

FOSSIL FUEL TREATY

BRIEFING FOR POLICYMAKERS

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FOSSIL FUEL
NON-PROLIFERATION
TREATY



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1. INTRODUCTION

The Fossil Fuel Non-Proliferation Treaty aims to meet the goals of the Paris Agreement by explicitly tackling the largest driver of the climate crisis: fossil fuels. Significant momentum is building behind the call for a treaty as a means to accelerate a fair, fast and financed transition away from coal, oil and gas.

A. THE NEED FOR INTERNATIONAL COORDINATION ON A JUST TRANSITION

Fossil fuels are the largest driver of climate change, responsible for 86% of carbon dioxide emissions in the past decade, according to the IPCC. Faced with the climate emergency, the International Energy Agency has made clear that the **expansion of fossil fuels is unnecessary and incompatible with a 1.5°C target**. In fact, the Global Registry of Fossil Fuels suggests that extracting existing fossil fuels reserves alone would result in seven times emissions than the world's remaining carbon budget can allow.

Despite this evidence and the increase in extreme weather events globally in 2022, **governments around the world still plan to produce more than double the amount of coal, oil and gas than is consistent with a 1.5°C world**, according to the UNEP's Production Gap Report.

Russia's attack on Ukraine has emboldened those who continue to advocate business as usual – and even an increased dependence – on fossil production, in defiance of science. It is a fact that almost 2.4 billion people – **30% of the world's population** – live in fossil fuel dependent countries that face the risk of significant economic,

development and social consequences as a result of lost government revenue due to stranded fossil fuel assets.

Careful planning and international coordination are therefore essential to meet the twin challenges of phasing out fossil fuels rapidly enough to avoid catastrophic climate change, while ensuring equity and a global just transition.

Greater international cooperation on managing fossil fuel production is a prerequisite for a more equitable transition away from coal, oil and gas globally and would complement the Paris Agreement by helping explicitly address the primary source of carbon dioxide emissions.

Calls for a global fossil fuel phase out date back to the 2015 Suva Declaration in which Pacific nations expressed their “grave concern that the continued increase in the production of fossil fuels (...) undermines efforts to reduce global GHG emissions and the goal of decarbonising the global economy”, and more recently the Kainaki II declaration which called for a global “just transition from fossil fuels”.

B. THE FOSSIL FUEL NON-PROLIFERATION TREATY

In this context, **there are growing calls for governments to negotiate a Fossil Fuel Non-Proliferation Treaty, a proposed international mechanism to complement meeting the Paris Agreement's goal of 1.5°C**. The Fossil Fuel Non-Proliferation Treaty proposal is structured around three core pillars:



Global Just Transition

Enabling a global just transition for every country, worker and community, including through support to transition away from fossil fuel dependence, scaling up access to renewable energy, and allowing for economic diversification for fossil-free development pathways;



Non-Proliferation

Preventing the proliferation of coal, oil and gas by ending all new exploration and production;



Fair Phase-out

Phasing-out existing production of fossil fuels in line with the 1.5°C global climate goal, in a manner that is fair and equitable, where wealthy nations with the capacity and historical responsibility for emissions transition fastest.

The proposal for a global mechanism to manage fossil fuel production has gained momentum in various diplomatic and academic circles since the Paris Agreement was signed, and a global campaign and diplomatic initiative calling for a Fossil Fuel Non-Proliferation Treaty was launched in September 2020 and has since garnered further support from a diverse range of institutions, thought leaders and governments.





*In September 2022 **Vanuatu** became the first country to publicly call for the negotiation of a Fossil Fuel Treaty on the floor of the UN General Assembly. In December 2022 **Tuvalu** became **the first nation to call for a Fossil Fuel Treaty in the plenary of the UNFCCC.***

This followed the World Health Organisation (WHO) issuing a call for a Fossil Fuel Non-Proliferation Treaty and the fact that the three pillars of the proposed treaty have also been endorsed by 75+ major cities and subnational governments globally including Lima, Paris, London, Sydney, Hawai'i and Kolkata, 101 Nobel laureates, over 3,000+ scientists and academics, 2,000+ civil society organisations, and 500+ parliamentarians from 69 countries.

