

## INTRODUCTORY NOTE TO UNITED NATIONS SECURITY COUNCIL RESOLUTION 2532

BY STEFANIA NEGRI\*

[July 1, 2020]

### Introduction

On July 1, 2020, the UN Security Council unanimously adopted Resolution 2532 on the effects of the COVID-19 pandemic across the world and its impact on international peace and security.<sup>1</sup> After determining that “the unprecedented extent of the COVID-19 pandemic is likely to endanger the maintenance of international peace and security,” the Council called upon all parties to armed conflicts to apply an “immediate cessation of hostilities” and to engage in “a durable humanitarian pause . . . in order to enable the safe, unhindered and sustainable delivery of humanitarian assistance, provisions of related services by impartial humanitarian actors . . . and medical evacuations.” The resolution marks the first time the Security Council has called for a global ceasefire in connection with an international health emergency.

### Background

On January 30, 2020, the novel coronavirus outbreak was declared a “public health emergency of international concern” (PHEIC) by the Director-General of the World Health Organization (WHO), pursuant to the International Health Regulations (2005).<sup>2</sup> On March 11, the WHO Director-General characterized COVID-19 as a global pandemic affecting 114 countries.<sup>3</sup>

On March 23, the UN Secretary-General António Guterres issued an urgent appeal for an immediate global ceasefire as a crucial precondition for creating humanitarian corridors for life-saving aid.<sup>4</sup> This call received worldwide support from heads of state and government, regional organizations, non-state armed actors, religious leaders and civil society networks. It was also supported by a non-binding statement issued by 171 UN member states and observers.<sup>5</sup>

On April 9, the Secretary-General addressed the Security Council in order to bring to its attention “the significant threats to the maintenance of international peace and security” posed by the pandemic, “potentially leading to an increase in social unrest and violence that would greatly undermine [the world’s] ability to fight the disease.”<sup>6</sup> However, despite weeks of relentless negotiations over a draft resolution sponsored by France and Tunisia,<sup>7</sup> the Security Council was unable to take a position on the pandemic for more than three months. Such inaction was due to political disagreement between the United States and China over the language to be employed in the resolution.<sup>8</sup> In fact, while the United States objected to any (even indirect) mention and endorsement of the WHO, China opposed the U.S. proposal to include an open reference to state commitments to transparency and accountability in the management of the pandemic.<sup>9</sup>

By way of compromise, unanimous consensus was reached on a revised text dropping all controversial references and employing neutral language focused on the disrupting potential of the pandemic and the need to provide humanitarian relief also through peacekeeping operations.

### Context and Precedents

Resolution 2532 is the latest of a limited number of Security Council resolutions building on the reconceptualization of security as “human security,”<sup>10</sup> the evolutionary interpretation of the notion of threat under Article 39 of the UN Charter in the light of new economic, social, humanitarian, and ecological challenges,<sup>11</sup> and the inclusion of public health emergencies—especially infectious disease epidemics—among the possible unconventional threats to international peace and security.<sup>12</sup>

\*Stefania Negri is Associate Professor of International Law and Lecturer of International Health and Environmental Law at the School of Law of the University of Salerno, Italy and Jean Monnet Chair of European Health, Environmental and Food Safety Law (2016–2019).

In January 2000, the Security Council held its first meeting aimed at discussing a health issue as a security threat. That meeting was a landmark first step in the practice of the Council since its President recognized that the Council was “exploring a brand-new definition of world security,” which would open up the door to seeing “security through a new and wider prism and, forever after, think[ing] about it according to a new and more expansive definition.”<sup>13</sup> On that occasion, the Security Council unanimously adopted Resolution 1308, recognizing that the HIV/AIDS pandemic represented a potential “risk to stability and security,” especially in consideration of the possible adverse impact of the disease on the health of international personnel engaged in peacekeeping operations.<sup>14</sup>

Following the Ebola outbreak in West Africa, on September 18, 2014, the Security Council held its first emergency meeting on a declared PHEIC and unanimously adopted Resolution 2177, which was sponsored by a record 130 states.<sup>15</sup> In the preamble to the resolution, the Security Council recognized that “the peacebuilding and development gains of the most affected countries concerned could be reversed in light of the Ebola outbreak,” and stressed that “the outbreak [was] undermining the stability of the most affected countries concerned and, unless contained, [could] lead to further instances of civil unrest, social tensions and a deterioration of the political and security climate.” Against this backdrop, the Council determined that “the unprecedented extent of the Ebola outbreak in Africa constitute[d] a threat to international peace and security.” Resolution 2177 recognized the leading role played by the WHO, recalled the International Health Regulations (2005) and underscored the importance of abiding by the commitments stemming therefrom, while urging WHO member states to follow the temporary recommendations issued by the WHO Director-General.

