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Cusato, E.

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Of violence and (in)visibility: the securitisation of climate change in international law

Eliana Cusato*

Drawing upon critical security studies, I explore the political stakes involved in characterising climate change as a peace and security issue. I argue that international law is involved in the constitution and embedding of specific climate security discourses, which have an impact on whose violence is seen and, thus, condemned.

Il quinto dice non devi rubare
 E forse io l'ho rispettato
 Vuotando, in silenzio, le tasche già gonfie
 Di quelli che avevan rubato
 Ma io, senza legge, rubai in nome mio
 Quegli altri nel nome di Dio
 Ma io, senza legge, rubai in nome mio
 Quegli altri nel nome di Dio¹

‘In my frustration, I often wonder where we would be if the roles were reversed. What if the pollution coming from our island nations was

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1 Fabrizio De André, ‘Il testamento di Tito’, *La buona novella* (1970): ‘the fifth says thou shalt not steal / and perhaps it’s the one I have observed / emptying, in silence, the bulging pockets of those who had stolen before / but I, an outlaw, stole in my own name / those others in God’s name / but I, an outlaw, stole in my own name / those others in God’s name’ (author’s translation).

threatening the very existence of the major emitters? What would the nature of today's debate be under those circumstances?²

INTRODUCTION

Over the past few decades, climate change has been increasingly described as a peace and security issue. Although empirical evidence of the 'nexus' between climate change and conflict remains scarce and disagreements exist within the relevant literature, the argument that climate change may increase risks and vulnerabilities paving the way for instability has gained traction in domestic and international policy circles.³ In 2007, the UN Security Council held its first debate on the topic, while a 2009 report of the UN Secretary-General famously characterised climate change as a 'threat multiplier' that may exacerbate security threats caused by poverty, weak institutions, mismanagement of natural resources, and ethnic clashes.⁴ These developments need to be placed within a gradual expansion, since the 1980s, of the international peace and security agenda. While early studies focused on the 'scarcity' of natural resources as a factor for conflict,⁵ in more recent years scholars have added climate change to the repertoire of conflict drivers. Since then, analyses of the connection between climate change and conflict have multiplied, as exemplified by debates on the effects of global warming on the civil war in Syria and even on the rise of the Islamic State.⁶

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- 2 Statement made by the President of the Republic of Nauru during the UNSC Open Debate: 'Maintenance of International Peace and Security: The Impact of Climate Change' (20 July 2011) UN Docs S/PV.6587 and S/PV.6587 Resumption 1, 22.
 - 3 See, eg, NATO Climate Change and Security Action Plan (14 June 2021) <https://www.nato.int/cps/en/natohq/official_texts_185174.htm?selectedLocale=en>; S Schaller, K Schulz, and B Mosello, *Climate Change and Security: The Handbook* (Climate Diplomacy and German Federal Foreign Office 2020); A Day and J Caus, *Conflict Prevention in an Era of Climate Change: Adapting the UN to Climate-Security Risks* (United Nations University 2019). See also K Davies, T Riddell, and J Scheffran, 'Preventing a Warming War: Protection of the Environment and Reducing Climate Conflict Risk as a Challenge of International Law' (2020) 10 *Goettingen Journal of International Law* 307, providing an overview of different international/regional/domestic policy initiatives based on the understanding of climate change as peace and security issue.
 - 4 'Climate Change and its Possible Security Implications: Report of the Secretary-General' (11 September 2009) UN Doc A/64/350.
 - 5 See T Homer-Dixon, 'Environmental Scarcity, Mass Violence, and the Limits to Ingenuity' (1996) 95 *Current History* 359; T Homer-Dixon, *Environment, Scarcity and Violence* (Princeton University Press 1999).
 - 6 See P Gleick, 'Water, Drought, Climate Change, and Conflict in Syria' (2014) 6 *Weather, Climate and Society* 331; C Kelley et al, 'Climate Change in the Fertile Crescent and the Implications of the Recent Syrian Drought' (2015) 112 *Proceedings of the National Academy of Sciences* 3241; KA

Concerns about ‘climate security’ have fed into international law, and scholars have begun to explore the implications for the international legal order. In a familiar routine of legal debates, and often adopting a pragmatic approach,⁷ arguments have been made *inter alia* to broaden the remit of the Security Council over the alleged security ‘threats’ posed by climate change.⁸ And whereas a few commentators have called attention to the unintended consequences that might follow from such efforts, notably a dangerous expansion of the law on the use of force,⁹ most international lawyers seems to have faith in the capacity of the international security architecture to make a contribution to climate governance.¹⁰ The argument that ‘[f]raming climate change as a security issue gives climate change an urgency and profile that it has not generally been able to command as ‘merely’ an environmental and/or development issue’¹¹ reflects dominant assumptions within the field. Fearful representations of climate change and an alarmist rhetoric associated with its dire consequences have, admittedly, influenced current legal discussions and the call for stronger actions in response to the unfolding climate and ecological ‘crisis’.¹²

This article intervenes in this emerging field, while pausing and taking a step back. Linking climate change and security entails a set of assumptions

Berkell, ‘How Climate Change Helped ISIS’ (29 September 2014) *Huffington Post* <https://www.huffpost.com/entry/how-climate-change-helped_b_5903170>.

- 7 A Murphy, ‘The United Nations Security Council and Climate Change: Mapping a Pragmatic Pathway to Intervention’ (2019) 19 *Carbon and Climate Law Review* 50.
- 8 See, eg, S Scott and C Ku (eds), *Climate Change and the UN Security Council* (Edward Elgar 2018); K Davies and T Riddell, ‘“The Warming War”: How Climate Change is Creating Threats to International Peace and Security’ (2017) 30 *Georgetown Environmental Law Review* 47; S Scott, ‘Implications of Climate Change for the UN Security Council’ (2015) 91 *International Affairs* 1317; C Gray, ‘Climate Change and the Law on the Use of Force’ in S Scott and R Rayfuse (eds), *International Law in the Era of Climate Change* (Edward Elgar 2012); CK Penny, ‘Greening the Security Council: Climate Change as an Emerging “Threat to International Peace and Security”’ (2007) 7 *International Environmental Agreements: Politics, Law and Economics* 35. But see B Saul, ‘Climate Change, Conflict and Security: International Law Challenges’ (2009) 9 *New Zealand Armed Forces Law Review* 1, arguing that other areas of international law (eg, international economic law, the law of the sea) may offer more promising prospects for responding to the security challenges by enabling a more systemic response.
- 9 C Martin, ‘Atmospheric Intervention? The Climate Change Crisis and the Jus ad Bellum Regime’ (2020) 45 *Columbia Journal of Environmental Law* 331.
- 10 Of course, while discussing the legitimacy of the UNSC in considering climate-related issues and identifying a series of options for its action, these interventions often recognise that the current Council’s politics undermine the likelihood of the adoption by the UNSC of a strong stance on climate change.
- 11 See, eg, S Scott and C Ku, ‘Conclusion: A Climate Change Role for the Council?’ in Scott and Ku (n 8).
- 12 A Bianchi and A Saab, ‘Fear and International Law-Making: An Exploratory Inquiry’ (2019) 32 *Leiden Journal of International Law* 351, 352–3 and references cited therein.

about who is to be secured and from what. What's the nature of the security 'threat' posed by climate change? Whose security are we trying to protect? Against which risks? Emanating from where? These are foundational questions with important normative implications. And yet, until now, they have received very little attention in international legal scholarship.¹³ By contrast, the representation of climate change as a security issue has been the object of heightened debate in international relations theory. This article draws upon critical security studies¹⁴ to illuminate the stakes involved in the 'securitisation' of climate change¹⁵ and in efforts to assert the authority of the Security Council over it.¹⁶ This literature has highlighted the contested nature of 'climate security' and how the latter should be understood as a 'site of contestation between different actors articulating different security discourses'.¹⁷ Recognising that the international law of peace and security is a vocabulary of governance, with

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- 13 One exception is a recent article by J Benton Heath, 'Making Sense of Security' (2021) 116 *American Journal of International Law* 289. While the author's broader argument appears quite similar to my own, there are some key differences. The author is primarily concerned about how international law shapes the question of whose knowledge matters in the security field, dealing, in other words, with issues of expertise and epistemic authority. Furthermore, the author uses climate change as an example to illustrate the political dynamics underpinning security claims, dealing with disparate issues from drug trafficking to nuclear weapons, to security exceptions in international trade law. By contrast, I focus on climate security alone.
- 14 See, eg, M McDonald, *Ecological Security: Climate Change and the Construction of Security* (Cambridge University Press 2021); M McDonald, 'Climate Change and Security: Toward Ecological Security?' (2018) 10 *International Theory* 153; M McDonald, 'Discourses of Climate Security' (2013) 33 *Political Geography* 42; R Floyd, *Security and the Environment: Securitisation Theory and US Environmental Security Policy* (Cambridge University Press 2010); F von Lucke, Z Wellmann, and T Diez, 'What's at Stake in Securitising Climate Change? Towards a Differentiated Approach' (2014) 19 *Geopolitics* 857.
- 15 The term 'securitisation' is, as known, developed by the Copenhagen School of Security Studies to emphasise the politics involved in framing peculiar issues as security threats. While securitisation theories have inspired much work on the construction of climate change as a security concern, other scholars have developed the opposite concept of 'climatisation' of security. Derived from the concept of 'environmentalisation', climatisation describes the 'process in which climate change increasingly becomes the dominant frame through which other issues and forms of global governance are mediated and hierarchized'. On this point, see L Maertens, 'Climatizing the UN Security Council' (2021) 58 *International Politics* 640, 641 and 643. See also A Oels, 'From "Securitization" of Climate Change to "Climatization" of the Security Field: Comparing Three Theoretical Perspectives' in J Scheffran, M Brzoska, HG Brauch, PM Link, J Schilling (eds), *Climate Change, Human Security and Violent Conflict* (Springer 2012).
- 16 Political scientists have also warned about the risks of depoliticisation and militarisation that could follow from the UNSC's engagement with climate politics. See, eg, Maertens (n 15); M Louis and L Maertens, *Why International Organizations Hate Politics: Depoliticizing the World* (Routledge 2021); T Ide, 'The Dark Side of Environmental Peacebuilding' (2020) 127 *World Development* 104777.
- 17 McDonald 'Climate Change and Security' (n 14) 173.

the capacity to redistribute power and resources,¹⁸ a question arises as to which climate security discourse will prevail in the international order, one which assumes specific legal connotations.

Can approaching the climate-security relationship through the lens of international law offer a distinct contribution to debates in critical security studies? Do legal arguments have a specific role in successfully securitising climate change? If so, what understandings of climate security does international law promote?¹⁹ In what ways? In engaging with these questions, this article builds upon critical readings of the law and patterns of climate injustice that articulate counter-narratives against a flattening notion of ‘humanity’ as culprit or victim of climate change.²⁰ As put eloquently by Humphreys, those most vulnerable to climate change today are those ‘who have been on the wrong end of colonial history, or who have been globalization’s losers, or who have suffered neglect, exclusion or simple rapacity at the hands of their own governments’.²¹ These positions provide a different angle to interrogate the language of climate security and its relationship to international law, as a way to reflect on the latter’s alliance with a specific system of values. Further, reflecting on the assumptions implicit in the concept of ‘climate security’ is the starting point to think in new ways about what ‘peace’ and ‘security’ mean in the current geological epoch, the Anthropocene.²² The artificial habitat that has

18 As Koskenniemi puts it, ‘law constructs its own field of application as it goes along, through a normative language that highlights some aspects of the world while leaving other aspects in the dark’. M Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge University Press 2005) 570.

19 International law is understood here as a normative regime, institutional practice, and discipline, which of course, does not exist independently of the discourse that represents it. Many thanks to one of the anonymous reviewers for drawing attention to such an important point.

20 See, eg, U Natarajan, ‘Environmental Justice in the Global South’ in S Atapattu, C Gonzalez and S Seck (eds), *The Cambridge Handbook of Environmental Justice and Sustainable Development* (Cambridge University Press 2021); C Gonzalez, ‘Climate Change, Race and Migration’ (2020) 1 *Journal of Law and Political Economy* 109; J Dehm, ‘Reflections on Paris: Thoughts Towards a Critical Approach to Climate Law’ (2018) 1 *Revue Québécoise de Droit International* 61; J Dehm, ‘Post Paris Reflections: Fossil Fuels, Human Rights, and the Need to Excavate New Ideas for Climate Justice’ (2017) 8 *Journal of Human Rights and the Environment* 280; J Dehm, ‘Carbon Colonialism or Climate Justice? Interrogating the International Climate Regime from a TWAIL Perspective’ (2016) 33 *Windsor Yearbook of Access to Justice* 129; U Baxi, ‘Towards a Climate Change Justice Theory?’ (2016) 7 *Journal of Human Rights and the Environment* 7.

