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**THE UN SECURITY COUNCIL AND NON-
TRADITIONAL SECURITY THREATS: WHAT
THE COUNCIL'S COVID-19 RESPONSE
SUGGESTS ABOUT ITS CAPACITY TO ACT ON
CLIMATE CHANGE**

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Abstract

Since the late-1990s, the mandate of the United Nations Security Council has evolved significantly as the Council has increasingly engaged with non-traditional security threats. Such matters create economic, societal and/or political instability that places livelihoods in peril and increases risks of conflict. COVID-19 presents one such threat. This paper analyses the Security Council's COVID-19 response and highlights the challenges preventing effective and efficient action, with a view to understanding the Council's present capacity to deal with emerging non-traditional security threats, particularly climate change. Key challenges include the political conflict within the Council, principally between permanent Members, as well as the Council's limited "toolkit" for action, which is primed to respond to traditional security threats. Considering the burden that such challenges had on the Council's COVID-19 response efforts, it is argued that the Council cannot be primarily relied on to manage other non-traditional threats. This is especially so in the case of climate change, which presents a more complex, multi-faceted threat than a pandemic. A role for the Council that addresses consequences of climate change that most clearly fall within the Council's mandate is proposed. However, the paper concludes that it would be naïve, in light of the Council's troubled COVID-19 response, to expect more proactive Council efforts.

Key terms: 'COVID-19', 'United Nations Security Council', 'non-traditional security threat', 'Res 2532', 'climate change'.

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I Introduction

In recent decades, the United Nations Security Council (UNSC) has been increasingly confronted with new, unconventional security threats. Such matters have challenged the Council as they stem not from traditional security threats, as most Council matters do, but from events which cause economic, societal and/or political instability, in turn threatening livelihoods and increasing risks of conflict.¹ In 2020, the UNSC was faced with one such threat. COVID-19, a highly infectious disease, spread rapidly around the globe, impacting livelihoods internationally as large parts of the world were forced into unprecedented shut down. The pandemic, which caused large-scale death, economic turmoil, and social and political instability, was declared by the Secretary-General of the United Nations (UN) as “a significant threat to the maintenance of international peace and security” in March.² In spite of this, the UNSC, being the UN body primarily responsible for maintaining international peace and security,³ was slow to act, severely delayed by disputes amongst the Council’s permanent five (P5) members over the extent to which the Council should deal with COVID-19, as well as more trivial political matters.⁴

Concurrently, the world is faced with another global challenge.⁵ Climate change is critically threatening livelihoods as natural resources degrade, severe weather patterns become more frequent, and sea levels rise.⁶ Though the international community has committed to combatting climate change, primarily through the UN Framework Convention on Climate Change (UNFCCC) and related instruments, the security threats arising from climate change, such as population displacement and resource-based conflict, bring into question whether the UNSC should, too, be acting on the matter.⁷

¹ Mely Cabellero-Anthony *An Introduction to Non-Traditional Security Studies: A Transnational Approach* (SAGE Publications Ltd, London, 2016) at 6.

² António Guterres “Appeal for a Global Ceasefire” (23 March 2020) United Nations Secretary-General <www.un.org>.

³ Charter of the United Nations, art 24.

⁴ Richard Gowan “What’s Happened to the UN Secretary-General’s COVID-19 Ceasefire Call?” (16 June 2020) International Crisis Group <www.crisisgroup.org>.

⁵ V Masson-Delmotte and others *Climate Change 2021: The Physical Science Basis, Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, Cambridge, 2021).

⁶ At 6, 10 and 11.

⁷ Shirley V Scott and Charlotte Ku “The UN Security Council and global action on climate change” in Shirley V Scott and Charlotte Ku (eds) *Climate Change and the UN Security Council* (Edward Elgar Publishing Limited, Cheltenham, 2018) 1 at 1.

This paper seeks to understand the UNSC’s present capacity to deal with emerging non-traditional security threats, particularly health crises and climate change. Specifically, it analyses the UNSC’s response to COVID-19, with a view to understanding the challenges which prevented more efficient, effective Council action, and what these challenges suggest about the feasibility and usefulness of Council action on climate change. Whilst appreciating that the two threats present quite differently, as COVID-19 stems from a single origin whilst climate change is a multi-source threat, comparative analysis is grounded in argument that the challenges faced by the UNSC in addressing the single origin threat, COVID-19, are likely to be only further exacerbated when confronting a threat as complex as climate change.

The central argument of this paper is that the UNSC should not be primarily relied upon to manage non-traditional threats like climate change, particularly considering the political disagreement amongst the P5 that makes comprehensive Council action unlikely. COVID-19 highlighted the political fractures within the Council that may make climate action challenging and demonstrated that there is often little the UNSC can do when faced with unconventional threats to security, as their “toolkit” for action remains oriented towards managing traditional security threats.⁸ Despite this, however, it is argued that the UNSC has the capacity to act a “safety net”, addressing the most imminent climate-related security threats where preventative efforts of the international community fail. A role for the UNSC, secondary to international efforts under the UNFCCC, to address consequences of climate change that most clearly fall within the UNSC’s mandate, such as population displacement and conflict over resource scarcity, is feasible.

In illustrating the above conclusion, this paper first outlines the extent to which health crises and climate change fall within the UNSC’s mandate, before exploring the UNSC’s “toolkit” for addressing such threats. The paper then examines the UNSC’s COVID-19 response. It focuses on challenges that hindered the Council’s response, specifically political conflict and the limitations of the UNSC’s “toolkit”. Finally, it comments on what these challenges suggest about the likelihood of UNSC action on climate change, arguing that political conflict particularly is likely to present such an immense barrier to

⁸ Bruno Charbonneau “The COVID-19 test of the United Nations Security Council” (2021) 76 *International Journal* 6 at 8; Jeremy Farrall “The UN Security Council’s Response to Covid-19” (28 May 2020) Australian National University <law.anu.edu.au>; and Gowan, above n 4.

action that the UNSC should not be relied upon to comprehensively address the climate crisis. With the focus of the paper being on the action the UNSC actually took in response to COVID-19, and therefore what action may realistically be taken on climate change, alternative actions available to the UNSC will not be analysed in depth.

II The UNSC's mandate apropos COVID-19 and climate change

To understand the UNSC's capacity to respond to unconventional threats such as COVID-19 and climate change, the extent which these threats fall within the UNSC's mandate must first be analysed. Under the art 24 of the UN Charter, the UNSC is charged with "primary responsibility for the maintenance of international peace and security".⁹ To bring a matter before the Council, it must thus be considered an issue affecting the maintenance of international peace and security. Considering the context in which the UNSC was created, at the end of World War II, this mandate was initially envisioned to cover traditional security threats (matters which threaten states' territorial integrity or global anarchy), particularly interstate conflict.¹⁰ However, the UNSC's mandate was never so explicitly limited. Article 34 of the Charter enables the Council to investigate "any situation" which, should it continue, may be "likely to endanger the maintenance of international peace and security", leaving open the possibility that novel threats may arise, requiring UNSC action.¹¹

Since the late-1990s, as interstate wars have become rarer and the nature of recognised security threats has evolved, the UNSC's mandate has also evolved to cover "non-traditional" security threats, departing from a purely state-centric view of security.¹² Non-

⁹ Charter of the United Nations, art 24.

¹⁰ *Documents of the United Nations Conference on International Organisation San Francisco 1945: Volume I* (United Nations Information Organization, New York, 1945); and Ilja Richard Pavone "Ebola and Securitization of Health: UN Security Council Resolution 2177/2014 and Its Limits" in Leone Vierck, Pedro A Villarreal and A Katarina Weilert (eds) *The Governance of Disease Outbreaks: International Health Law: Lessons from the Ebola Crisis and Beyond* (Nomos Verlagsgesellschaft, Baden-Baden, 2017) 301 at 304.

