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CLIMATE CHANGE AS A THREAT TO REGIONAL PEACE AND SECURITY AND THE ROLE OF THE UNSC

AN INDIA-EU PERSPECTIVE IN CONTEXT

ABSTRACT

Climate change has increasingly come to be viewed as a security threat, as well as a 'threat multiplier'. The impact of this has become a cause for major international concern, especially in light of national contributions to climate change, by virtue of heavy industrial dependence on polluting processes. To address this issue, certain national lobbies have suggested that the United Nations Security Council should be made legislate on the issue, given its bearing on international security. This approach has been supported by nations and blocs like the United States, the EU, the Pacific Islands, etc. An alternate lobby, comprising states like India, have argued against this approach due to the UNSC's fractured mandate, and expressed their wish to keep deliberations more representative. This paper shall evaluate the context of climate change, the legal principles underlying it, and argue in favor of the Indian stand that the UNSC is not the appropriate institution to make policy decisions on this matter.

Keywords: India, EU, United Nations, climate change, international policy

INTRODUCTION

Conventionally speaking, climate change may not appear to be a security threat. It does not function as a sudden trigger for violent forms of conflict. Rather, it is a gradual process which results in slow changes in the environmental as well as the political landscape of the world.¹ A contextual example would be the rise of the sea level in the Ganges Delta. This rise is not going to manifest as some sudden tsunami-like inundation, but rather in the form of an incremental loss of land to the sea over time. In this sense the effects of environmental changes are not *direct* causes of security problems. However, they do act as factors which increase the probability of trigger events and act as threat multipliers² that amplify the impact of other threats to security. Moreover, due to the uncertainty regarding the scale of impact and time, one cannot say with confidence that this particular change will take place at a given time. As Richard Ullman notes, while climate change might not seem to be a security threat in the traditional sense, it has grave connotations for a realistic perception of it.³ Security can be conceptualized as being linked to the idea of survival, and climate change as a threat inasmuch as it directly conflicts with the same. Ulrich Beck has provided framework in which he argues that climate change is not a threat to societies in the traditional sense, but has various other threatening dimensions. Beck focuses on the contemporary connotation of security which clearly refers to climate change as a security hazard. According to him, 'security' is connected with the idea of survival.⁴

A large number of militaries and national security communities have expressed concern regarding climate change over the last decade.⁵ They are majorly oriented towards solving the risk that the issue poses on their own military missions and global stability in general. International Military Council on Climate and Security (IMCCS) acts as an international institution that works towards dealing with the urgent climate change concerns that the militaries possess.⁶ It is basically a wide network including senior military leaders belonging to various countries all over the world set up with the purpose of conducting regular meetings of the military leaders, holding communications, and designing policies supporting actions on the implications of a changing climate on

¹ The Centre for Climate and Security, International Military Council on Climate and Security, at <https://climateandsecurity.org/imccs/>, 21 May 2021.

² P. Huntjens, K. Nachbar, "Climate Change as a Threat Multiplier for Human Disaster and Conflict", *The Hague Institute for Global Justice – Working Paper*, vol. 9 (2015), at <https://www.thehagueinstitute-forglobaljustice.org/wp-content/uploads/2015/10/working-Paper-9-climate-change-threat-multiplier.pdf>, 21 May 2021.

³ R.H. Ullman, "Redefining Security", *International Security*, vol. 8, no. 1 (1983), pp. 129-153.

⁴ Ibid.

⁵ M. Bangalore et al., *Shock Waves: Managing the Impacts of Climate Change on Poverty*, Washington, DC 2015.

⁶ Ibid., note 1.

security.⁷ It also engages in preparing an annual World Climate and Security Report as well as strengthening existing climate and security networks.⁸

In this article, the authors will first highlight what constitutes a ‘non-traditional threat to peace and security’ and the rationale behind it by engaging with comments by states, as well as scholarship on this notion. After this, this article shall evaluate cases in regions within Asia, Africa, and the Arctic, to illustrate the extent to which climate change has resulted in security issues or emerged as a threat multiplier. Thereafter, the potential impact that climate change might have as a security threat shall be considered from a legal perspective, illustrating particularly the differences in developmental stages between nations, and how this mandates democratic engagement on the matter in equitable fora. The article shall then delve into questioning whether the United Nations Security Council (UNSC) can be the appropriate forum to legislate on issues pertaining to any perceived security threat emerging from climate change. In this context, it will analyze the positions of India, and the European Union, focusing on the areas where they differ, and illustrating the reasons why the Indian position of not having the UNSC engage with policymaking on this issue should be considered more appropriate. Using the analysis contained in the aforesaid parts, the article shall then tie the arguments together, and conclude.

I. CONCEPTUALIZING THE ‘NON-TRADITIONAL SECURITY THREAT’ AND LOCATING CLIMATE CHANGE WITHIN IT

The climate is changing year after year and the earth is suffering from many natural calamities which include the likes of storms, floods, famine, and drought. These environmental changes may be considered as a non-traditional threat to peace and security and in turn jeopardizing the future existence of global citizens. This is because they pose further problems such as inability of humans to provide for themselves, migration in large numbers, spreading of contagious diseases.⁹ Such factors result in asymmetries of resources between nations, influence the political landscape of countries which receive large numbers of refugees, and act as fertile ground for belligerent political and diplomatic actions between nations. As a result, they end up having a bearing on international security.

