

THE UN SECURITY COUNCIL AND NON-TRADITIONAL SECURITY THREATS: WHY THE FAILURES OF THE COUNCIL'S COVID-19 RESPONSE DAMPEN HOPES FOR COUNCIL ACTION ON CLIMATE CHANGE

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Since the late 1990s, the mandate of the United Nations Security Council has evolved significantly as the Council has increasingly engaged with non-traditional security threats. Such matters create economic, societal and/or political instability that places livelihoods in peril and increases risks of conflict. COVID-19 presents one such threat. This article analyses the Security Council's COVID-19 response and highlights the challenges preventing effective and efficient action, with a view to understanding the Council's present capacity to deal with emerging non-traditional security threats, particularly climate change. Key challenges include the political conflict within the Council, principally between permanent members, as well as the Council's limited "toolkit" for action, which is primed to respond to traditional security threats. Considering the burden that such challenges had on the Council's COVID-19 response efforts, it is argued that the Council cannot be primarily relied on to manage other non-traditional threats. This is especially so in the case of climate change, which presents a more complex, multifaceted threat than a pandemic. A role for the Council that addresses consequences of climate change that most clearly fall within the Council's mandate is proposed.

I INTRODUCTION

In recent decades, the United Nations Security Council (UNSC) has been increasingly confronted with new and unconventional security threats. Such matters have challenged the Council as they stem not from traditional security threats, as most Council matters do, but from events which cause

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economic, societal and/or political instability, in turn threatening livelihoods and increasing risks of conflict.¹ In 2020, the UNSC was faced with one such threat. COVID-19, a highly infectious disease, spread rapidly around the globe, impacting on livelihoods as large parts of the world were forced into unprecedented shutdown. The pandemic, which caused large-scale death, economic turmoil, and social and political instability, was declared by the Secretary-General of the United Nations (UN) to be "a significant threat to the maintenance of international peace and security" in March 2020.² In spite of this, the UNSC, the UN body primarily responsible for maintaining international peace and security,³ was slow to act, severely delayed by disputes amongst the Council's permanent five (P5) members over the extent to which the Council should deal with COVID-19, as well as trivial political matters.⁴

Concurrently, the world faces another global challenge.⁵ Climate change is critically threatening livelihoods as natural resources degrade, severe weather patterns become more frequent, and sea levels rise.⁶ The international community has committed to combatting climate change primarily through the UN Framework Convention on Climate Change (UNFCCC) and related instruments.⁷ However, the security threats arising from climate change, such as population displacement and resource-based conflict, raise the question whether the UNSC should, too, be acting on the matter.⁸

This article seeks to understand the UNSC's present capacity to deal with emerging non-traditional security threats, particularly health crises and climate change. Specifically, it analyses the UNSC's response to COVID-19, with a view to understanding the challenges which prevented more efficient and effective Council action, and what those challenges suggest about the feasibility and usefulness

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- 1 Mely Caballero-Anthony *An Introduction to Non-Traditional Security Studies: A Transnational Approach* (SAGE Publications Ltd, London, 2016) at 6.
 - 2 António Guterres "Appeal for a Global Ceasefire" (23 March 2020) United Nations Secretary-General <www.un.org>.
 - 3 Charter of the United Nations, art 24.
 - 4 Richard Gowan "What's Happened to the UN Secretary-General's COVID-19 Ceasefire Call?" (16 June 2020) International Crisis Group <www.crisisgroup.org>.
 - 5 Valérie Masson-Delmotte and others (eds) *Climate Change 2021: The Physical Science Basis, Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, Cambridge, 2021).
 - 6 At 6, 10 and 11.
 - 7 United Nations Framework Convention on Climate Change 1771 UNTS 107 (opened for signature 4 June 1992, entered into force 21 March 1994); and Paris Agreement (opened for signature 22 April 2016, entered into force 4 November 2016).
 - 8 Shirley V Scott and Charlotte Ku "The UN Security Council and global action on climate change" in Shirley V Scott and Charlotte Ku (eds) *Climate Change and the UN Security Council* (Edward Elgar Publishing Limited, Cheltenham, 2018) 1 at 1.

of Council action on climate change. Whilst appreciating that the two threats present quite differently—COVID-19 stems from a single origin whereas climate change is a multi-source threat—comparative analysis is grounded in the argument that the challenges faced by the UNSC in addressing the single origin threat, COVID-19, are likely to be further exacerbated when confronting a threat as complex as climate change.

The central argument of this article is that the UNSC should not be relied upon primarily to manage non-traditional threats like climate change, particularly considering the political disagreement amongst the P5 that makes comprehensive Council action unlikely. COVID-19 highlighted the political fractures within the Council that may make climate action challenging and demonstrated that there is often little the UNSC can do when faced with non-traditional threats to security, as its "toolkit" for action remains oriented towards managing traditional security threats.⁹ Nevertheless, it is argued that the UNSC has the capacity to act as a "safety net", addressing the most imminent climate-related security threats where preventative efforts of the international community fail. A role for the UNSC, secondary to international efforts under the UNFCCC and related instruments, to address consequences of climate change that most clearly fall within the UNSC's mandate, such as population displacement and conflict over resource scarcity, is feasible.

To illustrate the above conclusion, this article first outlines how non-traditional security threats fall within the UNSC's mandate and explores the "toolkit" at its disposal for addressing such threats. The UNSC's COVID-19 response is then examined. This article focuses on challenges that hindered the Council's response, specifically political conflict and the limitations of the UNSC's "toolkit". Finally, it comments on what these challenges suggest about the likelihood of UNSC action on climate change, arguing that political conflict, particularly, is likely to present such a barrier to action that the UNSC should not be relied upon to address the climate crisis comprehensively. The article focuses on the action taken by the UNSC in response to COVID-19 to understand what action the UNSC may realistically take on climate change. For this reason, alternative actions available to the UNSC are not analysed in depth.

II RESPONDING TO NON-TRADITIONAL SECURITY THREATS: THE UNSC'S TOOLKIT

The UNSC's capacity to respond to non-traditional threats such as COVID-19 and climate change depends on such issues falling within the UNSC's mandate, as outlined in the UN Charter. Once an issue is considered to fall within this mandate, the UNSC may then take a range of actions, outlined in Chapters VI and VII of the Charter, as is deemed appropriate based on the nature of the security

9 Bruno Charbonneau "The COVID-19 test of the United Nations Security Council" (2021) 76 *International Journal* 6 at 8; Jeremy Farrall and Christopher Michaelsen "When the Centre Becomes Peripheral? The UN Security Council's Response to Covid-19" (8 October 2021) *Social Science Research Network* <www.ssrn.com> at 3; and Gowan, above n 4.

threat.¹⁰ This Part briefly summarises how non-traditional security threats can fall within the UNSC's mandate, before exploring the UNSC's "toolkit", with a view to understanding how the Council can vary its actions to deal appropriately with different threats, as well as the extent to which its actions can (or cannot) help in addressing non-traditional security threats, such as health crises and climate change.

A The UNSC's Mandate Apropos Non-Traditional Security Threats

Under art 24 of the UN Charter, the UNSC is charged with "primary responsibility for the maintenance of international peace and security".¹¹ To bring a matter before the Council, it must thus be considered an issue affecting the maintenance of international peace and security. Considering the context in which the UNSC was created at the end of World War II, this mandate was initially envisioned to cover traditional security threats (matters which threaten states' territorial integrity or sovereign equality), particularly interstate conflict.¹² However, the UNSC's mandate was never so explicitly limited. Article 34 of the Charter enables the Council to investigate "any situation" which, should it continue, may be "likely to endanger the maintenance of international peace and security".¹³ Thus, though drafted with traditional security threats in mind,¹⁴ art 34's wording left it open to the UNSC to act on novel threats.¹⁵

Since the late 1990s, as interstate wars have become rarer and the nature of recognised security threats has changed, the UNSC's mandate has evolved to cover "non-traditional" security threats,

10 Charter of the United Nations, art 24(2).

11 Article 24.

12 *Documents of the United Nations Conference on International Organisation San Francisco 1945* (United Nations Information Organization, New York, 1945) vol 1; and Ilja Richard Pavone "Ebola and Securitization of Health: UN Security Council Resolution 2177/2014 and Its Limits" in Leonie Vierck, Pedro A Villarreal and A Katarina Weilert (eds) *The Governance of Disease Outbreaks: International Health Law: Lessons from the Ebola Crisis and Beyond* (Nomos Verlagsgesellschaft, Baden-Baden, 2017) 301 at 304.

13 Charter of the United Nations, art 34.

14 *Documents of the United Nations*, above n 12; and Thomas Giegerich "Relevant Provisions of the UN Charter, Article 36" in A Zimmermann and others (eds) *The Statute of the International Court of Justice: A Commentary* (2nd ed, Oxford University Press, Oxford, 2012) 134.

