



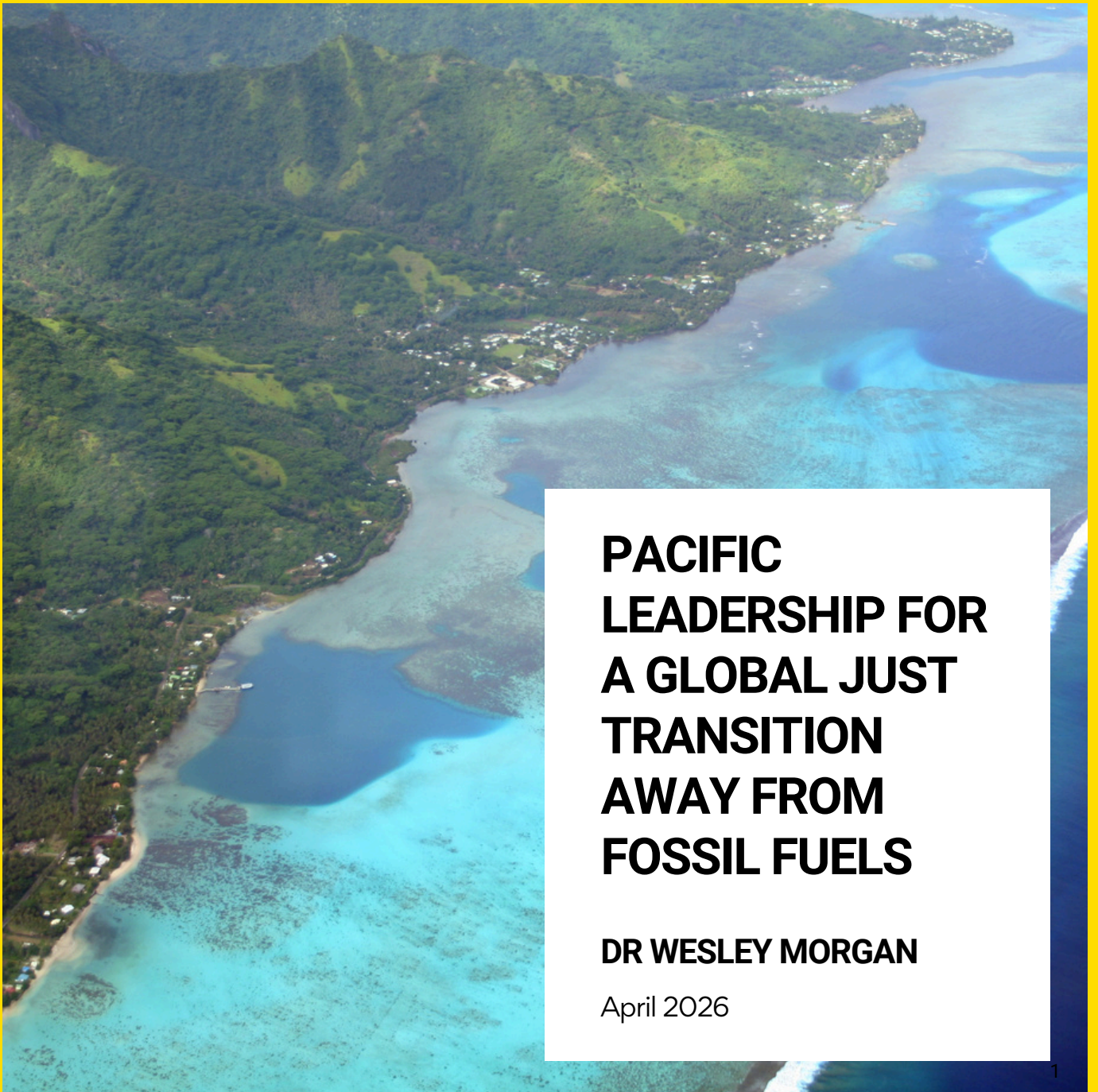
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AUSTRALIAN CLIMATE ACCOUNTABILITY PROJECT

WORKING PAPER



**PACIFIC
LEADERSHIP FOR
A GLOBAL JUST
TRANSITION
AWAY FROM
FOSSIL FUELS**

DR WESLEY MORGAN

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About the Author

Dr. Wesley Morgan is a Research Associate with the Australian Climate Accountability Project at the UNSW Australian Human Rights Institute. He has written widely on climate change and international relations, with a focus on Australia and the Pacific islands. His research considers the ways countries work together at the UN to tackle climate change and integrate climate change into their foreign policy and national security strategies. His work also considers international law obligations to shift away from fossil fuels. Wesley is a research associate with the Institute for Climate Risk & Response (UNSW) and a fellow at the Climate Council of Australia.

