



## SECURITY COUNCIL INVOLVEMENT IN MITIGATING ADVERSE IMPACTS OF CLIMATE CHANGE

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### ABSTRACT

The impacts of climate change pose a potential threat to peace as defined in the United Nations Charter. Currently, there are few concrete examples of violent conflicts directly induced by climate change, and our understanding of future projections remains limited. Many researchers contend that it is not climate change itself that precipitates conflict, but rather issues such as poor governance of water resources that serve as the primary drivers. This paper examines the competency of the United Nations Security Council (UNSC) in addressing the effects of climate change to either mitigate the sources or enhance the sinks of greenhouse gases. Various recommendations have been proposed for the UNSC in its dealings with the adverse impacts of climate change. These include refraining from involvement, adopting coercive measures, resorting to military force, ending impunity for environmental crimes, requesting advisory opinions from the International Court of Justice (ICJ), imposing sanctions, opting for non-response, and utilizing legislative competencies or authorizing measures. However, given the existence of multilateral climate treaties and other relevant forums, immediate action by the UNSC may be unnecessary. Additionally, the withdrawal of certain Permanent Members from the Paris Agreement complicates the Council's ability to advocate for compulsory actions in support of climate initiatives.

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## Introduction

Recent climate changes are affecting physical and biological systems across all continents and most oceans, with particular emphasis on regional temperature increases. The impacts of these climatic changes on human systems are becoming increasingly evident. Global assessments indicate that anthropogenic warming over the past three decades has likely influenced various physical and biological systems. Climate change significantly impacts snow, ice, and frozen ground, and emerging evidence reveals alterations in hydrological systems, water resources, coastal zones, and oceans. Consequently, climate change has become a serious global threat that necessitates an urgent collective response. The ramifications of environmental degradation and the consequences of environmental change are increasingly linked to non-traditional notions of security.

Viewing the environment as a threat to individual, national, or global security has introduced a new agenda within security studies. The expanding scope of international security now encompasses environmental degradation, global warming, and climate change. The environment, as a strategic resource, holds significant importance for nation-states that derive power from natural resources such as water, oil, gas, and various minerals.

The increasing state control over the environment and natural resources often results in negative spillover effects, including environmental degradation and associated catastrophes. These catastrophes manifest as uncontrolled migration, high population growth, and human casualties, which have become pressing security concerns for the affected states. Continuous environmental calamities can stifle a nation's economic growth, disrupt social cohesion, and destabilize political structures. Environmental change diminishes economic opportunities by causing demographic displacement both within states and across international borders.

It is argued that environmental challenges are unlikely to be the primary causes of major disputes between states. According to Dupont, environmental issues interact with more direct causes of conflict, complicating or prolonging existing disputes.<sup>1</sup> Climate change impacts international security primarily by affecting the survival and well-being of populations through rising sea levels, extreme weather events, and the spread of diseases. The principal challenge

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<sup>1</sup> Buhaug, *Climate-Driven Risks to Peace over the 21st Century* (2023) 39.



lies in effectively managing the effects of climate change as a "threat multiplier," necessitating adequate preparation and adaptation. Adaptation presents significant challenges and will require innovative thinking regarding future threats and responses.<sup>1</sup>

The United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol provide a foundation for international cooperation, complemented by various partnerships and approaches. Countries facing diverse circumstances adopt different strategies to contribute to climate change mitigation. However, it is crucial to establish a shared international vision of long-term goals and to develop frameworks that enable each country to fulfill its responsibilities toward these common objectives.

The Report of the Secretary-General's High-level Panel on Threats, Challenges, and Change (December 2, 2004) highlighted the expansion of the concept of "security," identifying new tasks for the United Nations system in the 21st century. These threats transcend national boundaries and necessitate global, regional, and national responses. No state, regardless of its power, can achieve invulnerability against contemporary threats solely through its own efforts. Moreover, it cannot be assumed that every state will consistently meet its responsibility to protect its own citizens without jeopardizing neighboring states. The High-level Panel identified six clusters of threats, including economic and social threats (such as poverty, infectious diseases, and environmental degradation), inter-state and internal conflict, weapons of mass destruction, terrorism, and transnational organized crime. Notably, environmental degradation was recognized among the threats requiring preventive action from the United Nations.

Climate change is likely to undermine states' abilities to provide opportunities and services that sustain livelihoods and promote peace. In certain contexts, the direct and indirect impacts of climate change on human security and state stability may escalate the risk of violent conflict. It is clear that climate change poses risks to human security, primarily through its potentially adverse effects on well-being. However, further research is essential to better understand how climate change may undermine human security, particularly because our current understanding of vulnerability is insufficient for developing effective adaptation strategies. The perceived or actual insecurity stemming from various factors, including livelihood contraction, is often a catalyst for violent conflicts, suggesting that human insecurity exacerbated by climate change may lead to more conventional security issues.<sup>2</sup>

This paper will examine whether climate change falls within the appropriate scope of the United Nations Security Council's interests, what actions the Security Council should undertake, and whether its leadership could enhance the effectiveness of climate change regimes by mitigating international security threats.

## 1. Climate Change's Securitization Process within the United Nations Organization

Climate change emerged as a security concern from the environmental movement of the 1960s, a period marked by heightened public, scientific, and political awareness of environmental issues,

<sup>1</sup> Cassotta et al., *Climate Change and Human Security in a Regulatory Multilevel and Multidisciplinary Dimension: The Case of the Arctic Environmental Ocean* (2016) 71-91.