15 Charter of the United Nations, art 34; Erin Pobjie "COVID-19 and the Scope of the UN Security Council's Mandate to Address Non-Traditional Threats to International Peace and Security" (2021) 81 ZaöRV 117 at 127; Nico Krisch "Ch VII Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, Introduction to Chapter VII: The General Framework" in B Simma and others (eds) *The Charter of the United Nations: A Commentary* (3rd ed, Oxford University Press, Oxford, 2012) vol 2, 1237 at 1242; and *Reparation for Injuries suffered in the Service of the United Nations (Advisory Opinion)* [1949] ICJ Rep 174 at 182.

departing from a purely state-centric view of security.¹⁶ Non-traditional security threats are challenges arising from non-military sources, such as resource scarcity and natural disasters, that impair the survival and welfare of societies.¹⁷ The threat to security stems from the economic, societal and/or political instability that such challenges cause, impairing people's wellbeing and increasing the likelihood of armed conflict.¹⁸ The resulting increase in tensions is why such challenges are often referred to as "threat multipliers", as they heighten the risk, or increase the severity, of traditional security threats.¹⁹ The transnational scope of many non-traditional security issues is what demands a coordinated international response, as unilateral action from one state often will not suffice to quell the threat if no action is taken by other states in which the threat is present.²⁰ It is the presence of the transboundary threat that unlocks the UNSC's mandate to preserve international peace and security. The Council may then turn to its Chapter VI and VII powers to address the threat.

B Chapter VI

Where a non-traditional security threat is established as falling within the UNSC's mandate, the UNSC may first look to utilise its powers under Chapter VI of the Charter. This chapter provides tools for the "peaceful settlement" of situations likely to endanger international peace and security.²¹ Where the extent of the threat presented by a situation is unclear, art 34 enables the UNSC to investigate the situation to determine the likelihood of the matter threatening the maintenance of international peace and security.²² Such an investigation can inform the UNSC about what path of action to choose to combat the threat. Article 36 enables the Council to recommend to UN members or other UN bodies

16 Caballero-Anthony, above n 1, at 5; Paul B Stares (ed) *A New Security Agenda: A Global Survey* (Japan Centre for International Exchange, Tokyo, 1998) at 128; and Siti Nurhasanah, Marthen Napang and Syaiful Rohman "Covid-19 As A Non-Traditional Threat to Human Security" (2020) 3 *Journal of Strategic and Global Studies* 54 at 59.

17 Anthony J Masys "The Security Landscape—Systemic Risks Shaping Non-traditional Security" in Anthony J Masys (ed) *Sensemaking for Security* (Springer, Tampa (FL), 2021) 1 at 6; Caballero-Anthony, above n 1, at 6; and Khalid Mahmood Shafi, Anusha Sultan Meo and Rohaan Khalid "Covid-19: Invisible, Elusive and the Advancing Enemy" (2020) 36 *Pak J Med Sci* 138.

18 Caballero-Anthony, above n 1, at 6; and Ningthoujam Koiremba Singh and William Nunes "Nontraditional Security: Redefining State-centric Outlook" (2016) 20 *Jadavpur Journal of International Relations* 102 at 109.

19 Ken Conca "Is there a role for the UN Security Council on Climate Change?" (2019) 61 *Environment: Science and Policy for Sustainable Development* 4 at 12.

20 Caballero-Anthony, above n 1, at 6; and Reuben Wong and Scott Brown "Stepping up EU-ASEAN Cooperation in Non-Traditional Security" in Olivia Gippner (ed) *Changing Waters: Towards a New EU Asia Strategy* (LSE Ideas, 2016) 79 at 80.

21 Charter of the United Nations, ch VI.

22 Article 34.

any action it considers appropriate to manage a threat.²³ In the case of events such as health crises or environmental degradation that can be classified under Chapter VI as potentially threatening "situations" (rather than traditional "disputes"), any art 36 recommendation should be procedural in nature suggesting "methods of adjustment" to avoid conflict actually eventuating.²⁴ For example, the UNSC may recommend that states refrain from particular acts that might worsen an existing situation, or call for an intensification of efforts and/or capacity-building in response to a growing threat.²⁵ An art 36 recommendation may also draw on the UNSC's general art 24 powers to condemn a state or states' violations of international law in a situation which it deems potentially threatening to international peace and security.²⁶

Though non-binding, Chapter VI action is significant as it highlights the critical nature of an issue to the international community.²⁷ UNSC recommendations must be considered in good faith by member states (as required by their duty of cooperation as a UN member)²⁸ and have a notable "compliance pull".²⁹ In the context of health crises, this was exemplified by the UNSC response to HIV/AIDS. UNSC Resolution 1308 adopted the language of Chapter VI by stating that HIV/AIDS "may pose a risk to stability and security", thus appreciating the risk presented by HIV/AIDS without declaring it to be an actual threat to the peace.³⁰ Though the UNSC's HIV/AIDS response did not resolve the health crisis, it arguably succeeded in bringing the severity of the issue to the attention of the international community. The Council's outspokenness on the matter emphasised the need for cooperative international action to minimise the harmful social and economic impacts of the epidemic in particularly affected regions.³¹

23 Article 36.

24 Giegerich, above n 14.

25 Other examples of art 36 recommendations include calls for affected parties to meet to negotiate possible solutions, to cooperate with existing institutions working to resolve the matter, or to use regional mechanisms to address the relevant threat(s). Example resolutions include SC Res 338 (1973) at 1; SC Res 1177 (1998) at 2; SC Res 1866 (2009); and SC Res 1920 (2010). See also Giegerich, above n 14, at 152; and Thomas Giegerich "Ch VI Pacific Settlement of Disputes, Article 36" in B Simma and others (eds) *The Charter of the United Nations: A Commentary* (3rd ed, Oxford University Press, Oxford, 2012) vol 1, 1119 at 1134–1136.

26 Giegerich, above n 14, at 152.

27 Richard Gowan and Ashish Pradhan "Salvaging the Security Council's Coronavirus Response" (4 August 2020) International Crisis Group <www.crisisgroup.org>.

28 Charter of the United Nations, art 2.

29 Giegerich, above n 14, at 162.

30 SC Res 1308 (2000), preamble.

31 Pobjie, above n 15, at 142.

Chapter VI measures are often overlooked when considering non-traditional security matters, arguably because the Chapter seems oriented towards "dispute" settlement.³² Often, non-traditional security threats exist without any traditional "dispute" between states. For example, rising sea levels present a threat to low-lying states' territories. The absence of an interstate dispute on this matter does not negate the security threat posed. Though the Chapter applies to any "dispute" or "situation" which may endanger the maintenance of international peace and security,³³ the Chapter particularly promotes dispute resolution mechanisms, listed in art 33, suggesting that the Chapter was drafted with traditional disputes in mind.³⁴ Indeed, throughout the San Francisco Conference in 1945, at which the UN Charter was created, powers to be granted to the UNSC were debated primarily in the context of armed conflict and other military threats.³⁵ Though the Council's mandate was left open to deal with any matter "likely to endanger the maintenance of international peace and security", non-traditional security threats recognised today were not specifically considered.³⁶ Hence, the UNSC's powers could not have been created with the purpose of aptly managing such threats. Nonetheless, art 36(1) enables the UNSC to recommend an unlimited range of solutions to any situation likely to threaten international peace and security.³⁷ It is thus a key mechanism through which the UNSC can recommend new solutions to non-traditional threats.

C Chapter VII

To respond to a security threat more strongly, the UNSC may look to utilise powers granted under Chapter VII of the Charter. Where an actual "threat to the peace, breach of the peace, or act of aggression" is identified, Chapter VII enables the UNSC to invoke coercive measures, such as sanctions or the use of force, to quell a threat.³⁸ Such measures are designed to influence the behaviour

32 Charter of the United Nations, ch VI.

33 Article 34.

34 Articles 33, 36 and 37; Benedetto Conforti and Carlo Focarelli *The Law and Practice of the United Nations* (4th ed, Koninklijke Brill NV, Leiden, 2010) at 190; and Christian Tomuschat "Ch VI Pacific Settlement of Disputes, Article 33" in Bruno Simma and others (eds) *The Charter of the United Nations* (3rd ed, Oxford University Press, Oxford, 2012) vol 1, 1069.

35 See *Documents of the United Nations*, above n 12; and Giegerich, above n 14, at 141.

36 Charter of the United Nations, art 34; Edward C Luck "Change and the United Nations Charter" in I Shapiro and J Lambert (eds) *Charter of the United Nations: Together with Scholarly Commentaries and Essential Historical Documents* (Yale University Press, New Haven, 2014) 121 at 128; and Lorraine Elliot "Expanding the Mandate of the UN Security Council to Account for Environmental Issues" in W Bradnee Chambers and Jessica F Green (eds) *Reforming international environmental governance: from institutional limits to innovative reform* (United Nations University Press, Tokyo, 2005) 204.

37 Charter of the United Nations, art 36(1); Giegerich "Ch VI Pacific Settlement of Disputes, Article 36", above n 25, at 1129.

