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RESPONSIBILITY TO PROTECT THE FUTURE : IMAGINING A GLOBAL CONSENSUS ON THE THREAT OF CLIMATE CHANGE

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JCSP 44

Exercise Solo Flight

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CANADIAN FORCES COLLEGE – COLLÈGE DES FORCES CANADIENNES

JCSP 44 – PCEMI 44
2017 – 2019

EXERCISE *SOLO FLIGHT* – EXERCICE *SOLO FLIGHT*

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CONSENSUS ON THE THREAT OF CLIMATE CHANGE**

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RESPONSIBILITY TO PROTECT THE FUTURE: IMAGINING A GLOBAL CONSENSUS ON THE THREAT OF CLIMATE CHANGE

[T]hat climate change represents an urgent and potentially irreversible threat to human societies and the planet and thus requires the widest possible cooperation by all countries, and their participation in an effective and appropriate international response, with a view to accelerating the reduction of global greenhouse gas emissions.

- Paris Agreement, 2015, Preamble

Introduction

As we approach the third decade of the twenty-first century, global threats to human security are numerous and dreadful when laid out for analysis. Though there has been a recent shift towards more isolationist policies, there are few threats that belong to a single state. The trickle down of even “internal” challenges continues to be felt globally. The menace extends beyond the borders of nations and encompasses a growing range of threats including transnational crime, terrorism or simply the economic and security challenges caused by the enormous influx of migrants and refugees in Europe and in the United States. The world is full of perils that do not belong to a single state. As former United Nations (UN) Secretary General Kofi Annan articulated, these “problems without passports” can only be addressed through collective action.¹

As threats such as global warming, terrorism, migration, transnational crime, economic distress, and natural disasters have broadened in scope to be recognized as global issues, so has the requirement for coordinated responses. Following the tragedies witnessed in the 1990s in Kosovo, Somalia, Rwanda, and Iraq, the global community looked for ways to break the deadlock on international intervention to protect civilian populations. Led by the UN the movement to shift the paradigm from sovereign rights of a state to sovereign responsibility

¹ Lloyd Axworthy and Allan Rock, "R2P: A New and Unfinished Agenda," *Global Responsibility to Protect* 1, no. 1 (2009): 64.

seemed to have held the key to altruistic cooperation. The principle of the Responsibility to Protect (R2P) evolved to solve the dichotomy between the rights of a sovereign state and the responsibility to protect civilian populations as an antidote to inertia. Though not fully embraced as an international norm, R2P as a guiding principle has great potential to provide a format to ensure that “never again” does the world stand idly by in the face of mass atrocity.

This paper will show that R2P, in its essence, has the capacity to provide the framework to address both the adherence to solutions to arrest Global Climate Change (GCC) and the impacts of the effects of that environmental degradation. However, the lack of acceptance of R2P as a global norm or standard in international law and the limitations of international support in terms of financial or man power aid limits its uses as a mechanism to protect from human suffering irrespective of whether than is directly or indirectly caused by man. Many international crises currently faced can be traced back to changes to environmental conditions, the resulting lack of resources, and the human suffering and refugee plight that are carried with it. The increasing environmental degradation of the planet has resulted in ongoing and increasing catastrophes that cause significant human suffering. Though the potential remains for R2P to provide a way forward to a collective approach to address the impact on human suffering by the disasters imposed on the planet by human development, this “emerging norm” does not yet provide the key.

The Development of R2P

Though the impetus for the development of R2P is generally associated with the failure to achieve a consensus for military action in Kosovo in 1999, the roots extend to the early 1990s. Attempts to provide protection for Kurds in Iraq in 1991 and the 1992 UNSC Resolution 794 in response to the famine in Somalia saw the UN evoke action under Chapter VII “in order to

establish a secure environment for humanitarian relief operations”.² The disastrous mishandling of the UN mission in Rwanda in spite of the valiant efforts of the peacekeepers on the ground and the genocide in Srebrenica highlighted the horrific impact the lack of consensus on intervention in the matter of human security had realized. This was a tipping point for UN policy.