A purview of the non-traditional causes which lead to security concerns brings us to an understanding that such threats are facts which threaten to radically worsen the quality of life of inhabitants and significantly narrow the policy choices of the governments.

⁷ J.C. Dodson et al., “Population Growth and Climate Change: Addressing the Overlooked Threat Multiplier”, *Science of The Total Environment*, vol. 748, no. 1 (2020).

⁸ Ibid., note 1.

⁹ W.C. King, *Climate Change: Implications for Defense. Key Findings from the Intergovernmental Panel on Climate Change, 5th Assessment Report*, June 2014, at <https://www.gmaccc.org/gmaccc-publications/climate-change-implications-for-defence>, 21 May 2021.

This analysis was done by Richard Ullman wherein he elaborately reconceptualized the different notions of threats to states.¹⁰

Experts from the Copenhagen School have propounded a theory about how existential threats to security depend on the *relation to the particular character of the referent object in question*.¹¹ It is not possible to define threat by means of any universally applicable standard. World security is threatened by a large number of environmental issues that vary from small scale issues such as survival of a particular species to large scale issues such as floods, etc. Moreover, it is difficult to define non-traditional threats and plan out strategies to overcome them as they involve the relationship between human beings and the environment rather than issues persisting among humans themselves. Threats arising out of climate change can be categorized into two heads, one, dealing with threats which can be easily securitized, that is survival of human civilization, and two, those which are not easily securitized, that is destruction of the entire ecosystem.¹²

II. RISK FACTORS AND NON-TRADITIONAL SECURITY THREAT PERCEPTIONS ARISING OUT OF CLIMATE CHANGE RELATED ISSUES: CASE STUDIES OF SYRIA, NIGERIA, AND THE ARCTIC REGION

To add practical context to the trailing discussion, the authors have considered the impact that climate change has had on certain noteworthy regions. First, we shall consider the impact that environmental conditions had as catalysts with respect to the Syrian civil war. Second, we shall consider the impact that climatic conditions have had on Nigeria. Finally, we shall consider the ways in which environmental issues in the Arctic have influenced geopolitical strife.

1. Asia

Since the early 2000s, Syria has been implementing an agricultural policy with the aim of increasing national food production to reduce reliance on other nations. The nation overused its water reserves in the effort to increase agricultural output. To exacerbate the situation, Syria also had to cater to approximately one million Iraqi people who were displaced. This in turn resulted in increased social pressure.¹³ Consecutive droughts struck large parts of the country from 2006 to 2010, but the 2011 drought resulted in distressed farmers moving to the cities and protesting. The potent combination of

¹⁰ R.H. Ullman, "Redefining Security", note 3.

¹¹ B. Buzan, O. Waever, J. de Wilde, *Security: A New Framework for Analysis*, Boulder, CO–London 1998.

¹² Ibid.

¹³ M. Karak, "Climate Change and Syria's Civil War", *Jstor Daily*, 12 September 2019, at <https://daily.jstor.org/climate-change-and-syrias-civil-war/>, 20 June 2021.

a diverse ethnic population along with a falling social arrangement led to increased tensions. Understandably, it is difficult to assert that the dry spell started a civil war in Syria; it can also be said that financial adversity activated by progressive dry spells between 2006-2011 quickened social agitation in that country.¹⁴ In any circumstance, the impetus that was delivered to such agitation by the intrinsic shifts in climate conditions in the region cannot be ignored.¹⁵

2. Africa

An important instance from the African experience in this respect, would be the manner in which the Nigerian Sahel was afflicted by enormous desertification, which resulted in numerous individuals being placed in hopeless condition, reinforcing the impact of terrorist associations, for example, Boko Haram. Boko Haram took advantage of the precarious situation and made use of the leadership void and wastefulness of the national central government to present themselves as the representatives best suited to sort out the problems of the Nigerians. Boko Haram made most of the Nigerian government's inability to provide security to its own citizens.¹⁶

3. The case of the Arctic Region

The Arctic is facing major changes today, including a relatively high increase in temperature, a decline in the extent of summer sea ice and permafrost thawing. Reducing the ice cover will worsen and continue to affect social and biological systems. It also provides commercial opportunities that could put extreme pressures on the climate, such as substantial oil and gas exploration and new shipping routes opening up. Permafrost melting has the ability to impact all human activities, causing infrastructural issues, for instance. The fragile Arctic habitats have suffered greatly from above-average rise in temperatures and are expected to continue suffering these impacts. Shrinking ice in the Arctic is opening gateways for shipping and other commercial activities like extractive industries, mining, and fishing.

Many countries, for instance Canada, Denmark, Russia, Sweden, Norway, the U.S and the like, are trying to outdo the other in laying claims to the Arctic territories. Thus, there are growing security concerns with the increase in human activity in Arctic.¹⁷

The states which have a stake in the Arctic region are already pursuing smart defense strategies. Norway is a good example as it has pursued its defense strategy by allocating

¹⁴ M. Fischetti, *Climate Change Hastened Syria's Civil War*, *Scientific American*, 2 March, 2015, at <http://www.scientificamerican.com/article/climatechange-hastened-the-syrian-war/>, 20 June 2021.

