Climate Change as a 'Threat to the Peace': Responding to Climate Change through the UN Collective Security System

Abstract: The UN Security Council's approach to collective security has been ever evolving since the time of the organization's creation. While historically collective security was considered to concern the protection of states from external military attack, the Council has used its power to determine the existence of 'threats to the peace' under Article 39 of the UN Charter to bring a broad range of situations and phenomena of international concern within its remit. Refugee flows, infectious epidemics, and challenges to democracy are just some of the threats to the peace identified by the Council in the post-Cold War era. This paper is concerned with the Council's approach to climate change as a "threat to the peace." Drawing upon Council debates and resolutions, it considers the manner in which climate changes and its effects have been conceptualized in such terms, and assesses the relationship between climate change and other recognized threats to the peace. It is demonstrated that considerable progress has been made in elevating climate change as an issue of the utmost international concern at the UN level, yet tensions between the foreign and domestic policy priorities of powerful states continue to hinder more proactive responses on the Council's part.

Keywords: UN Security Council, Collective Security, Threats to Peace, Climate Change

Introduction

The issue of climate change has increasingly attracted the attention of international policymakers, and although different states and international actors take different views as to the scale of the challenges which it presents and the most appropriate means for responding to these, there is no doubt that it occupies a prominent place on the international agenda. This paper is concerned specifically with the nature of climate change as a threat to the peace within the meaning of Article 39 of the UN Charter. Article 39 is possessed of great significance due to the options which it paves the way for being utilized in response to a determination under its provisions.

We begin by briefly considering the nature of threats to the peace within the context of the UN collective security system and the possible responses which they invite, before exploring how the United Nations Security Council's approach to the identification of threats to the peace has been informed by human security perspectives. The growing recognition of climate change as a matter of global concern is evidenced through an overview of the development of various instruments and processes designed to address it. Following this, we consider in some depth the Security Council's approach to climate change as a threat to the peace. The case is then made for a more robust and unqualified appreciation of climate change as a threat to the peace on the part of the Council.

Collective Security, the United Nations Security Council and the Determination of 'Threats to the Peace'

Although in terms of its implementation collective security can take on different forms, its basic assumption is that states are best positioned to guarantee their individual security by entering into arrangements to mutually guarantee the security of all other states on a collective basis. Collective security is rooted in the notion of what Inis Claude has termed the 'indivisibility of peace.'[1] The idea essentially entails that all states have a stake in preserving the security of each other. The failure to do so will potentially render them vulnerable to security threats, other states having become unable or unwilling to continue to provide mutual protection. As this author has previously noted,[2] collective security historically "was largely deemed to concern the protection of states from external attack. As the Commission on Global Governance noted, 'Since the seventeenth century, international security has been defined almost entirely in terms of national survival needs. Security has meant the protection of the state…from external attack.'"[3] This conceptualisation of security informed the model of collective security implemented within the League of Nations system, the core provision of Article 10 requiring

[1] Inis L. Claude, *Swords Into Plowshares* (4th ed.) (New York: McGraw Hill, 1984), 229-232.

[2] Gary Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak," *Journal of Philosophy of International Law* 6 (1) (2015): 1-18.

[3] Commission on Global Governance, *Our Global Neighbourhood* (Oxford and New York: OUP, 1995), 78. For earlier theoretical discussions of collective security, see eg., Inis L. Claude, *Swords into Plowshares* (3rd ed.) (London: University of London Press, 1964); Howard C. Johnson & Gerhart Niemeyer, "Collective Security: The Validity of an Ideal," *International Organization* 8 (1954): 19-35; Charles A. Kupchan and Clifford A. Kupchan, "Concerts, Collective Security and the Future of Europe", *International Security* 16 (1) (1991): 114-161.

that, "The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League."[4]