<sup>2</sup> Barnett & Adger, *Climate Change, Human Security and Violent Conflict* (2007) 639.



facilitated by government and non-governmental organizations, public campaigns, and legislative efforts. As a security issue, climate change was initially addressed in various United Nations reports. Starting in the 1970s, both the United Nations and the international scientific community began exploring the nexus between climate change and security.<sup>1</sup> Although not a primary focus, climate change was indirectly addressed at significant international conferences, including the United Nations Conference on the Human Environment (1972), a series of World Climate Conferences (1979, 1990, and 2009), the Villach meetings of expert scientists (1985 and 1987), and the Brundtland Commission (1987), which introduced the term "security of environment." Political leaders from both sides of the Cold War expressed concern in international forums, notably Mikhail Gorbachev, who remarked, "The relationship between man and the environment has become menacing... the threat from the sky is no longer missiles but global warming."

In 1985, the World Resources Institute<sup>2</sup> warned that the impact of greenhouse warming could be catastrophic. This concern was echoed at the 1987 World Conference on the Changing Atmosphere: Implications for Global Security, which identified climate change as a major international security threat, describing it as an "unintended, uncontrolled, globally pervasive experiment whose ultimate consequences could be second only to a global nuclear war."

The establishment of the Intergovernmental Panel on Climate Change (IPCC) in 1988 and the UNFCCC in 1992 marked a significant turning point in international political momentum. The end of the Cold War also transformed how security issues, including climate change, were perceived and addressed by scholars, policymakers, and the foreign policy establishment. The state, once the sole referent object in security discourse, was joined by concepts of "human security" and "environmental security."

As part of this evolving security paradigm, scholars began to investigate the connections between resource scarcity, population growth, environmental degradation, and acute conflict. Notable empirical studies throughout the 1990s, particularly from the Toronto Group and the Environmental and Conflicts Project, contributed significantly to this discourse, along with programs such as the International Human Dimensions Programme on Global Environmental Change and the Global Environmental Change and Human Security initiative.

The Toronto Group, led by Thomas Homer-Dixon, is often credited with influencing environmental security studies, albeit with critiques suggesting it marginalized the issue of climate change by downplaying the links between localized impacts and global dynamics. Consequently, climate change was often dismissed as a "low priority issue" during the 1990s.<sup>3</sup>

The Toronto Group acknowledged that environmental scarcity "rarely contributes directly to interstate conflict." However, its findings indicated that environmental scarcity could lead to negative consequences such as impoverishment, population displacement, and state weakening, which in turn foster instability. Under certain conditions, these factors could catalyze collective

1 Dietz, *Earth Day: 50 Years of Continuity and Change in Environmentalism* (2020) 306.

2 The World Resources Institute is an independent non-profit organization with a mission to protect the Earth and improve people's lives. It catalyses permanent change through partnerships that implement innovative, incentive-based solutions founded upon hard, objective data. Its commitment to exploring private sector-led development is part of a long tradition of success in harnessing the power of markets to ensure real, not cosmetic, change. It has a staff of over 200 scientists, economists, policy experts, business analysts, statistical analysts, mapmakers and communicators.

3 Thomas, *The Securitization of Climate Change: Australian and United States' Military Responses* (2017) 1.



violent action. The Environment and Conflicts Project identified three main types of armed conflict arising from environmental scarcity: simple-scarcity conflicts, group-identity conflicts, and insurgencies linked to the relative deprivation of lower-status groups. Additionally, it outlined seven stereotypical environmental conflicts, including ethno-political conflicts, center-periphery conflicts, and international water disputes.<sup>1</sup>

In 1992, the notion of utilizing the UNSC to address environmental threats gained traction, culminating in the Council's resolution A/47/253, which explicitly recognized ecological instability as a threat to peace and security.

Despite terrorism and the Iraq War dominating international politics in the early 2000s, climate change regained prominence between 2007 and 2010, fueled by the release of the IPCC's Fourth Assessment Report and the anticipation of a global agreement leading up to the Copenhagen Conference. During this period, climate change increasingly began to be framed as an urgent and existential security threat requiring immediate action.

Recent emphases by successive Secretaries-General on environmental security threats, coupled with the Security Council's significant discussions on climate change in 2007 and a recent General Assembly draft resolution inviting further consideration of the matter, have elevated the topic from speculative academic discourse to a central issue on the international agenda. The time is thus ripe for further investigation.<sup>2</sup>

In practice, securitization has been primarily employed as a strategy to mobilize the international community toward achieving a conclusive agreement on emission reductions, particularly during the Copenhagen Conference, and as a fresh approach to addressing the security implications of climate change comprehensively.

## 2. 2. United Nations Security Council High-Level Debate on Climate Change

The UNSC first focused explicitly on climate change on April 17, 2007, during a ministerial-level open debate on the relationship between energy and security, convened by the United Kingdom. This session included a briefing by then Secretary-General Ban Ki-moon.<sup>3</sup> Since then, the Security Council has held four debates on climate security, aiming to foster international consensus and add momentum to global efforts addressing climate change.<sup>4</sup>

Sharp divisions emerged during these debates. The representative of the United Kingdom asserted that “an unstable climate will exacerbate some of the core drivers of conflict, such as migratory pressures and competition for resources.” This perspective was echoed by several other members, who linked climate change to the Council’s responsibility for conflict prevention. However, Council members China, Russia, and South Africa questioned the compatibility of climate change with the Council’s mandate under the United Nations Charter. China emphasized that while “climate change may have certain security implications...generally speaking it is in essence an issue of sustainable development.” Both the Non-Aligned Movement and the

1 Haggmann, *Confronting the Concept of Environmentally Induced Conflict* (2005) 6.

2 Conway, *The UNSC and Climate Change: Challenges and Opportunities* (2010) 375.

3 United Nations Security Council, *S/PV.5663* (Resumption I) (2007).

4 Liu & Xu, *Climate Security Debates in the UN Security Council and Potential Climate Security Risks* (2023) 1.



Group of 77+China expressed concerns about potential encroachments on the responsibilities of the General Assembly and the Economic and Social Council. Statements from the broader membership reflected these divisions among Council members.

