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II Congresso Luso-Brasileiro de Direito Internacional Público | Os Novos Paradigmas do Direito Internacional Público

Data: 13, 14 e 15 de Março de 2023

Organização: NELB — Núcleo de Estudo Luso-Brasileiro

Programação:

Dia 13 de Março de 2023

17h15 (Brasília) | 20h15 (Lisboa)

Evento: Cerimônia de abertura e Conferência Inaugural (aberto ao público geral)

Apresentação: Presidente do NELB - Sr. André Brito

Convidada: Prof.^a Doutora Paula Vaz Freire (Diretora da Faculdade de Direito da Universidade de Lisboa)

Conferência de Abertura: "Um mundo em Guerras. Os desafios e futuro do Direito Internacional Público." por Prof. Doutor Francisco Pereira Coutinho (NOVA School of Law-PT)

Dia 14 de Março de 2023

15h00 (Brasília) | 18h00 (Lisboa) - Panel 1: "Direito Internacional e Saúde Mundial."

Conferência: "Impacto das crises sanitárias internacionais sobre os direitos dos migrantes" por Dra. Emmelin de Oliveira (Nova School of Law | PT)

Conferência: "O papel da ONU na prevenção de futuras pandemias" por Prof. Doutora Marina Sanches Wünsch (UNIVERSIDADE DO PAMPA | BR)

Moderadora: Dra. Jamila Campanaro

17h15 (Brasília) | 20h15 (Lisboa) - Panel 2: "Direito Internacional e Regulação do Ciberespaço."

Conferência: "Os desafios da regulação do ciberespaço pelo Direito Internacional" por Prof. Catedrático Jorge Bacelar Gouveia (Faculdade de Direito Nova de Lisboa | PT)

Conferência: "Guerra Cibernética: Os novos desafios do Direito internacional" por Prof.^a Doutora Renata Furtado de Barros (PUC/MG | BR)

Moderador: Dra. Nathaly V. Lehen

Dia 15 de Março de 2023

15h00 (Brasília) | 18h00 (Lisboa) - Panel 3: "Direito Internacional, Energia, Gás e Petróleo"

Conferência: "A internacionalização do Direito do Gás, Petróleo e Energia" por Prof.^a Doutora Maria João C. P. Rolim (CEDIN/BR)

Conferência: "Perspectivas e tendências do futuro do Direito Internacional da Energia pós agenda 2030" por Prof. Doutor Francisco Paes Silva Marques (FDUL/PT)

Mediador: Dr. Filipe Novaes (FDL/PT)

17h15 (Brasília) | 20h15 (Lisboa) - Conferência de Encerramento

Apresentação: Dr. Alysson Bezerra (Diretor Científico do NELB)

Conferência: "O combate à fake news em escala internacional" por Prof. Doutor Daniel Freire e Almeida (UNISANTOS | BR)

Moderador: Dr. Frederico Gonçalves Junkert (FDUL)

ENVIRONMENTAL THREATS AS AN INTERNATIONAL SECURITY MATTER IN THE UNITED NATIONS AGENDA: NEW PERSPECTIVES FOR GLOBAL ENVIRONMENTAL GOVERNANCE

Ameaças ambientais como questões de segurança internacional na agenda das Nações Unidas: novas perspectivas para a governança ambiental global

Luiza Pigozzo Rocha *

Abstract: The objective of this article is to analyze the approach the United Nations has been taking to deal with environmental challenges over the years to highlight the increasing connection between the environment and the United Nations international security agenda. As the lack of good global environmental governance is one of the major challenges of the current century, this paper aims to point out one of the most recent paths considered for the governance of climate crises, namely, the inclusion of this subject under the United Nation's Security Council activities. Therefore, the role of the Council will be contextualized, and, subsequently, its role in the environmental sphere will be pondered in relation to its negative and positive prospects.

Key words: Environmental Global Governance; United Nations; Security Council; Climate Change.

Resumo: O objetivo deste artigo é analisar a abordagem que as Nações Unidas vêm adotando para lidar com os desafios ambientais ao longo dos anos para destacar a crescente conexão entre o meio ambiente e a agenda de segurança internacional das Nações Unidas. Uma vez que a falta de boa governança ambiental global é um dos grandes desafios do século atual, este trabalho visa apontar um dos caminhos mais recentes considerados para a governança das crises climáticas, a inclusão desse tema no âmbito das atividades do Conselho de Segurança da Organização das Nações Unidas. Para tanto, será contextualizado

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o papel deste órgão, e, posteriormente, ponderado seu papel na esfera ambiental em relação às suas perspectivas negativas e positivas.

Palavras-chave: Governança Ambiental Global; Nações Unidas; Conselho de Segurança; Alterações Climáticas.

Table of contents: 1. United Nations and the Environment; 2. Globalization and New International Security Actors; 3. Climate Change in the United Nations' Security Agenda; 4. Security Council's Duties and The Controversies Related to its Role on Climate Change; 5. Future Prospects and the Role of the Security Council on Climate Change; Conclusion; Bibliography.

