When the Centre Becomes Peripheral?
The UN Security Council's Response to Covid-19

Jeremy Farrall and Christopher Michaelsen

UNSW Law
UNSW Sydney NSW 2052 Australia

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1   Introduction

On 9 April 2020 UN Secretary-General António Guterres warned the United Nations (UN) Security Council (UNSC) that the COVID-19 pandemic was the world's 'gravest test' since the UN was founded.[1] He further declared that the pandemic posed 'a significant threat to the maintenance of international peace and security'.[2]

As the body with primary responsibility for the maintenance of international peace and security, the Security Council might have been expected to lead global efforts to address the threat posed to international peace and security by COVID-19.[3] Indeed, the Council's location in the COVID epicentre of New York City in early 2020 meant that it was under no illusions concerning the gravity of the COVID threat. However, the first formal indication that it was paying attention to COVID-19 came more than two months after the Director-General of the World Health Organization (WHO) declared 'a public health emergency of international concern over the global outbreak of novel coronavirus',[4] when on 24 March the Council moved from in-person meetings to Video Teleconferences (VTCs).[5]

The UN Secretary-General delivered his warning about the scale of the threat posed by COVID-19 at the Security Council's first formal meeting on the impact of COVID-19.[6] It followed his appeal, two weeks earlier, for a global ceasefire during the pandemic.[7] At the launch of that appeal, the Secretary-General had stressed that 'The fury of the virus illustrates the folly of war', before calling for 'an immediate global ceasefire in all corners of the world'.[8] He warned that it was 'time to put armed conflict on lockdown and focus together on the true fight of our lives' and he called on warring parties to 'End the sickness of war and fight the disease that is ravaging our world'.[9]

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[1] UN Secretary-General, *Comments to the Security Council at its teleconference on the new agenda item Impact of the COVID-19 Pandemic*, Apr. 9, 2020, available at: https://www.un.org/sg/en/content/sg/statement/2020-04-09.

[2] Ibid.

[3] UN Charter, Art. 24.

[4] Director-General of the World Health Organization, *Declaration at the second meeting of the International Health Regulations (2005) Emergency Committee regarding novel coronavirus*, Jan. 30, 2020, available at https://www.who.int/dg/speeches.

[5] UN Security Council, *VTCs of the Security Council members and outcomes during the COVID-19 pandemic*, available at https://www.un.org/securitycouncil/content/meetings-2020-vtc (visited April 9 , 2021).

[6] Security Council President, *Press elements from VTC on the Impact of COVID-19*, Apr. 9, 2020, available at https://www.un.org/securitycouncil/content/meetings-2020-vtc.

[7] UN Secretary-General, *Appeal for Global Ceasefire*, Mar. 23, 2020, available at https://www.un.org/sg/en/content/sg/speeches.

[8] Ibid.

[9] Ibid.

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The 9 April meeting was scheduled in the expectation that the Council would respond to the COVID-19 threat. However, despite the Secretary-General's opening statement about the scale of the challenge posed by COVID-19, and his characterisation of the pandemic as 'a significant threat to the maintenance of international peace and security', the Council was not able to take any substantive action at that meeting. It was not even able to act on the proposal by some Council members to endorse the UN Secretary-General's call for a global ceasefire. Ultimately, the best the Council could do was to express 'support — for all efforts of — the Secretary-General — concerning — the potential impact of COVID-19 pandemic to conflict-affected countries' and to recall 'the need for unity and solidarity with all those affected'.[10]

The Security Council's response to COVID-19 has been criticised as paralysis in the face of a raging contagion,[11] and described as a case study in how not to exercise collective global leadership in the face of a grave threat.[12] This article explores the extent to which the response to the COVID-19 threat has rendered it a peripheral, rather than central, actor when it comes to managing grave contemporary threats to international peace and security. It argues that, in fact, the Council's practice in 2020, including in relation to the COVID threat, tended to follow, rather than diverge from, past practice. Indeed, the Council's approach to COVID-19 exhibits three classic – and increasingly entrenched – features of Council decision-making during a crisis. First, the Council is hesitant and ill-equipped to respond to unorthodox threats to international peace and security. Second, the Council struggles to act when there is friction between permanent members (P5). Third, when all else fails, the Council can still do reliably well on process.