About this Working Paper

A shortened version of this Working Paper was prepared as a background paper for the Pacific Small Island States (PSIDS) Ministerial Dialogue on the Global Just Transition. Pacific Preparatory Meeting for the 1st International Conference on the Just Transition Away from Fossil Fuels (13-15 April, 2026; Port Vila, Vanuatu).

About the Australian Climate Accountability Project

The Australian Climate Accountability Project is a world-first research project tackling Australia's fossil fuel exports, our biggest contribution by far to the climate crisis. Housed at the UNSW Australian Human Rights Institute, a global leader in applied human rights research, the Australian Climate Accountability Project has a track record of driving high-impact multidisciplinary research to hold governments and corporations accountable for climate harms.

Contact Us

<https://www.humanrights.unsw.edu.au/research/australian-climate-accountability-project>
acapteam@unsw.edu.au

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Pacific leadership for a global just transition away from fossil fuels

Author

Dr Wesley Morgan

Abstract

This paper considers the role played by Pacific island countries in the global transition away from fossil fuels. Pacific island countries have shaped global efforts on climate change for decades. Working together as a bloc, Pacific nations helped secure the Paris Agreement and international commitment to limit warming to 1.5°C. Pacific nations have also clarified the legal obligations of countries to protect the Earth's climate system, by securing advisory rulings from the International Court of Justice and the International Tribunal on the Law of the Sea. These rulings have been unequivocal: all countries must move away from fossil fuel production and consumption. Pacific countries are now pressing for a managed global phaseout of fossil fuels. This paper considers two complementary pathways. First, Pacific nations aim to launch negotiations for a standalone treaty to end fossil fuel expansion and secure a just transition away from coal, oil and gas. Second, Pacific nations are collaborating with Australia to lead the United Nations climate negotiations toward COP31, to be held in Türkiye in 2026. This is an opportunity to launch a global roadmap away from fossil fuels and integrate international law obligations into the implementation of the Paris Agreement, including by detailing efforts to cut fossil fuel production and consumption in national climate plans. This paper evaluates prospects for both pathways and opportunities to build consensus for a managed phase out of fossil fuels.

Introduction

This paper considers the role played by Pacific island countries in the global transition away from fossil fuels. Through collective diplomacy and determined strategy in multilateral climate talks, Pacific nations helped secure the 2015 Paris Agreement and international commitment to limit global warming to 1.5°C. Pacific nations have also clarified the legal obligations of countries to protect the Earth's climate system, by leading the diplomatic campaign for advisory rulings from the International Court of Justice and the International Tribunal on the Law of the Sea. These rulings found countries must move away from fossil fuel production and consumption. The continued use of coal, oil and gas is polluting the world's oceans and is the primary driver of the climate crisis. A rapid transition from fossil fuels to clean energy technologies is needed to limit damage to the Earth system and meet shared climate goals.

Others have considered the influence of Pacific island countries in global climate diplomacy.¹ However this paper is the first to detail how Pacific countries have strengthened normative

¹ For a comprehensive overview see: Wesley Morgan, Sala George Carter and Fulori Manoa, 'Leading from the Frontline: A history of Pacific climate diplomacy', *Journal of Pacific History* (2024) Vol 59, No. 3, 353-374. See also: Eric Shibuya, "'Roaring mice against the tide": The South Pacific Islands and Agenda-Building on Global Warming', *Pacific Affairs* 69, No. 4 (1996): 541-555; John Ashe, Robert Van Lierop, Anna Cherian, 'The role of the Alliance of Small Island States (AOSIS) in the negotiation of the United Nations Framework Convention on Climate Change (UNFCCC)', *Natural Resources Forum*, 23 (1999); Jon Barnett and John Campbell, *Climate Change and Small Island States: Power, Knowledge and the South Pacific* (London: Earthscan, 2010); Carola Betzold, "'Borrowing" Power to Influence International Negotiations: AOSIS in the Climate Change Regime, 1990-1997' *Politics* Vol 30, No. 3 (2010) 131-148; George Carter, 'Pacific Island States and 30 years of Global Climate Change Negotiations', in Carola Klock, Paul Castro, Florian Weiler, Lau Blaxekjar (eds.) *Coalitions in the Climate Change Negotiations* (Routledge 2020).

commitment to phase out fossil fuels. Pacific nations have proposed unique initiatives including a regional fossil fuel treaty and a moratorium on fossil fuel expansion. Today, Pacific nations are part of a bloc of countries proposing an international treaty for a just and orderly phase out of fossil fuels. Pacific countries have also set a bold vision for a Fossil Fuel Free Pacific as they aim to be the first region of the world 100% powered by renewable energy.