21 S Humphreys, ‘Climate Justice: The Claim of the Past’ (2014) 5 *Journal of Human Rights and the Environment* 134, 138.

22 I recognise the problematic character of the concept of the ‘Anthropocene’. Particularly relevant is the critique of the ‘Anthropocene’ for reducing humanity to an abstraction, a homogenous unit, or ‘collective actor’, and thus failing to consider how inequality, commodification, patriarchy, and racial subordination have shaped historically humans’ relationship with nature. On this point, see, eg, JW Moore, *Capitalism in the Web of Life* (Verso 2015) especially ch 7. In legal literature, see A Gear, ‘Deconstructing Anthropos: A Critical Legal Reflection on “Anthropocentric” Law and

been constructed by ‘humanity’ seems the appropriate context to ponder the limitations of orthodox security discourses and their legal dimensions.²³

Section 2 starts by reviewing current international law debates on climate change and its peace and security dimensions. It contends that, in the rush to provide ‘solutions’ to the climate ‘crisis’, present legal analyses have under-theorised the discursive paradigm(s) at the heart of climate security and efforts to broaden the Security Council’s mandate. Section 3 builds upon theories about the securitisation of climate change to consider how national, human, and collective security discourses have been invoked to support reactionary and, occasionally, emancipatory climate agendas. While affluent countries and Small Islands Developing States (SIDS) have both embraced the vocabulary of climate security, I suggest that their claims indicate very different understandings of the security ‘threat’ and the measures needed to address it. Attention to the arguments advanced by the Global South in the context of Security Council debates also reveals how dominant meanings of climate security are consolidated and contested through institutional practices.²⁴ Although I agree that the securitisation of climate change remains an ambivalent normative process,²⁵ my argument goes further than that. I maintain that international lawyers are involved in the constitution and embedding of specific climate security discourses, which have an impact on whose suffering is seen and whose violence is condemned. Section 4 considers the legal reproduction of (i) problematic assumptions about the origins of the threat to the international order

Anthropocene “Humanity” (2015) 26 *Law and Critique* 225; see also K Birrell and D Matthews, ‘Laws for the Anthropocene: Orientations, Encounters, Imaginaries’ (2020) 31 *Law and Critique* 233.

23 S Dalby, ‘Ecology, Security, and Change in the Anthropocene’ (2007) 13 *Brown Journal of World Affairs* 155.

24 UNSC ‘5663rd Meeting, Open Debate: Energy, Security and Climate’ (17 April 2007) UN Docs S/PV.5663 and S/PV.5663 Resumption 1 (‘2007 Open Debate’); UNSC ‘6587th Meeting, Open Debate: Maintenance of International Peace and Security: The Impact of Climate Change’ (20 July 2011) UN Docs S/PV.6587 and S/PV.6587 Resumption 1 (‘2011 Open Debate’); UNSC, ‘8307th Meeting, Open Debate: Understanding and Addressing Climate-Related Security Risks’ (11 July 2018) UN Doc S/PV.8307 (‘2018 Open Debate’); UNSC, ‘8451st Meeting, Open Debate: Addressing the Impacts of Climate-Related Disasters on International Peace and Security’ (25 January 2019) UN Doc S/PV.8451; UNSC, ‘8748th Meeting, Open Debate: Climate and Security’ (14 July 2020) UN Doc S/PV.8748. In February 2021, the UNSC convened a high-level open debate on ‘Maintenance of international peace and security: Climate and security’ held under the UK’s presidency. The Security Council also held a high-level open debate on the ‘Maintenance of International Peace and Security: Climate and Security’ in September 2021. In addition to open debates, several countries hosted ‘Arria formula’ debates on the security implications of global warming, notably in 2013, 2015 and 2017. For an updated list of the initiatives taken so far by the UNSC, see Climate Security Expert Network, ‘Climate Security at the UNSC – A Short History’ <<https://climate-security-expert-network.org/unsc-engagement>>.

25 See eg Benton Heath (n 13).

posed by climate change; and (ii) an artificial separation between humanity, nature, and economic processes that masks privilege and vulnerability. In reflecting on the distributive consequences of climate security discourses, the article probes legal scholars to ask different questions in order to inspire alternative engagements with the law and politics of climate security.

DÉJÀ VU: CLIMATE CHANGE AND THE UN SECURITY COUNCIL

As is well known, over the past few decades, the Security Council has been expanding its ‘primary responsibility for the maintenance of international peace and security’ by affirming its authority over a variety of issues, such as human rights violations, gendered violence, humanitarian disasters, illicit trade in natural resources, and infectious diseases.²⁶ The trend to broaden the mandate and powers of the UNSC to address ‘non-traditional’ security threats to peace and security can be traced back to the end of the Cold War.²⁷ In 1992, the President of the Security Council declared in a famous quote that ‘[t]he absence of war and military conflicts amongst States does not in itself ensure international peace and security. [N]on-military sources of instability in economic, social, humanitarian and ecological fields’ can also constitute threats to international peace and security.²⁸ The most recent example of this expansive trend is Resolution 2532/2020 recognising that the unprecedented extent of the novel coronavirus pandemic ‘is likely to *endanger* the maintenance of international peace and security’.²⁹ For many commentators,

26 For some early examples, see UNSC Res 688 (5 April 1991) UN Doc S/RES/688 on northern Iraq which found that the danger of large refugee flows across the borders constitute a threat to the peace; UNSC Res 794 (3 December 1992) UN Doc S/RES/794 on Somalia, in which the Security Council characterised ‘the magnitude of the human tragedy caused by the conflict in Somalia’ as a ‘threat to international peace and security’; and UNSC Res 1529 (29 February 2004) UN Doc S/RES/1529 finding that the situation in Haiti constitutes a threat to international peace and security, and to stability in the Caribbean. In addition to dealing with ‘unconventional’ security concerns in country-specific situations, the Security Council has adopted ‘thematic’ resolutions on different issues. For instance, see UNSC Res 1325 (31 October 2000) UN Doc S/RES/1325 on Women Peace and Security; UNSC Res 1983 (7 June 2011) UN Doc S/RES/1983 on the HIV/AIDS epidemic; UNSC Res 2068 (19 September 2012) UN Doc S/RES/2068 on children and armed conflict; UNSC Res 2388 (21 November 2017) UN Doc S/RES/2388 on human trafficking.

27 See UN Secretary-General, ‘An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping’, (17 June 1992) UN Doc S/24111; High Level Panel on Threats, Challenges and Change, ‘A More Secure World: Our Shared Responsibility’ (2 December 2004) UN Doc A/59/565; UN Secretary-General, ‘In Larger Freedom: Towards Development, Security and Human Rights for All’ (21 March 2005) UN Doc A/59/2005.

28 See UNSC Presidential Statement (31 January 1992) UN Doc S/23500.

29 UNSC Res 2532 (1 July 2020) UN Doc S/RES/2532. The Resolution also ‘[d]emand[ed] a general and immediate cessation of hostilities in all situations on its agenda’ (para. 1) and ‘call[ed] upon

understanding the COVID-19 pandemic as an international peace and security issue is plausible and legally sound.³⁰ Some have even criticised the Council's 'secondary role' in dealing with the pandemic, arguing that Resolution 2352 was a 'missed opportunity' for the adoption of more coercive actions.³¹

Indeed, much of the legal scholarship produced since the end of the Cold War has celebrated the 'revitalisation' of the Security Council and its ability to respond to 'new' threats to peace and security as a proof of progress towards a more stable international order.³² According to Orford, Security Council actions are presented by mainstream international security lawyers as a 'necessary and desirable means to manage and contain the crisis of disorder facing the world'.³³ Of course, critical voices have warned against the expansion of the international peace and security agenda. Feminist legal scholars have, notably, criticised the broadening of the UNSC's remit and shown the limits of the collective security discourse, which may be deployed to authorise the use of force as an enforcement mechanism, without addressing the structural conditions of violence and insecurity.³⁴ In this context, the argument that the

all parties to armed conflicts to engage immediately in a durable humanitarian pause for at least 90 consecutive days' (para. 2). The Resolution builds upon the UNSC's response to the Ebola outbreak in West Africa, which UNSC Res 2177 (18 September 2014) UN Doc S/RES/2177 characterised as a 'threat to international peace and security'. For a critique of the UNSC approach to Ebola, arguing that the Council's determination of a threat to the peace is beginning to resemble the Copenhagen School's theory on securitisation, see A Hood, 'Ebola: A Threat to the Parameters of a Threat to the Peace?' (2015) 16 *Melbourne Journal of International Law* 29.

30 M Svicevic, 'COVID-19 as a Threat to International Peace and Security: What Place for the UN Security Council?' (27 March 2020) *EJIL:Talk!* <<https://www.ejiltalk.org/covid-19-as-a-threat-to-international-peace-and-security-what-place-for-the-un-security-council/>>.

31 IR Pavone, 'Security Council Resolution 2532 (2020) on COVID-19 A Missed Opportunity?' (2021) 9(5) *ESIL Reflections* <<https://esil-sedi.eu/esil-reflections-covid-19-series-security-council-resolution-2532-2020-on-covid-19-a-missed-opportunity/>>. E Pobjie, 'Covid-19 as a Threat to International Peace and Security: The Role of the UN Security Council in Addressing the Pandemic' (27 July 2020) *EJIL:Talk!* <<https://www.ejiltalk.org/covid-19-as-a-threat-to-international-peace-and-security-the-role-of-the-un-security-council-in-addressing-the-pandemic/>>. For a critique of the war discourse in the context of COVID-19, see E Cusato, 'Beyond War Narratives: Laying Bare the Structural Violence of the Pandemic' in MM Mbengue and J D'Aspremont (eds), *Crisis Narratives in International Law* (Brill, 2021).

32 For some references to this scholarship and a critique thereof, see A Orford, 'The Politics of Collective Security' (1996) 17 *Michigan Journal of International Law* 373.

33 *ibid* 400.

34 See, eg, G Heathcote, 'Women and Children and Elephants as Justification for Force' (2017) 4 *Journal on the Use of Force and International Law* 66; D Otto and G Heathcote (eds), *Rethinking Peacekeeping, Gender Equality and Collective Security* (Springer 2014); D Otto, 'The Security Council's Alliance of Gender Legitimacy' in H Charlesworth and J Coicaud (eds), *Fault Lines of International Legitimacy* (Cambridge University Press 2010). For a different critique of the extension of Security Council power through legislation, as a new form of colonial-style imperialism, where the concept of international security may justify the extension of western sovereign power

Security Council should assert its authority over the climate ‘crisis’ has gained ascendance in recent years.³⁵

The Council held a first meeting to discuss the linkages between climate change and security in 2007, which was followed by open debates in 2011, 2018, 2019, 2020, and 2021.³⁶ In connection with the second debate, the Council issued a presidential statement expressing concern ‘that possible adverse effects of climate change may, in the long run, aggravate certain existing threats to international peace and security’.³⁷ The security dimensions of climate change have also been discussed within country-specific and regional contexts. For instance, in March 2017, UNSC members adopted a resolution on the situation in the Lake Chad Basin, which made reference to ‘the adverse effects of climate change and ecological changes among other factors on the stability of the Region, including through water scarcity, drought, desertification, land degradation, and food insecurity [...]’.³⁸

There is a sense in the legal field that the institution should not miss out the opportunity to respond to one of the greatest challenges facing the international community. Davies and Riddell maintain that the effects of climate change ‘have situated the planet in an era of the Warming War’, a term they coin to describe ‘the planetary threats to global security posed by the warming climate which is the result of the impacts of climate change’.³⁹ They further contend that ‘understanding climate change as a threat to international peace and security and as a driver for conflict may serve to accelerate a much needed, rapid response to address the dangers of climate change’.⁴⁰ Thus, the securitisation of climate change and the assertion of Security Council authority over

against ‘rogue states’, see A Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press 2005) 273–309.

35 See, eg, M Nevitt, ‘Is Climate Change a Threat to International Peace and Security?’ (2021) 42 *Michigan Journal of International Law* 527.