¹¹ Charter of the United Nations, art 34; Erin Pobjie "COVID-19 and the Scope of the UN Security Council's Mandate to Address Non-Traditional Threats to International Peace and Security" (MPIL Research Paper Series, No. 2020-41, 2020) at 7-9; and *Reparation for Injuries suffered in the Service of the United Nations (Advisory Opinion)* [1949] ICJ Rep 174 at 182.

¹² Cabellero-Anthony, above n 1, at 5; Paul B Stares (ed) *A New Security Agenda: A Global Survey* (Japan Centre for International Exchange, Tokyo, 1998) at 128; and Siti Nurhasanah, Marthen Napang and Syaiful Rohman "Covid-19 As A Non-Traditional Threat to Human Security" (2020) 3 *Journal of Strategic and Global Studies* 54 at 59.

traditional security threats are challenges arising from non-military sources, such as resource scarcity and natural disasters, that impair the survival and welfare of societies.¹³ The threat to security stems from the economic, societal and/or political instability that such challenges cause, impairing people's wellbeing and increasing the likelihood of armed conflict.¹⁴ The resulting increase in tensions is why such challenges are often referred to as "threat multipliers", as they heighten the risk, or increase the severity, of traditional security threats.¹⁵ The transnational scope of many non-traditional security issues is what demands a coordinated international response because often unilateral action from one State will not suffice to quell the threat if no action is taken by other States in which the threat is present.¹⁶

A *Securitising COVID-19*

For the UNSC to address COVID-19, the pandemic had to be legitimately conceptualised as potentially threatening to international peace and security. UNSC consensus was reached that the pandemic presented a possible threat to security, despite China and South Africa initially challenging this conceptualisation.¹⁷ Classification of COVID-19 as a potential security threat was supported by earlier Council resolutions responding to health crises, past Council debates dedicated to emerging threats to peace and security, as well as a significant body of academia classifying infectious diseases as non-traditional security threats.¹⁸

¹³ Anthony J Masys "The Security Landscape—Systemic Risks Shaping Non-traditional Security" in *Sensemaking for Security* (Springer, Tampa (FL), 2021) at 6; Cabellero-Anthony, above n 1, at 6; and Khalid Mahmood Shafi, Anusha Sultan Meo and Rohaan Khalid "Covid-19: Invisible, Elusive and the Advancing Enemy" (2020) 36 Pak J Med Sci 138.

¹⁴ Cabellero-Anthony, above n 1, at 6; and Ningthoujam Koiremba Singh and William Nunes "Nontraditional Security: Redefining State-centric Outlook" (2016) 20 Jadavpur Journal of International Relations 102 at 109.

¹⁵ Ken Conca "Is there a role for the UN Security Council on Climate Change?" (2019) 61 Environment: Science and Policy for Sustainable Development 4 at 12.

¹⁶ Cabellero-Anthony, above n 1, at 6; and Reuben Wong and Scott Brown "Stepping up EU-ASEAN Cooperation in Non-Traditional Security" in Olivia Gippner (ed) *Changing Waters: Towards a New EU Asia Strategy* (LSE Ideas, 2016) 79 at 80.

¹⁷ What's In Blue "Security Council Resolution on COVID-19" (30 June 2020) Security Council Report <www.securitycouncilreport.org>.

¹⁸ See for example *Addressing complex contemporary challenges to international peace and security* UN Doc S/PV.8144 (20 December 2017); Maurizio Arcari "Some thoughts in the aftermath of Security Council Resolution 2532 (2020) on Covid-19" (2020) 70 QIL 59 at 62-64; *New challenges to international peace and security and conflict prevention* UN Doc S/PV.6668 (23 November 2011); SC Res 1308 (2000); and SC Res 2177 (2014).

1 Identifying the threat

COVID-19 poses a threat to international peace and security both directly and indirectly. The large-scale death and impaired living conditions resulting from global pandemics, particularly in areas already suffering with ongoing conflict, directly challenges international peace and security.¹⁹ Indirectly, economic disruption and the social and political instability stemming from COVID-19 provides fertile breeding ground for social unrest, conflict, and unwarranted external state intervention.²⁰ Its exacerbation of instability makes COVID-19 an evident “threat multiplier”.

2 Precedent of past health crises

Precedent supporting the legitimacy of UNSC action on COVID-19 is found in previous global health crises, namely HIV/AIDS and Ebola.²¹ The Council first passed Resolution 1308 on HIV/AIDS in 2000, noting the virus’ potential to “pose a risk to stability and security”, emphasising the impact on social instability and the risks posed to the health of international peacekeepers.²² Resolution 1308 expressly referenced the Council’s primary responsibility for maintaining international peace and security, making clear that the resolution fell within the Council’s Charter mandate.²³

The President of the UNSC at the time, United States Vice-President Al Gore, stressed at the Council’s meeting on HIV/AIDS the relationship between epidemics and security, emphasising the need for health crises to be considered within the Council’s agenda.²⁴ Relevantly, he stated that:²⁵

The heart of the security agenda is protecting lives ... when a single disease threatens everything from economic strength to peacekeeping, we clearly face a security threat of the greatest

¹⁹ Marco Di Liddo “The Impact of Covid-19 on Human Security” (May 2021) Centro Studi Internazionali <<https://www.un.org>>; Masys, above n 13; and Shafi, Meo & Khalid, above n 13.

²⁰ Aleksandr M Baichorov “United Nations Security Council and COVID-19” (2020) 2 *Journal of the Belarusian State University* 3 at 7; and Masys, above n 13.

²¹ Gian Luca Burci “Ebola, the Security Council and the securitisation of public health” (2014) 10 *QIL* 27 at 33; SC Res 1308 (2000); and SC Res 2177 (2014).

²² SC Res 1308 (2000).

²³ Preamble.

²⁴ *The situation in Africa: The impact of AIDS on peace and security in Africa* UN Doc S/PV.4087 (10 January 2000) at 2.

²⁵ At 2.

magnitude ... [this] demands of us that we see security through a new and wider prism and, forever after, think about it according to a new and more expansive definition.

This recognition of the implications of disease on social stability strongly supports the inclusion of epidemic response within the UNSC's mandate, stressing the critical importance of human security within the Council's agenda.

In 2014, the UNSC again addressed a public health crisis, passing Resolution 2177 in response to the Ebola outbreak.²⁶ The Council's resolution unequivocally declared that "the unprecedented extent of the Ebola outbreak in Africa constitutes a threat to international peace and security".²⁷ The clear determination of Ebola as a threat to international peace and security evidenced unanimity within the Council as to the severity of the matter, necessitating UNSC intervention.²⁸ In practice, the Resolution yielded greater financial and resource contributions from UN Members.²⁹ It also provided a basis for establishment of the UN Mission for Ebola Emergency Response (UNMEER), the UN's first public health mission, which played a critical role in "scaling up" international efforts to manage the epidemic.³⁰ The Resolution received widespread international support, demonstrating a growth in acknowledgement of the detrimental security implications that stem from outbreaks of infectious diseases.³¹

Though Resolutions 1308 and 2177 were by no means "miracle cures" for the HIV/AIDS and Ebola epidemics, they marked a significant development of the UNSC's jurisdiction, affirming that the Council can have a useful role to play in addressing non-traditional security threats. Both Resolutions demanded the increased focus and assistance of the international community in circumstances where international action in response to both

²⁶ SC Res 2177 (2014).

²⁷ Preamble.

²⁸ Preamble.

²⁹ UN Doc SC/11566 (18 September 2014).

³⁰ Global Ebola Response "UN Mission for Ebola Emergency Response" (UNMEER) <ebolaresponse.un.org>; and Richard Lappin "Ebola and Understanding Health Crises as Threats to International Security" (2016) Oxford Human Rights Hub <ohrh.law.ox.ac.uk>.

