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**THE UN SECURITY COUNCIL’S MANAGEMENT
IN COVID-19 CRISIS**

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Abstract:

Currently, we assist to a conditional reality imposed by the COVID-19 pandemic, with both immediate and long-lasting repercussions on international system and on the behavior of each state. For this reason and because the new virus has a dynamic evolution in time and space, a research of the impact of the new virus is needed not only from a biogenetic perspective but also in the context of other fields, including the international relations realm.

The events we are witnessing at present challenge to keep up with transformations taking place on the international arena, especially those in the field of virology. As epidemics over time, viruses that cause them change and occur, constant remains only the fact that they will always influence not only interpersonal relations but impose conditions for new realities in the system of international relations.

This article aims to highlight the main gaps in the work of the institution responsible for maintaining peace and security on the international arena, especially in the context of the COVID-19 crisis.

Keywords: *pandemic, impact, state, politics, coronavirus, international relations, the United Nations, the Security Council*

1. Introduction

One of the most discussed issues, both in academic environment and in the discourse of polemologists, political scientists, economists and specialists in other fields, is the impact of COVID-19 on international security. Although, during the first three months of 2020 the full attention of the international community was focused on the emergence of the COVID-19 pandemic and its impact on individual, society, human and interpersonal relationships, an indispensable attention should be paid, also, to the activity or inactivity of institutions responsible for maintaining peace and security on the international arena. The United Nations (UN) is the main organization with such responsibilities in the security sphere, especially the Security Council as a decisive forum. Thus, on the background of outbreaks of the virus at global scale, the activity of the Security Council is particularly observed by the international community. Currently, in the event of epidemics, especially in the case of a pandemic, occur the greatest disasters concerning the extent of involvement of the UN Security Council in settling the COVID-19 crisis.

For a better understanding of efforts or weaknesses of the UN Security Council, there is a need for a careful analysis of the work of the institution, including its management by UN Secretary-General, Antonio Guterres. Thus, at an interval of approximately five months since the emergence of COVID-19, the Secretary-General of the United Nations has warned that the world



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body is facing the "worst test" since its founding 75 years ago, as global peace and security are threatened by the coronavirus pandemic. It is the first time in the history of UN when its 15 ambassadors met to discuss a pandemic [1]. The UN Secretary-General Antonio Guterres warned the UN Security Council that the coronavirus pandemic threatens international peace and security, as it could lead to an increased social unrest and violence that would significantly undermine the capacity of the community to fight the disease [2], and in the future, "the commitment of the Security Council would be essential to maintain peace and to reduce the impact of Covid-19 crisis on international security". The Security Council has fifteen members, five of them are permanent, France, the United Kingdom, the United States, China and Russia, representing the main body for maintaining international peace and security. Its decisions are coercive, the latter having a wide range of powers if it finds a threat or an attack on international peace and security [3].

"To overcome the pandemic, according to the Secretary-General, it is necessary to unite all efforts [4]. The meeting of the Security Council was convened at the Germany's initiative, because the Security Council has been deafening silent since the emergence of the virus", mentioned ambassador Christoph Heusgen. In his speech, Heusgen noted the efforts of the permanent members (United States, Russia, China, France, United Kingdom) to develop a resolution [5].

Thus, the strongest institution of the United Nations, which has remained silent on COVID-19 crisis since it began to spread around the world causing the death of tens of thousands of people, issued its first press release. According to the document, dated 23 March 2020, support was expressed for all efforts related to the possible consequences of the COVID-19 pandemic in conflict-affected countries and recalled the need for unity and solidarity with all those affected. Although the international community is at an early stage of the COVID-19 crisis, it is expected that, with collective efforts, worldwide, in the next 6 months, the violent advance of the virus will stop. [6].

From this perspective, the United Nations Security Council should strongly assert the subject of coronavirus. It is problematic to understand the passive response of the organization responsible for detecting threats to international peace and security, as it had experience in monitoring other epidemics. In the case of AIDS, the disease has been declared through resolutions as one of the greatest challenges for the development, progress and stability of societies, which has consequently required a global and exceptional response. More recently, the Security Council addressed the spread of the Ebola virus in Liberia (2014) and Congo (2018), declaring the epidemic as a threat to the region and stressing the need to consolidate all efforts of the international community in fighting epidemics. Given the number of countries affected by coronavirus, including the number of infections and deaths, as well as the impact it has on the world economy, it is unexpected that the Security Council at the meeting on March 23, 2020 did not considered to declare Covid-19 an unprecedented threat to international security. Along with China, the United States and Russia, there are now five European countries that can promote this stance: France and the United Kingdom, as permanent members, and Germany, Belgium and Estonia as non-permanent member-states [7].