The article proceeds in four parts. Part I discusses the Council's approach to international health crises. Part II explains how dynamics in the Council prevented the emergence of a united front on COVID-19. Part III describes how the Council was able to innovate on process even though it was constrained on substance. Part IV then explores how a unified Council might have responded more effectively to COVID-19. It concludes that, while a united Council could have taken constructive steps to shape and support an effective collective response, we should be wary of calls for the Council to play a more active role in initiatives that stray beyond its core business.

2   The Security Council and international health crises

The powers of the Security Council to settle international disputes peacefully and to maintain peace and security are laid out in Chapters VI and VII of the UN Charter. These allow the Council to make 'recommendations' and to adopt enforcement measures respectively. Article 39 is the gateway provision to Chapter VII. If – pursuant to Article 39 of the UN Charter – the Council finds that a situation amounts to a threat of the peace, breach of the peace or act of aggression it can take enforcement measures which may include measures short of force, under Article 41, as well as military force, under Article 42.

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[10] Security Council President, above note 6.
[11] C. Lynch, 'U.N. Security Council Paralyzed as Contagion Rages', 27 March 2020, FP, Report, available at : https://foreignpolicy.com/2020/03/27/un-security-council-unsc-coronavirus-pandemic/.
[12] P. Danchin, J. Farrall, S. Rana & I. Saunders, 'The Pandemic Paradox in International Law' (2020) 114 *American Journal of International Law* 598-607, 601.

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The Council's interpretation of threats to international peace and security has expanded considerably since the UN Charter was drafted. In 1945, the UN's founders would have assumed that the Council would typically respond to conventional security threats to national political independence and territorial integrity. But in recent decades the Council has increasingly characterised non-conventional phenomena, including civil wars, international terrorism, serious violations of human rights, and even climate change, as threats to international peace and security.

Yet while the Council has recognised non-traditional security threats as threats to peace and security within the meaning of Article 39, the Charter arguably lacks mechanisms that would enable the Council to effectively address such threats. This is true both with respect to the constitutional framework provided for by the Charter and the measures the Council could actually take in practice. In this section we explore how, prior to COVID-19, the Council had previously considered the relationship between unfolding international health crises and international peace and security, in relation to HIV/AIDS and Ebola

2.1 HIV/AIDS

In January 2000, at its very first meeting for the new millennium, the Council discussed 'The impact of AIDS on peace and security in Africa'.[13] At that meeting, US Vice-President Al Gore, acting in the capacity of President of the Council, noted that it was 'the first time, after more than 4,000 meetings stretching back over more than half a century, that the Security Council [would] discuss a health issue as a security threat'.[14] Gore warned that 'while the old threats still face[d] our global community, there [were] … new forces … [that would] … challenge international order, raising issues of war and peace'.[15] He thus urged the Security Council to 'forge and follow a new agenda for world security', which would include addressing 'the new pandemics laying waste to whole societies'.[16] By contrast, UN Secretary-General Kofi Annan suggested a more modest role for the Council, namely 'to prevent conflict from contributing to the spread of AIDS and from impeding the efforts that other partners are making to control it'.[17]

Six months later the Council adopted resolution 1308 (2000), in which it stressed that 'the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security', and noted its primary responsibility for the maintenance of international peace and security, before expressing its concern at the potential damaging impact of HIV/AIDS on the health of international peacekeeping personnel.[18] The Council then recognised efforts by Member States, and requested the Secretary-General to take further steps, to develop strategies to train peacekeeping personnel with respect to the prevention and treatment of HIV/AIDS.[19] Over the subsequent three years the Council held three follow-up meetings on the implementation

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[13] For the provisional verbatim records of that meeting, see: UN doc. S/PV.4087 (10 January 2000).

[14] Ibid., p. 2.

[15] Ibid., p. 3.