38 In particular, arts 39, 41 (economic and diplomatic sanctions) and 42 (all necessary measures, including the use of force).

of states involved in the matter by demanding that they either cease acting in a harmful way or adopt a particular course of action.³⁹ Additionally, the UNSC has, on occasion, taken "quasi-legislative" measures where a threat is declared under Chapter VII.⁴⁰ Such measures involve the creation of obligations for all states regarding an issue, unconfined by a date or event at which the obligations are to be terminated.⁴¹ For instance, the UNSC may demand that states enforce desirable national legislation, or ratify important international agreements.⁴² UNSC Resolution 1373 on counter-terrorism was one such example, where the Council used Chapter VII to require all member states to adjust national legislation to criminalise the financing of terrorist acts and ratify existing international conventions on terrorism.⁴³ These requests are considered "quasi-legislative" because, although the obligation is imposed by the UNSC, national implementation of the obligation is left for each state to control.⁴⁴ Any direction under Chapter VII is binding on UN members, making the success of a resolution under this chapter more likely than under Chapter VI, as states' adherence is required, not just recommended.⁴⁵

Though Chapter VII measures are often considered to be the Council's primary response mechanisms, they have not commonly been invoked for a non-traditional security threat. This is because the threat is often not caused by the wrongful act of any state or group of states in particular. As such, it is hard to imagine what coercive measures could achieve, unless a state is being particularly uncooperative or negligent in managing the threat. The unconventional nature of non-traditional security threats presents a significant challenge for the UNSC in deciding how to act effectively, because their primary powers under this chapter are orientated towards addressing traditional military threats and thus, at first sight, appear of little use in the context of pandemics or environmental degradation. UNSC Resolution 2177 on Ebola is evidence of this. Though the Resolution adopted Chapter VII language in its text,⁴⁶ no Chapter VII enforcement mechanisms were implemented because of their lack of utility in achieving the objective of rendering international support and

39 Articles 39 and 40.

40 Maysa Bydoon and Gasem MS Al-Own "The Legality of the Security Council Powers Expansion" (2017) 7 Int J Humanit Soc Sci 220; SC Res 1373 (2001); and SC Res 1540 (2004).

41 Ian Johnstone "Legislation and Adjudication in the UN Security Council: Bringing down the Deliberative Deficit" (2008) 102 Am J Int Law 275 at 283.

42 Dane Warren *Climate Change and International Peace and Security: Possible Roles for the UN Security Council in Addressing Climate Change* (Sabin Centre for Climate Change Law, New York, 2015) at 11–13.

43 SC Res 1373 (2001) at 2–3. See also SC Res 1540 (2004), which required all member states to adopt and enforce appropriate laws to prevent the proliferation of nuclear weapons.

44 Isobel Roele "Sideline Subsidiary: United Nations Security Council 'Legislation' and Its Infra-Law" (2016) 79 Law Contemp Probl 189 at 189.

45 Charter of the United Nations, arts 25 and 48.

46 SC Res 2177 (2014) at 1.

cooperation.⁴⁷ Quasi-legislative action is the one path of action that may be of use in the non-traditional security context as it can require positive action from states without resorting to force or other harmful measures. However, achieving Council consensus on any such action is challenging. How best to utilise the UNSC's "toolkit", which was created primarily to respond to the use of force, clearly challenged the Council when confronted with COVID-19.

III RESPONDING TO NON-TRADITIONAL SECURITY THREATS IN PRACTICE: THE UNSC'S COVID-19 RESPONSE

Though the UNSC's Charter mandate raises hopes of Council action in response to non-traditional security threats, attempts by the UNSC to address such threats have often failed. COVID-19 has provided evidence of this, highlighting the challenges that arise in practice when the Council is confronted with a non-traditional security threat.

On 31 December 2019, the first report of a novel coronavirus disease, COVID-19, emerged from Wuhan, China.⁴⁸ By 30 January 2020, with the virus spreading globally, the Director-General of the World Health Organization (WHO) declared the outbreak to be a "public health emergency of international concern".⁴⁹ UN Secretary-General António Guterres was quick to acknowledge the pandemic's potential security implications. He called for an immediate global ceasefire on 23 March 2020 and, when the UNSC finally convened on 9 April to discuss the impacts of COVID-19, he declared the pandemic to be "a significant threat to the maintenance of international peace and security".⁵⁰ However, in the face of this declaration, the UNSC failed to agree on any action until months later. Inhibited by political disagreements amongst the P5, it was not until 1 July 2020 that the first Council resolution on COVID-19 was adopted.⁵¹

A Securitising COVID-19

For the UNSC to address COVID-19, the pandemic had to be conceptualised as a potential threat to international peace and security.⁵² UNSC consensus was reached that the pandemic presented a possible threat to security, despite China and South Africa initially challenging this

47 Pavone, above n 12, at 323.

48 World Health Organization "Statement regarding cluster of pneumonia cases in Wuhan, China" (9 January 2020) <www.who.int>.

49 World Health Organization "Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019-nCoV)" (30 January 2020) <www.who.int>.

50 Farrall and Michaelsen, above n 9, at 2; and Guterres, above n 2.

51 SC Res 2532 (2020).

52 Charter of the United Nations, art 24.

conceptualisation.⁵³ Classification of COVID-19 as a potential security threat was supported by earlier Council resolutions responding to health crises,⁵⁴ past Council debates dedicated to emerging threats to peace and security,⁵⁵ as well as a significant body of scholars classifying infectious diseases as non-traditional security threats.⁵⁶

1 *Identifying the threat*

COVID-19 poses a threat to international peace and security both directly and indirectly. The large-scale loss of life and impaired living conditions resulting from global pandemics, particularly in areas already suffering from ongoing conflict, directly challenges international peace and security.⁵⁷ Indirectly, economic disruption and the social and political instability stemming from COVID-19 provide fertile ground for social unrest, conflict and unwarranted external state intervention.⁵⁸ Its exacerbation of instability makes COVID-19 an evident "threat multiplier".⁵⁹

2 *Precedent of past health crises*

Precedent supporting the legitimacy of UNSC action on COVID-19 is found in previous global health crises, namely HIV/AIDS and Ebola.⁶⁰ The Council first passed Resolution 1308 on HIV/AIDS in 2000, noting the virus' potential to "pose a risk to stability and security", emphasising the impact on social instability and the risks posed to the health of international peacekeepers.⁶¹ Resolution 1308

53 What's In Blue "Security Council Resolution on COVID-19" (30 June 2020) Security Council Report <www.securitycouncilreport.org>.

54 SC Res 1308 (2000); and SC Res 2177 (2014).

55 See for example *Addressing complex contemporary challenges to international peace and security* UN Doc S/PV.8144 (20 December 2017); and *New challenges to international peace and security and conflict prevention* UN Doc S/PV.6668 (23 November 2011).

56 See for example Catherine Lo Yuk-ping and Nicholas Thomas "How is health a security issue? Politics, responses and issues" (2010) 25 *Health Policy Plan* 447; Maurizio Arcari "Some thoughts in the aftermath of Security Council Resolution 2532 (2020) on Covid-19" (2020) 70 *QIL* 59 at 62–64; and Shantesh Kumar Singh "Infectious Diseases, National Security and Globalisation" (2019) 23 *World Aff* 10.

57 Marco Di Liddo "The Impact of Covid-19 on Human Security" (May 2021) *Centro Studi Internazionali* <www.un.org>; Masys, above n 17; and Shafi, Meo and Khalid, above n 17.

58 Aleksandr M Baichorov "United Nations Security Council and COVID-19" (2020) 2 *Journal of the Belarusian State University* 3 at 7; and Masys, above n 17.

59 António Guterres "Remarks to the Security Council on the COVID-19 Pandemic" (9 April 2020) UN Secretary-General <www.un.org>; *Statement by the President of the Security Council* UN Doc S/PRST/2021/10 (19 May 2021) at 1; and UN Women "Women, Peace and Security, and COVID-19 in Asia-Pacific" (2020) <<https://asiapacific.unwomen.org>>.

60 Gian Luca Burci "Ebola, the Security Council and the securitisation of public health" (2014) 10 *QIL* 27 at 33; SC Res 1308 (2000); and SC Res 2177 (2014).

61 SC Res 1308 (2000).

expressly referred to the Council's primary responsibility for maintaining international peace and security, making clear that the Resolution fell within the Council's Charter mandate.⁶²

The President of the UNSC at the time, United States Vice-President Al Gore, stressed at the Council's meeting on HIV/AIDS the relationship between epidemics and security, emphasizing the need for health crises to be considered within the Council's agenda.⁶³ Relevantly, he stated that:⁶⁴

The heart of the security agenda is protecting lives ... when a single disease threatens everything from economic strength to peacekeeping, we clearly face a security threat of the greatest magnitude ... this meeting demands of us that we see security through a new and wider prism and, forever after, think about it according to a new and more expansive definition.

This recognition of the implications of disease on social stability strongly supports the inclusion of an epidemic response within the UNSC's mandate, stressing the critical importance of human security within the Council's agenda.⁶⁵

In 2014, the UNSC again addressed a public health crisis, passing Resolution 2177 in response to the Ebola outbreak.⁶⁶ The Resolution unequivocally declared that "the unprecedented extent of the Ebola outbreak in Africa constitutes a threat to international peace and security".⁶⁷ The clear determination of Ebola as a threat to international peace and security demonstrated unanimity within the Council as to the severity of the matter, necessitating UNSC action.⁶⁸ In practice, the Resolution yielded greater financial and resource contributions from UN members.⁶⁹ It also provided a basis for the establishment of the UN Mission for Ebola Emergency Response (UNMEER), the UN's first public health mission, which played a critical role in "scaling up" international efforts to manage the epidemic, distributing financial, logistical and human resources to particularly affected countries.⁷⁰

62 Preamble.

63 *The situation in Africa: The impact of AIDS on peace and security in Africa* UN Doc S/PV.4087 (10 January 2000) at 2.

64 At 2.

65 At 2; *In larger freedom: towards development, security and human rights for all. Report of the Secretary-General* UN Doc A/59/2005 (2005) at 24–25.

66 SC Res 2177 (2014).

67 Preamble.

68 Preamble.

69 *With Spread of Ebola Outpacing Response, Security Council Adopts Resolution 2177 (2014) Urging Immediate Action, End to Isolation of Affected States* UN Doc SC/11566 (18 September 2014).

