

Climate Change as a Threat to International Peace and Security?

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I. Introduction

Since 2007, the United Nations (UN) Security Council has debated the impact of climate change for international peace and security on several occasions.¹ Yet, to date, it has taken a rather cautious approach and classified climate change merely as a ‘threat multiplier’, meaning that climate change exacerbates the causes of conflict, and not as a direct ‘threat to the peace’ under Article 39 UN Charter (UNCh).²

This impulse argues that, from a doctrinal perspective, little would prevent the Security Council from going further and classifying climate change as a ‘threat to the peace’ under Art. 39 UNCh. The text, context, and recent practice by the Security Council regarding Art. 39 UNCh reveal that the understanding of a ‘threat to the peace’ has evolved over time and now goes beyond a military inter-state understanding, thus leaving room to encompass climate change as well. From a normative perspective, however, such a

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¹ See for these debates: UNSC Verbatim Record of 17 April 2007, S/PV.5663 and S/PV.5663 Resumption 1; UNSC Verbatim Record of 20 July 2011, S/PV.6587 and S/PV.6587 Resumption 1; UNSC Verbatim Record of 25 January 2019, S/PV.8451; UN Verbatim Record of 13 December 2021, S/PV.8926.

² In the 2011 and 2019 debates (n. 1), several states described climate change as a ‘threat multiplier’, but the Presidential Statement merely concluded that ‘[p]ossible adverse effects of climate change may, in the long run, aggravate certain existing threats to international peace’ (UNSC Presidential Statement 15 of 20 July 2011, S/PRST/2011/15).

‘securitisation’ carries significant risks. The question is therefore not whether the Security Council *can* act, but whether it *should*.

II. Climate Change as a ‘Threat to the Peace’ Under Art. 39 UN Charter?

Traditionally, the concept of a ‘threat to the peace’ under Art. 39 UNCh was associated with the situation’s potential to cause armed conflict between states.³ Yet, after the Cold War, the Security Council broadened its understanding of a ‘threat to the peace’ by including internal conflicts and unrests,⁴ and acknowledged that ‘non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security’.⁵ Most recently, it also linked global health crisis, including Ebola and COVID-19, to international peace and security.⁶ This suggests an increasingly broad and positive understanding of peace that encompasses conditions necessary for stable, conflict-free societies.

Against this backdrop, it is conceivable that the Security Council might also recognise the existence of a ‘threat to the peace’ in relation to climate change. While the existence of a direct causal link between climate change and armed conflict is far from clear,⁷ climate change undermines the structural conditions necessary for a lasting conflict-free society, for example, by intensifying migration and causing resource scarcity.⁸ In extreme scenarios, it may even threaten the existence of states due to sea-level rise.⁹ In doing so,

³ Hans Kelsen, *The Law of the United Nations* (Stevens 1951), 930; Erika de Wet, ‘Article 39’ in: Bruno Simma, Daniel-Erasmus Khan, Georg Nolte and Andreas Paulus (eds), *The Charter of the United Nations, A Commentary* (4th edn, Oxford University Press 2024), 1623–1654 (1628, para. 10); Erika de Wet, *The Chapter VII Powers of the United Nations Security Council* (Hart Publishing 2004), 138.

⁴ ‘[T]he practice of the Security Council is rich with cases of civil war or internal strife which it classified as a “threat to the peace” and dealt with under Chapter VII [...]’ (ICTY, *Prosecutor v. Tadic*, Appeal on Jurisdiction of 2 October 1995, 35 ILM 32, 42, para. 30).

⁵ UNSC Presidential Note of 31 January 1992, S/23500, para. 3.

⁶ UNSC Res 2177 of 18 September 2014, S/RES/2177 (regarding the Ebola outbreak in Africa); UNSC Res 2532 of 1 July 2020, S/RES/2532, preamble (on COVID-19).

⁷ Christine Gray, ‘Climate Change and the Law on the Use of Force’ in: Rosemary Rayfuse and Shirley V. Scott (eds), *International Law in the Era of Climate Change* (Edward Elgar Publishing 2012), 219–240 (219, 221–229).

⁸ Christopher K. Penny, ‘Climate Change as a “Threat to International Peace and Security”’ in: Shirley V. Scott and Charlotte Ku (eds), *Climate Change and the UN Security Council* (Edward Elgar Publishing 2018), 25–46 (31, 39–40).

⁹ Report of the Secretary-General, ‘Climate change and its possible security implications’ of 11 September 2009, A/64/350, para. 71.

climate change amounts to a factor that affects the stability, and even the existence, of certain states and societies, and thus poses a ‘threat to the peace’ in the broader sense.

Besides, the open-ended wording and context of Article 39 UNCh suggest that the Security Council has a wide margin of discretion in making its ‘determination’ under Art. 39 UNCh.¹⁰ In light of this, the Security Council may readily classify climate change as a threat to international peace and security.

It seems that the key hurdle to classifying climate change as a threat to peace is not legal, but political. While there is a broad recognition among states that climate change poses a threat to peace,¹¹ disagreement persists as to whether the Security Council is the appropriate institutional forum for addressing climate change,¹² and whether it has the legitimacy to do so.¹³

III. The Risks of Securitisation

Determining that climate change is a threat within the framework of Art. 39 UNCh would not necessarily be desirable from a normative perspective, as such a ‘securitisation’ carries significant risks and costs.¹⁴

First, an increasingly broad and positive interpretation of ‘threat to the peace’ means that essentially every global challenge may become a security issue.¹⁵ The concept of security would then risk losing its analytical and legal value, and degenerate the Security Council from a body that responds to

¹⁰ De Wet, ‘Article. 39’ (n. 3), para. 4 (on the context) and para. 49 (on the margin of discretion). For limits on the Council’s discretion: Anna Hood, ‘Ebola: A Threat to the Parameters of a Threat to the Peace?’, *Melbourne Journal of International Law* 16 (2015), 29–51 (31).