At the international level many organizations act daily to fight the Covid-19 pandemic and/ or its consequences, in accordance with specialized principle. WHO, the UN specialized agency is the leading organization that responds by identifying, for example, manufacturers of diagnostic kits, also by focusing on vaccine research and development, fundraising, monitoring



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the global spread of the virus, etc. Other organizations, such as the World Trade Organization (WTO) and the International Monetary Fund (IMF), also have a role in managing the pandemic outbreak - economic and financial.

Moreover, according to the Secretary-General, the pandemic represents 8 risks to international security:

- The COVID-19 pandemic threatens to further erode trust in public institutions.
- The economic fallout of this crisis could create major stressors, particularly in fragile societies, less developed countries and those in transition.
- The postponement of elections or referenda, or the decision to proceed with a vote – even with mitigation measures – can create political tensions and undermine legitimacy.
- In some conflict settings, the uncertainty created by the pandemic may create incentives for some actors to promote further division and turmoil.
- The threat of terrorism remains alive. Terrorist groups may see a window of opportunity to strike while the attention of most governments is turned towards the pandemic.
- The weaknesses and lack of preparedness exposed by this pandemic provide a window onto how a bioterrorist attack might unfold – and may increase its risks. Non-state groups could gain access to virulent strains that could pose similar devastation to societies around the globe.
- The crisis has hindered international, regional and national conflict resolution efforts, exactly when they are needed most.
- The pandemic is triggering or exacerbating various human rights challenges. Could be observed stigma, hate speech, and white supremacists and other extremists seeking to exploit the situation.

The United Nations (UN) faces one of the unprecedented challenges in its history, [8] according to UN Secretary-General Antonio Guterres, calling on March 25, 2020 to immediately cease hostilities in Yemen [9], after launching two days earlier a call for a global ceasefire as the international community faces a common enemy: COVID-19, the speed of pandemic's spread showing that to continue a war is meaningless. Also, the Secretary-General launching the appeal for ceasefires, explicitly called to end the escalation of violence and armed conflict to focus efforts on the real fight against the COVID-19 crisis. "[10] The world is at war with COVID-19.

The silence of the Security Council is only an official silence, because, late, the meetings began to be organized practically, to some extent in artisanal conditions, which only aggravated the feeling of inability to react. From March 12 to March 30, 2020, officially, from the Security Council, no attitude was seen. China, which chaired the Council until April 1st, 2020, first canceled meetings on March 16, then suspended all activities from the official agenda, and for many days it remained the only element on the Security Council's website, following to be updated.

However, the permanent delegations of certain Security Council Member States announced on the social network Twitter that an informal virtual meeting, as a test, was organized on March 24, 2020 - more than a week after suspension of Council's activities. The meeting was not included on the agenda of the Security Council and taking place during a brief time - only over an hour - was not clear the subjects of discussion, moreover, could not be found a report, the official website of the United Nations presenting any information regarding the given meeting. Therefore, the only information available is the one disseminated on social networks and press, that cited an anonymous diplomat who acknowledged that the operation of the meeting was "rather artisanal" [11]. After a second virtual meeting on March 26, announced



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by the Chinese mission, again on Twitter, regarding the work of the United Nations Support Mission in Libya (UNSMIL) [12], a meeting directly focused on the problems of the Covid-19 virus took place. Further, at the informal meeting held on March 30, the discussion focused on certain conflicts. For the first time since March 12, France communicated, via the website of the French delegation to UN, the content of its interventions at this meeting, aimed to examine the threat of Covid-19 crisis expansion, in Syria and Palestine [13].