This paper considers the path forward. The vast majority of countries remain committed to the 2015 Paris Agreement and have set (and updated) national plans to cut emissions as required under the treaty. With the Paris Agreement in place, the global climate regime has now entered a new phase of *implementation*, with a focus on measures to increase the use of renewable energy and improve energy efficiency. To meet the Paris Agreement's temperature goal countries will also need to focus on phasing out fossil fuel production and consumption. Currently, governments worldwide are planning to produce more than double the amount of coal, oil and gas by 2030 than would be compatible with limiting warming to 1.5°C.²

Two pathways have emerged for a managed shift away from coal, oil and gas. First, a 'coalition of the willing' that includes eleven Pacific island countries has proposed a standalone treaty to end fossil fuel expansion and secure a just transition away from coal, oil and gas. Second, in the formal UN climate talks, a large bloc of countries supports a global roadmap away from fossil fuels which could see countries detailing efforts to cut fossil fuel production and consumption in national climate plans due by 2030. These two pathways are interlinked. It is likely that the push for a fossil fuel treaty has ensured multilateral talks are, finally, focussed on the most-difficult element of international climate governance - the phasing out of fossil fuels. The first international conference on transitioning away from fossil fuels will be held in Colombia in April 2026. A second conference is expected to be held in the Pacific in 2027.

This paper is organised into two parts. The first considers the history of Pacific leadership to address the climate crisis, with a focus on Pacific-led initiatives to accelerate the transition away from fossil fuels. The second section considers the current state of play of the global climate regime and the path forward for a rapid, just and equitable transition away from coal, oil and gas. The significance of Pacific leadership away from fossil fuels is considered in the paper's conclusion.

Part 1: A history of Pacific leadership to address the climate crisis

Pacific island countries have played a central role in the evolution of the global climate regime. Working together as a bloc of nations – and in coalition with other countries – Pacific countries have shaped international rules to cut climate pollution. Pacific island countries have earned a reputation for 'sticking to the science' by consistently calling for action to avoid climate harm and ensure the survival of vulnerable islands and ecosystems. Their role was especially crucial for securing the 2015 Paris Agreement, which now guides international collaboration to tackle climate change. Today, Pacific countries are spearheading a diplomatic campaign for a just and equitable global phase-out of fossil fuels. They have proposed new initiatives to augment the core elements of the climate regime. These initiatives are focussed on a managed decline of fossil fuel production and consumption.

Pacific diplomacy to address climate change dates back to the late 1980s, when scientific assessments of global warming and sea-level rise painted a dire picture, particularly for low-lying atoll nations. A report prepared for the South Pacific Regional Environment Program (SPREP) in mid-1988 warned that 'global warming threatens the physical and cultural survival

² SEI, Climate Analytics, & IISD. (2025). The Production Gap Report 2025. Stockholm Environment Institute, Climate Analytics, and International Institute for Sustainable Development. <https://productiongap.org/2025report/>

of several South Pacific societies'.³ This saw a coordinated political response from island leaders, who declared 'the cultural, economic and physical survival of Pacific nations is at great risk' and called for industrialised countries to 'enact immediately significant cuts in the emission of greenhouse gases'.⁴

Pacific countries developed collective strategies to press the international community to take action. In 1990 they formed a diplomatic alliance with island nations in the Caribbean and the Indian Ocean - the Alliance of Small Island States (AOSIS). This grouping advocated for the unique concerns of island nations during negotiations for a United Nations Framework Convention on Climate Change (UNFCCC) at the landmark 1992 Earth Summit in Rio de Janeiro, Brazil.⁵ At this time AOSIS advocated targets for developed countries to limit emissions and proposed a compensation fund to pay for loss and damage incurred by climate change, with funds to be provided by industrialised nations on the principle of 'polluter pays'.⁶