¹¹ See S/PV.8451 (n. 1), 12 (Germany), 13 (United Kingdom), 29 (Maldives), 35 (Lichtenstein), 46 (Portugal), 50 (Sri Lanka), 57 (Kenya), 66 (Morocco), 71 (Romania), 80 (Tuvalu), 83 (Mauritius).

¹² Against: UN Security Council, 8864th Meeting of 23 September 2021, S/PV.8864, at 20 (China) and at 17 (India).

¹³ See, for example, the statements by Bolivia (S/PV.5663 (n. 1), 26); see also the statements by the Russian Federation (S/PV.8451 (n. 1), 16), South Africa (23), and Bangladesh (55).

¹⁴ The Copenhagen School of Security Studies famously criticised the expansion of the security agenda under the term ‘securitisation’ (Barry Buzan and Ole Wæver, *Liberalism and Security: The Contradiction of the Liberal Leviathan* (April 1998). Copenhagen Peace Research Institute Working Paper 23, 29).

¹⁵ ‘[A]nything can be securitized and can be deemed worthy of securing or as posing a security risk’ (Avril McDonald and Hanna Brollowski, ‘Security’ in: Rüdiger Wolfrum (ed.), *MPEPIL* (online edn, Oxford University Press 2011), para. 21.

exceptional threats into a general crisis-managing organ. This would not only undermine its own efficiency, but that of the UN as a whole.¹⁶

Secondly, incorporating climate change into the framework of collective security ‘may lead to an overly militarised response’.¹⁷ Individual scholars have already discussed the possibility for states to invoke controversial doctrines – such as the ‘unwilling and unable’ doctrine, pre-emptive self-defence, or even the problematic concept of humanitarian intervention – to take far-reaching measures, potentially even military ones, against states that contribute the most to climate change.¹⁸ Of course, using force against major emitters may (still) seem rather far-fetched and dystopian.¹⁹ Yet, this is precisely the point: Once climate change is framed in the language of international security, there is a risk of opening ‘Pandora’s box’ and gradually normalising exceptional (military) interventions in other countries under the umbrella of environmental protection.²⁰

Thirdly, such a determination comes at high costs in terms of legitimacy and risks reinforcing power asymmetries in an area that disproportionately affects small and developing states. Admittedly, a determination under Art. 39 UNCh opens the door for the Council to make use of its ‘exceptional powers’ by adopting binding measures, which could arguably overcome enforcement and compliance problems faced by other bodies that are limited to adopting non-binding measures.²¹ However, these far-reaching powers make considerations of legitimacy especially relevant. As a body that reflects the post-war international order and grants its permanent members a veto-right, the Council is regularly criticised for its limited representativeness and legitimacy, which contributes to marginalising voices from the Global South.²² These concerns are particularly relevant in the context of climate change, which already affects small island developing states disproportionately. Several states explicitly warned that the securitisation of climate change risks undermining established principles, such as ‘common but differentiated

¹⁶ De Wet, ‘Article 39’ (n. 3), para. 50.

¹⁷ Monica Hakimi, ‘Climate Change: A Paradigm for Collective Security?’ in: Christian Marxsen and Anne Peters (eds), *Dialogues Issue V* (Cambridge University Press, *forthcoming*) (Draft on file with the author).

¹⁸ Craig Martin, ‘Atmospheric Intervention? The Climate Change Crisis and the Jus ad Bellum Regime’, *Colum. J. Envtl. L.* 45 (2020), 332–417 (381–399).

¹⁹ Eliana Cusato, ‘Of Violence and (In)visibility: The Securitisation of Climate Change in International Law’, *London Review of International Law* 10 (2022), 203–242 (234).

²⁰ Cusato (n. 19), 234.

²¹ Cusato (n. 19), 212.

²² Michael Wood, ‘United Nations, Security Council’ in: Rüdiger Wolfrum (ed.), *MPEPIL* (online edn, Oxford University Press 2007), para. 41.

responsibilities',²³ and may increase the influence of industrialised nations in the development of a non-transparent security agenda.²⁴

Lastly, it is questionable if the Security Council has both the scientific expertise and the institutional resources to address the long-term problem of climate change,²⁵ especially given the veto power of its permanent members which frequently paralyses the Council even when addressing 'traditional' security threats.²⁶

Against this backdrop, the legal possibility of classifying climate change as a 'threat to peace' under Article 39 UNCh does not necessarily come hand-in-hand with a normative reason for doing so. Given the risks and costs of this 'securitisation', the Security Council should exercise its discretion by refraining from classifying climate change as a threat to peace.

²³ See the remark by Egypt, S/PV.5663 (Resumption 1) (n. 1), 5. See also India, S/PV.5663 (Resumption 1) (n. 1), 21.

²⁴ See, e.g. Venezuela, S/PV.5663 (Resumption 1) (n. 1), 10-11.

²⁵ De Wet, 'Article 39' (n. 3), para. 50.

²⁶ Joyeeta Gupta and Hilmer Bosch, 'Climate Change and Security', in: Robin Geiß and Nils Melzer (eds), *The Oxford Handbook of the International Law on Global Security* (Oxford University Press 2021), 548-565 (558).