Under the League's successor, the United Nations, a broader and more flexible approach has been taken towards the implementation of collective security. The UN Charter envisaged a concert-based system of collective security, with major powers assuming a special responsibility for the maintenance of international peace and security by virtue of their permanent membership of the Security Council.[5] The Council is entrusted with robust powers to permit it to perform this function, the key provision arguably being Article 39 which allows it to "determine the existence of a threat to the peace, breach of the peace, or act of aggression." Nigel White has labelled Article 39 the 'gateway provision,'[6] as its invocation allows the Council to proceed to authorise the adoption of non-military sanctions or military measures in response to a situation which it has determined constitutes a threat to international peace and security.[7] In addition to the non-military and military sanctions provided for under Articles 41 and 42, the Security Council also utilises the tools of diplomacy and peacekeeping to address perceived security threats.[8] The broad and general language of Article 39 allows for the implementation of a form of collective security which extends beyond merely addressing external aggression to potentially embracing a wide range of security threats.[9] Significantly, decisions of the Council are binding upon UN member states, Article 25 providing that they "agree to accept and carry out the decisions of the Security Council."

Over time, the Security Council has brought a seemingly ever-expanding range of situations within its collective security remit through its conceptualisation of new phenomena and developments as threats to the peace within the meaning of Article 39. This has been particularly so in the post-Cold War period. Human rights abuses, the humanitarian consequences of internal armed conflict, the removal of democratically elected governments, international terrorism, and the spread of public health epidemics have all been deemed to amount to threats to international peace and security during this time.[10] This comprehensive approach to identifying threats under Article 39 has caused one commentator to suggest that, "more than six decades after the adoption of the UN Charter, the concept of 'peace' and of what constitutes a 'threat to the peace' has fundamentally changed."[11]

The Broadened Conception of (Human) Security[12]

The Security Council's approach to the determination of threats to the peace under Article 39 has demonstrated a preparedness to utilise its collective security powers in such a way that it applies its attention to various "situations and phenomena which threaten human well-being on a wide range of levels."[13] As the above discussion of determinations of 'threats to the peace' has illustrated, statist conceptions of collective security have given way to more human centred approaches to the maintenance of international peace and security. According to the Commission on Human Security, human security entails "a human or people centred and multi-sectoral approach to security, which entails the protection of people from critical and pervasive threats and situations."[14] The influence of the human security agenda upon the Security Council can be found

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[4] See Gary Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak."
[5] Gary Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak." On the nature of concert-based collective security, see, eg., Kupchan & Kupchan, "Concerts, Collective Security and the Future of Europe."
[6] Nigel D. White, *Keeping the Peace: The United Nations and the Maintenance of International Peace and Security* (2nd ed.) (Manchester and New York: Manchester University Press, 1997), 273.
[7] Articles 41 and 42 respectively.
[8] See generally Gary Wilson, *The United Nations and Collective Security* (London: Routledge, 2014).
[9] Gary Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak."
[10] Gary Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak."
[11] Daphne Shraga, "The Security Council and Human Rights – From Discretion to Promote to Obligation to Protect," in Bruno Fassbender, ed., *Securing Human Rights?* (Oxford: OUP, 2011), 8-35, at 12. See in general S. Neil MacFarlane, "Human Security and the Law of States," in Benjamin J. Goold and Liora Lazarus, eds., *Security and Human Rights* (Oxford: Hart, 2007), 347-361.
[12] This section draws upon material first published in Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak."
[13] Gary Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak," 4.
[14] Final Report of the Commission on Human Security, *Human Security Now* (2003), available at http://www.unocha.org/humansecurity/chs/finalreport/index.html. For discussion, see Georg Frerks, "Human Security as a Discourse and Counter-Discourse," *Security & Human Rights* 1 (2008): 8-14.

in a number of policy developments, which in turn appear to have informed the Council's approach on a practical level.

