

University of Florida Levin College of Law
UF Law Scholarship Repository

UF Law Faculty Publications

Faculty Scholarship

2019

The Climate Crisis Is a Human Security, Not a National Security, Issue

Maryam Jamshidi

University of Florida Levin College of Law, jamshidi@law.ufl.edu

Follow this and additional works at: <https://scholarship.law.ufl.edu/facultypub>



Part of the [National Security Law Commons](#)

Recommended Citation

Maryam Jamshidi, *The Climate Crisis Is a Human Security, Not a National Security, Issue*, 93 S. Cal. L. Rev. Postscript 36 (2019)

This Article is brought to you for free and open access by the Faculty Scholarship at UF Law Scholarship Repository. It has been accepted for inclusion in UF Law Faculty Publications by an authorized administrator of UF Law Scholarship Repository. For more information, please contact kaleita@law.ufl.edu.

THE CLIMATE CRISIS IS A HUMAN SECURITY, NOT A NATIONAL SECURITY, ISSUE

MARYAM JAMSHIDI*

Climate change is one of the first issues in recent memory for which there has been public debate about treating a pressing matter as a national security concern. As recently as the September 20, 2019 Climate Strike in New York City, for example, activist Greta Thunberg described the climate crisis as an “emergency.”¹ Like much of the grassroots rhetoric on climate change, her demand gestures toward the sort of existential threat national security is designed to address. It is but one amongst a host of good reasons for treating the climate crisis as a security concern. Indeed, in the past, the U.S. government appeared to have recognized this and treated climate change as a national security issue as a result.² There were and continue to be equally good reasons, however, to worry about applying the national security label to climate change, which have largely been absent from public debate. These reasons include various threats to liberal democracy endemic to the national security sector, such as broadening and bolstering executive authority, reducing government transparency, increasing government secrecy, eroding civil liberties, and marginalizing disadvantaged groups. They also include the limited effectiveness of traditional national security

*. Assistant Professor of Law, University of Florida Levin College of Law. For helpful comments and conversations, I am grateful to Sarah Bishop, Seth Endo, Anastacia Greene, Andrew Hammond, J. Benton Heath, Merritt McAlister, Paul McGovern, Mark Nevitt, Aziz Rana, Andrew Winden, and Ehsan Zaffar. Thank you to the editors at the *Southern California Law Review* for their thoughtful review of this piece. All errors are my own.

1. Kalhan Rosenblatt, *Teen Climate Activist Greta Thunberg Delivers Scathing Speech at U.N.*, NBC NEWS (Sept. 23, 2019, 9:28 AM), <https://www.nbcnews.com/news/world/teen-climate-activist-greta-thunberg-delivers-scathing-speech-u-n-n1057621> [<https://perma.cc/975U-JWFB>].

2. Mark P. Nevitt, *The Commander in Chief's Authority to Combat Climate Change*, 37 CARDOZO L. REV. 437, 443–44 (2015). The administration of President Donald Trump has moved away from treating climate change as a national security issue. Michael T. Klare, *The Surprising Ally in Fighting Global Warming*, DAILY BEAST (Sept. 21, 2019, 5:07 AM), <https://www.thedailybeast.com/the-surprising-ally-in-fighting-global-warming-the-pentagon> [<https://perma.cc/N67W-LM6G>].

solutions, which emphasize military-oriented strategies that adapt to rather than tackle the underlying causes of climate change.

This Article articulates the downsides to treating climate change as a national security issue and demonstrates how the U.N.-mandated concept of “human security” provides a more effective framework. Human security realizes the benefits of securitization while lessening its costs. It does so by focusing on people, rather than the state, and emphasizing sustainable development policies necessary to mitigate, rather than just acclimate to, climate change.³ While explored here in detail, these arguments are part of a larger, ongoing project examining how the human security paradigm can generate more effective legal solutions than a national security framework for global challenges, like climate change.

Part I of this Article briefly examines calls to treat climate change as a national security issue, specifically from within the grassroots climate change movement, and canvasses the benefits of doing so. Part II explores the downsides to securitizing climate change and demonstrates how a human security approach resolves these concerns. Overall, this Article accepts the view that a security-oriented attitude towards climate change is vital to meaningful action on the issue. It takes the position, however, that this approach must both align with liberal democratic values and facilitate solutions for mitigating the climate crisis. These changes to the prevailing security paradigm are unlikely to come from the state itself, which is invested in maintaining a state-centered view of security. It must, instead, be led by civil society—particularly the climate change movement, which has the most incentive to take action on these issues.

