DEVELOPING VALUES AND IDEALS FOR A FOSSIL FUEL NON-PROLIFERATION TREATY

A discussion paper informed by global consultations

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1. EXECUTIVE SUMMARY

The Fossil Fuel Non-Proliferation Treaty (‘Fossil Fuel Treaty’ or ‘Treaty’) Initiative is a global campaign and diplomatic network of Nation States, civil society organisations, academics, scientists, youth activists, health professionals, faith institutions, Indigenous peoples, labour unions and hundreds of thousands of other citizens globally. The Initiative is working towards a Treaty that will accelerate international cooperation to stop the expansion of fossil fuels in line with equity and science. International coordination of a fast, fair and financed transition away from coal, oil and gas is integral to addressing the multiple intersecting climate, biodiversity, health and conflict crises while ensuring that no nation, community or worker is left behind.
The Treaty Initiative’s ambition is to be innovative, inclusive and to embed equitable processes and outcomes in the design of this new international Fossil Fuel Treaty from the outset. In pursuit of this goal, the Treaty Initiative partnered with Satat Sampada to conduct a process of over 20 global consultations, which took place virtually between September 2022 and February 2024, to generate a set of guiding principles from the ground up. Consultations took place with participants across Asia, Latin America, Africa, Europe, the Pacific and North America in English, French and Spanish. We also undertook consultations with representatives of key constituencies, including Human Rights, Peace and Security, Health, Labour, Youth, Faith, Gender, and Indigenous Peoples and members of the network that forms part of the Fossil Fuel Treaty campaign and its Steering Committee. Smaller informal bilateral conversations with partners also took place.

The consultations, and the principles derived from them, seek to build on the three pillars of the Treaty Initiative:

- **Just Transition:** Fast-track real solutions through scaled up access to renewable energy and a just transition for every worker, community and country so that no one is left behind;

- **Non-proliferation:** Prevent the expansion of coal, oil and gas by ending all new exploration and production; and

- **Fair Phase Out:** Equitably phase out existing fossil fuel production in line with the 1.5°C goal.

“A huge foundational part of these principles is that we get to be in there right from the very beginning - from before the beginning. No Treaty text has been written yet, it hasn’t been taken to the UN yet. We want to make sure there are things already in motion and set in place that could be of benefit and for the protection of us and our people, so things like making sure that there is recognition of self determination, inherent sovereignty, free prior and informed consent... These are just a few ideas. Hopefully these principles will have the precedents for the Treaty text itself when countries take it to the next level. I’m looking forward to getting more of our communities on board to have a stake in the Treaty and to consult on these principles.

INDIGENOUS PEOPLE’S CONSULTATION PARTICIPANT
The purpose of the consultations was to identify the values and ideals that would enable the three pillars of the Treaty initiative to thrive. As such, participants were provided with a background paper of legal frameworks related to these pillars, but were also encouraged to contribute creatively beyond existing sources of law. Where existing international treaty and customary laws fall short, new treaties could leapfrog provisions towards those that will protect and centre people and the planet.

Most consultations took place over ninety minutes and included various participatory exercises to identify participants’ values and ideals to underpin the proposed Treaty, aspirations for the Treaty, tools for successful local, national to global operationalisation and risks to avoid. The inputs gathered were a first step, and rich and diverse. They are summarised in this report to provide a foundation for continued creative engagement in the proposed Treaty’s ethos and design.

The metaphor of the tree illustrates that the values and ideals are the ‘roots’ or foundation of the Treaty from which the three pillars (or the ‘trunk’) are able to grow. Operationalising the values and pillars of the Treaty is symbolised by the branches, which bear the leaves, flowers and fruit that is the vision for the future.

Vision for the future:
- Thriving economies & societies
- Self-determination
- Thriving oceans & ecosystems

Operationalising the Treaty:
- National, regional and international implementation
- Overcoming false solutions, treaty fatigue and dilution of ambition

Right to the Future:
- Rights
- The Public Good
- Justice
- Fair Phase Out
- Just Transition
- Non-proliferation
Throughout the consultations, participants overwhelmingly felt that a Fossil Fuel Treaty should embody a set of **fundamental values and ideals** that guide the Treaty’s negotiations process, its substance and its implementation. We have grouped these into three overarching themes each of which consist of many different components:

### Justice

Warming must be limited to the 1.5°C temperature goal, to avoid deepening the consequences of increasingly regular and severe impacts such as storms, floods, and wildfires. Wealthy industrialised nations are most responsible for total emissions. As a result, there must be a fair distribution of responsibility for both limiting climate impacts and addressing the current consequences of cumulative emissions. The Treaty must aim to redress global imbalances while facilitating equity-based responses at the regional, national and local level. A response that is equitable, enforceable, holistic and post-extractive is key to justice.

### Rights

States must take appropriate precautionary measures to ensure risks to rights are meaningfully mitigated, and that rights are upheld, promoted and protected. Rights discussed included the right to life, workers’ rights, intergenerational rights, right to health, rights of nature, interdependence and stewardship, intersectional justice including rights of marginalised groups, and procedural justice where there is meaningful participation in design, implementation and monitoring by impacted communities and individuals.

### Public good

The Treaty must benefit public, not private, interests. Transparency and accountability measures need to enable this, as they ensure the common good is prioritised. Addressing the public good could mean that those with conflicts of interest are precluded from participating in negotiation processes; communities’ energy needs are prioritised with energy justice and democracy; transitions do not create new land displacements but rather, foster self-determination; and anti-colonial values enable repair for environmental degradation at sites of fossil fuel production that are fairly phased out.
Participants recognised that the proposed Treaty is intended to focus on aiding international cooperation to justly transition from the supply of fossil fuels to alternative green energy. However, participants also expressed hopes that in collaborating for the Treaty proposal, a bold, diverse and expansive global movement for justice would strengthen. They hoped that the Treaty would either directly or indirectly embolden wider justice focused goals, rather than undermine them. As such, aspirations for the future included fostering equitable burden-sharing and trust through cooperation at the global level. Participants’ vision for the future included:

**Thriving economies and societies**

This includes physical, economic, social, emotional and psychological well-being. Participants considered reduction in political instability and resource related conflicts as enablers of well-being. They talked about creating access to a range of essential goods and services that would enable people to live a good life. There was acknowledgment that well-being needs would escalate in areas particularly vulnerable to climate change impacts, which would need structures and systems in place to address this.

**Self-determination**

This was articulated in a variety of ways across consultations. Self-determination of land, resources and territory was seen as crucial in relation to ending fossil fuel extraction but also continuing in an era where critical minerals and metals are required for the production of renewable energy. Legal notions of self-determination were also mentioned such as in the context of anti-colonial struggles. The notion of self-determination as freedom from corporate coercion or corporate power over resources was expressed strongly. Procedural justice and equity were identified as enablers and a Treaty that led with voices from marginalised communities was linked to a future of greater autonomy.

**Thriving oceans and ecosystems**

Participants spoke of protecting the beauty of our planet and restoring landscapes that have experienced decades of extraction. Participants also spoke of the well-being benefits inherent in having access to a healthy environment such as nourishing soil and waters to enable sustainable livelihoods, clean air and health co-benefits. Participants raised the need to protect activists and environmental defenders.
Participants outlined **risks and mitigation strategies** in pursuing a bold and justice centred Treaty, including:

**Dilution of ambition**

where the formal negotiation process could be undermined by those early industrializers most responsible for cumulative emissions that are avoidant of equity principles. This had the considerable risks of replicating past political conflicts, failing to serve justice and ostracising countries currently most reliant on fossil fuels who feel scapegoated for a crisis they contributed to minimally historically. Participants felt that these risks could be mitigated by civil society ensuring they remain focused and committed to the scale of change necessary. Public education and positive visions of what a just transition would look like and how it would improve lives and livelihoods at the local level would also be important. Learning lessons from past treaty initiatives was also highlighted as was the need for ambitious and meaningful operational measures such as targets that combine historic responsibility, science, the fact that continued inaction leads to cascading and compounding risks particularly on vulnerable communities and the need for countries in the Global South to improve livelihoods when developing targets.