³¹ Charlotte Steinorth "The Security Council's Response to the Ebola Crisis: A Step Forward or Backwards in the Realisation of the Right to Health?" (2017) Blog of the European Journal of International Law <ejiltalk.org>; Michael R. Snyder "Security Council Response to Ebola Paves Way for Future Action" (2014) IPI Global Observatory <theglobalobservatory.org>; and Lappin, above n 30.

health crises was severely inadequate, thus exemplifying the power that UNSC action can yield.³²

3 Further debate

Despite widespread international support for Resolution 2177, the securitisation of health has continued to be a subject of UNSC debate in the last decade, particularly in the context of the changing nature of security threats. In November 2011, the Council met to discuss “New challenges to international peace and security and conflict prevention”, where pandemics were highlighted by UN Secretary-General Ban Ki-moon as one of three “defining challenges of our times”.³³ Council members concurred as to the importance of all UN bodies acting complementarily to prevent the spread and effects of infectious diseases.³⁴ Most members acknowledged the need for the UNSC to be alert to the security implications of non-traditional security threats, including public health crises, whilst appreciating the importance of work by other UN bodies, notably the UN General Assembly (UNGA) and the World Health Organisation (WHO).³⁵ Russia, South Africa and India, however, questioned the legitimacy of bringing pandemics within the Council’s mandate.³⁶ They advocated instead that such multifaceted global challenges should be dealt with the UN body with universal membership, the UNGA, as well as bodies with specialist knowledge, such as the WHO.³⁷ UNSC action on these matters, they argued, would instead undermine the role of other UN bodies, as Council action takes such issues off the table for other, more “suitable” bodies.³⁸

A similar narrative emerged from the UNSC’s December 2017 meeting dedicated to “Addressing complex contemporary challenges to international peace and security”.³⁹ Here, whilst acknowledging that the UNSC must not encroach on other organs’ responsibilities, the President of the Council noted that a more comprehensive approach,

³² *A More Secure World: Our Shared Responsibility. Report of the High Level Panel on Threats, Challenges, and Change* UN Doc A/59/565 (2 December 2004) at [5]-[8]; and Pobjie, above n 11, at 17.

³³ *New challenges to international peace and security and conflict prevention*, above n 18, at 2.

³⁴ At 9, 13, 14 and 16.

³⁵ At 10 and 13.

³⁶ At 18, 19 and 24.

³⁷ At 18, 19 and 24; and *Addressing complex contemporary challenges to international peace and security*, above n 18, 20.

³⁸ Burci, above n 21, at 31.

³⁹ *Addressing complex contemporary challenges to international peace and security*, above n 18.

considering the multidimensional factors that affect the maintenance of peace and security, was necessary for the UNSC to fulfil its role.⁴⁰ With the exception of Russia and Ethiopia, all Council Members, plus the additional 27 States represented at the meeting, vocalised support for the Council taking a more holistic approach to complex contemporary security challenges, of which pandemics are one.⁴¹ Such a “holistic” approach involves recognition of, and response to the varied root causes of security issues to prevent conflict from eventuating.⁴² In responding to factors that can create or exacerbate conflict, such as pandemics, it is argued the UNSC can more effectively carry out its mandate, maintaining international peace and security by preventing conflicts from arising, rather than simply responding to them once they have occurred.⁴³

Ultimately, past Security Council resolutions, meetings, and independent panels evidence that, whilst absolute unanimity has not been reached, the general consensus amongst the international community is that security-related implications of global health crises fall within the UNSC’s mandate, at least to the extent of managing any resulting security issues and/or forming a basis for the establishment of an international response mechanism to the crisis (such as UNMEER).⁴⁴ Whilst the Council must always remain cautious not to overstep its mandate so to retain its legitimacy, Council action on COVID-19, focused on protecting human security and minimising conflict, is warranted.

B Securitising climate change

Climate change, like COVID-19, poses a non-traditional security threat in that it primarily endangers the survival and wellbeing of societies, yet the extent to which climate change itself, or simply climate-related effects, falls within the UNSC’s mandate remains a contested issue.⁴⁵

⁴⁰ At 4.

⁴¹ At 3-66.

⁴² At 4, 7, 33 and 43.

⁴³ At 29, 33 and 39.

⁴⁴ At 3-66; Lappin, above n 30; and *New challenges to international peace and security and conflict prevention*, above n 18.

⁴⁵ Conca, above n 15, at 5-6; *Maintenance of international peace and security: the impact of climate change* UN Doc S/PV.6587 (2011); Pobjie, above n 11, at 2; and Cabellero-Anthony, above n 1, at 6.

1 Identifying the threat

Like many other non-traditional security threats, including COVID-19, climate change threatens the maintenance of international peace and security directly and indirectly. Human influence is rapidly warming global temperatures, causing and worsening environmental changes, such as rising sea levels, extreme weather events and natural disasters.⁴⁶ Such events, which may occur rapidly or over time, affect both the security of individuals and State territories, having the potential to displace large populations.⁴⁷ Further, significant resource shortages are resulting from the climate-induced degradation of arable land and increasing water scarcity.⁴⁸ Such climate change-related factors can create and exacerbate social and/or political tensions, increasing the likelihood of violence.⁴⁹ Considering these indirect effects, climate change is not just a threat in itself, but a “threat multiplier”, as climate-induced resource scarcity and subsequent economic disruption “multiplies” the risk of social discontent and conflict.⁵⁰

2 Precedent

The security risks presented by climate change are supported by a substantial body of research, as well as UNSC meetings on the matter. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) in 2014 found “robust evidence” and “high agreement” that “human security will be progressively threatened as the climate changes”.⁵¹ This was affirmed in the IPCC’s 2018 Report which projected with “high confidence” that human security threats will increase should global warming reach 1.5°C above pre-industrial levels.⁵²

⁴⁶ Masson-Delmotte and others, above n 5, at 6; and Shirley V Scott “Climate Change and Peak Oil as Threats to International Peace and Security: Is it Time for the Security Council to Legislate?” (2008) 9 *Melbourne Journal of International Law* 495 at 504.

⁴⁷ Scott and Ku, above n 7, at 1.

⁴⁸ Scott, above n 46, at 504.

⁴⁹ At 504.

⁵⁰ See *Maintenance of international peace and security: the impact of climate change*, above n 45, at 4, 11, 16 and 29.

⁵¹ WN Adger and others “Human security” in CB Field and others (eds) *Climate Change 2014: impacts, adaptation, and vulnerability, Part A: Global and sectoral aspects: contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, Cambridge, 2014) 755 at 758.

⁵² IPCC “2018: Summary for Policymakers” in V Masson-Delmotte and others (eds) *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*. (World Meteorological Organisation, Geneva, 2018) at 9.

The international community devoted much attention to climate change towards the end of the 20th century, particularly following the 1988 Toronto Conference which acknowledged that atmospheric changes “represent a major threat to international security”.⁵³ However, the matter did not come before the UNSC, specifically, until April 2007, when the Council convened to examine the relationship between climate change and security.⁵⁴ Opinion was split as to whether climate change properly fell within the Council’s mandate. The UN Secretary-General at the time, Ban Ki-moon, stressed the indirect threats to security presented by climate change, noting the connection between resource scarcity and increased risks of conflict, as well as the likelihood of forced migrations stemming from both land uninhabitability and resource-based conflict, which can further exacerbate tensions.⁵⁵ Whilst most developed countries agreed with the Secretary-General, seeing a role for the UNSC in combatting climate change, the “Group of 77” (G77) developing countries and China argued that climate change was primarily an economic and social issue, not a security matter, which would be better addressed by the UNGA, the Economic and Social Council (ECOSOC), and mechanisms agreed under the UNFCCC.⁵⁶ However, the States most imminently threatened by climate change, small island developing States (SIDS), disagreed with the G77.⁵⁷ Stressing the urgency of climate action, they requested that the Council closely monitor the security implications of climate change, particularly highlighting the looming economic strife and population displacement facing SIDS.⁵⁸ Appreciating the respective roles of the UNGA, UNFCCC forums, and other bodies, SIDS requested that the UNSC assist within the bounds of its mandate, primarily “protecting human rights and the integrity and security of States”.⁵⁹

In 2011, the Council again met to discuss climate change.⁶⁰ The Executive Director of the UN Environment Programme appeared, advocating for action on the basis that climate

⁵³ “The changing atmosphere: Implications for global security” (Conference Statement, Toronto, 27-30 June, 1988) at 292.