70 Global Ebola Response "UN Mission for Ebola Emergency Response" <<https://ebolaresponse.un.org>>; and Richard Lappin "Ebola and Understanding Health Crises as Threats to International Security" (28 January 2016) Oxford Human Rights Hub <<https://ohrh.law.ox.ac.uk>>.

The Resolution received widespread international support, demonstrating a growth in acknowledgement of the detrimental security implications that stem from outbreaks of infectious diseases.⁷¹

Though Resolutions 1308 and 2177 were by no means "miracle cures" for the HIV/AIDS and Ebola epidemics, they marked a significant development of the UNSC's jurisdiction, affirming that the Council can have a useful role to play in addressing non-traditional security threats. Both Resolutions demanded the increased focus and assistance of the international community in circumstances where international action in response to both health crises was severely inadequate, thus exemplifying the power that UNSC action can yield.⁷²

3 Further debate

Despite widespread international support for Resolution 2177, the securitisation of health has continued to be a subject of UNSC debate in the last decade, particularly in the context of the changing nature of security threats.⁷³ In November 2011, the Council met to discuss "[n]ew challenges to international peace and security and conflict prevention", where pandemics were highlighted by then UN Secretary-General Ban Ki-moon as one of three "defining challenges of our times".⁷⁴ Council members concurred on the importance of all UN bodies acting complementarily to prevent the spread and effects of infectious diseases.⁷⁵ Most members acknowledged the need for the UNSC to be alert to the security implications of non-traditional security threats, including public health crises, whilst appreciating the importance of work by other UN bodies, notably the UN General Assembly (UNGA) and the WHO.⁷⁶ Russia, South Africa and India, however, questioned the legitimacy of bringing pandemics within the Council's mandate.⁷⁷ They advocated instead that such multifaceted global challenges should be dealt with by the UN body with universal membership, the UNGA, as well as

71 Charlotte Steinorth "The Security Council's Response to the Ebola Crisis: A Step Forward or Backwards in the Realisation of the Right to Health?" (2 March 2017) Blog of the European Journal of International Law <<https://ejiltalk.org/>>; Michael R Snyder "Security Council Response to Ebola Paves Way for Future Action" (4 December 2014) IPI Global Observatory <<https://theglobalobservatory.org/>>; and Lappin, above n 70.

72 *A More Secure World: Our Shared Responsibility. Report of the High Level Panel on Threats, Challenges, and Change* UN Doc A/59/565 (2 December 2004) at [5]–[8]; Burci, above n 60, at 38–39; and Pobjie, above n 15, at 142.

73 "Securitisation" refers to the transformation of a political matter into a security issue when the issue is perceived to present an existential challenge. Securitising an issue justifies the use of extraordinary means to combat it. See Barry Buzan, Ole Wæver and Jaap de Wilde *Security: A New Framework for Analysis* (Lynne Rienner Publishers, Boulder, 1998) at 25.

74 *New challenges to international peace and security and conflict prevention*, above n 55, at 2.

75 At 9, 13, 14 and 16.

76 At 10 and 13.

77 At 18, 19 and 24.

bodies with specialist knowledge, such as the WHO.⁷⁸ UNSC action on these matters, they argued, would instead undermine the role of other UN bodies, as Council action takes such issues off the table for other, more "suitable" bodies.⁷⁹

A similar narrative emerged from the UNSC's December 2017 meeting dedicated to "[a]ddressing complex contemporary challenges to international peace and security".⁸⁰ Here, whilst acknowledging that the UNSC must not encroach on other organs' responsibilities, the President of the Council noted that a more comprehensive approach, considering the multidimensional factors that affect the maintenance of peace and security, was necessary for the UNSC to fulfil its role.⁸¹ With the exception of Russia and Ethiopia,⁸² all Council members, plus the additional 27 states represented at the meeting, expressed support for the Council taking a more holistic approach to complex contemporary security challenges, of which pandemics are one.⁸³ Such a "holistic" approach involves recognition of, and response to, the varied root causes of security issues to prevent conflict from eventuating.⁸⁴ In responding to factors that can create or exacerbate conflict, such as pandemics, it was argued that the UNSC can more effectively carry out its mandate of maintaining international peace and security by preventing conflicts from arising, rather than simply responding to them once they occur.⁸⁵

Ultimately, past UNSC resolutions, meetings and independent panels evidence that the general consensus amongst the international community is that security-related implications of global health crises fall within the UNSC's mandate, at least to the extent of managing any resulting security issues and/or forming a basis for the establishment of an international response mechanism to the crisis (such as UNMEER).⁸⁶ Whilst the Council must be cautious not to overstep its mandate so as to retain its

78 At 18, 19 and 24; and *Addressing complex contemporary challenges to international peace and security*, above n 55, at 20.

79 *Addressing complex contemporary challenges to international peace and security*, above n 55, at 20; Burci, above n 60, at 31; and *New challenges to international peace and security and conflict prevention*, above n 55, at 18, 19 and 24.

80 *Addressing complex contemporary challenges to international peace and security*, above n 55.

81 At 4.

82 Russia reiterated its concern that the UNSC was encroaching on the role of other UN organs, specifically the UNGA and the Economic and Social Council. Ethiopia shared this view. See *Addressing complex contemporary challenges to international peace and security*, above n 55, at 19 and 20.

83 At 3–66.

84 At 4, 7, 33 and 43.

85 At 29, 33 and 39.

86 At 3–66; Lappin, above n 70; and *New challenges to international peace and security and conflict prevention*, above n 55.

legitimacy, Council action on COVID-19, focused on protecting human security and minimising conflict, was warranted.

B Resolution 2532

On 1 July 2020, the UNSC adopted its first resolution on COVID-19, Resolution 2532, calling on "all parties to armed conflicts to engage immediately in a durable humanitarian pause for at least 90 consecutive days".⁸⁷ The extent of the ceasefire requested, exempting only United States and Russian counter-terrorism operations, was unprecedented.⁸⁸ The Resolution was passed three months after the UNSC first convened to discuss the matter on 9 April. The delay was caused by significant political conflict between Council members. The limitations of the Council's "toolkit" also challenged discussions on what action the Council could actually take.

1 Political conflict

One of the most substantial obstacles that the UNSC had to overcome was the political conflict amongst the P5, particularly between China and the United States. The looming veto power of P5 members meant a resolution would never pass until disagreements were resolved, thus highlighting the impact of this structural limitation on the Council's institutional effectiveness.⁸⁹ COVID-19 proved a divisive topic. Notable disputes arose on the appropriateness of Council action, the scope of a COVID-19 resolution, the name of the disease, reference to its place of origin, and the role of the WHO.

From the outset, China and South Africa questioned whether COVID-19 properly fell within the UNSC's mandate, whilst other P5 members displayed selectivity based on individual interests.⁹⁰ Most significantly, China and the United States engaged in a hostile standoff, in which both states were more committed to shaming the other for its handling of COVID-19 than actually addressing the pandemic.⁹¹ Also at issue were Russian and United States demands that their counter-terrorism operations be exempt from any ceasefire call.⁹² The issue of whether the UNSC could legitimately act on COVID-19 was quickly resolved in the affirmative. The demands of the United States and Russia were also appeased, as the Council agreed that their respective counter-terrorism operations in

87 SC Res 2532 (2020) at [2].

88 Stefania Negri "United Nations Security Council Resolution 2532" (2021) 60 *International Legal Materials* 24 at 26.

89 Charbonneau, above n 9, at 8.

90 At 12; S Ilgu Ozler "The United Nations at Seventy-Five: Passing the COVID Test?" (2020) 34 *Ethics Int Aff* 445 at 448; and What's in Blue, above n 53.

91 Gowan, above n 4.

92 What's in Blue, above n 53.

the Middle East should be exempt from any ceasefire demand.⁹³ China-United States tensions, however, proved more troublesome to resolve.

The political deadlock between the United States and China most severely delayed UNSC action on COVID-19, paralysing Council discussions for months.⁹⁴ The United States was intent that a Council resolution should refer to COVID-19's place of origin, wanting COVID-19 to be referred to as the "Wuhan Virus".⁹⁵ China unsurprisingly opposed this, its top priority being to block any criticism of its management of COVID-19.⁹⁶ Though the United States eventually conceded on that matter, more prolonged discord surrounded the role of the WHO. The United States, having withdrawn from the WHO, resisted any resolution that acknowledged the WHO's role in combatting COVID-19.⁹⁷ China, conversely, demanded it, grasping the opportunity to debase United States legitimacy.⁹⁸ A compromise was eventually reached with the inclusion of a provision in Resolution 2532 stating that the Council had considered the General Assembly's Resolution 74/270 on COVID-19, which acknowledged the WHO's crucial role in containing the spread of the virus.⁹⁹ However, by then, the damage from months of deadlock and the resulting absence of UNSC action had been done.¹⁰⁰

It is notable that the UNSC's delay in passing a resolution on COVID-19 was not reflective of a wider lack of consensus amongst UN members as to the need for action. Before the Council met to discuss the pandemic, the UNGA had passed its first COVID-19 resolution (UNGA Resolution 74/270), calling for "intensified international cooperation to contain, mitigate and defeat the pandemic".¹⁰¹ It passed its second resolution (UNGA Resolution 74/274) weeks after, reinforcing the need for international cooperation, this time regarding global access to medical resources.¹⁰² These early UNGA resolutions contrast starkly with the UNSC's pandemic response. While most states voting at the UNGA recognised the importance of international solidarity, "world leaders" (namely

93 What's in Blue, above n 53.

94 Gowan, above n 4.

95 Gowan and Pradhan, above n 27.

96 Gowan and Pradhan, above n 27.

97 What's In Blue, above n 53.

98 Gowan and Pradhan, above n 27.

99 *Global solidarity to fight the coronavirus disease 2019 (COVID-19)* GA Res 74/270 (2020); and SC Res 2532 (2020).

