicalization by online extremist ideology, foreign espionage activities within our countries, and the COVID-19 pandemic that originated in Wuhan. Early warning about the growing international threat of the disease was not heeded in time by policymakers in both countries.¹ Once accepted as an international emergency, measures to contain the spread of the virus have been met with resistance by segments of the population and government entities, particularly in the US. The devastating social and economic effects of containment impact every level of society, from education, employment, the stock market, to travel restrictions, which include border closures between the US and Canada. These conditions raise questions about the future of Canada-US relations. This commentary is particularly interested in the impact of the COVID-19 crisis on the Canada-US defence relationship.

The unfolding events since March created friction between the two countries. National self-interest in the US took precedence over sharing resources that saw the US divert PPE

bound for Canada; and the Trump Administration initially ordered medical material manufacturer 3M not to export needed N-95 masks to other countries.² The US saw greater politicization of measures to contain COVID, resulting in a delayed response exposing significantly more Americans to the virus. On March 26, the US Administration announced intention to send military forces to the US-Canada border – the longest unmilitarized border in the world – to support border patrol officers.³ Canadian leadership responded such action would be a mistake,⁴ impacting diplomatic relations between the countries. The US Joint Chiefs of Staff rejected the proposal and the Commander of NORTHCOM addressed the issue with his counterpart at Canadian Joint Operations Command, and stated that the move would only be considered with Canadian approval.⁵ Although the border was closed to non-essential travel, Canadian and US leadership ensured that cross-border trade would continue "the exchange of essential goods and services in both directions." Canadian medical personnel continue to cross the border to work in American cities.

With both nations on lockdown, leaders are looking inwards at how to best protect citizens while trying ease restrictions to revive the economy balanced with preventing subsequent waves of infections. In the US, General O'Shaughnessy, NORAD/NORTHCOM Commander, coordinates military support for medical responses to COVID through domestic security agencies, within a homeland security "whole of America response," from the White

House to responders on the ground. These include setting up the USNS Comfort hospital ship, converting the Javits Center into a medical facility, and bringing in military medical personnel as reinforcement. In leveraging and adapting technology to the crisis, General O'Shaughnessy describes lessons learned and successes in providing real-time information and predictive analysis models that can be deployed to other theatres, including Continental defence.⁶

In Canada, COVID has impacted domestic military operations, providing opportunities for adaptability, but creating obstacles which could affect joint multinational operations. COVID has led to reductions in Canadian Armed Forces (CAF) operations abroad, quarantine of returning personnel from overseas missions, the cancellation of many exercises within the country, and the redeployment of the CAF to parts of Canada in the role of assistance to civil authorities as part of the containment effort (Operation LASER). Reductions in CAF exercises could impact readiness, which might be a factor if there is a concurrent military emergency requiring a multi-national response. A lack of training and exchanges hurt warfighting preparedness, interoperability and sharing of best practices. A reduced posting season means less movement in country, restricting growth opportunities, and a cessation of recruitment introduces a dangerous lag into the replacement pipeline. Procurement is likely to be further delayed; and defence spending and priorities may be impacted.⁷

Deployed forces are not available for use at home, and their rotation is a burden that is difficult to accept when people are dying back home. Currently, Operation LASER involves 24,000 military members (about one-quarter of the CAF) ready to respond.⁸ The Canadian Rangers provide support to indigenous communities in the Arctic, Northern Quebec and Ontario;⁹ while CAF medical personnel support nursing homes and long-term care facilities in southern Quebec and Ontario.¹⁰ There is much to be learned while CAF resources and personnel are being redirected to the COVID crisis, while bearing in mind that the situation is temporary and any decrease in readiness will resolve following the end of the pandemic. Notably, the CAF recently engaged in a routine NORAD fighter "response procedures in high-density airspace" exercise (Operation NOBLE EAGLE) as part of Canada's binational contribution to North American surveillance and airspace control.¹¹

COVID-19 is unlikely to disrupt the Canada-US defence relationship, which has a long history of cooperation through alliances, partnerships, and the continental security context

necessitating mutual support. Canada-US relations endured challenges in the past and carried on amicably, despite short-term consequences. Although Canada refused to join the coalition in Iraq 2003 and declined participation in missile defence in 2005, NORAD was renewed in 2006, adding the maritime monitoring mission. The creation of the Tri-Command framework comprising NORAD, NORTHCOM, and CANCOM was revised in 2012.¹² And the Permanent Joint Board on Defence established during the Second World War remains an essential informal consultative body for Canada and the US to address issues at the highest levels.¹³ Although North America faces the COVID-19 pandemic, threats against the continent remain, particularly great power competition, new strategic actors, and new weapons systems.¹⁴ In spite of US criticism that NATO allies, including Canada, are not contributing the full 2% of GDP to defence, Canada's commitment to the Enhance Forward Presence in Latvia, Arctic exercises such as Trident Juncture, and assistance to Ukraine and Iraq, demonstrates the value of its defence partnership and joint interoperability. The Five Eyes intelligence sharing arrangement

among the five Anglo nations remains an important point of early warning reinforcing partnership and mutual cooperation enjoyed by both Canada and the US.¹⁵