[16] Ibid. Gore's characterisation of the meeting as the first occasion on which the Council had considered a health crisis to amount to a threat to global security was reinforced by a letter sent at the end of the US presidency of the Council to the President of the UN General Assembly, reporting that in 'consultations' following the 10 January meeting, the members of the Council had 'recognized the negative impact of AIDS on peace and security on the [African] continent and worldwide': UN doc. S/2000/75 (31 January 2000).

[17] UN doc. S/PV.4087 (10 January 2000), p. 5.

[18] SC Res 1308 (17 July 2000), preamble; para 1.

[19] Ibid., paras 2, 3.

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of resolution 1308 (2000).[20] At one of those meetings it adopted a presidential statement reinforcing the resolution without authorising any substantial additional action.[21] Yet, it did not proceed to develop a comprehensive agenda or framework that would assist the Council in responding to future international health crises.

2.2 The Ebola outbreak in West Africa in 2013-14

Initially slow to respond to the outbreak of Ebola in West Africa in late 2013, the Council's response accelerated in mid-2014 when the gravity of the epidemic and the risk it posed to people and states became increasingly apparent. On 18 September 2014, the Council adopted Resolution 2177 and determined that the 'unprecedented extent of the Ebola outbreak in Africa constitutes a threat to international peace and security.'[22] It encouraged states to take a number of steps to help bring the disease under control. In particular, it called on Member States in the region to facilitate the delivery of assistance, specialised and trained personnel and supplies.[23] These measures were primarily aimed at complementing existing regional UN efforts on the ground which included peacekeepers in Liberia as well as a significant humanitarian and development presence in Guinea and Sierra Leone. By throwing its weight behind use of these UN assets to counter the Ebola outbreak, and encouraging Member States to pledge additional resources to the effort, the Council added urgency to the global response to the epidemic. Significantly, Resolution 2177 also recognised central role of the World Health Organization and urged States to implement relevant temporary recommendations issued by the WHO.[24]

Unlike in the case of HIV/AIDS, the adoption of Resolution 2177 marked the first time that the Council determined that a health issue *per se* constituted a threat to international peace and security.[25] The resolution was adopted unanimously and co-sponsored by some 130 states, the highest number in the history of the Council. However, the qualification of Ebola in Chapter VII terms was not without contention in the Council itself. In the debate prior to the adoption of Resolution 2177, Brazil and Colombia, for instance, were highly critical of framing the Ebola outbreak as a threat to international peace and security. Brazil recognised the disease's 'potential to destabilize fragile situations in Liberia, Guinea and Sierra Leone and spread far beyond the affected countries' but stressed 'the need to treat the outbreak first and foremost as a health emergency and a social and development challenge rather than a threat to peace and security'.[26] Colombia held similar views and urged the international community to address the crisis in the General Assembly instead.[27] In spite of these criticisms the United States signalled its readiness to lead coordination of the international response, and with China and other permanent Council members working collaboratively, the Council was able to take action.

2.3 The Ebola outbreak in the Democratic Republic of the Congo in 2018

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[20] S/PV.4259 (19 January 2001); S/PV.4339 (27 June 2001); S/PV.4859 (17 November 2003).
[21] S/PRST/2001 (28 June 2001).
[22] SC Res 2177 (18 September 2014), preamble.
[23] Ibid., paras 5-8.
[24] Ibid., preamble, paras 11, 12.
[25] For commentary, see, eg, Gian Luca Burci, 'Ebola, the Security Council and the Securitization of Public Health' (2014) *Questions of International Law* 27-39; Christian Enemark, 'Ebola, Disease-Control, and the Security Council: From Securitization to Securing Circulation' (2017) 2(2) *Journal of Global Security Studies* 137-149.
[26] UN Doc S/PV.7268 (18 September 2014) 28.
[27] Ibid., 45.