The Council revisited climate change on July 20, 2011, during an open debate initiated by Germany, featuring briefings by Secretary-General Ban and the Executive Director of the United Nations Environment Programme.<sup>1</sup> Once again, differences emerged regarding whether the Council was the appropriate forum for discussing climate change. While several countries supported the Council's engagement with the issue, China and Russia, along with the G77 countries, Non-Aligned Movement countries, and India, reiterated their concerns about encroachment upon the prerogatives of other UN entities deemed more suitable for addressing climate change. China, as both a Permanent Member of the Security Council and the world's largest greenhouse gas emitter, faced increasing pressure regarding mitigation and financial support.

Notably, during both the 2007 and 2011 debates, the perspective of small island developing states in the Pacific was significant. While most of these nations are G77 members, they did not share the same level of concern regarding encroachment as other G77 members. Representatives from these countries emphasized that rising sea levels induced by climate change pose existential threats to their nations. For instance, President Marcus Stephen of Nauru expressed concern that “we are more concerned about the physical encroachment of the rising seas on our island nations.” He proposed that the Council appoint a Special Representative on climate and security and conduct an assessment of the United Nations system's capacity to respond to such impacts, ensuring that vulnerable countries receive adequate support. However, the Council has not pursued either of these measures.<sup>2</sup>

The divisions among Council members were evident during Germany's efforts to negotiate a presidential statement prior to the July 2011 debate. Negotiations continued throughout the meeting, with the outcome uncertain for much of the discussion. Early in the meeting, U.S. Ambassador Susan Rice criticized the Council's inability to reach consensus on even a simple draft presidential statement acknowledging that climate change has the potential to impact peace and security, despite clear evidence to the contrary. She described the failure to reach agreement as “pathetic, short-sighted and...a dereliction of duty”.<sup>3</sup>

Ultimately, agreement was reached by the end of the proceedings.<sup>4</sup> The statement reaffirmed that the UNFCCC “is the key instrument for addressing climate change,” while expressing concern that the potential adverse effects of climate change could aggravate existing threats to international peace and security. It also emphasized the importance of including conflict analysis and contextual information on the possible security implications of climate change in the Secretary-General's reports, particularly when these issues drive conflict, challenge the implementation of Council mandates, or threaten the consolidation of peace.

The contentious nature of the July 2011 debate and negotiations served as a lesson for those

1 United Nations Security Council, *S/PV.6587 (Resumption I)* (2011).

2 United Nations Security Council Report, 2017

3 United Nations Security Council, *Security Council Report* (31 July 2017).

4 United Nations Security Council, *S/PRST/2011/15* (2011).



wishing to address climate change within the Council. This session marked the last formal meeting specifically focused on climate change. Since then, the Council has often opted to hold briefings or debates on broader non-traditional threats to peace and security, including climate change. For instance, on November 23, 2011, Portugal convened a high-level briefing on various interconnected issues termed “New challenges to international peace and security and conflict prevention,” which included HIV/AIDS, climate change, and transnational organized crime.<sup>1</sup> Similarly, on July 30, 2015, New Zealand held an open debate on “peace and security challenges facing small island developing states,” addressing climate change alongside transnational organized crime, drug and human trafficking, and piracy.<sup>2</sup> On November 22, 2016, Senegal chaired an open debate on “water, peace, and security,”<sup>3</sup> which explored the relationship between climate change and water scarcity, transboundary water management, and the adverse impacts of conflict on access to clean water.

Additionally, Council members have addressed climate change through Arria-formula meetings. On February 15, 2013, the UK and Pakistan co-hosted a meeting on the “security dimensions of climate change,” which included participation from civil society and member states outside the Council. Notably, Secretary-General Ban Ki-moon, who championed climate change efforts during his two terms, was one of the briefers, a rare occurrence for a Secretary-General in this format. Similarly, Spain and Malaysia co-hosted an Arria-formula meeting on June 30, 2015, focusing on climate change as a threat multiplier for global security. Most recently, an Arria-formula meeting organized by Ukraine on “Security Implications of Climate Change: Sea Level Rise,” with cooperation from Germany, was held on April 10, 2017.

The future of the Council’s engagement with climate change remains uncertain. Political divisions persist and are exacerbated by the current U.S. administration’s decision to withdraw from the Paris Agreement on climate change. However, there are signs of a growing willingness within the Council to recognize the security implications of climate change. For instance, resolution 2349 on the Lake Chad Basin, adopted shortly after the Council’s visiting mission to the region in early March, included a paragraph acknowledging the negative impacts of climate change, among other factors, on regional stability. The U.S. expressed discomfort with this paragraph but ultimately accepted it with some modifications.<sup>4</sup>

Currently, there are no concrete examples of violent conflicts directly induced by climate change, and our understanding of future implications remains limited. Many researchers argue that it is not climate change itself that is the primary driver of conflict; rather, issues such as poor governance of water resources play a more significant role.<sup>5</sup>

### **3. The United Nations Security Council as a Competent Body on Climate Change**

It is challenging to envision a scenario where the use of force authorized by the UNSC would be the most effective response to climate change. One significant concern regarding collective security

1 United Nations Security Council, *S/PV.6668* (2012).

2 United Nations Security Council, *S/PV.7499* (2016).

3 United Nations Security Council, *S/PV.7818* (2017).

4 United Nations Security Council Report, 2017

5 Schoch, *Rethinking Climate Change as a Security Threat* (2011) 1.



approaches to environmental threats is the potential for misuse. States may exploit environmental issues as a pretext for interventions driven by other motives. For instance, a state might invoke self-defense against environmental harm as justification for military action. Although the legal landscape may evolve to eventually consider environmental threats within the scope of self-defense, currently, the risks of misuse outweigh any potential benefits.