**False solutions**

that see one bad process exchanged for another and reliance on solutions which do not deliver. This could be mitigated by excluding reliance on technology such as carbon capture and storage to meet the 1.5°C global temperature target. Such technologies could be reconsidered if there are improvements in efficiency and effectiveness and they can be applied fairly without disproportionate harm to vulnerable communities. Participants emphasised choosing options wisely and not being locked into geopolitical games.

**Treaty fatigue**

caused by years of negotiations that are not responsive to the urgency of the crisis, which could result in a lack of interest and speed in pursuing the Fossil Fuel Treaty proposal. This could be mitigated by continuing with a bottom up approach to developing the Treaty and multi-stakeholder involvement. Participants also felt that such a bottom-up approach could energise fossil free movements nationally and regionally while efforts to push for a treaty continued globally. Some did not agree that there was treaty fatigue but instead had the view there is now a political window for the Treaty to be agreed imminently and that civil society momentum can contribute to snowballing public support.

**Corporate influence**

with market forces and corporate power negatively impacting the tools on offer and scale of ambition. Participants felt strong policies on conflict of interest with transparency requirements were important, ensuring those with competing interests are precluded from engaging and that negotiations are transparent and have civil society participation.
The final aspect of the consultations asked Participants about visions for operationalising the Treaty at the local, regional and global level.

**At the national level**

While a treaty is an instrument of international law, it confers obligations upon signatories to enact laws and policies in compliance with its provisions. For example, participants described amending energy supply regimes and corporate law to require transparency disclosures, mitigation steps and transition plans for impacted communities. Participants also spoke of the importance of enforcement in cases of non-compliance. Participants raised the need for progressive taxation, climate action being embedded across policy areas such as from food and housing to transport and education, strong rights protections and intersectional policy making so that those impacted are involved in the design, implementation, monitoring and evaluation of transition policies.

**At the regional level**

Ensuring regional energy sovereignty by sharing of technology and capacity was often cited by participants as well as the need for alignment and engagement with regional political bodies and development banks.

**At the global level**

The emphasis globally was on equity and science based timelines and operationalising the principles of no harm, precaution and prevention. Participants emphasised the importance of historic responsibility, Common but Differentiated Responsibilities and Respective Capabilities, and polluter pays principles. Various international frameworks and conventions that need to be complied with were highlighted including non-state actor responsibilities and corporations in particular. Addressing well-being needs is another critical factor, whether through recognition of sustainable development as a principle, or an alternative that indicates new anti-colonial forms of economics.

Despite the fact that consultations were not exhaustive, traditionally marginalised voices were prioritised. Participants were overwhelmingly supportive of their ability to contribute to this process. The Fossil Fuel Treaty Initiative looks forward to ongoing discussion on the values and ideals that should underpin a Fossil Fuel Non-Proliferation Treaty and hopes that the ideas synthesised in this report, contributed by participants from around the world, can act as a “north star” to foster a global movement for the scale of action required.
A series of consultations were held across regional groups and constituencies with the objective of deriving the key ideals of the proposed Fossil Fuel Non Proliferation Treaty. These can be categorised under three foundational categories of values: justice, rights and the public good.

I. JUSTICE

Nearly half the global population is already exposed to climate change impacts. Continued emissions will deepen the consequence of increasingly regular and severe storms, floods, wildfires, heatwaves, sea-level rise, disease spread and much more. The window for limiting the scale of climate harms is rapidly narrowing. Considering the urgency, participants strongly and unanimously stated the need to keep warming to 1.5°C.

Urgent decarbonisation action and fair phase out of fossil fuels were identified as a means to bring justice to communities facing climate induced crises. Participants suggested some tools such as the Climate Equity Reference Calculator, the Civil Society Equity Review and past attempts at operationalising an equity reference framework as potentially helpful guides linking science based targets with equity and justice demands.
Justice was also discussed in terms of differentiated obligations given the historic responsibilities of Global North countries. Wealthy industrialised nations are most responsible for total emissions and continue to be responsible for disproportionately high levels of per capita consumption emissions. Participants called for a Fossil Fuel Treaty that aims to redress global imbalances and which filters equity based responses through to the regional, national and local levels.

**EUROPE CONSULTATION PARTICIPANT**

“It is very very important that right up front is the building of climate justice - climate justice isn’t just a thing - it needs to be built and also building peace within this. Fossil fuel use really was part of the huge colonialist industrial expansion out of Europe, and we can only achieve climate justice through confronting that from the very beginning and then winding it back.”

**EUROPE CONSULTATION PARTICIPANT**

“Responsibility for the past needs to be understood in a context of knowing how the past shapes the present. Colonial extraction shapes whether communities can respond resiliently to crises in the present.”

**HEALTH SECTOR CONSULTATION PARTICIPANT**
Participants called for **binding fossil fuel phase out targets** that require fair distribution of responsibility. They proposed that these targets be of the following nature:

- **Equitable**: Require wealthy countries that have used up most of the carbon budget to take the lead in cutting down their fossil fuel production and acknowledging their historic responsibility, protecting the principle of sustainable development and embedding Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC). Participants spoke of the importance of embedding equity within countries through mechanisms such as progressive corporate, consumption or wealth taxes. They talked about reinforcing existing forms of international environmental legal principles as well as rights, full prior and informed consent requirements and self-determination as examples. These are explored further below.

- **Holistic**: Justice-centred fossil fuel phase out efforts must be complemented with recognition of the climate impacts already underway, the responsibilities of those that have disproportionately contributed to them through historic emissions and the needs of those least responsible but most exposed. A participant in the Youth consultation said that having a vision of how to avoid deepening future harms and principled approaches to existing manifestations of the climate crisis are both crucial. In an in-person meeting of civil society, traditional leaders and faith leaders in the Pacific in February 2024, participants stressed that efforts towards a just transition should draw on an intersectional, gender-transformative and rights-based approaches that ensures the fair phase-out of fossil fuels happens in a manner that leaves no-one behind, particularly those least responsible for the climate crisis such as Pacific people.

- **Enforceable**: Signatories must be held accountable to their obligations relating to the three pillars of the Treaty (Just Transition, Non-Proliferation, Fair Phase Out) through compensation and reparation. This must be consistent with principles of international environmental law including polluter pays. In addition, participants felt that enforcement should be pursued justly at the local level. This would enable action against not only the fossil fuel corporations but also industrial agriculture companies, banks, insurance companies and others that are disproportionately responsible for incentivising and enabling continued fossil fuel production and supply chain injustices. These actors too often fail to protect rights and implement meaningful and fair decarbonisation efforts. Participants from the Africa regional consultation also pointed out that fossil fuel companies should have obligations to repair environmental devastation to geographical areas used for fossil fuel extraction while also phasing out extraction and halting exploration.

- **Post-extractive**: In addition to phasing out existing coal, oil and gas production and preventing new exploration and expansion, communities must have self-determination over the use of any critical minerals and metals required in a renewable energy transition. Any resources available for extraction must be allocated fairly, protect the environment to the extent possible and serve public (not private) interests.
II. RIGHTS

Climate change is one of the greatest threats to human rights of our generation. It threatens the rights to life, health, food, self-determination, development, water and sanitation, housing, education and training, decent work, culture, social protection and an adequate standard of living. Participants spoke of the need to ensure that states take appropriate precautionary measures to ensure risks are meaningfully mitigated and that rights are upheld, promoted and protected.