1. United Nations and The Environment

In the 1960's, during the context of post-war and Cold War, the threats that came from toxic chemicals, atomic radiation, and countless forms of massive destruction of natural ecosystems, exemplified a complex reality that brought a new name to the significance of human concerns, the environment.²

As a result of this context, a growing consensus on the necessity to protect the planet and to ensure domestic and international actions in this matter started to taken place among nations. However, a divergence between countries that gained political independence only in the 60s and countries which had already severely exploited the environment in order to achieve growth, richness, autonomy, and political sovereignty, took place, creating a “history of compromise and confrontation”³.

² MARIA IVANOVA, *Designing the United Nations Environmental Programme: A Story of Compromise and Confrontation*. 2007. P. 338-341. Accessed March 2023 on: https://www.researchgate.net/publication/226711707_Designing_the_United_Nations_Environment_Programme_A_story_of_compromise_and_confrontation

³ Ibid.

Thereupon, the first efforts to translate the environmental worrisome in to international action in started 1967 in the UN level with a Swedish representative proposing the UN General Assembly to hold a conference to facilitate the co-ordination of problems related to the human environment.

As a consequence, some years later (1972) the United Nations General Assembly accepted the Swedish proposal and elaborated the first United Nations conference on the human environment in the capital of Sweden, commonly known today as the Stockholm Conference. The conference delivered the Stockholm Declaration with common principles in relation to the environment, and created the United Nations Environment Programme.⁴

After this first achievement, environmental movements emerging from civil society and from other actors started gaining grounds and force, enhancing global attention in relation to the environment.

For instance, the publication of the book the “Limits of Growth” by the Club of Rome (a group of individuals from different nations) in collaboration with the UN, was launched in 1972 raising awareness of the non-renewable resources of the planet and opening the floor to new forms of developments in the area.⁵

During this period, consensus between nations on the path follow to protect the environment was too hard to find. Undeveloped countries were attempting to manage their natural resources and intensify their capital flow as a way of bettering economic and human conditions, and developed economies were counting more

⁴ UNITED NATIONS ENVIRONMENT PROGRAMME. *Stockholm Declaration: Declaration on the Human Environment*. 1972. pp. 1-10.

⁵ DONELLA MEADOWS, et. al, *The Limits to Growth*. 1972. pp- 17-24.

and more with larger trades for their non-sustainable patterns of consumption and production to intensify their capital flow.⁶

In the search for common consent, the General Assembly released a resolution to form a special commission with the aim of creating strategies to deal with urgent concerns such as global warming, the destruction of Earth's ozone layer, deserts consuming agricultural land, and other forms of environmental degradation, establishing the United Nations World Commission on Environment and Development (1983).⁷

From this commission, one of the most significant reports of all times was released in 1987, the Brundtland Report. In this document, the recognition that the globe was perpetuating trends that the planet and its people could no longer bear, saying that those patterns were “environmental trends that threaten to radically alter the planet, that threaten the lives of many species upon it, including the human species”⁸, highlighted that the economic, environmental and security links between nations were growing rapidly.

Since then, efforts to protect and include the environment in the international agenda intensified, and in 1992, 20 years after the Stockholm Conference, the United Nations Conference on Environment and Development held

⁶ WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT, *Our Common Future (Brundtland Report)*. 1987. pp. 60.

⁷ SUSTAINABLE DEVELOPMENT GOALS KNOWLEDGE PLATFORM. *Report of the World Commission on the Environment and Development*. Accessed June 2023 on <https://sustainabledevelopment.un.org/milestones/wced>.

⁸ Op.cit. 1987 p. 11

the “earth summit” in Rio, originating the Rio Declaration, that expressed a global political commitment with the 27 principles on environment and development.

In addition to that, the “earth summit” established other important materials such as the Agenda 21, a plan of action to guarantee life in the next millennium, the United Nations Framework Convention on Climate Change, which created a legal framework for international cooperation to stabilizing concentration of greenhouse gases, the Convention on Biological Diversity, for the conservation of biological diversity, the Declaration on the Principles of Forest Management, a non-binding statement for a global consensus on the conservation of all types of forests, and formed the United Nations Commission on Sustainable Development.⁹

In the following years, the same logic was continued in the five-to-five years sessions the General Assembly arranged to review and appraise the implementation of the commitments there taken. On this occasion, in New York the conference occurred in 1997, in 2002 in Johannesburg, in 2008 in New York, and again in Rio de Janeiro in 2012 (which updated the agenda 21 into the 2030 Agenda, or the sustainable development goals).

Such sessions, along with similar summits, were the origin of a multitude of conventions on environmental matters. As an example, the Vienna Convention for the Protection of the Ozone Layer, 1985, and Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989,

⁹ UNITED NATIONS PRESS RELEASES, *United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*. Accessed March 2023 on: <https://www.un.org/en/conferences/environment/rio1992>.