Adaptation to the evolution of threats at the domestic, continental, and international levels is required now. Canada's 2017 defence policy Strong Secure Engaged (SSE)¹⁶ does not mention the words "pandemic" or "epidemic." The words "health" and "disease" are only mentioned once¹⁷ in reference to supporting NGO response to "global health crises."¹⁸ A revision to Canada's defence policy necessitates addressing the challenge of epidemics and pandemics on a global, regional, and national scale. Indeed, COVID-19 poses a significant challenge to Canada as a nation and its partnerships, but also creates opportunity to pursue innovative responses in cooperation and coordination with its allies and partners, particularly the US. The unique geographical and binational context of the Canadian and American relationship will ensure this evolution in a cooperative framework moving forward.

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The Politics of COVID-19 in Africa

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Although the COVID-19 pandemic is global in scope, its evolution is largely influenced by the political conditions of the regions and countries in which it is occurring. What trends can we identify in sub-Saharan Africa? Before we can answer this question, two reminders are essential:

An overlooked diversity: Africa, which is three times the size of Canada, is home to fifty-four states that vary enormously in size, population, and economic structure. What is more, we measure the effects of the crisis by taking the states as a basic unit, even though within these countries the diversity of situations is immense.

So little is known: the number of daily tests per country is extremely low. While South Africa (population of 58 million) was able to carry out nearly 500,000 tests by the end of May,¹ Nigeria and its 200 million inhabitants are struggling to carry out 1,000 tests per day, i.e. a total of only 37,000 tests (19 May).² The tables representing the famous curves are therefore of very limited significance. Officially, the World Health Organization (WHO) counted 2,900 deaths in Africa as of 19 May. Other more fragmented and localized sources should at least be taken into account: signals coming from Kano, the second most populous city in Nigeria, suggest that mortality has exploded since March,³ particularly due to pneumonia.⁴ In both Kano and Mogadishu, it is the warnings from grave diggers that

are attracting attention.⁵ Are African countries less affected than others, or is it simply that we do not have the data to refute or confirm the trends? Or a bit of both?

If the pandemic were to be less widespread in Africa (with emphasis on the use of the conditional here), several factors could explain this.⁶ Among the most cited are population pyramids that are the inverse of those in developed countries. The virus seems to be more prevalent among the elderly. The median age in countries such as Canada is 42, whereas in Senegal, for example, the median age is 19 (which is also the median age in Africa), and those aged 65 and over represent only 3% of the population, compared to 17% in Canada. Other factors include the lowest connectivity in the world (as measured, for example, by the density of international flights), and the higher proportion of the rural population, 60%, compared to 19% for OECD countries.⁷

Pandemics and policy

The policy responses of African states often mirror their political regimes: President Magufuli in Tanzania, and his CCM party (in power without interruption since independence), has opted for an inconsistent policy, allowing mosques and churches to organize their religious rituals, while repressing journalists and other civil society actors who express criticism of government

policies. Leaked government notes relaying discussions between health authorities speak of a "situation out of control".⁸ In Burundi, the government allowed huge political rallies on the eve of the 20 May elections, and expelled WHO representatives from the country for "interfering" in its health policy. In Kenya, there are more official deaths caused by police repression in poor neighbourhoods than official deaths from COVID-19.⁹ Conversely, Senegal and Ghana have imposed curfews, but journalists continue to publish, investigate and even denounce alleged misappropriation of funds in the management of the crisis.

Authoritarian regimes seem to be instrumentalizing the crisis to further restrict freedoms and concentrate the power of the presidency. Such was the case in Guinea, where President Alpha Condé maintained the holding of a referendum during the pandemic, which allowed him to dispense with the presidential term limit and strengthen his hold on the National Assembly, while the chairman of the electoral commission died of COVID-19.¹⁰

What kind of public management?

In large cities, where the vast majority of the population lives in deprived and densely populated neighbourhoods, the informal economy is the economic heart of the city. What will be the

impact of containment policies? In a context where social policies are of limited by resource scarcity, social networks, based on family, religious or professional ties, provide basic security for the majority of citizens. However, policies of social distancing and confinement directly undermine these networks, and thus the very survival of the population.¹¹ Furthermore, diasporas living in developed countries, whose remittances are vital, are themselves hard hit by confinement in Paris, London or New York.

Potential solutions must therefore include appropriate support measures, such as direct money transfers to citizens, the provision of food at low cost or for free, free access to essential services such as water and electricity, and secure corridors facilitating the

movement of agricultural resources from the countryside to the cities. The support of developed states and international organizations for such programmes is crucial.¹² But this support should not be made at the expense of other assistance programmes. It will also be necessary to support solutions adapted to the experiences that several of these countries have had, particularly with the Ebola and AIDS epidemics. Community health centres enjoy solid popular legitimacy, better understand the complexity of local contexts, collaborate with local government and can therefore act more effectively, as was the case in Sierra Leone during the Ebola epidemic.¹³

In conclusion, let us remember one crucial thing: the American example, to take just one, shows that the

management of a pandemic is never merely technical or scientific. It necessarily takes place within specific social contexts and existing power dynamics. This is no exception in African countries.¹⁴

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Is this the End of Globalization?