“Working on the supply side and working to end the production and use of fossil fuels is critical for human rights for a number of reasons. One is because of the immediate impacts on frontline communities affected by the extraction and use of fossil fuels. Their lives, livelihoods, health and healthy environments are undermined by our dependence on fossil fuels and thus efforts like this one that focus attention on ending the addiction to products that are harmful from their inception through their use and disposal is critical. It is also of course important because as the primary and overwhelming drivers of climate change which is a human rights crisis...we cannot tackle the climate emergency or avoid catastrophic levels of warming without ending the production and use of fossil fuels and our reliance on them and so I think this is really a critical pillar of addressing the converging planetary crises we are facing. Focusing on the multiple ways that fossil fuels and the fossil fuel economy harm people and planet is critical to break out of a carbon-centric understanding of the problems of fossil fuels that are actually impacting lives and the environment in multiple ways, climate being just one of them.”

HUMAN RIGHTS CONSULTATION PARTICIPANT
Developing values and ideals for a fossil fuel non-proliferation treaty

Right to life

Reductions in emissions have the ability to significantly reduce the likelihood of climate tipping points as well as limit the scale of climate harms underway. Although it is not possible to prevent climate change impacts (which are already taking place as a result of historic and current emissions), it is possible to ensure repair to communities least responsible and most impacted and reduce the frequency and ferocity of climate change for future generations.

Reductions in conflict

Sites of fossil fuel extraction have also been linked to increased insecurity among communities facing extractivism. Participants in the Gender and Africa consultations felt that bold decarbonisation efforts had the potential to address this. Africa consultation participants also raised that increasing levels of gendered violence are being linked to fossil fuel extraction and climate change impacts. A participant in the Indigenous Peoples consultation also spoke about the link between fossil fuel extraction and gender based violence. The need for a gender justice perspective in addressing conflict was seen as key.

Workers’ rights and social protection

Participants from the Labour and Health constituencies were particularly keen to ensure that workers’ rights and the rights of unions including social dialogue, freedom of association and collective bargaining, be protected. Energy transitions have the potential to create millions of new climate jobs. Decent work can also be promoted in increasing resilience to climate change impacts and addressing the consequences of climate impacts. Those in the Gender consultation raised the importance of expanding notions of social protection to incentivise and support those carrying out non-polluting jobs (including but not limited to care work) in just transitions. Participants felt that if the key elements to Just Transition, such as workers’ rights and social protection measures, are ensured it could reverse embedded inequalities by raising standards of living while guaranteeing access to social and health services, food, water and sanitation, housing, pensions, wages for those carrying out care work throughout life cycles, education and training, decent work, self-determination, development and culture, along with an energy transformation.

Intergenerational rights

Youth and Africa consultation participants focused on intergenerational rights and justice issues. Participants recognised that while nearly half the world’s population is already vulnerable to climate change impacts – and this is disproportionately experienced in the Global South – future generations will face increasingly unmanageable impacts that have the potential to overwhelm communities, societies, economies and regions. The need to address current forms of climate harms while limiting those impacts from escalating was seen as critical. Many participants recognised that this requires corporate responsibility to protect rights, with consequences for failing to do so. Pacific participants highlighted the importance of upholding cultural and spiritual ways of being and working collectively to create meaningful change for future generations. The Africa consultation participants spoke of the violations to this right by fossil fuel companies and the need for restoration activities to take place.
All regional and thematic constituencies emphasised the importance of a right to a healthy environment. Health consultation participants noted the health benefits associated with cleaner air, land and water which would result from decarbonisation efforts in energy, food and transport. Similar sentiments were raised in the Latin American consultation. Participants in the Health consultations spoke of the interrelationship between access to nutritious food, clean water and sanitation with the right to health as well as the need to promote the right to health in a context of burgeoning vector borne illnesses, and spread of non-communicable and other diseases. Participants in the Health consultations also talked about taking steps to ensure access to healthcare once climate impacts hit including addressing the mental health impacts. Health participants highlighted the value in taking a life-cycle approach and reducing plastic consumption given toxic chemical exposure in these industries impacts the ocean and entire ecosystems. Participants in the Latin America consultation felt that an interrelationship between the Treaty Initiative and the plastics treaty currently being negotiated would be welcome.

Many participants want to see the Fossil Fuel Treaty enshrine such principles and acknowledge our reciprocal relationship with nature. In addition, existing notions of rights, the rights of nature initiatives, and ensuring Indigenous Peoples’ and tribal communities have the opportunity to give full prior and informed consent (or refrain from doing so) in projects on their lands must be protected and promoted. Participants in the Faith, Health and North America consultations also raised the importance of devotion and interdependence with nature being key to defining values in the Treaty Initiative and for non-human nature to benefit from the Treaty explicitly. Some participants in the Health consultation spoke of potential links to efforts that seek to ascribe rights to nature and pursue changes in international criminal law to recognise ecocide. The consultation with Indigenous Peoples’ participants raised the fact that there are notions of protecting nature, stewardship and interdependence that are not yet found in principles of various international laws.

“We need companies to clean up their mess so that we can have a clean environment, and to have biodiversity and ecosystem restoration which will benefit children and youth of tomorrow.”

AFRICA CONSULTATION PARTICIPANT
“We condemn the role of the fossil fuel industry that infringes on the sovereign rights of Indigenous Peoples and environmental human rights defenders, including their right to lives of dignity. We maintain our unbreakable solidarity with Indigenous Peoples and environmental human rights defenders, who continue to raise the moral high ground in multilateral processes and other global climate conversations by centering justice and equity, and continue to advocate for meaningful action to restore our common home. We reaffirm that it is indeed the voices of marginalised communities, those on the frontlines of the climate crisis that must frame discussions and narratives around climate action.

We will centre the traditional knowledge of Indigenous Peoples, local knowledge systems and indigenous science in seeking solutions to the climate crisis, where such information is shared under the principles of free, prior and informed consent.

NAIULI DECLARATION
Pacific Civil Society meeting

“The Treaty needs to have a modality to support efforts for protection of activists because without local activists the governments aren’t always accountable. If we can figure out ways of protecting and supporting activists this would be one way to strengthen the treaty and make governments more accountable locally, making the job of stopping proliferation less risky and dangerous. So, the protection of land defenders and human rights is essential.”
DEVELOPING VALUES AND IDEALS FOR A FOSSIL FUEL NON–PROLIFERATION TREATY

Participants noted that not only must non-proliferation solutions seek to protect and promote human rights, but meaningful participation of all impacted communities and individuals in design, implementation and monitoring must be a principle. A prerequisite of participation is information to enable meaningful engagement. A participant in the Africa consultation spoke of the increased distances women and girls now travel to access food and safe drinking water. This increases risks of gender based violence and also results in limiting girls’ right to education as they are forced to prioritise survival needs.

Intersectional justice

Rights of marginalised groups and a recognition of the need for intersectional justice was seen as key. Impoverishment, living with a disability, younger and older people, Indigenous peoples, People of Colour and those marginalised by gender, national or social origin, health or other status experience magnified exposure to climate change linked harms. Participants across all consultations raised the importance of a Fossil Fuel Treaty requiring human rights compliance to protect the rights of marginalised groups and to ensure an intersectional approach. One participant in the Africa consultation spoke of the increased distances women and girls now travel to access food and safe drinking water. This increases risks of gender based violence and also results in limiting girls’ right to education as they are forced to prioritise survival needs.

Procedural justice

Participants noted that not only must non-proliferation solutions seek to protect and promote human rights, but meaningful participation of all impacted communities and individuals in design, implementation and monitoring must be a principle. A prerequisite of participation is information to enable meaningful engagement. A participant in the Africa consultation noted that environmental and land defenders currently face disproportionate risks which must be addressed. Participants in the Africa consultation spoke of the risks both to those civil society actors seeking accountability in relation to fossil fuels and related to projects that make large proportions of land available for solar or lithium projects, often at the expense of Indigenous communities and local ecosystems. At the very least, civil society actors need not to face threats to their safety. More ambitiously, participants felt that the role of civil society in ensuring accountability needed to be promoted.