Vanuatu and Tuvalu's calls for a Fossil Fuel Non-Proliferation Treaty, **the proposal has also gained public displays of support from a Vatican Cardinal, the President of Timor-Leste, the Government of New Zealand, and a European Parliament resolution.**



C. ROLE OF AN INTERNATIONAL TREATY ON FOSSIL FUEL PRODUCTION

A Fossil Fuel Non-Proliferation Treaty will complement the demand-side elements of the Paris Agreement by explicitly addressing the supply-side of fossil fuels and promoting international co-operation in active support of a global just transition.

Other international mechanisms that have managed threats of nuclear weapons and landmines have shown that a treaty does not need to be universal to be effective. A grouping of ‘champion’ countries, including those most vulnerable to climate change, non-producers and small- and mid-level producers can drive significant change by generating collaboration between consumer and producer countries to wind down production, as well as creating new international legal standards and shifting norms that flow through to the finance sector, subnational governments, and ultimately domestic policy actions.



2. INGREDIENTS FOR ACHIEVING A FOSSIL FUEL NON-PROLIFERATION TREATY

Recent analysis¹ has shown that historically, successful campaigns for humanitarian, health and environmental treaties have drawn on the following ingredients:

1) A vibrant and growing civil society movement

The Fossil Fuel Non-Proliferation Treaty Initiative was launched in September 2020 and has since built significant momentum with support from 101 Nobel laureates, over 3,000+ scientists and academics, 1,800+ civil society organisations, 500+ parliamentarians from 69 countries and 70 major cities and subnational governments globally including London, Hawai'i and Kolkata.

2) An emergent evidence and knowledge base

In September 2022, Carbon Tracker launched the Global Registry of Fossil Fuels, which tracks fossil fuel production and its associated CO₂ emissions worldwide. The Fossil Fuel Treaty Initiative is also working with partner organisations from the Global Gas and Oil Network to develop a World Commission on Fossil Fuels, as well as a Fossil Fuel Non-Proliferation Tracker to showcase a database of the world's leading supply-side policies.

3) A group of champion and first-mover countries

In September 2022, Vanuatu became the first country to publicly call for the negotiation of a Fossil Fuel Non-Proliferation Treaty on the floor of the UN General Assembly. A month later the European

Parliament passed a resolution calling for nations to develop a Fossil Fuel Non-Proliferation Treaty, followed by the Government of Tuvalu. The Fossil Fuel Treaty Initiative is now working with Vanuatu and Tuvalu through diplomatic channels to engage with other champion countries. At COP27, Vanuatu and Tuvalu hosted a Ministerial dialogue on the global just transition which included representatives of nations from almost every continent.

4) Selecting a forum for negotiations

Options include a UN General Assembly resolution (similar to the Nuclear Ban Treaty), a negotiation mandate at the UN Environment Assembly (similar to the Global Plastics Treaty), or a standalone negotiations process (similar to the Mine Ban Treaty). The best forum for negotiation is driven by the preferences of champion countries, the spaces in which momentum can be generated, and relevant rules of procedure².

5) Crafting the substance of the Treaty

The Treaty text will be negotiated by country parties. In the lead up to securing a negotiating mandate for a Treaty champion countries could develop a set of principles to guide negotiations.

3. PROPOSED ACTIONS FOR COUNTRY GOVERNMENTS

As the Fossil Fuel Non-Proliferation Treaty Initiative takes forward its diplomatic strategy, it is seeking support from country governments with the following activities:

Public expression of support for a Fossil Fuel Treaty

Join Vanuatu and Tuvalu, along with the European Parliament and the New Zealand Climate Minister and the President of Timor-Leste, in publicly calling for the development of a Fossil Fuel Non-Proliferation Treaty.

