



POLICY BRIEF

BUILDING ON SUCCESS: LESSONS FROM HUMANITARIAN TREATY MOVEMENTS FOR A FOSSIL FUEL NON-PROLIFERATION TREATY

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Executive Summary

Fossil fuels are the primary cause of the climate crisis, responsible for 86% of CO2 emissions in the last decade. Climate change is a significant driver of ecological, health and economic crises worldwide, undermining the health of both land and marine ecosystems and human prosperity.

In this context, a global coalition of organisations, cities, parliamentarians, scientists, researchers and Nobel Laureates are calling for a Fossil Fuel Non-Proliferation Treaty to regulate an equitable global transition away from fossil fuels. With Vanuatu becoming the first country to publicly call for a Fossil Fuel Non-Proliferation Treaty during the UN General Assembly in September 2022, the diplomatic momentum towards a Treaty is also growing.

Such a Treaty has much to learn from historic efforts to regulate harmful weapons and weapons of mass destruction. This brief examines four international regimes created to manage global threats—the Nuclear Non-Proliferation Treaty, the Chemical Weapons Treaty, the Mine Ban Treaty and the Treaty on the Prohibition of Nuclear Weapons—to understand what steps were taken by movements and country governments to lead to the negotiation of a formal treaty, and how each treaty seeks to regulate the threat to which it is directed.

The analysis identifies four key areas which have been pivotal to the development of each global regime:

Building an Evidence Base: Within each treaty campaign, advocates and civil society initially focused on documenting the relevant threat and building an evidence base cataloguing both the potential harm and possible solutions. Their reporting, coupled with the creation of

institutional arrangements for transparency and accountability, helped establish the foundational documentation necessary to understand the size, scope, and severity of the threat posed by each weapon.

Building a Movement: With a foundational understanding of the issue at hand, civil society actors launched campaigns, petitions and other advocacy efforts to amplify their messages about the dangers of the particular weapon. Growing awareness helped escalate the issue to local and national governments, who were asked to support the call for a treaty.

Shifting the Narrative: Each weapons treaty grew out of a recognition that global threats cannot solely be regulated by individual state efforts. Advocacy efforts and contemporary events amplified concerns about each weapon, diminishing the social licence of countries which manufactured or used such weapons, and opening political space for negotiation of a global treaty.

Convening Pioneering Countries: As the political will for a regime to manage the different threats grew, “early mover” groups of countries began to convene strategic talks, often forming committees and hosting international conferences. Such meetings grew and became more formal over time, eventually leading to agreements amongst countries to begin treaty negotiations, or to pass a resolution through the UN system to initiate negotiations under the auspices of the UN. The creation of regional weapons bans and early mover groups of nations helped build global momentum to work towards the ultimate negotiation and adoption of each treaty. Vanuatu’s declaration of support is a pivotal step towards building this diplomatic engagement for a Fossil Fuel Non-Proliferation Treaty.

Introduction

“The alarm bells are deafening, and the evidence is irrefutable: greenhouse gas emissions from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk,” warns **Antonio Guterres, Secretary General of the United Nations**

Fossil fuels are the primary cause of the climate crisis, responsible for approximately 64% of the human-made CO₂ emissions since 1750 and 86% of CO₂ emissions in the last decade.ⁱ

The climate crisis, resulting from the historic and continued burning of fossil fuels, threatens access to clean air, safe drinking water, and food security. A staggering 200 million people are living on land expected to be below the sea level line by the end of the century – presuming that global warming is limited to 2°C.ⁱ Already, air pollution from fossil fuels causes almost 1 in 5 deaths globally each year.ⁱⁱ As global temperatures continue to rise, extreme weather events will continue to become more frequent and intense. Over the last 40 years, the number of dangerous heat waves globally has grown by fiftyfold.ⁱⁱⁱ Given the harms already suffered by the combustion of fossil fuels and the present impacts of climate change, coupled with the scale of the threat that climate change poses to humanity, many have likened fossil fuels to weapons of mass destruction.^{iv}