⁵⁴ UN Doc S/PV.5663 (2007).

⁵⁵ At 13 and 14.

⁵⁶ At 24.

⁵⁷ At 26-29.

⁵⁸ At 26-29.

⁵⁹ At 29.

⁶⁰ *Maintenance of international peace and security: the impact of climate change*, above n 45.

change was a “threat multiplier”.⁶¹ Whilst recognising the role of the UNGA and ECOSOC, and the primacy of the UNFCCC framework for addressing climate change, the Council expressed concern for the security implications of climate change, appreciating their mandate to deal with such threats.⁶² Concern about Council encroachment upon other bodies’ mandates was raised, though an increasing number of States viewed a role for the Council as a necessary supplement to other efforts.⁶³ Critically for Council action, however, P5 members China (aligning with the G77) and Russia remained adamant that UNSC action on climate change was inappropriate and better left to UNFCCC mechanisms.⁶⁴ Security implications of climate change have since been debated by the Council numerous times in the context of emerging challenges to international peace and security, with similar discourses and diverging opinions consistently arising.⁶⁵

Despite some States’ reluctance to bring climate-related matters within the UNSC’s mandate, the security implications arising from and/or exacerbated by climate change are increasingly evident. Resources are becoming scarcer as arable land degrades, natural disasters are occurring more frequently and severely, and sea levels continue to rise.⁶⁶ All of these implications threaten human security and multiply risks of conflict.⁶⁷ This suggests that climate change falls within the Council’s mandate, being “likely to endanger the maintenance of international peace and security”.⁶⁸

III The UNSC’s “toolkit”

The UNSC may take a range of actions in response to threats to the maintenance of international peace and security. These are outlined in Chapters VI and VII of the UN Charter, which offer a spectrum of actions for the Council to utilise as appropriate, depending on the nature of the presenting threat. This part explores this “toolkit” of the

⁶¹ At 4.

⁶² At 6-30.

⁶³ At 6-30.

⁶⁴ At 9 and 13.

⁶⁵ See *Addressing complex contemporary challenges to international peace and security*, above n 18; and *New challenges to international peace and security and conflict prevention*, above n 18.

⁶⁶ Adger and others, above n 51.

⁶⁷ Scott, above n 46, at 504.

⁶⁸ Charter of the United Nations, art 24 and 33(1).

UNSC, with a view to understanding how the Council can vary its actions to deal appropriately with different threats, as well as the extent to which these can (or cannot) help in addressing non-traditional security threats, such as health crises and climate change.

A Chapter VI

Chapter VI of the UN Charter provides tools for the “*pacif settlement*” of situations likely to endanger international peace and security.⁶⁹ Where the extent of the threat presented by an arising issue is unclear, art 34 enables the UNSC to investigate the situation to determine the likelihood of the matter, if it continues, threatening the maintenance of international peace and security.⁷⁰ Such an investigation can inform the UNSC about what path of action to choose to combat the threat, if found to be necessary. Article 36 enables the Council to recommend any action it considers appropriate to UN Members or other UN bodies to manage a threat.⁷¹

Though non-binding, Chapter VI action is significant as it highlights the importance/criticality of an issue to the international community.⁷² In the context of health crises, this was exemplified by the UNSC response to HIV/AIDS. Resolution 1308 adopted the language of Chapter VI by stating that HIV/AIDS “*may pose a risk to stability and security*”, thus appreciating the risk presented by HIV/AIDS without declaring it to be an actual threat to the peace.⁷³ Though the UNSC’s HIV/AIDS response far from resolved the health crisis, it arguably succeeded in bringing the severity of the issue to the attention of the international community, as the Council’s outspokenness on the matter emphasised the need for cooperative international action to minimise the harmful social and economic impacts of the epidemic in particularly affected regions.⁷⁴

⁶⁹ Chapter VI.

⁷⁰ Article 34.

⁷¹ Article 36.

⁷² Richard Gowan and Ashish Pradhan “Salvaging the Security Council’s Coronavirus Response” (4 August 2020) International Crisis Group <www.crisisgroup.org>.

⁷³ SC Res 1308 (2000), preamble.

⁷⁴ Pobjie, above n 11, at 17.

Chapter VI measures are often overlooked when considering unconventional security matters, arguably because the Chapter seems oriented towards “dispute” settlement.⁷⁵ Often, non-traditional security threats exist without any traditional “dispute” between States. For example, rising sea levels present a threat to low-lying States’ territories, yet no inter-State dispute necessarily contributes to the threat. Though the Chapter applies to any “dispute” or “situation” which may endanger the maintenance of international peace and security,⁷⁶ the Chapter particularly promotes dispute resolution mechanisms, listed in art 33, suggesting that the Chapter was drafted with traditional disputes in mind.⁷⁷ Indeed, throughout the San Francisco Conference in 1945, at which the UN Charter was created, powers to be granted to the UNSC were debated primarily in the context of armed conflict and other military threats.⁷⁸ Though the Council’s mandate was left open to deal with any matter “likely to endanger the maintenance of international peace and security”, non-traditional security threats recognised today were not directly considered.⁷⁹ Hence, the UNSC’s powers could not have been created with the purpose of aptly managing such threats. Nonetheless, art 36(1) enables the UNSC to recommend an unlimited range of solutions to any situation likely to threaten international peace and security.⁸⁰ It is thus a key mechanism through which the UNSC can recommend new solutions to unconventional threats.

B Chapter VII

Where an actual “threat to the peace, breach of the peace, or act of aggression” is established, Chapter VII of the Charter enables the UNSC to invoke coercive measures, such as sanctions or the use of force, to quell a threat.⁸¹ Such measures are designed to influence the behaviour of States involved in the matter, by compelling them to either

⁷⁵ Charter of the United Nations, Chapter VI.

⁷⁶ Article 34.

⁷⁷ Articles 33, 36 and 37; Benedetto Conforti and Carlo Focarelli *The Law and Practice of the United Nations* (4th ed, Koninklijke Brill NV, Leiden, 2010) at 190; and Christian Tomuschat “Ch. VI Pacific Settlement of Disputes, Article 33” in Bruno Simma and others (eds) *The Charter of the United Nations* (3rd ed, Oxford University Press, Oxford, 2012) 1069.

⁷⁸ See *Documents of the United Nations*, above n 10.

⁷⁹ Charter of the United Nations, art 34; and Lorraine Elliot “Expanding the Mandate of the UN Security Council to Account for Environmental Issues” in W Bradnee Chambers and Jessica F Green (eds) *Reforming international environmental governance: from institutional limits to innovative reform* (United Nations University Press, Tokyo, 2005) 204.

⁸⁰ Article 36(1).

⁸¹ In particular, arts 39, 41 (economic and diplomatic sanctions) and 42 (all necessary measures, including the use of force).

cease acting in a harmful way or adopt a particular course of action. Additionally, the UNSC, on occasion, has taken “quasi-legislative” measures where a threat is declared under Chapter VII.⁸² For instance, the UNSC may demand States to enforce desirable national legislation, or ratify important international agreements.⁸³ Any direction under this Chapter is binding on UN Members, making the success of a resolution under this Chapter more likely than under Chapter VI as States’ adherence is required, not just recommended.⁸⁴

Though Chapter VII measures are often considered to be the Council’s primary response mechanisms, they have not commonly been invoked when a non-traditional security threat is at issue. This is because the threat is often not caused by the wrong of any State or group of States; it is hard to imagine what coercive measures could achieve, unless a State is being particularly uncooperative or negligent in managing the threat. The unconventional nature of non-traditional security threats presents a significant challenge for the UNSC in deciding how to effectively act because their primary powers under this Chapter are orientated towards addressing traditional military threats and thus, at first sight, appear of little use in the context of pandemics or environmental degradation. Resolution 2177 on Ebola evidenced this. Though the Resolution adopted Chapter VII language in its text, no Chapter VII enforcement mechanisms were implemented considering their lack of utility in achieving the objective of rendering international support and cooperation.⁸⁵ Quasi-legislative action is the one path of action that may be of use in the non-traditional security context as it can require positive action from States without resorting to force or other harmful measures, though, as will be discussed, achieving Council consensus on any such action is challenging. The question of how best to utilise the UNSC’s “toolkit”, which was created primarily to respond to armed conflict, evidently challenged the Council when confronted with COVID-19.