100 Gowan, above n 4.

101 *Global solidarity to fight the coronavirus disease 2019 (COVID-19)* GA Res 74/270 (2020) at [5].

102 *International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19* GA Res 74/274 (2020).

the United States, China and Russia) were embroiled in disputes to defend their own interests. No matter how strongly other members pushed for cooperative international action on COVID-19, UNSC action depended on the agreement of these P5 members.¹⁰³

Political conflict amongst the P5 over a COVID-19 resolution reaffirmed what has long been considered the largest flaw in the UNSC's functioning: effective action proves elusive when individual interests of the P5 are at stake.¹⁰⁴ COVID-19 presented a non-traditional security threat on a truly global scale and yet, despite the unprecedented global implications of the pandemic, UNSC cooperation was unattainable because of the clashing individual interests of P5 states.¹⁰⁵ Though this barrier also arises frequently in the context of traditional security issues, there is arguably a greater likelihood of the veto being invoked in the context of non-traditional security threats as it can be used not just as a means of opposing a specific action to protect a state's own interests, but to oppose the securitisation of a threat itself.¹⁰⁶ This is not feasible with clear-cut, traditional security threats, as such issues are likely to have an established precedent of being acted on by the UNSC.

Considering that reform to the UNSC structure is itself subject to P5 veto, any reform eliminating this political barrier is extremely unlikely.¹⁰⁷ With this recurring structural limitation on UNSC action here to stay, reliance cannot not be placed on the UNSC to act on more complex issues, including climate change. Action should be feasible where undeniable traditional security threats result from non-traditional sources. However, where the nature and extent of a threat remains debatable, the UNSC is more likely to become entangled in political debate than to lead international action.

2 A limited "toolkit"

Even if the UNSC had not been troubled with political conflict between its members, the undertaking of effective action on COVID-19 would still have been inhibited by the Council's

103 It should be noted that the UNGA's resolutions on COVID-19 did not mention the "Uniting for Peace" mechanism (established by GA Res 337 (1950)), which enables the UNGA to make recommendations in order to maintain peace and security when the UNSC is blocked for a long time by P5 disagreement. The possible use of this mechanism, being a tool of the UNGA, is beyond the scope of this article. Nonetheless, it should be kept in mind when considering how wider international cooperation might overcome the barrier to action that is P5 disagreement.

104 Charbonneau, above n 9, at 13; Giorgia Papalia "A Critique of the Unqualified Veto Power" (2017) 2 Perth ILJ 55; and Saleh Al Shraideh "The Security Council's Veto in the Balance" (2017) 58 J Law Policy Glob 135 at 137.

105 Arcari, above n 56, at 60; Charbonneau, above n 9, at 7; and Gowan, above n 4.

106 See *Climate and security* UN Doc S/PV.8926 (13 December 2021); Louise van Schaik, Stefano Sarris and Tobias von Lossow *Fighting an existential threat: small island states bringing climate change to the UN Security Council* (Planetary Security Initiative, March 2018); and *New challenges to international peace and security and conflict prevention*, above n 55, at 18, 19 and 24.

107 Charter of the United Nations, arts 108 and 109.

"toolkit" for action. Despite the UNSC's vast mandate, "the Council's toolkit is still limited".¹⁰⁸ Whilst understandings of what issues potentially threaten international peace and security have broadened since the 1990s, with non-traditional security threats gaining greater attention, UNSC mechanisms remain largely ill-suited for responding to such threats.¹⁰⁹ As earlier discussed, the UNSC's powers were established at the San Francisco Conference in 1945, when armed conflict was the primary security threat in the minds of member states that needed addressing.¹¹⁰ The UNSC's powers were thus created with such threats in mind and have not been reconsidered despite evolving understandings of what issues can threaten the maintenance of international peace and security.

Though, as earlier discussed, the UNSC has previously addressed threats presented by health crises, those responses were assisted by the more limited spread of HIV/AIDS and Ebola (relative to COVID-19) and the centralisation of the most severe outbreaks in regions where the UN already had peacekeeping forces deployed.¹¹¹ This enabled humanitarian efforts to be more easily focused on virus "hotspots" with aims of quelling the spread of disease and minimising any negative security implications. COVID-19, in comparison, presented a threat on a global scale.¹¹² As a result, resources to manage the pandemic were limited internationally.¹¹³ This was further exacerbated by the nationalistic policies of many states, channelling resources primarily for domestic use.¹¹⁴

The global scale of COVID-19 and the unconventional nature of the security threat meant the UNSC's "toolkit" was of little practical utility. As the world was not facing a threat in which any state was acting egregiously, causing or severely exacerbating the security implications of the pandemic, the UNSC's powers to implement sanctions or use force under Chapter VII were not an appropriate solution to COVID-19. The Council thus had to rely on Chapter VI mechanisms. Resolution 2532 appeared to be adopted under this chapter, making the Resolution recommendatory, not binding.¹¹⁵ This is evident in the preamble of the Resolution, which states that "the COVID-19 pandemic is *likely* to endanger the maintenance of international peace and security", falling short of declaring the

108 Gowan and Pradhan, above n 27.

109 Farrall and Michaelsen, above n 9, at 3.

110 *Documents of the United Nations*, above n 12.

111 Farrall and Michaelsen, above n 9.

112 Tedros Adhanom Ghebreyesus "Opening remarks at the media briefing on COVID-19" (11 March 2020) World Health Organization <<https://who.int>>.

113 Baichorov, above n 58, at 7; and Emmanuel J Ezekiel and others "Fair Allocation of Scarce Medical Resources in the Time of Covid-19" (2020) 382 N Engl J Med 2049.

114 Baichorov, above n 58, at 6.

115 Arcari, above n 56, at 63.

pandemic to be an actual threat to international peace and security as required to invoke Chapter VII.¹¹⁶

While, theoretically, Chapter VI enables the Council to recommend any action it feels appropriate in response to a potential threat to international peace and security, the Council is limited in what it can request by the financial and operative resources at its disposal.¹¹⁷ Calling for a "humanitarian pause" in armed conflict was one recommendation clearly falling within the Council's mandate that had the promise of minimising suffering in conflict-ridden states, enabling pandemic management efforts to proceed without the added complication of ongoing armed conflict.¹¹⁸ However, other actions recommended in response to past health crises, such as the provision of humanitarian aid and supplies, were not realistic in the context of COVID-19, as public health resources were strained globally.¹¹⁹ Most UN members were incapable of providing resources to others as they required what they had for themselves. The unprecedented global threat of COVID-19 required an unprecedented solution that did not result.

Arguably in part owing to its non-binding nature, Resolution 2532 has had little effect as armed conflicts have continued.¹²⁰ This, however, is not reflective of a complete disinterest by governments and armed forces in the call for a ceasefire. When the Secretary-General first advocated for a ceasefire in March 2020, many armed groups (including those in deep-seated conflicts, such as in Colombia and the Philippines) took it upon themselves to cease fighting.¹²¹ However, the delay in UNSC action legitimising the ceasefire meant that conflict resumed before Resolution 2532 was passed, at which point the warring parties had lost interest in the proposal.¹²²

C Resolution 2565

In February 2021, the UNSC reconvened to discuss the pandemic.¹²³ COVID-19 had arisen as a factor in matters before the UNSC throughout 2020; however, it was not until 2021 that the pandemic

116 SC Res 2532 (2020), preamble (emphasis added).

117 Charter of the United Nations, art 36.

118 SC Res 2532 (2020).

119 Devon E McMahon and others "Global resource shortages during COVID-19: Bad news for low-income countries" (2020) 14 PLoS Neglected Tropical Diseases at 1.

120 Gowan and Pradhan, above n 27; and Kelly Craft "Remarks at a UN Security Council High-Level Meeting on Maintenance of International Peace and Security: Post-COVID-19 Global Governance (via VTC)" (24 September 2020) United States Mission to the United Nations <<https://usun.usmission.gov>>.