36 See above n 24. In December 2021, a thematic resolution requesting the UN Secretary General to systematically integrate climate-related security risks into the UN’s conflict prevention, conflict management and peacebuilding agenda was put to a vote in the UNSC. The draft was co-sponsored by Council President Niger and Ireland. In a recorded vote of 12 in favour to 2 against (India, Russian Federation), with 1 abstention (China), the Council, acting under Chapter VII of the Charter, rejected the draft owing to the negative vote by a permanent member. See United Nations, ‘Security Council Fails to Adopt Resolution Integrating Climate-Related Security Risk into Conflict-Prevention Strategies’ (13 December 2021) <<https://www.un.org/press/en/2021/sc14732.doc.htm>>.

37 SC Presidential Statement (20 July 2011) UN Doc S/PRST/2011/15.

38 See SC Res 2349 (31 March 2017) UN Doc S/RES/2349 para. 26. The UNSC has included references to climate security risks also in resolutions related to Somalia, Darfur, West Africa and the Sahel, and Mali. See, eg, SC Presidential Statement (30 January 2018) UN Doc S/PRST/2018/3.

39 See Davies and Riddell (n 8) 48.

40 *ibid* 50.

it are seen by some legal scholars as a strategy to foster climate action. This dynamic is well known to political scientists. Indeed, '[b]ecause of its prioritization imperative, securitization [...] has tactical attractions – for example, as a way to obtain sufficient attention for environmental problems'.⁴¹ Legal arguments in support of Security Council authority hence reflect a sense of frustration for the perceived lack of 'teeth' of other legal regimes dealing with climate change, mostly notably the 2015 Paris Agreement.⁴² Faced with the challenges posed by the 'softness' of international environmental law, legal commentators see in the Security Council an avenue to compel the discontinuation of environmentally harmful behaviour.

In addition to crafting legal arguments in support of UNSC interventions, legal scholars have mapped the range of potential responses that the institution may adopt.⁴³ The possibility for the UNSC to address 'endangerments' to international peace and security posed by climate change pursuant to Chapter VI is considered by the literature as a less problematic option, given that these measures would require the consent of the host state.⁴⁴ The option of the UNSC taking actions pursuant to Chapter VII of the UN Charter is more controversial, but not inconceivable, according to some commentators.⁴⁵ To trigger UNSC involvement under Chapter VII, the Council must determine that a specific situation represents a 'threat to the peace, breach of the peace or act of aggression'.⁴⁶ As is well known, the concept of 'threat to the peace' has been broadened considerably through the practice of the Security Council and, as such, it is not considered, by these scholars, as an obstacle to its ability to legally act in response to threats posed by climate change, whether or not directly associated with conflict.⁴⁷

41 See B Buzan, O Wæver, and J De Wilde, *Security: A New Framework for Analysis* (Lynne Rienner 1998) 29.

42 See, eg, Davies, Riddell, and Scheffran (n 3) 341–42.

43 See S Scott, 'Implications of Climate Change for the UN Security Council: Mapping the Range of Potential Policy Responses' (2015) 91 *International Affairs* 1317.

44 Within this context, scholars have suggested, for instance, incorporating climate change into existing UN peace missions on the basis of the increasingly popular argument that good environmental governance is an essential component of a long-lasting peace. See generally C Bruch, C Muffett, S Nichols (eds), *Governance, Natural Resources, and Post-Conflict Peacebuilding* (Routledge 2016). For a critique, see Ide (n 16).

45 See, eg, Davies, Riddell, and Scheffran (n 3) 334–5; CK Penny, 'Climate Change as a "Threat to International Peace and Security"' in Scott and Ku (n 8); A Knight, 'Global Environmental Threats, Can the Security Council Protect Our Earth?' (2005) 80 *New York University Law Review* 1549.

46 *UN Charter* art 39.

47 Penny (n 45). For a critique of the expansion of the UNSC Chapter VII mandate, see Hood (n 29).

The next question that has spurred the legal imagination is what measures ‘to maintain or restore international peace and security’ may be taken to respond to the ‘threats’ posed by climate change. Here scholars have discussed the possibility for the Council to impose ‘provisional measures’, followed by sanctions. Voigt, among others, highlights the potential of imposing sanctions on states with high greenhouse gas emissions with the aim of forcing them into negotiating international instruments or compliance with their obligations under treaty or customary international law.⁴⁸ Commentators have further noted that the UNSC could adopt ‘legislative’ resolutions that require all states to take certain actions to address global security threats.⁴⁹ As done in the past in relation to terrorism and proliferation of nuclear weapons, states could be required by the Security Council to pass domestic legislation to reduce their carbon footprint.⁵⁰ Based on the UNSC’s authority to establish subsidiary organs and delegate to them Chapter VII functions,⁵¹ scholars have suggested the creation of an international environmental court to address climate change and environmental crimes, an idea that seems to never lose its appeal.⁵²

Lastly, it has been discussed whether the Security Council could authorise member states to use force to maintain or restore international peace and security. However, even those supporting the expansion of Security Council authority over the climate ‘crisis’ seem to agree that military intervention would be an inappropriate response.⁵³ The adverse impacts of the use of force (including upon the environment) would in fact outweigh any advantage of considering a particular scenario as a matter of collective security. Furthermore, most authors acknowledge that the political will to support such measures may be lacking. Yet, while often dismissed for being far-fetched, arguments in favour of ecological interventions should not be taken lightly.⁵⁴

48 C Voigt, ‘Security in a “Warming World”: Competences of the UN Security Council for Preventing Dangerous Climate Change’ in CM Bailliet (ed), *Security: A Multidisciplinary Normative Approach* (Brill 2009) 307–8. The possibility of sanctioning polluting entities, such as multinational corporations that have a high carbon footprint, has also been suggested by scholars. See S Sindico and M Orme, ‘Climate Change and Economic Measures: One Assumption and One Scenario Too Many?’ in Ku and Scott (n 8).

49 Scott (n 43) 1323.

50 Voigt (n 48) 308–9.

51 *UN Charter* arts 7(2) and 29.

52 See, eg, S Scott, PJ Keenan and C Ku, ‘The Creation of a Climate Change Court or Tribunal’ in Scott and Ku (n 8).

53 See generally Knight (n 45).

54 See, eg, R Eckersley, ‘Ecological Intervention: Prospects and Limits’ (2007) 21 *Ethics and International Affairs* 293.

Not because they may be invoked to justify the use of force against climate rogue states. As I will further contend in Section 4.1, once climate change starts to be framed as a ‘threat to the peace’, there is a risk of reinforcing troubling assumptions about the origins of the climate ‘crisis’, which may displace responsibility and legitimise militarised (or at least coercive) approaches to it. Before examining the dark sides of climate security and its relationship to international law, the next section unpacks the concept and reflects on the nature of the ‘threat’ to the international order posed by climate change by considering the competing interests and values underlying the construction of the ‘nexus’ between climate change and security.

THE BATTLE TO FRAME CLIMATE SECURITY: MALLEABLE AND COMPETING DISCOURSES

Security, as political scholars have noted, is an indeterminate concept, whose power derives from the way that it combines fundamental ambiguity with a sense of heightened urgency.⁵⁵ The concept of ‘security’ has been subject to constant redefinition and reinterpretation, especially following the end of the Cold War. Since then, traditional notions of security focusing on military threats to the integrity of the state started to be seen as ineffective in confronting ‘new’ global threats emanating from the economic, social, and environmental fields.⁵⁶ The ideas of environmental and human security rose to prominence in the same period to complement old-fashioned state-centric understandings of security.

The broadening of the security agenda has been famously criticised by the Copenhagen School of Security Studies, which introduced the concept of ‘securitisation’.⁵⁷ The latter indicates the discursive process (speech act) through which a particular issue is represented as an existential threat legitimising ‘emergency’ measures and suspending ‘normal politics’.⁵⁸ Although this logic is more akin to national security discourses, attempts to broaden the security

55 See B Buzan, *People, State, and Fear* (2nd edn, European Consortium for Political Research Press 2016), 29–32.

56 BO Magsig, ‘Water Security: A Litmus Test for International Law’ (2020) 29 *Review of European, Comparative & International Environmental Law* 44, 46.

57 See Buzan, Wæver, and De Wilde (n 41). See also Hood (n 29).

58 von Lucke, Wellman and Diez (n 14) 859; M McDonald, ‘Securitisation and the Construction of Security’ (2008) 14 *European Journal of International Relations* 563, 567. This logic is, according to Trombetta, borrowed from the Schmittian understanding of the political. On this point see MG Trombetta, ‘Environmental Security and Climate Change: Analysing the Discourse’ (2008) 21 *Cambridge Review of International Affairs* 585, 588.

agenda resulted, according to the Copenhagen School, in the spreading of this rationality to other fields, including the environment. Buzan and Waever warned that ‘when considering securitizing moves such as “environmental security” [...] one has to weigh the always problematic side effects of applying a mind-set of security against the possible advantages of focus, attention, and mobilization.’⁵⁹

While the Copenhagen School approach to securitisation has been challenged by subsequent studies for its focus on dominant actors,⁶⁰ some scholars have argued that climate change has undergone a process of securitisation in recent years.⁶¹ However, as Matt McDonald puts it, it is difficult to grasp what ‘security’ means in this context, as there are different ways of understanding the climate-security relationship.⁶² Critical security literature has mapped a variety of climate security discourses, which are useful to contextualise claims made by different actors and the political choices underpinning them, as well their legal effects. Building upon this work, this section explores three discourses of climate security that have become popular in international circles: the national, human, and collective security discourses.

The three conceptions of security are not to be understood as rigid categories, given the synergies between them. Nonetheless, mapping the different climate security discourses has both a diagnostic and a prognostic value. First, it makes visible the assumptions about whose security is at stake, against what kinds of threat. Second, it allows consideration of the impact of climate-security discourse on subsequent policies and responses—including legal ones—to counter these threat(s). Indeed, different framings of the relationship between climate change and security may legitimise some discrete practices, institutions, actors, while dismissing others.⁶³ The following sub-sections shows how the concept of climate security has been invoked and enacted by actors with very different political agendas, namely Small Islands Developing States, on the one hand, and large greenhouse gas emitters, on the other. At the same time, the different claims of these actors indicate very different understandings of the nature of the threat posed by climate change, and the

59 B Buzan and O Waever, ‘Liberalism and Security: The Contradiction of the Liberal Leviathan’ (Working Paper 23, Copenhagen Peace Research Institute, 1998) 29.

60 See generally McDonald (n 58).

61 See, eg, F von Lucke, *The Securitisation of Climate Change and the Governmentalisation of Security* (Palgrave MacMillan 2020); J Gupta and H Bosch, ‘Climate Change and Security’, in R Geiß and N Meltzer (eds), *The Oxford Handbook of the International Law of Global Security* (Oxford University Press 2021).

62 McDonald, ‘Discourses of Climate Security’ (n 14) 42.

63 See generally Benton Heath (n 13).

measures needed to address it. Hence, it is important to reflect on the mechanisms through which certain security discourses become dominant in particular spatial and temporal contexts, while other get dismissed.⁶⁴ Arguably, not all climate security discourses have the same capacity to shape perceptions and actions at the global level. Which discourses are more persuasive and why? That is where international law enters the picture, by providing legitimacy for certain discourses at the expense of others—a point to which I shall return in Section 4.

A. National security

The first, most traditional, discourse conceptualises climate change as a threat to national security. This discourse focuses on the state or a geographical region as the object of protection. It builds upon a neo-Malthusian environment-conflict ‘nexus’ to suggest the possibility of violent unrest and even civil wars stemming from scarcity of natural resources due to climate change.⁶⁵ The discourse suggests the need for extraordinary measures to counter the ‘threats’ posed by large scale climate-induced migration or even terrorism, which may involve political or military interventions to stabilise countries that are most ‘vulnerable’ to those threats—often countries in the Global South.⁶⁶

In the past few decades, this discourse has been invoked by a number of governments, which have started exploring ways in which climate change issues should be incorporated into military planning.⁶⁷ The emphasis is often on two kinds of ‘threat’. In the 2019 *Report on the Effects of a Changing Climate to the Department of Defence*, the US Department of Defence pointed to direct ‘threats’ posed by climate-related events, such as flooding, wildfires, and sea level-rise, to military and defence infrastructures, as well as operations in the area of humanitarian assistance and disaster relief.⁶⁸ At the same time,

64 This dynamic evokes Susan Marks’s concept of false contingency: see S Marks, ‘False Contingency’ (2009) 62 *Current Legal Problems* 1. See also I Venzke and KJ Heller (eds), *Contingency in International Law: On the Possibility of Different Legal Histories* (Oxford University Press 2021).

65 The key intellectual reference here is the work of T Homer-Dixon ‘Environmental Scarcity, Mass Violence, and the Limits to Ingenuity’ (n 5) and T Homer-Dixon, *Environment, Scarcity and Violence* (n 5). See further discussion in Section 4.