⁸² Maysa Bydoon and Gasem MS Al-Own “The Legality of the Security Council Powers Expansion” (2017) 7 Int J Humanit Soc Sci 220; SC Res 1373 (2001); and SC Res 1540 (2004).

⁸³ Dane Warren *Climate Change and International Peace and Security: Possible Roles for the U.N. Security Council in Addressing Climate Change* (Sabin Centre for Climate Change Law, New York, 2015) at 11-13.

⁸⁴ Charter of the United Nations, art 48.

⁸⁵ Pavone, above n 10, at 323.

IV The UNSC's COVID-19 response

COVID-19 has significantly challenged the UNSC's capacity to deal with non-traditional security threats. This part outlines how the Council tackled the virus. It highlights particular challenges faced by the Council in confronting this non-traditional security threat, most notably the political conflict between the P5 and the UNSC's limited "toolkit".

On 31 December 2019, the first report of a novel coronavirus disease, COVID-19, emerged from Wuhan, China.⁸⁶ By 30 January 2020, with the virus spreading globally, the Director-General of the WHO declared the outbreak be a "public health emergency of international concern".⁸⁷ UN Secretary-General António Guterres was quick to acknowledge the pandemic's potential security implications. He called for an immediate global ceasefire on 23 March and, when the UNSC finally convened on 9 April to discuss the impacts of COVID-19, he declared the pandemic to be "a significant threat to the maintenance of international peace and security".⁸⁸ However, in the face of this declaration, the UN body with "primary responsibility for the maintenance of international peace and security", the UNSC, failed to agree on any action until months later.⁸⁹ Inhibited by political disagreements amongst the P5, it was not until 1 July that the first Council Resolution on COVID-19 was adopted.⁹⁰

A Resolution 2532

On 1 July 2020, the UNSC adopted Resolution 2532, calling for "all parties to armed conflicts to engage immediately in a durable humanitarian pause for at least 90 consecutive days".⁹¹ The extent of the ceasefire requested, exempting only United States and Russian counter-terrorism operations, was unprecedented.⁹² The Resolution's delay,

⁸⁶ World Health Organisation "Statement regarding cluster of pneumonia cases in Wuhan, China" (9 January 2020) <www.who.int>.

⁸⁷ World Health Organisation "Statement on the second meeting of the International Health Regulations" (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019-nCoV) (30 January 2020) <www.who.int>.

⁸⁸ Farrall, above n 8; and Guterres, above n 2.

⁸⁹ Charter of the United Nations, art 24.

⁹⁰ SC Res 2532 (2020).

⁹¹ Article 2.

⁹² Stefania Negri "United Nations Security Council Resolution 2532" (2021) 60 *International Legal Materials* 24 at 26.

passing three months after the UNSC first convened to discuss the matter on 9 April, was caused by significant political conflict between Council Members, whilst the limitations of the Council's "toolkit" challenged discussions of what useful action the Council could actually take.

1 Political conflict

One of the most substantial obstacles that the UNSC had to overcome was the political conflict amongst the P5, particularly between China and the United States. The looming veto power of P5 members meant a resolution would never pass until disagreements were resolved, highlighting the impact of this structural limitation on the Council's institutional effectiveness.⁹³ COVID-19 proved a divisive topic. Notable disputes arose surrounding the appropriateness of Council action, the scope of a COVID-19 resolution, the name of the disease, reference to its place of origin, and the role of the WHO.

From the outset of discussions, China and South Africa questioned whether COVID-19 properly fell within the UNSC's mandate, whilst P5 members displayed selectivity based on individual interests.⁹⁴ Most significantly, China and the United States engaged in a hostile standoff, in which both States were more adamant on shaming one another for their handling of COVID-19 than actually addressing the pandemic.⁹⁵ Also at issue were Russian and United States demands that their counter-terrorism operations be exempt from any ceasefire call.⁹⁶ The issue of whether the UNSC could legitimately act on COVID-19 was quickly resolved in the affirmative. The demands of the United States and Russia were also appeased, as the Council agreed that their respective counter-terrorism operations in the Middle East should be exempt from any ceasefire demand.⁹⁷ China-United States tensions, however, proved more troublesome to resolve.

The political deadlock between the United States and China most severely delayed UNSC action on COVID-19.⁹⁸ They could not agree on numerous issues, paralysing Council

⁹³ Charbonneau, above n 8, at 8.

⁹⁴ At 12; and What's in Blue, above n 17.

⁹⁵ Gowan, above n 4.

⁹⁶ What's in Blue, above n 17.

⁹⁷ What's in Blue, above n 17.

⁹⁸ Gowan, above n 4.

action for months. The United States was intent that a Council resolution should reference COVID-19's place of origin, wanting COVID-19 to be referred to as the "Wuhan Virus".⁹⁹ China unsurprisingly opposed this, its top priority being to block any criticism of its management of COVID-19.¹⁰⁰ Though the United States eventually conceded on that matter, more prolonged discord surrounded the role of the WHO. The United States, having withdrawn from the WHO, resisted any resolution that acknowledged the WHO's role in combatting COVID-19.¹⁰¹ China, conversely, demanded it, grasping the opportunity to debase United States legitimacy.¹⁰² A compromise was eventually reached with the inclusion of a provision in Resolution 2532 stating that the Council had considered the General Assembly's Resolution 74/270 on COVID-19, which acknowledged the WHO's crucial role in containing the spread of the virus.¹⁰³ However, by then, the damage from months of deadlock and the resulting absence of UNSC action had already been done.¹⁰⁴

It is notable that the UNSC's delay in passing a resolution on COVID-19 was not reflective of a wider lack of consensus amongst UN members as to the need for action. Before the Council even met to discuss the pandemic, the General Assembly (UNGA) had passed its first COVID-19 resolution (UNGA Res 74/270), calling for "intensified international cooperation to contain, mitigate and defeat the pandemic".¹⁰⁵ It passed its second resolution (UNGA Res 74/274) weeks after, reinforcing the need for international cooperation, this time with regards global access to medical resources.¹⁰⁶ These early UNGA resolutions contrast starkly with the UNSC's pandemic response. Whilst most states, voting at the UNGA, recognised the cruciality of international solidarity, "world leaders" (namely the United States, China and Russia) were embroiled in disputes to defend their self-interests. Such disputes had significant implications for the UNSC, as the threat of P5 Members invoking their veto power meant no Resolution would pass if

⁹⁹ Gowan and Pradhan, above n 72.

¹⁰⁰ Gowan and Pradhan, above n 72.

¹⁰¹ What's In Blue, above n 17.

¹⁰² Gowan and Pradhan, above n 72.

¹⁰³ *Global solidarity to fight the coronavirus disease 2019 (COVID-19)* GA Res 74/270 (2020); and SC Res 2532 (2020).

¹⁰⁴ Gowan, above n 4.

¹⁰⁵ *Global solidarity to fight the coronavirus disease 2019 (COVID-19)*, above n 103, at [5].

¹⁰⁶ *International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19* GA Res 74/274 (2020).

contrary to P5 interests. No matter how strongly other Members pushed for cooperative international action on COVID-19, UNSC action depended on P5 agreement.