According to the *IPCC's Special Report on 1.5°C*, we must make “rapid, far-reaching and unprecedented changes in all aspects of society to prevent catastrophic effects of global warming.” The IPCC's AR6 Climate Change 2021 Report, which assesses the latest physical science basis and confirms the urgency of climate action, has

been described as a “code red for humanity” and a “death knell” for fossil fuels. The International Energy Agency's Net Zero 2050 Roadmap confirms that no investment in new oil and gas production is needed if the world aims to limit global warming to 1.5°C.^v

Despite the urgency of the challenge, countries remain on course to produce more than double the amount of fossil fuels than is compatible with a 1.5°C goal, according to the *Production Gap Report (2021)*. While the international community adopted the *Paris Agreement* in 2015 and committed to hold global average temperature increase to well below 2°C (and scientific consensus has since led to wide acceptance of the 1.5°C goal), this agreement does not mention fossil fuels or constrain fossil fuel supply and production.

In this context, a global coalition of organisations, cities, parliamentarians, scientists, researchers and Nobel Laureates are calling for a Fossil Fuel Non-Proliferation Treaty (“Fossil Fuel Treaty”) that would:

- Agree to end the expansion of the fossil fuel industry;
- Manage a rapid and equitable global phase out of existing fossil fuel production; and
- Ensure a peaceful, just, and equitable transition for all communities and countries

ⁱ This projection is based on one moderate future scenario: see Scott A. Kulp & Benjamin H. Strauss, “New elevation data triple estimates of global vulnerability to sea-level rise and coastal flooding” (2019) *Nature Communications* 10: 4844.

Figure 1: Weapons Treaties

Conventional name	Nuclear Non-Proliferation Treaty	Chemical Weapons Convention	Mine Ban Treaty	Nuclear Ban Treaty
Full Treaty Name	<i>The Treaty on the Non-Proliferation of Nuclear Weapons</i>	<i>The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction</i>	<i>The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction</i>	<i>Treaty on the Prohibition of Nuclear Weapons</i>
Date Signed	July 1, 1968	January 13, 1993	December 3, 1997	September 20, 2017
Date Effective	March 5, 1970	April 29, 1997	March 1, 1999	January 22, 2021
Number of Signatory States	191	165	132	86
Number of State Parties²	93	193	164	56
Main Goal of Treaty	To prevent the spread of nuclear weapons; promote peaceful uses of nuclear energy	To virtually eradicate chemical weapons (except for limited non-prohibited purposes)	To eliminate anti-personnel landmines	To eliminate nuclear weapons

² A signatory state to a treaty supports the treaty, but has not consented to uphold and be bound by a treaty's obligations. A signatory state agrees not to defeat the object and purpose of the treaty, but can withdraw its signature from the treaty at any time. A state party to a treaty has consented to be bound by the treaty (through ratification, acceptance, approval or accession) and accepts the treaty's obligations. The treaty text may contain procedures that the state party must abide by if it wishes to withdraw from the treaty.

Lessons from existing weapons regimes

This brief explores lessons that can be learned from existing weapons regimes for a Fossil Fuel Treaty, drawing on the four examples below:

Building an Evidence Base

In the lead up to the negotiation of weapons treaties, civil society has played a vital role in bringing the issue to the fore of international diplomacy through reporting on and raising awareness about the threat. Both fact-finding and transparency have been important precursors to establishing weapons regimes.

Documenting the Threat

The International Campaign to Ban Landmines (ICBL) had a small steering committee that provided global strategic direction and a large coalition of NGOs that mobilised local, national, and regional support for a global ban on mines. NGOs acted independently, which allowed for a broad membership and a range of advocacy strategies.^{vi}

The Nuclear Ban Treaty was also supported by a coalition called the International Campaign to Abolish Nuclear Weapons (ICAN), which grew from a 2006 world meeting of the International Physicians for the Prevention of Nuclear War. Like ICBL, ICAN was made up of an international steering group and team of staff as well as partner organizations.^{vii}

These structures informed the Fossil Fuel Treaty Initiative governance structure, which currently includes an international steering committee, working groups and staff as well as partner organisations who endorse the broad call for a Fossil Fuel Treaty.