A participant from the Gender consultation expressed a similar sentiment differently, acknowledging the lived experience as a form of necessary – and often missing – knowledge:

“Sometimes you can’t even get in to hear and understand to have a voice. There needs to be strong inclusive and participatory processes not only at global level but at local level. There should be agreements that engage with local people feeling impacts, they are the ones that know what is going on. Not just reporting and information, but implementation too.

GENDER CONSULTATION PARTICIPATION

Similar sentiments were expressed by participants in the Human Rights, Peace & Security and Labour consultations. Labour consultation participants spoke about the tripartite models of participation familiar to unions, which included state, corporate and union actors. They proposed that the Treaty initiative learn from such participatory processes and ensure broad based involvement in all stages of Treaty development processes. They also acknowledged the need for broader civil society engagement and highlighted the importance of community and worker ownership in designing and implementing transitions.
III. THE PUBLIC GOOD

Participants were clear that a Fossil Fuel Treaty must benefit public, not private, interests and suggested transparency and accountability measures would enable this. Participants spoke of a just transition in energy, with a focus on community renewable energy. Fossil fuel phase out policies must be complemented with other measures. This includes the decarbonisation of key sectors including food, transport, education, health and other systems in order to enable a faster global phase out of fossil fuels while reducing reliance on measures like carbon markets, carbon capture and storage, gas, nuclear or other false solutions. Any use of such technologies should only support deeper emissions reductions in addition to, not instead of, a global fossil fuel phase out to reduce escalating and deepening loss and damage.

Energy justice

Participants overwhelmingly felt that a Fossil Fuel Treaty had the potential to foster public engagement and civil society movements that could address energy poverty both within and between countries. They also felt that centering of the public good would also prioritise green energy access for those in need, such as those in energy poverty or those forced to use harmful cooking fuels. This point was also made strongly by participants in the South Asia and Europe consultations. Participants in the Latin America consultation noted that large dam projects in the region had not only contributed to ecosystem degradation, displacement and deterritorialization but that energy generated often served the interests of large corporations, rather than local needs. They also spoke of the continued use of necessary resources, such as land, lithium, and water, to serve corporate interests and the need for resources to be redirected to serve public interests and the well-being of oceans and ecosystems for the benefit of current and future generations. Africa consultation participants were keen to ensure that new renewable energy initiatives ensure just extraction with full prior and informed consent of impacted communities.

Corporate accountability

Participants felt that to address disproportionate corporate influence, those with conflicts of interests should be precluded from participating in negotiation processes. Participants in the Health consultation spoke about the fact that industry lobbyists would otherwise water down provisions until proposals are cosmetic and do not propose systemic solutions that meet the scale of change that is required. The participants believe all the harms done by the corporations or their subsidiaries must be addressed. A number of participants raised concerns that previous attempts at climate action have – perhaps due to disproportionate corporate influence – failed to centre the public good. They feared that such initiatives have often constituted greenwashing efforts that hinder peoples’ rights.
Land access

Participants expressed that energy transitions must not preclude access to land for local communities and instead must foster self-determination. Speaking to global initiatives that seek to manage countries’ efforts to reduce emissions from forest schemes, participants in the Gender consultation raised concerns that because of certain management rules, land sometimes became inaccessible to the locals including Indigenous and tribal communities. Such rules are often brought in, to promote “solutions,” which have (potentially unintended) harmful consequences. Participants also informed that such actions by the corporations often had gendered impacts, given that women and girls would suddenly become unable to forage on land that they had previous subsistence relationships with. They felt that if we focus on solutions that are centred around public needs and the common good, such as land access, we can prevent such situations.

Anti-colonial principles

Participants felt that centering the public good meant both recognizing that the Global North is disproportionately responsible for historic and current emissions and addressing continued neocolonial practices that allow some states and corporations to profit from the resources of others. Participants in the Gender and Africa consultations referred to past carbon or climate market management initiatives that have colonial impacts and discussed the need to root any new Treaty initiative in anti-colonial principles that not only address past inequalities but preclude new ones from being developed. Participants in the Gender and Africa consultations suggested that such principles should also emphasise that any solutions to protect justice, rights and the public good must be rooted at the local, regional and global levels.

Contributing to the transformation of the international financial architecture

Many participants expressed that addressing the public good through new forms of international public law – such as a Fossil Fuel Treaty – would be inadequate if wider macroeconomic inequities rooted in the international economic system were ignored. For example, a just transition would ideally transform decisions made in relation to loan creditors (with debt cancellation and restructures) and reform international financial institutions including the Bretton Woods Institutions, World Trade Organization as well as trade and investment agreements. A number of participants explicitly raised that organisations such as the International Monetary Fund and World Bank should shift from investing in large infrastructure projects to initiatives that would ensure green energy democracy such as decentralised renewable energy, localised agro-ecological food and green housing retrofits with wind and solar generation and air source heat pumps etc. While the Fossil Fuel Treaty alone could not reform the international financial architecture, it could include provisions around finance and means of implementation designed to enable more equitable transfers of finance to support the global just transition from fossil fuels.
Addressing barriers in international economic law

Participants noted the role that trade and investment agreements play more broadly in enabling corporations to get away with tax avoidance, poor working conditions, environmental contamination, carbon emissions, excessive water use, contributing to displacement and other risks which stand in the way of a well-being centred society. For many participants, this also applied to private forms of international law where corporations took states to settle disputes in commercially oriented tribunals that lack democratic oversight. Africa consultation participants specifically cited the Energy Charter Treaty as an obstacle to progressing decarbonisation efforts. A Fossil Fuel Treaty itself could include provisions and principles aimed at mitigating the chilling effect that international economic law may currently have on countries aiming to implement fossil fuel supply-side policy measures. Participants also felt that positive incentives through trade and investment was another prospect to pursue.

“Further to the point made earlier around thinking about the solutions and I think technology transfer was mentioned. A good example of this is we have been working a lot with health groups and social movements, civil society on the TRIPS waiver during the pandemic for a global public goods approach to treatments, vaccines and diagnostics for the COVID pandemic. As many of us are aware, it has ultimately been a failure in how it has ended at the WTO but I think it provides some good lessons and also in terms of support from countries and civil society and unions it is good to think how we can use that. Coming out of that and thinking about some of these discussions around climate...just as we had momentum for a waiver against the rules that big pharma and rich countries were protecting, we need a similar and successful campaign on climate and technology transfer. I would emphasise the power of fossil fuel corporations and neoliberalism that has got us into the dire situation that we are in now. We need a global public goods approach. The public sector and quality public services with rejuvenated democracies need to play a key role in this transition so I would suggest thinking about ways we can emphasise that.
3. VISIONS OF A FUTURE WHERE THE TREATY IS OPERATIONAL

The consultation series was unique in that in addition to the discussions on values and ideals, it also gave an opportunity to the participants to visualise a world that was free from fossil fuels and based on the values of justice, rights and principles of public good. The outcome was a vision of a future where well-being needs were met and communities have self-determination over their territory, resources and workplaces and there are thriving oceans and ecosystems. Participants felt that achieving this vision would require equitable burden sharing from the global to local level, referring back to the key justice, rights and public good principles described above.

Although a Fossil Fuel Non-Proliferation Treaty may not explicitly cover all these concepts and goals, envisioning the desired future can serve as a crucial ‘beacon’ to guide countries to apply relevant values, concepts, and principles effectively during the negotiation process.

I. THRIVING ECONOMIES AND SOCIETIES

Participants elaborated on their vision in a post fossil fuel era, describing the earth as a place where physical, economic, social, emotional and psychological well-being prevails. Such a world would see reduced political instability and resource related conflicts. Participants described futures where everyone would have access to all that was needed to live a good life – from green energy, education, healthcare, green public transport, workplace democracy, localised agro-ecological food, water, nutrition, sanitation, social protection and access to green homes with retrofits with wind and solar generation and air source heat pumps. Participants noted that well-being needs would escalate in areas particularly vulnerable to climate change impacts and that structures and systems were required to address this from rehabilitation (including mental health support) to reconstruction, recovery and relocation.
Participants across all consultations noted that this vision required a different way of understanding the purpose of an economy. Several alternative notions of sustainable development were proposed such as degrowth, decolonial economies and the need for addressing overconsumption by those disproportionately contributing to inequality and carbon emissions. Participants suggested that a degrowth approach could help to reduce the need for future extraction of critical minerals and metals required for renewable energy generation.