Building on Resolution 2177, on October 30, 2018, the Security Council unanimously adopted Resolution 2439 on the Ebola outbreak in Democratic Republic of Congo (DRC). This resolution called for an immediate cessation of hostilities by all armed groups and commended the important positive role of MONUSCO, the peacekeeping mission established by the Security Council in 2010, for the support given to the DRC government in responding to Ebola. It also stressed the crucial and continued need for a WHO-coordinated international response and encouraged the DRC, the WHO and other responders to continue to improve transparency and accuracy of data reporting.<sup>16</sup>

Unlike these precedents, Resolution 2532 avoided all references to the WHO and recognized the United Nations as the key coordinating actor in the global international response to the pandemic, although it did mention General Assembly Resolution 74/270, which instead recognized the crucial role played by the WHO.<sup>17</sup> Moreover, in contrast to Resolution 2177, the operative paragraphs of Resolution 2532 focused on humanitarian assistance and made the Secretary-General’s call for a global ceasefire its flagship topic, serving the purposes of both pandemic response and the maintenance of international peace and security. However, unlike other resolutions demanding ceasefires and encouraging peace processes, Resolution 2532 did not threaten the application of any enforcement measures on states or targeted sanctions on non-state actors involved in armed conflict for non-compliance with the Security Council’s request.

### Legal Framework

In line with a practice that was quite common in the past, Resolution 2532 shares with its predecessors the fact that none of them clarifies the specific provision of the UN Charter under which the Security Council is acting. It was noted that in determining that the pandemic “is likely to endanger the maintenance of international peace and security,” the Council employed a language that clearly recalls Chapter VI. This was interpreted as either the tool to reach consensus over the proposed draft, or the Council’s deliberate choice “to pursue a preventive approach shaped on Chapter VI.”<sup>18</sup>

However, as aptly observed, it cannot be overlooked that the distinction between Chapter VI and Chapter VII is blurred and that, “The difference between a potential ‘danger’ and a current ‘threat’ to peace and international security . . . is difficult to define in the abstract.”<sup>19</sup> Moreover, it may well happen that the legal basis for a Security Council resolution is connected to one chapter, while the operative part refers to another. This may be the case when the Council decides upon measures under Chapter VII while the preamble to the resolution “avoids stating the existence of a threat to the peace or a breach of the peace and qualifies the situation in which it is intervening with terms that bring it within the situations covered by Chapter VI.”<sup>20</sup> Resolution 2532 seems to fit perfectly with this scenario,

since the Council's demand for an immediate global ceasefire falls squarely within the category of provisional measures under Article 40 of the Charter, while the preamble is more akin to Chapter VI language. In similar cases, it would be correct to classify the act under either Chapter VI or Chapter VII by giving pre-eminence to the operative paragraphs as the most important part of the resolution.<sup>21</sup>

### Significance and Outlook

Resolution 2532 is especially noteworthy since it is the first ever Security Council resolution calling for a global ceasefire and a “durable humanitarian pause” aimed at enabling a coordinated international response to a public health emergency of global concern. Rather than pointing to enforcement measures, in requesting the Secretary-General “to provide updates to the Security Council on the UN efforts to address the COVID-19 pandemic in countries in situations of armed conflict or affected by humanitarian crises,”<sup>22</sup> Resolution 2532 offers Guterres a platform to keep the Council up to date on how the pandemic is affecting the international security landscape. In addition to the resolution's substantive importance, it is probably this procedural aspect that is most promising in terms of the future. Indeed, as it was suggested, the Secretary-General should take advantage of this opportunity to “take an expansive view of his mandate to report on COVID-19 to the Council—offering Council members early warnings of potential virus-related crises and conflicts based on UN economic and humanitarian analysis as well as political reporting.”<sup>23</sup>