Creating Transparency

The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (also known as the Geneva Protocol) was signed in 1925. While this protocol prohibited the use of chemical weapons in war, it did not outline compliance or reporting frameworks regarding chemical weapons, leaving the international community without a system to determine who was complying with

the Geneva Protocol and without a sense of which states were creating, stockpiling, using, importing or exporting chemical weapons.

Eight years before the Chemical Weapons Convention was signed, the Australia Group was formed in response to Iraq's procurement of chemical weapons through states' dual-use exports. After Australia helped harmonise national export controls for 15 industrialised states, an informal voluntary arrangement was struck amongst the countries, who would meet regularly to update the group and coordinate activities. While intended as an interim measure, the group continues to exist today with 43 members, and has since created export control guidelines and various control lists for its members to adhere to. The Australia Group remains an important forum for helping member states fulfil the obligations contained in the Chemical Weapons Convention.^{viii}

The International Atomic Energy Agency (IAEA) was created in 1957 to fill the gap in transparency surrounding nuclear weapons, and as the Nuclear Non-Proliferation Treaty regime developed, it became a key institution. The IAEA established a three-pronged safeguards system to: 1) account for nuclear weapons inventory; 2) contain nuclear weapons by applying locks on nuclear weapons storage areas; and 3) monitor the activity and movement of nuclear materials. Through these measures, the IAEA sought to ensure that states did not use nuclear programs for the purpose of nuclear weapons. As nuclear safeguards were mandatory for all non-nuclear weapon states who signed the Nuclear Non-Proliferation Treaty, the IAEA became the main verification system for the Treaty upon its entry into force.

The International Committee of the Red Cross began collecting data on landmines in the early 1990s after noticing that a substantial and increasing amount of the wounded that they treated were victims of landmines. The Red Cross reported on its findings shortly after Human Rights Watch published a report calling for a ban on anti-personnel mines.^{ix} Shortly thereafter, the International Campaign to Ban Landmines (ICBL) was formed by Human Rights Watch and five other organisations.

Igniting Conversations

With a foundational understanding of the threat at hand, civil society actors launched campaigns, petitions and other advocacy efforts to amplify their messages in support of establishing new weapons treaties. As individual awareness of each movement began to grow, local and national governments were increasingly asked to support the call for a treaty by either passing a resolution endorsing a treaty or enacting a ban on the weapon.

Advocacy Actions

Advocacy efforts were often pivotal in mobilising individual elected officials, as well as local and national governments. Pressure from NGOs was the most-cited answer from conference delegates as to why their nation had decided to sign the Mine Ban Treaty.^x For instance, Handicap International organised a conference to present a French translation of Human Rights Watch's landmine report and launch a call for a landmine ban. This report was distributed to all French and Belgian legislators and European Parliament members, which led to a European Parliament resolution calling for an immediate halt of the export of landmines, and later, a French moratorium on exporting landmines and a Belgian ban on the production, export and import of anti-personnel mines and call for the destruction of existing stockpiles.

Mobilising Cities

Italy was historically one of the top three global producers and exporters of anti-personnel mines. However, civil society efforts mobilised more than 160 Italian city councils to pass resolutions supporting a ban on using and producing anti-personnel mines and Italy's parliament passed a national ban on anti-personnel mines in 1997.

