

GENERAL BRIEFING

WHY WE NEED A FOSSIL FUEL NON-PROLIFERATION TREATY

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FossilFuelTreaty.org



FOSSIL FUEL
NON-PROLIFERATION
TREATY



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1. INTRODUCTION

The Fossil Fuel Non-Proliferation Treaty is a global initiative aimed at fostering international cooperation to accelerate a transition to clean energy for everyone, end the expansion of oil, gas and coal, and wind down existing production in keeping with what science shows is needed to address the climate crisis. Significant momentum is building behind the call for a treaty as a means to accelerate a fair, fast and financed transition away from fossil fuels - the main driver of the climate crisis.



Climate code red for humanity

Climate change is widespread, rapid, and intensifying and some trends are now irreversible, at least during the present time frame, according to the latest IPCC Working Group I report.¹ The IPCC's findings are nothing less than "a code red for humanity". **"The alarm bells are deafening, and the evidence is irrefutable"**, according to UN Secretary-General, António Guterres, **"we must act decisively now, to keep 1.5°C alive"**.²

The main cause of climate change is fossil fuels

Keeping the Paris Agreement goal of limiting warming to 1.5°C in reach will require urgent action to tackle the main cause of the climate emergency – fossil fuels. **The fossil fuel industry is responsible for close more than three-quarters of all historical carbon dioxide emissions since the Industrial Revolution.**³

The fossil fuel industry is planning to vastly exceed the 1.5°C Paris goal

Despite the climate emergency, governments are planning production that will result in more than double the emissions by 2030 than is consistent with limiting warming to 1.5°C and averting catastrophic climate disruption. Emissions from existing production capacity alone would make it impossible to stay within that threshold. To limit warming to below 1.5°C, the world will need to decrease fossil fuel production by at least 6% per year between 2020 and 2030, according to the UNEP Production Gap Report.⁵

Phasing down fossil fuels requires “supply side” measures to complement emission reductions

Over the last few decades, negotiations have focused on reducing emissions rather than the production of fossil fuels. The success of these efforts has been limited by industry, which has continued to lock-in production, while limiting public understanding about their role in the crisis. To stay below 1.5°C, we need to complement measures to reduce emissions and the “demand” for fossil fuels, with measures to reduce production and the “supply” of fossil fuels. Doing so is cost effective, prevents “lock-in” of future emissions for technical, economic, legal and political reasons, and reduces the risks of delaying action (**box 1**).

A globally just transition from fossil fuels requires new forms of international cooperation

A fast, fair and 1.5°C aligned phase-down will require international cooperation to prevent the proliferation of fossil fuels, manage the decline of production, and enable just and equitable transitions. In particular, cooperation is needed to enable countries to reduce their mutual dependence on fossil fuels, support workers and communities, transition rapidly to renewable energy, and build more diverse economies. This in turn will require removing barriers to the transition by rethinking the rules relating to debt, trade and finance that are delaying the transition. We need a transition that leaves no country behind.

BOX 1 — RISKS OF DELAYING A GLOBAL JUST TRANSITION FROM FOSSIL FUELS INCLUDE:

- Making the inevitable transition harder
- Creating stranded assets and risking financial turmoil
- Increasing risks to workers and communities
- Limiting and delaying the expansion of renewable energy
- Limiting and delaying economic diversification into more sustainable sectors
- Consolidating powerful pro-fossil fuel political constituencies
- Technical, economic, legal and political lock-in
- Increasing the risk of dangerous geo-engineering
- Risking catastrophic global heating well above 1.5°C

The UNFCCC and its Paris Agreement have an important role to play

Existing arrangements, including the UNFCCC and Paris Agreement, can play a key role. Parties can consider addressing fossil fuels through:

- Scaled up domestic measures to reduce fossil fuel supply or dependence (**box 2**);
- Revised nationally determined contributions or NDCs;
- Long-term mid-century low greenhouse gas development strategies;
- Processes addressing response measures and economic diversification;
- Contributions of finance, technology and capacity;
- Preventing offsetting rules that support continued extraction and use of fossil fuels;
- Reporting under the enhanced transparency framework;
- The Global Stocktake of the Paris Agreement, 2021-2023.