Under Article 2(4) of the United Nations Charter, the UNSC prohibits the use of force without addressing the underlying causes, including climate change. The UNSC has expanded its range of Chapter VII actions in the post-Cold War era, addressing security threats that transcend specific times and geographies. Resolutions 1373 on terrorism and 1540 on weapons of mass destruction exemplify this trend, as they identify threats and mandate that all states take specific actions. These resolutions are often termed ‘legislative’ or ‘quasi-legislative,’ a characterization that has sparked controversy.

Critics express concern that the UNSC may overextend its legislative role, thereby disrupting the balance of power between the UNSC and the UNGA and undermining the principles of sovereign equality and consent in international law. Some argue that the Council acts *ultra vires* when passing legislative resolutions. However, the UNSC could potentially emerge as a leading body in addressing climate change and energy issues. Despite its lack of expertise in environmental matters, it could collaborate with relevant bodies to establish standards and create an Environment Security Committee to monitor compliance.<sup>1</sup>

The UNSC's authority to take coercive, binding action to maintain or restore international peace and security against threats—whether military or non-military—is defined in Chapter VII of the UN Charter. Such action hinges upon a determination of a "threat to the peace, breach of the peace, or act of aggression," as specified in Article 39. Historically, the UNSC has identified a ‘threat to the peace’ more frequently than a breach of the peace, showing reluctance to label situations as acts of aggression. The term ‘threat to the peace’ encompasses a broad range of issues, including internal conflicts and terrorism.<sup>2</sup>

The determination of whether an environmental threat constitutes a threat to peace is ultimately at the discretion of the UNSC, which has approached this issue with caution.<sup>3</sup> While some argue that if the Council recognizes climate change as a threat under Article 39, it may take any measures it deems necessary, the Council must operate within the confines of the law. It is essential that any action align with the express or implied powers granted by the Charter.

Chapter VII delineates the primary powers available to the Council, which include determining the existence of threats to peace, providing for "provisional measures," deciding on non-military measures for Member States, and authorizing armed actions when necessary. Although these provisions grant the Council broad authority, this power is limited to what is explicitly granted.

Additionally, the Council's powers are constrained by other provisions of the Charter. Notably, Chapter VII powers must be exercised solely for the purpose of maintaining or restoring international peace and security. No action can be taken until a threat to peace, breach

<sup>1</sup> Scott, *Climate Change and Peak Oil as Threats to International Peace and Security: Is it Time for the Security Council to Legislate?* (2008) 14.

<sup>2</sup> Voigt, *Security in a "Warming World": Competences of the UN Security Council for Preventing Dangerous Climate Change* (2009) 289-312.

<sup>3</sup> *Ibid.*





of the peace, or act of aggression has been established. Furthermore, decisions of the Council are binding only when made "in accordance with the ... Charter." While the implications of this provision are debated, it is clear that decisions significantly altering the delineation of functions within the UN or claiming mandatory powers in areas where the Charter grants the Council only recommendatory powers would not be valid.

In delegating its powers, the Council must also respect the doctrine of *delegatus non potest delegare*.<sup>1</sup> Beyond legal limitations, the Council's effectiveness is constrained by realpolitik, particularly the lack of legitimacy that can hinder implementation of its resolutions. The relationship between legitimacy and the effectiveness of international law is crucial, as Security Council resolutions ultimately rely on state compliance for their impact.

Several factors complicate the request for the Security Council to address climate change's security aspects. The power dynamics within the Council are significant, as the P5—China, Russia, the United States, the United Kingdom, and France—are among the largest greenhouse gas emitters. In contrast, poorer nations that suffer the most from climate change impacts have limited influence on Council decisions. Additionally, attributing responsibility for climate change is challenging, as it is a global, anthropogenic issue rather than a specific act like war crimes.

One potential avenue for the Council's involvement is linking its actions to compliance mechanisms established by the (post-)Kyoto framework, allowing for appropriate responses to non-compliance.<sup>2</sup> However, even informing the Council about climate change's relevance to peacekeeping and fragile states has proven difficult. Compromises have led to calls for the Secretary-General to report on climate-conflict links,<sup>3</sup> but the Council's generally reactive nature hampers proactive engagement.

Conflict prevention is integral to the mandate of the UNSC, and the substantial financial burden of peacekeeping operations provides a compelling incentive for preventive measures. However, in the context of interstate preventive diplomacy, particularly concerning shared river basins, the Office of the Secretary-General has historically proven to be a more effective instrument than the Council itself. Furthermore, the Council has exhibited a consistent reluctance to undertake preventive actions in intrastate conflicts. Initiatives commencing in 2016 aimed at implementing a 'horizon scan' briefing from the Secretariat—focused on instability and emerging conflicts—have underscored the significant hesitance of numerous member states to be categorized as 'fragile' within the Council's agenda.<sup>4</sup>

A third issue pertains to the complex challenge of managing the political division of labor in relation to the UNFCCC. Advocates for Council action on climate matters have leveraged past discussions to catalyze stagnant climate diplomacy, while critics have cautioned against encroaching upon or disrupting the established framework of global climate negotiations. Although initial optimism surrounding the Paris Agreement mitigated some polarization, this optimism was undermined by the withdrawal of the Trump Administration from the accord.

1 The maxim, a delegate cannot delegate, means that no sovereign or government, as the representative of a people has the power to delegate the appointment of its diplomatic envoys to a foreign sovereign.