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The emergence and rapid global spread of COVID-19 has caused the greatest global economic shock since the Great Depression. The scale and pace of increases in unemployment is without precedent in living memory, as is the magnitude of the sharp contraction in gross domestic product now expected in pretty much every national economy worldwide. International trade has collapsed and hard borders have been imposed, preventing international travel.

Although it would be foolhardy to attempt to predict the future of the global political economy in the depths of the crisis, it is possible, based on the available evidence, to make some tentative claims.

It is clear that economic globalisation has gone into reverse. However, rather than the starting point for this process, COVID-19 is intensifying trends already in motion before the pandemic. Here I will focus on production and finance, as these are two key aspects of globalisation as we used to know it. COVID-19 is leading to the further dismantling of global value chains, already undermined by economic nationalists and rising geoeconomic tensions, but there is no alternative in sight to a financial system propped

by central banks' creation of new electronic public money, especially the US Federal Reserve.

Global value chains are breaking down

The reorganisation of trade and production around border-spanning, global value chains (GVCs),¹ dominated by large multinational corporations, has been a core feature of economic globalisation. In 2019, the Organisation for Economic Cooperation and Development estimated that trade within GVCs accounted for around 70 percent of the total.² Trade and financial liberalisation, as well as the rapid development of affordable transportation and communication technologies, enabled firms to reshape international trade and investment around their own strategic needs. For example, the iconic iPhone is assembled in China, because of cheap labour costs, but the higher value-added components are brought in from several other countries, while Apple Corporation retains the lion's share of the profits, due to its control over lucrative intellectual property rights. Thus, although it is "made in China", only around 2 percent of the total value are captured in China.

Challenges to the apparently unstoppable march of GVCs began appearing before COVID-19. Ironically, these have emerged largely from the country whose corporations have reaped the greatest benefit from "hyperglobalisation" – the US.

Although American corporations remain without peer at the top of the global value-added pyramid, this has increasingly come at a great political cost at home. As production, and even services, shifted offshore, inequality within the US began to soar, worsened by limited welfare and redistributive measures, and multinational corporations' tax minimisation strategies. In the years after the 2008-2009 global financial crisis (GFC), income inequality in the US, as measured by the gini coefficient, was higher than in any other OECD member-state, and the share of income going to the top 1 percent reached levels not seen since the Great Depression.³ Combined with popular resentment of the bailout of banks and financial firms by the US Federal Reserve and government after the GFC (discussed later), trust in politics crumbled, partly explaining the election to the Presidency of Donald Trump in 2016.⁴ Trump's electoral appeal, especially in the "rustbelt" states, worst hit by deindustrialisation, hinged on his promise to bring jobs back to the US. It

was thus already clear before COVID-19 that the globalised status-quo was on shaky ground politically.

In China, too, challenges were emerging. Chinese leaders have sought to avoid the "middle income trap" by pushing Chinese technological firms up the value chain. Under the banner "Made in China 2025" (which was later abandoned), they supported Chinese state-owned and private companies to get hold of intellectual property abroad, limited competition from foreign firms in the Chinese market, and provided ample financial support and cheap credit for research and development.

GVCs were further undermined before COVID-19 by what Farrell and Newman called the "weaponisation" of interdependence.⁵ This refers to the capacity of the governments and regulators of states that operate as key nodes of global economic networks to use this position to coerce other state and non-state actors into actions they would not have taken otherwise. Although not new, this practice has become more prevalent under Trump and increasingly used to attain geoeconomic objectives, especially containing China's rise. Perhaps the most significant example is the banning of American companies from working with the Chinese telecom giant Huawei, but the Trump administration also threatened and imposed import restrictions on close allies, including Canada. Combined with the tit-for-tat trade war between the US and Chinese governments in recent years, many observers were wondering whether the world's biggest two economies were "decoupling".⁶

COVID-19 will likely intensify the decline of GVCs, and international trade more generally. The intense competition that has emerged for critical medical supplies, including for basic personal protective equipment, combined with export restrictions imposed by governments, is already generating calls all over the world to bring production back home. Actions, like

the US federal government's alleged "pirating" of surgical masks, made by US firm 3M, while en route to Germany,⁷ will likely have a lasting effect on firms' and governments' confidence in transnational production networks. This is not to say that GVCs will completely disappear, but they are likely to decline and be often shaped by geoeconomic, neo-mercantilist imperatives, not just firms' commercial imperatives.

Finance propped up by central banks

Another important aspect of economic globalisation to-date has been the massive growth of financial markets, which now dwarf the "real" economy of goods and services. The two cannot be easily separated, since the credit created in the financial system has underpinned much activity in the "real" economy. Finance, however, has been on state life-support since the GFC and COVID-19 has reinforced this trend.