I. CLIMATE CHANGE AS A NATIONAL SECURITY ISSUE

Over the last decade, various citizen-led groups, including 350.org, the Sunrise Movement, and the Extinction Rebellion, have drawn attention to climate change and focused on pushing corporations, governments, and intergovernmental institutions to act on the issue.⁴ In raising the alarm bells, these and other groups have often used the crisis, war-framing rhetoric

3. While some have advocated for treating climate change as a human security issue, they have not considered competing arguments in favor of a national security framing. *See, e.g.*, Karen O’Brien, Asuncion Lear St. Clair, & Berit Kristoffersen, *The Framing of Climate Change: Why It Matters*, in CLIMATE CHANGE, ETHICS, AND HUMAN SECURITY 3, 4 (Karen O’Brien et al. eds., 2010). In particular, they have failed to consider the costs and benefits of each approach, a gap which this Essay attempts to fill.

4. “Falter”: In New Book, Bill McKibben Asks If the Human Game Has Begun to Play Itself Out, DEMOCRACY NOW! (Apr. 15, 2019), <https://www.democracynow.org/shows/2019/4/15> [<https://perma.cc/8GRE-6PH5>].

associated with the national security sector. Though they have not specifically invoked the term “national security,” various climate campaigners, like Bill McKibben and Naomi Klein, have described climate change as an extreme crisis requiring immediate action.⁵ Other members of the climate movement have more explicitly aligned themselves with a national security framework. In 2015, the Sunrise Movement’s Twitter account tweeted: “‘The Pentagon says that #climate change poses immediate risks to our national security. We should act like it.’ #WaronClimateChange”⁶ The 350.org website has applauded the U.S. military’s decision to securitize climate change and pushed for other government branches to do the same.⁷ Still, other groups have urged application of particular national security laws and policies to climate change. The Youth Climate Strike organization has, for example, called for a national emergency declaration on the climate crisis.⁸

Both a normative and practical logic supports these demands. Most obviously, a national security approach is appropriate given the scope of the problem and the resources required to address it. According to an October 2018 report from the U.N.’s Intergovernmental Panel on Climate Change (“IPCC”), the impact of 2.7 degrees Fahrenheit of warming, which could be reached in as little as 10 years,⁹ would lead to rises in sea levels, increases in ocean acidification, species loss and extinction, pervasive drought in some regions, and heavy precipitation in others.¹⁰ The report predicts increased warming will erode human health, contribute to poverty, exacerbate food and water shortages, and negatively impact global economic growth.¹¹ To address these issues, “pathways limiting global warming to 1.5°C with no or limited overshoot . . . require rapid and far-reaching transitions in energy, land, urban, and infrastructure These system transitions are

5. *A Natural Solution to the Climate Disaster*, THE GUARDIAN, (Apr. 3, 2019, 1:00 AM), <https://www.theguardian.com/environment/2019/apr/03/a-natural-solution-to-the-climate-disaster> [<https://perma.cc/7SVZ-S3LW>].

6. Sunrise Movement (@sunrisemvmt), TWITTER (Jan. 20, 2015, 6:55 PM), <https://twitter.com/sunrisemvmt/status/557733287649882112> [<https://perma.cc/97QG-CXH7>].

7. Anna Goldstein, *Climate Change and National Security: The Low Down on the National Security Strategy*, 350.ORG (Dec. 21, 2017), <https://350.org/climate-change-national-security-the-low-down-on-the-national-security-strategy> [<https://perma.cc/97SZ-BMPP>].

8. *Youth Climate Strike*, ACTION NETWORK, https://actionnetwork.org/event_campaigns/youth-climate-strike [<https://perma.cc/57MG-S4T5>].

9. INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, GLOBAL WARMING OF 1.5°C, SUMMARY FOR POLICYMAKERS 6 (2018), https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_SPM_version_report_LR.pdf [<https://perma.cc/8SVL-QTKB>] [hereinafter 2018 IPCC REPORT].

10. *Id.* at 9–11.