Governments are encouraged to initiate and accelerate discussions about ways the UNFCCC and its Paris Agreement can rapidly scale up efforts to phase down fossil fuels. However, given the consensus nature of this mechanism, there have been significant difficulties to mention, let alone constrain, fossil fuel production. This is why momentum is building behind a complimentary, new mechanism – a Fossil Fuel Non-Proliferation Treaty – which would help fill the gap in global governance on phasing out coal, oil and gas production.

BOX 2 – DOMESTIC MEASURES TO REDUCE FOSSIL FUEL SUPPLY OR DEPENDENCE

CATEGORY	SUPPLY-SIDE POLICY
Regulatory approaches	<ul style="list-style-type: none"> ■ Limit exploration, production, or export (e.g. via moratoria, bans, or quotas) ■ Prohibit development or limit permits for specific resources, infrastructure (oil pipelines and terminals, coal ports, etc.) or use of certain technologies ■ Ensure comprehensive (upstream and downstream) emissions assessment in environmental impact reviews of new fossil fuel supply projects
Economic instruments	<ul style="list-style-type: none"> ■ Remove fossil fuel producer subsidies ■ Introduce fees or taxes for fossil fuel production or export, and increase royalties
Government provision of goods and services	<ul style="list-style-type: none"> ■ Assist workers and communities transitioning out of fossil fuel production ■ Divest state-controlled investment funds from companies involved in fossil fuel production ■ Restrict financing for fossil fuel supply projects through government-owned finance institutions (e.g. export credit agencies, and national and multilateral banks)
Information and transparency	<ul style="list-style-type: none"> ■ Require corporate disclosure of long-term climate-related risks associated with capital-intensive upstream production and exploration ■ 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)
Increased international support	<ul style="list-style-type: none"> ■ 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.

Additional measures will be required to achieve the Paris Agreement's goals

While the Paris Agreement requires all countries to take steps to reduce their domestic emissions, it does not directly constrain the market forces and short-term financial incentives that continue to drive expansion of the world's fossil fuel infrastructure, which risks locking the world into a high emissions trajectory.

Fossil fuels are nowhere mentioned in the Paris Agreement or UN Framework Convention on Climate Change. Additional measures are needed to complement the Paris Agreement in three areas:



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.

An effective transition must be based in equity

An effort to phase-down fossil fuels and implement solutions through multilateral cooperation is more likely to be effective if it is fair. To build real momentum, we need a vision for a global just transition that is universally shared. In this transition, wealthier countries with lower dependence, and higher financial and institutional capacity, will need to transition the most rapidly. Conversely, poorer countries with higher dependence and lower capacity will need greater international support. To transition at scale will require a major scaling up of financial, technological and capacity building support by wealthy countries to those with more limited capacity.⁷

2. BUILDING BLOCKS FOR INTERNATIONAL COOPERATION

A fair and 1.5°C aligned global transition will require new levels and forms of international cooperation based on new norms and legal arrangements. Key building blocks in this effort include:

New country coalitions. International cooperation often starts when a small set of concerned countries join to share experiences, explore cooperation and begin the process of defining new norms, rules and institutions. A number of new groups have emerged, including most recently the Beyond Oil and Gas Alliance (BOGA) (**box 3**).

Improved arrangements for accountability and transparency. Lessons learned from efforts to tackle other global threats, such as the proliferation of nuclear weapons and depletion of the ozone layer, demonstrate the importance of government transparency. A new Global Registry of Fossil Fuels (**box 4**) offers standardised, comprehensive, government-vetted, publicly available data on fossil fuels reserves and help to plan a transition.

Global Commission on Fossil Fuels. Building on efforts to create an initial club of countries and enhance transparency, an important next step could be the creation of a genuinely global dialogue, to build momentum and support for the transition. This could draw on precedents like the World Commission on Dams as well as the international humanitarian conferences that helped initiate new legal agreements on nuclear weapons and landmines.