121 Charbonneau, above n 9, at 12.

122 Gowan and Pradhan, above n 27.

123 See SC Res 2532 (2020); *The situation in the Central African Republic* UN Doc S/PV.8771 (19 October 2020); *Letter dated 18 September 2020 from the President of the Security Council addressed to the Secretary-*

itself was specifically re-addressed. Discussions were motivated by a sense of purpose and desire for cooperation starkly different from the negotiations in 2020.¹²⁴ This was arguably in part due to a change of United States leadership, with Joe Biden (replacing Donald Trump) bringing with him an administration that prioritised international cooperation and supported WHO involvement in combatting COVID-19.¹²⁵ That change eliminated much of the political sparring that plagued UNSC negotiations in 2020. In just two weeks, the Council successfully negotiated Resolution 2565, which was adopted on 26 February. Reasserting the 2020 call for a global ceasefire, Resolution 2565 demanded a "humanitarian pause" of all conflicts to enable aid workers to safely conduct COVID-19 vaccination programmes.¹²⁶ In contrast to Resolution 2532, Resolution 2565 explicitly recognised "the crucial role of the WHO" in the pandemic response.¹²⁷

Whilst again seeming to adopt recommendatory, rather than binding, language in Resolution 2565, the UNSC appeared to leave open the possibility of invoking its Chapter VII powers in future if necessary.¹²⁸ This is evident in passages of the Resolution that request the Secretary-General to report to the Council on the Resolution's implementation, stating that, where instances of continued conflict are reported to be impeding COVID-19 vaccinations, the Council intends to consider the appropriateness of further measures to ensure a pause in hostilities.¹²⁹ Despite this reference to "further measures", it is unclear what "further measures" may actually be useful.¹³⁰ Diplomatic sanctions may influence better compliance; however, other Chapter VII measures, particularly the use of force, still seem excessive and inappropriate in the pandemic context. Although the UNSC was not inhibited in passing Resolution 2565 by the political conflict that plagued negotiations in 2020, the Resolution does not practically achieve much more than Resolution 2532.¹³¹ Resolution 2565 came

General and the Permanent Representatives of the members of the Security Council UN Doc S/2020/915; and SC Res 2565 (2021).

124 Richard Gowan "A Fresh Chance for the Security Council to Tackle COVID-19" (6 April 2021) International Crisis Group <www.crisisgroup.org>.

125 Gowan, above n 124.

126 SC Res 2565 (2021) at [3].

127 Preamble.

128 Gowan, above n 124.

129 SC Res 2565 (2021) at [7]–[8].

130 Ilja Richard Pavone "Security Council Resolution 2532 (2020) on Covid-19: A Missed Opportunity?" (2020) 9 *ESIL Reflections*; and Simon Rushton "Can we rely on the Security Council during health emergencies?" (2022) 76 *Aust J Int Aff* 35.

131 Research conducted following UNSC Resolution 2565 has suggested that vaccination ceasefires do not appear to positively impact on peace processes in situations of armed conflict. See Ian Russell, Laura Wise and Sanja Badanjak *Breathing Space: Vaccination Ceasefires in Armed Conflict* (The University of Edinburgh, Edinburgh, 2021).

too late to prevent COVID-19 from becoming a global crisis, and demonstrated that even where the Council shows willingness to act, its ability to take meaningful action remains limited by its "toolkit".¹³²

IV PROSPECTS OF FUTURE ACTION: A ROLE FOR THE UNSC IN CLIMATE CHANGE?

Considering the significant impact that political conflict and the UNSC's limited "toolkit" had in preventing timely action on COVID-19, which presented a clear threat stemming from a single source, it is likely that such barriers will only be exacerbated when addressing more complex, multifaceted security threats, including climate change.

This Part uses the lessons learned from COVID-19 about the UNSC's institutional limitations to consider what the prospects of success are for future Council action on non-traditional security threats, using climate change as a case study. Like COVID-19, climate change cannot be remedied by one state or group of states alone. Instead it requires the collective action of all states to reduce greenhouse gas emissions and adapt to environmental changes.¹³³ Further, considering the transboundary nature of the threat, similar to outbreaks of health crises, attributing responsibility for the climate crisis is challenging.¹³⁴ Thus, whilst health crises and environmental degradation can present as rather different threats, addressing them requires similar cooperative measures. This Part will first outline how climate change can fall within the UNSC's mandate, before considering how the UNSC's political and practical limitations will likely impact any Council action on climate change.

A Securitising Climate Change

Climate change, like COVID-19, poses a non-traditional security threat in that it primarily endangers the survival and wellbeing of societies. However, the extent to which climate change itself, or simply climate-related effects, falls within the UNSC's mandate is a contested issue.¹³⁵

1 Identifying the threat

Like many other non-traditional security threats, including COVID-19, climate change threatens the maintenance of international peace and security directly and indirectly. Human activity is rapidly

¹³² Rushton, above n 130.

¹³³ The Expert Group of the International Military Council on Climate and Security *The World Climate and Security Report 2021* (The Center for Climate and Security, an institute of the Council on Strategic Risks, Washington DC, 2021) at 74; and Liz Fisher "Thinking Collectively: Law and Scholarship in Precarious Times" (2020) 32 *Journal of Environmental Law* 339 at 340.

¹³⁴ Fisher, above n 133, at 340.

¹³⁵ *Climate and security*, above n 106; Conca, above n 19, at 5–6; *Maintenance of international peace and security: the impact of climate change* UN Doc S/PV.6587 (2011); Pobjie, above n 15, at 119–120; and Caballero-Anthony, above n 1, at 6.

warming global temperatures, causing and worsening environmental changes, such as rising sea levels, extreme weather events and natural disasters.¹³⁶ Such events, which may occur rapidly or over time, affect both the security of individuals and state territories, with the potential to displace large populations.¹³⁷ Further, significant resource shortages (most notably, food and water insecurity)¹³⁸ are resulting from the climate-induced degradation of arable land and increasing water scarcity.¹³⁹ Such climate change-related factors can create and exacerbate social and/or political tensions, increasing the likelihood of violence.¹⁴⁰ Considering these indirect effects, climate change is not just a threat in itself, but a "threat multiplier",¹⁴¹ as climate-induced resource scarcity and subsequent economic disruption "multiply" the risk of social discontent and conflict.¹⁴²

2 Precedent

The security risks presented by climate change are supported by a substantial body of research, as well as UNSC meetings on the matter. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) in 2014 found "robust evidence" and "high agreement" that "human security will be progressively threatened as the climate changes".¹⁴³ This was affirmed in 2022 by the IPCC's Sixth Assessment Report, which found with "high confidence" that, already, the impacts of climate change have adversely affected or caused loss to human security.¹⁴⁴ The Report projected

136 Masson-Delmotte and others, above n 5, at 6; and Shirley V Scott "Climate Change and Peak Oil as Threats to International Peace and Security: Is it Time for the Security Council to Legislate?" (2008) 9 *Melbourne Journal of International Law* 495 at 504.

137 Scott and Ku, above n 8, at 1.

138 Hans-Otto Pörtner and others "Summary for Policymakers" in Hans-Otto Pörtner and others (eds) *Climate Change 2022: Impacts, Adaptation, and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, Cambridge, 2022) at 10.

139 Scott, above n 136, at 504.

140 At 504.

141 *Climate change and its possible security implications. Report of the Secretary-General* UN Doc A/64/350 (11 September 2009) at 6.

142 See *Maintenance of international peace and security: the impact of climate change*, above n 135, at 4, 11, 16 and 29.

143 W Neil Adger and others "Human security" in Christopher B Field and others (eds) *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* (Cambridge University Press, Cambridge, 2014) 755 at 758.

144 Hans-Otto Pörtner and others "Technical Summary" in Hans-Otto Pörtner and others (eds) *Climate Change 2022: Impacts, Adaptation, and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, Cambridge, 2022) at 14.

with "high confidence" that even with current, "moderate" climate change, vulnerable people's livelihoods will continue to be eroded, leading to humanitarian crises, including population displacement and involuntary migration.¹⁴⁵

The international community devoted much attention to climate change towards the end of the 20th century, particularly following the 1988 Toronto Conference, which acknowledged that atmospheric changes "represent a major threat to international security".¹⁴⁶ However, the matter did not come before the UNSC specifically until April 2007, when the Council convened to examine the relationship between climate change and security.¹⁴⁷ Opinion was split as to whether climate change properly fell within the Council's mandate. The UN Secretary-General at the time, Ban Ki-moon, stressed the indirect threats to security presented by climate change, noting the connection between resource scarcity and increased risks of conflict, as well as the likelihood of forced migrations stemming from both land uninhabitability and resource-based conflict, which can further exacerbate tensions.¹⁴⁸ While most developed countries agreed with the Secretary-General, seeing a role for the UNSC in combatting climate change, the "Group of 77" (G77) developing countries and China argued that climate change was primarily an economic and social issue, not a security matter, and would be better addressed by the UNGA, the Economic and Social Council (ECOSOC), and mechanisms agreed under the UNFCCC.¹⁴⁹ However, the states most imminently threatened by climate change—small island developing states (SIDS)—disagreed with the G77.¹⁵⁰ Stressing the urgency of climate action, they requested that the Council closely monitor the security implications of climate change, particularly highlighting the looming economic strife and population displacement facing SIDS.¹⁵¹ Appreciating the respective roles of the UNGA, UNFCCC fora, and other bodies, SIDS requested that the UNSC assist within the bounds of its mandate, primarily "protecting human rights and the integrity and security of States".¹⁵²

In 2011, the Council again met to discuss climate change.¹⁵³ The Executive Director of the UN Environment Programme appeared, advocating action on the basis that climate change was a "threat

145 At 35.

146 United Nations Environment Programme "The Changing Atmosphere: Implications for Global Security" (conference proceedings, Toronto, 27–30 June 1988) at 292.