The concept of human security received its first notable discussion in the 1994 Human Development Report, which suggested that at its very core was "safety from chronic threats such as hunger, disease and repression and protection from sudden and hurtful disruptions in the patterns of daily life."[15] Human security began to particularly dominate the collective security agenda from the millennium, beginning with the UN's issue of its Millennium Declaration in 2000,[16]followed by a series of related development goals.[17] Soon thereafter, the High-Level Panel on Threats, Challenges and Change made the case for a 'comprehensive' conception of collective security,[18] noting that security threats are inter-related,[19] in light of no state could alone make itself alone invulnerable to their effects.[20] Around the same time, the doctrine of the *responsibility to protect* developed,[21] under which states assume a primary responsibility to protect their civilian populations from harm, a secondary responsibility falling on the international community to intervene where a state is unable or unwilling to meet its obligation to protect its people.[22] The responsibility to protect was endorsed at the 2005 world summit.[23] Support for a human security-centred approach to global challenges was reinforced by a series of reports produced by the UN Secretary-General which sought to promote understanding and cooperation in relation to the development and implementation of the human security agenda.[24]

Developments in the policy agenda pertaining to the implementation of human security have been matched by the Security Council's practice when acting under its chapter VII collective security powers.[25] For example, the Council has proven willing to incorporate within the mandates which it has conferred upon peacekeeping and military enforcement operations responsibilities pertaining to the protection of civilians and humanitarian relief supplies in times of conflict.[26] Similarly, the promotion of 'smart sanctions' has sought to ensure that any potential humanitarian implications of non-military sanctions imposed by the Council are mitigated.[27] The Council has also directed its attention to a wide range of phenomena compromising human wellbeing within the context of threats to international peace and security. These have included the impact of HIV/Aids, which has been related to the maintenance of international peace and security,[28] as well as food crises,[29] and energy and climate change.[30] The Council's determination that the Ebola outbreak in West Africa during 2014 constituted a threat to international peace and security was grounded within a comprehensive appreciation of the relationship between human security and collective security.[31]

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[15] UNDP, *Human Development Report: New Dimensions of Human Security* (Oxford & New York: OUP, 1994), 14. The report breaks down threats to human security into seven components: economic, food, health, environmental, personal, community and political (pp.22-25). See further Mary Martin & Taylor Owen, "The Second Generation of Human Security: Lessons from the UN and EU Experience," *International Affairs* 86 (1) (2010): 211-224.

[16] GA Res 55/L.2.

[17] On the development in practice of efforts to achieve these goals, see https://www.un.org/millenniumgoals/bkgd.shtml

[18] UN Doc. A/59/565, Pt.II.

[19] UN Doc. A/59/565, para.17.

[20] UN Doc. A/59/565, para.24.

[21] *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, available at http://responsibilitytoprotect.org/ICISS%20Report.pdf

[22] Gary Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak."

[23] UN GA Res.60/1, paras.138-40.

[24] See, eg., UN Docs. A/64/701; A/66/703; A/68/685.

[25] See, in general, Hitro Nasu, "The Place of Human Security in Collective Security," *Journal of Conflict and Security Law* 18 (1) (2013): 95-129.

[26] See, eg., the mandates conferred upon peacekeeping operations deployed to Sierra Leone (SC Res 1270 (1999)), the DRC (SC Res 1291 (2000)), Cote d'Ivoire (SC Res 1528 (2004)), Burundi (SC Res 1545 (2004)), Sudan (SC Res 1590 (2005)), Darfur (SC Res 1769 (2007)), Abeyi (SC Res 1990 (2011)), and South Sudan (SC Res 1996 (2011)). For mandates conferred upon military enforcement operations, see, eg., resolutions pertaining to situations in former Yugoslavia (SC Res 770 (1992)); SC Res 816 (1993)); SC Res 836 (1993)), Somalia (SC Re 794 (1992)), Rwanda (SC Res 929 (1994)), Zaire (SC Res 1080 (1996)), Albania (SC Res 1101 (1997)), East Timor (SC Res 1264 (1999)), Cote d'Ivoire (SC Res 1464 (2003)), the DRC (SC Res 1484 (2003)), Chad and the Central African Republic (SC Res 1778 (2007)), Libya (SC Res 1973 (2011)), and Mali (SC Res 2085 (2012)). For general discussion, see Susan Breau, "The Impact of the Responsibility to Protect on Peacekeeping," *Journal of Conflict and Security Law* 11 (2006): 429-464; Victoria Holt, Glyn Taylor and Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges* (New York: United Nations, 2009).

[27] See Wilson, *The United Nations and Collective Security*.