Pacific island countries then shaped key discussions at the UN climate talks, helping to secure international climate agreements. The UNFCCC established a shared objective of preventing 'dangerous anthropogenic interference with the climate system' and paved the way for more stringent measures to be negotiated as subsequent protocols under the convention.⁷ Pacific leaders described the convention as 'an important first step' and called for early commencement of negotiations for a tougher protocol. In 1994, before the first Conference of Parties to the UNFCCC (COP1), Nauru put forward a draft protocol on behalf of AOSIS that would require industrialised nations to cut emissions by 20% [from 1990 levels] by the year 2005. This was the first draft of what became the 1997 Kyoto Protocol, which required wealthy nations to reduce greenhouse gas emissions according to agreed schedules.

From the outset, the Kyoto Protocol was limited in its scope and its effectiveness. Major developing economies, including China and India, were not required to cut emissions and the United States, the world's biggest source of climate pollution, did not ratify the protocol. Pacific island countries helped to develop a successor to the Kyoto Protocol when it proved inadequate to the task of avoiding dangerous climate change. In 2007 countries agreed to work toward a new global agreement at the 2009 UN climate talks in Copenhagen. Pacific island countries pressed for a treaty that would limit global warming to 1.5°C above the long-term average. When AOSIS commissioned a scientific assessment that found warming beyond this threshold would have dire consequences for small island states, the rallying cry for Pacific negotiators became '1.5 to stay alive'.⁸ Both Tuvalu and AOSIS proposed a legal text for a 'Copenhagen Protocol' that would aim to limit warming to 1.5°C and would require a global reduction in emissions by 85 per cent (from 1990 levels) by 2050.⁹

As it was, Copenhagen failed to deliver an agreed protocol. Significant differences remained between wealthy nations and developing countries and issues around equity and burden-

³ Peter Hulm (ed.) *A Climate of Crisis: Global Warming and the Island South Pacific*. (Port Moresby: Association of South Pacific Environmental Institutions, 1989).

⁴ South Pacific Forum, 'Annex 6: Forum Communiqué', in *Twenty-First South Pacific Forum: Agreed Record*, SPFS(90)

⁵ The UNFCCC recognized the special circumstances of small island developing states, who were allocated specific seats on various bodies established under the convention.

⁶ See: John W. Ashe, Robert Van Lierop and Anilla Cherian, 'The Role of the Alliance of Small Island States (AOSIS) in the Negotiation of the United Nations Framework Convention on Climate Change (UNFCCC)' *Natural Resources Forum* 23, no. 3 (1999): 210. See also: Christopher Bartlett (2026) Loss and damage funding arrangements: role of the Republic of Vanuatu in shaping global policy and practice. *Frontiers in Human Dynamics*. doi: 10.3389/fhumd.2025.1658909

⁷ See Article 2 of the United Nations Framework Convention on Climate Change (1992).

⁸ Alliance of Small Islands States, 'AOSIS Input into the "Shared Vision" Assembly Document, UNFCCC Climate Conference, Poznan, December 2008.

⁹ Lisa Williams-Lahari, "'1.5 to stay alive" the only option: AOSIS', *Climate Pasifika*, 8 Dec.

2009, https://climatepasifika.blogspot.com/2009/12/15-to-stay-alive-only-option-aosis_08.html

sharing, finance and legal liability were especially difficult. Instead, countries 'noted' a short 'Copenhagen Accord' which included a global goal of limiting warming to below 2°C and saw developing countries agree to take action to cut emissions. For their part, developed countries committed to mobilise one hundred billion dollars a year by 2020 to help developing countries address climate change.

After Copenhagen, Pacific island countries played a crucial role securing a global agreement in Paris in 2015. Leadership from the Marshall Islands proved especially important. Marshall Islands foreign minister Tony de Brum helped to build consensus by stitching together a diplomatic coalition across traditional negotiating blocs in the UN climate talks. During 2015, de Brum convened a core group of foreign ministers from both developed and developing countries to arrive at shared positions for a new climate treaty. Worried they would be compromised, they met in secret and hand-wrote sensitive communications. During the COP21 talks in Paris, this core group was joined by the African, Caribbean and Pacific grouping of states, which swelled the group's membership to almost 100 countries. The European Union and the United States also joined. De Brum formally launched this 'High Ambition Coalition' halfway through the Paris talks. He also convinced Brazil to join. This was pivotal as Brazil was part of a negotiating coalition that included South Africa, India and China; and Brazil's support helped ensure India and China would not veto a final agreement.

