



## Security Council

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### Letter dated 29 December 2022 from the Permanent Representatives of India, Ireland, Kenya, Mexico and Norway to the United Nations addressed to the President of the Security Council

We have the honour to transmit herewith a note on the working methods of the Security Council during the coronavirus disease (COVID-19) pandemic (see annex).

The note, written jointly in our personal capacities, is based on our experience as elected members of the Security Council in 2021 and 2022, when the Council was still operating under modified procedures, and, for part of that time, unable to conduct its work in person owing to the COVID-19 pandemic.

While the Security Council has recorded in [S/2020/253](#), [S/2020/273](#), [S/2020/372](#), [S/2020/490](#), [S/2020/639](#), [S/2020/778](#), [S/2020/877](#), [S/2020/966](#), [S/2020/1077](#), [S/2020/1163](#), [S/2021/18](#), [S/2021/106](#), [S/2021/245](#), [S/2021/326](#), [S/2021/428](#), [S/2021/524](#), [S/2021/703](#), [S/2021/776](#), [S/2021/848](#), [S/2021/939](#), [S/2021/1013](#) and [S/2022/32](#) its agreed practice, we hope that the note will serve as a reference on some of the lived challenges and limitations of the period and inspire changes should there be a future disruption of the Council's ability to hold in-person meetings.

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

*(Signed)* Ruchira **Kamboj**  
Permanent Representative of India to the United Nations

*(Signed)* Fergal **Mythen**  
Permanent Representative of Ireland to the United Nations

*(Signed)* Martin **Kimani**  
Permanent Representative of Kenya to the United Nations

*(Signed)* Juan Ramón **de la Fuente**  
Permanent Representative of Mexico to the United Nations

*(Signed)* Mona **Juul**  
Permanent Representative of Norway to the United Nations



## **Annex to the letter dated 29 December 2022 from the Permanent Representatives of India, Ireland, Kenya, Mexico and Norway to the United Nations addressed to the President of the Security Council**

### **Working methods of the Security Council during the coronavirus disease (COVID-19) pandemic**

#### **I. Introduction**

1. Owing to the coronavirus disease (COVID-19) pandemic and the restrictions this necessitated on in-person meetings at United Nations Headquarters in New York, the Security Council had to find alternative ways to carry out its work to fulfil its mandate pursuant to the Charter of the United Nations with regard to the maintenance of international peace and security and to be able to function continuously. It did so by agreeing extraordinary provisional measures to ensure the continuity of its work through virtual meetings and by devising interim procedures for the adoption of resolutions and statements by the President of the Council and for the functioning of subsidiary bodies.

2. The relevant practice was developed with the agreement of all Security Council members and reflected in successive letters from the President of the Council, published from March 2020 to January 2022.<sup>1</sup> The main practice was cemented in the letters dated March, April and May 2020, and further refined in subsequent months. This included agreeing procedures for the written adoption of resolutions (S/2020/253); the convening and announcement of and the participation of rule 37 invitees in videoconferences, as well as videoconference records (S/2020/253, S/2020/273); the participation of rule 39 invitees in videoconferences, the production of an informal videoconference plan, the nomenclature for videoconference meetings, the adoption of the agenda, the accreditation of representatives, press elements and the conduct of videoconferences (S/2020/273); the livestreaming of open videoconferences and the adoption of presidential statements (S/2020/273, S/2020/372); the language of videoconferences (S/2020/273, S/2020/877); the production of an informal programme of work and the procedure for subsidiary organs (S/2020/372); and the prioritizing of multilingualism (S/2020/1077). Subsequently, as conditions eventually improved, modalities for in-person meetings of the Security Council held in the Economic and Social Council Chamber (S/2020/639) and, later, modalities for meetings held in the Security Council Chamber (S/2020/966), including the in-person participation of rule 37 and rule 39 invitees (S/2021/776) and the conduct of Security Council meetings held at United Nations Headquarters (S/2021/939) were decided, as was a return to the use of the Consultations Room (S/2021/1013).

3. These temporary methods of working allowed for some positive adjustments in practice, including enabling the virtual high-level participation of Security Council members and normalizing virtual briefings from civil society, thus facilitating a greater diversity of representatives. The present note, however, focuses on our experiences with the challenges that these altered procedures presented to the

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<sup>1</sup> Letters: S/2020/253, S/2020/273, S/2020/372, S/2020/490, S/2020/639, S/2020/778, S/2020/877, S/2020/966, S/2020/1077, S/2020/1163, S/2021/18, S/2021/106, S/2021/245, S/2021/326, S/2021/428, S/2021/524, S/2021/703, S/2021/776, S/2021/848, S/2021/939, S/2021/1013 and S/2022/32.