¹⁵ J. Selby et al., "Climate Change and the Syrian Civil War Revisited", *Political Geography*, vol. 232, no. 60 (2017), pp. 232-244.

¹⁶ N. Lytle, *Climate Change as a Contributor to Terrorism: A Case Study in Nigeria and Pakistan*, University of South Carolina – Senior Thesis, Columbia, SC 2017.

¹⁷ Ibid.

funds and resources.¹⁸ Norway also shifted the functions of its Army Headquarters to the Arctic city of Bodø in 2009 with the objective of having a unified defense system in the high-north.¹⁹

Canada is also doing its utmost to claim its sovereignty over the Arctic. It is trying to support its native population based in the Arctic by sending Canadian Ranger units as well as taking all possible measures to ensure that the native communities are provided with all necessities thanks to its myriad economic activities.

As the temperatures rise, the melting water flows over the ice, collecting toxic waste from the camp, and transporting it to the coast. In approximately 75 years from now, the ice covering the site could sink into surrounding habitats and cause significant damage. Over the past century, Greenland is also another place which has been seriously impacted by climate change. The Greenland Ice Sheet, which is the second-largest mass of ice on Earth, has seen an acceleration in the rate of melting.²⁰ The Ice Sheet contains enough water to raise global sea levels by 7.2 meters.²¹ It is but obvious that any further ice-loss would only trigger further tensions in nations influenced by the region's policies.

III. WAR, CONFLICTS AND HUMAN RIGHTS

It is important to be aware of the direct consequences people face due to climate change. Their suffering can lead to anything ranging from death as a direct result of climatic events (natural disasters), or migration, civil war, wars between states and eventual death due to such indirect causes.

As the adverse impacts of climate change worsen, it is being predicted this can set stage for increasing conflicts and possibly trigger wars.²² Although it may seem an exaggeration it is also being predicted that in extreme cases the unbridled effects could lead to the next world war, which may last for centuries.²³ A research study highlights that nearly 46 countries with a total population of approximately 2.7 billion people will face the growing threat of conflict due to the consequences of climate change while 56 more countries with nearly 1.2 billion inhabitants could face political unrest potentially resulting in violent conflict in the long run.²⁴

¹⁸ Ibid.

¹⁹ G. O'Dwyer, "Norway Prioritizes High North Equipment", *Defense News*, 4 March 2015, at <https://www.defensenews.com/home/2015/03/03/norway-prioritizes-high-north-equipment/>, 27 May 2021.

²⁰ A. Tandon, "New Climate Model Suggests Faster Melting of the Greenland Ice Sheet", *CarbonBrief*, 15 December 2020, at <https://www.carbonbrief.org/new-climate-models-suggest-faster-melting-of-the-greenland-ice-sheet>, 27 May 2021.

²¹ Ibid.

²² J. Podesta, P. Odgen, "The Security Implications of Climate Change", *The Washington Quarterly*, vol. 31, no. 1 (2008), pp. 115-138.

²³ N. Mabey, *Delivering Climate Security: International Security Responses to a Climate Changed World*, Abingdon 2007.

²⁴ D. Smith, J. Vivekananda, *A Climate of Conflict: The Links between Climate Change, Peace and War*,

Fluctuating weather patterns, rising global temperatures, unseasonal monsoons, water shortage, and shorter agricultural seasons are leading to increased food insecurity, and the acidification of the oceans are impacting the sustainability of (already stressed) global fish stocks. Already there are 850 million people malnourished worldwide. Due to the rising prices of staple food by nearly 80% in the last three years, nearly 100 million people have been pushed into poverty in the last two years.²⁵ For example, in India, rice and wheat production has declined due to temperature increases, affecting food security in an agriculturally dependent and underdeveloped country.

The World Bank estimates that 33 countries are at risk of political destabilization and internal conflict due to food price inflation,²⁶ and further 36 countries with a population of nearly 1.4 billion people will face food or water scarcity by 2025.²⁷ The problem is aggravated by a turn towards protectionism in some countries, with recent bans on the export of staple foods in some producer countries, aggravating shortages and raising prices in net import countries. Changing climate renders fresh water exceedingly limited in areas where human populations currently need to use it.

Overarching all of these physical effects is the prospect of large-scale displacement and migration prompted by the combination of the effects. The Intergovernmental Panel on Climate Change (IPCC) suggests 150–200 million people may be displaced by 2050.²⁸

In Asia, for instance, 40% of the population lives within 60 km of the coast. A 45 cm sea level rise in Bangladesh will displace 5.5 million and inundate 11% of Bangladesh's territory. Mass displacement carries risks of internal and inter-state conflicts, including the inflammation of ethnocentric political agendas, and increasing isolationism due to political sensitivities about migration control.²⁹

Likewise, the conflict in Darfur, Sudan, is often pointed to as the first example of a 'climate war,' including by Britain in the Security Council. However, it is an oversimplification to assert that the conflict is caused by climatic or broader environmental change.³⁰ While climate change may not inexorably lead to conflict, given the

London 2007; B. Saul, "Climate Change, Conflict and Security: International Law Challenges", *New Zealand Armed Forces Law Review*, 7 October 2009, pp. 1-21.