Pacific island countries shaped the final design of the Paris Agreement. The campaign to limit warming to 1.5°C is reflected in the agreement's ultimate objective of limiting warming 'to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels'. Carefully crafted, this wording reflected a compromise among the negotiating blocs. Here, de Brum played a key role, as he brokered wording on the temperature goal to bring Brazil across to the positions of the High Ambition Coalition.

To help meet this temperature goal, the Paris Agreement committed countries to work together to achieve net-zero emissions globally by around mid-century.¹⁰ To get to net-zero, countries were required to set national plans to cut emissions. Countries would have discretion over these 'Nationally Determined Contributions' (NDCs), but be required to pledge new, more ambitious, emissions targets every five years. These national contributions would be collated in a periodic 'Global Stocktake' to review progress (and to allow countries to discuss shared measures to course correct). This process was designed to enable a 'ratcheting up' of ambition over time. By this means countries would work together to gradually decarbonise the global economy.

The role Pacific island countries played in securing the Paris Agreement and shaping its final design (especially the requirement that countries pursue efforts to limit warming to 1.5°C) has been widely recognised. When he met with island leaders in Hawaii in September 2016 for example, US president Barack Obama explained 'We could not have gotten a Paris Agreement without the incredible efforts and hard work of the Island nations. They made an enormous difference ...'.¹¹

Post-Paris: Moving beyond emissions to address fossil fuels directly

The Paris Agreement was a major diplomatic breakthrough, providing the first truly global agreement to tackle greenhouse gas emissions. However the agreement did not explicitly mention the chief source of emissions, namely the continued production and use of coal, oil and

¹⁰Achieving "a balance between anthropogenic emissions by sources and removals by sinks of GHGs in the second half of the century" is deemed to be key to limiting warming to well-below 2°C. <https://unfccc.int/most-requested/key-aspects-of-the-paris-agreement>

¹¹ Office of the Press Secretary, 'Remarks by the President to Leaders from the Pacific Island Conference of Leaders and the International Union for the Conservation of Nature World Conservation Congress', The White House, 1 Sept. 2016

gas. Pacific island countries moved quickly to complement the agreement with initiatives that might deal directly with fossil fuels.

In 2015, even as negotiations toward an agreement in Paris were still underway, Pacific leaders issued a regional declaration calling for ‘an international moratorium on the development and expansion of fossil fuel extracting industries, particularly the construction of new coal mines, as an urgent step toward decarbonising the global economy’.¹² Notably this declaration was made by leaders at the Pacific Islands Development Forum (PIDF), a regional diplomatic grouping that excluded Australia and New Zealand.¹³

In 2016, Pacific island leaders considered a world-first regional treaty to ban fossil fuel production.¹⁴ A model ‘Pacific Climate Treaty’ was considered by leaders at the 2016 summit of the Pacific Islands Development Forum¹⁵ This proposal was intended as a regional complement to the global Paris Agreement and would commit State parties to ban new coal or fossil fuel mines; phase out existing coal or fossil fuel production; as well as banning subsidies for fossil fuel production or consumption.¹⁶

While Pacific island countries were not (and are not) significant fossil fuel producers, the proposed Treaty would demonstrate Pacific leadership and set an example to the world. The proposed Treaty would be similar to other regional and international treaties banning and phasing out weapons, harmful substances or products - such as the Montreal Protocol, the Basel Convention, the Chemical Weapons Convention, the Biological Weapons Convention, the Mine Ban Treaty and the Treaty Prohibiting Nuclear Weapons.

The proposed Pacific Climate Treaty drew on the legacy of Pacific anti-nuclear activism and diplomacy. A social movement for a ‘Nuclear Free and Independent Pacific’ during the 1970s and 80s culminated in the establishment of a South Pacific Nuclear Free Zone Treaty (SPNFZ) which established a ‘nuclear free zone’ across a vast swathe of the Pacific Ocean.¹⁷ As a regional agreement it strengthened the global nuclear non-proliferation regime. The proposed Pacific Climate Treaty would work in a similar way for the climate regime, strengthening global efforts to phase out fossil fuels and complementing the Paris Agreement ‘by imposing the first-ever moratorium on new coal and fossil fuel mines in a legally binding instrument covering a huge portion of the Earth’s surface’.¹⁸