[28] See UN Docs. S/PV. 4087 (of 2000), 4172 (of 2000), 4259 (of 2001), 4339 (of 2001), 4859 (of 2003), and 528 (of 2005). See also SC Res 1308 (2000)

[29] See UN Docs. SPV. 4652 (of 2002), 4736 (of 2003), and 5220 (of 2005).

[30] See UN Doc. S/PV. 5663 (of 2007).

[31] SC Res 2177 (2014). See Gary Wilson, "Collective Security, 'Threats to the Peace,' and the Ebola Outbreak."

Climate Change as a Matter of Global Concern

Concerted contemporary international efforts to address climate change can effectively be traced back to the Rio Earth Summit, held in 1992,[32] at which the United Nations Framework Convention on Climate Change (UNFCC) was adopted.[33] The UNFCC defined climate change as "a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods."[34] Now adopted by 197 states,[35] the UNFCC initially established a reporting framework on greenhouse gas emissions based around non-binding targets.[36] At periodic intervals, further measures have been adopted to bolster the control mechanisms utilized by the UNFCC to curb key causes of climate change. The Kyoto Protocol, adopted in 1997, introduced legally-binding targets of reducing greenhouse gas emissions to 5% below 1990 levels.[37] More ambitious voluntary targets were introduced by the Copenhagen Accord in 2009,[38] with later initiatives taking place to further action on climate change culminating in the adoption of the Paris Agreement in 2015, which established the first comprehensive regime for addressing climate change in 2015. The agreement aims to initially keep global temperatures to well below 2 degrees above pre-industrial levels,[39] and imposes specific obligations on parties towards achieving that end.[40] These have been built upon by a series of annual climate summit conferences, at which states have agreed to implement further specific measures to tackle climate change.[41]

Tackling climate change has also been recognized as a human development priority, the 2007/08 Human Development Report describing it as the "defining human development issue of our generation,"[42] while it is also seen as a key priority within the UN's sustainable development goals,[43] which explicitly link its effects to international development challenges.

However, while the various developments cited herein are very important in strengthening international cooperation upon the adoption of meaningful responses to climate change and its effects, there are inherent limitations to the effectiveness of any treaty-based regime of international action. Firstly, legal obligations under such regimes must be voluntarily entered into by states. They cannot be imposed upon states without their assent. Secondly, even where there is broad acceptance of specific legal obligations, enforcement is more problematic. A state's failure to comply with its international legal obligations will not automatically result in any sanctions to encourage compliance, and this is even more unlikely where the state in question is a major global power. In relation to the UNFCC, while this enjoys the participation of all UN member states, the same is not true of some of the more specific agreements which have been concluded under its auspices. For example, the US has never ratified the Kyoto Protocol, while Canada withdrew from it in 2011. Similarly, in 2017 the Trump administration issued notice of its intention to withdraw from the Paris agreement once legally able to do so.[44]

The prima facie attraction of responding to climate change as a threat to the peace under Article 39 of the UN Charter lies in two key assumptions. Firstly, on a symbolic level, by labelling climate change in such terms it becomes elevated to the level of the most serious challenges facing the international community, underlining the importance of taking meaningful steps to address its effects. Secondly, such a determination brings climate change within the ambit of the Security Council's mandatory powers under chapter VII of the UN Charter,

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[32] However, there were yet earlier initiatives undertaken to address climate concerns. For example, the first major global climate conference took place under the auspices of the World Meteorological Organization in 1979, in collaboration with UNESCO, FAO, WHO and UNEP. Under the auspices of the WMO and UNEP, and Intergovernmental Panel on Climate Change began meeting in 1988.
[33] On the international legal framework for addressing climate change, see Sumudu Atapattu, *Human Rights Approaches to Climate Change* (London: Routledge, 2016).
[34] UNFCC, Article 1.
[35] As of December 2015.
[36] See UNFCC, Articles 3-4.
[37] Kyoto Protocol, Article 3.
[38] For discussion, see Lavanya Rajamani, "The Making and Unmaking of the Copenhagen Accord," *International and Comparative Law Quarterly* 59 (3) (2010): 824-843.
[39] Paris Agreement, Article 2.
[40] Paris Agreement, Article 3.
[41] For the outcomes of the 2019 Climate Action Summit, see *Report of the Secretary-General on the 2019 Climate Action Summit and the Way Forward in 2020*, available at https://www.un.org/en/climatechange/assets/pdf/cas_report_11_dec.pdf.
[42] UNDP, *Human Development Report 2007/08* (New York & Oxford: United Nations, 2007), 1.
[43] SDG 13. See https://www.un.org/sustainabledevelopment/climate-change-2/
[44] See Harold H. Koh, *The Trump Administration and International Law* (Oxford: OUP, 2018).