²⁵ R. Epstein, "UN Chief Warns of Civil Unrest Amid World Food Shortage", *ABC News*, 30 April 2008, at <https://www.abc.net.au/news/2008-04-30/un-chief-warns-of-civil-unrest-amid-world-food/2420212>, 27 May 2021.

²⁶ J. Vidal, "Nations Split on Ways to Tackle Hunger Alert", *Sydney Morning Herald*, 17 April 2008, at <https://www.smh.com.au/world/nations-split-on-ways-to-tackle-hunger-alert-20080417-gds9us.html>, 27 May 2021.

²⁷ US National Intelligence Council, *Global Trends 2025: A Transformed World*, Washington DC, 2008, at https://www.files.ethz.ch/isn/94769/2008_11_global_trends_2025.pdf, 27 May 2021.

²⁸ O. Brown, "Migration and Climate Change", *International Organisation for Migration Research Series*, vol. 31 (2008), at <https://olibrown.org/wp-content/uploads/2019/01/2008-Migration-and-Climate-Change-IOM.pdf>, 27 May 2021.

²⁹ B. Saul, "Climate Change..."

³⁰ Ibid.

complexity of causes of conflict and the human potential for averting it, climate change can certainly be viewed as a ‘threat multiplier.’³¹ Yet there may well be increasing tensions over resource distribution and the intensification of other underlying causes of conflict, such as state failure, political instability or social violence.³²

Future threat of “climate war” may seem to be farfetched, however it cannot be denied that the impact of climate change will aggravate and intensify conflicts at both the national and international levels. There will be competition over scarce resources, thus putting strain on a range of issues like public health, various economic and social parameters, changing migration patterns that will stress the economy and population with the potential for radicalization. These can be contributing factors leading to growing social unrest and violence. Therefore, it is important to consider how the various principles enunciated in public international law can be utilized to minimize the ensuing security threats. There are issues in how to allocate and specify responsibilities and associated causation problems which limit the effectiveness of relying on state accountability standards to tackle climate-related safety risks. The specialized branches of international law are more promising, many of which provide prospects for reacting to the challenge; some are more welcoming and others would take more radical refashioning. Developing the specialized branches of international law and adopting a structural approach will be more beneficial than relying on individual bodies like the Security Council or other regulatory systems.

Promoting the emerging principles of international law are much more beneficial in terms of human and financial costs which arise due to the potential conflicts emerging out of fights over scarce resources, which will only get intensified in the near future.³³

The Common but Differentiated Responsibilities (CBDR) principle acknowledges the unequal responsibility of the developed and developing nations for the effects of anthropogenic climate change and also recognizes the differential potential between developed and developing countries to tackle its impacts.³⁴ CBDR’s argument is that since existing industrialized states have made a major contribution to environmental damage, they should be made responsible for addressing the problem. CBDR is in accordance with the United Nations Sustainable Development Action Plan.³⁵

³¹ European Commission, *Climate Change and International Security: Paper from the High Representative and the European Commission to the European Council*, Doc. No. S113/08, 14 March 2008, at https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/reports/99387.pdf, 21 May 2021; B. Saul, “Climate Change...”

³² “Summary for Policy Makers”, in German Advisory Council on Global Change, *World in Transition: Climate Change as a Security Risk*, London–Sterling, VA 2008, at https://www.wbgu.de/fileadmin/user_upload/wbgu/publikationen/hauptgutachten/hg2007/pdf/wbgu_hg2007_engl.pdf, 21 May 2021; B. Saul, “Climate Change...”

³³ Ibid.

³⁴ L. Rajamani, “The Principle of Common but Differentiated Responsibility and the Balance of Commitments under the Climate Regime”, *Review of European Community & International Environmental Law*, vol. 9, no. 2 (2000).

³⁵ U.N. Conference on Environment and Development, *Rio Declaration on Environment and Development*, 3-14 June 1992, U.N. Doc. A/CONF.151/26/Rev.1, vol. I, annex II, at [https://undocs.org/en/A/CONF.151/26/Rev.1\(vol.I\)](https://undocs.org/en/A/CONF.151/26/Rev.1(vol.I)), 27 May 2021.

Under international law, CBDR does not have a defined legal status. It is proposed that CBDR is becoming a notion of the customary international law, but this status has not yet been achieved.³⁶ Although CBDR proves to be a positive concept for directing finance, sharing technology between developed and developing nations through technology transfer, building capacity in nations where required, and identifying commitment and capability elements, its implementation resides primarily within the context of the Sea Law Convention of the United Nations. Such cooperation would be instrumental in assuaging diplomatic tensions and reigning in the current issues existing in the discourse on climate change.

IV. THE ROLE OF UNITED NATIONS SECURITY COUNCIL

As seen above, a re-evaluation of the threat that climate change poses to global peace and security has been gaining traction in international policymaking. This, one might argue, renders it possible to bring climate change within the mandate of the Security Council. Climate change poses security threat which breaches the 'no-harm' principle, one of the important tenets of international law. The benefit of reframing may help the matter of climate change to fall within the purview of the Security Council's mandate and thus offer new opportunities for dealing with the situation.³⁷ It would require engagement with the legal considerations that would underlie such a classification of the issue.³⁸

Subsequent to the Second World War, Principle VI of *The Nuremberg Principles* defined "crimes against peace" as:

- i) *Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurance;*
- ii) *Participation in a common plan or conspiracy for the accomplishment of any of these acts mentioned under (i).*³⁹

To hold the UNSC responsible, The United Nations Charter uses the Nuremberg definition of "crime against peace": *The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.*⁴⁰

The concept of a 'peace threat' today includes inter-state armed conflicts, non-state actors, as well as other expanding risks. Due to growing environmental and social problems,

³⁶ R. Maguire, "The Role of Common but Differentiated Responsibility in the 2020 Climate Regime", *Carbon and Climate Law Review*, vol. 7 (2013), no. 4, pp. 260-263.