This failure to protect became the stimulus that led UN Secretary General Kofi Annan to challenge the conflicting obligations of respect for sovereignty and the protection of human rights.³ The Secretary General provided the leadership to draw the matter to public debate and solicit support from several key countries. In response to Annan’s call, the International Commission on Intervention and State Security (ICISS) was initiated to examine the challenges and bridge the divide between sovereignty and intervention. The resulting 2001 Report launched R2P reconciling right and responsibility with a paradigm shift in the concept of humanitarian intervention. R2P moved the justification for intervention to an obligation of the state to prevent large-scale atrocities.⁴

The World Summit in 2005 provided a forum for misgivings to be gently assuaged by the leadership of the UN and key stakeholders. As stated by Prime Minister Paul Martin in 2004, “[T]he responsibility to protect is not a license for intervention; it is an international guarantor of international accountability.”⁵ However, the scope of “large-scale atrocities” was limited to include protection against genocide, crimes against humanity, ethnic cleansing, and war crimes in order to gain state support. Regardless of the narrower focus, the acceptance of the Outcome

² United Nations Security Council, 3145th meeting, Resolution 794, Somalia (S/RES/794) (New York: NY, 3 Dec 1992). <http://unscr.com/en/resolutions/794> accessed 5 May 2019.

³ Charles Cater and David M. Malone, “The origins and evolution of Responsibility to Protect at the UN”, *International Relations* 30, no.3 (September 2016): 279.

⁴ Jennifer Moore, “R2P=MDGs: Implementing the Responsibility to Protect through the Millennium Development Goals,” *Denver Journal of International Law and Policy* 40, no. 1 - 3 (2011-2012): 211.

⁵ Paul Martin quoted in Charles Cater and David M. Malone, “The origins and evolution of Responsibility to Protect at the UN”, *International Relations* 30, no.3 (September 2016): 287. From plenary session at the UN 22 Sep 04 A/59/PV.5

document marked a dramatic shift in principle. The UNSC further enshrined these principles in UNSCR 1674 reaffirming the provisions of the document “regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”⁶ This doctrine marked a shift towards the institutionalization of empathy within the United Nations and UNSC and provided a foundation for the assessment of intervention not from solely a threat to state security but to the threat to human security.⁷

In the two decades since its inception R2P has been used, misused, and in many cases disused. The questionable invasion of Iraq in 2003, the bombing of Libya in 2011, the lack of consensus on intervention in Syria, and the call for the implementation of R2P in Myanmar following Cyclone Nargis remain the subject of much debate.⁸ However, as an emerging norm, R2P has developed and instilled robust elements regarding international responsibilities. Secretary General Ban Ki-Moon charged states with the primary responsibility to protect their populations against mass atrocity crimes. Secondly he “spur[red] thinking and policy development on ways in which the international community can support” states to meet these obligations. Finally, he called for the sharpening of UN capability to identify and prevent situations with flexible response where “[m]ilitary action is a measure of last — not first — resort and should be undertaken only in accordance with the provisions of the Charter”.⁹ Though R2P is yet to be fully enshrined as a global norm its legitimacy as a framework is entrenched within UN framework.

⁶ United Nations Security Council, 5430th meeting, Resolution 1674, Protection of civilians in armed conflict (S/RES/1674) (New York: NY, 28 April 2006). <http://unscr.com/en/resolutions/1674>

⁷ Grant Marlier and Neta C. Crawford, “Incomplete and Imperfect Institutionalisation of Empathy and Altruism in the ‘Responsibility to Protect’ Doctrine,” *Global Responsibility to Protect* 5, no. 4 (2013):

⁸ Mely Caballero-Anthony and Belinda Chng, “Cyclones and Humanitarian Crises: Pushing the Limits of R2P in Southeast Asia,” *Global Resp. Protect* 135 (2009): 147.

⁹ United Nations General Assembly. 96th Plenary Meeting (New York: NY, 21 Jul 2009). <https://undocs.org/A/63/PV.96>

Environmental Degradation as a Security Threat

In the deliberations of the ICISS, the rationale of “never again” did not differentiate between state action and state inaction but focused on a threshold concept that encompassed “large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation”.¹⁰ Given this is the starting point and the rationale for the development of R2P and its implementation was to ensure the protection for victims from enormous disasters or atrocities, the line between state caused and man-made fades, particularly when considering the evidence regarding Global Climate Change (GCC). As the impacts of GCC continue to cause ever-increasing hardships for populations in terms of rising ocean levels, deterioration and destruction of ecosystems, and the increased frequency and intensity of extreme weather systems it becomes increasingly important to derive accountability and responsibility structures to mitigate and halt if possible the rising atmospheric temperatures.¹¹

Addressing the growing threat from GCC is the core mandate of the UN Framework Convention on Climate Change (UNFCCC) integrating the impact to human social as well as ecological systems. The impact that dangerous climate change increasingly on sustainable development has become a focus of UN agencies, the World Bank, as well as other global financial institutions.¹² The concerns are not just the impact that GCC or a specific extreme event can have on the basic functioning of a state but the trickle down if the state is unable to address the impact or find adaptations. The acceptance of the requirement to take urgent action is explicit in Goal 13 of the Sustainable Development Goals (SDGs) accepted in 2015 by the UN General

¹⁰ Gareth J. Evans and Mohamed Sahnoun. *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre, 2001): 33.