2 Webersik, *Climate Change and Security: A Gathering Storm of Global Challenges* (2010) 1.

3 Conca et al., *Climate Change and the UN Security Council: Bully Pulpit or Bull in a China Shop?* (2017).

4 Ibid.



The more profound concern lies in the Paris process's seemingly tepid engagement with critical issues that resonate within the Council, thereby potentially obstructing its mandate without effectively addressing these challenges. Regarding the imminent threat of sea-level rise and the existential dangers to small island nations, the Paris Agreement's provisions on loss and damage explicitly facilitate the consideration of several pertinent issues, including early warning systems, emergency preparedness, slow-onset events, risk management, and the resilience of communities, livelihoods, and ecosystems.<sup>1</sup> This dynamic may restrict the political space available to the Council concerning small-island statelessness, particularly given the inadequacy of the UNFCCC process in addressing issues of liability and compensation.

A similar trend of diminishing political momentum through inadequate responses may be emerging concerning climate-induced displacement. The UNFCCC's 21st Conference of the Parties authorized a task force to develop recommendations addressing this issue, with a preliminary report scheduled for 2018.<sup>2</sup>

In considering how climate change can facilitate the transformation of the Council into a more effective body for sustainable security, a preliminary step would involve enhancing the Secretary-General's reporting function, as agreed during the 2011 discussions. The most valuable insights for the Council are likely to stem from regional-scale, medium-term assessments, rather than localized crisis briefings or long-range climate scenarios. Engaging with these spatial and temporal dimensions is likely to yield forward-looking initiatives, garnering support from those member states that are most directly affected or vulnerable, as exemplified by the Integrated Strategy for the Sahel. This strategy emphasizes the importance of building long-term resilience as one of its three foundational pillars, alongside inclusive governance and the management of cross-border threats. A UNSC briefing in this context, focusing on the interconnections among climate trends, migration, and conflict within the region, was positively received due to its specificity and the support it garnered from member states.<sup>3</sup>

A subsequent step would involve challenging countries aspiring to a seat on the Council to articulate a specific vision for advancing the Council's agenda on climate issues. Several candidates for elected seats have addressed this topic in recent campaigns; however, it is equally relevant for nations seeking permanent seats on an expanded, reformed Council—specifically Japan, Germany, Brazil, and India. It remains critical to ascertain how these nations perceive the climate issue in relation to the Council's mandate, particularly regarding preventive diplomacy, disaster vulnerability, and displacement.<sup>4</sup>

Finally, despite the current political complexities, a symbolic gesture from the P5 would acknowledge the multifaceted roles of member states across the UN system. If executed appropriately, this could legitimize a proactive (yet judicious) role for the Council as part of a comprehensive system-wide response. During the 2011 debate, Nigeria highlighted the dual role of the P5, stating that "Seated around the table are those who could encourage developed countries to implement their commitments to reducing emissions and to support developing

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1 Article 8.4.

2 Conca et al., *Op. Cit.* (2017).

3 *Ibid.*

4 *Ibid.*



countries with the requisite technological and financial assistance to effectively address climate change."<sup>1</sup>

## 4. Possible United Nations Security Council Responses in the Context of Climate Change

Mainstream global climate change efforts are currently focused on achieving significant breakthroughs, such as those sought in the 2015 Paris Agreement. Scholarly discussions about the potential for a UNSC role typically concentrate on specific actions, like sanctions or the use of force.<sup>2</sup>

### 4.1. Complexity of Climate-Related Crises

Crises exacerbated by climate change may not be immediately recognizable, nor is the causal relationship always clear—especially when the UNSC needs to make timely decisions. This lack of clarity can lead many to view the UNSC's potential role in addressing climate change as more theoretical than practical. Additionally, the Council must decide whether to focus on mitigation (reducing greenhouse gas emissions) or adaptation (adjusting to climate impacts).<sup>3</sup>

### 4.2. Key Variables in UNSC Responses

Several key variables influence how the UNSC might respond to climate change:

- 1. Mitigation vs. Adaptation:** The Council could choose to address either mitigation or adaptation measures.
- 2. Existing Tools vs. New Approaches:** The UNSC can adapt its existing tools or develop new mechanisms for addressing climate issues.
- 3. Recommendatory vs. Compulsory Powers:** The Council's response could utilize its recommendatory powers or its more binding, compulsory powers.
- 4. Nature of Threat:** The UNSC has broadened its understanding of what constitutes a "threat to the peace," allowing for a wider scope of action.

These variables generate a multitude of potential UNSC responses, leading to various interpretations of the Council's role in climate change. To clarify these possibilities, we can categorize them into four broad responses.<sup>4</sup>

#### 4.2.1. Rejection of Involvement

One potential response is for the UNSC to explicitly reject any involvement with climate change, claiming it is unrelated to security or that the Council is not the appropriate institution for addressing the issue.<sup>5</sup>

#### 4.2.2. Coercive Measures

At the opposite end of the spectrum, the UNSC could opt to use its Chapter VII powers, positioning itself as a key global governance body for climate change. Given that climate change threatens

1 Ibid.

2 Scott, *Implications of Climate Change for the UN Security Council: Mapping the Range of Potential Policy Responses* (2015) 91.

3 Intergovernmental Panel on Climate Change, 2015

4 Scott, Op. Cit. (2015) 97.

5 Ibid, 103.



humanity's future, it could be argued that it falls within the UNSC's purview. This perspective aligns with the principle of collective security—if one nation is threatened, all nations must cooperate to ensure collective security.<sup>1</sup>

#### **4.2.3. Military Force**

Chapter VII decisions often involve the authorization of military force, which raises complex questions. While some argue that extreme security threats warrant extreme measures, others contend that "there are no military solutions to environmental insecurity." Military intervention may lead to loss of life and further environmental harm, making it an inappropriate response to the multifaceted challenges posed by climate change.<sup>2</sup>

#### **4.2.4. Ending Impunity for Environmental Crimes**

Since the end of the Cold War, the UNSC has established international judicial institutions aimed at combatting impunity and addressing threats to peace and security. Advocates have proposed recognizing a crime of "ecocide," applicable to large-scale environmental destruction, even during peacetime. While the UNSC cannot create international law directly, it could support initiatives to amend existing treaties, such as the Rome Statute of the International Criminal Court, to include ecocide.<sup>3</sup>