¹² Suva Declaration on Climate Change, adopted under the auspices of the Pacific Islands Development Forum (PIDF), September 2015. <https://www.pidf.int/wp-content/uploads/2017/07/Suva-declaration-on-climate-change.pdf>

¹³ Established by Fiji in 2013 as a rival to the longer-standing Pacific Islands Forum, PIDF acted as a site for establishing island-only regional positions on issues of concern, especially regarding climate change. Australia in particular has tended to use a veto power within the Pacific Islands Forum to ‘water down’ regional consensus positions on climate change. For discussion see : pp 281-285. Greg Fry. 2019. *Framing the Islands: Power and Diplomatic Agency in Pacific Regionalism*. See also, Wesley Morgan, Sala George Carter and Fulori Manoa, ‘Leading from the Frontline: A history of Pacific climate diplomacy’, *Journal of Pacific History* (2024) Vol 59, No. 3, 353-374

¹⁴ See: Michael Slezak (2016) *Pacific islands nations consider world's first treaty to ban fossil fuels*. The Guardian. 14 July 2016. <https://www.theguardian.com/world/2016/jul/14/pacific-islands-nations-consider-worlds-first-treaty-to-ban-fossil-fuels>

¹⁵ A ‘Model Climate Treaty’ was commissioned by the Pacific Islands Climate Action Network (PICAN) and prepared by Dr Margaretha Wewerinke-Singh, from the law school of the University of the South Pacific, in discussion with the PIDF Secretariat.

¹⁶ See: Margaretha Wewerinke-Singh (2017) *Thinking Globally, Acting Regionally: The Case for a Pacific Climate Treaty* (June 23, 2016). Available at SSRN: <http://dx.doi.org/10.2139/ssrn.3053729>

¹⁷ See: Nic Maclellan (2024) Resistance and Survival - the Nuclear Era in the Pacific. *Journal of Pacific History*. Vol. 59; Issue 1.

¹⁸ Margaretha Wewerinke-Singh (2017) *Thinking Globally, Acting Regionally: The Case for a Pacific Climate Treaty* (June 23, 2016). Available at SSRN: <http://dx.doi.org/10.2139/ssrn.3053729>

At the same time Pacific countries worked to secure the Paris Agreement and contemplated a regional fossil fuel ban, island governments also helped to strengthen the nuclear non-proliferation regime. Pacific island countries played a central role in negotiations for the Treaty Prohibiting Nuclear Weapons (TPNW), finalised in 2017. Fiji, Kiribati, Palau, Samoa, Tuvalu and Vanuatu were among the first nations to sign the Treaty. While nuclear armed states opposed the treaty, it has helped to create a new legal norm that nuclear weapons are incompatible with international humanitarian law and to stigmatise nuclear weapons. Because the treaty is supported by a majority of countries it puts pressure on an increasingly isolated group of governments by condemning their harmful practices.¹⁹

The diplomatic campaign to prohibit and eliminate nuclear weapons has inspired a similar campaign for a fossil fuel treaty; an initiative to accelerate the global phase out of coal, oil and gas. Here again, Pacific island countries have been at the forefront. In September 2022 Vanuatu was the first country to endorse a global fossil fuel treaty. In March 2023, a grouping of Pacific ministers meeting in Vanuatu issued a 'Port Vila Call for a Just Transition to a *Fossil Fuel Free Pacific*'. They resolved to work together to speed up the global phase out of fossil fuels. At the 2023 Pacific Islands Forum, Pacific leaders agreed to 'transition away from coal, oil and gas' and to 'establish a Regional Commissioner for a Just Transition to a *Fossil Fuel Free Pacific*'.²⁰ When UN Secretary General Antonio Guterres met with island leaders at the 2024 Pacific Islands Forum, he said the Pacific's ambition for a Fossil Fuel Free Pacific was 'a blueprint for the world'. Between 2022 and 2025 eleven Pacific countries formally endorsed a global fossil fuel treaty.

