



**BRIEFING NOTE:**  
**PATHWAYS TOWARDS  
INTERNATIONAL COOPERATION  
ON FOSSIL FUEL SUPPLY**

## THE NEED FOR INTERNATIONAL COOPERATION

Faced with the climate emergency, the IPCC confirms that the world must cut its emissions in half by 2030 to stay in reach of 1.5°C<sup>1</sup>. The International Energy Agency has made clear that the expansion of fossil fuels is unnecessary and incompatible with a 1.5°C target.<sup>2</sup> A recent study in *Nature* found that to have a 50 percent chance of meeting the 1.5°C target, “nearly 60 percent of oil and fossil methane gas, and 90 percent of coal must remain unextracted”.<sup>3</sup>

Despite the evidence, governments around the world still plan to produce more than double the amount of coal, oil and gas than consistent with a 1.5°C world, according to the Production Gap Report.<sup>4</sup>

The question of phasing out fossil fuel production represents an existential challenge to many countries, with the Carbon Tracker Initiative identifying 19 countries with over 400 million people that are ‘highly vulnerable’ to the transition from oil and gas given the dependence of state revenues on fossil fuel production.<sup>5</sup>

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

International cooperation on fossil fuel production can ensure a more equitable transition away from coal, oil and gas globally and complement the Paris Agreement by helping explicitly address the primary source of carbon dioxide emissions.

## INTRODUCING THE FOSSIL FUEL NON-PROLIFERATION TREATY

The Fossil Fuel Non-Proliferation Treaty Initiative is working towards an international regime to complement the Paris Agreement by addressing the supply-side of fossil fuels. Lessons learned from other successful global campaigns for international agreements – including the Treaty on the Prohibition of Nuclear Weapons (TPNW), the Anti-personnel Landmine Convention (‘Mine Ban Treaty’) and the Montreal Protocol – provide a model pathway towards a Fossil Fuel Non-Proliferation Treaty.

The proposed Fossil Fuel Treaty has gained significant momentum in recent months, with its three pillars – non-proliferation, a global phase-out of existing production, and support for a just transition – now endorsed by 101 Nobel Laureates, 2,500+ scientists and academics, 800+ civil society organisations, 120+ nationally-elected parliamentarians from 25 countries and major cities globally including Sydney, Los Angeles and Barcelona.

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 exercise significant influence 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-making.

1. IPCC, “Summary for Policymakers,” in *Global Warming of 1.5°C. An IPCC Special Report on the Impacts of Global Warming of 1.5°C above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty* (World Meteorological Organization, Geneva, Switzerland, 2018), <http://www.ipcc.ch/report/sr15/>.

2. IEA, “Net Zero by 2050” (Paris: IEA, 2021), <https://www.iea.org/reports/net-zero-by-2050>.

3. Dan Welsby et al., “Unextractable Fossil Fuels in a 1.5 °C World,” *Nature* 597, no. 7875 (September 9, 2021): 230–34, <https://doi.org/10.1038/s41586-021-03821-8>.

4. SEI, IISD, ODI, E3G, and UNEP. (2021). *The Production Gap Report 2021*. <http://productiongap.org/2021report>

5. Mike Coffin, Axel Dalman, and Andrew Grant, “Beyond Petrostates: The Burning Need to Cut Oil Dependence in the Energy Transition” (Carbon Tracker, February 2021).

6. See for example the possible set of building blocks outlined in Chapter 6 of the Civil Society Equity Review (2021) <http://civilsocietyreview.org>

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## BUILDING THE FOUNDATIONS FOR A GLOBAL TREATY

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The first step towards negotiating a Fossil Fuel Treaty is to build public support for it, shifting international norms around government accountability for fossil fuels and creating the impetus for a set of countries to initiate negotiations towards a Treaty. Key strategies include:

- A **public campaign** elevating voices from key constituencies, including impacted communities, health experts, faith leaders, labour unions, Indigenous peoples and youth demonstrating the need for an international regime to regulate and support the transition away from fossil fuels;
- Building an **evidence base** and a global epistemic community, by catalysing a network of experts and a series of research outputs that demonstrate the risk of continued investment in fossil fuels, pathways for countries to transition their workforces and economies away from fossil fuel dependence, and the risks associated with false solutions and greenwashing.
- Working with champion countries towards a **set of institutions** that begin to regulate fossil fuel supply and demonstrate the need and opportunity for an international regime, such as **Global Registry of Fossil Fuels and a Global Commission on Fossil Fuels**.<sup>6</sup>
- Working through existing multilateral fora, including the Katowice Committee on Response Measures and forthcoming periodic review of the UNFCCC and global stocktake of the **Paris Agreement**, to advance efforts towards international cooperation on fossil fuel supply.
- Working with new multilateral fora including the **Beyond Oil and Gas Alliance** (BOGA) as recently proposed by the governments of Denmark and Costa Rica.
- Building partnerships with **major stakeholders and UN agencies** to advance the aims above through public and diplomatic communications.