Political conflict amongst the P5 over a COVID-19 resolution reaffirmed what has long been considered the largest flaw in the UNSC's functioning: effective action proves elusive when individual interests of the P5 are at stake.¹⁰⁷ COVID-19 presented a non-traditional security threat on a truly global scale and yet, despite the unprecedented global implications of the pandemic, UNSC cooperation was unattainable because of the clashing individual interests of P5 States.¹⁰⁸ Though this barrier arises frequently in the context of traditional security issues also, the veto can be arguably more easily invoked in the context of non-traditional security threats because it can be disguised as opposition to the securitisation of a matter, rather than purely expressing self-interested opposition to any UNSC action being taken.¹⁰⁹ Comparatively, should a P5 member use its veto power to prevent action on a more clear-cut, traditional security threat, its self-interested intentions will be more overt, and thus likely to be met with greater backlash from the international community.¹¹⁰

Considering that reform to the UNSC structure is itself subject to P5 veto, any reform eliminating this political barrier is extremely unlikely.¹¹¹ With this recurring structural limitation to UNSC action here to stay, hope cannot not be placed in the UNSC to proactively act on more complex, divisive issues, including climate change. Action should be feasible where undeniable traditional security threats result from non-traditional sources. However, where the nature and extent of a threat remains debatable, the UNSC is more likely to become entangled in political debate than to effectively lead international action on any such matter.

¹⁰⁷ Charbonneau, above n 8, at 13; Giorgia Papalia "A Critique of the Unqualified Veto Power" (2017) 2 *Perth International Law Journal* 55; and Saleh Al Shraideh "The Security Council's Veto in the Balance" (2017) 58 *Journal of Law, Policy and Globalisation* 135 at 137.

¹⁰⁸ Arcari, above n 18, at 60; Charbonneau, above n 8, at 7; and Gowan, above n 4.

¹⁰⁹ See *Addressing complex contemporary challenges to international peace and security*, above n 18; Louise van Schaik, Stefano Sarris and Tobias von Lossow "Fighting an existential threat: small island states bringing climate change to the UN Security Council" (policy brief, 2018) Planetary Security Initiative <planetarysecurityinitiative.org>; and *New challenges to international peace and security and conflict prevention*, above n 18.

¹¹⁰ See Papalia, above n 107; and Al Shraideh, above n 107.

¹¹¹ Charter of the United Nations, arts 108 and 109.

2 *A limited “toolkit”*

Even if the UNSC had not been troubled with political conflict between its Members, the undertaking of effective action on COVID-19 would still have been stifled by the Council’s “toolkit” for action. Indeed, despite the UNSC’s vast mandate, “the Council’s toolkit is still limited”.¹¹² Whilst understandings of what issues potentially threaten international peace and security have broadened since the 1990s, with non-traditional security threats gaining greater attention, UNSC mechanisms for responding to such threats are still lacking.¹¹³ As earlier discussed, the UNSC’s powers were established at the San Francisco Conference in 1945, when armed conflict was the primary security threat in the minds of Member States that needed addressing.¹¹⁴ The UNSC’s powers were thus created with such threats in mind and have not been reconsidered despite evolving understandings of what issues can threaten the maintenance of international peace and security.

Though the UNSC has previously addressed threats presented by health crises, their response was assisted by the more limited spread of HIV/AIDS and Ebola (relative to COVID-19) and the centralisation of the most severe outbreaks in regions where the UN already had peacekeeping forces deployed.¹¹⁵ This enabled humanitarian efforts to be more easily focused on virus “hotspots” with aims of quelling the spread of disease and minimising any negative security implications. COVID-19, in comparison, presented a threat on a truly global scale.¹¹⁶ As a result, resources to manage the pandemic were limited internationally.¹¹⁷ This was further exacerbated by the nationalistic policies of many States, channelling resources primarily for domestic use.¹¹⁸

The global scale of COVID-19 and the unconventional nature of the security threat presented meant the UNSC’s “toolkit” was not particularly useful. Not facing a threat in which any State was acting egregiously, causing or severely exacerbating the security

¹¹² Gowan and Pradhan, above n 72.

¹¹³ Farrall, above n 8.

¹¹⁴ *Documents of the United Nations*, above n 10.

¹¹⁵ Farrall, above n 8.

¹¹⁶ Tedros Adhanom Ghebreyesus “Opening remarks at the media briefing on COVID-19” (11 March 2020) World Health Organisation <who.int>.

¹¹⁷ Emmanuel J Ezekiel and others “Fair Allocation of Scarce Medical Resources in the Time of Covid-19” (2020) 382 N Engl J Med 2049; and Baichorov, above n 20, at 7.

¹¹⁸ Baichorov, above n 20, at 6.

implications of the pandemic, UNSC powers to implement sanctions or use force under Chapter VII were not an appropriate solution to COVID-19. The Council thus had to rely on Chapter VI mechanisms. Resolution 2532 appeared to be adopted under this Chapter, making the resolution recommendatory, not binding.¹¹⁹ This is evident in the preamble of the Resolution, which states that “the COVID-19 pandemic is *likely* to endanger the maintenance of international peace and security” (emphasis added), falling short of declaring the pandemic to be an actual threat to international peace and security as required to invoke Chapter VII.¹²⁰

Theoretically, Chapter VI enables the Council to recommend any action it feels appropriate in response to a potential threat to international peace and security, though it is limited in what it can request by financial and operative resources at its disposal, which are provided by UN Members.¹²¹ Calling for a “humanitarian pause” in armed conflict was one recommendation clearly falling within the Council’s mandate that had promise to minimise suffering in conflict-ridden States, enabling pandemic management efforts to proceed without the added complication of ensuing armed conflict.¹²² However, other actions recommended in response to past health crises, such as the provision of humanitarian aid and supplies, were not realistic in the context of COVID-19 as public health resources were strained globally.¹²³ Most UN Members were incapable of providing resources to others as they required what they had for themselves. The unprecedented global threat of COVID-19 required an unprecedented solution. Limited by its “toolkit”, which was designed with traditional security threats in mind, the UNSC was unable to generate any such creative solution.

Arguably in part owing to its non-binding nature, Resolution 2532 has had little effect as armed conflicts have continued.¹²⁴ This, however, is not reflective of a complete disinterest by governments and armed forces in the ceasefire call. When the Secretary-General first advocated for a ceasefire in March 2020, many armed groups, including

¹¹⁹ Arcari, above n 18, at 63.

¹²⁰ Charter of the United Nations, Chapters VI and VII; and SC Res 2532 (2020), preamble.

¹²¹ Charter of the United Nations, art 36.

¹²² SC Res 2532 (2020).

¹²³ Devon E McMahon and others “Global resource shortages during COVID-19: Bad news for low-income countries” (2020) 14 PLoS Neglected Tropical Diseases at 1.

¹²⁴ Gowan and Pradhan, above n 72; and Kelly Craft “Remarks at a UN Security Council High-Level Meeting on Maintenance of International Peace and Security: Post-COVID-19 Global Governance (via VTC)” (24 September 2020) United States Mission to the United Nations <usun.usmission.gov>.

those in uncompromising conflicts, such as in Colombia and the Philippines, took it upon themselves to cease fighting.¹²⁵ However, the delay in UNSC action legitimising the ceasefire meant that conflict resumed before Resolution 2532 was passed, at which point warring parties became disinterested in the proposal.¹²⁶

B Resolution 2565

In February 2021, the UNSC again reconvened to discuss the pandemic.¹²⁷ COVID-19 had arisen as a factor in matters before the UNSC throughout 2020, however it was not until 2021 that pandemic itself was specifically re-addressed. Discussions were motivated by a sense of purpose and desire for cooperation starkly different from negotiations in 2020.¹²⁸ This was arguably in part due to a change of United States leadership, with Joe Biden replacing Donald Trump, bringing with him an administration that prioritises international cooperation and supports WHO involvement in combatting COVID-19.¹²⁹ Such a change eliminated much of the political sparring that plagued UNSC negotiations in 2020. In just two weeks, the Council successfully negotiated Resolution 2565, adopted on 26 February. Reasserting its 2020 call for a global ceasefire, Resolution 2565 demanded a “humanitarian pause” of all conflicts to enable aid workers to safely conduct COVID-19 vaccination programmes.¹³⁰ In contrast to Resolution 2532, Resolution 2565 explicitly recognised “the crucial role of the WHO” in the pandemic response.¹³¹

Whilst again seeming to adopt recommendatory, rather than non-binding, language in Resolution 2565, the UNSC seemed to leave open the possibility of invoking its Chapter VII powers in future if necessary.¹³² This is evident in passages of the Resolution that request the Secretary-General to report to the Council on the Resolution’s implementation, stating that, where instances of continued conflict are reported to be impeding COVID-19 vaccinations, the Council intends to consider the appropriateness

¹²⁵ Charbonneau, above n 8, at 12.