#### **4.2.5. Condemnations**

One potential coercive measure for the UNSC is to issue condemnations regarding certain states' conducts or inactions related to climate change mitigation. While these condemnations may lack the enforceability of sanctions, they can effectively raise awareness of climate-related threats within the international community. For instance, the Council could condemn "the massive pollution of the atmosphere" and explicitly link it to threats to peace and security. Such actions may increase state accountability regarding climate change and deter harmful conducts. By framing climate change as a security issue, the Council could pave the way for more constructive state actions to address these challenges, amplifying the urgency and importance of collective responses.<sup>4</sup>

#### **4.2.6. Request to the International Court of Justice**

Another option, which has not been extensively explored in legal literature, is for the UNSC to seek an advisory opinion from the ICJ on questions of international law. Possible inquiries could involve the legal consequences for states failing to comply with obligations under the UNFCCC or the Kyoto Protocol. An advisory opinion on non-compliance and the potential for countermeasures might deter states from neglecting their responsibilities. The Council could also ask about the legality of significant atmospheric pollution or the liability for damages caused by destabilizing the global climate system. Such requests would align with previous inquiries by the United Nations General Assembly and the World Health Organization regarding nuclear weapons, thereby highlighting the legal and moral imperatives of addressing climate change.<sup>5</sup>

#### **4.2.7. Sanctions**

Sanctions represent another viable option available to the UNSC under Article 41 of the Charter. Various commentators have highlighted the potential of sanctions in the context of climate

1 Ibid, 109.

2 Ibid, 113.

3 Ibid, 118.

4 Voigt, Op. Cit. (2009).

5 Ibid.



change. If a state fails to act, the Council could impose import or export bans on companies that engage in environmentally harmful practices, such as extensive deforestation or maintaining an excessive carbon footprint.<sup>1</sup>

#### **4.2.8. Non-Response**

A “non-response” occurs when the UNSC does not explicitly address climate change but indirectly engages with its effects. In this scenario, the Council may not recognize that underlying issues stem from climate change; instead, it might respond to crises labeled as “civil war,” “desertification,” “increasing migration flows,” or “natural disasters.” This reactive approach is characterized by adaptation rather than proactive mitigation, limiting the Council's ability to lead on climate change issues. This is arguably the most minimal form of involvement at present.<sup>2</sup>

#### **4.2.9. Measured Response**

In this final category, the UNSC acknowledges in a resolution that climate change poses risks to international peace and security and takes deliberate actions to address these consequences. By recognizing climate change as a security threat, the Council can frame it as an issue that may exacerbate conflict and hinder the stabilization of societies post-conflict. This acknowledgment highlights climate change's potential to bring about environmental changes, including extreme weather events, that threaten human security and, consequently, international security.<sup>3</sup>

Even though the Council's current responses may primarily fall within the “non-response” category, this approach might yield certain benefits. The term “climate change” often polarizes opinions and evokes strong emotions, complicating discussions about responsibility. However, this passive stance risks missing opportunities for proactive measures aimed at both ambitious mitigation targets and significant adaptation challenges. During the 2011 debate, states expressed a desire for the Council to monitor and anticipate threats. If the Secretary-General were to consider climate-related factors in country or thematic reports, it could enhance awareness and reduce resistance to a more active Council role in climate-related matters, potentially leading to the inclusion of relevant contextual information in Council resolutions.<sup>4</sup>

## **5. United Nations Security Council Competences in Preventing Climate Change**

Chapter VII of the UNSC Charter allows for measures to prevent dangerous climate change. According to Article 39, actions taken by the Council in response to a “threat to the peace, breach of the peace, or act of aggression” must aim “to maintain or restore international peace and security.” The term “maintain” emphasizes that the Council can take preventive actions without waiting for peace to be disturbed. However, the more challenging question is what effective actions the UNSC could undertake to address climate change.

### **5.1. Legislative Competences**

Since the end of the Cold War, the Council has utilized its Chapter VII authority to pass “legislative” resolutions requiring all states to take actions against common threats, such as terrorism and the proliferation of nuclear weapons. Similarly, the Council could theoretically mandate that states

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1 Scott, *Op. Cit.* (2015) 121.

2 *Ibid.*, 123.

3 *Ibid.*, 125.

4 *Ibid.*, 128.



legislate to significantly reduce their carbon footprints and work towards decarbonizing the global economy.<sup>1</sup> This could create obligations for all states concerning climate change, which could overlap with their existing commitments under the UNFCCC and the Kyoto Protocol.<sup>2</sup>

While anti-terrorism measures address vital national security concerns, climate change regulation directly impacts states' core economic and development priorities. Emission reduction necessitates extensive regulation across nearly all sectors of the economy, making cooperation with various stakeholders essential. Therefore, adequate legitimacy will be crucial for any UNSC legislation on climate change.

Resolution 1540 was largely accepted due to an urgent need to address gaps in international regulation of weapons of mass destruction; similarly, the challenges facing the UNFCCC could create opportunities for Council engagement.

Theoretically, the UNSC could declare climate change as outside its mandate. However, it is likely that the Council would still be compelled to address issues such as mass migration, civil conflict, or health crises that climate change has exacerbated, even if those crises do not initially appear to be "climate change situations."<sup>3</sup>

In response to concerns about states using the Council's counter-terrorism resolutions to justify questionable laws under international human rights law, both the Council and the General Assembly have recently reaffirmed that all actions taken under these resolutions must comply with international law. This suggests that even if the Council interprets its resolutions authoritatively after the fact, it emphasizes the need for adherence to obligations under international law.