11. *Id.*

unprecedented in terms of scale”¹²

Treating climate change as a national security matter also creates legal opportunities for streamlining government responses. Among other things, it expands presidential authority to plan and invest in climate change adaptation within the United States, specifically at military installations.¹³ More broadly, it gives the president latitude to respond to overseas humanitarian crises created by climate change, organize the military to deal with future climate threats abroad, and enter into sole executive agreements, like the 2015 Paris Agreement, that Congress is unlikely to ratify for partisan reasons.¹⁴

Finally, focusing on the national security dimensions of climate change may yield support from those holding stronger feelings about national security than the environment.¹⁵ As scholars have argued, one of the most effective ways of generating attention is to describe an issue in national security terms; this often leads to increased “public focus, institutional power, and mobilization of resources”¹⁶

Despite the good reasons for treating climate change as a security issue, the conventional national security frame also has a number of downsides, including various threats to liberal democracy and conceptual presumptions about the best strategies for addressing the climate crisis. Human security can help mitigate these failings by placing people, instead of the state, at the center of climate initiatives, as discussed in the next section.

II. SECURITIZING CLIMATE CHANGE: MITIGATING COSTS THROUGH HUMAN SECURITY

When it comes to national security’s downsides, the erosion of democratic principles tops the list. Generally, over the last seventy years, national security has become synonymous with increased executive branch power, and diminished judicial and Congressional authority, all of which has harmed American democracy and the rule of law.¹⁷ It has led to pervasive government secrecy,¹⁸ the creation of secret evidence, secret law, and secret

12. *Id.* at 17.

13. Nevitt, *supra* note 2, at 473–76.

14. *Id.* at 477–83, 499–502.

15. Sarah E. Light, *Valuing National Security: Climate Change, the Military, and Society*, 61 *UCLA L. REV.* 1772, 1778 (2014).

16. Laura K. Donohue, *The Limits of National Security*, 48 *AM. CRIM. L. REV.* 1573, 1705 (2011).

17. DAVID RUDENSTEIN, *THE AGE OF DEFERENCE: THE SUPREME COURT, NATIONAL SECURITY, AND THE CONSTITUTIONAL ORDER* 7 (2016).

18. Neal Kumar Katyal, *Internal Separation of Powers: Checking Today’s Most Dangerous Branch From Within*, 115 *YALE L.J.* 2314, 2319 (2006).

courts;¹⁹ increased militarization of domestic government activities, including law enforcement;²⁰ and substantial restrictions on human and civil rights that have had adverse consequences for minority and immigrant communities. The government's recent climate change policy, which has been defined by a national security framework, has been shaped by these trends. It has been almost exclusively dominated by intelligence gathering and various military initiatives dealing with climate-related issues.²¹ In fact, in responding to recent natural disasters caused by climate change,²² federal and state governments have relied on secrecy and militarized strategies,²³ which have had negative effects on marginalized communities. After Hurricane Katrina in 2005, for example, various government officials depicted minority black and brown communities as the enemy, used this rhetoric to justify government failures to meet their needs, and kept secret information vital to these communities in exercising their rights.²⁴

On top of these democratic downsides, a traditional national security approach also exacerbates the disparities created by climate change. The concept of national security developed in response to national threats, like nuclear weapons, that had roughly the same impact on all people. Climate change, by contrast, has and will continue to have disparate impacts on different populations.²⁵ In particular, within the United States, climate change will have some effect on all regions,²⁶ but is expected to have the most negative consequences for poor and minority populations.²⁷ With its

19. RUDENSTEIN, *supra* note 17, at 7–8.

20. Lisa Grow Sun & RonNell Anderson Jones, *Disaggregating Disasters*, 60 UCLA L. REV. 884, 917–18 (2013).

21. U.S. DEP'T OF DEFENSE, 2014 CLIMATE CHANGE ADAPTATION ROADMAP (2014), <http://ppecc.asme.org/wp-content/uploads/2014/10/CCARprint.pdf> [<http://web.archive.org/web/20170127042339/http://ppecc.asme.org/wp-content/uploads/2014/10/CCARprint.pdf>]; Sarah E. Light, *The Military-Environmental Complex*, 55 B.C. L. REV. 879, 881, 906 (2014);

22. Amina Khan, *Fires, Droughts and Hurricanes: What's the Link Between Climate Change and Natural Disasters?*, LA TIMES (Dec. 5, 2017, 11:25 AM), <https://www.latimes.com/science/sciencenow/la-sci-sn-climate-change-natural-disasters-20170907-htmllstory.html> [<https://perma.cc/ZS6F-XFMY>].