State intervention in markets is routine under capitalism, neoliberal ideology notwithstanding, but after the global financial crisis of 2008-9, finance has become dependent upon the injection of liquidity, especially US dollar-denominated, into markets. In the aftermath of the GFC, with interest rates already close to zero, the US Federal Reserve's assets swelled from under US\$1tn to around US\$4.5tn, as it used dollars it simply created to purchase securities from the US government and banks. Other central banks, in the UK, Japan and the European Union, also pursued "quantitative easing",⁸ as this practice has come to be known, though on a smaller scale. The Federal Reserve extended its purchasing of securities to European banks, giving them preciously needed dollars during the GFC. In this sense, it became the global lender of last resort, underpinning the entire global financial system.⁹ The GFC and its aftermath also showed that notwithstanding other changes

in the global economy and the US's ballooning government debt, there is no competition in sight to the US dollar as the global reserve currency and the world's most liquid asset, to which most market players flock at the first sign of trouble.

Quantitative easing – creating new electronic money – facilitated a massive inflation in asset prices, which allowed many financial firms to reap huge profits, while fiscal austerity spread misery to the wider population, helping fuel the resentment that supported the rise of right-wing populists globally. But finance became addicted to it, and given the potentially calamitous implications of another major financial crisis central banks continued to prop it up. Attempts to taper quantitative easing in the last decade led to sharp contractions in financial markets and capital flights from emerging markets in particular.

When COVID-19 struck, while all eyes were on Donald Trump's abdication of the US's global leadership, including the US's neutering of the International Monetary Fund, the Fed again stepped in to shore up the global economy, injecting over US\$2.3tn into markets by purchasing securities, stabilising money market mutual funds and repo markets, lending to financial firms, and non-financial employers in the US, including small and medium enterprises, supporting local and state government borrowing, as well as household loans.¹⁰ The Fed also opened swap-lines in mid-March 2020 with nine additional central banks¹¹ to ensure they do not run out of dollars, on top of the five central banks it already had similar arrangements with.¹²

While the Fed's current actions go beyond financial markets, helping the financial sector continues to be its core focus. It remains to be seen whether the current crisis will lead to a wider realisation that contrary to common belief, money does in fact grow on trees (the Fed's and other central banks'), and to political demands to use this for wider

public benefit. Supporting the financial sector in the longer term is incompatible with a fairer distribution of resources, which in a context of economic depression could be necessary to stave off societal breakdown. Ultimately restoring capital controls of some kind would be essential for reducing the risk of additional financial crises. But this would necessitate debt cancellation on a large-scale, to reduce the size of the mountain of debt created over the past decades of financialization, which would be politically difficult, given the enormous power of financial sector interests. The risk is a disorderly collapse of the financial system, which would be dangerous.

The COVID-19 crisis has also reaffirmed that there is no substitute for the US dollar today as the global reserve currency, but whether US domestic politics will eventually prevent the Fed from performing its critical global role remains to be seen. President Trump's assault on global governance institutions has already undermined the IMF, thus leaving emerging markets (with the exception of China) to suffer a calamitous withdrawal of funds. Given his "America first" politics, it is also possible that the Fed will come under pressure to stop swapping dollars with other central banks or buying securities from non-American entities. This would leave them dollar-starved

and undermine the circulation of capital in the global economy. Although alternatives to the US dollar could emerge, the adjustment period would be difficult and dangerous.

1. "Global value chain" refers to the trade, investment and production activities associated with the production of a good or service, whereby different stages are located in different countries. See OECD, "Global Value Chains (GVCs)", 2019, available at <https://www.oecd.org/sti/ind/global-value-chains.htm>, accessed 21 April 2020.
2. OECD, "The Trade Policy Implications of Global Value Chains", 2019, available at <https://www.oecd.org/trade/topics/global-value-chains-and-trade/>, accessed 15 April 2020.
3. The Economist, "Gini in a Bottle", 26 November 2013, available at <https://www-economist-com.ezproxy.library.uq.edu.au/democracy-in-america/2013/11/26/gini-in-the-bottle>, accessed 15 April 2020; Matthew Johnston, "A Brief History of Income Inequality in the United States", Investopedia, 25 June 2019, available at <https://www.investopedia.com/articles/investing/110215/brief-history-income-inequality-united-states.asp>, accessed 15 April 2020.
4. Adam Tooze, *Crashed: How A Decade of Financial Crises Changes the World* (London: Penguin, 2018).
5. Henry Farrell and Abraham L. Newman, "Weaponized Interdependence: How Global Economic Networks Shape State Coercion", *International Security* 44, no. 1 (2019), 42-79.
6. James Politi, "Fears Rise that US-China Economic 'Decoupling' is Irreversible", *Financial Times*, 22 January 2020, available at <https://www.ft.com/content/c920bce2-360e-11ea-a6d3-9a26f8c3cba4>, accessed 15 April 2020.
7. British Broadcast Corporation, "Coronavirus: US Accused of 'Piracy' over Mask 'Confiscation'", 4 April 2020, available at <https://www.bbc.com/news/world-52161995>, accessed 15 April 2020.
8. Some central banks have thus been in effect practitioners of Modern Monetary Theory (MMT) since the GFC. Since modern money is typically "fiat", meaning it is created by government decree and its value is not convertible by law into another thing (like gold for example), MMT claims that government can face no financial budget constraints, since it can always create more money to maintain the full employment of labour and industry. Under the deflationary conditions of economic crisis, where there is no risk of aggregate spending exceeding the real full capacity of the economy, there is thus really no impediment to creating new money by governments or central banks. See Steven Hall, "Explainer: What is modern monetary theory?" *The Conversation*, 31 January 2017, available at <https://theconversation.com/explainer-what-is-modern-monetary-theory-72095>, accessed 21 April 2020.
9. Tooze, *Crashed*.
10. Jeffrey Cheng, Dave Skidmore and David Wessel, "What's the Fed Doing in Response to the COVID-19 Crisis? What More Could it Do?" *Brookings Institution*, 9 April 2020, available at <https://www.brookings.edu/research/fed-response-to-covid19/>, accessed 16 April 2020.
11. The Fed has regular swap lines with the central banks of Canada, England, EU, Japan and Switzerland. It reestablished swap-lines in March 2020 with the central banks of Australia, Brazil, Denmark, Korea, Mexico, Norway, New Zealand, Singapore, and Sweden.
12. Craig Torres, "Fed Starts Dollar Swap-Lines with Nine More Central Banks", *Bloomberg*, 19 March 2020, available at <https://www.bloomberg.com/news/articles/2020-03-19/fed-starts-dollar-swap-lines-with-nine-additional-central-banks>, accessed 16 April 2020.