66 von Lucke, Wellman and Diez (n 14) 864.

67 According to the Global Climate Security Index, about 70 per cent of nations in the world explicitly state that climate change is a national security concern. The index is available at American Security Project, ‘Global Climate Security Index’ <<https://www.americansecurityproject.org/climate-energy-and-security/climate-change/gsdicc/>>.

68 US Department of Defence, ‘Report on the Effects of a Changing Climate to the Department of Defence’ (2019) <https://climateandsecurity.org/wp-content/uploads/2019/01/sec_335_ndaa-report_effects_of_a_changing_climate_to_dod.pdf>. See also US Department of Defence, ‘Climate

government agencies have outlined the less direct implications of climate change for national security.⁶⁹ Notably, a 2016 report of the US National Intelligence Council concludes that

during the next five years national security risks linked to climate change will arise mostly from distinct extreme weather events, especially in *regions with weak governance, poor living conditions, or persistent conflict that limit the capacity of governments and societies to cope with additional stress* [...]. We assess that during the next 20 years—in addition to increasingly disruptive extreme weather events—climate change effects will play out in broader, systemic ways, such as more acidic oceans, degraded soil and air-quality, and rising sea levels, resulting in sustained *direct and indirect effects on US national security*.⁷⁰

A central concern highlighted in these reports is climate-induced migration, which is framed as a national security issue for the receiving states—primarily rich countries in the North.⁷¹ As put by Commander Mark P. Nevitt of the U.S. Navy, ‘the potential [climate] refugee crisis in the developing world may come to the US in the form of an immigration crisis’.⁷² The US National Intelligence Council maintained that

[e]ven if climate-induced environmental stresses do not lead to conflict, they are likely to contribute to *migrations that exacerbate social and political tensions*, some of which could *overwhelm host governments* and populations. Sudden extreme weather—such as from

Change Adaptation Roadmap’ (2014) <https://www.acq.osd.mil/eie/downloads/CCARprint_wForward_e.pdf>.

69 Center for Naval Analysis (CNA), ‘National Security and the Threat of Climate Change’ (2007) <https://www.cna.org/cna_files/pdf/national%20security%20and%20the%20threat%20of%20climate%20change.pdf>.

70 National Intelligence Council, ‘Implications for US National Security of Anticipated Climate Change’ (2016) <<https://www.hsdl.org/?view&did=795549>>. See also T Middendorp, ‘Don’t Leave Climate to the Environment Ministers’ (29 July 2019) *Politico* <<https://www.politico.eu/article/von-der-leyens-climate-challenge/>> arguing that ‘climate change will affect every aspect of our lives and every portfolio of every government – from economic performance to managing borders. The issue has to be the top item on every ministerial brief – including importantly those responsible for defense and security’. Middendorp is the former chief of defence of the armed forces of the Netherlands.

71 See, eg, UK Government, *Global Strategic Trends: The Future Starts Today* (2018) 13 <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771309/Global_Strategic_Trends_-_The_Future_Starts_Today.pdf>. For a critical discussion, see B Mayer, ‘“Environmental Migration” as Advocacy: Is it Going to Work?’ (2014) 29 *Refuge: Canada’s Journal on Refugees* 27.

72 MP Nevitt, ‘The Commander in Chief’s Authority to Combat Climate Change’ (2015) 37 *Cardozo Law Review* 437, 475

floods, droughts, and severe tropical storms—almost certainly will increase the number of displaced people, particularly in regions that are unaccustomed to or unprepared for such events [...].⁷³

As argued by McDonald, a problem with this discourse is that it frames people displaced by climate-induced disasters as ‘threat’ to national security or the national ‘way of life’ of receiving countries.⁷⁴ Implicit in this discourse is also the assumption that the majority of people who migrate will leave their countries and try to reach Europe or the Global North.⁷⁵ Although this type of long distance migration represents the most popular image of migration, evidence demonstrates it is not the most common. An IOM report shows that in West and Central Africa migration to North Africa or Europe accounts for just 10 to 20 per cent of movements, while the remaining 80 to 90 per cent of movements are internal to the region.⁷⁶ Legal commentators have warned that understanding ‘climate migration’ as a security threat is problematic for different reasons. It isolates the environmental ‘drivers’ of mobility from larger socio-economic factors and ends up justifying measures that try to prevent migration by keeping people in their place of origin and results in the militarisation of borders.⁷⁷

While receiving states in the Global North often consider climate migrants or refugees as a destabilising factor, for people living in Small Island Developing States (SIDS), such as Tuvalu, Kiribati, and the Maldives, the concept of national security has an entirely different meaning. Strong evidence indicates that sea-level rise will result in the submersion of these island-states, with consequent loss of territory, land, sovereignty, and national and cultural identity.⁷⁸ For these countries the ‘threat’ to national security is not a matter of speculation, but a reality. A sea-level rise of the order of half a meter to close to a meter by the end of the twenty-first century, as predicted conservatively

73 National Intelligence Council (n 70) 7.

74 McDonald, ‘Discourses of Climate Security’ (n 14) 46.

75 K Walker, ‘As Climate Displacement Increases, Migration Myths Fuel Fears’ (10 February 2021) *Equal Times* <<https://www.equaltimes.org/as-climate-displacement-increases?lang=en#YCQGJXko9Pb>>.

76 International Organization for Migration, ‘Regional Mobility Maps: West and Central Africa’ (2020) <https://migration.iom.int/sites/default/files/public/reports/IOM%20WCA_Mobility%20mapping%20-%202020%20June_FINAL.pdf>.

77 See F Mégret and B Mayer, ‘Climate Migration and the Security Council’ in Ku and Scott (n 8). For a recent critical analysis of the climate-migration nexus in international law, see G Lauria, ‘A Critical Appraisal of the Concept of Climate Migration’ (2021) 9 *London Review of International Law* 375.

78 ‘Follow-Up to and Implementation of the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States – Report of the Secretary General’ (10 August 2009) UN Doc A/64/278, para. 69.

by the reports of the Intergovernmental Panel on Climate Change (IPCC), will render these islands uninhabitable and force the population to undergo a resettlement to the territory of other states.⁷⁹

Because of its inherent ambiguity, national security discourse can accommodate both the reactionary policies of major emitters, such as the US, and the survival claims of SIDS. The key limitations of national security, nonetheless, include its state-centric understandings of ‘security’ and the simplification of complex social dynamics, especially the ‘link’ between scarcity/severe weather events, migration, and conflict. Further, because of its focus on adaptation (rather than mitigation) and integration of climate change into defence/military planning, the national security discourse may support an increased role for military actors in climate governance and possibly interventions to stabilise ‘risk’ countries.⁸⁰ As such, this discourse detracts attention from the structural and historical causes of climate change, notably the interrelation of colonialism and fossil fuel-based capitalist economy.⁸¹ As a result, it displaces more radical justice claims advanced by those most affected by global warming and their demands for reparations.⁸²

B. Human security

The second paradigm, which seeks to overcome the negative implications of a national security discourse, is that of human security.⁸³ The emergence of human security is usually dated from the 1994 UN Development Programme *Human Development Report*.⁸⁴ The report called for a refocusing of security

79 Mégret and Mayer (n 77) 88.

80 See, eg, A Press, A Bergin, and E Garnsey, ‘Heavy Weather: Climate and the Australian Defence Force, Special Report by the Australian Strategic Policy Institute’ (March 2013) <https://www.aspi.org.au/publications/special-report-issue-49-heavy-weather-climate-and-the-australiandefence-force/SR49_heavy_weather.pdf> underlining the need for proactive planning of the Defence Force to deal with climate-induced emergencies in the region, including climate migrants.

81 C Gonzalez, ‘Racial Capitalism, Climate Justice, and Climate Displacement’ (2021) 11 *Oñati Socio-Legal Series* 108.

82 J Dehm and S Mason-Case, ‘Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present’ in B Meyer and A Zahar (eds), *Debating Climate Law* (Cambridge University Press 2021).

83 For a discussion on the origins of human security, see T Farer, ‘Human Security: Defining the Elephant and Imagining its Tasks’ (2011) 1 *Asian Journal of International Law* 43. For critiques of human security, see, eg, R Paris, ‘Human Security: Paradigm Shift or Hot Air?’ (2001) 26 *International Security* 87; D Chandler and N Hynek (eds), *Critical Perspectives on Human Security: Rethinking Emancipation and Power in International Relations* (Routledge 2012).

84 UN Development Programme, ‘Human Development Report: New Dimensions of Human Security’ (1 January 1994) <<https://hdr.undp.org/system/files/documents/hdr1994encompletentatspdf.pdf>>.

away from the interests of territorially defined states to the needs and priorities of the individual. By emphasising the ‘human elements of security’, such as hunger, disease, unemployment, crime, social conflict, political repression, and environmental hazards, the concept of human security aims to create a bridge between individual and collective security. Indeed, the concept of human security has been fundamental in legitimising the Security Council’s authority in response to humanitarian crises and ‘unconventional’ security threats, such as gender violence, illicit trade, organized crime, and infectious diseases. When deployed in the context of climate change, the human security discourse highlights the vulnerability of individuals and groups towards a changing climate and the implications for their everyday life, such as decreasing crop, water scarcity, severe weather events, and the spread of novel diseases. It suggests the adoption of measures aimed at reducing the vulnerability of individuals through adaptation to climate change, for instance by increasing development aid, technical support, and relocating threatened populations.⁸⁵

This discourse has been high on the international agenda, as illustrated by the approach taken by the UN Secretary-General in the report *Climate Change and Its Possible Security Implications*. In June 2009, at the initiative of different SIDS, the General Assembly held a debate on climate change and its security implications. Through Resolution 63/281 (2009), the General Assembly ‘[i]nvite[d] the relevant organs of the United Nations, as appropriate and within their respective mandates, to intensify their efforts in considering and addressing climate change, including its possible security implications’.⁸⁶ The ensuing report of the Secretary-General finds that ‘[t]he empirical evidence on the relationship between climate change and conflict remains sparse and largely anecdotal’.⁸⁷ Rather, the report famously characterises climate change as a ‘threat multiplier’ that exacerbates threats caused by poverty, inequality, weak institutions, mismanagement of natural resources, and inadequate access to information and resources. It identifies five ways in which climate change may affect security, namely vulnerability (eg through food shortages or increased risks for human health), development (eg by delaying development), coping and security (eg through migration or competition over scarce natural resources), statelessness (through the disappearance of territories), and international conflict (eg driven by access to shared international resources).⁸⁸ The report does not qualify climate change *per*

85 von Lucke, Wellman and Diez (n 14) 866.

86 ‘Climate Change and Its Possible Security Implications’, UNGA Res 63/281 (11 June 2009) UN Doc A/RES/63/281.

87 ‘Climate Change and Its Possible Security Implications: Report of the Secretary-General’ (n 4) para. 64.

88 *ibid* ‘summary’.

se as a ‘threat’ to national or international security, but identifies ways in which its adverse impacts, combined with pre-existing social, economic and political stresses, may lead to instability. Despite some scant references to armed conflict, the report focuses on the concept of human security, as outlined in the 1994 *Human Development Report*.⁸⁹

Similarly, the IPCC’s 2014 Fourth Assessment Report (AR4) considers the relationship between climate change and human security.⁹⁰ It finds that, while human insecurity almost never has a single cause, climate change is an important factor threatening human security through: (1) undermining livelihoods; (2) compromising culture and identity; (3) increasing migration that people would rather have avoided; and (4) challenging the ability of states to provide the conditions necessary for human security.⁹¹ The report defines ‘human security’ in the context of climate change quite broadly, ‘as a condition that exists when the vital core of human lives is protected, and when people have the freedom and capacity to live with dignity’.⁹² It recognises that different factors influence human security, notably the operation of markets, the state, and civil society.⁹³ As such, the report does not focus exclusively on the security of vulnerable individual/communities, but considers also the risks posed by climate change to conventional notions of state and inter-state security.⁹⁴ It discusses how climate change may lead to social and violent conflict, and how conflict may increase vulnerability to climate change.⁹⁵ While drawing from a number of studies in different disciplines, the report takes a nuanced approach vis-à-vis such different risks, by recognising the need for more comprehensive evidence to test existing theories, particular those asserting causation.⁹⁶

89 Gray (n 8) 224 and 228.

90 See Intergovernmental Panel on Climate Change (IPCC), ‘Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change’ <<https://www.ipcc.ch/report/ar5/wg2/>>.

91 *ibid* 758.