| A timeline of Pacific initiatives to accelerate the global transition away from fossil fuels | |
|---|---|
| 2015 | Pacific island countries call for an international moratorium on fossil fuel expansion. |
| 2015 | Pacific negotiators help secure the 2015 Paris Agreement (and goal of limiting warming to 1.5°C) |
| 2016 | Pacific island countries consider a world-first treaty to ban fossil fuel production. |
| 2017 | Pacific diplomats shape the 2017 <i>Treaty Prohibiting Nuclear Weapons</i> (inspiration for a global fossil fuel treaty). |
| 2022 | Vanuatu is the world-first country to endorse a <i>Fossil Fuel Treaty</i> , followed soon after by Tuvalu. |
| 2022 | First <i>Pacific Ministerial Dialogue on the Global Just Transition from Fossil Fuels</i> . |
| 2023 | Pacific nations call for a carbon levy on international shipping, in discussions at the International Maritime Organisation. |
| 2023 | Pacific countries sponsor UN General Assembly resolution requesting an advisory opinion from the International Court of Justice on state obligations regarding climate change. |
| 2023 | At the second <i>Pacific Ministerial Dialogue on the Global Just Transition from Fossil Fuels</i> , six Pacific countries formally endorse a global Fossil Fuel Treaty. ²¹ |

¹⁹ For discussion see: Jochen von Bernstorff. 2023. *A Fossil Fuel Ban Treaty: Corrective Treaty Making Beyond Consensus*. European Journal of International Law

²⁰ See: *Forum Communiqué*. 52nd Pacific Islands Forum. Rarotonga, Cook Islands. 6-10 November 2023. <https://forumsec.org/sites/default/files/2024-03/52nd%20Pacific%20Islands%20Forum%20Communique%2020231109.pdf>

²¹ See: *Port Vila Call for a Just Transition to a Fossil Fuel Free Pacific*. Outcome statement from 2nd Ministerial Dialogue on Pathways for the Global Just Transition Away from Fossil Fuels hosted in Port Vila by the Governments of Vanuatu and Tuvalu (15-17 March 2023). https://www.spc.int/DigitalLibrary/Doc/GSD/MEETINGS/PRETMM_2023/Port_Vila_Call_for_a_Just_Transition_to_a_Fossil_Fuel_Free_Pacific_1.pdf

| | |
|------|---|
| 2023 | Pacific countries agree to “transition away from coal, oil and gas in their energy systems” and “establish a Regional Commissioner for a Just Transition to a <i>Fossil Fuel Free Pacific</i> .” |
| 2024 | Republic of the Marshall Islands becomes the eleventh Pacific country to endorse the <i>Fossil Fuel Non-Proliferation Treaty</i> . |
| 2024 | At the request of Pacific and Caribbean island countries, the International Tribunal for the Law of the Sea clarifies countries are obliged to regulate fossil fuels under the UN Law of the Sea |
| 2025 | In response to a Pacific-led diplomatic campaign, the International Court of Justice clarifies that countries’ have legal obligations to protect the Earth’s climate system by moving away from fossil fuel production and consumption. |
| 2025 | Five Pacific island countries are signatories to the <i>Belem Declaration on the Transition Away from Fossil Fuels</i> , calling for a global roadmap away from fossil fuels. ²² |
| 2026 | Third <i>Pacific Ministerial Dialogue on the Global Just Transition from Fossil Fuels</i> in Vanuatu. |
| 2026 | First <i>Global Conference on Transitioning Away from Fossil Fuels</i> in Colombia. |
| 2027 | Second <i>Global Conference on Transitioning Away from Fossil Fuels</i> in the Pacific. |

Clarifying legal obligations to protect the Earth’s climate system

While Pacific island diplomats have played a central role in negotiations for international climate agreements, they have also strengthened the global climate regime by clarifying the legal obligations of countries to address climate pollution, including obligations to regulate fossil fuel production and consumption. Many instruments of international law - such as the UN Human Rights Conventions and the UN Convention on the Law of the Sea - were developed in the decades before a scientific consensus emerged on global warming. However, Pacific island countries have secured advisory rulings from international courts to clarify the full scope of legal obligations to protect the Earth’s climate system. We now know that countries have clear obligations to prevent human rights harms arising from climate change and to prevent marine pollution caused by burning fossil fuels.

In 2022, a grouping of Pacific and Caribbean island countries requested an advisory opinion from the International Tribunal on the Law of the Sea (ITLOS) to clarify States’ obligations to protect the world’s oceans from climate change impacts, such as ocean warming, sea-level rise, and ocean acidification. To date, the world’s oceans have absorbed 93% of the excess heat trapped by greenhouse gas emissions; global sea levels have risen by 20cm since the beginning of the 20th Century; and the world’s oceans have become more acidic as they absorb carbon dioxide from the use of fossil fuels.²³ In its advisory opinion, ITLOS concluded that countries have obligations under the 1982 Convention on the Law of the Sea (UNCLOS) to limit greenhouse gas emissions to protect the marine environment. As the world’s top maritime court, ITLOS found emissions from burning fossil fuels ‘constitute pollution of the marine environment’ under UNCLOS. In a unanimous ruling, the Tribunal found States have distinct legal obligations under UNCLOS to mitigate, control and eventually eliminate such pollution, including by regulating fossil fuel production and consumption.