Council's work. We consider that it may be useful to record these reflections should the Council again need to consider alternative working arrangements.

## **II. Challenges and lessons learned**

4. It is notable that the Security Council was able to quickly adapt and find new ways of working to continue to fulfil its mandate. Council presidencies and the Secretariat's support should be commended for facilitating the continual functioning of the Council.

5. While they were improved and refined over time, these altered working arrangements themselves presented a broad range of challenges. Set out below are seven of the most problematic challenges that remained unsolved, all in some way stemming from the lack of agreement of Security Council members to consider virtual meetings formal meetings of the Council.

### **A. Provisional rules of procedure of the Security Council were not applied**

6. As outlined in the letter dated 2 April 2020 from the President of the Security Council during presidency of the Dominican Republic (S/2020/273), there was "no agreement to consider the discussions of the Council held on the virtual platform as formal meetings", and the videoconferences of the Council were agreed to be conducted only "in the spirit" of the provisional rules of procedure of the Council. The procedural decisions to be taken by the Council, therefore, became subject to whatever agreement could be reached for each monthly presidency, with the provisional rules of procedure serving only as guidelines.

### **B. Procedural voting was not possible**

7. The Security Council could have agreed to an informal required threshold of support for its procedural decisions during this time period. However, absent such an agreement, consensus became required for virtually all procedural decisions, whereas, had provisional rules of procedure been applied, the calling of procedural votes would have been an option.

8. With no recourse to proceed to a procedural vote, the meetings held and the briefers whom the Security Council heard from were limited to those that could garner absolute consensus. This artificially narrowed the scope of discussions and affected the substantive work and outcomes of the Council.

### **C. Written procedure for voting**

9. Without meeting in person, it was necessary, for the continuation of the work of the Security Council, to agree an alternative procedure for adopting resolutions. The procedure agreed is outlined in the letter dated 27 March 2020 from the President of the Council during the presidency of China (S/2020/253), allowing for the written submission of votes during a 24-hour period. This process proved lengthy and difficult to implement, both for successive presidencies and the Secretariat.

10. Resolutions adopted through the written procedure were agreed to have the same legal status as those voted on in the Security Council Chamber, and results were

issued as a letter from the President of the Council addressed to the Secretary-General and the Permanent Representatives of the members of the Council.

11. After the 24-hour voting period, the results of the vote were also made public by the President of the Security Council in a videoconference; however, during these videoconferences, no reference was made to how individual Council members' votes were cast. These results are contained only the letters of the President issued later and are not recorded in the same manner as votes taken in the Council Chamber (reflected in verbatim records), and they are, therefore, not easily found when conducting research.

12. In addition, the written procedure for adoption did not allow for the delivery of explanations of vote concurrent with the announcement of the results; instead, these were also dealt with through a written process.

13. Furthermore, the written procedure for adoption did not set out a modality for voting on amendments, which needs to be conducted within a sufficiently short deadline so as not to impede timely voting on the draft resolution itself.

#### **D. Record-keeping**

14. Given virtual meetings' lack of status as formal meetings of the Security Council, no verbatim records were made or issued on them. Compilations of statements were instead made and issued under a cover letter from the President of the Council addressed to the Secretary-General and the Permanent Representatives of the members of the Council. This was an important provision to ensure a minimum standard of record-keeping, but the process did not mirror the one that would usually take place for Council meetings, and it took much longer to compile and make records available to Member States. In addition, the compilations of statements are not easily found in connection to the virtual meetings to which they pertain, as they are transmitted by letters from the President rather than taking the form of meeting records searchable by meeting number. Furthermore, not all statements were submitted by briefers or Member States, so the compilation records are not always an accurate reflection of the meetings held, nor do they always match the webcast recordings of the meetings.

15. The lack of verbatim records had a particular impact with regard to those meetings that would have ordinarily been held as a private meeting (such as meetings with troop-contributing countries or the annual briefing by the President of the International Court of Justice). Had such meetings been held as official meetings, full verbatim records would have been produced pursuant to rules 49 and 51, so that those who took part could later consult the records. Pursuant to rule 55, a communiqué would also have been issued for such meetings; yet, as these meetings were held as informal closed virtual meetings without the official status of private meetings, no records of any kind exist.