Humanitarian Action in Times of COVID-19: Between Reaffirmation of Multilateralism and Coherence Issues

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COVID-19 exacerbates an already precarious situation in many countries of the global South, where the failing health system makes one fear the worst. In addition, the restrictions imposed in the fight against this pandemic, including flight bans and the suspension of meals in closed schools, have serious humanitarian consequences. In this regard, the World Food Programme (WFP) highlights the exacerbation of the food crisis affecting approximately 4 million Haitians.¹ As a moral, political and legal imperative aiming at saving lives, humanitarian action is more essential than ever to curb this pandemic.

This article examines the United Nations (UN) response to the deepening humanitarian crisis caused by COVID-19 and the challenges it poses for three established donors: Canada, the United States, and the European Union (EU). The paper analyzes the extent to which humanitarian action provides an opportunity of reaffirming multilateralism during the crisis. The pandemic stimulates a dynamic cooperation involving various actors and practices, revealing a certain expansion of humanitarian action, with a view to adapting to the context of the health crisis. However, the American stance is an illustration that the achievement of the announced humanitarian objectives may be compromised if States do not adopt an

approach focusing on the protection of the populations of the global South, and do not act in accordance with their international obligations. Focusing on the situation in Haiti, we argue that effective action also requires cooperation with local actors in the target countries, beyond the necessary funding and donor coordination.

Dynamic reaffirmation of multilateralism in the humanitarian field

The UN Office for the Coordination of Humanitarian Affairs (OCHA) released, at the end of March and for nine months, the Global Humanitarian Response Plan (GHRP) of US\$ 2.012 billion, increasing in May to US\$ 6.7 billion. The GHRP aims to respond to the direct and indirect consequences of the pandemic on the public health and immediate humanitarian situation of populations in more than 50 countries already facing serious crises, including Colombia, Haiti and Venezuela. It aims to "contain the spread of the virus, reduce the deterioration of assets and human rights, protect, assist and advocate on behalf of refugees, displaced persons and host communities".² In addition, the WHO's Strategic Plan for Preparedness and Response of approximately US\$

675 million envisages to treat infected people, provide masks, gloves and testing equipment, train personnel and provide information to combat the spread of the virus.

While more funding is necessary beyond the 12.3% of the GHRP and 60% of the WHO's Plan collected, the global response illustrates cooperation at work. In the short term, the U.S. incoherent response appears to pave the path for Canadian initiatives in the Americas. As the third GHRP largest donor mobilizing US\$ 775 million in aid worldwide, the U.S. announced to halt funding the WHO in April. This decision taken in the midst of a pandemic undermines the spirit of cooperation of the UNGA Resolution 74/270 - Global Solidarity against COVID-19 emphasizing humanitarian action, and adopted by consensus. Canada's funding is modest, at \$159.5 million (US), of which \$84.5 million is for humanitarian assistance, including \$21.3 million for the GHRP.³ That being said, Canada's involvement in multilateral crisis management talks makes it an important player, while US action remains contradictory. For its part, the fifth largest donor to the GHRP with approximately US\$ 45 million, the EU might suffer setbacks in humanitarian action in the short term. Moreover, the EU action will likely face challenges in harmonization with that of the Member States in this area of

shared competence, given the place of humanitarian action in the Member States' foreign policy.