147 UN Doc S/PV.5663 (2007).

148 At 13 and 14.

149 At 24.

150 At 26–29.

151 At 26–29.

152 At 29.

153 *Maintenance of international peace and security: the impact of climate change*, above n 135.

multiplier".¹⁵⁴ While recognising the role of the UNGA and ECOSOC, and the primacy of the UNFCCC framework in addressing climate change, the Council expressed concern for the security implications of climate change, appreciating its mandate to deal with such threats.¹⁵⁵ Concern about Council encroachment upon other bodies' mandates was raised, though an increasing number of states viewed a role for the Council as a necessary supplement to other efforts.¹⁵⁶ Critically for Council action, however, P5 members China (aligning with the G77) and Russia remained adamant that UNSC action on climate change was inappropriate and better left to UNFCCC mechanisms.¹⁵⁷

Security implications of climate change have since been debated by the Council numerous times in the context of emerging challenges to international peace and security, with similar discourses and diverging opinions consistently arising.¹⁵⁸ Most recently, China and Russia's opposition to UNSC action on climate change was displayed at the UNSC vote on draft resolution S/2021/990 in December 2021.¹⁵⁹ The draft resolution stressed the relationship between climate change and security, providing a framework for the UNSC to respond to the security implications of climate change.¹⁶⁰ Despite being supported by 12 out of 15 UNSC members, and co-sponsored by 113 countries,¹⁶¹ the draft resolution was ultimately vetoed by Russia (joined in opposition by India), with China abstaining.¹⁶² Russia and China reiterated their objection to the securitisation of climate change, with Russia particularly alleging that the draft resolution wrongly politicised what is a scientific and socioeconomic issue.¹⁶³

Despite some states' reluctance to bring climate-related matters within the UNSC's mandate, the security implications arising from and/or exacerbated by climate change are increasingly evident. Resources are becoming scarcer as arable land degrades, natural disasters are occurring more frequently and severely, and sea levels continue to rise.¹⁶⁴ All of these implications threaten human

154 At 4.

155 At 6–30.

156 At 6–30.

157 At 9 and 13.

158 See *Addressing complex contemporary challenges to international peace and security*, above n 55; and *New challenges to international peace and security and conflict prevention*, above n 55.

159 *Climate and security*, above n 106.

160 *Draft resolution UN Doc S/2021/990*.

161 At 1.

162 *Climate and security*, above n 106, at 5.

163 At 3 and 12.

164 Adger and others, above n 143; and Masson-Delmotte and others, above n 5.

security and multiply risks of conflict.¹⁶⁵ As stated by UN Secretary-General António Guterres, the "climate emergency" is driving "instability, displacement and conflict".¹⁶⁶ This suggests that climate change falls within the Council's mandate as being "likely to endanger the maintenance of international peace and security".¹⁶⁷ This being so, the Council may try to use its "toolkit" to tackle climate-related security challenges.

B Political Conflict

Before considering the extent to which it may act on climate change in the future, the UNSC will have to overcome political disagreement as to the legitimacy of Council action on the matter. Considering the notable disagreement amongst UN member states on this issue, it is unlikely that all Council members, particularly the P5, will agree that Council action on climate change is appropriate. Political conflict is highly likely to inhibit Council action on climate change, having a similarly stymying effect as it did on COVID-19 discussions.

A recurring theme at all Council meetings that have discussed climate change is the P5 division between, on the one hand, France, the United Kingdom, and the United States, which support UNSC involvement in combatting climate change, and, on the other, Russia and China, which align with views of the G77, questioning the legitimacy of UNSC action on climate change.¹⁶⁸ Whilst the perspectives of both China and Russia have shifted slightly—from denying that climate change is a security matter, to accepting that it has security implications—both states still resolutely claim that climate change is primarily a sustainable development issue that should be dealt with under the UNFCCC framework, not by the Council.¹⁶⁹ Unlike the political conflict that inhibited action on COVID-19, China and Russia's disagreement with the rest of the P5 is supported by other Council members and non-represented UN members.¹⁷⁰ Specifically, five of the non-permanent Council members are part of the G77 and oppose UNSC involvement on climate matters.¹⁷¹ Thus, the likelihood of the UNSC overcoming this dissent to pass resolutions on climate change is unlikely,

¹⁶⁵ Scott, above n 136, at 504.

¹⁶⁶ António Guterres "The State of the Planet" (2 December 2020) United Nations Climate Action <<https://un.org>>.

¹⁶⁷ Charter of the United Nations, arts 24 and 33(1).

¹⁶⁸ See *Addressing complex contemporary challenges to international peace and security*, above n 55; *Maintenance of international peace and security: the impact of climate change*, above n 135; *New challenges to international peace and security and conflict prevention*, above n 55; and UN Doc S/PV.5663 (17 April 2007).

¹⁶⁹ *Climate and security*, above n 106; and *Maintenance of international peace and security: the impact of climate change*, above n 135, at 9 and 13.

¹⁷⁰ At 27.

¹⁷¹ UN Doc S/PV.5663 (17 April 2007) at 24.

particularly considering that China and Russia would likely injure their relationships with other non-UNSC member states if they were to change their stance on the matter. Despite this, however, both China and Russia have expressed concern for the pressing impacts of climate change on SIDS and recognised that climate change may cause or worsen more traditional security threats, so their cooperation on a UNSC resolution addressing these threats specifically may be feasible.¹⁷² Nonetheless, the likelihood of the UNSC overcoming political disagreement as to the characterisation of climate change itself as a threat to international peace and security is low.¹⁷³

C Approaching Climate Change within the Bounds of the UNSC's "Toolkit"

Should the UNSC decide to tackle climate change, or climate-related events, the way in which it acts will vary depending on whether the Council prioritises mitigation or adaptation action, and whether it chooses to utilise its Chapter VI or Chapter VII tools. Generally, mitigative action seeks to address the causes of climate change, whilst adaptation efforts focus on the effects of climate change.¹⁷⁴

A mitigative approach might entail requesting states to restrain the undertaking of particularly harmful activities or calling for states to take certain actions or implement legislation to reduce their carbon footprint. The UNSC may assume a "quasi-legislative" role to require states' adherence to any such request, as later explained.¹⁷⁵ Though the Council does not have authority to intervene in the domestic affairs of any state,¹⁷⁶ such action could be justified as enforcing the no harm rule in international environmental law which, as a principle of customary international law, requires states to take all appropriate measures to prevent activities conducted on their territory from causing significant harm to another state's territory or to the global environment.¹⁷⁷ Thus, if a transboundary environmental threat can be established as a result of a state's proposed polluting act,¹⁷⁸ endangering

172 *Maintenance of international peace and security: the impact of climate change*, above n 135, at 9 and 13.

173 It should be noted that P5 members may choose to abstain on a resolution on climate change, rather than voting against it. Abstention would not prevent the resolution from passing. However, Russia's decision to vote against draft resolution S/2021/990 in December 2021 suggests that such an outcome is unlikely to result any time soon.

174 Warren, above n 42, at 9–10.

175 At 13.

176 Except when necessary for Chapter VII action.

177 Charter of the United Nations, art 2(7); "Declaration of the United Nations Conference on the Human Environment" in *Report of the United Nations Conference on the Human Environment* UN Doc A/CONF.48/14 (1972) at "Principle 21"; and *Prevention of Transboundary Harm from Hazardous Activities* [2001] vol 2, pt 2 YILC 148 at 153.

178 The challenges of attributing responsibility to a polluting state must be recognised as, in a world where all states are contributing to the degradation of the climate system, establishing the specific harm caused by one

peace and security, this would justify a UNSC response under Chapter VII without being considered an unwarranted encroachment on states' territorial integrity.

Alternatively, a Council approach focused on adaptation may respond to the effects of climate change as they arise, helping states to adapt when environmental changes significantly threaten their territories and/or the livelihoods of their populations. For example, humanitarian assistance may be delivered to states that face resource-based conflict or to displaced populations. Though this would not address the long-term implications of climate change, it would help to reduce the imminent suffering of vulnerable populations from climate-related harms. To facilitate any such response, the Council may establish subcommittees with expertise to appropriately manage such specific challenges.¹⁷⁹ The purpose of a subcommittee is to effectively perform the Council's functions in relation to a specific matter.¹⁸⁰ Establishing subcommittees regarding specific climate-related threats (such as conflict over resources) would enable such threats to be dealt with under the Council's mandate by a subsidiary organ that is properly equipped with the information and resources to take procedural and/or substantive steps in response to complex climate-related threats, and to account for the unique circumstantial elements of climate-related incidents as they arise.

Considering the critical state of the climate, both mitigation and adaptation measures are arguably necessary. As argued by SIDS, the climate emergency is so pressing that all mitigative action aimed at slowing climate change should be welcomed from all bodies, including the UNSC, whilst adaptive efforts are, and will become more, necessary as extreme weather events worsen and sea levels rise as a result of the changing climate.¹⁸¹ This is despite the fact that most states are already implementing national measures to address climate change under the Paris Agreement.¹⁸² The Paris Agreement sets a goal and process for the international community to prevent disastrous global warming,¹⁸³ but nearly a decade on, most states' national climate policies remain insufficient.¹⁸⁴ With many states' current

state's actions for the purposes of attributing legal responsibility is difficult. See DH Cole "The Problem of Shared Irresponsibility in International Climate Change Law" in A Nollkaemper and D Jacobs (eds) *Distribution of Responsibilities in International Law* (Cambridge University Press, Cambridge, 2015) 290.

179 Charter of the United Nations, arts 7(2) and 29.

180 United Nations Security Council "Committees, Working Groups and Ad Hoc Bodies" <<https://un.org>>.

181 UN Doc S/PV.5663 (2007) at 29.

182 Paris Agreement, above n 7, art 3.

183 Specifically, to hold the increase in global average temperature to well below 2°C above pre-industrial levels. See Paris Agreement, above n 7, art 2(a).