Convention on Biological Diversity, 1992, and Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000, are some of them.¹⁰

Likewise, further documents gathered efforts to ensure that the new human concern that became evident in the 60's, the environment, would be properly secured.

For instance, the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994, the Kyoto Protocol to the United Nations Framework Convention on Climate Change, 1997, Convention on the Law of the Non-Navigational Uses of International Watercourses, 1997; Articles on Prevention of Transboundary Harm from Hazardous Activities, 2001; Principles on the Allocation of Loss in the Case of Transboundary Harm Arising Out of Hazardous Activities, 2006; Articles on the Law of Transboundary Aquifers, 2008; Paris Agreement, 2015, and more.¹¹

In the midst of those events, the United Nations Environment Programme and the World Meteorological Organization (1988) created the International Panel on Climate Change (IPCC) to understand the impacts of climate change and greenhouse emissions in the earth¹², and in 1994, for the first time, the Human Development Report to Human Security openly linked security, the environment,

¹⁰ Ibid.

¹¹ Ibid.

¹² IPCC, *Intergovernmental Panel on Climate Change Report*. 2022.

and development, suggesting that environmental security was one of the seven areas that should constitute a new global paradigm.¹³

Consequently, the rising concern over environmental and climate issues triggered and straightened the linkage between security and the environment, taking part of prominent reports in the European Union, United States, United Kingdom, and Germany, which aimed at focusing more policy attention to climate change and emphasizing its security linkages.¹⁴

Similarly, the concept of security also passed through transformations in the international perception, and, in the due time, this concept started to encompass environmental threats as one security threats. That being so, the evolution of the concept of security will be developed in the next chapter.

2. Globalization And New International Security Actors

The concept of security was not much explored until the 1980s, being confused many times with the concept of power¹⁵.

Until that time, security thinking emphasized the nation-state and competition for power in the international system¹⁶, and, up to the Cold-War, the

¹³ UNDP, Human Development Report. 1994. <https://www.un-ilibrary.org/content/books/9789210576550>

¹⁴ GEOFFEY DABELKO, *An Uncommon Peace: Environment, Development and Global Security Agenda, Environment: Science and Policy for Sustainable Development*. 2010. pp. 34-40.

¹⁵ DAVID BALDWIN, *The Concept of Security*. British International Studies Association. 1997, pp 8-9.

¹⁶ SEAN KAY. *Global Security in the twenty-first century: The quest of power and the search for Peace*. 2012. Rowman & Littlefield Publishers, Inc. UK. pp. 1-5.

concept of the security was understood as military security, focusing in the role of states to “secure” the protection of external military attacks.¹⁷

Nevertheless, in the early twenty-first century a new sense of danger emerged after the terrorist attack of 11th September 2001, rebuilding and considering new forms of security threats.

In this occasion, the understanding of threat to security that was very much rooted in usual wars, received a new perspective, individuals, and thereupon the concept of security started open up to encompass new actors.¹⁸

The result of this expansion put security as a question of perspective and construction, and as the product and the result of a determined context, leading the concept to include the global changes that were happening with the world's entrance in the 21th century. Therefore, the interdependency in world's trade, political relationship, communication, technology, movement of people, services and environmental goods, brought more elements and new forms of violence and conflicts to the concept of global security.¹⁹

Accordingly, new actors such as internet, instantaneous communication apps, social networking websites and applications became a sign that global security would have to start to comprehend those kinds of asymmetric attacks, as threats could come not only from states, but also non-state actors, and actors with

¹⁷ REIMUND SEIDELMANN, *Old versus new security: A contribution to the conceptual debate*. Center for Global Studies of Bonn - CGS Discussion Paper 1. 2010. p.6.

¹⁸ DAVID BALDWIN, *The Concept of Security*. British International Studies Association. 1997, pp. 8-12.

¹⁹ SEAN KAY. *Global Security in the twenty-first century: The quest of power and the search for Peace*. 2012. Rowman &. Littlefield Publishers, Inc. UK. Pg. 3.

little power could do serious damage to the national interest and the security of powerful countries.²⁰

Likewise, the form of impact of those security threats also expanded once a new foreign policy paradigm identified that actions of states' international and external policies could threaten the safety and security of individuals in their singularity (and not only of a state as a whole)²¹.

As a result, new approaches to this concept related to "human" security" aimed to protect people from severe and pervasive threats, both societal and natural. In some countries, human security threats were interpreted as terrorism or global climate change, and, in others, health, food, community and environmental security.²²

In addition to that, as human-induced perturbations in the environment increased and provoked not only changes in the Earth's environment, but in socio-economic drivers, combining hazards in the ecosphere (air – ex. climate change; land – ex. soil and ecosystem degradation; and water – ex. scarcity, degradation, floods) and in the anthroposphere (human population – ex. growth, changes of its value system; urban systems – ex. pollution, health, industries, services; and rural systems – ex. securing food and fibre), those kind of threats were included as part of security studies.²³

²⁰ Ibid. pg. 4-12.