International courts decisions further support this conclusion. The European Court of Human Rights has consistently held that contracting states must uphold Convention rights when implementing decisions from international organizations. Notably, the EU Court of First Instance has ruled that actions taken to implement UNSC resolutions that allow for discretion in their application do not benefit from the primacy outlined in Articles 25 and 103 of the Charter, particularly distinguishing cases involving legislative resolutions, such as Resolution 1373.

Regulating greenhouse gas emissions affects multiple areas of domestic policy, many of which are also subject to international obligations. While later treaties generally override earlier conflicting treaties between the same parties, it is rare for climate change commitments to directly conflict with other international obligations. Instead of requiring specific actions, these commitments typically establish broad goals to be achieved through each party's chosen means. In the absence of direct conflict, these broad commitments must be implemented in harmony with other international obligations.

## 5.2. Authorizing Measures

Authorizing measures that are inconsistent with a particular treaty effectively amends that treaty, at least temporarily, which can destabilize the rule of law. To mitigate this risk, the Council might prefer to avoid actions that could jeopardize what it considers vital for climate change mitigation.

1 In The Case of Resolution 1373 (2001), The Council Effectively Made Obligatory Certain Of The Substantive Obligations Of The 1999 Terrorist Financing Convention. In The Event Of Any Conflict Between Obligations Under The Charter And Those Assumed By A State Under The United Nations Framework Convention on Climate Change Regime, Those Created By The Council Would Prevail.

2 Scott, Op. Cit. (2015) 136.

3 Ibid, 139.



### 5.3. Multilateral Climate Treaties and Effective Action

Climate change is a global phenomenon that necessitates a collective response through global partnerships. Effective solutions must be underpinned by a consensus for action.<sup>1</sup> However, both the UNFCCC and the Kyoto Protocol have shortcomings in establishing mechanisms that compel states to significantly reduce their greenhouse gas emissions. While the Framework Convention does not quantify emission reductions, the Kyoto Protocol sets specific targets for the gases listed in its Annex A.

The extent, sources, and consequences of global warming are subjects of ongoing debate, and the potential security implications are often speculative. Even if the predicted impacts outlined in the IPCC report materialize, they are not immediate security threats. Numerous initiatives, forums, and organizations are already dedicated to studying and evaluating the consequences of global warming, focusing on clarifying the science and weighing the costs of action against the risks of inaction. A debate in the UNSC is unlikely to advance these ongoing efforts.<sup>2</sup>

The UNSC currently faces a backlog of immediate threats to international peace and security that remain unresolved. Focusing on speculative threats that may arise decades in the future undermines the seriousness of the Council and distracts from pressing crises. While global warming is indeed an important environmental concern, its classification as a security crisis is not universally supported by evidence.

Scientific uncertainties abound, particularly regarding alarming predictions used to justify the Security Council's involvement in an issue better suited to the United Nations Environment Programme and other relevant bodies. For example, the Copenhagen Consensus Conferences in 2004 and 2006 prioritized global problems and concluded that health, water, education, and hunger should take precedence over financial instability and climate change.<sup>3</sup>

Moreover, an additional global forum to debate global warming is unnecessary and counterproductive. Numerous organizations, including national environmental ministries and NGOs, are already devoted to researching climate change. Within the United Nations, bodies like the United Nations Environment Programme and the World Meteorological Organization allocate significant resources to address these issues. Existing treaties, such as the Kyoto Protocol, have been in force since 2005, and other initiatives like the Asia-Pacific Partnership on Clean Development and Climate are also in place.<sup>4</sup>

High-level multilateral institutions, such as the IPCC, established in 1988, work collaboratively to assess climate science and present findings to world leaders every five to seven years. Given these existing efforts, it is difficult to see how further debate in the Security Council would contribute meaningfully to the discourse on climate change. The Council lacks the specialized expertise of established forums and dissenting scientific groups, making its involvement seem redundant.<sup>5</sup>

Additionally, the Security Council has struggled to address transnational terrorism

1 Voigt, *Op. Cit.* (2009)

2 Schaeffer and Lieberman, *Discussing Global Warming in the Security Council: Premature and a Distraction from More Pressing Crises* (2007).

3 *Ibid.*

4 *Ibid.*

5 *Ibid.*



effectively, failing to condemn state sponsors despite evidence of their involvement with terrorist groups. The recent frequency and scale of UN deployments have strained member states' willingness to contribute personnel to peace operations, leading to challenges within the Department of Peacekeeping Operations. This situation has resulted in mismanagement, misconduct, poor planning, and other issues, yet the Council has largely remained silent on how these weaknesses affect its decisions.

The UNSC has a pressing agenda filled with immediate threats that warrant deliberation and action. Focusing on the speculative threats posed by climate change detracts from these critical issues and undermines the Council's credibility, reducing it to a platform for political theater.<sup>1</sup> While enforcement actions related to human rights and humanitarian relief are essential, they serve as a useful analogy for considering how the Security Council might engage with environmental catastrophes as well.

The analogy between the UNSC's exercise of humanitarian intervention under Chapter VII and environmental concerns is complicated by the lack of clear international recognition of a right to a safe and healthful environment. This absence is particularly troubling because, regardless of the Council's authority under Chapter VII, its activities are confined by the stated purposes of the United Nations in Article 1, which explicitly mentions human rights alongside the maintenance of international peace and security. Without a threat to military peace or the recognition of ecological security, the legitimacy of any Security Council measures to protect the environment on humanitarian grounds is weakened.

Economic sanctions aimed at human rights violations often end up harming those they intend to protect, while leaving the underlying power structures unchanged. However, economic activities that exploit natural resources can be more easily quantified in economic terms, making it simpler to tailor sanctions to deter or punish excessive environmental exploitation. While some environmental issues may implicate vital security concerns—such as hazardous nuclear reactors—many fall outside these more urgent parameters.

