

Climate Change and Armed Conflict Beyond the Crisis Paradigm

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The current debate on the inadequacy of existing international legal frameworks – such as *jus ad bellum*, international human rights law, and climate law – to address climate change is now well established. Nowhere is this inadequacy more visible than in the context of armed conflict. Military activities and war-related practices not only escape meaningful regulation under the international climate regime, but also generate significant greenhouse gas emissions and long-term environmental harm largely invisible within existing legal categories. This failure, however, is not merely technical; it reflects a deeper limitation embedded in international law itself.

International law has long been structured as a ‘law of crisis’,¹ focusing on responding to exceptional disruptive events focusing on responding to exceptional disruptive events – armed attacks, disasters, and humanitarian emergencies – through frameworks designed to manage rupture and restore order. Climate change, however, particularly in its interaction with armed conflict, is not fully captured by this prevailing logic. Rather, it manifests as an *environmental chronic emergency*, a notion recently articulated in the literature² building on the concept of ‘slow violence’.³

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¹ Hilary Charlesworth, ‘International Law: A Discipline of Crisis’, M. L. R. 65 (2002), 377–392 (382).

² Sara De Vido, Deborah Russo and Enzamaría Tramontana (eds), *Gendering International Legal Responses to Environmental Chronic Emergencies* (Edward Elgar Publishing 2026). See, in particular, Sara De Vido, ‘Feminist Legal Methods and Environmental Chronic Emergencies: Challenging the Anthropocentric and Androcentric International Legal System’, in: Sara De Vido, Deborah Russo and Enzamaría Tramontana (eds), *Gendering International Legal Responses to Environmental Chronic Emergencies*, 2–22.

³ Slow violence is a form of violence that unfolds gradually and out of sight, whose effects are dispersed across time and space, and which is therefore difficult even to perceive as violence; climate change is one such example. See Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Harvard University Press 2011), 2.

Environmental chronic emergencies refer to slow, cumulative, and often imperceptible processes of environmental degradation that precede, accompany, and outlast moments of acute crisis. Their effects accumulate over time, generating harm already underway yet often latent and underestimated. Such emergencies do not necessarily culminate in a single, spectacular disaster, but gradually erode environmental conditions, livelihoods, and rights over time and across generations. Because of their silent and structural character, they rarely trigger an autonomous legal response, becoming normatively visible only when they take on catastrophic forms.⁴

The lag between underlying ongoing degradation and its legal recognition, a defining feature of environmental chronic emergencies, is particularly problematic in the context of armed conflict.⁵ War is typically treated as an exceptional rupture, yet it is deeply embedded in long-term environmental degradation processes already underway.

In the context of armed conflict, this temporal dimension becomes particularly significant. Environmental harm linked to conflict does not begin and end with the immediacy of hostilities. Military infrastructures, weapons testing, resource exploitation, and ecosystem destruction both draw upon and intensify pre-existing environmental degradation processes, generating and amplifying effects that unfold over decades. Armed conflict, therefore, is not merely an event but also a process: both a product and a producer of environmental chronic emergencies.

This interdependence challenges the conventional framing of war within international law. Legal regimes governing armed conflict, particularly international humanitarian law, remain largely focused on the regulation of conduct during hostilities. While certain rules address environmental protection, they are tied to thresholds such as ‘widespread, long-term and severe damage’,⁶ thereby privileging extreme and exceptional harm. Similarly, international disaster law, even in its expanded engagement with slow-onset events such as drought, continues to emphasise response rather than prevention. As a result, the structural links between environmental degradation and conflict dynamics remain largely unaddressed.

The limitation, therefore, is not merely regulatory, but conceptual. International law continues to operate within a dichotomy between ‘normality’

⁴ For a more in-depth discussion, see De Vido, Russo and Tramontana (eds) (n. 2).

⁵ See also Eliana Cusato, *The Ecology of War and Peace: Marginalizing Slow and Structural Violence in International Law* (Cambridge University Press 2021), which offers a critical analysis of the relationship between international law, armed conflict, and the environment, highlighting the current shortcomings of international law in addressing forms of slow and structural violence, as well as the need for a ‘critical redescription’ of the problem.

⁶ See Art. 35 paras 3 and 55 Additional Protocol I to the 1949 Geneva Conventions.

and ‘exception’,⁷ treating armed conflict as a discrete event rather than as part of a *continuum* of environmental and socio-economic processes. This produces a form of ‘cultivated astigmatism’⁸ – a focus on episodic crises that obscures the underlying conditions from which they emerge.

Against this background, reframing climate change as a chronic environmental emergency allows for a rethinking of its relationship with war. Rather than asking how international law should respond to environmental damage caused by conflict, the question becomes how to rethink legal frameworks in light of the processes through which environmental degradation and conflict dynamics are intertwined, exceeding traditional legal categories.

This shift in perspective requires reorienting the focus of international law from moments of crisis to the processes that generate and sustain them,⁹ and reconfiguring the temporal horizon of legal responsibility. If climate-related harm associated with armed conflict cannot be confined to the timeframe of hostilities, but must be understood as embedded in processes of environmental degradation that precede, accompany, and follow conflict, then the tendency to conceptualise armed conflict itself as a temporally bounded and exceptional event becomes increasingly problematic. Although contemporary international law has largely moved beyond a strict dichotomy between war and peace, it continues in many respects to frame armed conflict through the logic of exceptionality, treating it as a distinct episode separated from the broader environmental and socio-economic processes in which it is embedded. Processes of environmental degradation intertwined with conflict dynamics cut across these temporal boundaries, rendering fragmented legal regimes based on discrete and temporally separated frameworks increasingly inadequate. Recognising the existence of this continuity is essential to overcome the structural blind spots of international law, which continue to produce a partial and discontinuous understanding of the underlying processes.

⁷ Deborah Russo, ‘Moving Beyond an Approach Based on Crisis and Disasters to Address Environmental Chronic Emergencies’, in: De Vido, Russo and Tramontana (eds) (n. 2), 23–41 (33, 41).

⁸ Michael Reisman and Andrew Willard (eds), *International Incidents: The Law that Counts in World Politics* (Princeton University Press 1988), 19.

⁹ This idea underlies the entire volume by De Vido, Russo and Tramontana (eds) (n. 2). See, in particular, Russo (n. 7), 41, which recalls the general need to reinterpret existing international duties and to reshape future legal strategies to confront the systemic and persistent character of environmental chronic emergencies and the structural factors sustaining environmental decline. In similar terms, see also Cusato (n. 5), 238–239, who emphasises the need to move beyond simplistic causal relationships and to focus on the underlying causes of environmental vulnerabilities.

In conclusion, the inadequacy of international law in addressing the climate-conflict nexus is not simply a matter of regulatory gaps. It reflects a deeper tension between legal categories and the temporal and structural nature of the phenomena at stake, which can only be overcome by recognising climate change not as a background condition, but as a constitutive element of contemporary conflict dynamics.