In 2018, ICAN launched its Cities Appeal, which calls for cities to support the Nuclear Ban Treaty and lobby their governments to join the treaty. To date, hundreds of cities and local regional bodies in 18 countries around the world have taken the Cities Appeal.^{xi}

The Fossil Fuel Treaty Initiative has launched a similar campaign, which is rapidly growing with many cities around the world now endorsing the need for a Fossil Fuel Non-Proliferation Treaty and calling on their governments to enter into international negotiations. A sister campaign by international NGO Stand.Earth called SAFE Cities encourages local efforts to limit and phase out fossil fuels, amplifying local policies into a global call for action.^{xii}

Elected Officials

National Mine Ban Treaty campaigns made significant advances when they were championed by elected officials. For instance, the appointment of NGO advocate Xavier Emmanuelli as France's Secretary of State for Humanitarian Affairs ensured that information regarding landmines was relayed to and considered by high-level officials. Three days after the first large-scale public demonstration occurred in four French cities, Emmanuelli announced that France would stop producing anti-personnel mines as well as reduce its stock of mines.^{xiii} Similarly, upon election to Japan's House of Representatives, a former NGO representative was enabled to bring up the landmine issue in Parliament.

In 2016, ICAN mobilised 838 Parliamentarians to sign an appeal calling for the immediate elimination of nuclear weapons, which was delivered to the Chair of a UN working group established in 2013 to carry forward multilateral nuclear disarmament negotiations.^{xiv}

Drawing from these lessons, a group of Parliamentarians from the Global South launched an open letter calling for a Fossil Fuel Free Future, which recognises the need for treaties to address the global threat of fossil fuels. Signatories include Parliamentarians from every continent.^{xv}

Shifting the Narrative

Advocacy efforts and contemporary events amplified concerns about the weapon in question and whether the spread of it was in a country's national interest, causing a diminished political acceptance of the weapon. For instance, the 1954 Lucky Dragon Incident (where a Japanese fishing boat and its passengers were exposed to fallout from a test explosion of a US hydrogen bomb) and the 1962 Cuban Missile Crisis (a confrontation between the US and the Soviet Union which nearly led to a nuclear exchange) escalated global interest in nuclear non-proliferation, and convinced many countries that stopping the spread of nuclear weapons was in their national interest.^{xvi} Similarly, the heavy use of chemical weapons in World War I and other conflicts encouraged disarmament conversations. As more individuals and governments supported these humanitarian movements, global shifts began to occur.

Reframing the Narrative

Both the Nuclear Ban Treaty and Mine Ban Treaty campaigns benefited from reframing the conversation from a defence issue into a humanitarian issue. The ICBL and NGOs emphasised that landmines did not distinguish between soldiers and innocent children, and used startling images of landmine victims in their campaigns. Instead of blaming the states which made or used landmines, however, campaigners drew attention to the weapons themselves, noting how their butterfly-like shape intrigued children. This framing allowed states to position themselves as part of the solution.^{xvii}

The Nuclear Non-Proliferation Treaty reframed the conversation from a defence issue to a foreign policy issue, which also changed who participated in states' decision-making processes. Both the Nuclear Non-Proliferation Treaty and the Chemical Weapons Convention were portrayed as a better alternative to not having an agreement to control these weapons. There could be a world with or without chemical weapons, and to be part of a world without chemical weapons, the Chemical Weapons Convention was needed.

Rather than targeting the countries and companies which were producing or exporting landmines, the ICBL focused its efforts on countries which could be pressured by NGOs, including Canada, US, Europe, Australia and

New Zealand, as well as sought to build support in mine-affected regions. It was initially small or medium-sized states who advanced the call for the landmine ban. Similarly, while the debate on nuclear weapons had been historically dominated by nuclear-armed states, ICAN realised that it could mobilise governments who do not possess nuclear weapons (i.e. the global majority) to advocate for a nuclear weapons ban.

In 1997 a group of legal and scientific experts drafted a treaty for the abolition of nuclear weapons and Costa Rica submitted the draft to the UN Secretary-General for discussion. Following the circulation of this draft, in 1999 the *International Association of Lawyers Against Nuclear Arms*, the *International Network of Engineers and Scientists Against Proliferation*, and the *International Physicians for the Prevention of Nuclear War* published a manuscript titled "Security and Survival. The Case for a Nuclear Weapons Convention". This publication contained the draft treaty text, and explained the rationale for a convention as well as explored potential political pathways to achieve this convention. In 2007, these same groups published an updated version of this document, which considered and responded to major political and social changes over the previous decade, and the Costa Rican and Malaysian governments submitted this text for circulation in the UN General Assembly. While this was not the text that was ultimately negotiated, the framing of the threat as something that needed to be addressed through international governance helped build momentum within the UN system. The following year, then UN Secretary-General Ban Ki-Moon urged nations to negotiate a nuclear weapons convention, and in 2015, a UN working group was established to advance a nuclear ban.^{xviii}