It has been suggested that the UNSC could establish subsidiary organs under Chapter VII to address specific issues like global warming. However, this approach is more effective for norm-creating and adjudicatory functions than for responding to emergencies. In cases of environmental disasters, where affected states request assistance, the language of Chapter VI ("any dispute, or any situation which might lead to international friction or give rise to a dispute") is broader and more anticipatory than the "threat to the peace" under Chapter VII. The Council has established procedures for emergency sessions and could quickly recommend emergency assistance to member states or act as a clearinghouse for such aid.<sup>2</sup>

Environmental security threats that resemble a "crisis" are more aligned with the Council's traditional role than issues with less widespread impact.<sup>3</sup> The term "climate change" and its framing as a "security" threat are often unacceptable to many developing countries, which seek to achieve living standards comparable to those in advanced nations. For these countries, issues like poverty, resource scarcity, and competition for energy are expected to lead to conflicts,

<sup>1</sup> Ibid.

<sup>2</sup> Malone, *Green Helmets: A Conceptual Framework for Security Council Authority in Environmental Emergencies* (1995) 17.

<sup>3</sup> Scott, *Op. Cit.* (2008) 21.





with equitable resource distribution proposed as a solution. Adherence to principles such as common but differentiated responsibility, the "Agenda 21," and the UNFCCC is seen as key to addressing climate challenges.

Moreover, why does the Security Council only discuss the security implications of climate change, rather than broader environmental changes? Phenomena such as cyclones, subsidence, and tsunamis cannot solely be linked to climate change; they reflect changes in the environment as a whole. Classifying climate change as a "threat multiplier" rather than a direct cause of conflict might be a more accurate approach, as evidenced by the multifactorial nature of crises like the one in Darfur.

Similarly, the connection drawn between the Arab Spring and climate change—rooted in food price spikes from droughts—must be understood within the larger context of public discontent towards existing regimes in countries like Libya, Egypt, and Tunisia. Attempts to label climate change as a "developing country syndrome" dilute the global nature of the issue. For example, migration from Bangladesh and the Maldives to India is often viewed as a security threat, while similar migration from South Pacific islands to Australia and New Zealand is not classified in the same way.

In the 1990s, the United Nations began to pay greater attention to "human security," addressing individual rights, including access to food, water, healthcare, and shelter. The Security Council has faced criticism for facilitating wars and imposing sanctions unjustly, suggesting that now might be the right time to shift focus from the Council to alternative forums for discussing environmental change and brainstorming solutions. 'Transnational' bodies that include both state and non-state actors could foster greater consensus than an 'international' organ like the Security Council, which is often dominated by the parochial interests of states.<sup>1</sup>

In the past, world leaders urgently committed to addressing significant challenges to human life and dignity, which have claimed millions of lives, particularly in Africa. UNSC Resolution 1308 (2000), adopted on July 17, 2000, was the first resolution to address a global public health threat to international peace and security. Recognizing the AIDS epidemic's exacerbation by violence and instability, the resolution stressed that, if unchecked, the epidemic could pose risks to stability and security.<sup>2</sup>

## Conclusion

The relationships between the environment and human security are both close and complex. The threats to human security are far more numerous and diverse than those to state security. Even emerging threats like transnational crime or infectious diseases are viewed differently through a human security lens. This perspective shifts the focus from traditional macro-economic growth to the opportunities and capabilities of individuals, thereby redefining conventional state security.

The adoption of the Paris Agreement in December 2015 at the 21st Conference of the Parties to the UNFCCC represented a pivotal moment in multilateral diplomacy. Countries committed to enhancing their nationally determined contributions to climate action on a five-year cycle,

<sup>1</sup> Jayaram, *Six Reasons Why the United Nations Security Council Should Not Discuss Climate Change* (2013).

<sup>2</sup> UNAIDS, *The Responsibility of the UNSC in the Maintenance of International Peace and Security: HIV/AIDS and International Peacekeeping Operations* (2011).



aiming to phase out greenhouse gas emissions to net zero by the latter half of the 21st century. The Agreement also initiated a rebalancing of climate risk management across its entire spectrum.

General Assembly Resolution 10830 (2009) encouraged relevant United Nations organs to intensify efforts in addressing climate change and its potential security implications. There remains no consensus on whether the UNSC should be proactive regarding climate change or what its contributions to global efforts might entail. However, the Council's legal authority to override contradictory obligations of member states and its multimodal methods of operation render its role significant.

If the Security Council does not consciously engage with climate change, it is likely to respond implicitly to its security consequences. Thus, it is timely to explore the range of actions legally available to the Council as a precursor to assessing what would be politically feasible and practically useful. While some extreme responses, including the use of force, are politically unviable, concerns about potential misuse of mandates by the P5 create resistance to the Council's involvement. Addressing these concerns could enhance the legitimacy of the Council's proactive measures.

The Council could build on its established precedents and adopt a measured response to the security risks associated with climate change. Recognizing the close link between effective climate change adaptation and development suggests that the Security Council has the potential to positively contribute to global climate governance, utilizing existing tools and developing new ones in the future.

However, withdrawals from international agreements can undermine global climate governance and disrupt cooperative efforts. Such withdrawals affect the universality of the Paris Agreement and highlight the challenges of integrating environmental variables into conflict assessment tools. The decision-making process within the Security Council, requiring an affirmative vote from nine members including the P5, poses significant obstacles. Creating political consensus is crucial, especially given the urgency of the task.

While raising climate change as an issue in the Council could precede a decision or resolution, it remains uncertain whether global warming will soon pose a direct threat to international peace and security. The science and predictions surrounding climate change are still subject to considerable uncertainty, and proposed solutions may present their own challenges. Until these uncertainties are resolved, the Security Council's resources and attention are better directed toward pressing crises rather than speculative threats.



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