Participants in the South Asia regional consultation spoke of the need for sustainable development, particularly given that many communities do not have access to water, housing and food. A similar sentiment was described by participants in the Africa consultation. Participants from South Asia and Africa both spoke about how well-being needs must be met through non-fossil fuel energy via new forms of equitable generation, with energy democracy and citizen led initiatives at the centre. Similar sentiments were raised by participants from North America who acknowledged that communities reliant on fossil fuels required additional protections in a justice centred transition.

Related to acknowledging that some communities required additional resources while others would be required to reduce consumption, was an explicit reference to redistribution and reparation in the promotion of more equitable futures. Some participants described this as consistent with a decolonial approach. Others referred to the need for equity within countries and between countries, given that greater cooperation, trust and equitable burden sharing visions were deemed critical.
II. SELF-DETERMINATION

A number of participants emphasised the need for self-determination. How self-determination was articulated differed significantly across consultations. For example, participants in the Health, Latin America and Indigenous Peoples’ consultations saw self-determination in terms of land, resources and territory related to ending fossil fuel extraction and also in an era of green extraction where critical minerals and metals continue to be required. Legal notions of self-determination referred both to the International Court of Justice’s articulation in the context of anti-colonial struggles, but also in the context of environmental impact assessments.

Many participants talked about self-determination beyond political recognition as independent states, to include use of resources found on the territories of colonised countries. African participants underscored the need for self-determination over resources so they are directed towards community needs and the public good.

Others described self-determination as constituting freedom from corporate coercion or corporate power. Participants described the negative community impacts of corporate extraction from contaminated lands to tax avoidance. Participants in the Labour consultation added that corporate profit-driven imperatives often undermined workers’ desires for more egalitarian and sustainable futures. Some participants in the Labour consultation felt that worker-led workplaces would not only promote community interests, but also prioritise a healthy planet for current and future generations.

Additionally, notions of energy democracy and universal access to water and other key resources were repeated across consultations. Citizen energy projects were described as being critical to ensure future energy generation to meet public needs and avoid furthering inequitable corporate profits while territories continued to be extracted. A participant in the North America consultation noted that this self-determination required community resourcing, saying:

“We’ve got to shift the focus from the corporations to communities and workers. When we look at all the fossil fuel subsidies and how little money is given to communities.”

Participants also called for procedural justice and equity. A Treaty Initiative that is led by marginalised communities and continues to promote mechanisms to ensure needs assessments from those with intimate knowledge of these as well as design, implementation and assessing roles is one of the only ways to futures of greater autonomy.

III. THRIVING OCEANS AND ECOSYSTEMS

Participants across consultations believed that a post fossil fuel era will certainly see ocean and ecosystems thriving once again. A participant in the health consultation shared that in her work engaging the elderly population, she found that love for their native land was the most common point of conversation. The majority of participants agreed that working against fossil fuels is also about protecting the beauty and restorative power of landscapes from extraction and therefore we must use the language of love of land and love of biodiversity while we are advocating for a greener future. Health consultation participants spoke of the well-being benefits that are inherent when we get access to a healthy environment. Asia region participants highlighted clean air and health related improvements as co-benefits of a fossil fuel free future. In a similar vein, participants in the Human Rights and Peace & Security consultation spoke to the multiple ways that fossil fuels and the fossil fuel economy harm both “people and planet.” In that context, a participant talked about the importance of ending the production and use of fossil fuels because of the immediate impacts on frontline communities where healthy environments are undermined. “Ending the addiction to products that are harmful from their inception through their use and disposal is critical”, the participant emphasised.

Participants in the Africa region consultation conveyed how critical it is for states and fossil fuel companies that have caused damage to the environment and communities to repair it and restore landscapes before moving away. They raised the importance of restitution efforts and spoke of the disappearances of environmental and land defenders and the need for accountability for this alongside environmental restoration work. A participant in the Youth consultation spoke about the oppression of activists and environmental defenders and insisted that it is important to bring in measures to protect indigenous groups, farmers and small fisher folk. Participants felt that protecting communities actively involved in defending the ocean and ecosystems was a crucial component in the repair, restitution and recovery of those very systems.

“One of the critical aspects of justice is that it is not enough to merely phase out production - we have to clean up the mess. It is poisoning the land and the water and the air and it is imposing a terrible burden on the indigenous people who live in the area.”
An Asia participant considered that the Treaty would prevent local and regional resource degradation and build a case for more investment in ecosystem based livelihood generation. On repairing environmental degradation specifically, one participant said:

“Restoration of the ecosystem and biodiversity will help the Indigenous communities whose livelihoods depend on agriculture and fishing get back to work without difficulties.

AFRICA CONSULTATION PARTICIPATION

Repairing damaged areas, followed by protection and promotion of ocean and ecosystems, were described as critical elements in the Treaty. Participants in the Indigenous Peoples’ and North America consultations spoke of moving towards a decolonial understanding of our interdependence with nature. Across all consultations, participants noted that centering thriving oceans and ecosystems would benefit from understandings of nature supporting life-cycles, as well as our interconnection with our environment.
4. RISKS AND MITIGATION STRATEGIES IN PURSUING THE TREATY

Participants outlined a number of risks and strategies to mitigate them in pursuing a bold and justice centred Fossil Fuel Treaty. The risks can be summarised in three key areas: false solutions, treaty fatigue and dilution of ambition.

I. FALSE SOLUTIONS

Concern was expressed in various consultations, regarding the continued pursuit and financializing of false solutions that are pursued over meaningful regulatory efforts to phase out fossil fuels and end expansion. Participants overwhelmingly felt that governments must stop prioritising any new fossil fuel extraction projects and plan an equitable and fair phase out from existing sites of extraction. Participants also wanted the Treaty to ensure that there is no further reliance on technology such as carbon capture and storage, to meet the 1.5°C target. Any new technology should be leveraged only when it helps make deeper reductions than are possible by phasing out fossil fuels.

Participants proposed the need to establish local and regional target structures that would require reporting on actual abatement activities. There was also support for equitable transition plans with multi-stakeholder involvement throughout submissions, activities and monitoring for accountability efforts. Transition plans which centre justice, rights and the public good were considered important to avoiding the Treaty inadvertently exchanging one bad process for another, such as mineral extraction for solar power in a manner which causes health, environmental and community risks.
A participant in the Asia consultation highlighted the importance of choosing options wisely:

“This is the first time we are pushing this challenge of phasing out fossil fuels - for the past 100 years we have all been part and parcel of the same fossil fuel industry - the obvious choice for us is to choose the option which is nearest and which is technologically or financially feasible. The point here is even if [the options we choose] are financially or technologically feasible we do not fix or commit ourselves for the next 50 years in something which can be part of another big geopolitical game as we are witnessing right now in terms of oil and gas, state policy, hand twisting and for oil and gas reserves and so on and so forth. To resolve the problem of climate change and for future generations, the options we choose have to be chosen very wisely, and whatever treaty we come up with at the international level, whoever signs it, there has to be an element of saving the global world from these obvious pitfalls...
II. TREATY FATIGUE

"Urgency is particular to the youth perspective - when it comes to governments and multinational corporations there is no urgency - this is one of the biggest things because it is our future at stake."