Engaging in convenings

A series of informal convenings of government representatives is an important first step to establish a common understanding of the global coordination challenge around fossil fuel supply, and build diplomatic support for a Treaty. A series of convenings on fossil fuels could be led by a group of champion countries. This was the successful model of the Ottawa Process which led to the Mine Ban Treaty. An initial convening was held at Stockholm+50 hosted by the Nordic Council, with facilitation by Vanuatu, Finland and UNEP. This process was followed by a convening at COP27 in Sharm El-Sheikh, with more to follow in 2023

Building a group of champion countries

Work through diplomatic channels to engage target countries on the idea of a Fossil Fuel Non-Proliferation Treaty - including Pacific Island States small and mid-level producer countries and particularly dependent fossil fuel producers.

Supporting the push for an ICJ Advisory on climate change

Support the push for an ICJ Advisory opinion on climate change and human rights, and once it is considered by the Court, work to ensure issues related to fossil fuels are included in the scope of the opinion.

1. Read the full analysis of lessons from other humanitarian treaties relevant for an international framework on fossil fuel supply here: <https://fossilfuel treaty.org/humanitarian-treaties-lessons>

2. Access a more detailed overview of potential international legal pathways towards a Fossil Fuel Non-Proliferation Treaty here: <https://fossilfuel treaty.org/legal-pathways-briefing>

Engagement in multilateral processes

Engage in UN and multilateral processes such as LDC-5, the UN Environment Assembly, the UNFCCC, the UNGA and the forthcoming Summit of the Future to look for strategic openings to include consideration of fossil fuels. This can include the addition of language relating to fossil fuel supply and/or the call for a Fossil Fuel Non-Proliferation Treaty in high level statements in multilateral fora such as COP28, in addition to pushing to include relevant complementary language through the formal processes. With respect to the UNFCCC, relevant processes include the Global Stocktake, the Katowice Committee on the Impacts of the implementation of response measures, the newly agreed just transition work programme, and as part of ratcheting up ambition within Nationally Determined Contributions (*see appendix for suggested text*).

Supporting other fossil fuel supply-side initiatives

- Advancing adoption
- Proposing and/or catalysing a World Commission on Fossil Fuels
- Joining the Beyond Oil and Gas Alliance and the Powering Past Coal Alliance, and working with country members towards support for a Fossil Fuel Non-Proliferation Treaty
- Looking for opportunities in G7/G20 to advance supply-side action and call for a Fossil Fuel Treaty
- Active support of the work in multilateral fora to remove fossil fuel subsidies

SUPPORT AVAILABLE FROM THE FOSSIL FUEL TREATY INITIATIVE

The Fossil Fuel Non-Proliferation Treaty Initiative can support your country's diplomatic engagement activities through the following resources:

- Briefing materials and resources to support participation at events and speaking engagements to advance the issue of fossil fuel supply;
- Additional capacity to support diplomatic efforts;
- Research and policy development work on key issues or areas where further knowledge and information would be useful;
- Communications support, including drafting, filming, publishing, pitching, and distributing materials and assets;
- A diverse network of high-profile, trusted external validators and amplifiers from around the world who can promote, recognise, and support your country's leadership on this issue.

Domestic measures governments can take to reduce fossil fuel supply or dependence³

In addition to engaging in international processes through the steps outlined above, countries can take a range of domestic policy measures to limit their production of fossil fuels, and the dependence of their economy, energy sector and workforce on fossil fuel production.