While it is too soon to assess their concrete effects, the international action draws attention on two forms of progress. Firstly, there is explicit support for multilateralism following the U.S decision to suspend its contribution to the WHO. On the one hand, 24 States, including Canada, adopted the Joint Declaration of the Alliance for Multilateralism stressing the need for "full global cooperation and solidarity in the fight against COVID-19", referring to the above-mentioned resolution 74/270. These States stress "(...) the role of WHO in the coordination of health response(...)including the strengthening of health systems at the global level".⁴ Referring to the consequences of COVID-19 on the situation of developing countries already facing great hardship, the declaration calls for the reform of the international aid system. On the other hand, UNGA Resolution 74/274, International Cooperation on COVID-19, stresses the importance of multilateralism to "ensure global access to medicines, vaccines and medical equipment". This political support for WHO as a humanitarian actor and the symbol of multilateralism in public health is an important message.

Secondly, with more funding, the PHRM would allow humanitarian action to be adapted to the context. For instance, by mobilizing the Humanitarian Air Service, WFP is transporting medical equipment, health workers and food to remote areas of Haiti. Given the already severe crisis in that country, WFP's response is located between the food crisis exacerbated by poverty and

the current health crisis aggravated by the pandemic. Therefore, this context underpins an expansion of humanitarian assistance to meet various needs, as the failing health system faces a worrying community spread, while clean water for basic hygiene is unaffordable to many people.

Necessary coherence for the effectiveness of international solidarity

Coherence between donors' actions and the GRHP objectives remains challenging, since States' practices show the risk of further eroding humanitarian principles, including the principle of humanity.⁵ Within the State, humanitarian action thus requires internal coordination involving various departments and agencies that cooperate with non-governmental organizations (NGOs). Moreover, external coordination calling on States to harmonize their policies in order to prevent the spread of the virus throughout the world is crucial to humanitarian action effectiveness. Such action must contribute to the protection of all persons, including protected categories under international human rights law that States must not violate during the crisis.

For instance, the case of the United States returning detained migrants, including minors to Haiti and Latin American countries,⁶ illustrates the need for coherence. On the one hand, the pandemic reinforces the requirement for the United States authorities to examine the risk that persons in an

irregular situation run to their dignity and their non-derogable right to life. Elementary considerations of humanity, as illustrated in the European Court of Human rights *Paposhvili v. Belgium*⁷ case, invite every State to consider the humanitarian situation in the country of destination, including the capacity of its health system to care for those persons. On the other hand, returning migrants who test positive on arrival obviously contributes to the spread of COVID-19. It is thoughtless returning sick migrants to Haiti, knowing that the largest hospital has still not been rebuilt ten years after the devastating earthquake, and that cholera and recurrent natural disasters exacerbate the situation. Humanitarian aid will be counterproductive in the fight against the virus as long as States' practices contradict each other.

Furthermore, humanitarian aid during this pandemic raises various issues related to effectiveness, including cooperation with local actors close to the beneficiaries, cash assistance to those actors, the reconstruction of the health systems of States already in crisis and the articulation between humanitarian assistance and international economic law-based policies. The effectiveness of cooperation for the protection of the populations of the global South in managing the pandemic and its humanitarian consequences will certainly be illustrative in assessing the state of health of multilateralism.

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2. OCHA, Updated Global Humanitarian Response Plan COVID-19 https://www.unocha.org/sites/unocha/files/GHRP-COVID19_May_Update.pdf, accessed 11 May 2020.

3. OCHA, COVID-19 Humanitarian Response: <https://fts.unocha.org/appeals/952/donors>, accessed 29 April 2020.

4. Global Affairs Canada, Joint statement of the Alliance for multilateralism, <https://www.canada.ca/fr/affaires-mondiales/nouvelles/2020/04/declaration-conjointe-de-l'alliance-pour-le-multilateralisme.html>, accessed 29 April 2020.

5. Daniela Nascimento, "One-step forward, two steps back? Humanitarian Challenges and Dilemmas in Crisis Settings", *The Journal of Humanitarian Assistance*, (February 2015), <https://sites.tufts.edu/jha/archives/2126>

6. Monica Campbell, "US deportation flights risk spreading coronavirus globally", *Public Radio International*, 14 April 2020. <https://www.pri.org/stories/2020-04-14/us-deportation-flights-risk-spreading-coronavirus-globally>, accessed 27 April 2020.

7. *Paposhvili v. Belgique*, no. 41738/10, [2016] GC CEDH, para. 183 and 205.

From "Soft Power" to "Sharp Power" in Times of Pandemic

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The "world panic" (l'affolement du monde) that Thomas Gomart described in his latest book¹ has not lessened as a result of the COVID-19 world crisis, quite the opposite. While it is true that certain burning issues such as Ukraine or Syria have been sidelined as immediate priorities, the seismic tremors caused by the breakup of the geopolitical poles and the displacement of some of them towards Asia are being felt more than ever. Geopolitical rivalries are being played out simultaneously on several fronts, military and economic of course, but also - and perhaps more decisively for the future - on their relative discursive power.