New legal mandates and arrangements. The world ultimately needs a formal process to deliver a negotiated legal instrument on

the managed transition from fossil fuels. This will require building political momentum both within and outside the United Nations community. First-mover countries will be critical players, but the success of their diplomatic outreach will depend on international and regional coordination with civil society groups, research organisations, industry groups, public institutions, and subnational governments, even in the face of resistance from some of the most powerful countries.

BOX 3 — THE BEYOND OIL AND GAS ALLIANCE (BOGA)

The Beyond Oil and Gas Alliance (BOGA) is a coalition of governments willing to be first to move beyond oil and gas production in their own jurisdictions. BOGA aims to normalise a wind down of oil and gas as a key pillar of climate leadership by growing the number of jurisdictions coming together through the alliance to share best practices and advocate for others to join. It sparks domestic policy leadership and could be a stepping stone towards greater international cooperation between nations, such as through negotiation of a Fossil Fuel Non-Proliferation Treaty.

See www.beyondoilandgasalliance.com for more

BOX 4 — A GLOBAL REGISTRY OF FOSSIL FUELS

Historic efforts to tackle global threats, including the proliferation of nuclear weapons, demonstrate that government transparency and accountability is an important foundation and precursor for broader international cooperation. Launched in 2022, the Global Registry of Fossil Fuels became the first-ever fully public database on fossil fuel production. See www.fossilfuelregistry.org for information on this tool to hold governments and corporations accountable on fossil fuel production

Learning the lessons of other treaties

While there are important differences between the fossil fuel system and other dangerous products and infrastructure, important lessons can be learned from other international treaties, such as those addressing landmines, ozone depleting substances or nuclear weapons. Under the right conditions, treaties do not necessarily take long to negotiate. The original Nuclear Non-Proliferation Treaty took around three years. Nor do they require the support of all major players at the outset to be successful. The Treaty on the Prohibition of Nuclear Weapons was led by non-nuclear armed states, as a way to comprehensively prohibit states from participating in nuclear weapons activities. Based on the experience of these other treaties we are advocating for a treaty to phase down fossil fuels and accelerate the transition for all countries. ion that “leaves no country behind”.



3. A FOSSIL FUEL NON-PROLIFERATION TREATY

The Fossil Fuel Non-Proliferation Treaty Initiative aims to foster **a global equitable transition away from fossil fuels** to clean, low-carbon energy and economies.

The initiative will spur international cooperation to accelerate the transition to clean, abundant renewable energy so no country, community or worker is left behind, end new development of fossil fuels and phase out existing production to limit warming to 1.5°C.

Based on successful treaty efforts in the past addressing nuclear weapons and landmines, it is clear that the pathway to a Fossil Fuel Non-Proliferation Treaty includes developing a civil society movement, increasing transparency around the nature of the problem and solutions by adding to the evidence based, supporting countries willing to move first to compel other nations to join them and creating a foundation for international negotiations via diplomatic dialogues and potentially a Global Commission on Fossil Fuels.

As well as advocating for the treaty, the concerted push for a new legal arrangements can also serve a number of purposes in itself.

These include:

- a.** Reinforcing the narrative that fossil fuel industry and infrastructure is a major global risk;
- b.** Clarifying the need for large-scale, global collective action to tackle the fossil fuel industry;
- c.** Realising new opportunities to engage with states about their responsibility to implement supply-side measures;
- d.** Embedding the need for equity in the discussion, particularly for supply-side countries;
- e.** Exploring ways to meet the needs of fossil fuel dependent countries;
- f.** Linking multiple local campaigns with an overarching global demand; and
- g.** Connecting opportunities at the sub-national, national and global level into a more unified global campaign.

Just as fifty years ago the world needed a treaty to defuse the threats posed by weapons of mass destruction, the world today needs a Fossil Fuel Non-Proliferation Treaty.

For more information on the Treaty Initiative see www.fossilfuel treaty.org

4. ACTIONS THAT GOVERNMENTS CAN TAKE RIGHT NOW

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 a bloc of six Pacific countries – including Vanuatu, Tuvalu, Tonga, Fiji, Niue, and the Solomon Islands – along with the European Parliament, 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, multiple Ministerials in the Pacific, and 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.

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