²¹ DAVID BALDWIN, *The Concept of Security*. British International Studies Association. 1997, pg.13.

²² Op. Cit. pg. 245.

²³ HAND BRAUCH, *Threats, Challenges, Vulnerabilities And Risks In Environmental And Human Security*. University Institute for Environment and Human Security. pp.14 - 16.

Hence, in the present moment, living a dignified life in a stable nation with a stable the rule of law has been more and more connected to the right to have a safe environment. For this reason, serious environmental threats, for example climate change, has been winning space in political agenda and shaping the global security understanding and its approaches.

3. Climate Change in The United Nations' Security Agenda

Climate change has been receiving a broad consensus from scientific studies to be not only an environmental issue, but also a complex and multifaceted national security threat.²⁴

The latest report of the Intergovernmental Panel on Climate Change (IPCC) mentioned that climate change risks affect both states (in its infrastructure, networks, services, finances, capabilities and resources, and, consequently in their governance,) and individuals (in their socioeconomic and development factors such as physical and social vulnerability, living standards and human health, food and water security, risks to peace and migration, etc.)²⁵

In addition to that, the report highlighted that the perception of the type of threats coming from climate change are being increasingly perceived as emergencies.²⁶

²⁴ MARK NEVITT, *On Environmental Law, Climate Change, & National Security Law* . Faculty Scholarship at Penn Carey Law, Pennsylvania Law School. 2020. Faculty Scholarship at Penn Carey Law, Pennsylvania Law School. P. 323. Accessed May 2023 on https://scholarship.law.upenn.edu/faculty_scholarship/2101.

²⁵ IPCC, *Intergovernmental Panel on Climate Change Report*. 2022. pp. 143-145.

²⁶ Ibid. 126.

Furthermore, NASA has been playing a decisive role in analysing evidences of human activities impacting earth's climate through its specific centre of Global Climate Change, and it affirms that global climate change is not a future problem, but that "The effects of human-caused global warming are happening now, are irreversible for people alive today, and will worsen as long as humans add greenhouse gases to the atmosphere".²⁷(NASA, 2022).

Correspondingly, several methods were shough in international level to control the rise of world's temperature and deal with climate change globally, ranging from political agreements to international and national policies, economic, and regulatory actions.

Likewise, laws, educational and social awareness, along with other methods, begun to join forcers in order to limit global warming bellow 2°, and preferably to 1.5° degrees Celsius, which, according to the Paris Agreement, indicates the threshold not to unleash far more severe climate change impacts.²⁸

However, as The Climate Action Tracker (an independent scientific research organisation which tracks progress towards the globally agreed aim of limiting global warming), reported very recently, "there remains a substantial gap

²⁷ NASA, *NASA Global Climate Change: The Effects of Climate Change*. 2022. Accessed May 2023 on: <https://climate.nasa.gov/effects/>.

²⁸UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE. *Paris Agreement*. 2015. Accessed May 2023 on: https://unfccc.int/sites/default/files/english_paris_agreement.pdf

between what governments have promised to do and the total level of actions they have undertaken to date.²⁹

Amid all of those efforts and the permanent difficulties to tackle climate crisis, the most recently discussion to deal with this issue is taking place in the United Nations Security Council, dating back to a of discussion that originated in 2007 in a debate relating to security and climate change during an attempt to find a place for solid action, as following:

“With the recent release of the contributions of Working Groups I and II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), there is now greater scientific certainty that dangerous climate change is already occurring and that the opportunity to avoid potentially irreversible, unimaginable damage to the climate system will be lost if urgent and ambitious global efforts are not made. [...], if we continue to ignore climate change, the impact on the global economy will be “on a scale similar to those associated with the great wars and the economic depression of the first half of the twentieth century”. And while we might differ on the issues of timing, location and scope, any economic, social, humanitarian and environmental crisis of this magnitude will likely have other unfortunate consequences, including for international peace and security. There is no excuse — scientific or otherwise — to delay immediate action.”³⁰

As it can be inferred, this meeting urged the attention of the council to the maintenance of international peace and security by finding responses to tackle and mitigate those threats.

²⁹ CLIMATE ACTION TRACKER. *Addressing Global Warming*. 2022. Accessed June 2023 on: <https://climateactiontracker.org/global/temperatures/>

³⁰ UNITED NATIONS SECURITY COUNCIL, *Sixty-second year - 5663rd Meeting*. 2007. Accessed Feb 2023 on: https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_5663_rev_1.pdf

After this first movement, further formal and informal debates started to take place in the UN's Security Council, while, as mentioned previously, efforts in other UN levels were being discussed.

Some informal consultations of the of the Security Council, which are not envisaged in the Charter of the United Nations or the Security Council's provisional rules of procedure (Arria-formula meetings) but which the Charter allows the Council to master its own procedure and its own practices³¹, took place in February 2013, approaching Security dimensions of climate change.