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The Council responded to another Ebola outbreak in 2018, this time in the Democratic Republic of the Congo (DRC). Adopting Resolution 2439 on 30 October 2018, the Council expressed 'grave concern' about the outbreak of the Ebola virus in the DRC. It requested an immediate cessation of hostilities by all armed groups in light of 'the serious concern regarding the security situation in the areas affected by the Ebola outbreak, which is severely hampering the response efforts and facilitating the spread of the virus in the Democratic Republic of the Congo and the wider region'.[28] As it had done in Resolution 2177 in the context of the West African outbreak, the Council stressed the 'crucial and continued need for a WHO coordinated international response' and recognised the WHO's leading role among 'all relevant United Nations System entities in supporting the national, regional and international efforts to respond to the Ebola outbreak'.[29] In contrast to Resolution 2177, however, Resolution 2439 did not frame the emergency as a Chapter VII issue. Rather, Resolution 2439 considered the 'ongoing armed conflict' in the DRC, not Ebola itself, as the threat to international peace and security.[30]

3   Council dynamics and its response to COVID-19

As the COVID-19 crisis escalated, members of the Security Council thus had the HIV/AIDS and Ebola precedents on which to draw as they contemplated how the Council might respond. This section begins by examining the diplomatic dynamics at play in the Council as pressure mounted for a response to both COVID-19 and the Secretary-General's appeal for a global ceasefire. It then discusses the content and ramifications of the Council decision that eventually adopted, namely Resolution 2532, of 1 July 2020.

3.1 Friction in the Council

The UN Charter granted five states permanent membership of the Security Council, along with the power to veto prospective substantive Council decisions. The threat and/or use of the veto power create a perennial pragmatic constraint on the principled aspirations of Council decision-making.[31] The capacity of the veto power to halt prospective Council action is graphically demonstrated by the fact that negative votes by permanent members prevented the adoption of 246 draft resolutions between the Council's creation and the end of 2020, equating to an average of more than three thwarted resolutions each year.[32] Yet keen observers of the Council's practice have pointed out that the impact of the threat of the veto, which has been referred to as the 'hidden' or 'pocket' veto, is both more pervasive and more difficult to measure and quantify.[33] Thus the actual attrition rate of potential Council initiatives objected to by one or more P5 members is undoubtedly far higher than those just noted.

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[28] SC Res 2439 (30 October 2018), para 4.

[29] Ibid, preamble, para. 14.

[30] Through 2019 and 2020, the Council monitored a further Ebola outbreak in the DRC where UN peacekeepers cooperated with health experts to deliver humanitarian aid into volatile regions.

[31] N. Blokker, *Saving Succeeding Generations from the Scourge of War: The United Nations Security Council at 75* (Leiden: Brill Nijhoff, 2020), 47-74 (ch. 2 'The Security Council and the Right of Veto').

[32] Security Council Report, Table of the Security Council Veto (New York, Security Council Report, December 2020), available at: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/working_methods_veto.pdf (last checked 12 March 2021); Security Council Report, *Research Report on the Veto* (New York, Security Council Report, October 2015).

[33] Security Council Report, *Research Report on the Veto*, ibid, p. 3.

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Of course, the Council is more than the sum of its five permanent parts. In addition to the P5, there are also ten elected Council members (the 'E10'), who also have the capacity to shape Security Council decision-making.[34] Indeed, as a block of seven or more they can even combine to 'veto' prospective Council action by preventing a draft resolution from obtaining the nine votes necessary for adoption. However, regardless of their capacity to contribute to Council decision-making, the E10 are powerless to proceed in the face of determined permanent member opposition. If one or more of the permanent members have substantial misgivings about prospective action, then efforts to take such action through the Council are destined to fail.

In relation to the COVID-19 crisis, negotiations in early-April 2020 towards a formal Council response unravelled due to squabbling between China and the United States on how to characterise the name of the virus and how to respond thereto.[35] Further, the Trump administration's strong criticisms of the WHO's early handling of the crisis and allegations that the organisation itself was 'China-centric' and 'a puppet of China' contributed to the stalemate in the Council.[36] The escalating differences between the United States and China were, in turn, described by the Chinese Foreign Minister as a 'new Cold War'.[37] The upshot of this squabbling was that the Council was unable to endorse the Secretary-General's earlier call for a global ceasefire at the 9 April meeting. It is ironic that permanent members prevented the Council from taking swift action against COVID-19, given the damage the pandemic had already wrought not just on the Council's New York home, but also on the domestic populations of all permanent members. For most of May and June 2020, the only permanent member who sat outside the COVID-19 top ten infectious countries was China, where the virus originated.[38]

Within the Council, France and Tunisia led efforts to push deliberations forward. As Richard Gowan and Ashish Pradhan report, some Council members apparently favoured calling a vote on a draft resolution in early May to see if either China or the United States would really veto it, but eventually did not proceed with such an initiative.[39] However, in order to overcome the stalemate within the Council, any express mention of the WHO or the International Health Regulations were dropped in the final July draft. Instead, negotiations in the Council shifted to focusing on the Secretary-General's call for a global ceasefire as a topic that both served the purposes of pandemic response and wholly fell within the Council's remit of maintaining international peace and security.