A careful analysis of UN works regarding the COVID-19 crisis indicates that the existence of certain decisions on the current situation have been published only on 31st of March. Thus, the member states of the Security Council communicated in a "very chivalrous" manner, because, again, these are only montages published on Twitter, regarding the unanimous adoption of four resolutions at the March 30 meeting: the resolution 2515 on North Korea, resolution 2516 on Somalia, resolution 2517 on Sudan and resolution 2518 on peacekeeping. [14] However, the texts remain unknown, no report has been published so far on the official website of the United Nations, mentioning the work and agenda of the Security Council. In other words, the premier global body for maintaining international peace, the temple of post-World War II multilateralism, has not met officially since March 12. It was only twelve days after the interruption of its activity that a perfectly informal meeting took place in "artisanal" conditions; it took a total of 18 days after the interruption of the physical sessions for an informal meeting and probably punctuated by connection problems, to finally settle problems raised by the global pandemic, without adopting a resolution directly related to Covid -19 outbreak and without the possibility to be verified, in the absence of decisions' texts.

In this case, the Security Council has generated by its absence, considering the practice since 1945 and its functions, an expecting horizon that justifies confusion, if not disappointment, for the international community. Thus, there are many reasons to believe that the Security Council should concentrate on the Covid-19 issue, rather than standing deafening silent. There could be highlighted four main reasons:

First, the Security Council tends to undertake various issues, not necessarily within its area of commitment, but it missed an opportunity to "take note" of a global situation, even when it is likely to fall within its sphere of competence, and often welcomed by the international community. Since the 1990s, it has not hesitated to delineate such a region of the world or even in general, as a "threat to stability" [15] and sometimes as "threat to peace" [16] a situation that goes beyond peaceful relations between states, even without a direct link to interstate relations. Humanitarian tragedies have been the subject of Council resolutions, using Chapter VII of the Charter, which allows it to take measures that can go as far as authorizing the use of force; we are thinking of "smuggling of migrants and human trafficking" in the Mediterranean, the situation in Libya [17]. More recently, the main organization responsible for the maintenance of peace has been able to take into consideration the effect of natural disasters, the risks of such disasters or climate change on certain security situations in Somalia [18], Mali [19] or more recently in the Democratic Republic of Congo [20] - these are just a few examples. Even characterized as threat to international peace and security, it is absolutely surprising that the Security Council does not officially take over this world news as chaos dominating certain Covid-19 affected states susceptible to threaten subtle security balances.

Second, this official silence is deafening because there is a remarkable precedent. By resolution 2177 of 19 September 2014, the Security Council undertook actions in case of the Ebola health crisis escalation, intervening where it was not necessarily expected and calling it a



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threat to international peace and security [21]. Given this precedent, which is in fact, only a confirmation of the inclusion of health issues among security subjects [22], we therefore have the right to expect at least a formal reaction from the Security Council.

Third, this silence is deafening, as certain tasks can only be exercised by the Security Council. Although, very exceptionally and in the event of impasse, the United Nations General Assembly can remedy the deficiency of the Council, which has only the primary, and not the exclusive, responsibility for maintaining peace and security [23], only the latter has the political legitimacy, institutional power and legal instruments to organize a strong global response to the COVID-19 pandemic. Among many possible means of action, the Council could, thus, impose corridors for transporting medical equipment and, at the very least, coordinate the actions of organizations fighting the pandemic.

Fourth, the official silence of the Security Council is more deafening in the context of discourse and commitment of other international actors, compensating for its inaction. Besides the press starting to analyze this astonishing silence [24], the attention is directed to the General Secretary who mobilizes, continuously using the rhetoric of war [25]. Moreover, on March 25 was launched a “COVID-19 Global Humanitarian Response Plan” [26] and the Security Council would probably take note of it only afterwards. Thus, referring to immediate meetings of the international economic forums. The G7 heads of state and government met by videoconference on March 16 to seek for a coordinated response and, the final statement of which was published. [27] On March 25, another meeting of G7 foreign ministers took place [28] to discuss their joint actions in response to the pandemic [29] and the G20, also, convened an emergency virtual summit on March 26 [30]. The UN Secretary-General has even written a letter to the G20 calling for concerted and decisive action to face the current global health crisis and to establish a plan, stressing the need for international solidarity and cooperation to eradicate the virus [31]. This fact conveys that the Secretary-General is appealing to the Group of Twenty (G20) for support giving the inaction of the Security Council. In view of the above, it seems incomprehensible the Security Council passivity or delay to manage the state generated by Covid-19.