In the following years, similar consultations took place, approaching climate change as a threat multiplier for global security (in June 2015), approaching Security Implications of Climate Change in relation to Sea Level Rise (in April 2017), approaching Climate Change and Preparing for security implications of rising temperatures (in December 2017), approaching the link between water, peace and security (in October 2018), and discussing the latest data in April 2020³².

Together with that, 10 formal meetings (which counts with rules of Procedure, discussions, making decisions, adoption of agenda, workplan and documents, along with the opening and closing of the Plenary)³³, discussed themes that were related to Climate and Security.

³¹ UNITED NATIONS SECURITY COUNCIL. *Model United Nations*. Accessed May 2023 on: <https://www.un.org/en/model-united-nations/security-council>

³² UNITED NATIONS SECURITY COUNCIL *The UN Security Council and Climate Change Report*. 2021, p. 20. Accessed May 2023 on: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/climate_security_2021.pdf

³³ Op. Cit.

In June 2007, the related topic was “Natural resources and conflict”; In November 2011, “New challenges to international peace and security and conflict prevention”, including pandemics, climate change, and transnational organised crime ; In June 2013, Conflict Prevention and Natural Resources”; in July 2015, “Peace and security challenges facing small island developing states”; in May 2016, “Challenges in the Sahel Region”; in November 2016, “Water, peace and security”.

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Ten years passed from the 1th meeting, other formal meeting took place. In June 2017, with the thematic “Preventive Diplomacy and Transboundary Waters”; in December 2017, “Addressing complex challenges to international peace and security”; in October 2018, “The Role of Natural Resources as a Root Cause of Conflict”, and, in November 2020, “Contemporary drivers of conflict and instability and insecurity”.³⁵

In addition to that, specific thematic meetings (a format that often focuses on thematic issues and typically involves the diversity of speakers including members of the Secretariat, the Secretary-General, representatives of non-governmental organizations, Council members and non-Council members)³⁶ were held specifically on climate-security matters.

³⁴ UNITED NATIONS SECURITY COUNCIL, *The UN Security Council and Climate Change Report. 2021*, pg. 19. Accessed May 2023 on: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/climate_security_2021.pdf

³⁵ Ibid.

³⁶ UNITED NATIONS SECURITY COUNCIL. *Model United Nations*. Accessed May 2023 on: <https://www.un.org/en/model-united-nations/security-council>

In July 2011, the Security Council discussed under the thematic meetings the Impact of climate change, in July 2018, the Council had a thematic meeting to understand and address climate-related security risks, and, in the following year, to address the impacts of climate-related disasters on international peace and security.

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Subsequently, in July 2020 another thematic meeting took place to discuss Climate and security, and, in September of the same year to discuss the Humanitarian effects of environmental degradation and peace and security, and, in the next year, the Council gathered to discuss climate related security risks to international peace and security through mitigation and resilience building.³⁸

In sum, climate change language could be observed in more than 20 Security Council's outcomes since 2009, showing the Council's engagement and effort to deal with the issue of climate change, peace and security.³⁹

In that matter, recently some member states showed a particular interest to include this United Nations body to work permanently in cooperation with other bodies in order to tackle climate change in a more comprehensive way, as it follows:

“As at mid-2021, there are 12 Security Council members that believe that the Security Council, working in cooperation with other parts of the UN system, should be an important factor in the effort to resolve the security effects of climate change. Many of these countries have emphasised that

³⁷ UNITED NATIONS SECURITY COUNCIL *The UN Security Council and Climate Change Report*. 2021, p. 19. Accessed May 2023 on: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/climate_security_2021.pdf

³⁸ Ibid.

³⁹ Ibid. pp. 21-27.

climate change should be integrated more systematically into the Council's work, and that enhanced analysis of climate-related security threats is needed to help the UN, including the Security Council, to develop more effective responses. [...]. They see the Security Council as part of a larger constellation of actors within and outside the UN system working together to address the security impacts of climate change".⁴⁰

Accordingly, this position to include climate change more systematically in the Council's work originated a draft resolution proposal with the requests for the Secretary-General to integrate climate-related security risk as a central component into comprehensive conflict-prevention strategies of the United Nations.

This draft represented a will of the Council to integrate climate change and security concerns in its work and to strengthen synergies among the UN system, and other actors in managing and mitigating climate change-related security risks, as it can be observed:

"The Security Council, [...] 1. Expresses its intention to take into consideration comprehensive conflict analysis and conflict management strategies incorporating information on the security implications of climate change, to enable the Council to pay due regard to any root causes of conflict or risk multipliers which may represent a challenge to the implementation of Council mandates or endanger the process of consolidation of sustaining peace; 2. Requests the Secretary-General to integrate climate-related security risk as a central component into comprehensive conflict-prevention strategies of the United Nations to contribute to the reduction of the risk of conflict relapse due to adverse effects of climate change;[...] 13. Requests relevant special political missions, Peacekeeping Operations and United Nations country teams to consider the environmental impacts of its operations conducting mission

⁴⁰ Ibid. Pg. 12.

management and, in this context, to manage them as appropriate and in accordance with applicable United Nations rules and regulations, mindful of the Secretary-General's United Nations Secretariat Climate Action Plan goals; [...].⁴¹

The proposition above had its basis on the promotion of strategies to contribute to the reduction of the risk of conflict relapse due to adverse effects of climate change, understanding that this approach could benefit the global environmental governance challenge in relation to climate change.