While the UN General Assembly is calling for more multilateral collaboration, tensions in the Security Council, in this respect, seem to be stronger than ever.² China and its strategic partner Russia are loudly outraged by the strategy of the United States, which are trying to blame Beijing for the pandemic and talking about financial reparations. France and Great Britain are being a little more cautious on the question of the origin of the virus, but they are issuing a warning. China will have to answer "difficult questions", says London. "We should not be naïve", says President Macron, adding that there are clearly "things that have happened that we don't know about".³ Clearly, there is a hot war of conflicting narratives going on.

From "soft power"

In the aftermath of the Cold War, Joseph Nye called "soft power" the

power of attraction of a State, which, through the positive image it manages to project, succeeds in surrounding itself with allies in the achievement of common goals. If the United States has long occupied a hegemonic position in this area, it might no longer be the case.⁴ In times of pandemic, the prestige of the State is linked to the quality of the strategies used to fight the spread of the virus, the care given to the sick and the assistance provided to workers and businesses affected by the resulting economic shock. Afflicted by a staggering number of deaths and more divided than ever on strategies for deconfinement and recovery, Donald Trump's America is looking rather bleak. The decision to freeze funding to the World Health Organization (WHO), which has been very poorly received by its closest allies, is not improving its image.

Comparing ways of responding to the pandemic is inevitable, particularly between rival powers with divergent modes of governance. With a very low official mortality rate and the rapid reopening of its economy, China is sizing the opportunity to praise the effectiveness of its control and surveillance model, as well as its capacity to produce and export health equipment. Although the Chinese government made serious mistakes in the first few weeks after the outbreak of the disease, it now believes that it is in a position to offer assistance abroad, even to the United States.⁵ By publicly playing the card of compassion and solidarity, China is seeking to upset the balance of this soft power. The

wager is not yet paying off, however. The intrusive nature of its surveillance model makes it repulsive to many, and the aid offered through equipment supplies is perhaps a little too lucrative and crudely instrumentalized to really increase its sympathy capital in the global arena.

Meanwhile, the United States has not said its last word. Washington still hopes to win the race to discover and produce what will be the only long-term solution to the health crisis. Both public and private investment in the search for a vaccine is colossal. The ability to borrow at very low rates⁶ holds out the hope of a quick recovery without compromising the privacy and freedom of movement of citizens. But here again the success of the operation remains uncertain, as does the re-election of the President.

To sharp power

In this process of power renegotiation, the battle of narratives could probably not remain limited very long to the area of highlighting one's own governance of the pandemic. It increasingly spills over into an alternative discursive field, sometimes totally detached from reality, where all blows are permitted.

In a remarkable article in Foreign Affairs published in 2017, Christopher Walker and Jessica Ludwig proposed a conceptual innovation to account for the other side of this soft power.⁷ They argued that authoritarian States

such as Russia and China would use a kind of weapon called "sharp power", defined as the ability to tarnish the image of liberal democracies. Proactive strategies of disinformation and manipulation of social networks would be mobilized in an attempt to weaken American leadership, thus turning media and Internet governance into a real national security issue.

In February 2020, when China was the epicentre of the crisis, a conspiracy theory alleging that the outbreak of COVID-19 was a CIA-led biological attack was widely reported in the Chinese media, and subsequently discussed in the Russian media as if it were a plausible hypothesis.⁸ Given that the spectre of biological warfare loomed large during the Cold War era, and that the United States once invested heavily in research and

development of such weapons, is this not a conceivable scenario? Asking the question is an attempt to instil doubt, both in the domestic public and in world opinion, so as to further weaken America's sympathy base.⁹

In the West, we are witnessing a reverse conspiracy delirium, to the point where serious media outlets are having to dispel the delirious viral theory that the creation of the virus may have been deliberately planned in a Wuhan laboratory as a biological weapon designed to weaken the West.¹⁰ In the United States, the hypothesis finds fertile ground, where it is taken most seriously by Republican Senator Tom Cotton, who deliberately leaves doubt about the real intentions of the Chinese Communist Party.¹¹ Without going so far as to declare that the virus was intentionally spread out, President Trump has claimed that he

has "evidence" of China's responsibility for the appearance of the virus. Subsequent nuanced statements by Secretary of State Mike Pompeo may hardly erase the record.¹²

If this is indeed a falsehood deliberately propagated by the White House to weaken China, then it should be acknowledged that the use of sharp power is no longer exclusively used by authoritarian States as Walker and Ludwig believed.

1. L'affolement du monde : dix enjeux géopolitiques, Paris: Tallandier, 2019.

2. See Bruno Charbonneau's article in this issue.

3. "'Il y a des choses qui se sont passées qu'on ne sait pas' : Macron critique la gestion du virus en Chine", Le Figaro, April 8th 2020, <https://www.lefigaro.fr/flash-actu/gestion-du-virus-en-chine-pour-macron-des-choses-se-sont-passees-qu-on-ne-sait-pas-20200416>

4. This is the opinion of Thomas Gomart, among others. See the collected comments by Marc Semo: "La crise due au coronavirus est la première d'un monde post-américain", Le Monde, April 8th 2020.