According to some opinions, the Security Council blocked due to Russia refusal for fifteen days to hold a decision-making convention based on a procedural aspect. If the statements of the Russian representative should be presumed true, the Charter of the United Nations does not allow the organization of virtual meetings and, specifically, to make decision on-line [32]. According to the Russian argument, Article 28 (3) of the Charter, stipulating that "the Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work ", provides only for physical meetings. In addition, and predominantly, no provision would allow for a virtual decision, the vote being usually made by a show of hands during the sitting.

At least three elements demonstrate the great weakness of this argument. On the one hand, Russia seems to present a surprising formality here, if we refer to the practice of the Security Council. Procedural formalism is not what most characterizes the Security Council, which remains above all a political body. Thus, the chapter "Voting" in the Provisional Rules of Procedure of the Security Council contains a single simple rule: "the voting procedure of the Security Council is in accordance with the relevant articles of the Charter and the Statute of the International Court of Justice". This formalism invoked by Russia contrasts with the actual practice of the Council at its three meetings on March 24, 26 and 30 (no statement on the official agenda - not even as part of the informal consultations - no minutes) published contrary to



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provisions of the Article 54 of the Regulation) [33] and with the general practice of the Organization. It should be mentioned that the United Nations, like many other international organizations, is not formalist. Thus, it was observed that certain decisions on the Security Council commitment, for example, regarding the transparency of its activity, were taken based on a simple note of the President of the Security Council without further formality and presenting any problems. [34].

To this end, the consideration on formalism seems implausible. On the other hand, more formal international organizations have quickly adopted a derogatory procedure to convoke virtual meetings in the appropriate manner. The issue of meeting and voting procedure appears more significant for the EU institutions, their acts may be abolished, if necessary, by the Court of Justice of the European Union - which is not the case with the Security Council and the legal context of the United Nations. Thus, on 23 March the Council of the European Union approved a temporary derogation from its rules of procedure “in view of these exceptional circumstances, and with a view to ensuring institutional continuity in the decision-making of the Council, it is necessary to temporarily derogate” from the relevant provisions of the Council’s Rules of Procedure for a duration of one month, renewable [35]. It is difficult, given the few formal requirements of the Security Council, to admit that such a procedure would not be possible - provided Russia accepts it.

Finally, and perhaps most importantly, Russian reluctance seems to be in total contradiction with Article 28 (1) of the Charter of the United Nations - the same Article 28, advanced to block the decision-making process - which states that " The Security Council shall be so organized as to be able to function continuously”. This provision should serve without difficulty as a basis for the adoption of exceptional procedural rules. Even not in emergency circumstances, this paragraph seems to justify the development of an already inflexible decision-making procedure. But the functioning of the Security Council, as political body, is such that the Russian refusal, whether founded or not, blocks the organization of meetings and, especially, the decision-making process. The Embassy of the Russian Federation further claims that there is no reason to fear the meeting at the United Nations headquarters. Equally embarrassing, the Russian blockade could have led to a violation of rule 1 of the Rules of Procedure, stipulating that the Security Council shall meet “at any time he deems necessary, but the interval between meetings shall not exceed fourteen days”.

The evolution of the Security Council work, whose members triumphantly announced on Twitter, after agreeing on March 30 to unanimously adopt four resolutions, could primarily nuance all the above remarks.

Within the circumstances created by its activity, The Russian Federation considers the operation of the Security Council as “satisfactory”. At least three out of four resolutions – unpublished by present day – refer, undoubtedly, to provisions that are in general terms consensual; among these, two resolutions, along with the resolution 2515, still needed to be adopted urgently. In conditions of the UNMISOM mandate ending on March 31, 2020, seems unreasonable the fact that the Council of Security did not considered to renew it even for one year, thus the resolution 2516 (2020) regarding the situation in Somalia would not appear as “imposed” [36]. North Corea, as well, was and continue to be the subject of intense discussions. Permanent member states China and the Russian Federation stated in favor of removing the sanctions. A technical decision was, although, expected on 27 March, given the reason of the resolution 2515 [38]. Only the resolution 2518 on peace maintaining missions do not provides for a restricted



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calendar; nevertheless, the Council did not enforce a resolution in this regard in 2019 – the last resolution concerning peace maintaining missions dating from 2018 [39].