### ENDNOTES

- 1 S.C. Res. 2532, Maintenance of International Peace and Security (July 1, 2020). Due to the extraordinary situation caused by the pandemic, the resolution was approved pursuant to the special written voting procedure indicated in a letter of the Security Council's Chinese President dated March 27, 2020 (U.N. Doc. S/2020/253, Mar. 31, 2020).
- 2 See art. 12 of the International Health Regulations (2005), World Health Assembly Res. WHA58.3 (May 23, 2005), in *Fifty-Eighth World Health Assembly: Resolutions and Decisions*, at 10, WHO Doc. WHA58/2005/REC/1 (2005).
- 3 WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 (Mar. 11, 2020), <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19-11-march-2020>.
- 4 U.N. Secretary-General's Appeal for Global Ceasefire (Mar. 23, 2020), <https://www.un.org/sg/en/content/sg/statement/2020-03-23/secretary-generals-appeal-for-global-ceasefire>.
- 5 See Update on the Secretary-General's Appeal for a Global Ceasefire (Apr. 2, 2020), <https://reliefweb.int/report/world/update-secretary-general-s-appeal-global-ceasefire-02-april-2020>; COVID-19: 59 Countries Support Antonio Guterres' Call for a Global Ceasefire (Apr. 20, 2020), <https://onu.delegfrance.org/COVID-19-59-countries-support-Antonio-Guterres-s-call-for-an-immediate-global>; Statement of support by 171 UN Member States, Non-Member Observer States, and Observers to the UN Secretary-General's Appeal for a Global Ceasefire amid the COVID-19 Pandemic (June 22, 2020), <https://reliefweb.int/report/world/statement-support-171-un-member-states-non-member-observer-states-and-observers-un>.
- 6 U.N. Secretary-General's Remarks to the Security Council on the COVID-19 Pandemic (Apr. 9, 2020), <https://www.un.org/sg/en/content/sg/statement/2020-04-09/secretary-generals-remarks-the-security-council-the-covid-19-pandemic-delivered>.
- 7 U.N. Doc. S/2020/607 (July 1, 2020). This draft resolution combined two different proposals advanced by France and Tunisia, respectively acting on behalf of the Security Council's five permanent members and of the ten non-permanent members. While the draft resolution proposed by France focused on Guterres's call for a global ceasefire as part of a “humanitarian pause” to combat the pandemic, the Tunisian draft called for “an urgent, coordinated and united international action to curb the impact of COVID-19.”
- 8 See *US Blocks Vote on UN's Bid for Global Ceasefire Over Reference to WHO*, THE GUARDIAN (May 8, 2020), <https://www.theguardian.com/world/2020/may/08/un-ceasefire-resolution-us-blocks-who>; Louis Balmond, *Le Conseil de Sécurité des Nations Unies Face à la Pandémie de Covid-19 : Pourquoi ce Silence ?*, PAIX ET SÉCURITÉ EUROPÉENNE ET INTERNATIONALE (June 27, 2020), <http://revel.unice.fr/psei/index.html?id=2219#tocto2n4>.
- 9 Both States included their arguments in their respective declarations of vote. The Statement by the U.S. Permanent Mission reads: “While the United States generally supports resolution 2532 (2020), adopted today, we would like to note that it does not include crucial language to emphasize transparency and data-sharing as critical aspects in fighting this virus. We consistently expressed this concern throughout the consultation process on the resolution.” (U.N. Doc. S/2020/638, Annex 23). The Chinese Statement reads: “China appreciates that the resolution refers to Assembly resolution 74/270, which reflects Member States' full recognition of the central role played by the United Nations and the World Health Organization in the global fight against COVID-19.” (U.N. Doc. S/2020/638, Annex 17).
- 10 See Commission on Human Security, *Human Security Now* (2003); *A More Secure World: Our Shared Responsibility*, Report of the Secretary-General's High-level Panel on Threats, Challenges and Change, U.N. Doc. A/59/565 (Dec.