While the deterioration of the United States-China relationship had a significant adverse impact on the functioning of the Council, it would be misleading to argue that this friction was the only development that impeded Council progress with respect to the pandemic. At least two other dynamics played a contributing role and shaped the Council's overall

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[34] J. Farrall, M. Loiselle, C. Michaelsen, J. Prantl & J. Whalan, 'Elected Member Influence in the UN Security Council' (2020) 33(1) *Leiden Journal of International Law* 101-115.

[35] Security Council Report, *International Peace and Security, and Pandemics: Security Council Precedents and Options*, Apr. 5, 2020, available at: https://www.whatsinblue.org.

[36] Coronavirus: Trump accuses WHO of being a 'puppet of China', BBC News, 19 May 2020, Coronavirus: Trump accuses WHO of being a 'puppet of China' - BBC News

[37] Anna Fifield, *Chinese foreign minister warns U.S. against taking countries "to the brink of a new Cold War"*, WASH. POST, May 25, 2020, at A12.

[38] See: Johns Hopkins University Coronavirus Resource Center, *COVID-19 Dashboard*, available at https://coronavirus.jhu.edu/map.html (visited June 26, 2020).

[39] https://www.crisisgroup.org/global/salvaging-security-councils-coronavirus-response

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response to COVID-19. First, as was evident in previous instances in which the Council was confronted with an international health crisis, there was little consensus among Member States of the institutional role the Council should play in responding to such crises. This lack of consensus extends not only to the question of categorising any such crisis in Charter terms, but also to the nature and scope of measures the Council should take to address non-traditional security threats such as pandemics. It is clear that in the case of COVID-19, these divisions caused further friction between permanent members, while at the same time hampering concerted action of E10 members.

Second, even those Council members who favoured a more proactive Council, failed to provide concrete proposals for an innovative Council response to COVID-19. Germany, an elected member on the Council in 2019-20, is a case in point. Prior to COVID-19, the German government had signalled its intention to use its Council term to spur discussion of pandemics, which was considered a personal priority for Chancellor Angela Merkel. Yet even after the Council had finally adopted its COVID-19 resolution on 1 July 2020, Foreign Minister Heiko Mass could offer little but vague aspirations for Council action which he described as 'three lines of action'.[40] These included 'monitoring the fast changing dynamics of conflict', 'protecting the health of [UN mission] staff and local populations' and keeping the UN peacekeeping missions 'fully operational'.[41]

3.2 Resolution 2532 and the demand for a global ceasefire

The Security Council adopted Resolution 2532 unanimously on 1 July 2020.[42] It recognised that 'the unprecedented extent' of the COVID-19 pandemic was 'likely to endanger the maintenance of international peace and security'.[43] Similar to the approach taken in response to the Ebola outbreak in the DRC in 2018, but unlike the case of the West African Ebola crisis in 2014, COVID-19 *per se* was not classified in Article 39 terms as constituting a threat to international peace and security. Rather, the pandemic's aggravating impact in specific pre-existing contexts of instability was the source of concern. As a consequence, and remarkable in itself, the Council demanded 'a general and immediate cessation of hostilities in all situations on its agenda'.[44] It further called 'upon all parties to armed conflicts to engage immediately in a durable humanitarian pause for at least 90 consecutive days'.[45] The call for a global ceasefire, however, was subject to exceptions. It did not apply to military operations against Islamic State in Iraq and the Levant (ISIL/Da'esh), Al-Qaida and Al-Nusra Front as well as other Council-designated terrorist groups. As such, the resolution departed significantly from the global ceasefire call Secretary-General Guterres had urged the Council to adopt a few months earlier.