To this end, given these rationalities, the UN Security Council did not react in due time. Consequently, the elements described above indicate that the Council of Security not only failed to convoke for a deliberation on Covid 19 pandemic crisis and the global health issue, it also concluded its operations hardly, through a collective agreement on procedures to approach the current problems. Given that, it is to expect the meeting announced via Twitter on March 31, 2020, regarding Afghanistan relates to the report on the United Nations Assistance Mission in Afghanistan (UNAMA). Another integrated and multidimensional peacekeeping mission on stabilizing the situation in Mali (MINUSMA) will be organized soon. The Security Council follows, to a certain extent unofficially, its schedule without including in the top of agenda on prioritized global issues the Covid -19 crisis. In this context, could be expected the resolution will be focused on the current conditions in each country [40].

This position seems, at current stage, surrealistic, and is difficult to come to a conclusion other than observing the fact that fragile legal arguments presented by the Russian Federation did not resist the need to convoke for an analysis of the Covid -19 outbreak impacts, and that traces untenably a principle, obviously shared by China that chairs the Council.

Moreover, observing the activity of the UN Security Council during the COVID -19 pandemic crisis, could be outlined several weaknesses. In this context, should be mentioned that Russia, China and United State are not, at present stage, supporters of UN and of its institutions, continuing to criticize publicly their activity. At the beginning of the health crisis that could be seen at international dimension around March 12, it was possible to presume that members of the Council, especially the permanent members, were preoccupied by the pandemic on the territories of their states. In other more banal terms, permanent and non-permanent members had "other concerns" than convening the Security Council. This inference already reveals a deficiency of the UN institutional system and seems to be based on the idea that nothing catastrophic can happen to the five great powers and they have the capacity to ensure stability in the world. In these circumstances, could be noticed an official strengthening of the position of states in combating the COVID-19 crisis. The case of France can serve as an example, since March 12 making efforts to fight the pandemic [41]. France has also contributed to accelerate the cooperation of the international community to settle problems related to COVID-19 outbreak [42].

At the same time, there are some contexts that aggravated the dispute, and here could be remarked the comments of Chinese Foreign Minister spokesperson, arguing that coronavirus is of American origin [43]. The media made the Chinese hypothesis public to the entire world, [44] while US authorities insist on "Chinese virus". The US officials also accuse China and the Russian Federation of conducting a campaign to misinform the population and the entire international community.

The image appears all the less bright when it refers to an informal international government. Meanwhile, the two G7 meetings - without Russia and China - issued final statements, the major economic powers declaring they are "convinced that the current difficulties imposed by COVID-19 pandemic require a closely coordinated international approach" [45]. At the request of Saudi Arabia, concerned about the oil economy [46], the G20 in exceptional circumstances convoked a meeting on 26 March. The G20 member states, which go far beyond purely economic and financial discussions, committed to "strengthen" the WHO's mandate to



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coordinate the international fight against the pandemic, particularly, staff protection and first-aid health care, and the provision of medical equipment, especially diagnostic tools, treatments, pharmaceuticals and vaccines. Thus, the G20 meeting recognized the need for urgent short-term action to intensify global efforts to resolve the COVID-19 crisis "[47]. It seems legitimate to ask whether the G20 does not outstep its informal tasks [48]. The introduction of the Final Declaration undoubtedly highlights the importance that G20 members attribute to the UN framework in the circumstances of the COVID-19 crisis. Together with the World Health Organization (WHO), the International Monetary Fund (IMF), the World Bank, the United Nations and other international organizations, the G20 is committed to undertake all measures necessary to overcome the pandemic [49]. The flexibility of the G7 and G20 actions is to the detriment of the Security Council. These fora have essentially economic vocation, but concerns about the state of the world economy have led them to pay particular attention to the COVID-19 crisis.

Although there is a lot of criticism regarding the (in) activity of the Security Council, it is reasonable to believe that, so far, the absence of a resolution on Covid-19 is justified by the maintenance of these two antagonistic positions. The assumption of the political situation can be summarized as follows: The United States threatens to reject any proposal to reduce sanctions, and the two Eastern states block any proposal that could evoke responsibility for resolving the COVID-19 crisis. In any case, this blockade implies the slowdown of the UN mechanism. Both the official silence and the uncomfortable advanced discourse to justify the situation highlight the UN institutional formalism and contribute to the discrediting, by its own actors, of the main instrument of multilateralism. Covid-19 seems to affect the institutional multilateralism that is already attacked, often unjustifiably, by leaders advocating unilateralism or bilateralism.

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