23. Sun & Jones, *supra* note 20, at 886–87.

24. *Id.* at 942.

25. 2018 IPCC REPORT, *supra* note 9, at 20; DAVID WALLACE WELLS, THE UNINHABITABLE EARTH: LIFE AFTER WARMING 132 (2019); Michelle Melton, *Climate Change and National Security, Part II: How Big a Threat Is the Climate?*, LAWFARE (Jan. 7, 2019, 12:45 PM), <https://www.lawfareblog.com/climate-change-and-national-security-part-ii-how-big-threat-climate> [<https://perma.cc/J2FC-NJKS>].

26. Leah Burrows, *From Sea to Rising Sea: Climate Change in America*, HARV. U. CTR. FOR ENV'T (Sept. 19, 2017), <https://environment.harvard.edu/news/faculty-news/sea-rising-sea-climate-change-america> [<https://perma.cc/5EK5-TM2C>].

27. Douglas Fisher, *Climate Change Hits Poor Hardest in U.S.*, SCI. AM. (May 29, 2009), <https://www.scientificamerican.com/article/climate-change-hits-poor-hardest> [<https://perma.cc/QTE4-VE7L>].

emphasis on the nation as a whole, as opposed to individual communities, a conventional national security framework is unlikely to address these differential costs.

Finally, national security places conceptual limitations on addressing climate change. Most solutions to national security problems prominently feature a militarized or military-focused approach. These strategies are less suited to the global coordination, as well as social, economic, and political transformations, necessary to mitigate climate change. When it comes to tackling the crisis, a mix of policies relating to human well-being, economic development, and environmental protection must be adopted by all states.²⁸ A predominantly military approach is more likely to emphasize armed conflict and the security of military installations over these development-oriented policies.²⁹ In particular, a national security framing increases the chances military force, not diplomacy, will be used against countries that are recalcitrant in addressing the climate crisis³⁰—a result that undermines, rather than bolsters, coordination between states.

The concept of human security avoids these disadvantages while preserving the benefits of securitizing climate change. Initially articulated by the U.N. in 1994, human security has two main components.³¹ First, it requires that states protect people from chronic dangers, like hunger, disease, oppression, and environmental degradation.³² Second, it demands that governments work to reduce substantial disruptions to people's daily lives.³³ This “durable” approach emphasizes the inter-relationship between various components of security, including economic, food, health, environmental, personal, community, and political security.³⁴ A human security framework places the onus on governments to work towards achieving all these elements of security.³⁵ This obligation extends to meeting the human security needs of the international community, more broadly.³⁶

28. 2018 IPCC REPORT, *supra* note 9, at 20.

29. Donald Wallace, *Introduction: Security and Global Climate Change*, in CLIMATE CHANGE, POLICY AND SECURITY: STATE AND HUMAN IMPACTS 1, 10–11 (Donald Wallace & Daniel Silander eds., 2018).

30. *Id.* at 25–26.

31. UNITED NATIONS DEV. PROGRAMME, HUMAN DEVELOPMENT REPORT 1994, at 22 (1994), http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf [<https://perma.cc/9Z3J-FUJK>] [hereinafter HUMAN DEVELOPMENT REPORT 1994].

32. *Id.* at 23.

33. *Id.*

34. *Id.* at 24–25.

35. Giorgio Shani, *Introduction: Protecting Human Security in a Post 9/11 World*, in PROTECTING HUMAN SECURITY IN A POST 9/11 WORLD 1, 6–7 (Giorgio Shani et al. eds., 2007).

36. Rep. of the High-Level Panel on Threats, Challenges & Change, *A More Secure World: Our*

Rather than blunting the benefits of a security frame, human security strengthens them by connecting security directly to people's survival and flourishing. As a result, a human security paradigm is likely to sustain and even increase public attention to security-related issues, as well as the institutional focus and resources that come with it. It also rectifies national security's many shortcomings. This includes challenging assumptions that security is best and most effectively achieved through unilateral executive action. Of course, human security does not entirely prohibit these sorts of activities, which are reflected in various laws facilitating presidential engagement on climate change. Nevertheless, it challenges assumptions that the president should always have exclusive authority over national security matters. It suggests, instead, that security is something inter-governmental and non-governmental organizations, as well as grassroots civil society actors, social movements, and influential individuals, have a role in creating and sustaining.³⁷ To facilitate this public involvement in national security decisionmaking, human security privileges government transparency over secrecy.