In spite of this important effort, the draft resolution, that was co-sponsored by 113 member states, failed to be adopted because of a veto that came from Russia. It received 12 votes in favour, two against (India and Russia) and one abstention (China).⁴²

Essentially, because of the way the Security Council functions, the difference of interests between its members, and the power of veto, some resistance is still being faced to include the Council's engagement on climate change.

In order to explore more this challenge, the next chapter will discuss about the role and the functioning of the Security Council, and the controversies related to the engagement of the Council with climate change.

⁴¹UNITED NATIONS SECURITY COUNCIL. *Draft Resolution on Climate and Security*. 2021. Accessed Mar 2023 on: https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2021_990.pdf

⁴² Op. Cit.

4. Security council's duties and controversies related to its role on climate change

The founding document of the United Nations, the UN Charter, established under chapter V that the Security Council is the organ with the responsibility for the maintenance of international peace and security, and, in order to ensure prompt and effective action, its activities are performed mostly through a system of resolutions and votes.⁴³

As Charter IV of the same document referred above explains, the Security Council counts with mechanisms of Pacific Settlement of Disputes, action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (chapter VII), regional arrangements in (chapter VIII), and international trustee system for non-autonomous territories (that has fallen into disuse), all to ensure the maintenance of international peace and security.⁴⁴

The precise nature of international peace and security that is referred in Article 24 (1) of the Charter is not specified, and it is up to the Council to determine what this entails. According to the research report on climate change of the Security Council, the lack of this clear definition is what makes the Security Council's mandate contested and controversial, especially regarding its possibility or not to play a role in climate change and when to define a climate issue as a threat to the breach of peace or an act of aggression.⁴⁵

⁴³ UNITED NATIONS, *Charter of the United Nations*. 1945. Chapter V. Accessed Mar 2023 on: <https://www.un.org/en/about-us/un-charter/full-text>

⁴⁴ Ibid. Chapters IV to VIII.

⁴⁵ UNITED NATIONS SECURITY COUNCIL., *The UN Security Council and Climate Change Report*. 2021, p. 4. Accessed May 2023 on:

Because of the lack of definition, it is understood that the role that the Security Council could play on climate change can be identified in Article 34 of the UN Charter, as it disposes that the Security Council may investigate any dispute, or any situation that might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.⁴⁶

Although some scholars still discuss the environmental-security connection,⁴⁷ this reference to ‘disputes’ and ‘situations’ under article 34, can express economic and trade issues, as well as social and human rights matters, when those are in such an intensity that can be considered threats to human security.⁴⁸

That being said, another point that remains not very clear in relation to the Security Council role on climate change is because of its structure formation.

Article 23 of the UN Charter explains that the Council is composed of fifteen members of the United Nations. Five of them, have a permanent seat: China, France, the Russian Federation, the United Kingdom, and the United States, and ten of them are elected by the General Assembly every two years, with specific regard to equitable geographic distribution.⁴⁹

https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/climate_security_2021.pdf

⁴⁶ Ibid.

⁴⁷ MARC SCHETTER, et. al, *Security: What is it? What is does?* Global Policy and Development, Germany, 2016. Think piece 09. pp. 2-5.

⁴⁸ Op. Cit.

⁴⁹ UNITED NATIONS, Charter of the United Nations. 1945. Chapter V, Accessed Mar 2023 on: <https://www.un.org/en/about-us/un-charter/full-text>.

Within this composition, Article 27 explains that the voting procedural of the Security Council resolutions consists of nine members giving affirmative votes, yet, those votes must have included the concurring votes of the 5 permanent members, so, no resolution can be adopted if one of the permanent members are opposed to it.⁵⁰

This format in which the Council was designed counts with a process of collective decision-making. Consequently, reaching an agreement between the permanent members depends on a reasonable alignment of interests of its members, and, in special, of its permanent member who have the power of veto.

It is notorious that the functioning of Security Council encounters many barriers as there is hardly ever consensus among its members. China, Russia, United States, France and the United Kingdom have fundamental disagreements which creates a barrier to the adoption of the Council's resolutions.

Because of this structure, this issue of the working dynamic of the Security Council naturally ends up to affect its possible role on climate change actions as well, even though the latest research report of the Security Council concluded that "All Council members recognise that climate change poses a threat to human existence, where they disagree is on what role, if any, the Council should play".⁵¹

⁵⁰ Ibid.