¹²⁶ Gowan and Pradhan, above n 72.

¹²⁷ See SC Res 2532 (2020); *The situation in the Central African Republic* UN Doc S/PV.8771 (19 October 2020); UN Doc S/2020/915; and SC Res 2565 (2021).

¹²⁸ Richard Gowan “A Fresh Chance for the Security Council to Tackle COVID-19” (6 April 2021) International Crisis Group <www.crisisgroup.org>.

¹²⁹ Gowan, above n 128.

¹³⁰ SC Res 2565 (2021), at [3].

¹³¹ Preamble.

¹³² Gowan, above n 128.

of further measures to ensure a pause in hostilities.¹³³ Despite this reference to “further measures” however, it remains unclear as to what “further measures” may actually be useful.¹³⁴ Diplomatic sanctions may influence better compliance, however other Chapter VII measures, particularly the use of force, still seem excessive/inappropriate in the pandemic context. Hence, though the UNSC, in passing Resolution 2565, was uninhibited by the political conflict that plagued negotiations in 2020, the Resolution does not practically achieve much more than Resolution 2532, displaying the enduring barrier that the UNSC’s limited “toolkit” presents when responding to a threat like COVID-19.

V A role for the UNSC on climate change?

The UNSC’s COVID-19 response highlighted major challenges preventing the Council from effectively responding to unconventional security threats. Considering the significant impact that political conflict and the UNSC’s limited “toolkit” had in preventing timely action on COVID-19, which presented a clear threat stemming from a single source, it is likely that such barriers will only be exacerbated when addressing more complex, multifaceted security threats. This institutional incapacity of the UNSC is thus highly relevant when considering the role that the Council could assume in combatting climate change. Like COVID-19, climate change cannot be remedied by one State or group of States alone, instead requiring the collective action of all States to reduce GHG emissions and adapt to environmental changes.¹³⁵ Further, considering the global nature of the threat, similarly to outbreaks of health crises, attributing responsibility for the climate crisis is challenging.¹³⁶ Thus, whilst health crises and environmental degradation can present as rather different threats, addressing them requires similar cooperative measures. This part discusses the extent to which the UNSC will likely address climate change, considering the institutional limitations that currently hinder Council action, particularly on non-traditional security matters, as evidenced by its COVID-19 response.

¹³³ SC Res 2565 (2021), at [7]-[8].

¹³⁴ Ilja Richard Pavone “Security Council Resolution 2532 (2020) on Covid-19: A Missed Opportunity?” (2020) 9 ESIL Reflections.

¹³⁵ The Expert Group of the International Military Council on Climate and Security *The World Climate and Security Report 2021* (The Centre for Climate and Security, an institute of the Council on Strategic Risks, Washington, DC, 2021) at 74; and Liz Fisher “Thinking Collectively: Law and Scholarship in Precarious Times” (2020) 32 *Journal of Environmental Law* 339 at 340.

¹³⁶ Fisher, above n 135, at 340.

A Political conflict

Before considering the extent to which it may deal with climate change, the UNSC will have to overcome political disagreement as to the legitimacy of Council action on the matter.

Considering the notable disagreement amongst UN Member States on this issue, it is unlikely that all Council Members, particularly the P5, will agree that Council action on climate change is appropriate. Political conflict is highly likely to inhibit Council action on climate change, having a similarly stymying effect as it did on COVID-19 discussions.

A recurring theme across all Council meetings that have discussed climate change is the P5 division between, on the one hand, France, the United Kingdom, and the United States, who support UNSC involvement in combatting climate change, and, on the other, Russia and China, who align with views of the G77, questioning the legitimacy of UNSC action on climate change.¹³⁷ Whilst the perspectives of both China and Russia has shifted slightly, from previously denying that climate change is a security matter, to now accepting that it has security implications, both States still resolutely claim that climate change is primarily a sustainable development issue that should be dealt with under the UNFCCC framework, not the Council.¹³⁸ Unlike the political conflict that inhibited action on COVID-19, China and Russia's disagreement with the rest of the P5 is supported by other Council Members and non-represented UN Members.¹³⁹ Specifically, five E10 Members at present are part of the G77, which opposes UNSC involvement on climate matters.¹⁴⁰ Thus, the likelihood of the UNSC overcoming this dissent to pass resolutions on climate change is unlikely, particularly considering that China and Russia would likely injure their relationships with other non-Member States if they were to change their stance on the matter. Despite this, however, both China and Russia have expressed concern for the pressing impacts of climate change on SIDS and recognised that climate change may cause or worsen more traditional security threats, so their cooperation on a UNSC

¹³⁷ See *Addressing complex contemporary challenges to international peace and security*, above n 18; *Maintenance of international peace and security: the impact of climate change*, above n 45; *New challenges to international peace and security and conflict prevention*, above n 18; and UN Doc S/PV.5663 (17 April 2007).

¹³⁸ *Maintenance of international peace and security: the impact of climate change*, above n 45, at 9 and 13.

¹³⁹ At 27.

¹⁴⁰ UN Doc S/PV.5663 (17 April 2007) at 24.

resolution addressing these threats specifically may be feasible.¹⁴¹ Nonetheless, the likelihood of the UNSC overcoming political disagreement as to the characterisation of climate change itself as a threat to international peace and security is low.

B Approaching climate change within the bounds of the UNSC's "toolkit"

Should the UNSC decide to tackle climate change, or climate-related events, the way in which it acts will vary depending on whether a proactive or reactive approach is taken, and whether it chooses to utilise its Chapter VI or Chapter VII tools in the UN Charter. The Council may assist with mitigation efforts (addressing the causes of climate change) or merely with adaptation (addressing the effects of climate change).¹⁴² A proactive approach, focused on mitigation, might entail requesting States to refrain from particularly polluting activities, or calling for States to take certain actions or implement legislation to reduce their carbon footprint. The UNSC may assume a "quasi-legislative" role to require States' adherence to any such request.¹⁴³ Though the Council does not have authority to intervene in the domestic affairs of any State, it may request such action on the basis of the no harm rule in international environmental law, which requires States to take all appropriate measures to prevent activities conducted on their territory from causing significant harm elsewhere.¹⁴⁴ Thus, if a transboundary environmental threat of a State's proposed polluting act can be established, endangering peace and security, this would justify a UNSC response without being considered an encroachment on States' territorial sovereignty. Alternatively, a reactive Council approach may respond to the effects of climate change as they arise, helping States to adapt when environmental changes significantly threaten their territories and/or the livelihoods of their populations. For example, humanitarian assistance may be delivered to States facing resourced-based conflict or to displaced populations. To do so, the Council may establish sub-committees with expertise to appropriately manage such specific challenges.¹⁴⁵ Considering the critical state of the climate, both mitigation and adaptation measures are arguably

¹⁴¹ *Maintenance of international peace and security: the impact of climate change*, above n 45, at 9 and 13.

¹⁴² Warren, above n 83, at 9-10.

¹⁴³ At 13.

¹⁴⁴ Charter of the United Nations, art 2(7); "Declaration of the United Nations Conference on the Human Environment" in *Report of the United Nations Conference on the Human Environment A/CONF.48/14* (1972), Principle 21; and International Law Commission *Prevention of Transboundary Harm from Hazardous Activities* (2001), art 3.