- Working through **cities and subnational governments** to build pressure for countries to take the lead in implementing domestic fossil fuel production regulations and transition plans.

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## LEGAL PATHWAYS TO A TREATY ON FOSSIL FUELS

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While a critical mass of support for a Fossil Fuel Treaty builds, a series of steps towards negotiating a formal Treaty can commence. These steps have been well trodden by existing humanitarian and environmental treaties, and history demonstrates that, provided there is enough political will, treaties can be negotiated swiftly.<sup>7</sup>

**Convenings and conferences:** A series of informal ‘fact-finding’ convenings of government representatives and key stakeholders 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 and could initially focus on gathering the evidence base for how to transition away from fossil fuels (potentially through a Global Commission on Fossil Fuels), with participation growing as momentum builds.

The Landmines Ban Treaty grew out of a series of meetings of country delegates known as the ‘Ottawa process’. Similarly, in 2013 Norway hosted the first-ever intergovernmental conference to examine the humanitarian impact of nuclear weapons, bringing together diplomats from 128 States. This led to subsequent conferences in Mexico and in Vienna, at which 127 states signed a ‘humanitarian pledge’ which was instrumental in building momentum towards Treaty negotiations

**Negotiating mandate:** once political will exists amongst a group of countries to pursue international cooperation on fossil fuel production, options for commencing negotiations include:

**a) A standalone negotiation process:** A group of countries can decide to initiate negotiations towards a treaty without the need for a formal mandate within a UN body. Ways in which a group of countries come together could vary, e.g. a regional coalition on fossil fuel supply could be the springboard for a broader international movement. The progress of the newly-established Beyond Oil and Gas Alliance (BOGA) may also be relevant to coalition development.

The Mine Ban Treaty arose directly out of the Ottawa process: after the first conference in Ottawa in October 1996 the Canadian Foreign Affairs Minister called on countries to reconvene in one year's time to adopt and sign a Mine Ban Treaty. Austria was tasked with drafting a text, which formed the basis for the negotiations. In December 1997, countries reconvened in Ottawa with a final treaty text, which was adopted and signed by 122 countries.

**b) UN General Assembly resolution:** A resolution of the UNGA can also provide a mandate to commence negotiations. While this is a higher initial hurdle, it may have the advantage of more countries engaging in the Treaty making process due to the near-universal nature and legitimacy of the UNGA. It also has the advantage that unlike forums such as the UNFCCC it does not require consensus but only a two-thirds majority of countries to pass substantive resolutions.

Two UNGA resolutions led to the negotiation of the TPNW. The first in December 2015 saw 138 states vote to establish a working group to develop 'legal measures, legal provisions and norms' for achieving a nuclear free world. Following this, 123 countries then voted in favour of a resolution to begin negotiations in March 2017 on a 'legally binding treaty to prohibit nuclear weapons'. Following this resolution negotiations were concluded quickly after two sessions held in March and June-July of 2017.

**c) Other UN bodies:** Several other bodies exist in which countries might seek to pass a resolution to commence negotiations. These include the UNFCCC and the UNEA. The best forum for negotiation is likely to ultimately be driven by the preferences of champion countries, the spaces in which momentum can be generated, and relevant rules of procedure (i.e. consensus based decision-making may not be appropriate given the likely reluctance of fossil fuel producer countries to participate in the beginning).

**Negotiations process:** The negotiating mandate may set a goal timeline for conclusion of negotiations. The Mine Ban Treaty was negotiated over the course of 14 months from the first Ottawa conference, while the TPNW was negotiated over two two-week sessions in 2017. One country may be tasked with producing a draft text to form the basis of negotiations, which will likely be informed by the convenings that led up to the negotiating mandate.

**Adoption and ratification:** The Treaty text will be adopted by supporting countries at the conclusion of negotiations. Treaties typically enter into force once an agreed number of countries have formally ratified or acceded to the Treaty. It is not necessary for all countries to ratify the Treaty for it to enter into force. A Treaty consisting of vulnerable countries, small and mid-producers can play an important role in shifting global norms and encouraging larger producer countries to come onboard.

**Ongoing governance:** Depending on the forum in which the Treaty is negotiated and the provisions of the Treaty itself, administration of the Treaty will likely be governed by a decision making body such as a Conference of the Parties or Meeting of the Parties, and served by a Secretariat, with reporting and compliance mechanisms to monitor progress.

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A Fossil Fuel Non-Proliferation Treaty will be a catalyst, speeding up the phase out of fossil fuels while also ensuring a global just transition for workers, communities and countries. With a growing campaign and increased international recognition of the need to phase out fossil fuels, a Fossil Fuel Non-Proliferation Treaty is within reach.