⁵¹ UNITED NATIONS SECURITY COUNCIL. *The UN Security Council and Climate Change: Tracking the Agenda after the 2021 Veto*. pp. 11. 2022. Accessed Mar 2023 on: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/unsc_climatechange_2022.pdf

Disagreements in relation to the Council's role on climate change come from China and Russia, who showed to have been long sceptical of the Security Council engagement on climate change. For both of those countries, climate change is fundamentally a sustainable development issue rather than a matter of international peace and security, considering to be more appropriately to address it by other parts of the UN system, such as the General Assembly, the UNFCCC, ECOSOC, and the UN's development system.⁵²

A clear illustration of the referred disagreement could be observed on the voting of the draft resolution of 2021 on the security implications of climate change, in which 12 members voted in favour of the draft resolution, Russia vetoed it, and India also voted against the draft, while China, in its turn, abstained.

While no consensus is found under the role of the Security Council on climate change, some members states that are already suffering harsh effects of climate change, such those located in Pacific Islands, are more ambitious about incorporating climate change in the Security Council's agenda, and on trying to find ways to stop the impacts of climate change in their population.⁵³

In short, it can be inferred that the workability of the Security Council to play a role on climate change will require collective response and an additional focus on human security. In addition, a strong consensus among major powers (especially among the permanent members) is also needed, not differing much from the other themes that the Security Council plays a role and tries to find ways to

⁵² Ibid. Pg. 13.

⁵³ KEN CONCA. *Is There a Role for the UN Security Council on Climate Change?* Environment: Science and Policy for Sustainable Development. 2018. Pgs. 4-11.

maintain peace and security. However, the pressure of international society urging for climate action can play its part to find consensus among the Security Council members.

5. Future prospects and the role of the security council on climate change

The United Nations' Security Council has been examining the linkages between climate change and its impacts on peace and security, and has been including this issue in its discussion.

This approach comes not only because of the pressure coming from international society and the visible impacts reaching the globe, but from lots of evidences and advises coming scientists, from youth and other scholars of the area.

In fact, in 2019 The World Meteorological Organization brought clear scientific data to the Security Council explaining that climate change is increasingly regarded as a national security threat because of the multitude of security impacts it has. For instance, it was mentioned climate impacts in nutrition and access to food, heightening the risk of wildfires and exacerbating air quality challenges, increasing the potential for water conflicts, and leading to more internal displacement and migration.⁵⁴

⁵⁴ UN PEACEBUILDING. *Climate change recognized as 'threat multiplier'*, UN Security Council debates its impact on people. UN News. 2019, Accessed Mar 2023 on: <https://www.un.org/peacebuilding/news/climate-change-recognized-%E2%80%99threat-multiplier%E2%80%99-un-security-council-debates-its-impact-peace>

Furthermore, beyond the current impact, scientists are assured that is inevitable that the situation is going to worsen. In a presage for the next 10 years, it is possible to see predictions for the growth of the world's population for around 9.4 billion people⁵⁵, what, as a consequence, will worsen the control of strategic resources, in particular water, food and energy, and the effects of climate change will exacerbate the competition over these scarce resources.⁵⁶

In addition to that, the Intergovernmental Panel on Climate Change foresees risks of global warming for the next years related to, firstly, cities, settlements and key infrastructure (urban infrastructure, including building, transportation, and energy, water availability for agriculture, hydropower, and human settlements); Secondly, flood damages, streamflow magnitude, issues on food production and access, undermining food security and nutrition; Thirdly, Biodiversity loss and degradation; Fourthly, population change and displacement associated with flooding, tropical cyclones, drought and sea level rise; and, fifthly, unavoidable multiple climate hazards and risks to ecosystems and humans.⁵⁷

Under those circumstances, and considering that these kinds of threats are considered as “multiple stressors unfolding, cascading or compounding together, that has non-linear behaviour, and with high potential for surprise”⁵⁸ the role of the Security Council, may help to generate heightened attention to the linkages among

⁵⁵ U.S CENSUS BUREAU, *International Programs: International Database: Total Midyear Population for the World: 1950-2050*, 2015. Accessed April 2023 on: <https://www.census.gov/population/international/data/idb/worldpoptotal.php>

⁵⁶ DAVID MILLER, *Defense 2045: Assessing the Future Security Environment and Implications for defense policymakers*. Center for Strategic & International Studies. 2015. p. 51.

⁵⁷ IPCC, *Summary for Policymakers*, 2022. Working Group II Report, pp. 9-11.

⁵⁸ IPCC, *Intergovernmental Panel On Climate Change Report*, 2022. pp. 143-145.

climate change, peacebuilding, and security, while addressing climate-related security risks, as it was understood in the Security Council report on the agenda after the veto of 2021⁵⁹.

