COMMENT

No Such Thing as a Green War or a Bad Peace

by Sharon E. Burke

The Honorable Sharon E. Burke is a senior advisor to the New America Foundation's International Security Program.

Never had so many cities been taken and laid desolate . . . never was there so much banishing and blood-shedding, now on the field of battle, now in the strife of faction . . . there were earthquakes of unparalleled extent and violence; eclipses of the sun occurred with a frequency unrecorded in previous history; there were great droughts in sundry places and consequent famines, and that most calamitous and awfully fatal visitation, the plague.

—Thucydides, History of the Peloponnesian War, Book I

While U.S. military operations in the 21st century have largely been spared the nefarious results of "eclipses of the sun," the central point of Thucydides' account of a war that happened more than 2,000 years ago still holds: war is a calamity. War consumes money and natural resources and it destroys lives and land. There is nothing environmentally friendly about combat.

That core truth is largely absent from Sarah Light's otherwise thoughtful article *The Military-Environmental Complex*. It is not "the military" that disregards environmental law, nor the Department of Defense (DoD) leadership that considers itself "exceptional" when it comes to such restrictions. It is war itself that has such contempt for life, livelihood, and the land. The fact that the U.S. Congress and the National Command Authority generally exempt warfighting activities from domestic environmental policy and law is not so much a case of "military exceptionalism" as it is a practical acknowledgment of the nature of war.

Indeed, it is worth noting that U.S. armed forces are not exempt from relevant international laws of war, such as the Geneva Convention's prohibition on "long-term, widespread, and severe damage to the natural environment."[1] The United States has ratified other relevant agreements as well, such as the Environmental Modification Convention that bans weather warfare.[2] Generally, though, environmental laws of war tend to be ambiguous (what exactly counts as long-term, widespread, and severe damage, after all?) and difficult to enforce for the same basic reason the U.S. government exempts warfighting activities: it is tough to get around the fact that war is inherently destructive of the natural world.

So, this is the bottom line when it comes to the so-called military-environmental complex: any environmental benefit or effects U.S. armed forces might generate are dwarfed by the environmental damage war inflicts. Moreover, the benefits are largely incidental to the military's defense mission.

To be fair, what Ms. Light is really highlighting in her article is the business of war, or rather the second-order effects of resourcing national defense, rather than war itself. Indeed, neither Congress nor the National Command Authority exempts the troops from complying with domestic laws when it comes to routine support activities, such as U.S. basing. Quite the opposite: as Ms. Light notes, there is a web of legislation, executive orders, and internal DoD policy that specifically targets environmental performance in circumstances other than military operations (and even operational equipment, in some cases). For fixed installations, these targets include energy intensity, renewable energy use, water use, greenhouse gas emissions, endangered species, hazardous materials cleanup, and other considerations.

By using the term "military-environmental complex," however, Ms. Light implies there is something unsavory, immutable, or at least economically distorting about the scale of the DoD's spending on environmental goods and services. That seems unjustified.

President Eisenhower originally used the term "military-industrial complex" to refer to the "unwarranted influence" in politics, the economy, and even "the very structure of our society" that could result from the confluence of an "immense military establishment and large arms industry."[3] And while national defense spending is lower as

1. Protocol Additional to the Geneva Conventions of 12 Aug. 1949, and Relating to the Protection of Victims of International Armed Conflict art. 35, June 8, 1977, 1125 U.N.T.S. 3, *available at* https://www.icrc.org/ihl/WebART/470-750044?OpenDocument.
2. United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, Dec. 10, 1976, 1108 U.N.T.S. 151, *available at* https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-1&chapter=26&lang=en.
3. President Dwight D. Eisenhower, Farewell Address (Jan. 17, 1961) (transcript available at http://eisenhower.archives.gov/research/online_documents/farewell_address.html).

a proportion of GDP (3.8%) today than it was in President Eisenhower's time (around 10%), his warning still rings true. For Fiscal Year 2015, the nation will spend at least $554 billion on defense, more than the next seven nations combined.[4] That spending continues to have a significant effect on U.S. politics and the economy.