which enable it to direct states to comply with its determinations and to impose robust measures in response to situations of concern.

Climate Change within the UN Security Council: A 'Threat to the Peace'?

Over the past decade, the Security Council has given increased attention to the potential security implications of climate change. The Council's consideration of the issue has featured in some of its thematic debates, as well as during specific meetings convened to consider the effects of climate change on particular regions. Notwithstanding the approach of the Council, there has come to be a general recognition that "the impacts of climate change are multi-faceted…affecting every state in the international community," and which potentially "will adversely affect agriculture, food production and distribution, availability of fresh water, public health, incidence of severe weather events and economic activity in general."[45] The economic effects of climate change were explored in great depth in 2006 by the Stern Review, which envisaged a potential scenario in which in excess of 20% of GDP could be lost due to the effects of climate change.[46] The various effects of climate change have led some to label it as a "threat multiplier."[47]

The First Discussions: 2007

The UN Security Council's first substantive debate on the impact of climate change upon the maintenance of international peace and security took place on 17th April 2007.[48] While demonstrating a considerable body of support for the proposition that climate change was a security issue, the Council's debate also served to reinforce the extent to which there remained a division of opinion between those states taking this view and those for whom climate change was not appropriate for discussion by the Council, but rather belonged within the remit of other bodies with an international development focus to their work. Support for approaching climate change as a threat to international peace and security was largely found in the statements of European and Western states, who linked its effects to various destabilizing factors undermining the maintenance of peace and security. The UK, for example, argued that, "An unstable climate will exacerbate some of the core drivers of conflict, such as migratory pressures and competition for resources." There was a "security imperative, as well as economic, development, and environmental ones, for tackling climate change."[49] Similarly, France suggested that "climate change is among the principal threats to the future of humankind and to its environmental security. Its impact on international peace and security may take various forms…[it] could lead to increased numbers of extreme weather events, massive population movements resulting from sea-level rise, decreased agricultural production causing serious food crises and an increased threat of health risks because of changes in the functioning of ecosystems."[50] Germany noted that "we know that there is a clear link between climate change and the need for conflict prevention,"[51] while the Netherlands suggested that "sometimes we need to look beyond the horizon of current conflicts to explore the challenges and threats to security that the future may bring."[52]

For other states participating within the Council's debate, there was not so much a dismissal of the real challenges posed by climate change but rather a failure to acknowledge that they constituted threats of the kind which ought to be addressed under the Council's collective security mechanism. Some regarded it as but rather an issue falling exclusively within the remit of other bodies tasked with the promotion of sustainable development. For example, China argued that this was "in essence an issue of sustainable development" and not really a matter for the Council.[53] South Africa similarly regarded the consequences of climate change as

[45] Atapattu, *Human Rights Approaches to Climate Change*, 242.
[46] Stern Review, *The Economics of Climate Change* (Cambridge: CUP, 2007).
[47] Atapattu, *Human Rights Approaches to Climate Change*, 249.
[48] UN Doc. S/PV.5663.
[49] S/PV.5663, 2.
[50] S/PV.5663, 11.
[51] S/PV.5663, 19.
[52] S/PV.5663, 21. See also the comments of the Slovakian (p.3) and Belgian (p.5) representatives.
[53] S/PV.5663, 12-13.

"first and foremost development issues,"[54] a view broadly shared by states such as Qatar,[55] Indonesia[56] and Pakistan[57] during the debate.