¹⁴⁵ Charter of the United Nations, arts 7(2) and 29.

necessary. As argued by SIDS, the climate emergency is so pressing that all mitigative action aimed at slowing climate change should be welcomed, from all bodies, including the UNSC, whilst adaptive efforts are, and will become more, necessary as extreme weather events worsen and sea levels rise as a result of the changing climate.¹⁴⁶

Whether or not a proactive or reactive approach is taken, the UNSC will also have to decide what actions it deems appropriate for dealing with climate change, choosing from its toolkit under Chapters VI and VII of the UN Charter. As with Covid-19, the Council's Chapter VII powers seem largely inappropriate for addressing climate change.¹⁴⁷ Climate change demands the collective action of all States as the emissions of all contribute to degradation of the climate system. Militarising the matter under Chapter VII, using force or invoking sanctions to compel a State to change their actions, would likely create inter-State hostility, thus achieving the opposite of the willing cooperation required to properly combat the climate crisis.¹⁴⁸

Unlike pandemics, however, the options for utilising the Council's Chapter VII powers to combat climate change are greater. The Council may use such tools on the basis that climate change presents a collective security threat that cannot be resolved without the contributing efforts of all States to minimise environmental harms.¹⁴⁹ Whilst military intervention seems wholly inappropriate for resolving climate change issues, economic sanctions may be invoked to effectively deter States from carrying out environmentally damaging projects, where such projects threaten to cause transboundary harm.¹⁵⁰ Economic pressure may incentivise investment into environmentally friendly development where States have such means. Further, the UNSC may assume a quasi-legislative role by, for example, requiring States to reform legislation to decarbonise the economy, ban particularly damaging activities, or ratify the 2015 Paris Agreement.¹⁵¹ The issue with any such demand, however, is it would likely be seen as intervening with more global efforts under the UNFCCC framework. Additionally, considering the complexity

¹⁴⁶ UN Doc S/PV.5663 (2007) at 29.

¹⁴⁷ Lorraine Elliot, above n 79, at 204 and 220.

¹⁴⁸ Catherine Tinker "'Environmental Security' in the United Nations: Not a Matter for the Security Council" (1991) 59 *Tenn Law Rev* 787 at 794.

¹⁴⁹ Shirley V Scott "Implications of climate change for the UN Security Council: mapping the range of potential policy responses" (2015) 91 *International Affairs* 1317 at 1322.

¹⁵⁰ Linda A Malone "'Green Helmets': a conceptual framework for Security Council authority in environmental emergencies" (1995-6) 17 *Mich J Int Law* 515 at 532.

¹⁵¹ Scott, above n 149, at 1323.

of climate change, the legitimacy of any such demand from the UNSC, which lacks environmental expertise when compared with other bodies, such as the IPCC, would likely be questioned. These factors, combined with current disagreement between States on the legitimacy of Council action on climate change generally, makes the likelihood of quasi-legislative action eventuating low.

Aside from its Chapter VII powers, the UNSC also has options for action under Chapter VI. Under art 36, the UNSC may recommend action for States to combat climate change.¹⁵² Despite being non-binding, such recommendations can be useful for emphasising the severity of a threat and the need for collective action, as shown by the Council's HIV/AIDS resolution.¹⁵³ The COVID-19 pandemic demonstrated the tendency of States to enact self-interested, isolationist policies in response to a threat when cooperative international leadership is lacking. Recognition from the UNSC under Chapter VI that climate change presents a likely threat to international peace and security would thus be significantly symbolic. It would enhance awareness of climate security and stress the cruciality of international action to prevent further harm to the climate system, just as UNSC Resolutions on health crises focused international attention on epidemic-related security risks.¹⁵⁴ Hence, though the Council's Chapter VII powers may be unsuitable for addressing climate change, the Council still has significant power to encourage international action on the matter through a Chapter VI declaration. To strengthen the legitimacy of any such action, the UNSC could instigate a fact-finding mission under art 34 of the Charter to investigate the extent of threats posed by climate change,¹⁵⁵ though this seems unnecessary considering the work done by the IPCC to this effect.¹⁵⁶

C Likely action

Ultimately, the extent to which the Council tackles climate change will depend on how the Council conceptualises the matter – whether it recognises climate change as a threat in itself to international peace and security, or whether it simply responds to isolated

¹⁵² Charter of the United Nations, arts 34 and 36.

¹⁵³ Gowan and Pradhan, above n 72.

¹⁵⁴ Pobjie, above n 11, at 17; and Scott, above n 149, at 1326.

¹⁵⁵ Charter of the United Nations, art 34.

¹⁵⁶ See Adger and others, above n 51; IPCC, above n 52; and Masson-Delmotte and others, above n 5.

effects, such as population displacement or resource-based conflict. If climate change is recognised as the threat itself, the Council may act proactively, emphasising mitigation, whereas a response to the more “traditional” threats that climate change can cause or exacerbate would result in adaptive efforts, reacting to imminent threats as they arise. Realistically, current disagreement as to the appropriateness of UNSC action on climate change suggests that reactive measures are most likely. COVID-19 has highlighted the inefficiency of the Council to act on unconventional matters, demonstrating that proactive proposals for action will likely be impeded by Member disagreement. Thus, despite the need to increase efforts, which could be generated by a Council resolution on climate change itself, any Council action on climate change will likely respond to isolated effects that more neatly resemble traditional security threats. For example, the Council will almost certainly respond to increased population displacement and any resulting instability and conflict.¹⁵⁷ This would be possible because it does not require the P5 to agree that climate change is the source of the threat, but merely that the specific effects fall within the Council’s mandate and require action.¹⁵⁸ UNSC action on these isolated incidents is likely, intervening as a “safety net” when climate-related threats reach crisis points. However, considering the current political climate and the UNSC’s limited options for action that inhibited an effective Council response to COVID-19, to hold our breaths for a more ambitious resolution on climate change would be foolish.

VI Conclusion

COVID-19 has highlighted the significant fractures inhibiting UNSC functioning which prevent effective Council action, particularly in the face of multifaceted non-traditional security threats that are not particularly helped by the Council’s usual response mechanisms. Confronting a pandemic that destabilised the international community socially, politically and economically, the Council’s COVID-19 response was severely delayed by political conflict, particularly between China and the United States, which placed the Council in a deadlock, unable to pass a resolution until all P5 members were satisfied with its contents.¹⁵⁹ The Council was also challenged by its “limited toolkit” for

¹⁵⁷ Scott, above n 149, at 1325.

¹⁵⁸ At 1325.

¹⁵⁹ Charbonneau, above n 8, at 8.

action. Its Chapter VII powers especially, being created primarily to address situations of armed conflict, proved relatively useless in the pandemic context.¹⁶⁰

Considering the political and practical challenges faced by the Council in their response to COVID-19, it is unlikely that the Council will be able to act any more effectively on the other pressing non-traditional security threat, climate change. Just as political disagreement plagued COVID-19 discussions, political fractures within the Council are highly likely to hinder future climate change negotiations, as diverging opinions on the legitimacy of Council action on climate change have already been expressed at multiple UNSC meetings. Even if political disagreement can be overcome, COVID-19 demonstrated that there is often little the UNSC can do when faced with unconventional security threats, as their “toolkit” for action remains oriented towards managing traditional security threats.

Despite the above-mentioned challenges, it remains possible that Council members could agree on a role for the UNSC, additional to international efforts under the UNFCCC, to address the consequences of climate change that clearly fall within the UNSC’s mandate. On climate-related issues that resemble more “traditional” security threats, such as population displacement and conflict over resource scarcity, the UNSC’s “toolkit” remains relevant. Thus, a role for the UNSC as “safety net”, addressing the most imminent climate-related security threats that will arise where preventative efforts of the international community fail, is a feasible possibility. Yet, particularly because of the political disagreement amongst UNSC Members that makes comprehensive Council action unlikely, focus should be on other mechanisms for climate action, such as those under the UNFCCC. It would be naïve to expect an effective UNSC resolution on climate change any time soon.

¹⁶⁰ Gowan and Pradhan, above n 72.

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