And it is true: sometimes it seems as though a community of contractors and consultants surrounds the Pentagon like the ring of Saturn. Some of those companies and individuals may be little more than war profiteers, but most play an indispensable role in supporting the national defense. Indeed, U.S. armed forces have long depended on the private sector to develop the materiel they need to defend the country, although this is more a transactional relationship than a partnership or the rent-seeking behavior Ms. Light describes.

As Ms. Light also notes, defense business transaction is not all bad news: military purchases of R&D and equipment can provide a powerful innovation pull, resulting sometimes in technologies that greatly benefit the civilian economy as well. But there are no guarantees. The Internet, for example, may be ubiquitous in global civilian life, but stealth technology is not. Again, the core purpose of that spending is to support warfighting and related activities, not economic development.

It is hard to justify the contention that DoD is distorting national environmental investments, however. Compared to the overall defense budget, DoD's spending on environmental goods and services is not significant. For Fiscal Year 2015 (FY 2015), the DoD requested $3.5 billion for all environmental programs, less than one percent of the total defense budget request (compared to, say, the $8 billion or so requested for the Joint Strike Fighter in the same budget). At least one-third of the environmental budget was budgeted for cleanup of contaminated sites.[5] Not counted in that figure are energy improvements for military operations, which totaled some $1.7 billion in 2015 and were concentrated on such investments as engine upgrades. That amount is small relative to other energy spending, such as the fuel bill of around $15 billion in the same year.[6] In terms of the overall economy, the size of the U.S. market for environmental goods and services has been estimated to be around $300 billion,[7] so the DoD would account for about 1% of the market.

Those direct purchases certainly may be beneficial, both on their own merits and as a catalyst for additional civilian investment and innovation. They may influence the business decisions of companies involved in supply relationships with the DoD. More to the point, even if the DoD's direct spending on environmental goods and services is relatively small, the Department can create third-order environmental benefits in the *way* it spends money in support of both the business of war and warfighting. After all, the DoD also requested in FY 2015 more than $5 billion for military construction, $8 billion for sustainment and recapitalization of existing facilities, and $154 billion for acquisitions.[8] Indirect environmental benefits of this spending might come from updated building codes for military construction that account for climate change or facility retrofits that improve energy efficiency. The Joint Staff now has an Energy Key Performance Parameter it has to consider for new weapons systems.[9] And as Ms. Light rightly points out, military bases have the authority to enter into Power Purchasing Agreements, Enhanced Use Leases, and Energy Savings Performance Contracts with private companies that can fund renewable energy or energy efficiency projects on military bases at no additional expense to U.S. taxpayers. In all of these cases, the environmental improvements tend to benefit defense investments, rather than defense dollars being directed to a primarily environmental end. The benefits range from better resilience of facilities, better performance of equipment, or a lower operations and maintenance or lifecycle cost.

While these sorts of indirect benefits can create a demand-pull for environmental goods and services, Ms. Light's assertion that "the military's mission aligns with the goals of reducing energy demand, increasing energy efficiency, and increasing use of renewable energy"[10] is something of an overstatement. Indeed, the office I once led as the Assistant Secretary of Defense for Operational Energy Plans and Programs, which Ms. Light points to as evidence of this alignment, was established by statute in the 2009 Defense Authorization and basically disestablished in the 2015 Defense Authorization as part of an

