

## **Expanding the Scope of the UN Security Council Mandate to Include Promotion of Sustainable Development and Commitment to the Precautionary Principle**

The following passages are quoted excerpts from a 2002 report entitled, “*Expanding the Mandate of the UN Security Council to Account for Environmental Issues*”. This report was “prepared as part of series of working papers that represents one of the first outputs from a two-year United Nations University Institute of Advanced Studies project on International Environmental Governance Reform”. It is accessible at: (<http://www.unu.edu/inter-linkages/docs/IEG/Elliott.pdf> ).<sup>1</sup>

The first section of the project focuses on the identification of weaknesses and gaps within the current system of international environmental governance. The individual research papers commissioned within this section have concentrated on six key aspects of international environmental governance: the inter-linkages within the environmental governance system; the science/politics interface; industry/government partnerships for **sustainable development; the participation of NGOs and other civil society representatives...**” (p. 2).

“In the policy sphere of **environment and sustainable development**, it is important that a Security Council committee, were it to be established, not duplicate competence elsewhere. For example, the **Commission on Sustainable Development is charged with monitoring implementation (with emphasis on Agenda 21) and calling for reports**. There is also the danger that any new committee would become just one more ‘talk shop’ (a charge levied at the Commission on Sustainable Development) or duplicate the power imbalances and political interests of the Council’s members.

As part of the reinvigorated focus on prevention, **the Security Council has emphasized the importance of social reconstruction in post-conflict peace-building which includes ‘fostering sustainable institutions and processes in areas such as sustainable development’ (UNSC 2001a, p.2)**. As an example, the Secretary General has observed that ‘access to land-based resources by the poor’ can ‘help to prevent conflicts that are based on or related to tensions over limited [or degraded] natural resources’ (UNSG 2001, p.26). This is important also because the environmental as well as social consequences of armed conflict frequently act as a barrier to such social reconstruction and economic rehabilitation.

**The importance of sustainable development as a key component of Security Council mandates for peace-building and social reconstruction in disrupted states is not in doubt**. A few examples will suffice. In his letter to the Security Council of June 1999 on the Council’s mandate in Guinea-Bissau, the Secretary General referred to **the overall goal of ‘restoring peace and sustainable development’ in that country** (Secretary General 1999). Resolution 1318 on an effective role for the Security Council in maintaining international peace and security (particularly in Africa) reaffirms its ‘determination...to give special attention to the promotion of durable peace and **sustainable development** in Africa’ (UN Security Council 2000a, p.2). The mandate

for the United Nations Transitional Administration in East Timor (UNTAET), authorised under Chapter VII of the Charter and set out in Resolution 1272, includes assisting ‘in the **establishment of the conditions for sustainable development**’ (UNSC, 1999b, clause 2(f)). Resolution 1346, which extended the life of UNAMSIL (the United Nations Mission in Sierra Leone), referred in the preamble to the importance for **peace and sustainable development of the ‘legitimate exploitation of the natural resources...for the benefit of its people’** although it is quite likely that, in this particular context, the natural resources in question were diamonds (UNSC 2001b). Similarly, resolutions on Cambodia (see Resolution 792 (1992) for example) included references to the importance of regulations on the use of natural resources including support from Member States for a moratorium on the export of logs.

**... While mandates for peacekeeping and peace-building missions, including transitional authorities, identify sustainable development as a goal** they rarely specify that the peacekeeping or intervention forces must themselves adhere to relevant environmental principles and multilateral environmental agreements.” (pp. 18-19).

**“The Security Council’s likely mandate to act in response to environmental threats** fits well with Secretary General Kofi Annan’s strategies for ‘freedom from fear’ outlined in his Millennium Report and identified in the introduction to this paper. **The Council’s environmental mandate**, as it applies to peace and security, can or could best be expanded in the following areas:

- appropriate action to enforce the environmental dimensions of international humanitarian law, the laws of war and war crimes
- potential imposition of economic or other sanctions in response to severe ‘environmental delinquencies’
- contribution to environmental conflict prevention and preventive diplomacy as part of the development of a culture of prevention within the UN
- reinforcing and supporting sustainable development and environmental protection in post-conflict peace-building and social reconstruction
- including environmental guidelines in the rules of engagement and deployment for UN-mandated forces, including transitional authorities and observer missions.

The central question is **how the expansion of the Security Council’s mandate in this way can contribute to the overall functioning of the system of international environmental governance.**” (pp. 20-21).

“The expansion of the Security Council mandate to accommodate environmental ‘threats’ (broadly defined) could contribute to this goal in two ways. The first is functional, particularly through **a commitment to environmental protection in times of armed conflict and through the pursuit of sustainable development in post-conflict reconstruction.** The second is normative. An expanded mandate for the Security Council may contribute further to dismantling the separation between so-called global ‘welfare’ issues and global security policy and to strengthening **international commitment to the precautionary principle** and norms of global stewardship.

**...In pursuing an environmental mandate, the Security Council** will also need to develop more effective working relations with other agents

of environmental **governance within and outside the United Nations**. This will obviously include the **United Nations Environment Programme** but will also likely include the **Commission on Sustainable Development, relevant General Assembly committees, and a range of nongovernmental actors**. This will be essential to enhance the Security Council's contribution to environmental preventive security, to ensure that the appropriate expertise is available for fact-finding missions, to monitor compliance with international environmental law, and to strengthen the **environmental dimensions of UN peacekeeping operations.**" (p. 21)

**"The legitimacy of an expanded environmental mandate for the Security Council** will be enhanced if its actions are **based on the best scientific information available in areas in which the Council seeks to establish competence**. . . Security Council mandated peacekeeping missions and transitional peace-building arrangements will need to involve and coordinate expertise in environment repair and **sustainable development**.

An expanded mandate for the Security Council draws attention again to the inadequacy of funding for **international environmental governance and sustainable development** and for peace-keeping, peace-making and peace-building. Preventive environmental diplomacy cannot be achieved without adequate and stable funds...It is important to recognise again that **preventive security** (or what former US Secretary of Defence Perry called 'preventive defence') is less costly than coercive interventions in times of armed conflict or as punitive action against environmental dispute or environmental destruction.

...Security is no longer the preserve of the military and strategic community alone. This is especially important in post-conflict peace-building and **a new emphasis on sustainable development and environmental protection which requires greater attention to effective civil-military relations in UN missions.** (pp. 22-23)

**An expanded environmental mandate for the Security Council** could have an important role to play in influencing the policy milieu and actor behaviour at a global, regional, national and local level. The potential for Chapter VII action in times of armed conflict or threats to peace and security can provide incentives (albeit negative ones) for **compliance with the environmental (as well as other) components of international humanitarian law or the laws of war**...

The more effective incorporation of environmental guidelines in Security Council rules of engagement and deployment would provide models for national defence forces to adopt such guidelines in their own military manuals. Further, Security Council decisions which reinforce **the importance of sustainable development for post-conflict peace-building** will enhance, if properly resourced, capacity building and technology transfer. **The Security Council also has an important role in building international norms, including those on the environment.** *Security Council decisions, under both Chapters VI and VII, could contribute to the strengthening of international environmental law, including compliance and enforcement strategies, and to a more effective normative commitment to the precautionary principle, extra-territorial stewardship and sustainable development.* (p. 23)

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<sup>1</sup> Note the list of contributing authors to this paper on page 3 of the report.