YOUTH CONSULTATION PARTICIPATION

Participants across the consultations have shown their concern towards the much exaggerated and delayed negotiation processes usually associated with such treaty formulations. Many in the Human Rights and Peace & Security consultation noted that years of negotiations for various treaties may have contributed to fatigue. Participants saw a lot of value in the bottom up approach that was used to develop the values and ideals in this document and suggested continuing in the same manner when developing the Fossil Fuel Treaty itself. This would leverage expertise and energy from a wide range of backgrounds.

Participants in the Health consultation noted that this type of participation would also help movements come together around shared, ambitious, necessary and holistic goals. They felt that a visionary treaty could energise fossil free movements nationally and regionally as global treaty efforts continued. This view was shared by participants in the Latin American consultation. The need for a global Treaty that set out comprehensive goals to be implemented domestically was seen as key to building momentum.

Other participants seemed quite optimistic and talked about the momentum for a bold Treaty and political window that is open to advance negotiations. There was also reference to political turmoil in countries made worse by conflict over fossil fuels and how it highlights the need for a transition away from fossil fuels. Participants welcomed strong civil society voices pushing for the same. Many participants felt that such a democratic approach of developing a fossil fuel treaty was quite in contrast to the otherwise limited opportunities available for civil society to actively put forth their views and language while developing any such international legal instrument.

In this respect, a multi–stakeholder approach was widely appreciated by the participants in the process who felt such a civil society momentum could contribute to snowballing public support for bold climate action for states and corporations. This would give decision makers a mandate to support a just fossil fuel free future. Collaboration between unions, civil society, politicians and civil servants was also cited as crucial to instilling domestic support for a strong Treaty, such that political decision making would move in the direction of a justice centred Treaty at the global level. Public participation was also seen as crucial in designing, implementing and monitoring a future Treaty. A combined approach that includes pursuing domestic efforts to decarbonise while increasing resilience to climate change and repairing the consequences of impacts and regional collaboration alongside global treaty–led targets for states was viewed as essential.
III. DILUTION OF AMBITION

Some participants were concerned about the scale of ambition envisaged for the Fossil Fuel Treaty Initiative. Many feared that one treaty alone cannot ensure the vast landscape of visions that have been collectively expressed. At the same time many still felt that the Treaty can be seen as a vehicle moving in that direction. Most were concerned about the dilution of ambition through the formal negotiation process and the need to ensure justice in future climate law-making processes.

Every consultation saw participants raise fears about multilateralism potentially being ineffective in face of the “market” and corporate power and influence. Participants proposed strong conflict of interest policies, with transparency requirements, that would ensure those with competing interests were precluded from influencing Treaty processes and decisions. The potential threat of corporations “selling” fossil fuels as solutions to energy poverty in a context of political conflict was raised. In order to thwart any such attempt, participants highlighted the benefits of a justice centred transition with public education initiatives, progressive and informed media and practical examples of cooperative solutions involving citizens, workers and other stakeholders. Participants in the Africa and South Asia consultations in particular felt that showing the benefits through the delivery of green energy democracy and South-South collaboration was going to be essential to overcoming corporate propaganda attempting to persuade of the need for continued fossil fuel dependence.

Participants in the South Asia consultation spoke of the opportunities for climate jobs, addressing energy poverty, self-determination over energy resources and climate action to mobilise communities and decision makers towards supporting a bold Treaty Initiative. Europe and North America consultation participants similarly felt that having positive visions of what a just transition would look and feel like was essential. Rather than solely focusing on what we want to stop – fossil fuels – they proposed it was essential to articulate and describe the world we want and the positive social, economic and political justice this would contribute towards. Participants felt that showing how the Treaty Initiative would improve people’ lives and livelihoods at the local level is essential in mitigating corporate propaganda in support of fossil fuels and false solutions.
Participants encouraged Treaty Initiative proponents to avoid *repeating past mistakes and learning from past treaty initiatives*. For example, a participant in the Europe consultation cautioned that the nuclear non-proliferation initiatives replicated the colonial approach of decision making, dominated by the five nuclear powers. Few countries took the liberty of deciding which countries were allowed to continue to invest in nuclear arms and energy and which were not. Instead, they recommended aligning the Treaty Initiative more with the Treaty on the Prohibition of Nuclear Weapons, which was decided by a majority of non-nuclear armed states, enabling it to be more ambitious in its provisions and adopt creative ways of holding the nuclear armed states to account.

The Human Rights and Peace & Security consultation spoke of the need for *ambitious and meaningful operational provisions*. This view was shared across all groups with a few participants expressing concern that an ambitious treaty with strong enforcement mechanisms may preclude signatories from coming forward. Most participants overwhelmingly felt that it was essential for civil society to propose strong and ambitious justice and science focused targets and responsibilities regardless of whether a negotiated outcome could lead to a different result. As an example, the Naiuli Declaration for a Fossil Fuel Non-Proliferation Treaty, launched by civil society, faith, youth, Indigenous Peoples and climate justice movement leaders from across the Pacific, outlines their demands in relation to a Fossil Fuel Non-Proliferation Treaty in February 2024. This declaration sends a clear signal about the core elements of what a transition away from fossil fuels in the Pacific and globally should involve, and includes calls for action by the international community and Pacific governments; invites civil society organisations and stakeholders including youth, grassroots organisations and the private sector to work towards fossil free development pathways in the Pacific and a Fossil Fuel Treaty; commits to recognising the traditional knowledge of Indigenous Peoples, local knowledge systems and indigenous science; condemns the fossil fuel industry’s role in infringing on the sovereign rights of Indigenous Peoples and land defenders; and calls for a just and equitable transition and evidence-based decisions.
5. HOW TO OPERATIONALISE THE TREATY AT DIFFERENT LEVELS

The goal of these consultations was to identify the fundamental principles and values on which a new Fossil Fuel Treaty should be based as a first and foundational step before designing the legal provisions and mechanisms that will make up its substance. As a result, we have obtained overwhelming responses to prioritise ambitions that are seeded in the principles of justice, rights and the public good and consistent with the urgent needs emanating from the analyses of various scientific reports released by the IPCC. There are wide scale apprehensions that if the Fossil Fuel Treaty is limited to codifying existing sources of law and legal principles in its operational provisions, it will be likely to fall short of the civil society and communities’ aspiration of a greener and more just future. Participants in the Indigenous People’s consultation were asserted that reliance on existing provisions, whether International Environmental Law, Human Rights or other sources, had the potential to replicate colonial approaches to law-making.

Where existing international treaty and customary laws fall short, new treaties could leapfrog provisions towards those that will protect and centre people and the planet. To achieve this would require continued legal and civil society engagement. In this section, we articulate some tentative initial proposals as they were shared with us throughout our consultations. Some of the proposals will be relevant in informing negotiators in the development of the text of the Treaty. Other proposals are calls for greater global, local and regional civil society coordination in support of thriving public momentum for just solutions to the climate crisis.

I. NATIONAL

While a treaty is an instrument of international law, its goal is to oblige country governments to enact national level laws and policies to give effect to the treaties’ provisions. Participants outlined ambitious proposals for the types of actions required at the national level. While some of the proposals (referenced below) fall outside the scope of a fossil fuel supply-focused treaty, Participants hoped that in enabling a global just transition, the treaty may be a catalyst for broader systems change. In this way, national action could form part of civil society demands.

Participants outlined the importance of national governments holding corporations to account for phasing out fossil fuels, providing good climate jobs, cleaning up their mess and paying taxes to support communities exposed to climate impacts. Participants called for transparency disclosure requirements for financial actors providing credit, insurance or other forms of support for fossil fuels or fossil fuel intensive projects.
Participants spoke about the importance of meeting peoples’ needs in any transition, from workers to those on the frontline of climate change impacts to those facing energy poverty, displacement and/or food insecurity. They talked about the importance of wealth taxes that fostered equity as well as increased public and worker autonomy in workplaces and political decision making. In addition, participants raised the need for action against corporations that have harmed communities and the environment and to repair and restore areas that had been extracted from.