Significantly, however, around the same time as the Security Council held its first debate upon climate change as a threat to international peace and security, the annual Human Development Report published by the UNDP also focused upon the challenges posed by climate change.[58] While approached from a development perspective, the preferred approach of many states, the report nonetheless alluded to many of the same consequences of climate change that the security-centred debates within the Security Council had. Although much of the report addressed the relationship between climate change's effects and poverty,[59] the interrelated nature of climate change's various effects was acknowledged,[60] with projected increases in malnutrition rates,[61] water scarcity,[62] and population displacements[63] all forecast as likely to arise from current climate trends. The relationship between environmental challenges and security was reinforced in a post-conflict environmental assessment undertaken by the UN Environmental Programme in respect of Sudan. The report found strong linkages to exist between environmental threats and conflict, informed especially by the extent to which environmental factors produce mass population displacements and reduce food production.[64]

Subsequent Debates on Climate Change as a 'Threat to the Peace': 2009-

While the Security Council did not return to the issue of climate change in any substantive sense until 2011, the UN Secretary-General reported in 2009 on the possible security implications of climate change.[65] His report identified five channels through which climate change could affect security which centered on the themes of vulnerability to threats to food security and health from exposure to extreme events;[66] international development;[67] security challenges posed by migration, competition over resources and the risk of domestic conflict;[68] statelessness, where territory disappears;[69] and international conflict over access to resources.[70]

Revisiting climate change and its security implications in July 2011, the Security Council came closer to recognizing the relationship between the two phenomena than it had previously. The Council expressed its concern that the possible adverse effects of climate change may ultimately aggravate existing threats to international peace and security. In particular, it expressed concern at the possible security implications of loss of territory by low-lying states caused by rising sea-levels.[71] However, at the same time, the differences of opinion among the Council's membership, seen in its 2007 debate remained four years later. While some states expressed the view that climate change had "very real implications for peace and security,"[72] other major powers saw it as "fundamentally a sustainable development issue."[73]

The Council has had further opportunities to recognize the security implications of climate change on several subsequent occasions. The peace and security challenges facing small island developing states were considered in 2015,[74] while two years later the Council considered the effects of environmental pressures within the Lake Chad Basin region. The Council recognized the link between security, human rights and

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[54] S/PV.5663, 16.
[55] S/PV.5663, 9.
[56] S/PV.5663, 14.
[57] S/PV.5663, 24.
[58] UNDP, *Human Development Report 2007/2008: Fighting Climate Change: Human Solidarity in a Divided World* (New York: UNDP, 2008).
[59] *Human Development Report 2007/2008*.
[60] *Human Development Report 2007/2008*.
[61] *Human Development Report 2007/2008*. It was predicted that malnutrition could come to affect 600 million people by 2080.

[62] *Human Development Report 2007/2008*. It was predicted that 1.8 billion more people my live in a water scarce environment by 2080.
[63] *Human Development Report 2007/2008*.
[64] UNEP, *Sudan: Post-Conflict Environmental Assessment* (New York: UNEP, 2007).
[65] *Report of the Secretary-General: Climate Change and its Possible Security Implications*, UN Doc. A/64/350.
[66] UN Doc. A/64/350, paras.31-44.
[67] UN Doc. A/64/350, paras.45-52.
[68] UN Doc. A/64/350, paras.54-70.
[69] UN Doc. A/64/350, paras.71-73.
[70] UN Doc. A/64/350, paras.74-76.
[71] UN Doc. S/PRST/2011/15.
[72] UN Doc. S/PV.6587, 6 (US).
[73] S/PV.6587, 9 (China). See also the comments of the representatives of Russia (13) and Portugal (20).
[74] UN Doc. S/PV.7499, 30 July 2015. For discussion of such challenges, see Sumudu Atapattu, "Climate Change: Disappearing States, Migration, and Challenges for International Law," *Washington Journal of Environmental Law and Policy* 4 (1) (2014): 1-35.

development,[75] including "the adverse effects of climate change and ecological changes…on the stability of the Region, including water scarcity, drought desertification, land degradation, and food insecurity."[76]