184 Climate Action Tracker "Climate target updates slow as science ramps up need for action" (September 2021) <www.climateactiontracker.org>.

actions merely displaying "lip service" towards, or even disregard for, the climate emergency,¹⁸⁵ it is clear that other paths of action on climate change should be considered. Though Council action will likely be met with pushback from several states (who will be unwilling to relinquish control over their national climate policies), the political influence of UNSC action should not be overlooked as a means of shifting the seemingly complacent attitudes of many states towards climate change, highlighting the particular security implications of climate change and encouraging stronger international efforts.¹⁸⁶

Regardless of the measures favoured by the Council (mitigative and/or adaptive), the Council will also have to decide what actions it deems appropriate for dealing with climate change, choosing from its toolkit under Chapters VI and VII of the UN Charter. As with Covid-19, the Council's Chapter VII powers seem largely inappropriate for addressing climate change.¹⁸⁷ Climate change demands the collective action of all states as the emissions of all contribute to degradation of the climate system. Militarising the matter under Chapter VII, using force or invoking sanctions to compel a state to change their actions, would likely create interstate hostility, thus achieving the opposite of the willing cooperation required to properly combat the climate crisis.¹⁸⁸ Unlike pandemics, however, the options for utilising the Council's Chapter VII powers to combat climate change are greater. The Council may use Chapter VII tools on the basis that climate change presents a collective security threat that cannot be resolved without the contributing efforts of all states (particularly the highest emitters) to minimise environmental harms.¹⁸⁹ While military intervention seems wholly inappropriate for resolving climate change issues, economic sanctions may be invoked to deter states from carrying out environmentally damaging projects, where such projects threaten to cause particular transboundary harm.¹⁹⁰ Economic pressure may be applied to incentivise investment in environmentally friendly development where states have such means, though the practical implications of such economic tactics will be complex. The present reliance of state economies (and, therefore, the interdependent international economic system) on environmentally damaging projects (for example, mining for resources) is likely to make this an unfeasible strategy in the immediate future.

185 Climate Action Tracker "Glasgow's 2030 credibility gap: net zero's lip service to climate action" (November 2021) <www.climateactiontracker.org>.

186 Giegerich, above n 14, at 162; and Pobjie, above n 15, at 142.

187 Elliot, above n 36, at 204 and 220.

188 Catherine Tinker "'Environmental Security' in the United Nations: Not a Matter for the Security Council" (1991) 59 *Tenn Law Rev* 787 at 794.

189 Shirley V Scott "Implications of climate change for the UN Security Council: mapping the range of potential policy responses" (2015) 91 *International Affairs* 1317 at 1322.

190 Linda A Malone "'Green Helmets': a conceptual framework for Security Council authority in environmental emergencies" (1996) 17 *Mich J Int Law* 515 at 532.

Also, under Chapter VII, the UNSC may assume a quasi-legislative role by, for example, requiring states to reform legislation to decarbonise the economy, or to ban particularly damaging activities.¹⁹¹ The issue with any such demand, however, is it would likely be seen as interfering with more global efforts under the UNFCCC framework. This opinion was most recently expressed by China, India and Russia at the Council's 2021 meeting on climate and security, where the three states objected to proposed UNSC action on climate change, viewing it as interfering with existing processes established by the UNFCCC.¹⁹² Additionally, considering the complexity of climate change, the legitimacy of any such demand from the UNSC, which lacks environmental expertise when compared with other bodies such as the IPCC, would likely be questioned.¹⁹³ These factors—combined with current disagreement on the legitimacy of Council action on climate change generally—make the likelihood of quasi-legislative action low.

Aside from its Chapter VII powers, the UNSC also has options for action under Chapter VI. Under art 36, the UNSC may recommend action for states to combat climate change.¹⁹⁴ Possible recommendations may include a call for international cooperation to facilitate greater capacity-building efforts in states particularly vulnerable to sea level rise (mirroring Resolution 2565's call for an intensification of international cooperation in the COVID-19 vaccine rollout), or a request that member states recognise and support climate refugees. Despite being non-binding, such recommendations can be useful for emphasising the severity of a threat and the need for collective action, as shown by the Council's HIV/AIDS Resolution.¹⁹⁵ The COVID-19 pandemic demonstrated the tendency of states to enact self-interested, isolationist policies in response to a threat when cooperative international leadership is lacking. Such attitudes may continue in the context of climate change, with states showing a similar reluctance to invest in assisting particularly vulnerable states if they believe the investment is needed in their own country, disengaging from their responsibility to assist as international citizens (and polluters). However, recognition from the UNSC under Chapter VI that climate change presents a likely threat to international peace and security may help shift such attitudes, as a significantly symbolic political statement that would provide a basis for future action. It would enhance awareness of climate security and stress the importance of international action to prevent further harm to the climate system, just as UNSC resolutions on health crises focused international attention on epidemic-related security risks.¹⁹⁶ Thus, although the Council's Chapter VII powers may be unsuitable for addressing climate change, the Council still has significant power to

191 Scott, above n 189, at 1323.

192 *Climate and Security*, above n 106, at 4, 7 and 8.

193 However, the establishment of a subcommittee may reduce such concerns.

194 Charter of the United Nations, arts 34 and 36.

195 Gowan and Pradhan, above n 27; and SC Res 1308 (2000).

196 Pobjie, above n 15, at 142; and Scott, above n 189, at 1326.

encourage international action on the matter through a Chapter VI declaration. To strengthen the legitimacy of any such action, the UNSC could instigate a fact-finding mission under art 34 of the Charter to investigate the extent of threats posed by climate change,¹⁹⁷ though this seems unnecessary considering the work done by the IPCC to this effect.¹⁹⁸

D Likely Action

Ultimately, the extent to which the UNSC tackles climate change will depend on how the Council conceptualises the matter – whether it recognises climate change as a threat in itself to international peace and security, or whether it simply responds to isolated effects such as population displacement or resource-based conflict. If climate change is recognised as the threat itself, the Council may act proactively, emphasising mitigation to prevent states from increasing rates of environmental degradation. Comparatively, a response to the more "traditional" threats that climate change can cause or exacerbate would involve adaptive efforts, reacting to imminent threats as they arise. Realistically, current disagreement as to the appropriateness of UNSC action on climate change suggests that adaptive measures are most likely. COVID-19 has highlighted the inefficiency of the Council in acting on non-traditional security matters, demonstrating that proactive proposals for action will likely be impeded by member disagreement. The failure of draft resolution S/2021/990 on climate and security supports this conclusion. As the Council could not agree, by this draft resolution, to classify climate change as a security threat in and of itself, if the Council is to take any climate action in the future, it will likely be in response to the isolated effects of climate change that more closely resemble traditional security threats. For example, the Council will almost certainly respond to increased population displacement and any resulting instability and conflict (issues that the Council has frequently addressed in other contexts).¹⁹⁹ This would be possible because it does not require the P5 to agree that climate change is the source of the threat, but merely that the specific effects fall within the Council's mandate and require action.²⁰⁰ UNSC action on these isolated incidents is likely, intervening as a "safety net" when climate-related threats reach crisis points. However, considering the current political climate and the UNSC's limited options for action (both of which inhibited an effective Council response to COVID-19), to hold out hope for a more ambitious resolution on climate change would be foolish.

197 Charter of the United Nations, art 34.

198 See Adger and others, above n 143; Myles Allen and others "Summary for Policymakers" in Valérie Masson-Delmotte and others (eds) *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* (World Meteorological Organisation, Geneva, 2018) 3; Pörtner and others, above n 144; and Masson-Delmotte and others, above n 5.

199 Scott, above n 189, at 1325.

200 At 1325.

V CONCLUSION

COVID-19 has highlighted the significant fractures which prevent effective Council action, particularly in the face of multifaceted non-traditional security threats. Confronting a pandemic that destabilised the international community socially, politically and economically, the Council's COVID-19 response was severely delayed by political conflict which placed the Council in a deadlock.²⁰¹ The Council was also challenged by its "limited toolkit" for action; being created primarily to address situations of armed conflict, the Council's Chapter VII powers proved relatively useless in the pandemic context.²⁰²

Considering the political and practical challenges faced by the Council in their response to COVID-19, effective Council action on the other pressing non-traditional security threat, climate change, is unlikely. Just as political disagreement plagued COVID-19 discussions, political fractures within the Council are highly likely to hinder future climate change negotiations. Even if political disagreement can be overcome, COVID-19 demonstrated that there is often little the UNSC can do when faced with non-traditional security threats, as their "toolkit" for action remains oriented towards managing traditional security threats.

Despite the challenges, it remains possible that Council members could agree on a role for the UNSC, in addition to international efforts under the UNFCCC, to address the consequences of climate change that clearly fall within the UNSC's mandate. When dealing with climate-related issues that more closely resemble "traditional" security threats—such as population displacement and conflict over resource scarcity—the UNSC's "toolkit" remains relevant. Thus, a role for the UNSC as a "safety net", addressing the most imminent climate-related security threats that will arise where preventative efforts of the international community fail, is a possibility. However, because of the political disagreement amongst UNSC members that makes comprehensive Council action unlikely, focus should be on other mechanisms for climate action, such as those under the UNFCCC and related instruments.

201 Charbonneau, above n 9, at 8.

202 Gowan and Pradhan, above n 27.