16. When the Security Council progressed to having hybrid open debates (with Council members participating in person but the broader membership participating through the submission of written statements), statements submitted in writing were included in a separate letter from the President, distinct from the verbatim record of the meeting. Again, this presents a challenge to getting an accurate picture of all the submissions to the meeting, as they are contained in separate Council documents.

17. In addition, while new items could be taken up in virtual meetings, absent the formal adoption of an agenda item as required for official meetings under rule 9, such items could not be added to the summary statement of matters of which the Security Council is seized, nor could the consideration of established items in virtual meetings

be recorded in the summary statement as the Council's most recent consideration of those items, which might result in their eventually becoming subject to deletion.

#### **E. Participation of the broader membership was restricted**

18. During the virtual equivalent of open debates, the broader membership could not participate in the same manner as Security Council members owing to technical limitations of the videoconferencing system used, running counter to the established practice under rule 37 of the provisional rules of procedure. The broader membership could only submit their statements in writing to form part of a compilation of statements issued as a letter from the President of the Council.

19. In addition, Security Council members did not agree that virtual meetings of the Council would be announced in the Journal of the United Nations. This made it difficult for the broader membership, and indeed the general public, to follow the work and considerations of the Council.

20. The lack of inclusive participation in virtual Security Council meetings also sat in stark contrast to virtual Arria-formula meetings hosted by individual Member States, in which broader participation was possible owing to the use of different videoconference platforms.

#### **F. Multilingualism**

21. Upholding the principles of multilingualism was a significant challenge. While a solution was eventually implemented in August 2020 by using a remote interpretation platform for open videoconferences, in some instances, the platform experienced technical challenges. The platform was also not agreed by all Security Council members for use in closed or informal discussions, which were largely conducted in English only.

#### **G. Field visits**

22. The conditions resulting from the COVID-19 pandemic also restricted the possibility to undertake Security Council visiting missions. Proposals were made for virtual field visits; however, virtual visits would not fully facilitate a critical clarity and deeper understanding of the conflict situations that Council members would derive from actual visits as a complement to reports and briefings. The first visit conducted after the pandemic restrictions, to the Sahel region in October 2021 under the presidency of Kenya, proved the utility of field visits for members of the Council.

### **III. Recommendations**

23. It is indisputable that the Security Council was successful in adapting to fulfil its mandate in a challenging situation. On top of the inherent difficulties stemming from the inability to meet in person, the methods of work themselves chosen by the Council further put its transparency, effectiveness and efficiency at stake.

24. As members who experienced working in the Security Council during this time and felt the direct impact of these chosen working methods, we would highly recommend that, if faced with a similar situation, consideration be given to rethinking the previous agreed working methods to learn from the challenges that the Council faced during this time.

25. We would like to make the following recommendations for future consideration should physical meetings again become impossible:

(a) The Security Council should agree parameters for virtual meetings to be considered as formal meetings of the Council;

(b) The Security Council should agree to apply its provisional rules of procedure, even when meeting virtually, to the fullest extent possible, including the possibility of undertaking procedural votes;

(c) Transparency measures should be adopted, such as announcing virtual meetings in the Journal of the United Nations;

(d) Methods for voting in real time should be reconsidered, including:

(i) Voting by show of hands during virtual meetings;

(ii) Exploration of electronic means of voting, following the lead of the General Assembly in this regard;

(e) Regular record-keeping should be maintained through the production of verbatim records in line with usual practice, including for open virtual meetings and meetings designated as private meetings;

(f) Technological solutions must be found to allow for the full participation of the broader membership as closely aligned as possible to the usual application of rule 37;

(g) Solutions must also be found to ensure multilingualism in line with the note by the President of the Security Council contained in [S/2021/648](#);

(h) The Security Council should continue to consider possibilities for visiting missions of a representative group of Council members to allow for continued regular visits, along with modalities for virtual missions.

26. The outgoing members also suggest that the Secretariat produce a publicly available summary of the temporary measures and the practice of the Security Council during the COVID-19 pandemic period, to be read in conjunction with the letters of the President under successive presidencies agreed by the Council and the present letter.<sup>2</sup>

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<sup>2</sup> Until then, the content of the Secretariat's non-paper on working methods during the coronavirus disease (COVID-19) pandemic, providing an overview of the existing practice and procedures of the Security Council and their impacts, dated 5 February 2021, provides Council members with a useful description of specific procedures developed by Member States and a summary of the working methods agreed upon in each letter up to February 2021.