Significantly, the final draft of Resolution 2532 did not mention the WHO explicitly. Instead, the Resolution's preamble stated that the Council had 'considered' General Assembly Resolution 74/270, which itself recognises 'the central role of the United Nations system in catalysing and coordinating the global response to control and contain the spread of COVID-

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[40] Speech by Foreign Minister Heiko Maas on Pandemics and Security at the Open debate of the UN Security Council (Video conference), 2 July 2020, Speech by Foreign Minister Heiko Maas on Pandemics and Security at the Open debate of the UN Security Council (Video conference) - Federal Foreign Office (auswaertiges-amt.de)

[41] Ibid.

[42] SC Res 2532 (1 July 2020).

[43] Ibid., preamble.

[44] Ibid., para. 1.

[45] Ibid., para. 2.

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19, and acknowledging in this regard the crucial role played by the World Health Organization'.[46] In light of the escalating United States-China conflict this is, perhaps, not all that surprising. However, the decision to exclude explicit references to the WHO altogether did represent a considerable departure from previous Council practice and the approaches taken in both the West African and DRC Ebola crises. On the other hand, it is precisely the United States-China conflict that led to the exclusion of the WHO. One should thus be careful in drawing broader conclusions about possible fundamental shifts in the Council's response to international health crisis.

These shortcomings notwithstanding, Resolution 2532 marked the first time that the Council has called for a general ceasefire and humanitarian pause in armed conflicts across the globe. This has led to some debate among scholars about the legal nature of the Resolution and whether it is binding (and for whom).[47] The debate on this issue largely revolves around the question of whether Resolution 2532 (and the language employed by it) amounts to a 'decision' of the Council under Article 25 of the UN Charter or merely a 'recommendation' under Article 36. More importantly, perhaps, there is little evidence that the Resolution had any meaningful impact on any existing armed conflict around the globe. What is more, it also failed to dissuade parties to 'dormant' conflicts from resuming hostilities, the re-eruption of serious clashes in Nagorno-Karabakh in September 2020 being a case in point.

4   Procedural Innovation in Difficult Times

Despite its inability to take assertive substantive steps to address the COVID pandemic, the Security Council was able to respond quite nimbly on the procedural front. As noted above, in late-March 2020, when New York entered lockdown the Council moved to VTC meetings.[48] In subsequent months a number of additional COVID-19 procedural workarounds were developed by successive presidencies to ensure that the Council could continue its deliberations in the midst of evolving circumstances.[49] These makeshift arrangements included new processes to adopt Council decisions other than resolutions, as well as modalities to promote transparency and engagement in the new virtual decision-making environment.

4.1 The Security Council goes virtual: meetings by VTC

On 27 March China, in its capacity as President of the Council, circulated a letter setting out new, temporary procedures to meet virtually by videoconference (VTC) and to follow a

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[46] GA Res 74/270 (3 April 2020), preamble.
[47] See, eg, Erin Pobjie, 'Covid-19 as a threat to international peace and security: The role of the UN Security Council in addressing the pandemic' *ESIL: Talk!* 27 July 2020 https://www.ejiltalk.org/covid-19-as-a-threat-to-international-peace-and-security-the-role-of-the-un-security-council-in-addressing-the-pandemic/; Ilja Richard Pavone, Security Council Resolution 2532 (2020) on COVID-19: A Missed Opportunity? ESIL Reflections Vol 9 Iss 5 (8 February 2021), https://esil-sedi.eu/wp-content/uploads/2021/02/ESIL-Reflection-Pavone.pdf
[48] UN Security Council, *VTCs of the Security Council members and outcomes during the COVID-19 pandemic*, available at https://www.un.org/securitycouncil/content/meetings-2020-vtc (visited April 9 , 2021).
[49] See: UN doc S/2020/253 (31 March 2020, China), UN doc S/2020/273 (6 April 2020, Dominican Republic); UN doc S/2020/372 (7 May 2020, Estonia); UN doc S/2020/490 (3 June 2020, France); UN doc S/2020/639 (2 July 2020, Germany); UN doc S/2020/778 (4 August 2020, Indonesia); UN doc S/2020/877 (3 September 2020, Niger); UN doc S/2020/966 (2 October 2020, Russian Federation); UN doc S/2020/1077 (2 November 2020, St Vincent and the Grenadines); UN doc S/2020/1163 (3 December 2020, South Africa).