In 2018 the Security Council returned to discussion of climate-related security risks once again.[77] As in its previous discussions, a number of participants emphasized the implications of climate change for international peace and security. The Deputy Secretary-General noted that the shrinking of the Lake Chad Basin by 90% since the 1960s had resulted in socioeconomic marginalization and insecurity affecting 40 million people, while the harmful effects upon agriculture and employment in the region created a breeding ground for the recruitment of disaffected groups by terrorist organizations such as Boko Haram.[78] The World Bank estimated that 720 million people were at risk of falling into climate change-induced poverty by 2050,[79] while a number of states gave accounts of the extent to which their own peace and security had been compromised by climate change.[80] Notwithstanding the considerable emphasis placed upon the relationship between climate change and security threats, there still remains a reluctance upon the part of some states to regard these as appropriate issues for the Security Council's consideration as part of its collective security remit.[81] Significantly, however, even on the part of states who do not regard the Council as the most appropriate forum for tackling the effects of climate change, there does appear to be growing acceptance of the fact that it does produce security challenges. China, for example, has acknowledged that the "international community must build a new concept of common, comprehensive, cooperative and sustainable security to properly tackle climate-related security risks."[82] Such statements suggest that a longer-term consensus upon the application of the collective security system to threats produced by climate change may eventually emerge.

The Need for a More Robust Appreciation of Climate Change as a 'Threat to the Peace'

Undoubtedly, there has been growing recognition on the part of the international community, including members of the Security Council, that climate change is capable of posing a threat to the peace. However, the failure of some to conceive of climate change in such terms – as identified above – undermines the Council's ability to take steps to address its causes and effects which are rooted in its chapter VII powers. The real attraction of the conceptualization of climate change as a threat to the peace lies in the possible responses to which it opens the door. It would be a gross overstatement to suggest that chapter VII action by the Security Council constitutes some kind of panacea capable of successfully resolving all of the world's problems. However, it does allow for mandatory decisions to be taken by the Council which become binding on UN member states. The main provisions of chapter VII enabling the Security Council to take action in response to threats to the peace, Articles 41 and 42, have already been detailed. Military enforcement action pursuant to Article 42 would appear largely irrelevant and inappropriate by way of responding to the effects of climate change. However, Article 41 may be a more useful tool. This provision allows the Security Council to decide upon the adoption of "measures not involving the use of armed force," which it can call on member states to apply.

Article 41 is usually associated with the imposition of sanctions. While it is certainly possible to envisage the potential application of sanctions against states who fail to satisfy climate change obligations assumed under international legal instruments, politically this would be likely to be very controversial. Given the veto-wielding power of the Council's five permanent members, some of which have been hostile to the imposition of strong regimes to tackle climate change – most notably at present the US under the Trump administration[83] – it is perhaps particularly difficult in the current global political environment to envisage the application of sanctions against states with poor records on climate change action. Furthermore, sanctions are widely regarded as constituting a form of punishment, and in the absence of actions by states which intentionally

[75] SC Res 2349 (2017).
[76] SC Res 2349, para.26.
[77] UN Doc. S/PV.8307, 11 July 2018.
[78] S/PV.8307, 2-3.
[79] S/PV.8307, 11.
[80] S/PV.8307. See, for example, the comments of Cote d'Ivoire (20-21), Equatorial Guinea (22-23), Nauru (25-26), the Maldives (26-27), Trinidad & Tobago (27-28), and Sudan (28-29).
[81] See, for example, the comments of Russia (16) and Bolivia (17).
[82] S/PV.8307, 20.
[83] Although China has also expressed scepticism over the conceptualisation of climate change as a security threat, only the US has gone so far as to formally withdraw from international climate change obligations.

produce harmful effects in the way that, say, waging armed conflict or perpetrating human rights abuses do, their application in this context would arguably be problematic.