92 *ibid* 759. Interestingly, while the report focuses on human security, it does not explicitly frame the issue in terms of human rights. The authors recognise that climate change puts both human security and human rights at risk, but they maintain that ‘framing the issue of rights specifies minimum standards that apply universally, and such rights are often not realized in national and international law and practice or neglect the harm or rights of nonhuman species. Human security by contrast is inclusive of political, sociocultural, and economic rights, rather than legal rights, which are instrumental to its achievement’ (759).

93 *ibid* 759.

94 *ibid* 761.

95 *ibid* 771–77.

96 *ibid* 760.

Framing climate change as a threat to human security has the advantage of bringing to the fore the experiences, needs, and rights of individuals whose well-being is most affected by climate change, as opposed to state interests. However, as scholars have pointed out, putting the ‘human’ at the core of a climate security discourse is also problematic, as it fails to consider the impacts of global warming upon future generations and non-human beings.⁹⁷ Further, the cosmopolitanism and liberalism of dominant understandings of ‘human security’ may obscure the differentiated effects of climate change across racial, gender, and geographical lines.⁹⁸ While the IPCC’s AR4 acknowledges that understanding the effects of climate change on human security ‘requires evidence about social and environmental processes across multiple scales and sectors’, including gender relations, culture, political institutions, and markets,⁹⁹ the question of who is ‘human’ in human security discourse remains a crucial one. I will return later to this question.

In addition, while human security discourse is generally considered as a corrective to (or at least more progressive than) national security discourse, the relationship between the two is, in reality, more complex. Some Western governments have connected national security arguments to the threats that may arise from individual insecurity elsewhere.¹⁰⁰ Even if a human security discourse tends to focus on those most affected by climate change, critical security scholars argue that framing groups or individuals as ‘vulnerable’ can generate stigma for those who are at risk.¹⁰¹ In other words, there is the danger that a concentration on the security of individuals can lead to the ‘vulnerable becoming dangerous’ themselves.¹⁰² This dynamic is captured by the example of climate migrants/refugees, which demonstrates how the human security discourse may be, perversely, coopted by states and militaries to support problematic national security arguments.

97 See, eg, McDonald, ‘Climate Change and Security’ (n 14) 162.

98 Environmental law scholars belonging to different critical traditions have argued that the ‘abstract legal person at the apex of liberal law’s hierarchy — the wise, strong, white, property-owning, “Northern” male human subject (and master of nature) — embodies some of the legal barriers confronting those seeking climate justice’: S Adelman and L Kotze, ‘Introduction: Climate Justice in the Anthropocene’ (2021) 11 *Oñati Socio-Legal Series* 30, and the diverse contributions to the ‘Symposium: Climate Justice in the Anthropocene’ in that issue. See also Grear (n 22).

99 IPCC (2014) 760.

100 von Lucke, Wellman and Diez (n 14) 866. See also Center for Naval Analysis (n 69) 64.

101 von Lucke, Wellman and Diez (n 14) 873.

102 C Methmann and A Oels, ‘Securing the Environment: From Defense to Resilience’ in J Junk, C Daase, G Schlag (eds), *Transformations of Security Studies: Dialogues, Diversity and Discipline* (Routledge 2017).

Lastly, the focus on the vulnerability of individuals in poor countries raises the question of responsibility for climate change.¹⁰³ While the human security discourse provides for the recognition that the conditions for their vulnerability may be beyond their control, at the same time it tends to localise the pathologies that make individuals ‘vulnerable’—underdevelopment, political oppression, weak institutions, and ineffective governance.¹⁰⁴ This tension within human security discourse may distract from the current and historical responsibility of major emitters for the differentiated effects of climate change. Like national security discourse, it may thus displace claims for climate justice.

C. Collective security

The third discourse frames climate change as a ‘threat’ to collective/international security. International organisations, in particular the Security Council, are considered as the key security agents. This discourse combines elements of the national and human security discourses: while the emphasis is often put on the dangers/threats posed by climate change to the maintenance of peace and stability (which is akin to national security discourse), the need for assistance to vulnerable communities is also present in current debates.¹⁰⁵ As such, the threat posed by climate change is understood as one posed to individuals, states, and the international community as a whole. The result is a malleable discourse, which may be deployed to advance solidaristic visions of the global society, as well as appropriated by traditional security actors to maintain the international order and the *status quo*.

This tension is exemplified by the statements made during the UNSC’s open debates on climate change by SIDS, on the one side, and the Group of 77, the Non-Aligned Movement, and other developing countries, on the other. While the former relied on an international security discourse to bring visibility to the existential threat posed by climate change, and demanded UNSC action in response to it, the latter raised concerns about the legitimacy of the Council to address climate change. In refusing the incorporation of climate change into the Security Council’s agenda, these states do not deny that climate change may give rise to security challenges. Yet, they raise concerns over the unrepresentative nature of the Council’s membership and the possibility

103 McDonald, ‘Discourses of Climate Security’ (n 14) 47. For the argument that the human security discourse, through the emphasis on empowerment of the vulnerable subjects, has shifted the attention away ‘from Western responsibility for securing the other to enabling the other to secure itself’, thereby rescuing the credibility of interventionist practices, see D Chandler, ‘Resilience and Human Security: The Post-Interventionist Paradigm’ (2012) 43 *Security Dialogue* 213, 225.

104 See further discussion in Section 4.

105 McDonald ‘Discourses of Climate Security’ (n 14) 47.

that a securitisation of climate change would subjugate development to the less transparent security agenda dominated by developed countries.¹⁰⁶

Bolivia is one of the countries that made this point during the 2011 open debate:

[...] while we recognize the security dimension of this issue [climate change], we do not believe that the issue should be addressed by the Security Council because the representatives of the largest emitters of greenhouse gases are precisely those States with permanent seats in the Council and the right to veto. [...]

The security aspect of climate change should be dealt with in a forum where the guilty States do not possess permanent seats or the right to veto. It should be discussed in a forum where the main victims are adequately represented: the island States threatened with disappearance, countries with glaciers, the countries of Africa, and all of the developing countries that have to pay for damage that they did not cause. Today, the only forum with this level of participation is the General Assembly. For that reason, all aspects of climate change should be addressed comprehensively by that body.¹⁰⁷

Similarly, the representative of the DRC contended that

It is, therefore, significant and useful that the main body of the United Nations responsible for the maintenance of peace and security should galvanize universal awareness of the need for concrete action and should keep this matter on its agenda over time. We expect the Council to sound an alarm bell. However, the forum for consultation and the drawing up of norms and strategies is to be done elsewhere [...]. The countries that are primarily responsible for pollution should therefore set an example by reducing their greenhouse gas emissions.¹⁰⁸

Developing states also pointed to the contradiction in the position of many major emitters between deploring the negative effects of climate change on security and advocating for the Security Council to take on an active role in

106 M Binder and M Heupel, 'Contested Legitimacy: The UN Security Council and Climate Change' in Scott and Ku (n 8). The authors conducted an empirical study of the data from the 2007 and 2011 open debates in the Security Council on climate change to assess the perceived legitimacy of the Council. They concluded that its legitimacy is, indeed, contested.

107 UNSC, '2011 Open Debate' (n 24) 26.

108 UNSC, '2007 Open Debate' (n 24) 8. A similar position was taken by the representatives of China, Pakistan, Sudan, South Africa, Cuba, and Namibia, among others.

addressing climate change, on the one hand, and their failure to substantially reduce their emissions. Egypt, for example, claimed that:

the developing countries, including Egypt, view this open Security Council debate as an attempt by the developed countries to shrug off their responsibilities in that regard. The right path to combat this dangerous phenomenon is clear and lies in the fulfillment by all parties – developed and developing – of their commitments according to the principle of common but differentiated responsibilities.¹⁰⁹

As observed above, SIDS have been more supportive of the Security Council's role in addressing climate change, often siding with developed countries. While this is highlighted by commentators and used as an argument in favour of Security Council legitimacy to deal with the climate 'crisis', what is missed in these analyses is the radicality of the statements made by SIDS. During the 2007 debate, Papua New Guinea pointed out that the Pacific Island countries are already experiencing the worst effects of climate change, including sea level rise, which is associated not only with environmental concerns, but also with economic, social and political issues. Further,

The dangers that small islands and their populations face are no less serious than those faced by nations and peoples threatened by guns and bombs. The effects on our populations are as likely to cause massive dislocations of people as past and present wars. The impacts on social cohesion and identity are as likely to cause resentment, hatred and alienation as any current refugee crisis.¹¹⁰

At the same time, the representative of Papua New Guinea called attention to the resilience of communities living on those islands, that over the centuries dealt with a great deal of climate variability and adapted to new environmental conditions. They often did so by learning and understanding the natural systems, and relying on traditional knowledge.¹¹¹ While those countries are undoubtedly the most affected by climate change, 'they are not standing idly by'.¹¹² They are building upon indigenous forms of knowledge and taking

109 UNSC, '2007 Open Debate' (n 24) 5. See also the statement made by Bolivia during UNSC, '2018 Open Debate' (n 24) 17.

110 UNSC '2007 Open Debate' (n 24) 28.

111 *ibid.*

112 *ibid.* The value of local and traditional forms of knowledge is also discussed by the IPCC Report (n 90) as a dimension of human security: at 765–66.

steps to increase ecosystem resilience; however, their efforts will be vain if affluent countries do not reduce their emissions.¹¹³

Likewise, the Maldives highlighted that climate change is a threat faced by humankind; still, the consequences of inaction would be enormous for the poorest countries. The response to such threat should include

a meaningful commitment on emissions reductions for a post-2012 regime. Negotiations in that regard should be accelerated, with a tangible commitment to reduce greenhouse gas emissions to pre-industrial-era levels. Not only is it *imperative that the rich nations demonstrate leadership; it is also moral* to safeguard from harm the vulnerable poor countries which are confronting aggravated climate change.¹¹⁴

During the 2018 debate, the Maldives re-emphasised the need for affluent countries to take responsibility for the consequences of climate change

We also require a strong international mechanism to *address loss and damage* for when climate change impacts exceed the capacity of nations to adapt. We therefore urge all Member States, *especially developed country partners, to fully uphold their commitments and obligations* of the Paris Agreement and other international conventions and agreements relating to climate change. We also emphasize the critical role that the international community plays in providing adequate, predictable and additional financial resources, the transfer of technology and capacity-building to developing countries, in particular small island developing States.¹¹⁵

The statements made by SIDS, as well as other developing countries, reminds us that climate change is not simply a physical phenomenon, or a scientific ‘problem’, but a site of contestation between different actors with different conceptions of what climate change signifies and how to respond to it.¹¹⁶ While acknowledging that climate change may pose security challenges, these countries articulate progressive understandings of what is meant to be ‘secure’ in times of ecological breakdown. Their emphasis on sustainability, ecosystem resilience, and indigenous knowledge suggests a different path to address climate vulnerability, temporally and spatially. Further, by reaffirming the historical responsibility of larger emitters and affluent countries for the unequal

113 *ibid.*

114 UNSC ‘2007 Open Debate’ (n 24) 23.

115 UNSC ‘2018 Open Debate’ (n 24) 27.

116 Mike Hulme as cited in McDonald, ‘Discourses of Climate Security’ (n 14) 45.

effects of climate change, these actors establish a connection between climate security and justice, opening a political space for contestation of the distribution of privileges and burdens.¹¹⁷

Ultimately, these different statements confirm that the securitisation of climate change remains a normatively ambivalent process that cannot be easily assessed in clear-cut terms.¹¹⁸ Setting out the different discourses and their logic, however, makes them available to critical scrutiny in terms of their assumptions and impacts. This also allows for the construction of alternative security discourses and further contestation. Yet, in the struggle for the representation of climate security, more attention needs to be paid to the role of international legal arguments in producing or challenging particular understandings of the ‘nexus’ between nature, insecurity, and violence, to which I shall now turn. Conventionally, theories of securitisation tend to see the law as external to securitisation dynamics, noting, for instance, that by framing an issue as an existential threat, legal principles are suspended, giving way to extra-ordinary and, often, extra-legal responses.¹¹⁹ In the following section, I explore the implications of considering the role of international law *in the securitisation* of climate change; I suggest that, by doing so, it becomes possible to see how legal arguments and routines may entrench orthodox security practices, while dismissing more disruptive approaches to climate security.