Participants raised the need to strengthen national human rights institutions, legislation and enforcement and extend these to ensure safety, security and justice to the land and environmental defenders such that they are not persecuted and can contribute to meaningfully assessing state compliance with new global targets. Participants also felt that laws requiring full prior and informed consent of Indigenous Peoples’ in future extraction projects (for example, for those critical minerals and metals required in a renewable energy transition) could be strengthened.

Participants conveyed that an intersectional understanding of rights could also inform local climate policy design with the lived experience of those at the frontline of climate injustices playing a critical role in informing intersectionally just solutions.

In this respect, participants also proposed a comprehensive mainstreaming of intersectionality and just climate policy across a range of areas, from areas that the Treaty would address directly through supply-side interventions to broader indirect benefits from the Treaty provisions. This includes energy, food, transport, housing, education and training, healthcare, finance and support for workers.

Supply side interventions based on the direct provisions of the proposed Treaty

- A fair and equitable phase out of fossil fuel extraction based on capacity and historic responsibility, with wealthy countries moving first and fastest and supporting fossil fuel dependent developing countries with the transition.
- Scaling up people-centred renewable energy with a shift towards citizen cooperatives and energy democracy.
- Redirection of finance away from harmful investments towards climate resilience and support for sustainable development and a just transition.
- Work towards workers’ rights protections, including for fossil fuel intensive workers to find employment in new industries and move towards greater autonomy and agency of all workers.

Broader social interventions and benefits that can flow from effective supply-side policies

- Transport towards improved shared green transport, reducing the need for private travel.
- Housing towards improved access of green homes with retrofits and green energy generation and better planning in areas exposed to escalating climate change impacts.
- Food production using localised agro ecological models.
- Education and training to train and retrain the professionals required to aid in a transition.
- Healthcare towards universal access as diseases spread and climate change causes physical and mental harm.
Participants were consistent in their call for procedural justice with meaningful participation mechanisms and for information at the local level to inform the design, implementation and monitoring of climate initiatives consistent with global goals. Participants expressed that improved disclosures of interests could preclude disproportionate corporate influence in decision making.

Participants pointed to the power of social dialogue to inform the provision of new climate jobs for workers at sites of fossil fuel extraction and the potential for a number of ancillary benefits as a result of dialogue. This could include cleaning up the site, providing social protection for those undertaking care work and paying into a climate damages tax. Some participants suggested this type of approach could foster increased worker agency and control through the evolution of worker-owned renewable energy cooperatives. As a result, while the proposed Treaty focuses on a just transition in the supply of energy, it can orient towards processes and procedures that facilitate broader changes.

Discussion on proposing a transition to new economic models broadly centred around two strategies:

- Engaging the momentum of the social movements through campaigns; and
- Creating new institutions such as citizen and worker cooperatives that meet peoples’ needs.

Participants underlined the importance of campaigns to influence state conduct and seek new legislation to regulate corporate behaviour in compliance with justice, rights and the public good. Others spoke about continuing campaigns against corporations that impinge on well-being and raised the need for improved collaboration globally. Examples of campaigns were given, such as those which focus on fossil fuel companies that have profited greatly from climate change, risks of extraction, workers’ rights violations, environmental degradation, energy poverty and campaigns that target the financial industry (for example, funds, banks and insurance companies) that continue to make credit and insurance available for fossil fuel projects, often in violation of Indigenous Peoples’ rights and tribal territories.

Other participants proposed strengthening initiatives that seek to meet peoples’ needs for green energy, housing and food among other things. This was raised in particular by participants from the Africa consultation where it was felt that meeting basic needs was a necessary step to building broad-based consensus for climate change solutions. Participants across the Europe, Latin America, North America and South Asia consultations agreed. Participants felt the provision of needs for those at the sharp end of inequality would promote understanding that just climate transitions are nothing to fear but rather, can be celebrated as a way to facilitate social, political and economic justice. In this respect, visions for degrowth alongside meeting sustainable development goals coincided to focus on meeting needs that promote dignity through a justice centred climate transition.
II. REGIONAL

Participants talked about the potential for regional energy sovereignty when citizen led energy democracy efforts are prioritised. Participants in the Africa consultation mentioned the sharing of technology and capacity that would be needed to enable this, whether through south–south cooperation or more widely. Participants in the North America consultation spoke about the importance of incentives to share technology and means to enable such outcomes.

Europe consultation participants commented on the potential to leverage climate finance solutions towards just outcomes, through debt cancellation or restructuring and transparent reparative and redistributive mechanisms. The need for this was shared across all other consultations. Where regional banks are involved in holding the credit, they can play a role in writing off debts or issuing favourable bonds. Participants spoke about the need for alignment and therefore engagement with regional bodies and development banks.

There is potential to ensure climate action, workers’ rights and environmental protections through binding obligations on the conduct of corporations. Connections between ensuring legally enforceable responsibilities on such non-state actors and other ongoing processes, such as a binding Treaty on the conduct of multinational corporations, would be beneficial. Some participants also felt that in the absence of this, leveraging existing procurement rules to ensure that state bodies required compliance with human rights, climate targets and International Labour Organization Conventions when purchasing goods could make a positive impact in conditions and outcomes across supply chains.

Some participants also proposed collaborating with climate litigation efforts and climate policy initiatives such as the Inter-American Court of Human Rights, African Union and African Commission on Human and Peoples’ Rights, European Union and European Court of Human Rights.
III. GLOBAL

Participants consistently referred to the need for fossil fuel phase out timelines and finance targets that centre equity and science based timelines. This was with a view to reduce the foreseeable harm resulting from continued fossil fuel production, while attempting to repair the consequences of past emissions through adaptation and loss and damage finance. This was consistent with participants’ call to centre the “no harm” rule of international law. The International Court of Justice has outlined that a core component of the “no harm” rule is that it is preventative. The International Law Association (‘ILA’) has proposed that:

“Where social and economic development plans, programs or projects may result in significant emissions of GHGs or cause serious damage to the environment through climate change, States have a duty to prevent such harm or, at a minimum, to employ due diligence efforts to mitigate climate change impact.”

The International Law Association has also highlighted the need to take preventative action to avoid harms and the responsibility of states to compensate victims when serious, foreseeable and avoidable harms do occur.4

Participants referred to the Civil Society Equity Review5 analysis, IPCC timelines and learning from past proposals for operationalising equity reference frameworks.6 Participants also referred to the need for operationalising historic responsibility and the “Common but Differentiated Responsibilities and Respective Capabilities and their social and economic conditions” (CBDR-RC) principle. One articulation of it appears in Principle 7 of the Rio Declaration which asserts the primacy of developed country responsibilities:

“States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.”

2 Trail Smelter Arbitration (United States v Canada) [1938].
8 United Nations Framework Convention on Climate Change, ‘Adoption of the Paris Agreement’ (29 January 2016) UNFCCC 21st Session Decision 1/CP.21 FCCC/CP/2015/10/Add.1. 2.
The Paris Agreement contains references to the CBDR-RC principle in a preambular recital and in provisions relating to the purpose of the agreement, progression and long-term low greenhouse gas strategies. Article 2, which sets the long-term temperature goal and frames the implementation of the entire agreement, reads “[t]his Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”

Participants also spoke of the need for enforcement mechanisms to ensure decarbonisation and climate finance goals are met. Participants spoke of the need for both punitive enforcement via compensation as well as positive incentives to foster compliance. In this respect, participants regularly referred to the polluter pays principle. Principle 16 of the Rio Declaration (1992) states that:

“National authorities should endeavour to promote the internalisation of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

The obligation of polluters to prevent, reduce and repair pollution is noted in a number of conventions. The United Nations Convention on the Law of the Sea (UNCLOS) requires States to “take measures necessary” to prevent the pollution of the marine environment from any source and to ensure that activities within their jurisdiction and control do not cause pollution damage to other states or their environment, including the release of toxic, harmful or noxious substances from land-based or atmospheric sources such as greenhouse gases.