Significantly, human security can help mitigate national security's civil and human rights problems. In the national security context, derogations from these rights are often considered permissible for security's sake.³⁸ At times, governments have even used national security to justify emergency measures typically disallowed in liberal democracies because of their threat to individual liberty.³⁹ Under a human security approach, by contrast, human and civil rights are paramount.⁴⁰ Focusing on the rights of people, both as the objects and providers of security, challenges the notion that states of emergency and other suspensions of liberal, democratic norms are the best or only way of achieving security.⁴¹

As for national security's strategic limitations, a human security approach yields three distinct benefits. First, unlike national security, human security de-emphasizes military strategies and emphasizes investment in development initiatives. In particular, it promotes reductions in military budgets and reallocation of funds to development work. Though human development and security are distinct, poverty and social inequality

Shared Responsibility, U.N. Doc. A/59/565, at 21–22 (Dec. 2, 2004).

37. DAVID ANDERSEN-RODGERS & KERRY F. CRAWFORD, *HUMAN SECURITY* 15–16, 44–49 (2018).

38. *Id.* at 41–42.

39. Wallace, *supra* note 29, at 6.

40. ANDERSEN-RODGERS & CRAWFORD, *supra* note 37, at 83.

41. *See id.* at 21–30.

undermine the physical, material, and political wellbeing of individuals.⁴² In many countries, like the United States, military spending eats up resources necessary to tackling these pressing issues.⁴³ By linking security to sustainable development, rather than to the military's might, human security points dollars toward the former.⁴⁴

Second, human security facilitates the integrated, interstate solutions necessary to address climate change. When it comes to tackling the climate crisis, experts agree that richer states must shoulder more of the economic burden and provide a range of support to poorer states.⁴⁵ Domestically, a similar redistribution of resources is necessary to realize environmental justice and ensure the most vulnerable are protected from climate change.⁴⁶ These cooperative strategies are precisely the sort of activities supported by human security, which emphasizes the connections between people and their responsibilities to one another.

Third, human security's people-centered approach provides a basis not only for top-down, but also bottom-up approaches to climate change.⁴⁷ Addressing climate change requires both government regulation and decentralized action by citizens. As Naomi Klein has argued,

[t]here is a clear and essential role for national plans and policies—to set overall emission targets that keep each country safely within its carbon budget But if these transitions are to happen as quickly as required, then the best way to win widespread buy-in is for the actual implementation of a great many of the plans to be as decentralized as possible.⁴⁸

Of course, to be meaningful, a human security approach to climate change must be reflected in government policy. Even with a change of administration, achieving that goal will require overcoming multiple challenges. They include confronting intra-government actors invested in

42. HUMAN DEVELOPMENT REPORT 1994, *supra* note 31, at 22.

43. *Id.* at 50.

44. *Id.* at 58–60.

45. Larry Elliott, *Do More to Help Poor Nations Cope with Climate Change, IMF Tells Rich Countries*, THE GUARDIAN (Sept. 28, 2017, 1:49 AM), <https://www.theguardian.com/business/2017/sep/27/do-more-to-help-poor-nations-cope-with-climate-change-imf-tells-rich-countries> [https://perma.cc/4TXK-8P8G].

46. Environmental justice focuses on addressing inequalities created by environmental protection efforts in low-income and minority communities. James M. Van Nostrand, *Energy and Environmental Justice: How States Can Integrate Environmental Justice into Energy-Related Proceedings*, 61 CATH. U. L. REV. 701, 702 (2014).

47. Yoichi Mine, *Downside Risks and Human Security*, in PROTECTING HUMAN SECURITY IN A POST 9/11 WORLD, *supra* note 35, at 64, 67.

48. NAOMI KLEIN, THIS CHANGES EVERYTHING: CAPITALISM VS. THE CLIMATE 133 (2014).

taking a military-first approach to climate change; building substantial political will *within* government to take public demands about climate change's securitization seriously; and ensuring those demands remain rooted in a cosmopolitan notion of human security, rather than a nationalistic or nativist one.

The first step, however, is to understand how human security leads to better outcomes than a traditional national security framework, both for democracy, as well as for efforts to solve the climate crisis. The climate change movement would be well-served to prioritize this issue sooner rather than later—lest its calls to treat climate change as a serious security threat are accepted and government policies are adopted that do more harm than good.