However, Article 41 provides for a potentially much broader range of activity on the part of the Council as it extends to any measures not involving the use of force. For example, it was regarded as the legal basis for the creation of the international criminal tribunals for former Yugoslavia and Rwanda by the Security Council.[84] Essentially, Article 41 permits the adoption of any non-military measures which are taken in response to a threat to the peace which the Council has determined exists under Article 39. The Council could thus act to prescribe by resolution principles or rules which states must give effect to in response to the effects of climate change which threaten international peace and security. This could be tantamount to the creation of new norms of international law binding on states. There are already precedents for such an approach being taken in respect of other threats to international peace and security. For example, resolution 1373, adopted in the immediate aftermath of 9/11, imposed upon states a series of obligations related to the prevention and suppression of terrorist acts.[85]Similarly, in resolution 1540 the Council prescribed a series of measures to be adopted by states to prevent the proliferation of nuclear, biological and chemical weapons, and their supply to non-state actors.[86] In both cases, the relevant resolutions were adopted unanimously. It is thus conceivable that should the Council reach greater consensus on the application of the UN collective security system to the security effects of climate change, a similar approach could ensue which would see the imposition of climate change related obligations under the terms of a Security Council resolution. These could potentially include requirements to limit consumption of climate affecting resources; restrictions on activities detrimental to climate change, such as air travel; and the introduction of economic incentives to adopt less environmentally harmful practices.[87]Theoretically, for example, states may be directed to adopt measures to penalise carbon emissions, as a number of states have already done.[88]

The practice of peacekeeping has no express UN Charter basis and has undergone various transformations since its creation in the early years of the Cold War.[89] While initially deployed as forces tasked with the supervision of ceasefires and patrolling of borders between states recently in conflict, over time peacekeeping has evolved to the point where operations have taken on an increasingly varied range of functions, including election monitoring, the delivery of humanitarian assistance, and involvement within state- and peace-building measures. While it may be difficult *prima facie* to appreciate the role of peacekeeping in responding to the effects of climate change, it is notable that eight of the ten largest current peacekeeping deployments are located in areas most highly exposed to climate change.[90] Although this may be in part coincidental, the relationship between the effects of climate change and wider societal challenges and threats should not be underestimated. While not perhaps suited to tackling the causes of climate change, where climate change gives rise to food shortages, increased levels of poverty, population movements, and resulting armed conflict, there is a role for peacekeeping operations to perform in ameliorating these challenges. These are all matters in which peacekeeping operations have developed a body of experience through the increasingly common humanitarian dimension to their mandates. However, dependent upon the extent to which the problems posed by climate change continue to grow, a greater role may come to be expected of peacekeeping operations in responding to them. This may place this technique of the collective security system under immense pressure, especially within the context of the UN's limited financial resources and the unreliable levels of political will on the part of member states to commit the required personnel for participation in peacekeeping operations.

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[84] *Prosecutor v Tadic*, Case No. IT-94-1AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, Oct 2, 1995, *ILM* 32 (1996).

[85] SC Res 1373 (2001).

[86] SC Res 1540 (2004).

[87] Shirley V. Scott, "The Securitization of Climate Change in World Politics: How Close Have We Come and Would Full Securitization Enhance the Efficacy of Global Climate Change Policy?" *Review of European Community and International Environmental Law* 21 (3) (2012): 220-230.

[88] For an appraisal of carbon taxation schemes in France, Sweden and Canada, see Patrick Criqui, Mark Jaccard and Thomas Sterner, 'Carbon Taxation: A Tale of Three Countries,' *Sustainability* 11 (22) (2019): 6280.

[89]For an overview of its development, see Wilson, *The United Nations and Collective Security*.

[90] Florian Krampe, "Climate Change, Peacebuilding and Sustaining Peace," *SIPRI Policy Brief*, June 2019: 1-8.

Conclusion

The conceptualization of security threats by the UN Security Council has seen it recognize a growing range of situations as amounting to threats to international peace and security, driven in large part by an approach grounded in human security perspectives. Within this context, there has been increased recognition of the security implications of climate change. Unfortunately, there remain significant tensions between states in respect of whether it is appropriate to bring the effects of climate change within the Security Council's collective security remit. While international legal developments have been important in making collective progress on responding to climate change, there are clear merits in conceptualizing it as a threat to the peace under Article 39 of the UN Charter. This would enable the Council, where appropriate, to fashion chapter VII measures to be employed to address the causes and effects of climate change with mandatory effect. However, progress in matters that rest on decision-making processes that are inherently political is often slow and gradual in coming, and it is to be hoped that over time the Council will move more in this direction.

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