¹¹ Kevin J. Grove. “Insuring “Our Common Future?” Dangerous Climate Change and the Biopolitics of Environmental Security”, *Geopolitics* 15, no.3 (2010): 540.

¹² *Ibid*, 537.

Assembly and the adoption of the Paris Agreement on Climate Change. Both were hoped to provide the obligation and impetus to not only make significant changes in GCC but also to do so within the obligation to protect from human suffering.¹³ “In the developed world, governments do not have a probability of ruin,” following a disaster, but conversely, “governments in poorer countries do not often have the domestic resources to absorb catastrophe risk”.¹⁴ Ultimately, GCC could impact the very existence of a sovereign state not just in terms of failed states such as Somalia following a severe drought but in their very existence as some of the Polynesian Block nations. The Pacific island nation of Tuvalu presented to the UNSC a scenario in which CO2 emissions and the continued threat of GCC was as real a security threat to their nation as guns and bombs.¹⁵

For much of the developed world, adaptation allows a level of dismissiveness of the growing threat of GCC. However, as we enter an entirely new era of resource scarcity, poverty, disease, and subsequent refugee movements the threat of conflict increases not only in the areas most affected but globally as the challenge to support a growing and an increasingly displaced population continues. This threat has been identified by western militaries, including the US, as a threat multiplier drawing the west into conflicts as a result of threatened state security.¹⁶ This pervasive state centred sovereignty perspective not only perpetuates a narrow view but also tends towards short-term strategies and adaptations rather than addressing the severity of the situation,

¹³ Donald Wallace and Daniel Silander, *Climate Change, Policy and Security : State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018): 42.

¹⁴ Kevin J. Grove, “Insuring “Our Common Future?” Dangerous Climate Change and the Biopolitics of Environmental Security”, *Geopolitics* 15, no.3 (2010): 553.

¹⁵ Nicole Detraz and Michele M. Betsill, “Climate Change and Environmental Security: For Whom the Discourse Shifts”, *International Studies Perspectives* 10, no.3 (Aug 2009): 311.

¹⁶ Kevin J. Grove, “Insuring “Our Common Future?” Dangerous Climate Change and the Biopolitics of Environmental Security”, *Geopolitics* 15, no.3 (2010): 543; Nicole Detraz and Michele M. Betsill, “Climate Change and Environmental Security: For Whom the Discourse Shifts”, *International Studies Perspectives* 10, no.3 (Aug 2009): 314.

which can only be done collectively.¹⁷ The changes under the Trump Administration reflect this approach placing (if considering at all) environmental concerns as a state security concern. As such, any mitigation strategies as agreed to and implemented under previous governments have been rescinded or replaced by adaptation reflecting the policy of prioritizing state vs human security.¹⁸ At the most recent UNEP Assembly, the US statement focused entirely on that perspective: “[T]oday we face complicated and unprecedented environmental challenges; innovation can play a crucial role in decoupling development and environmental degradation.”¹⁹ Though the movement towards securitization of the environment increased the level of dialogue, this state centred securitization of the environment weakens the global initiatives to address the causes of GCC.

In contrast to the US statement at the same UNEP Assembly, France made a plea for “*l’action concret*” in the fight against GCC. As President Emmanuelle Macron stated in his address 14 Mar 2019, “We won’t be able to say we didn’t know” with palpable disappointment regarding a lack of cooperative tangible action regarding climate change.²⁰ In spite of decades of scientific evidence of the effects caused by the human destruction of the environment, little action has been seen. Part of the debate struggles with the same issues that beleaguer supporting R2P. Traditional security focuses on conflict in this case arising directly from environmental degradation. Though much more clear cut from the viewpoint of scarcity or abundance of resources, this in some forms has been at the core of international conflict since the beginning of

¹⁷ Nicole Detraz and Michele M. Betsill, “Climate Change and Environmental Security: For Whom the Discourse Shifts”, *International Studies Perspectives* 10, no.3 (Aug 2009): 305.

¹⁸ Donald Wallace and Daniel Silander, *Climate Change, Policy and Security : State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018), 26.