- 2, 2004); *In Larger Freedom: Towards Development, Security and Human Rights for All*, Report of the Secretary-General, U.N. Doc. A/59/2005 (Mar. 21, 2005).
- 11 The UN Security Council has reinterpreted the notion of “threat” since its 1992 Presidential Statement affirming that “the international community . . . faces new challenges in the search for peace . . . The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security”. See U.N. SCOR, 3046th mtg, U.N. Doc. S/PV.3046 (Jan. 31, 1992), agenda item “The Responsibility of the Security Council in the maintenance of international peace and security”, Statement by the President on behalf of the Council. Building on this broadened vision, some later presidential statements identified public health, the proliferation of small arms and light weapons, transnational organized crime, piracy, drugs, human trafficking and the impact of climate change as new challenges to peace and security: U.N. Press Release SC/10036 and S.C. Pres. Statements 2010/18 (Sept. 23, 2010) and 2011/15 (July 20, 2011). See also U.N. SCOR, 8144th mtg, U.N. Doc. S/PV.8144, agenda item “Maintenance of International Peace and Security. Addressing Complex Contemporary Challenges to International Peace and Security” (Dec. 20, 2017), at 51.
- 12 On the health-security paradigm, see Stefania Negri, *Communicable Disease Control*, in RESEARCH HANDBOOK ON GLOBAL HEALTH LAW 265, 291–97 (Gian Luca Burci & Brigit Toebe eds., 2018).
- 13 U.N. SCOR, 4087th mtg, U.N. Doc. S/PV.4087 (Jan. 10, 2000), agenda item “The Impact of AIDS on Peace and Security in Africa”, Statement by the President.
- 14 S.C. Res. 1308, Responsibility of the Security Council in the Maintenance of International Peace and Security: HIV/AIDS and International Peace-keeping Operations ¶ 1 (July 17, 2000).
- 15 S.C. Res. 2177, Peace and Security in Africa (Sept. 18, 2014). See Pia Acconci, *The Reaction to the Ebola Epidemic within the United Nations Framework. What Next for the World Health Organization?*, 18 MAX PLANCK YEARBOOK OF UNITED NATIONS LAW 405 (2014); Gian Luca Burci & Jacob Quirin, *Ebola, WHO, and the United Nations: Convergence of Global Public Health and International Peace and Security*, 18 ASIL INSIGHTS 25 (Nov. 14, 2014), <https://www.asil.org/insights/volume/18/issue/25/ebola-who-and-united-nations-convergence-global-public-health-and>; Gian Luca Burci, *Ebola, The Security Council and the Securitization of Public Health*, QUESTIONS OF INTERNATIONAL LAW (Dec. 23, 2014), <http://www.qil-qdi.org/ebola-security-council-securitization-public-health/>; Ilja Richard Pavone, *Ebola and Securitization of Health: UN Security Council Resolution 2177/2014 and Its Limits*, in THE GOVERNANCE OF DISEASE OUTBREAKS—INTERNATIONAL HEALTH LAW: LESSONS FROM THE EBOLA CRISIS AND BEYOND 301 (Leonie Vierck, Pedro A. Villarreal, A. Katarina Weilert eds., 2017).
- 16 S.C. Res. 2439, Peace and Security in Africa ¶¶ 2, 4, 7 (Oct. 30, 2018).
- 17 G.A. Res. 74/270, Global Solidarity to Fight the Coronavirus Disease 2019 (COVID-19) (Apr. 2, 2020).
- 18 Maurizio Arcari, *Some Thoughts in the Aftermath of Security Council Resolution 2532 (2020) on Covid-19*, QUESTIONS OF INTERNATIONAL LAW, ZOOM-OUT 59, 64–65 (Aug. 31, 2020).
- 19 BENEDETTO CONFORTI & CARLO FOCARELLI, THE LAW AND PRACTICE OF THE UNITED NATIONS 190 (5<sup>th</sup> rev. ed., 2016).
- 20 *Id.* at 192.
- 21 *Id.*
- 22 S.C. Res. 2532, *supra* note 1, ¶ 5.
- 23 Richard Gowan & Ashish Pradhan, *Salvaging the Security Council’s Coronavirus Response* (Aug. 4, 2020), <https://relief-web.int/report/world/salvaging-security-council-s-coronavirus-response>.

