

PANDEMICS, TRAVEL RESTRICTIONS, AND THE DISTANCING FROM INTERNATIONAL LAW

*Fernando Dias Simões**

ABSTRACT

History shows that governments confronted with a pandemic tend to impose travel restrictions. This tradition was taken to unprecedented extremes in response to COVID-19. However, contrary to common perceptions, travel restrictions are not effective and at most delay the peak of a pandemic by a few days or weeks. The International Health Regulations (hereinafter “IHR”) were created to strike a balance between the protection of public health and the maintenance of international mobility. Yet, States Parties almost universally disregarded the Regulations, imposing measures that only added to the economic and social disruption caused by the pandemic. In recent months, “social distancing” became a household expression. This article argues that the widespread implementation of travel restrictions during the COVID-19 crisis is also a symptom of a different type of distancing—that of states from their international law obligations. It examines some potential explanations for the astonishingly high rate of non-compliance with the IHR and urges states to take their international law obligations more seriously.

* Associate Professor, Faculty of Law, Chinese University of Hong Kong. Email: fdiassimoes@cuhk.edu.hk.

KEYWORDS: *COVID-19, travel restrictions, International Health Regulations, World Health Organization, temporary recommendations*