THE LAW AND POLITICS OF CLIMATE SECURITY

A. Whose security? International law and the localisation of the ‘threat’ to peace and security

When Margaret Beckett was UK Foreign Secretary, she promoted an active campaign to prioritise climate change on the international agenda, thus opening the door of the Security Council to it. She was one of the first government members to employ the term ‘climate security’, thereby transforming the debate over climate change and its effects.¹²⁰ In a 2006 speech, she outlined the threats

117 See, eg, India’s statement during the UNSC ‘2011 Open Debate’ (n 24) 19:

[t]hose who are historically responsible for climate change must come forward with firm greenhouse gas commitments and ensure that there is adequate resource and technology flow to developing countries, in particular the small island States, to allow them to adapt to climate change. If we are successful in undertaking the necessary mitigation and adaptation measures, our preoccupations about the security implications of climate change, which in any case are yet to be fully established, would to a large extent be put to rest.

118 von Lucke, Wellman and Diez (n 14) 876.

119 See, eg, Buzan, Weaver and De Wilde (n 41) 23–26.

120 Trombetta (n 58) 595.

against which protection was sought, by focusing on food, water, and energy security, immigration, and conflicts. She maintained that ‘[t]he added stresses of climate change increase the risk of fragile states dropping over the precipice into civil war and chaos. And it edges those countries that are not currently at risk into the danger zone. In short, a *failing climate means more failed states*’.¹²¹ The UK thus encouraged the UNSC to discuss the links between climate change and potential drivers of conflicts, such as border disputes, migration, resource shortages, societal stress, and humanitarian crises.¹²² Margaret Beckett’s reference to conflicts, ‘failed states’, and humanitarian crises brings to the fore the question of whose security are we trying to protect when framing climate change as threat to peace and security. It also invites to delve deeper into the role of international law in the construction of the climate-conflict ‘nexus’.

Since environmental problems began to gain relevance in international law in the 1970s, there have been a number of suggestions to consider their security implications.¹²³ However, it was in the 1980s that the debate over environmental security gained momentum. The publication of *Our Common Future* by the World Commission on Environment and Development (1987) marked the entry of the phrase ‘environmental security’ into international law debates. As observed before, the 1994 UNDP *Human Development Report* was influential in driving an awareness of the ‘human elements of security, including issues such as hunger, disease, crime, social conflict, political repression, and *environmental hazards*’.¹²⁴

The work of Thomas Homer-Dixon influenced the subsequent policy and academic debates, by framing environmental threats in familiar terms to security experts and drawing attention to the ‘links’ between environmental degradation and violent conflicts.¹²⁵ While Homer-Dixon did not allege a direct causal relation between resource scarcity and conflict, he isolated environmental ‘factors’ from other variables and argued that the former may heighten other risk factors for conflict.¹²⁶ He predicted that the influence of

121 M Beckett, ‘Untitled Speech on Foreign Policy and Climate Security Given at the British Embassy, Berlin’ (23 October 2006) <<https://www.ukpol.co.uk/margaret-beckett-2006-speech-in-berlin/>> (emphasis added).

122 F Sindico, ‘Climate Change: A Security (Council) Issue?’ (2007) 1 *Carbon and Climate Law Review* 26, 30.

123 For a review of early efforts to include the environment within the global security agenda, see K Hulme, ‘Environmental Security: Implications for International Law’ (2008) 19 *Yearbook of International Environmental Law* 3.

124 Human Development Report (n 84) 22 (emphasis added).

125 T Homer-Dixon, ‘On the Threshold: Environmental Changes as Causes of Conflict’ (1991) 16 *International Security* 76; T Homer-Dixon, ‘Environmental Scarcities and Violent Conflict’ (1994) 19 *International Security* 5.

126 Homer-Dixon, *Environment, Scarcity and Violence* (n 5).

environmental stresses on armed violence would become even more powerful in the coming decades due to population growth and higher resource consumption, especially in the developing world. Although Homer-Dixon's argument that environmental scarcity may pave the way to violent conflict has been subsequently challenged on different grounds, including for the neo-Malthusian tone of his analysis (ie the view that natural limits are external to society rather than co-produced),¹²⁷ concerns about environmental security have gradually fed into public and legal debates.¹²⁸

Notably, the idea that climate-induced scarcity of natural resources may increase violence has been embraced by the UN to explain, for instance, the armed conflict in Somalia and Darfur (Sudan). Although the evidence of a causal relation between environmental factors—let alone climate change—and the conflict in Darfur remains quite elusive, an often-heard narrative is that 'recurrent drought, increasing demographic pressure, and political marginalization are among the forces that have pushed the region into a spiral of lawlessness and violence that has led to over 300,000 deaths and the displacement of more than two million people since 2003'.¹²⁹ More recently, the contention that climate change, in the form of severe drought, played a causal role in the Syrian civil war has become also popular,¹³⁰ despite the fact that subsequent research showed no clear consensus about the nature of the 'nexus' between resource scarcity and increased rate of violence.¹³¹

One concern raised by the increasing popularity of environmental security arguments (which could be extended to dominant climate security discourses) is the tendency to focus on 'threats' emanating from states with 'weak' governance systems (or, in Margaret Beckett's words, 'failed states'). Betsy Hartman maintains that 'a certain exceptionalism' is at work in much climate-conflict research, in which 'it is commonly assumed that scarcity can lead to institutional and technological innovation in more affluent countries, [while] just the opposite is assumed for poor people in less affluent countries'. In this narrative, resource scarcity caused by climate change renders people in

127 T Malthus, *An Essay on the Principle of Population as it Affects the Future Improvement of Society* (Cambridge University Press 1993 [1798]).

128 While not specific to conflict settings, see, eg, S Ranganathan, 'Global Commons' (2016) 27 *European Journal of International Law* 693, showing how concerns about population growth, not always free of racial undertones, shaped legal regimes for the regulation of the global commons.

129 UNEP, *From Conflict to Peacebuilding, The Role of Natural Resources and the Environment* (2009).

130 See Kelley et al (n 6); Gleick (n 6).

131 J Selby, O Dahi, C Fröhlich and M Hulme, 'Climate Change and the Syrian Civil War Revisited' (2017) 60 *Political Geography* 251. In relation to Sudan, see also J Selby and C Hoffmann, 'Beyond Scarcity: Rethinking Water, Climate Change and Conflict in the Sudan' (2014) 29 *Global Environmental Change* 360.

poor nations ‘into victims/villains, incapable of innovation or livelihood diversification and naturally prone to violence’.¹³² Such ideas reflect stereotypes about the Global South which are deeply rooted in histories of racism and colonialism. Of course, the reality on the ground is quite different. As put by Raileigh and her colleagues, ‘people in poor countries do not respond to bad weather by attacking each other’, rather ‘climate change and ecological stress is treated as a problem to be solved, not [a] harbinger of apocalyptic violence’.¹³³ However, locating the origins of the ‘security’ threat in the South and depicting the violence of the poor as normal generate an alarmist rhetoric, which shifts the focus from the responsibility of political and economic actors in creating the conditions that make people vulnerable to climate change in the first place.¹³⁴

These arguments also reveal a deep contradiction at the heart of efforts to ‘securitise’ climate change. As highlighted by critical scholars, whereas the climate ‘crisis’ is presented as a global concern, what seems to be truly at stake is the security of affluent countries, their access to resources, and the protection of their pattern of consumption.¹³⁵ This critique has also been made, in broader terms, by social and climate justice movements contesting ‘false solutions’ to climate change, such as carbon trading, which reproduce colonial relations and legitimate further greenhouse gas emission from affluent countries.¹³⁶

While developing countries and SIDS have sought to challenge this narrative in their interventions before the Security Council, by shifting the focus from Southern ‘lack of capacity’ to Northern ‘responsibility’, one needs to be careful about the assumptions implicit in climate security framings.¹³⁷ The

132 B Hartmann, ‘Rethinking Climate Refugees and Climate Conflict: Rhetoric, Reality, and the Politics of Policy Discourse’ (2010) 22 *Journal of International Development* 233, 237; B Hartmann, ‘Converging on Disaster: Climate Security and the Malthusian Anticipatory Regime for Africa’ (2014) 19 *Geopolitics* 757.

133 C Raileigh, A Linke and J O’Loughlin, ‘Extreme Temperatures and Violence’ (2014) 4 *Nature Climate Change* 76, 77.

134 E Bonds, ‘Upending Climate Violence Research: Fossil Fuel Corporations and the Structural Violence of Climate Change’ (2016) 22 *Human Ecology Review* 3.

135 V Shiva, ‘Conflicts of Global Ecology: Environmental Activism in a Period of Global Reach’ (1994) 19 *Alternatives: Global, Local, Political* 195; S Dalby, ‘Threats from the South? Geopolitics, Equity, and Environmental Security’ in D Deudney and R Matthew (eds), *Contested Grounds: Security and Conflict in the New Environmental Politics* (SUNY Press 1999) 157, claiming that ‘global or universal political claims often have a nasty habit of turning out to be parochial concerns dressed up in universalist garb to justify much narrower political interests’.

136 For a review of claims made by climate justice movements, see Dehm, ‘Carbon Colonialism or Climate Justice?’ (n 20).

137 In this regard, it is telling that until now the language of climate security has been integrated primarily into UNSC country-specific resolutions dealing with Africa, ie, West Africa, Somalia, Mali, Sudan, South Sudan, Central African Republic, and the Democratic Republic of the Congo. See Security Council Report, ‘The UN Security Council and Climate Change’ (21 June 2021) <<https://>

depiction of the South as a place under severe demographic, climate, and security stresses has at least two legal implications. First, this explanation may distort climate policy and result in a failure to deal with the structural causes of insecurity and violence. As put by Bond, by concentrating on the violence of the poor—people in the Global South, which are those most ‘vulnerable’ to global warming—the responsibility of the extractive industry and fossil fuel companies, which have disproportionately benefitted from a carbon-dependent economy, remains at the margin of current responses to climate change.¹³⁸ Second, it may help legitimise the search for coercive solutions to the climate ‘crisis’.¹³⁹

The role of international law in localising ‘threats’ to the global order has been exposed by critical legal scholars. Orford, notably, has shown how international experts ‘individualise and pathologise security problems in the Third World’,¹⁴⁰ while failing to acknowledge how these problems are related to policies and decisions taken by international (economic) institutions.¹⁴¹ By localising violence and insecurity in the South, external military (and economic) interventions to re-establish democracy, order, and human rights are legitimised and conducted in the interests of the international community.¹⁴² In the case of climate change, the construction of insecurity as a local dysfunction requiring international intervention happens at two levels: first, through a fearful representation of climate change as a threat/danger to the international order demanding supranational solutions;¹⁴³ second, through an emphasis on the lack of Southern capacity to address the effects of climate change, because of underdevelopment, ineffective resource governance, and political instability. This logic emerges quite clearly from a speech given by the NATO’s Secretary General

we are increasingly broadening our security notion to include both new military threats and the non-military challenges that *come to us from the Third World*. The immense conflict potential that is building up in Third World countries, characterized by growing wealth

www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/climate_security_2021.pdf>.

138 See, eg, Bonds (n 134).

139 E Bonds, ‘Challenging Climate Change New “Security Threat” Status’ (2015) 27 *Peace Review* 209.

140 Orford (n 32) 402.

141 A Orford, ‘Locating the International: Military and Monetary Interventions after the Cold War’ (1997) 38 *Harvard International Law Journal* 443.

142 A Orford, *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (Cambridge University Press 2003).

143 See Bianchi and Saab (n 12).

differentials, an *exploding demography, climate shifts and the prospect of environmental disaster, combined with the resource conflicts of the future*, cannot be left out of our security calculations, no matter how we translate our broader analysis in operational aspects in the longer term.¹⁴⁴

Once understood in these terms, international law may provide a vocabulary to legitimise a range of interventions into ‘weak’ states—ie countries unable or unwilling to manage the climate crisis—and their effects, such as migration—or perceived to pose a ‘threat’ to collective security because of their environmental policies. Such interventions may not necessarily involve the use of force. However, Craig Martin seems to suggest that the Responsibility to Protect, the ‘unwilling or unable’ doctrine, and unilateral humanitarian intervention may be interpreted to justify an expansion of the law on the use of force in response to security ‘threats’ posed by climate change.¹⁴⁵ Under the Responsibility to Protect doctrine, the Security Council may authorise forceful intervention within the territory of a state for humanitarian purposes, namely when it engages in atrocities such as crimes against humanity, genocide, or systematic war crimes against its population.¹⁴⁶ Martin anticipates the argument in the following terms: if intervention is permissible in response to the risk that mass atrocities may create conflict, and thus threaten international peace and security, then intervention may be permissible in response to contributions to climate change that have similar effects.¹⁴⁷

As for the doctrine of unilateral humanitarian intervention, the idea that states—either individually or collectively—may use force for humanitarian

144 M Worner, ‘Global Security: The Challenge to NATO’ in E Grove (ed), *Global Security: North American, European and Japanese Interdependence in the 1990s* (Brassey’s 1991) 102 (emphasis added). More recently, the ‘Climate Change and Its Possible Security Implications: Report of the Secretary-General’ (n 4) para. 12 (emphasis added), voiced similar concerns, although in a different language

[t]he magnitude of specific threats, the resilience of individuals, communities and societies and their capacity to adapt effectively to those threats all bear on the security implications of climate change. Where climate change threats to human well-being are expected to be severe, particularly where people are especially vulnerable because of *low levels of human development and weak institutions of governance*, the security implications are apt to be most pronounced, including the possibility of social and political tensions and of armed conflicts.