CATEGORY	SUPPLY-SIDE POLICY
Regulatory Approaches	<p>Limit exploration, production, or export (e.g. via moratoria, bans, or quotas)</p> <p>Prohibit development or limit permits for specific resources, infrastructure (oil pipelines and terminals, coal ports, etc.) or use of certain technologies</p> <p>Ensure comprehensive (upstream and downstream) emissions assessment in environmental impact reviews of new fossil fuel supply projects</p>
Economic instruments	<p>Remove fossil fuel producer subsidies</p> <p>Introduce fees or taxes for fossil fuel production or export, and increase royalties</p>
Government provision of goods and services	<p>Assist workers and communities transitioning out of fossil fuel production</p> <p>Divest state-controlled investment funds from companies involved in fossil fuel production</p> <p>Restrict financing for fossil fuel supply projects through government-owned finance institutions (e.g. export credit agencies, and national and multilateral banks)</p>
Information and transparency	<p>Require corporate disclosure of long-term climate-related risks associated with capital-intensive upstream production and exploration</p> <p>Set targets for reducing fossil fuel production and report on progress alongside existing climate mitigation accounts (e.g. by using an extraction based emissions accounting framework)</p>
Increased international support	<p>Countries in the Global North provide additional finance, technology and capacity building support to countries in the Global South to enable a transition to 100% renewable energy, economic diversification for fossil fuel dependent sectors and economies, and a just transition for workers and communities.</p>

3. Adapted from Lazarus, M., P. Erickson and K. Tempest (2015). *Supply-side climate policy: the road less taken*. SEI Working Paper No. 2015-13.

4. APPENDIX: SUGGESTED TEXT ON FOSSIL FUEL SUPPLY

The following text may be amended as appropriate for inclusion in statements declarations and as inputs into negotiations under existing multilateral processes, including under the UNFCCC, the UNGA, UNEA and other relevant processes.

Recently, language on fossil fuel supply has tended to be watered down or rendered ineffective by qualifying words such as ‘unabated’ coal, or ‘inefficient’ subsidies, which provide loopholes for major producer countries and corporations to continue to expand fossil fuel production and subsidies under the argument that they will ‘abate’ or ‘offset’ their emissions, or that their subsidies are ‘efficient’, despite these terms having no clear definition, and technology required for genuine abatement of emissions having not yet been proven. **It is recommended to avoid such words, and to advocate against their inclusion in any text.**

An example of appropriate language which can be directly referenced is Recommendation 3 of the United Nations Stockholm+50 Recommendations and Actions for Renewal and Trust which recognises the need to:

”
... phase out of fossil fuels while providing targeted support to the poorest and most vulnerable in line with national circumstances and recognizing the need for financial and technical support towards a just transition.

Suggested text

The language below may be adapted into the appropriate format for speeches, statements and negotiating texts, as needed.

[Country] calls on [the international community]//[Parties to the UNFCCC/Paris Agreement]//[other relevant fora] to:

- Recognise the urgent need to end expansion of new fossil fuel production, agree an equitable phase out of existing production in line with the 1.5C temperature goal, and to develop and resource a plan for a global just transition for fossil fuel dependent countries and communities;
- Commit to phasing out fossil fuel production and taking action to fulfill these commitments on the basis of equity, taking into account each country's capacity to transition, level of dependence on fossil fuel production, and historical responsibility for climate change and ecological crises;
- Recognise the need for a mechanism – which is complementary to the Paris Agreement – for international cooperation on fossil fuel production, such as a Fossil Fuel Non-Proliferation Treaty, to be situated within the UN system to further progress towards these urgent actions;
- Commit to providing finance and technology to countries with high dependence on fossil fuels and limited capacity to transition to i) increase access to renewable energy, ii) diversify their economies and iii) ensure a just transition for workers and communities;
- Urgently commit to an immediate ban on fossil fuel production in ecologically sensitive areas, including transfers for developing countries to pursue alternative economic opportunities in exchange for not exploiting their fossil fuel resources in these areas;
- Agree to establish a Global Commission on Fossil Fuels, to produce an authoritative evidence base on the impacts of fossil fuels on a healthy, sustainable and inclusive planet and prosperity for all, and to inform a global, equitable phase out of fossil fuels;
- Acknowledge the need for improved government transparency on historical and planned fossil fuel production through reporting and/or verifying data included in the newly established Global Registry of Fossil Fuels.