Participants raised the need for the Treaty to ensure compliance with human rights frameworks, rights to self-determination, the United Nations Declaration on the Rights of Indigenous Peoples, WHO Guidelines and International Labour Organization conventions in the process of pursuing decarbonisation and climate finance goals.

Participants also see the need for strong procedural justice provisions with rights to participate in decision making, implementation and monitoring activities.

States have a duty to “prevent foreseeable human rights harm caused by climate change, [and] to regulate activities contributing to such harm.”

Yet, significant emitters, such as the US, have failed to ratify key treaties. For example, the USA has failed to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD) and the American Convention on Human Rights. India, for example, has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 and Right to Organise and Collective Bargaining Convention, 1949. How such interrelationships can still be pursued requires further research.
Participants also sought for the treaty to consider including **non-state actors’ responsibilities** and in particular those of corporations. The UN Committee on Economic, Social and Cultural Rights (which monitors State Parties compliance with the International Covenant on Economic Social and Cultural Rights) has noted that:

“Complying with human rights obligations in the context of climate change... requires respecting human rights, by refraining from the adoption of measures that could worsen climate change; protecting human rights, by effectively regulating private actors to ensure that their actions do not worsen climate change; and fulfilling human rights, by adopting policies that can channel modes of production and consumption towards a more environmentally sustainable pathway.”

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In a joint statement on climate change with other treaty bodies, the UN Human Rights Committee recognised that

“**In order for States to comply with their human rights obligations, and to realise the objectives of the Paris Agreement, they must adopt and implement policies aimed at reducing emissions, which reflect the highest possible ambition, foster climate resilience and ensure that public and private investments are consistent with a pathway towards low carbon emissions and climate resilient development.**”
States can be held to account for failing to regulate companies that fail to prevent foreseeable threats to the life of the victims. The Dutch Supreme Court in Kalimijnen acknowledged that a business enterprise can be considered individually, partially responsible for emissions, and that this is determined by the level of “control and influence” it has over emissions. This may be considered in terms of the company’s size, extent of its leverage in addressing the adverse impact and the scale, scope and irremediable character of the impact itself. The Hague District Court in Shell acknowledged that the reduction obligation may require a drastic policy change or financial sacrifice on the part of a company, given the threats and risks to human rights proposed by dangerous climate change. The Philippines National Human Rights Commission found that Carbon Majors could be held legally liable for violating human rights. The way in which companies are held responsible, must not penalise workers and a just transition model aims to protect their rights and well-being – as well as those of communities more broadly – ensuring sustainability aligns with social justice.

Finally, participants were keen to ensure that positive developments were not curtailed by developments in private international law, through trade and investment agreements, the conduct of creditors and the World Trade Organization and Bretton Woods Institutions.
6. CONCLUSION AND NEXT STEPS

The Fossil Fuel Treaty proposal is for a supply-side treaty that achieves the three pillars; just transition, non-proliferation and a fair phase out.

In growing grassroots momentum for this, it is hoped that the Treaty proposed will both directly and indirectly catalyse systems change. A system change that ensures the transition from fossil fuels is just, equitable and grounded in a set of fundamental values and achieves the vision set out in this document.

The next step is to engage with the country governments championing the initiative to build on this community-oriented set of values with their demands, and work with legal experts to craft potential provisions that could form part of a treaty proposal that work towards achieving the goals set out here.

Government champions and lawyers may want to learn from past attempts at operationalising equity within UNFCCC processes when seeking to embed equity and science based timelines to create new targets. Lawyers will also need to come together to create mechanisms for operationalising the principles of no harm, precaution, prevention as well as historic responsibility, Common but Differentiated Responsibilities and Respective Capabilities, and the polluter pays principle. Lawyers will also have to engage creatively with the call from participants that the Treaty proposed both look forward to preventing deepening harms while also taking account of existing ones made inevitable by fossil fuel extraction that has continued unabated despite known risks.
International law has significant potential to influence domestic policy outcomes and shift global norms. Yet, treaties also have a history of failing to be inclusive and participatory. This research attempted to prevent the Fossil Fuel Treaty Initiative repeating past mistakes. We engaged in rich and diverse global consultations, with a view to ensuring consultation feedback informed future Treaty Initiative work. Engaging with key global stakeholders via interviews and focus-group discussions, the consultations sought to learn from the lived experiences as well as the legal and cultural traditions of traditionally marginalised groups and communities.

An international law focused background paper was sent out before ninety minute group consultations took place. This paper sought to illustrate many of the legal norms pertinent to the Treaty Initiative’s three pillars; just transition, non-proliferation and fair phase out. A very brief summary of the paper was also provided verbally during consultations. However, the majority of consultation time was allocated to encouraging participants’ responses to questions of values, visions, operationalisation and risks.

The research team engaged in a metaphor of a tree to facilitate inputs across these areas. Values and ideals were identified as the “roots”, with the Treaty Initiative’s existing three pillars the “trunk.” Operationalisation was symbolised by branches, while the vision the leaves, flowers and fruit.
The research collaborated to design the consultation questions to ensure accessibility and encourage depth of engagement. Consultations did not require any legal knowledge. Instead, engagement was designed to seek experienced-led responses.

The team undertook consultations with civil society actors in Asia, Latin America, Africa, Europe and North America, in English, French and Spanish. The team also undertook consultations with a number of key stakeholders across thematic constituencies, including Human Rights, Peace and Security, Health, Labour, Youth, Faith, Gender, and Indigenous Peoples, as well as the Treaty Initiative’s own network and Steering Committee. The gender balance of participants was 60 percent female and 40 percent male. In addition, an in-person meeting of civil society, traditional leaders and faith leaders in the Pacific formed the basis for Pacific inputs into this report. For regional consultations, it was important to have people from a range of countries and constituencies. Likewise for thematic constituencies it was important to have regional coverage. Partners were also consulted as to the time zone that would best facilitate participation across participants’ global locations, which in some cases resulted in two consultations to facilitate participation. Smaller informal bilateral conversations with partners also took place to gather views. Contributions from the consultations were then analysed into overarching shared themes which appear in this report.

While efforts were taken to ensure a broad range of participation (with outreach being led by members of the research team with support from constituency and regional leads), these consultations are not exhaustive and these gaps will need to be addressed as this process evolves. The research team is based across time zones, which sometimes contributed to delays in communicating. In addition, much of the outreach took place with research team members liaising with pro bono support offered from leading figures in constituency and regional groups. We are incredibly grateful for their support.

Due to diverse needs and priorities across each of the groupings, outreach efforts within regions and thematic areas varied. For example, for our Indigenous Peoples consultation, we gathered rich perspectives from North America and those with a global perspective but had limited engagement from groups in other regions. In our Africa consultation, participants covered a wide geographical spread and were able to engage in both French and English to enhance coverage. Our inability to provide a session in Arabic may have limited participation from North Africa. We had good success in covering countries across the region in Latin America and Europe. These consultations highlighted the diversity of views and experiences not only between regions but within them too. With further resources, we would have liked to act on feedback received to increase specificity in regional views, for example having distinct opportunities from participants in the Caribbean region. Further information about the breadth of engagement across each of the regions and thematic constituency areas is available upon request.

Given the cross-section of key stakeholders represented, and the breadth of inputs received from within them, we hope that the ideas here will be foundational to the development of the legal treaty framework.
Note:

This report ends here but the document is kept LIVE and the process of seeking inputs from the civil society organisations, communities, academia, individuals remains OPEN. We solicit your views and suggestions on this document that will help us widen its scope and ensure that it remains relevant to a cross section of societies who are either suffering from impacts of fossil fuel extraction, expansion and exposure or working on this issue.

To send your inputs/ comments/ suggestions or your intention to associate with the process of consultation and socialisation of the document, kindly write to
Rebecca@fossilfueltreaty.org;
Aakanksha@fossilfueltreaty.org;
Nathalia@fossilsurltreaty.org

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