³⁷ B. Saul, "Climate Change..."

³⁸ Ibid.

³⁹ Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal, with commentaries, *Yearbook of International Law Commission*, vol. 2 (1950), at https://legal.un.org/ilc/texts/instruments/english/commentaries/7_1_1950.pdf, 27 May 2021.

⁴⁰ U.N. Charter, art. 39.

the UNSC has come to recognize that these can be viewed as risks to peace and security in the global arena. A High-Level Panel was convened by the former UN Secretary General Kofi Annan in September 2003 during which the definition of what constitutes a threat to international peace and security was highlighted. A threat to international peace and security was defined as: *any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system*.⁴¹

The above definition includes social and economics threats (“soft threats”) which encompass infectious disease, poverty, and environmental degradation.⁴² It is indeed noteworthy to recognize environmental degradation as a global threat. The Arria-Formula Meeting of the UNSC has also acknowledged this issue.⁴³

It has been argued that today the impacts of climate change may offer a plausible legal basis for it to be considered a danger to International Peace and Security. The former UN Security-General Ban Ki-Moon has also affirmed the above stance and stated: *the scarcity of food and water [will] transform peaceful competition into violence [...] and droughts [will] spark massive human migrations, polarizing societies and weakening the ability of countries to resolve conflicts peacefully*.⁴⁴

As an example, one may consider the Syrian Civil War, which was exacerbated due to the severe drought faced by the region and this probably was *more than twice as likely a consequence of human interference in the climate system*.⁴⁵ The manifold climatic consequences of the drought made the conflict all the more violent. Water and agricultural scarcity, for example, deteriorated the existing conditions, creating large economic losses for rural populations, which resulted in broad-scale movement to semi-urban areas.⁴⁶ This led to enormous political tension and eventually civil war in a nation with weak institutional capability and governance. This demonstrates the grounds on which the said war can be considered a security threat in the eyes of international law.⁴⁷

One of the possible consequences of looking at climate change as a security threat would provide an opportunity to the Security Council to take recourse to preventive action, which includes providing humanitarian aid. Further, it would also be able to take adequate measures to deal with threats, breaches of peace, and acts of aggression. The recent practice adopted by the Security Council also points to the fact that what

⁴¹ United Nations General Assembly Official Records, *Follow-up to the Outcome of the Millennium Summit*, 59th Session, Doc. No. A/59/565, 2 December 2004, at https://www2.ohchr.org/english/bodies/hrcouncil/docs/gaA.59.565_En.pdf, 27 May 2021.

⁴² Ibid.

⁴³ “Climate Change: Arria-Formula Meeting”, *Security Council Report*, 14 December 2017, at <https://www.securitycouncilreport.org/whatsinblue/2017/12/climate-change-arria-formula-meeting.php>, 27 May 2021.

⁴⁴ S.V. Scott, Ch. Ku, *Climate Change and the UN Security Council*, Cheltenham–Northampton, MA 2018.

⁴⁵ C.P. Kelly et al., “Climate Change in the Fertile Crescent and Implications of the Recent Syrian Drought”, *Proceedings of National Academy of Science*, vol. 112, no. 11 (2015), pp. 3241–3246.

⁴⁶ Ibid.

⁴⁷ Ibid.

constitutes a “threat” has been broadened significantly, as well as the traditional concept of what constitutes a “danger,” and in this regard a state’s “use of force” is no longer a necessary element.⁴⁸

A slow but steady start has been made by the Security Council to examine the links between climate change and security. Beginning from 2007, the UN has incrementally begun to establish the nexus between the two issues. An open debate was held in July 2011 and subsequently in March 2017 wherein a resolution 2349 was adopted which highlighted the nexus between the two above mentioned issues.

The resolution looked at the urgently to deal with climate change and its corresponding impacts especially in the fragile conflict-ridden region of Chad. Later, in July 2018, another open debate was held and a stronger impetus taken in 2019 to discuss climate change and its concomitant risks.

There have been specific instances where the UNSC has in fact recognized effects of climate change as falling within the mandate of the UNSC, or furthered interpretations which could support such a conclusion. In a debate in 2005, UNSC took cognizance of the rising food insecurity, which definitely is a factor threatening global peace and security.⁴⁹ In 2014, UNSC passed a historic resolution during the outbreak of the Ebola virus. Despite the outbreak not being related to any armed conflict, the resolution was a significant move as it extended the concept of what could be considered a threat jeopardizing peace and security globally.