¹⁹ National Statement of United States of America at the fourth session of the United Nations Environment Assembly Delivered by H.E. Ms Marcia Bernicat, Head of Delegation UNEA-4 High-Level Segment National Statement by the United States Friday, March 15, <http://web.unep.org/environmentassembly/node/42632>

²⁰ Statement of H.E. Mr. Emmanuel Macron President of the Republic of France at the fourth session of the United Nations Environment Assembly <http://web.unep.org/environmentassembly/president-france-unea-4-high-level-segment>

human history. The crisis in Darfur and the ongoing chaos in Sudan provide an example of the impact of drought spurred conflict.²¹ Arguments can be made that the Syrian civil war was sparked by a similar drought and resource shortage.²² The ensuing mass migration has had a tremendous impact on the infrastructure and resources within the Middle East and Europe aggravating security concerns globally.²³

Where Do R2P and the Strategies to Address GCC Intersect

Though the UN Secretary General Kofi Annan and ICISS had perceived that environmental security would be included in R2P, the trade-off for acceptance of the World Summit Outcome document was a specifically limited scope. Though the ICISS recommendations included natural disasters well within the scope of R2P, a lack of consensus resulted on its omission from the clause.²⁴ Although driven by the fear of abuse of the justification for intervention and equally so (primarily by the US) to lose the ability to decide when and where to intervene the Outcome document and subsequently UNSCR 1674 outlined four specific cases for intervention and “the responsibility to use appropriate diplomatic, humanitarian and other peaceful means” to protect populations.²⁵

Regardless of the narrow focus of the resulting documentation, the R2P concept provided a potential framework to ensure that sovereign nations addressed the responsibilities of human security including the threat posed by GCC. The environmental threat to global human security has been growing from the fringes since the last century to become a key issue for successive

²¹ Lloyd Axworthy and Allan Rock, "R2P: A New and Unfinished Agenda," *Global Responsibility to Protect* 1, no. 1 (2009): 65.

²² Donald Wallace and Daniel Silander, *Climate Change, Policy and Security: State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018): 14.

²³ Donald Wallace and Daniel Silander, *Climate Change, Policy and Security: State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018): 13.

²⁴ Mely Caballero-Anthony and Belinda Chng, “Cyclones and Humanitarian Crises: Pushing the Limits of R2P in Southeast Asia”, *Global Resp. Protect* 135 (2009): 142.

²⁵ United Nations Security Council, 5430th meeting, Resolution 1674, Protection of civilians in armed conflict (S/RES/1674) (New York: NY, 28 April 2006): para 139. <http://unscr.com/en/resolutions/1674>

Secretaries General of the UN in the last two decades. Highlighting the impact that environmental degradation has on human security, UN Secretary-General Ban Ki-Moon related the changing weather patterns to financial, social, and political costs. When viewed against the spectre of super storms, heat waves, forest fires, and the impact of rising ocean levels these disasters parallel mass atrocities covered in the principles of R2P - protection from mass human suffering.²⁶

Given the seriousness of the threat to human security by GCC it can be seen as comparable to other forms of mass atrocity. The question remains to the applicability of the use of coercion or force to prevent it.²⁷ In the same vein as those express situations outline by UNSCR 1974, the Security Council can require members under Chapter VII to use measures shy of full military intervention in situations directly linked to consequences of GCC where they assess a threat to international peace (Article 39).²⁸ Following the logic of Edward Luck's three stages for the implementation of R2P, the state would be called upon to fulfill its responsibility to protect the people from massive human security threats. Second, if unable to meet the requirements to provide that security the state would call on others for support. Finally, if necessary the international community would intervene, with military as a last resort.²⁹ Scenarios that might support a military intervention could include the requirement to stop harmful environmental actions such as the Brazilian security forces deployed within the Amazon to protect against deforestation.³⁰ Concerns over the management of resources such as water or ensuring access to necessary resources such as water or food to prevent a humanitarian crisis are

²⁶ Donald Wallace and Daniel Silander, *Climate Change, Policy and Security : State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018): 47

²⁷ Bruce Gilley and David Kinsella, "Coercing Climate Action." *Survival* 57, no.2 (2015): 9.

²⁸ Donald Wallace and Daniel Silander, *Climate Change, Policy and Security : State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018), 48.