5. See the letter from Chinese Ambassador Cui Tiankai published in the New York Times on April 5th 2020, "China and the U.S. Must Cooperate Against Coronavirus", <https://www.nytimes.com/2020/04/05/opinion/coronavirus-china-us.html>

6. The interest rate paid for 10-year Treasury bonds reached an all-time low of less than 0.32% in March 2020.

7. Christopher Walker and Jessica Ludwig, "The meaning of Sharp Power", Foreign Affairs, November 16th 2017. <https://www.foreignaffairs.com/articles/china/2017-11-16/meaning-sharp-power>

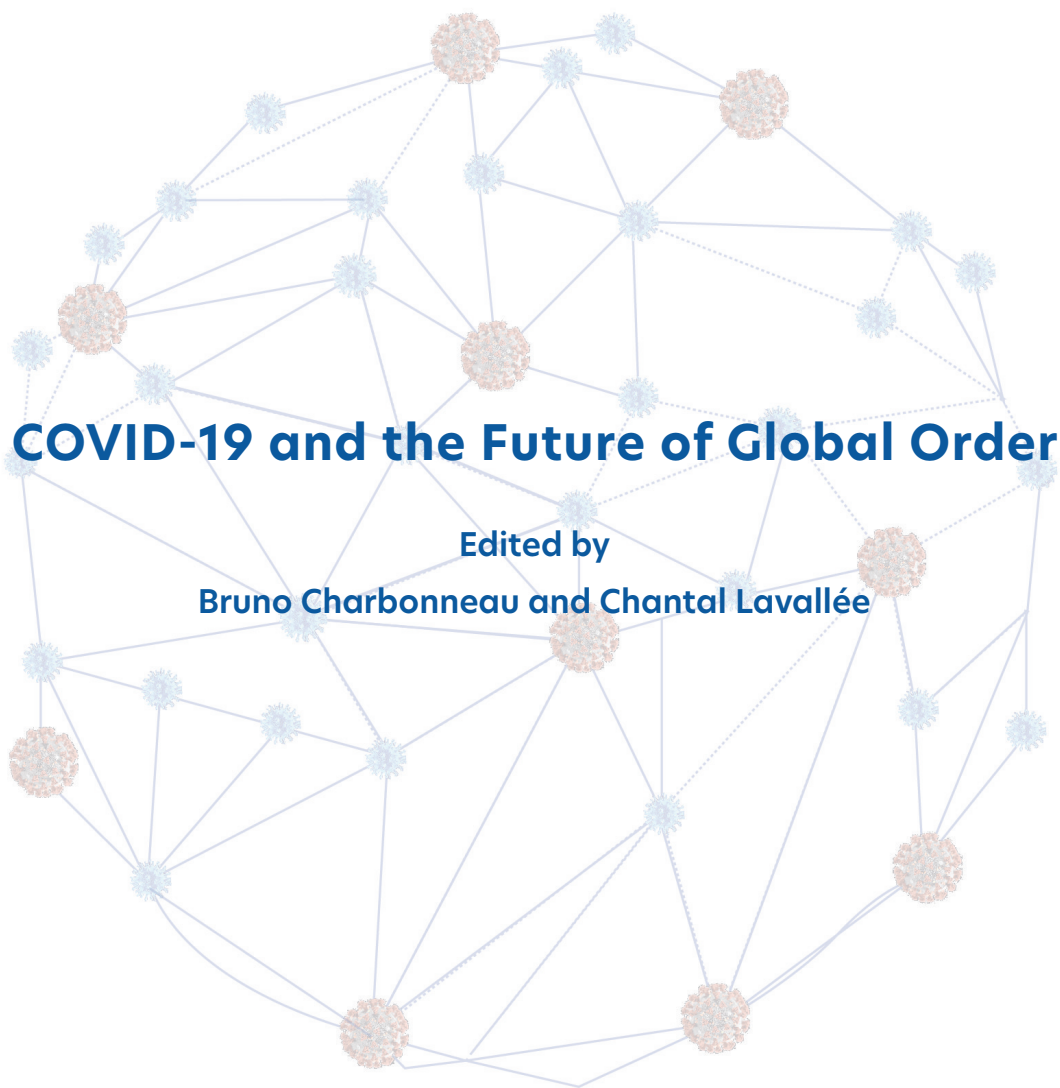
8. Ali Breland, "Russian Media Outlets are Blaming the Coronavirus on the United States", Mother Jones, February 3rd 2020, <https://www.motherjones.com/politics/2020/02/russian-disinformation-coronavirus/>

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11. Yael Halon, "Sen. Tom Cotton stands by startling theory on coronavirus origins: 'We need to be open to all possibilities'", Fox News, February 18th 2020, <https://www.foxnews.com/media/sen-tom-cotton-coronavirus-origins>

12. Jack Brewster, "Pompeo Backtracks About Wuhan Lab: The Latest in the Controversial Coronavirus Origin Theory", Forbes, May 6th 2020, <https://www.forbes.com/sites/jackbrewster/2020/05/06/pompeo-backtracks-about-wuhan-lab-the-latest-in-the-controversial-coronavirus-origin-theory/#747d3aa52f72>



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