In a UNSC open debate in January 2019,⁵⁰ the Under-Secretary-General for Political and Peace building Affairs, Rosemary Di Carlo, stated, *[t]he risks associated with climate-related disasters do not represent a scenario of some distant future. They are already a reality for millions of people around the globe – and they are not going away.*

Ms. Di Carlo stressed that three key areas should be tackled:⁵¹

- Strengthening analytical capability with unified system for risk assessment.
- Stronger data collection to reproduce good practices on climate threat reduction and good management practices in the area.
- Relationship building and strengthening to exploit mutual capabilities within and outside the UN framework.

Notwithstanding the various causes of climate change, it has major impact on UNSC Directives related to administration security and peace worldwide.

⁴⁸ S.V. Scott, “Climate Change and Peak Oil in Threats to International Peace and Security: Is It Time for the Security Council to Legislate?”, *Melbourne Journal International Law*, vol. 9, no. 2 (2008), pp. 495-502; *See further*, United Nations Security Council, Security Council Resolution no. 2253, 17 December 2015, at [https://www.undocs.org/S/RES/2253%20\(2015\)](https://www.undocs.org/S/RES/2253%20(2015)), 27 May 2021.

⁴⁹ United Nations Security Council Official Records, 60th Session, 5220th meeting, Doc. No. S/PV.5220, 30 June 2005, at <https://digitallibrary.un.org/record/552418>, 27 May 2021.

⁵⁰ United Nations Peace Building, *Climate Change Recognized as ‘Threat Multiplier,’ UN Security Council Debates Its Impact on Peace*, 2019, at <https://www.un.org/peacebuilding/news/climate-change-recognized-%E2%80%98threat-multiplier%E2%80%99-un-security-council-debates-its-impact-peace>, 27 May 2021.

⁵¹ *Ibid.*

The above view is a step towards incorporating the various dimensions of human security within the mandate of the Security Council.⁵² Article 41⁵³ or Article 42⁵⁴ of the UN Charter, which provides for both military and non-military interventions, could be invoked if the UNSC includes the consequences of impact of climate change. The intervention can include deployment of peacekeeping forces and humanitarian assistance to respond to emergencies caused by the direct and indirect effects of climate change. However, whether it would be prudent to support such engagement on the part of the UNSC is contentious, and is going to be evaluated in the following part.

V. ANALYSIS OF THE POSITIONS OF INDIA AND THE EU

[A] The Position of India

With regard to the open debate held by the UNSC, as discussed above, the position of the UNSC seemed rather affirmative with regard to treating climate change as a threat multiplier; certain non-permanent member States like India had serious considerations and reservations to the proposition. First, India believes that the composition of the UNSC is not reflective of the entire world. It notes that the involvement of the UNSC would mean *over-militarization* of issues and places that essentially require *non-military solutions*.⁵⁵

India's Permanent Representative Syed Akbaruddin explained the country's position in the following words, *Can the needs of climate justice be served by shifting climate law-making from the inclusive UN Framework Convention on Climate Change (UNFCCC) to decision-making by a structurally unrepresentative institution with an exclusionary approach decided in secretive deliberations?*⁵⁶

There is merit to this position for at least two reasons. *First*, global climate policy requires action on the part of governments around the world to produce meaningful consequences. To respect the principle of sovereign equality, decision-making would need to be conducted by a body which accurately represents the interests of these governments. Therefore, it seems normatively flawed to have the UNSC, which is not only unrepresentative in its composition, but also has a skewed distribution of power in

⁵² H. Nasu, "The Place of Human Security in Collective Security", *Journal of Conflict and Security Law*, vol. 18, no. 1 (2013), pp. 95-129.

⁵³ It is for the UNSC to decide what kinds of measures not involving the use of force may be utilized in order to enforce its decisions, and the body may also call upon UN members to follow through on such measures.

⁵⁴ If the measures provided in Article 41 of the UN Charter are deemed insufficient by the UNSC, then it can adopt those provided in Article 42 as well.

⁵⁵ "At UN, India Questions Rush to Declare Climate Change a Security Issue", *Business Standard*, 26 November 2019, at https://www.business-standard.com/article/news-ians/india-questions-rush-to-declare-climate-change-international-security-issue-119012600120_1.html, 27 May 2021.

⁵⁶ *Ibid.*

terms of the veto-rights enjoyed by the developed P-5 nations, to be the body that decides such matters. This concern is aggravated, given that two of the world largest polluters – the United States and China – constitute part of the said group.

Second, if the UNSC is allowed to be the arbiter of global climate policy, the implementation of the same would become questionable as well. The progress of climate control policy has largely been successful due to the democratic manner in which it has been pursued. This has enabled all nations to have a stake in the targets that they would be required to comply with. Disturbing this system by enabling the UNSC to decide such policy would run the risk of halting progress on the issue, and compromising further constructive national engagement due to its politicization. In consequence, addressing climate change properly would face even further challenges than it presently does. This illustrates the concerns that Mr. Akbaruddin highlighted in his comments.

These factors inform India's recent comments at the UNSC as well, as the country commenced its two-year stint at the institution on January 1, 2021. Prakash Javadekar, the Indian Minister for Environment, Forests, and Climate Change, stated that several problems existed with climate policy implementation at present. He highlighted, in particular, the elusive way developed nations had dealt with their joint commitment to mobilize, by 2020, a sum of approximately \$100 billion per year to lend support to climate action in developing nations.