Shifting Norms

The Nuclear Non-Proliferation Treaty campaign successfully changed the way nuclear weapons were perceived. Historically, obtaining nuclear status was seen as a symbol of power. As calls for the Nuclear Non-Proliferation Treaty began to grow, however, many states agreed to forego pursuing nuclear weapons and support the Treaty. Over time, states were forced to declare their nuclear intentions, and it became less politically viable for states to appear pro-nuclear weapons.^{xix}

This change in the international community was also evidenced by the tabling of four resolutions at the UN General Assembly (UNGA) by Ireland between 1958 to 1961. The first draft resolution called for the creation of a committee which would study the dangers of nuclear proliferation and report back to the UNGA. Disagreements ensued as to whether an existing body should instead be used to examine the problem, whether a ban on dissemination was necessary, and whether an agreement should allow nuclear-weapon states to keep their weapons. To overcome the deadlock, Ireland called for a vote to be held on a single paragraph of the resolution that recognized the danger of nuclear proliferation. While 44 states abstained from the vote, 37 parties voted in favour of the resolution. This vote created a foundational acknowledgment of the danger of nuclear weapons and established a foothold to launch subsequent non-proliferation efforts. Satisfied with this result, Ireland withdrew the draft resolution.

The following year, Ireland tabled a second resolution which was adopted by the UNGA that pointed to an international agreement as a possible solution to halt the spread of nuclear weapons. Ireland brought forward a third resolution in 1960 which stated that an international agreement was the only solution to stop the spread of nuclear weapons, and a fourth resolution the following year which called for states to work towards this agreement. This incremental strategy was highly successful, as none of the four resolutions had a single vote against them (although several states abstained from voting).^{xx}

During ICAN's campaign to ban nuclear weapons, global norms began to shift after the realisation that banning nuclear weapons did not require the approval of the nuclear-armed states. While governments that did not possess nuclear weapons could not eliminate them, they could and did take action to stop other states from retaining them, altering the status quo of nuclear disarmament.^{xxi}

Convening States

As the international consensus on the threat of each weapon shifted, countries began to join together to navigate the negotiation and creation of a treaty. Where a global ban was not immediately possible, regional blocks were often used to show support for a global treaty. Countries also held strategic meetings and international conferences to advance treaty negotiations.

Regional bans

The world's first landmine-free zone came from six governments in Central America, who committed to halting the use, production, trade, and stockpiling of anti-personnel mines by the year 2000. Fifteen Caribbean countries also formed a regional mine-free zone.

Regional treaties were also used in the nuclear non-proliferation movement. In 1963, a Partial Test Ban Treaty was signed by the US, USSR and the UK, which banned nuclear weapons testing in the atmosphere, outer space, and underwater. Four years later, the Treaty of Tlatelolco opened for ratification, which established a regional nuclear weapon-free zone in Latin America and the Caribbean. Signatories to this treaty committed not to test, develop or import nuclear weapons, as well as forbid foreign-controlled nuclear weapon bases from operating in their country.^{xxii}

Strategic Meetings

As each non-proliferation movement gained momentum, countries began to come together to discuss how to bring about such change. The US, UK, France and the Soviet Union met in 1959 at what became known as the "Big Four" meeting, where they agreed to resume disarmament talks and establish the ten-nation disarmament committee. Although the ten-nation disarmament committee was dissolved after various state members withdrew, it was succeeded by the eighteen-nation disarmament committee which negotiated the Nuclear Non-Proliferation Treaty. In 1969, this committee was renamed the Conference of the Committee on Disarmament and was expanded to 26 state party members.