145 See Martin (n 9).

146 High Level Panel on Threats, Challenges and Change (n 27); Report of the Secretary-General, ‘In Larger Freedom’ (n 27); ‘World Summit Outcome’, GA Res 60/1 (24 October 2005) UN Doc A/RES/60/1.

147 Martin (n 9) 381. Particularly relevant, in this regard, are the recent debates on the codification of an international crime of ecocide. See, eg, LG Minkova, ‘The Fifth International Crime: Reflections on the Definition of “Ecocide”’ (2021) *Journal of Genocide Research* <<https://doi.org/10.1080/14623528.2021.1964688>>.

purposes, even in absence of a prior authorization by the UN Security Council, has been advanced by commentators and Western governments on different occasions.¹⁴⁸ A comprehensive analysis of debates on humanitarian intervention is beyond the scope of this article. It suffices to note that, although an exception to the prohibition on the use of force for humanitarian intervention is not a norm of customary international law as scholars have forcefully argued,¹⁴⁹ in Martin's view the malleability of the concept might be exploited in the context of the current climate/ecological 'crisis'.¹⁵⁰

The 'unwilling or unable' doctrine seems to offer, according to Martin, another (dangerous) basis for unilateral intervention against weak or rogue states. Developed to justify the use of force in self-defence against non-state actors within the territory of non-consenting states, the doctrine sought to lower the threshold for what constitutes an 'armed attack' and relaxed the standard for the attribution of non-state actor conduct to the territorial state.¹⁵¹ When the territorial state is either 'unwilling or unable' to prevent the attacks emanating from its territory, regardless of its involvement with the actions of the non-state actors, the defending state may use force against the territorial state—so the argument goes. The doctrine remains highly controversial and has been met with fierce opposition, especially by Global South countries.¹⁵² One can see in the doctrine echoes of the national security narrative mentioned before that locates the origins of the security threat within poor countries lacking the 'ability' to deal with the negative 'external' effects of climate change, such as climate refugees.

148 See, eg, SD Murphy, *Humanitarian Intervention: The United Nations in an Evolving World Order* (University of Pennsylvania Press 1996); L Henkin, 'Kosovo and the Law of Humanitarian Intervention' (1999) 93 *American Journal of International Law* 824; H Koh, 'Humanitarian Intervention: Time for a Better Law' (2017) 111 *American Journal of International Law: Unbound* 287. The doctrine was famously invoked by the UK to justify NATO military intervention in Kosovo.

149 See, eg, KJ Heller, 'The Illegality of "Genuine" Unilateral Humanitarian Intervention' (2021) 32 *European Journal of International Law* 613; D Franchini and A Tzanakopoulos, 'The Kosovo Crisis—1999' in T Ruys, O Corten and A Hofer (eds), *The Use of Force in International Law: A Case-Based Approach* (Oxford University Press 2018); C Gray, *International Law and the Use of Force* (Oxford University Press 2018).

150 Martin (n 9) 399.

151 For a seminal exposition of the doctrine, see D Bethlehem, 'Self-Defense against An Imminent or Actual Attack by Nonstate Actors' (2012) 106 *American Journal of International Law* 770.

152 See, eg, N Tzouvala, *Capitalism as Civilisation: A History of International Law* (Cambridge University Press 2020) especially discussion in ch 5.

While concerns over the expansion of the *jus ad bellum* may appear far-fetched, a key takeaway from Martin's analysis is that characterising climate change (or its effects) as a 'threat' to peace and security reframes how the issue is understood and discussed, and may pave the way for efforts, grounded in international law, to legitimise a range of interventions (not necessarily amounting to the use of force) in countries ineffectively coping with the climate emergency. Of course, many international lawyers would see these arguments as a distortion of the *jus ad bellum* regime and will draw attention to their absurdity. Many more would claim that allowing the use of force to address alleged security 'threats' posed by climate change would be an inappropriate response and might even be counterproductive. As put by Daniel Deudney, 'for environmentalists to dress their programs in the blood-soaked garments of the war system betrays their core values and creates confusion about the real tasks at hand'.¹⁵³ At the same time, with more security actors asserting their authority over the climate 'crisis', the possibility of a shift towards the actions of rogue states posing a 'threat' to collective security because of their environmental policies is not entirely unthinkable. Arguments echoing the idea of ecological intervention are made, for instance, in popular newspapers and publications. In an article published in August 2019, *The Economist* characterised Brazil's deforestation in the Amazon as a threat to neighboring countries and to humanity, comparing Brazil's conduct to an 'act of war'.¹⁵⁴ In the same week, *Foreign Policy* published an essay raising the question of whether states had the right—or even the obligation—to consider using force to protect the Amazon.¹⁵⁵

Will international lawyers resist the appeal of 'muscular ecologism'?¹⁵⁶ Or will their commitment to humanitarian and, now, ecological ideals result in arguments for interventionist practices and more forceful action on the part of the international community? How will the assumptions about the origins

153 D Deudney, 'Environmental Security: A Critique' in Deudney and Matthew (n 135).

154 'Deathwatch for the Amazon: Brazil Has the Power to Save Earth's Greatest Forest—or Destroy It', *The Economist* (1 August 2019) <<https://www.economist.com/leaders/2019/08/01/deathwatch-for-the-amazon>>.

155 S Walt, 'Who Will Save the Amazon and How?', *Foreign Policy* (5 August 2019) <<https://foreignpolicy.com/2019/08/05/who-will-save-the-amazon/>>. For a critique, but also as evidence of international lawyers' interest in these debates, see A Gurmendi, 'New Rule: Let's Not Invade the Amazons', *Opinio Juris* (7 August 2019) <<http://opiniojuris.org/2019/08/07/new-rule-lets-not-invade-the-amazon/>>.

156 The idea of 'muscular ecologism' is an adaptation of Anne Orford's well-known concept of 'muscular humanitarianism'.

of the interconnected ecological and security ‘crisis’ shape scholarly debates and the search for ‘solutions’? While it may be too early to answer these questions, it is timely to reflect on the broader implications of certain legal arguments and the precedents they may set. In an attempt to outline the possibilities associated with a ‘critical re-description’ of the field,¹⁵⁷ in the next section I suggest some considerations on alternative engagements with the law and politics of climate security, which are more attentive to the constitutive role of international law and its unspoken assumptions.

B. Nature as the ‘enemy’? The separation of humanity, ecology, and economy

As observed above, legal efforts to expand the international security agenda and assert the authority of the Security Council over ‘new’ threats to peace and security date back at least to the 1990s. Yet, the representation of nature—in our case, climate change—as an external ‘threat’ to national, human, and collective security raises novel questions for the field of international law. In what follows, I point to three concerns raised by the securitisation of climate change—which may merit a separate and more comprehensive analysis of their own—that probe us to think in different ways about international law (and scholarship) in times of ecological disruption.

To begin with, the representation of climate change as a threat/risk to peace and security runs the risk of reinforcing troubling and long-discredited ideas of environmental determinism.¹⁵⁸ As observed before, the belief that the variable climate may play an explanatory role in past and future conflicts has begun to permeate public discourse. Yet, political ecologists have long criticised the approach of certain conflict studies attributing power of causation to environmental ‘factors’ and failing to consider how social dynamics mediate the ‘nexus’ between nature and conflict.¹⁵⁹ The point they make is

157 S Pahuja, ‘Laws of Encounter: A Jurisdictional Account of International Law’ (2013) 1 *London Review of International Law* 63, 65.

158 These ideas are commonly traced back to Thomas Malthus and his view of humanity as being completely at the mercy of the natural world. Other thinkers that were subsequently inspired by his work include R Kaplan, ‘The Coming Anarchy: How Scarcity, Crime, Overpopulation, Tribalism, and Disease are Rapidly Destroying the Social Fabric of Our Planet’, *The Atlantic* (February 1994) <<https://www.theatlantic.com/magazine/archive/1994/02/the-coming-anarchy/304670/>>. For a discussion on the dangers of climate reductionism, as a new form of climate determinism, see M Hulme, ‘Reducing the Future to Climate: A Story of Climate Determinism and Reductionism’ (2011) 26 *Osiris* 245.

159 See, eg, N Peluso and M Watts, *Violent Environments* (Cornell University Press 2001); P Robbins, *Political Ecology: A Critical Introduction* (3rd edn, Wiley 2019); P Le Billon and R Duffy, ‘Conflict Ecologies: Connecting Political Ecology and Peace and Conflict Studies’ (2018) 25 *Journal of Political Ecology* 239.

that environmental scarcity/abundance does not unilaterally unleash disorder or harmony in societies; it is the socio-political and economic systems that determine the consequences for ongoing conflict and peace processes.¹⁶⁰ This argument has been convincingly made, among others, by Steinberg in relation to climate-induced disasters. Steinberg claims that, by ‘making nature the villain’, we ignore the many social forces that amplify ‘natural disasters’ and heighten the risk and vulnerability of those in their path.¹⁶¹ In doing so, Steinberg suggests, we also provide economic and political elites with a convenient means of rationalising their decisions, and of normalising the harm and injustice to which they give rise, in particular among the socially disadvantaged. Similarly, a discourse attributing instability or conflicts to climate change (or its adverse effects, such as resource scarcity or migration) can be exploited by actors who want to escape responsibility.¹⁶² Environmental determinism downgrades human agency, renders the future free of ideologies and values, and becomes a convenient distraction from the adoption of measures to address the structural causes of climate injustices.

The problem of environmental determinism was emphasised, for instance, by India during the 2011 UNSC debate. Referring to the asserted connection between climate change, food insecurity, and conflict, India stressed that

our recent experience of food scarcity, as arose in 2008, and high inflation this year point to the preponderance of factors far removed from climate change that are holding global food security to ransom. *Agricultural protectionism, excessive speculation in food commodity trading and the diversion of crops to non-food purposes* are leading us to an unsustainable global food situation. This calls for urgent global attention.¹⁶³

Law, and for our purposes international law, comprises part of the system and institutional apparatus that govern society’s interactions with nature. Rather than thinking of climate change (or its consequences, such as draught, desertification, and extreme weather events) as an ‘external’ threat to security, a

160 L Peters, ‘To Understand How Disasters Relate to Conflict and Peace, Reframe the Starting Point’, *New Security Beat* (11 August 2020) <<https://www.newsecuritybeat.org/2020/08/understand-disasters-relate-conflict-peace-reframe-starting-point/>>.

161 T Steinberg, *Acts of God: The Unnatural History of Natural Disasters in America* (Oxford University Press 2006).

162 Mégret and Mayer (n 77) 90.

163 Statement made by the Indian representative during the UNSC, ‘2011 Open Debate’ (n 24) 19 (emphasis added).

better approach would be to examine how climate responsive measures—including legal ones—may contribute to conflict, as well as to its resolution.¹⁶⁴ One could consider, for instance, how converting land for biofuel production may augment staple food commodity prices, and even incentivise land-grabbing and dispossession; or how the privatisation of water resources may increase water prices. All these measures, without adequate intervention to assist the poor, may aggravate existing inequalities, generate grievances, and possibly pave the way for conflict.¹⁶⁵ Scholars have noted how provision of financial resources in payment for ecosystem services projects, such as the Reduced Emissions from Deforestation and Forest Degradation (REDD+), has the potential to ignite conflict over resources and property rights.¹⁶⁶ In other words, legal measures taken to govern climate change may mitigate or increase the vulnerability of particular sectors of the population, according to gender, class, race, and other intersectional markers of identity. Vulnerability also varies according to the political economy of particular regions, hence the need to engage in more historical and contingent analyses, resisting the appeal of grand theories of a climate-conflict ‘nexus’.

Second, considering climate change as a security ‘threat’ reinforces a specific Western view of the relationship between humanity and nature, which is premised on the severance of humans from their ‘environment’, literally, their surrounding.¹⁶⁷ The ‘environment’ as an object over which we (primarily, the white man) can acquire knowledge and govern reflects a specific type of knowledge production that stems from European colonialism and the

164 This approach is suggested also by the 2014 IPCC Report, referring to new research showing how, for instance, mitigation and adaptation actions could increase the risk of violent conflict, as well as increase vulnerabilities in certain populations or groups. See IPCC (n 90) 773 and the literature cited therein.