Accordingly, scholars suggest that the Council can play a role ensuring the Responsibility to Protect in relation to climate change in several ways “taking advantage of the space the Council provides for climate policy coordination among the P5, increasing awareness, and calling on countries to strengthen emergency plans.”⁶⁰

Moreover, an article published in the UN Chronicle proposed to approach environmental security issues in a comprehensive and cooperative manner, understanding that the Security Council and the General Assembly should use their competences “to submit requests to the International Court of Justice for Advisory Opinions on the duties of States to cooperate for the security and protection of humanity and its habitat”.⁶¹

In this sense, scholars have been reinforcing that there is space under the Security Council for incorporating climate risks into peacekeeping operations, developing an early-warning system, managing the threat to small-island states,

⁵⁹ UNITED NATIONS SECURITY COUNCIL. *The UN Security Council and Climate Change: Tracking the Agenda after the 2021 Veto*. pp. 11. 2022. Accessed Mar 2023 on: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/unsc_climatechange_2022.pdf

⁶⁰ KEN CONCA. *Is There a Role for the UN Security Council on Climate Change?* Environment: Science and Policy for Sustainable Development. 2018, pp. 11.

⁶¹ BERTRAND RAMCHARAN, *A New International Law of Security and Protection*. UN Chronicle No. 4 Vol. LII, Implementing the 2030. 2015. Accessed on May 2023 on: <https://www.un.org/en/chronicle/article/new-international-law-security-and-protection>.

engaging in preventive diplomacy, addressing climate refugees, and embracing a climate-related analogy to the norm of a responsibility to protect.⁶²

On those grounds, studies that encompassed the extension of the Security Council's mandate for a possible "environmental mandate", understood that the mandate should be reinterpreted to accommodate non-traditional threats to peace and security such as complex humanitarian emergencies and gross abuse of human rights, as the following:

"Further attention is required to determine which environment-related circumstances might invoke or require a response, particularly a military one, under Security Council auspices and on what basis the Council would have a mandate for such action. Such action would involve an interpretive extension of the Security Council mandate relying in part on analogy with intervention on human rights grounds. It draws our attention to what is, in effect, a normative development of the *jus ad bellum* – the reasons for which states, and by extension the international community of states, might legitimately deploy force."⁶³

Such expansion draws its basis considering that the Security Council should have an environmental mandate in times of armed conflict and on post-conflict situations, on Rapid Deployment in Environmental Emergencies, on Preventive Environmental Security, and on Environmental Threats to Peace and Security in a broader context.⁶⁴

⁶² KEN CONCA, et al. *Climate Change and the UN Security Council: Bully Pulpit or a Bull in a China Shop?* Global Environmental Politics. 2017.

⁶³ LORRAINE ELLIOTT, *Expanding the Mandate of the UN Security Council to Account for Environmental Issues*. 2002. p.11.

⁶⁴ Ibid.

Therefore, although controversies are often raised when considering if the Security Council should or not play a role on climate change and environmental threats to international security, and if its role would be helpful, or if it would work, it seems that there has been a positive discussing going on between scholars and other specialists who consider that there is space to work on this issue under this body.

All in all, given that at this time responses to this issue are still seen as a “nascent research agenda on global climate security governance”⁶⁵, in which “the agenda is still very much in its infancy”⁶⁶, what can be expected for the next time are more studies, further promotion of how to tackle environmental threats, and considerations to build environmental security in more comprehensive terms, enhancing international environmental governance.

In the meantime, relevant points are being raised about this challenge, especially from the Security Council itself. As identified by the latest Security Council Report, “While cogent arguments can be made about the encroachment of the Security Council on the prerogatives of other UN entities, it could also be argued that a Security Council that does not respond to such a fundamental threat to human survival is not fulfilling its responsibilities under the UN Charter.”⁶⁷

⁶⁵ NIKLAS BREMBER, et al. *Global Response to Climate Security: Discourses, Institutions and Actions*. *Journal of Peacebuilding and Development*. 2022. Pp. 343-344.

⁶⁶ Ibid.

⁶⁷ UNITED NATIONS SECURITY COUNCIL. *The UN Security Council and Climate Change: Tracking the Agenda after the 2021 Veto*. p. 11. 2022. Accessed Mar 2023 on: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/unsclimatchange_2022.pdf

6. Conclusion

In conclusion, in front of a global and complex threat that is showing signs of aggravation and perdurance in time, the United Nations is increasingly taking steps to strengthen global governance in relation to climate change, the environment and international security.

Within those steps, a recent approach being considered is including a role of the Security Council to act in relation to climate change threats, substantially supporting and complementing the work of different bodies of the UN.

Controversies and reluctance have been expressed in relation to the Council's mandate and its possible role in this matter, but, in front the UN's charter broad definition for the scope of action of the Security Council the maintenance of international peace and security, it is possible to enlarge its activities to environmental concerns that are seen as threats to human security.

In addition to that, the difficulty of the workability of this body in relation to climate change does not differ much from the difficulty to deal with other security issues, and, due to the increasing threat that climate change represents, it can be considered that it is forward-looking to use this body's enforceability to achieve greater results in the battle against climate change and environmental threats to international security, even though there are still some points to be refined for this possibility.

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