However, despite speaking at the UNSC's open debate on the *Maintenance of international peace and security: Addressing climate-related risks to international peace and security*,⁵⁷ Javadekar stressed the importance of meeting the goals set at the Paris Conference for 2050. He also noted that a "significant opportunity" exists for nations to include low-carbon development measures in both their Covid-19 rescue and recovery strategies, as well as their long-term mitigation strategies at the 26th U.N. Climate Change Conference scheduled for November 2021. This highlights the Indian commitment to having such democratic conferences continue to be at the helm of setting global climate policy.

[B] The Position of the European Union

The European Union was amongst the first regional organizations to recognize the importance of climate change as a threat multiplier. Accordingly, several courses of action have been identified by it for the purpose of tackling the matter. These can be summarized as follows:

- 1) The EU, as a whole, has committed to international cooperation in ensuring that the goals of climate policy are met. This matter was a subject of EU discussions

⁵⁷ "Idea of Climate Action Should not be to Move Climate Action Goal Post to 2050", *The Hindu*, 24 February 2021, at <https://www.thehindu.com/news/national/idea-of-climate-change-should-not-be-to-move-climate-ambition-goal-post-to-2050-india-at-UNSC/article33917380.ece>, 27 May 2021.

with the US, China, Brazil, Central Asia, etc. It also called for a discussion on climate change in the UN in 2014.⁵⁸

- 2) It had set aside 20% of the 2014–2020 EU budget⁵⁹ for actions pertaining to climate change. This commitment has grown to ‘at least’ 25% of the 2021–27 EU budget.⁶⁰
- 3) Several governments, such as those of Germany and France, had individually stated that climate policy ought to be made an area of priority in governmental activities.
- 4) The focus, broadly, remains on international dialogue, and addressing issues like dealing with resource-starved states, reconciling a commitment to free trade with climate realities, evaluating the impact of defense requirements on climate change, climate migration, etc.⁶¹

The EU has been identified as the region which has the largest body of climate change regulations in the world.⁶² With the Single European Act, 1987, the ground was set for its initial coverage of environmental policy with a legal basis. EU environmental laws continued to grow in tandem with international developments in climate regulation, embodied in such solutions as climate taxation and emissions trading. In 2010, this was institutionalized as a separate policy concentration in its own right through the establishment of the Directorate-General for Climate Action, which had mandate over climate change. Its climate policy grew on the foundation of scientific assessment reports brought out by the IPCC.

However, despite the EU’s support for the involvement of the UNSC in global climate policy framing, its internal regulations are premised on understanding climate change as an “economic externality.”⁶³ This is reflective of the general disjunct within the Union of its security concerns from the treatment of climate change policy within its regional context.⁶⁴ Such concerns have been contextualized in light of the vulnerability of many Southern Mediterranean states to climate change impacts in the short-to-medium term. The consequence of this is an aggravation of the EU’s security vulnerabilities. Perhaps this is a motivating factor underlying its calls for broader policy making by the UNSC, which would have a top-down approach, despite the issues that have existed with the same in past instruments like the Kyoto Protocol.

The EU has produced numerous strategies pertaining to climate change since 2008. One of the most recent manifestations of this occurred in 2016, subsequent to

⁵⁸ R. Youngs, *Climate Change and EU Security Policy: An Unmet Challenge*, London 2014.

⁵⁹ Ibid.

⁶⁰ European Commission, *Supporting Climate Action through the EU Budget*, at https://ec.europa.eu/clima/policies/budget/mainstreaming_en, 28 April 2021.

⁶¹ R. Youngs, *Climate Change...*; note 57 “Idea of Climate Action...”

⁶² S.V. Scott, Ch. Ku, *Climate Change...*, p. 149.

⁶³ Ibid.

⁶⁴ Ibid., p. 150.

the UN Climate Change Conference (COP21), when European governments rendered Council Conclusions oriented towards climate security.⁶⁵ These conclusions directed the Union towards attempting to enhance climate security efforts within its new Global Strategy, and in the context of the UNSC. They also required more comprehensive climate diplomacy plans from the High Representative and European Commission, and mandated reports from them on concrete progress.⁶⁶ This is reflective of governmental frustration amongst diplomats with the lack of meaningful follow-ups on climate security policies. The refugee surge that hit the Union in 2015 and 2016 has been argued to have been a flashpoint which made policy-makers in the EU push up various non-conventional metrics of security on their priority list, including climate change.⁶⁷

The orientation of the EU, therefore, showcases a realistic understanding of the implications of climate change, evaluating the potential ramifications which can be seen in nations which are starved of resources, which face issues pertaining to climate-migration, etc. However, the EU also supports the involvement of the UNSC in the regulation of climate action.⁶⁸ The justification advanced has been that the issue is a threat multiplier and, therefore, requires focused policy from the UNSC, which is designed to deal with such security issues.⁶⁹

However, the mere facts that climate change is a threat multiplier and that security issues might be involved do not imply that the UNSC would be the appropriate institution to deal with the situation. There are several reasons for this: *first*, it would exclude the perspectives of various non-member states which can be facing the problems mentioned above, such as resource-starvation, climate migration, etc.; *second*, the existence of skewed power dynamics in the UNSC, such as the veto, can vitiate democratic and representative policy making; and *finally*, addressing climate change in such a manner can result in backlash from various nations in the world, particularly the ones which face the problems noted above, and, in fact, further the possibility of conflicts and a global security threat.