UNITED NATIONS SECURITY COUNCIL RESOLUTION 2532\*  
[July 1, 2020]



## Security Council

Distr.: General 1  
July 2020

### Resolution 2532 (2020)

#### Adopted by the Security Council on 1 July 2020

*The Security Council,*

*Recalling* its primary responsibility for the maintenance of international peace and security,

*Reaffirming* the principles and purposes of the Charter of the United Nations,

*Expressing* grave concern about the devastating impact of the COVID-19 pandemic across the world, especially in countries ravaged by armed conflicts, or in post-conflict situations, or affected by humanitarian crises,

*Recognizing* that conditions of violence and instability in conflict situations can exacerbate the pandemic, and that inversely the pandemic can exacerbate the adverse humanitarian impact of conflict situations,

*Recognizing* that the peacebuilding and development gains made by countries in transition and post-conflict countries could be reversed in light of the COVID-19 pandemic outbreak,

*Underscoring* that combating this pandemic requires greater national, regional and international cooperation and solidarity, and a coordinated, inclusive, comprehensive and global international response with the United Nations playing a key coordinating role,

*Commending* the continued contribution and commitment of national and international health and humanitarian relief personnel to respond urgently to the COVID-19 pandemic,

*Recognizing* efforts and measures proposed by the Secretary-General concerning the response to the potential impact of the COVID-19 pandemic to conflict-affected countries, in particular his appeal for an immediate global ceasefire,

*Having considered* the resolution 74/270 “Global solidarity to fight the coronavirus disease 2019 (COVID-19)” adopted by the UN General Assembly on April 2nd 2020,

*Acknowledging* the launch of the Global Humanitarian Response Plan for COVID-19 by the United Nations, which puts the people at the center of the response,

*Considering* that the unprecedented extent of the COVID-19 pandemic is likely to endanger the maintenance of international peace and security,

\*This text was reproduced and reformatted from the text available at the United Nations website (visited November 10, 2020), [https://undocs.org/en/S/RES/2532\(2020\)](https://undocs.org/en/S/RES/2532(2020)).

1. *Demands* a general and immediate cessation of hostilities in all situations on its agenda and *supports* the efforts undertaken by the Secretary-General and his Special Representatives and Special Envoys in that respect;
  2. *Calls* upon all parties to armed conflicts to engage immediately in a durable humanitarian pause for at least 90 consecutive days, in order to enable the safe, unhindered and sustained delivery of humanitarian assistance, provisions of related services by impartial humanitarian actors, in accordance with the humanitarian principles of humanity, neutrality, impartiality and independence, and medical evacuations, in accordance with international law, including international humanitarian law and refugee law as applicable;
  3. *Affirms* that this general and immediate cessation of hostilities and this humanitarian pause do not apply to military operations against the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al Qaeda and Al Nusra Front (ANF), and all other individuals, groups, undertakings and entities associated with Al Qaeda or ISIL, and other terrorist groups, which have been designated by the Security Council;
  4. *Requests* the Secretary-General to help ensure that all relevant parts of the United Nations system, including UN Country Teams, in accordance with their respective mandates, accelerate their response to the COVID-19 pandemic with a particular emphasis on countries in need, including those in situations of armed conflict or affected by humanitarian crises;
  5. *Requests* the Secretary-General to provide updates to the Security Council on the UN efforts to address the COVID-19 pandemic in countries in situations of armed conflict or affected by humanitarian crises, as well as on the impact of COVID-19 on the ability of peace-keeping operations and Special Political Missions to deliver their mandated priority tasks;
  6. *Requests* the Secretary-General to instruct peace-keeping operations to provide support, within their mandates and capacities, to host country authorities in their efforts to contain the pandemic, in particular to facilitate humanitarian access, including to internally displaced persons and refugee camps and allow for medical evacuations, and *further requests* the Secretary-General and Member States to take all appropriate steps to protect the safety, security and health of all UN personnel in UN peace operations, while maintaining the continuity of operations, and to take further steps towards the provision of training for peacekeeping personnel on issues related to preventing the spread of COVID-19;
  7. *Acknowledges* the critical role that women are playing in COVID-19 response efforts, as well as the disproportionate negative impact of the pandemic, notably the socio-economic impact, on women and girls, children, refugees, internally displaced persons, older persons and persons with disabilities, and *calls* for concrete actions to minimize this impact and ensure the full, equal and meaningful participation of women and youth in the development and implementation of an adequate and sustainable response to the pandemic;
  8. *Decides* to remain seized of the matter.
-