165 In relation to the Syrian conflict, scholars have observed that, rather than climate-induced drought *per se*, ‘economic struggles stemming from drought vulnerability, the loss of subsidies and the loss of agricultural wages did contribute to widespread dissatisfaction with the government’. See L Eklund and D Thomson, ‘Is Syria Really a “Climate War”? We Examined the Links between Drought, Migration and Conflict’, *The Conversation* (21 July 2017) <<https://theconversation.com/is-syria-really-a-climate-war-we-examined-the-links-between-drought-migration-and-conflict-80110>>.

166 D Melick, ‘Credibility of REDD and Experiences from Papua New Guinea’ (2010) 24 *Conservation Biology* (2010) 359. See also J Dehm, *Reconsidering REDD+: Authority, Power and Law in the Green Economy* (Cambridge University Press 2021) for a critical legal analysis of how the REDD+ scheme operates to reorganise social relations and to establish new forms of global authority over forests in the Global South in ways that benefit the interests of some actors while further marginalising others.

167 On the distinction between human history and natural history in Western legal thought, see D Chakrabarty, ‘The Climate of History: Four Theses’ (2009) 35 *Critical Inquiry* 197.

Enlightenment.¹⁶⁸ Environmental law scholars have showed how international law (and the law more generally) is implicated in (re)producing such artificial divide, where humanity is the active ‘self’ and nature a passive ‘object’.¹⁶⁹ The rising awareness in the mid-1900s of ‘Man’-caused environmental harm led to the idea of ‘Man’ as steward of ‘Nature’ and the conception of ‘Nature’ as an object that ‘Man’ shall care about for their own survival.¹⁷⁰ Since the 1970s, international legal instruments started to integrate the idea that humans need to ‘protect’ the natural world for the good it renders humanity and, to a lesser extent, for its intrinsic value.¹⁷¹

Current discussions on climate security tend to reproduce a similar anthropocentric rationale where the focus is on the maintenance of stable climatic conditions as a prerequisite of human survival.¹⁷² As observed before, the notion of human security is at the heart of climate security discourses. Not only this discourse erases the differentiated historical responsibilities for the overexploitation of nature, but it presents a total, unified humanity as the beneficiary of protection. This universalising rhetoric, however, masks the contingent understandings of security that underpin the discourse.¹⁷³ Particularly problematic is the understanding of security in times of ecological disruption as ‘the maintenance of achieved levels of civilization’.¹⁷⁴

168 V Argyrou, *The Logic of Environmentalism: Anthropology, Ecology and Postcoloniality* (Berghahn 2005); K Yusoff, *A Billion Black Anthropocenes or None* (University of Minnesota Press 2018).

169 For a discussion on the historical origins of the separation between mankind and the natural world, see S Humphreys and Y Otomo, ‘Theorizing International Environmental Law’, in A Orford and F Hoffmann (eds), *The Oxford Handbook on the Theory of International Law* (Oxford University Press 2016). See also A Philippopoulos-Mihalopoulos, ‘Critical Environmental Law as Method in the Anthropocene’ in A Philippopoulos-Mihalopoulos and V Brooks (eds), *Research Methods in Environmental Law* (Edward Elgar, 2017); A Grear, ‘Anthropocene, Capitalocene, Chthulucene’: Re-encountering Environmental Law and its “Subject” with Haraway and New Materialism’ in LJ Kotzé (ed), *Environmental Law and Governance for the Anthropocene* (Bloomsbury 2017) 90; U Natarajan and K Khoday, ‘Locating Nature: Making and Unmaking International Law’ (2014) 27 *Leiden Journal of International Law* 573.

170 MC Petersmann, ‘Narcissus’ Reflection in the Lake: Untold Narratives in Environmental Law Beyond the Anthropocentric Frame’ (2018) 30 *Journal of Environmental Law* 235, 240.

171 See, eg, ‘Stockholm Declaration of the United Nations Conference on the Human Environment’ (16 June 1972) UN Doc A/Conf.48/14/Rev1; ‘Rio Declaration on Environment and Development’ (3–14 June 1992) UN Doc A/CONF.151/26 (Vol I). But see the ‘World Charter for Nature’, GA Res 37/7 (28 October 1982) UN Doc A/RES/37/7, which adopts an ecological approach to environmental protection and puts all species on equal footing.

172 See Trombetta (n 58).

173 See Dalby (n 135).

174 See, eg, United States Government Accountability Office, ‘Climate Change Adaptation: Strategic Federal Planning Could Help Government Officials Make More Informed Decisions’ (2009) <<https://www.gao.gov/products/gao-10-113>>.

When ‘civilisation’ is invoked in relation to climate change, the ambivalence of the concept or argumentative pattern becomes even more clear. As critical scholars have observed, in addition to its racial and colonial connotations, ‘civilisation’ is inextricably linked with ideas of free trade and commerce, supporting a specific view of the international legal order.¹⁷⁵ If civilisation presents a symbiotic relationship to the system of capitalistic exploitation (of humans and nature),¹⁷⁶ then the contradictions within climate security discourses become even more apparent. Gupta and Bosch have indeed observed that climate security entertains an ambiguous connection with the ‘growth paradigm’.¹⁷⁷ On the one side, it is often maintained that climate risks/insecurity can negate the progress achieved by growth and that economic growth is important ‘to strengthening resilience’ and maintaining political stability.¹⁷⁸ On the other, alternative perspectives—notably the de-growth or post-growth movements—have emerged in recent years to argue that the forces of global capitalism are implicated in the climate/ecological crisis.¹⁷⁹ In Dalby’s words, ‘ecology in the Anthropocene is not about parks and protection; it is about changing the modes of production and consumption to reduce total ecological throughput in the biosphere for sustainable human existence’.¹⁸⁰

The consequences of these insights for international law deserve further attention. Upon what premises is the international law of peace and security built? What assumptions about the human-nature relationship lie at its heart? How does international law mediate between the need to foster economic growth, considered necessary for international stability, and ecological protection? These questions provide an alternative starting point to re-consider conventional approaches to global security law and the alliance of the discipline

175 A Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge University Press 2005) especially ch 5; S Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge University Press 2011).

176 Tzouvala (n 152). See also I Porras, ‘Appropriating Nature: Commerce, Property, and the Commodification of Nature in the Law of Nations’ (2014) 27 *Leiden Journal of International Law* 641.

177 Gupta and Bosch (n 61) 564.

178 See, eg, ‘Climate Change and Its Possible Security Implications: Report of the Secretary-General’ (n 4) para. 85.

179 See, eg, M Schmelzer, *The Hegemony of Growth: The OECD and the Making of the Economic Growth Paradigm* (Cambridge University Press 2016); J Hickel, *Less is More: How Degrowth Will Save the World* (Penguin Random House 2020). But see Moore (n 22) for the argument that capitalism should not be seen just as an economic or social system, but as an ‘ecological system’, or ‘a way to organise nature’. As such, it is not sufficient to consider how capitalist modernity has destroyed nature, but to explore how capitalism produces and is produced by nature.

180 Dalby (n 23) 159.

with a specific system or hierarchy of values, which are increasingly under scrutiny.

Third, and connected to the previous point, present legal discussions on climate security remain confined to sub-disciplinary specialisations and pay insufficient attention to the interrelation of international economic and environmental law. This is symptomatic of a broader trend within the discipline. As other scholars have claimed, the field of international law is traditionally characterised by a distinction between the law governing the environment and that regulating the economy.¹⁸¹ Since the 1970s, international environmental law emerged as a specialised sub-field to mitigate the harmful consequences of economic development and manage its externalities, such as atmospheric pollution, waste, and loss of biodiversity. At the same time, economic thinking has permeated the field of international environmental law, as exemplified by the adoption of market-based solutions to climate change, as noted before. Yet, separating nature from processes of production and consumption is problematic not only at an analytical level, but also at a prescriptive one.¹⁸² Julia Dehm and Usha Natarajan have argued that conceiving the ‘environment’, as an object of protection, and ‘natural resources’, as object of appropriation or free trade, into falsely demarcated legal spheres, results in ‘regulatory dysfunction’.¹⁸³ What are the effects of severing the laws governing the environment and economy on dominant understandings of peace and security? If climate change is the ‘outcome of a concerted effort to intensify and accelerate a global economy and society, an effort that has, for all its achievements, left in its wake a swathe of losers and victims of war, imperialism and environmental despoliation’,¹⁸⁴ can the legal notions of peace and security be reconfigured to promote more sustainable futures? While these remain, for the moment, open questions, they suggest the need to drastically rethink the term ‘security’ if it is to be attached to the term ‘environment’ or invoked in relation to climate change in future legal (and political) debates.

181 See, eg, Humphreys and Otomo (n 169) 805. The concept of sustainable development attempts to manage the conflict between economy and environment from within international law, although without challenging the growth-oriented development paradigm. On this point, see, eg, C Gonzalez, ‘Bridging the North-South Divide: International Environmental Law in the Anthropocene’ (2015) 32 *Pace Environmental Law Review* 407.

182 See Moore (n 22).

183 U Natarajan and J Dehm ‘Where is the Environment? Locating Nature in International Law’, *TWAILR Reflections* (30 August 2019) <<https://twailr.com/where-is-the-environment-locating-nature-in-international-law/>>.

184 Humphreys (n 21) 147.

CONCLUSION

This article sought to illuminate the ambivalent nature of ‘climate security’, as construed and invoked by different actors, including international lawyers. Who or what is the ‘object’ of security? Who is supposed to provide security and by what means? What is the relationship between the process of securitisation and international legal arguments? Building upon critical security literature and readings of the patterns of climate injustice, I offered a cautionary tale of the attempts to ‘securitise’ climate change and suggested an alternative engagement with its legal dimensions. Although the statements made by SIDS and developing countries during Security Council debates show that the meaning of climate security is still very much unsettled, the article drew attention to the risk that the narrative may be co-opted to advance reactionary policies and militarised solutions, which divert attention away from the responsibility of major emitters and demands for climate justice.¹⁸⁵ As critical scholars have amply showed, international law is structured by a well-developed set of assumptions that allow certain forms of argumentative practices and exclude others.¹⁸⁶ Like the notion of security ‘carries with it a history and a set of connotations that it cannot escape’,¹⁸⁷ so does international law, even when invoked to advance the most emancipatory projects.

The article indirectly raised the question of moral agency and responsibility that we, as legal scholars, owe towards those most affected by climate change and its manifold injustices.¹⁸⁸ Paying attention to the constitutive effects of legal arguments, in our case arguments supporting the ‘securitisation’ of climate change and the authority of the Security Council over it, helps illuminate how power and resources are distributed in the international order. In framing the violence of climate change in the sanitizing language of a ‘threat’ to peace and security, without interrogating whose security we are actually concerned about, current discussions obfuscate the differentiated impacts of climate change according to privilege and vulnerability. While a sense of urgency and frustration for decades of inaction may explain the calls

185 OO Táíwò, ‘Don’t Treat Climate Change as a National Security Risk: The Last Thing the Warming World Needs is For Rich Nations to Double Down on Self-Interest’, *New Republic* (1 February 2021) <<https://newrepublic.com/article/161183/dont-treat-climate-change-national-security-risk>>.

186 See, eg, Tzouvala (n 152).

187 O Waever, ‘Securitization and Desecuritization’, in RD Lipschutz (ed), *On Security* (Columbia University Press 1995) 46, 47.

188 This point is compellingly made by other scholars; specifically, on climate change, see Dehm, ‘Reflections on Paris’ (n 20). See also NK Modirzadeh, ‘Cut these Words: Passion and International Law of War Scholarship’ (2020) 61 *Harvard International Law Journal* 1, 64.

for more forceful responses to the climate ‘crisis’, it is important to pay attention to the legal reproduction of problematic assumptions about the origins of the security ‘threat’ and how legal norms may legitimise interventions in ‘weak’ or ‘rogue’ states facing the most severe effects of climate change. Future engagements with climate security need to consider the role of international law (beyond sub-disciplinary specializations) in generating insecurity and violence. One way to do so would be to investigate the relationship between the global economic system of production and consumption, on one hand, and conventionally accepted notions of peace and security, as mediated by legal discourses and practices, on the other. Understanding how particular meanings of security become dominant and shape our most basic relations, notably within what Jason Moore calls ‘the web of life’, is a first step to engendering alternatives futures.¹⁸⁹

189 Moore (n 22).