[C] Analyzing the Conflicting Perspectives of the EU and India

The point of conflict between the stances of the two international powers are clear: India believes that climate change requires representative decision making, while the EU thinks that the matter should be handled by the UNSC due to its potential for becoming an aggravated threat multiplier. These positions are considerably different and might appear to be difficult to resolve. However, if analyzed in the context of the allied

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ D. Warren, *Climate Change and International Peace and Security: Possible Roles for U.N. Security Council in Addressing Climate Change*, New York, NY 2015, p. 5.

⁶⁹ Ibid.

objectives that the blocs aim to achieve, it should be possible to suggest an appropriate course of action.

First, the EU notes that support shall be required from a host of developing nations which are huge contributors to global carbon emissions. Prominently, this includes Brazil, India, and various Central Asian nations. In light of this, it becomes problematic to suggest that the UNSC should be vested with the power to decide on such a contentious issue. The aforesaid nations are not permanent members of the UNSC. Moreover, considering the issues which may arise with respect to decision-making at the UNSC, discussed at the end of the preceding section, it becomes even harder to justify decision-making at the UNSC.

However, *second*, it is also important to acknowledge that decision-making at summits like the UNFCCC and other climate conferences yield results at an extremely slow pace. This might not be sufficient to combat climate change effectively. However, this can be adequately tackled if climate considerations are pushed more heavily in international diplomacy, particularly with respect to trade. This would create the push required to align nations with climate-oriented objectives.

Finally, having a system which seems unrepresentative might also be problematic from an objective standpoint. For instance, the Brazilian Government has recently aligned itself with a policy of prioritizing “development” even at the cost of environmental problems. Countering such stances by nations which are important in the broader context of global climate policy would necessitate that they have the possibility of effectively engaging in diplomatic efforts in this respect. The UNSC, with its skewed representativeness, would be an inappropriate forum to foster such a discussion.

Furthermore, it is also important to consider that the United Nations Framework Convention on Climate Change (UNFCCC) is premised on the principle of equity and the CBDR principle. These require representative governance on climate policy. As such, they would be vitiated should an organ like the UNSC be endowed with the responsibility of legislating on global climate engagement, for the reasons listed above. A key element to consider here would be the argument that the UNSC might not really *legislate*, but simply mandate non-conforming states to abide by global climate policy. However, this would not suffice as adequate justification for two reasons:⁷⁰ *first*, such top-down policies are not readily accepted by nations for the reasons listed above, and a prime example of this was the failure of the Kyoto Protocol to meet its targets, and *second*, such a policy would not really justify utilizing the UNSC as it can easily be conducted through ordinary diplomatic conferences in a far more organic and productive manner.

In light of the above, the authors would argue against the current EU stance of greater orientation towards the UNSC having powers in this respect. As demonstrated, this is due not only to the issues that can arise if the UNSC is selected as the organ for decision-making, but also to the alternative (representative decision) being better

⁷⁰ S.V. Scott, Ch. Ku, *Climate Change...*

as a means of achieving the associated objectives of the EU. The achievement of these objectives, which include getting major developing nations on board, and aiding resource starved states which might otherwise devolve into conflict, are central to achieving meaningful global climate policy. As a result, it should follow that representative decision-making is the mode to be preferred for climate policy.

CONCLUSION

The authors have looked at the emerging scenario wherein climate change is now coming to be viewed as a danger to regional peace and security. It is true that for many countries, including India, the concern is whether the Security Council with its fractured mandate now is the right institution to deal with climate change, despite the security concerns that might be associated with the same. This is due to the unrepresentative nature of the organ, which is problematic on two fronts: *first*, it is not democratic, thereby violating the principle of sovereign equality, since climate policy would require global participation; and *second*, it would likely result in international backlash against policies which may be passed by the organ for the above reason. This would have a destabilizing impact on the progress of climate policy.

Therefore, diligently following through on the CBDR principle at democratic international conferences dedicated to climate action would seem most equitable under the present conditions. This is true for three reasons. *First*, as a strong case exists for having unequal burdens pertaining to climate policy being placed on nations, given the massive economic and industrial advantage that developed nations have over developing nations. *Second*, as such conferences are democratic in nature and therefore, more likely to witness participating and engagement from nations around the world. *Finally*, this would also ensure that the policies formulated at such events are adequately followed through by these nations. In conclusion, therefore, having representative caucuses on climate change, with national efforts towards implementing the same, remains the most appropriate method of addressing the issue of climate change in the present circumstances. There is now increased hope that such efforts can succeed, as governments, corporations, as well as institutions become increasingly aware of the existential threat that climate change would pose otherwise.

Ultimately, the problems posed by climate change emerge as complex issues involving claims of international inequity, the need for development, engagement with asymmetries in resource distribution, and the various ways in which these issues intersect with national interests. Engaging with them would require democratic participation, and the implementation of equitable principles. The success of such endeavors is contingent on the effectiveness and acceptability of forums for such discussion so that developing nations can also contribute meaningfully to regulations that shall impact them so deeply. Bereft of this, the security threats posed by climate change shall only get aggravated, resulting in a materialization of its potential to emerge as a security threat multiplier.

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