4. *See The U.S. Spends More on Defense Than the Next Seven Countries Combined*, Peter G. Peterson Foundation (Apr. 13, 2015), http://pgpf.org/Chart-Archive/0053_defense-comparison.
5. *See Budget and Oversight Hearing Before the Subcomm. on Military Construction, Veterans Affairs, and Related Agencies of the H. Comm. on Appropriations*, 114th Cong. (2014) (statement of John Conger, Acting Deputy Under Secretary of Defense for Installations and Environment), *available at* http://www.acq.osd.mil/ie/ie/Testimony/HAC-M%20IE%20Conger%20Posture%20Statement_March_12_2014_FINAL.pdf.
6. *See* Katerina Okarsson, *U.S. DoD's Energy Cost Projections for Fiscal Year 2015*, J. Energy Security (June 25, 2014), http://www.ensec.org/index.php?option=com_content&view=article&id=555:us-dods-energy-costs-projections-for-fy2015&catid=141:military-energy-efficiency&Itemid=431.
7. *See* Jane Drake-Brockman, *Environmental Goods and Services: Export Opportunities and Challenges Especially for Developing Economies*, Int'l Trade Ctr. (presentation Aug. 13, 2014), http://www.intracen.org/uploadedFiles/intracenorg/Content/Exporters/Sectors/Service_exports/Trade_in_services/APEC%20Seminar%20on%20Environmental%20Goods.pdf.
8. Todd Harrison, *Analysis of the FY 2015 Defense Budget,* Ctr. for Strategic & Budgetary Assessments (Sept. 4, 2014), http://csbaonline.org/publications/2014/09/analysis-of-the-fy2015-defense-budget/.
9. *See* Alan Bohnwagner, *An Overview of the Energy Key Performance Parameter*, Dept. of Energy (Dec. 9, 2013), http://energy.defense.gov/Media/Blog/tabid/2569/Article/566470/an-overview-of-the-energy-key-performance-parameter-kpp.aspx.
10. Sarah E. Light, *The Military-Environmental Complex*, 55 B.C. L. Rev. 879, 892 (2014).

organizational efficiency initiative. For that matter, if the Commander-in-Chief directed U.S. armed forces to deploy halfway around the world tomorrow, which could happen at any time, the DoD's petroleum use would skyrocket. Moreover, a number of newer weapons systems, such as the Joint Strike Fighter or the Littoral Combat Ship, use more fuel than the platforms they are replacing. Both the manufacture and use of munitions involve more environmental harm than good. Again, this comes back to a central point: the U.S. military's core mission is to fight wars, and war is inherently consumptive and destructive.

But there is a case to be made that good environmental performance can, in fact, *complement* the military's mission, even though it will never trump that mission. Again, this comes back to the *way* the military pursues its ends. A military that consumes less fuel, for example, may be less vulnerable and more resilient to attacks on its supply line, as Ms. Light notes. A military that incorporates energy and environmental security into its planning may have more success at stabilizing post-conflict situations and developing partnerships with other countries where it operates. A military that is a good steward of the environment around its bases may have better relationships with the supporting community, with benefits that range from better recruiting to more secure access to overseas locations. For that matter, a military that has more efficient and sustainable resource use incorporated on the front end of weapons development, base construction, and troop deployments may have more range and endurance on the battlefield, a less burdensome logistics footprint, and less cleanup and retrograde of equipment when the mission is complete. This is not the military the United States has at this time, although there has been some progress in recent years.

So, Sarah Light is absolutely right that military investments can produce environmental benefits and that good environmental policy can have military benefits. There is certainly a market there for the private sector, albeit one that can be fickle or difficult to navigate. But there is no military-environmental complex. In fact, the U.S. military mission that is most environmentally beneficial is arguably war prevention (also a core responsibility for the DoD). "Few people will ever experience, nor should they, the immediate aftermath of close, continuous primordial combat," Colonel Keith Nightingale (U.S. Army, retired) wrote of Vietnam:

> If observed by a detached eye, and there never are any, the first impression is one of junk, the awful and varied detritus of a battlefield . . . The ground is littered with a snowflake mass of chipped leaves, branches and wood parts—fresh and bleeding their sap of life. The dirt is very fresh, overturned and refined with forces a plow could never muster, pungent with organic decay and chewed to fine material separated by larger clods of muddy confluence. On top, larger logs and branches, the remains of once vertical trees, lay in random patterns as part of a failed giant jackstraw game. Piercing through are the remaining stumps of the original growth with supplicating shards of irregular height exposing the still oozing cambium, bark and core red inner hearts . . . Flies already festoon the corpses and provide the only sound in an otherwise silent scene.[11]

War should only be what the nation does when there is nothing else to be done, but make no mistake: the environment is going to be a "silent victim" whenever nations go to war.[12]

11. Keith Nightingale, *A Few Moments After* (Aug. 2014) (unpublished manuscript) (on file with author).
12. United Nations Environment Programme, Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law (2009), *available at* http://postconflict.unep.ch/publications/int_law.pdf.