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written process for the consideration and adoption of draft resolutions.[50] The process for VTC meetings required the President of the Council to provide advance notice, both publicly and Council members, of a forthcoming VTC 24 hours before its scheduled time.[51] Unlike in-person meetings, VTCs were not conducted with simultaneous interpretation into all official UN languages. Rather, by default they were conducted in English. During its presidency in September 2020 Niger expressed dissatisfaction with the continued absence of interpretation, making a point of speaking in a different language (French), while circulating an English version of its comments.[52] In its November presidency, St Vincent and the Grenadines noted that Council members agreed that 'multilingualism' should be prioritized.[53]

4.2 Remote resolutions

The March letter by the president of the Council also established a new process for the remote adoption of resolutions. The process involved a phased, 45-hour written process, including some live VTC elements. In the first phase (24 hours), Council members seeking to put a draft resolution to the vote would present their proposed text, known as the draft resolution 'in blue', to the President of the Council. The President would then send a letter to all members, circulating the draft as an annex, requesting them to provide their votes in writing within 24 hours. Any non-responses would be considered equivalent to an absence from an in-person vote, thus not registering as any of the three voting categories of in favour, against or abstention. In the second phase (12 hours), the President would convene a VTC to announce the outcome of the vote. In the third phase (3 hours), the President would circulate a letter to all members confirming each delegation's vote, as well as the overall vote-count. If the resolution had been adopted it would be given a date and a number and then circulated to all Council members and directly affected non-Council members. In the fourth and final phase (6 hours), members would have the opportunity to submit a written explanation of vote. At the same time, directly affected non-members would also have the opportunity to submit a written statement. Following this process the voting result and all letters received would be published on the Council website and the adopted resolution would have the same legal status as if it had been adopted in-person in the Council chamber.

4.3 Virtual presidential statements and press elements

Over following months the Council introduced additional innovations for adopting Council decisions other than resolutions. During the April presidency (Dominican Republic), the Council agreed that presidential statements would be adopted through a two-step process.[54] First, Council members would need to achieve consensus electronically on a proposed text. Second, the proposed text would undergo a non-objection process of not less than 48 hours, at which point in the absence of any objections it would be adopted with the same legal status as if it had been adopted at an in-person meeting.[55]The following month, under Estonia's presidency, the Council agreed that the President could facilitate the negotiation of elements for the press to be delivered orally by the President to the press via UN webcast.[56]

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[50] UN doc S/2020/253 (31 March 2020).
[51] Ibid.
[52] UN doc S/2020/877 (3 September 2020).
[53] UN doc S/2020/1077 (2 November 2020).
[54] UN doc S/2020/273 (6 April 2020), paras 25, 26.
[55] Ibid., paras 25, 26.
[56] UN doc S/2020/372 (7 May 2020), para. 21.

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4.4 Meeting records: compilation documents and webcasts

During the same period the Security Council swiftly developed makeshift solutions designed to maintain transparency and consistency in its virtual decision-making processes. Instead of providing the usual provisional verbatim records, which are issued in all six official languages, the Council requested all parties making statements before the Council, whether Council members, non-Council Members participating under rule 37, or briefers presenting under rule 39, to submit a written statement (in English).[57] At the conclusion of the relevant meeting, the statements would be drawn together, along with any associated voting records or explanations of votes, and presented in a 'compilation document' that would be published as an official Council document.[58] At the same time, open VTC sessions would be both webcast live, and recordings of those webcasts would be archived on the Security Council website.[59]