²⁹ Moore, 212

³⁰ Bruce Gilley and David Kinsella, "Coercing Climate Action." *Survival* 57, no.2 (2015): 18.

also likely scenarios much as the attempt to address a similar situation with UNSCR 794 in Somalia.³¹ The emergency response scenario ties in to military intervention where the affected nation does not have the capacity to respond. In spite of the failure to employ R2P in this capacity following Cyclone Nargis in Myanmar, this has become a key planning or operational subset for many militaries worldwide.³² In support of the UNSC, an argument can also be made as a legal obligation, *erga omnes*, should excessive emission threaten a state's survival, as in the case of the Polynesian Block.³³

Though the R2P framework holds parallels (as well as premise) for use in the environmental context, there are several failings with the concept. Though the UNGA has accepted Goal 13 of the SGAs calling for global action on climate change and most nations are signatories to the Paris Accords, there has been no impetus to make the agreements binding. The undertakings outlined in the Paris Agreement articulate this same process of responsibility, support, and intervention. However, the responsibility remains state centric without obligation or impetus for UNSC action.³⁴ Secondly, those primarily responsible for the emissions contributing to GCC are those assessing the obligation and adhere to the culture of sovereignty over a global apolitical environmental strategy.³⁵ Additionally, those most affected by GCC have little to no control over global greenhouse emissions considering the minute contributions compared to the developed nations. For most of the decision makers, the threat of climate change remains abstract. Perhaps cynically, as with the complicity within which the actions in Iraq were

³¹ Donald Wallace and Daniel Silander, *Climate Change, Policy and Security : State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018): 25.

³² Donald Wallace and Daniel Silander, *Climate Change, Policy and Security : State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018): 46-47.

³³ Bruce Gilley and David Kinsella, "Coercing Climate Action," *Survival* 57, no.2 (2015): 12

³⁴ United Nations General Assembly, "Paris Agreement to the United Nations Framework Convention on Climate Change", (New York: NY, 12 Dec 2015). https://treaties.un.org/doc/Treaties/2016/02/20160215%2006-03%20PM/Ch_XXVII-7-d.pdf

³⁵ Donald Wallace and Daniel Silander, *Climate Change, Policy and Security : State and Human Impacts*. (Abingdon, Oxon: Routledge, 2018): 24.

sanctioned, the failure to react to the crisis in Syria or Srebrenica, the immediate interests of the sovereign powers limit their capacity to find consensus or provide leadership.

In spite of the criticism, some hope exists as the UNSC continues to look at GCC in terms of impact on human security rather than just that of the state.³⁶ If the UN were to address the threat of GCC in a similar manner to that of (other) weapons of mass destruction, action could be achievable. Using R2P principles support would be provided as required to enable each state to meet the goals. If they cannot or refuse to oblige, then legal, flexible, and proportionate responses could be sanctioned by the UNSC in order to prevent ongoing environmental degradation that threatens human security.³⁷ The missing link is an acceptance by the major powers of an agreement with common governance goals with a full understanding of the implications that GCC has on international security.

Conclusion

“Imagine a global consensus on climate change that recognizes causes and effects, and establishes targets and tactics. Imagine, too, the shared expectation that each state will do its part by acting as agreed to meet the challenge. Finally, imagine that the consensus is adopted against a background that includes the ...principles” of R2P.³⁸ The Hon Lloyd Axworthy, the Secretaries General of the UN, and perhaps even President Emmanuel Macron imagine that a global action plan can be achieved to address the growing threat of GCC. Though R2P provides a grounded framework for a response to the threat posed by GCC, its failure to achieve its place as an international norm where the “legitimacy of state sovereignty rests not only on control of

³⁶ Nicole Detraz and Michele M. Betsill, “Climate Change and Environmental Security: For Whom the Discourse Shifts”, *International Studies Perspectives* 10, no.3 (Aug 2009): 311.

³⁷ Lloyd Axworthy and Allan Rock, "R2P: A New and Unfinished Agenda," *Global Responsibility to Protect* 1, no. 1 (2009):67.

³⁸ Lloyd Axworthy and Allan Rock, "R2P: A New and Unfinished Agenda," *Global Responsibility to Protect* 1, no. 1 (2009): 66.

territory and international recognition, but also upon fulfilling certain standards of human rights and welfare for citizens.”³⁹ Though idealism endures and the potential exists both from a functional and legal framework to enshrine responsibilities, mandate action, and hold states accountable, the current lack of consensus on R2P leaves it relatively impotent and thus its applicability to GCC flailing alongside.

“Never again” will come in the form of genocide of the Polynesian people in the face of rising ocean levels or the loss of entire cities to forest fires among many very probable outcomes if GCC is not addressed. However, it is not until the cost is felt by those who write the cheques will any substantial action be taken to reduce emissions and protect the environment. Though this paper has shown how the inception of R2P, its formulation, and its potential use by the UN can provide that bridge between sovereignty and collective solutions, the reality is that R2P requires a collective acceptance of human security as the paramount concern. Tragically those who are most threatened by GCC, are those who have and continue to contribute the least to the problem and who remain impotent to influence those who crouch under the veil of state security.

³⁹ Newman, Edward. "R2P: Implications for World Order." *Global Responsibility to Protect*, vol. 5, no. 3, 2013, 242.

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