A regionally-representative “Core Group” of eleven nations was created to increase political will and build momentum for the Mine Ban Treaty and work towards a conference to negotiate the ban. These state members were countries which had agreed to meet with the ICBL and the Red Cross, had been previously consulted on the topic, or had demonstrated that they were ready to move quickly towards a ban.

In 2010, the US and Russia signed a nuclear arms reduction treaty that limited the number of deployed nuclear warheads. This treaty was recently extended until 2026.^{xxiii}

International Conferences

International conferences played a pivotal role in advancing negotiations towards non-proliferation treaties.

ICBL organised international conferences to help raise the profile of its campaign. While its first conference, held in England in 1993, was attended by a mere 70 representatives from 40 NGOs, its third conference hosted two years later in Cambodia was attended by 450+ participants from 40+ countries. Thereafter, ICBL organised three meetings between pro-ban states to discuss a landmine ban, and then the Canadian government hosted a pair of “Ottawa Conferences” in 1996 and 1997 which culminated in the signing of the Mine Ban Treaty.

The initial Ottawa conference, seen as an alternative to the slow-moving traditional means of diplomatic negotiation, was attended by the ICBL, 50 self-selected states who supported a ban, 24 observer states (who did not explicitly support the ban), dozens of NGOs, several UN agencies, and other international organisations. After

this conference, negotiations were held between 87 governments (with another 33 states as observers) to address areas of difficulty in the draft Treaty text that had been proposed by Austria. At the second conference, held a mere 14 months after the first Ottawa conference, the Mine Ban Treaty was signed by 122 nations.^{xxiv}

A pair of conferences held in 1989 was also pivotal in advancing the Chemical Weapons Convention. First, an intergovernmental conference was held in Paris, France in which the international community reconfirmed its commitment to the 1925 *Geneva Protocol*. Nine months later, a conference was held in Canberra, Australia which was attended by government and industry representatives and allowed for industry concerns about a convention to be raised and addressed. The chemical industry’s involvement with and support of the Chemical Weapons Convention was critical for its successful ratification by many countries.^{xxv}

In 2013, Norway hosted the first-ever intergovernmental conference to examine the humanitarian impact of nuclear weapons, bringing together diplomats from 128 states (although none of the five original nuclear-weapon states participated). A second conference was held in Mexico the following year where the conference Chair called for a diplomatic process to ban nuclear weapons. At the third conference in Austria, which was attended by 158 states, Austria issued a national pledge calling for the ratification of the Nuclear Ban Treaty which was signed onto by 127 countries. These conferences, alongside state concerns expressed in various UN committees and working groups, helped pave the way for a December 2015 UNGA vote in which 138 nations decided to establish a UN working group to advance a nuclear ban.



Treaty Elements

When it comes to the methods of regulating the threat in question, a range of different approaches and provisions were adopted by the weapons treaties. These approaches are set out below.

Declarations

Both the Chemical Weapons Convention and the Nuclear Ban Treaty require parties to make declarations when joining the treaty. The Nuclear Ban Treaty requires states to disclose whether they previously had a nuclear weapons program, as well as whether they currently have or hold nuclear weapons, and the Chemical Weapons Convention requires information about chemical weapons stockpiles and facilities.

Prohibitions

All four weapons treaties contain prohibitions on the use, transfer, development, acquiring, production, retention, and/or stockpiling of these weapons. The Nuclear Ban Treaty goes further in also prohibiting the encouragement of others to engage in any prohibited activity. The Nuclear Non-Proliferation Treaty has imbalanced obligations, as it allows the five original nuclear weapon states to retain their nuclear arms; this two-tiered system has been highly criticised for preserving inequalities.

Obligations

States which enter into weapons treaties may be obligated to destroy the weapons (for e.g. in the Chemical Weapons Convention and Mine Ban Treaty) or pursue further disarmament negotiations (the Nuclear Non-Proliferation Treaty). Both the Nuclear Ban Treaty and the Mine Ban Treaty also included positive obligations which mandate states to provide victim assistance. The Nuclear Ban Treaty requires state parties to assist those in its jurisdiction who are affected by the use or testing of nuclear weapons, while the Mine Ban Treaty mandates state parties who are “in a position to do so” to assist other state parties in helping mine victims, providing de-mining assistance, and helping destruct mines.