4.5 Transitional modalities for the resumption of in-person meetings

The Council also employed a range of procedural tweaks as it sought to transition back to in-person meetings when circumstances would so allow. In its July presidency, Germany stressed 'the need for and value of in-person diplomacy' as it outlined contingency plans for the Council to meet in the ECOSOC chamber, where 97 people could gather while complying with social distancing requirements (a higher number than was possible in the Security Council's chamber).[60] The plans also provided for contactless entry and exit through different doors, mandatory wearing of face covering masks, as well as for any movement to be undertaken in a clockwise direction.[61] In October, when it had not yet been possible to hold many such in-person meetings, Russia used its presidency to promote a return to in-person meetings in the Council's own chamber. Urging the Council not to lag behind New York City's efforts to enter 'a less restrictive stage of re-opening', Russia elaborated a similar set of modalities.[62] As the Council chamber was a smaller venue, there was a need for additional precautionary measures, such as the installation of Plexiglas barriers between seats and around the Council table, and for delegates to bring their own water in reusable containers.[63]

5   Concluding Observations

In the introduction we posed the question whether the Security Council's response to COVID-19 has rendered it peripheral, rather than a central, actor when it comes to addressing grave contemporary threats to international peace and security. As we flag in the same introduction, our analysis reveals the Council's response to be largely consistent with, rather than divergent from, its past practice. Indeed, the Council's experience with COVID-19 reinforces three established trends.

First, the Council is uncomfortable when pushed to respond to unorthodox threats. Thus, despite the existence of directly relevant precedents for Council action in the face of international health crises, the 2020 Council was reluctant to respond assertively. Moreover,

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[57] UN doc S/2020/253 (31 March 2020), paras 18-20.
[58] Ibid., para. 20.
[59] Ibid., paras 21, 22.
[60] UN doc S/2020/639 (2 July 2020).
[61] Ibid.
[62] UN doc S/2020/966 (2 October 2020).
[63] Ibid.

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when it did eventually take action, it confined its response to the comparatively safe and familiar ground of the locations in which it was already actively engaged.

Second, the Council struggles to take effective action when there is friction among the P5. In this case, the heightened friction between the two currently most powerful permanent members over how to characterise the origins of the pandemic, as well as on the prospective role of the international organisation whose mission it is to promote international health, namely the WHO, complicated the Council's efforts both to respond itself and to empower the hands of the multilateral body best placed to respond on behalf of the international community.

Third, when all else fails, the Council can usually achieve some progress by focusing on process. This is not to suggest that the Council did not achieve any progress on substance. In fact, as we have observed, the Council's adoption of Resolution 2532 was significant as it represented the first time that the Council had issue a global ceasefire of any form. Nevertheless, the level of fastidious procedural detail and innovation that was required to facilitate the Council's ongoing deliberations during the pandemic does suggest a somewhat skewed order of priorities when juxtaposed with the Council's slow progress on substance. Yet the procedural creativity on display reflects an emerging trend in times of heightened P5 tension, according to which engaged, often elected, members have sought to mitigate or work around setbacks on the substantive front by pursuing incremental progress in the less divisive, less contested realm of process.[64]

To conclude, the centrality of the Council as a forum for addressing global threats is directly linked to the nature of those threats. If a global threat falls squarely within the established, conventional parameters of international security threats, then the Council remains a central actor and a clear case can be made for the Council to respond assertively. Of course, this does not mean that it will so respond, as the political process enshrined in the Charter must first play out. Consequently, where the national interests of the P5 are engaged, the Council will not be able to respond assertively, even where it is the central relevant global actor and its core collective interests are engaged. However, when faced with a global threat outside its traditional international security boundaries, the Council tends to be hesitant and ineffective, rendering it a peripheral actor. When it does attempt to address such threats, it does so with tools that are not designed with those threats in mind. Almost inevitably, its efforts are ineffective, rendering it peripheral. The best that can be hoped in such circumstances is that it can agree to strengthen the hands of other multilateral actors that are better equipped to address such unorthodox threats.

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[64] For analysis of recent developments in Security Council working methods, see: J. Harrington, 'The Working Methods of the United Nations Security Council: Maintaining the Implementation of Change' (2017) 66 *International and Comparative Law Quarterly* 39-77; M. Loiselle, 'The penholder system and the rule of law in the Security Council decision-making: setback or improvement?' (2020) 33(1) *Leiden Journal of International Law* 139-156.

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