Implementation Agencies & External Agreements

Both the Nuclear Non-Proliferation Treaty and the Chemical Weapons Convention utilise implementation agencies who carry out the terms of the treaty. The Organization for the Prohibition of Chemical Weapons (“OPCW”) is comprised of the Conference of the States

Parties, the Technical Secretariat, and the Executive Council, which includes a rotation of 41 member states who are regionally representative. The OPCW oversees and verifies that all declared chemical weapons and facilities are deactivated or destroyed, as appropriate, and inspects the production of dual-use chemicals to ensure they are only used for peaceful purposes. The Chemical Weapons Convention’s verification system covers a broad scope of controlled state and private activities.

The IAEA establishes a Safeguards Committee to make recommendations to the inspections team about the Nuclear Non-Proliferation Treaty. The system’s main priorities are to maintain the material inventory, contain and monitor the storage areas, and survey the movement of nuclear materials. The application of general principles enshrined in the Nuclear Non-Proliferation Treaty are contained in external safeguard agreements, which can be (and have been) strengthened over time to increasingly constrain states’ nuclear programs.

Compliance

While the Mine Ban Treaty and the Nuclear Non-Proliferation Treaty lack an implementation or verification body, state parties to the Mine Ban Treaty can establish a fact-finding mission to investigate alleged issues of non-compliance. The Chemical Weapons Convention provides for routine and challenge inspections by the OPCW. While challenge inspections can be triggered by state parties who suspect that another state is non-compliant with the Convention, this tool has not been used to date. Allowing states to submit anonymous tips could increase the use of this tool. If the OPCW finds during an inspection that state parties have engaged in prohibited actions which could seriously damage the Convention, they can recommend collective punitive measures to other state parties.

Conflict Management

The Chemical Weapons Convention’s verification system and call for consultation, cooperation and fact-finding help prevent conflicts, while an internal dispute settlement mechanism exists to help resolve conflicts that do arise. Under the Nuclear Ban Treaty, when disputes arise between state parties, they are to negotiate towards a peaceful solution in accordance with the UN Charter.^x

Conclusion

While the production and use of fossil fuels remains commonplace, there is a scientific consensus that global reliance on fossil fuels cannot be sustained and most fossil fuel reserves need to remain in the ground in order to limit warming to 1.5°C. The continued use of fossil fuels poses a grave threat to our future.

While the norm surrounding fossil fuels is beginning to shift, fossil fuels remain embedded in the national development or economic systems of many countries.

The Fossil Fuel Treaty seeks to end new exploration and production of fossil fuels, phase out the production of existing fossil fuels, and foster the international cooperation needed to manage a global just transition.

The success of these humanitarian movements demonstrate how a global shift in norms and practices can be achieved, and provides hope for the campaign towards a fossil fuel free future.

This brief highlights key findings from research memos prepared by **Christie McLeod** and **Kate Raffety** for the **Fossil Fuel Non-Proliferation Treaty Initiative**. Brief developed by Christie McLeod. Thank you to Kate Raffety and the International Justice Initiative at the University of Tasmania for their research assistance. Thank you to Rebecca Byrnes, Deputy Director of the Fossil Fuel Non-Proliferation Treaty Initiative for reviewing this brief.

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The Fossil Fuel Non-Proliferation Treaty is a diverse coalition of thousands of civil society organisations and individuals working towards a Treaty to govern the equitable phase out of fossil fuels, end expansion of fossil fuel production and foster a global just transition.

All views and outputs from the Fossil Fuel Non-Proliferation Treaty's research papers are attributable to the author, and are designed to contribute to the evidence base and global epistemic community working towards these goals. The Treaty Initiative welcomes feedback and reflections from coalition members and others, and encourages academics and researchers from around the world to contribute to this growing evidence base through their own analysis and expertise.

Further Reading

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