Of even greater significance, Pacific island countries secured an advisory opinion from the International Court of Justice (ICJ) clarifying the full suite of international law obligations countries have to protect the Earth’s climate system, and the legal consequences of not meeting those obligations. This Opinion had its origins in a classroom in Vanuatu. In 2019, law students at the University of the South Pacific were given the challenge of finding an ambitious

²² See: *Belem Declaration on the Transition Away from Fossil Fuels* <https://oeco.org.br/wp-content/uploads/2025/11/BELEM-DECLARATION-ON-THE-TRANSITION-AWAY-FROM-FOSSIL-FUELS-Adobe-cloud-storage.pdf>

²³ Wesley Morgan, Simon Bradshaw et al. 2023. *Code Blue: Our Oceans in Crisis*. Climate Council of Australia.

legal pathway toward climate justice. They decided filing a case with the world's highest court would fit the bill. The cause was taken up by the Vanuatu government and in 2023 Vanuatu secured unanimous support for a UN General Assembly resolution requesting the International Court of Justice to clarify State obligations to protect the Earth's climate system on behalf of current and future generations (and to clarify the legal consequences for States causing significant harm to the Earth's climate).

During its deliberations on state obligations to address climate change, the International Court of Justice received written and oral submissions from almost 100 countries - making it the largest case ever heard by the UN's principal judicial organ. These submissions revealed a fault-line between fossil fuel producers and major emitters, and vulnerable island states and developing countries. At issue was the scope of obligations. Major emitters and fossil fuel producers - including Saudi Arabia, China, the United States, and Australia - argued state obligations should be restricted to those set out and interpreted narrowly in climate-specific treaties such as the Paris Agreement. They also argued that, because climate change was a result of cumulative emissions, responsibility for harms could not be pinned on individual states. A narrow reading of obligations would have the effect of limiting legal liability for climate change and could limit State responsibilities to domestic emissions, leaving the global impacts of fossil fuel *production* to one side. Under Paris Agreement rules, countries must set targets to cut domestic emissions but are not required to report emissions associated with exports of coal, oil and gas that are burned outside their borders.

Major fossil fuel producers argued a direct line of international law responsibility could not be drawn from coal, oil and gas production within their countries to the climate harm caused when those products were used abroad. The Court emphatically disagreed. In a unanimous opinion delivered in June 2025, the Court found countries have wide-ranging legal obligations to protect the Earth's climate system and take action to prevent climate harm inside and outside their boundaries. These obligations arise in climate treaties, but also in human rights law; environmental law (including the UN Law of the Sea); and in general principles of customary international law. The Court furthermore clarified that it is scientifically possible to attribute harms by determining each nation's total contribution to global emissions and States that breach obligations to protect the Earth's climate system may face the "entire panoply of legal consequences", including restitution, compensation and/or satisfaction.

The International Court of Justice was explicit that countries have stringent due diligence obligations to regulate the production and use of fossil fuels in order to protect the Earth's climate system. These obligations encompass domestic regulation of private actors to ensure activities of those actors do not adversely impact the climate system; and obligations to undertake comprehensive environmental impact assessments when considering fossil fuel projects. The Court found that:

"failure of a State to take appropriate action to protect the climate system from GHG emissions - including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licenses or the provision of fossil fuel subsidies - may constitute an internationally wrongful act which is attributable to that State".²⁴

The court could not have been clearer: states have binding international law obligations to transition away from fossil fuels.

²⁴ International Court of Justice. 2025. *Obligations of State in Respect of Climate Change*. Advisory Opinion issued on July 23, 2025. Para. 427.

Part 2: The path forward for a global transition away fossil fuels

Having successfully clarified that states have international law obligations to shift away from fossil fuel production and use, Pacific island countries are now leading efforts to reform the global climate regime. Island nations are championing initiatives intended to complement the Paris Agreement, and help achieve the agreement's goals, by dealing more directly with the phase out of coal, oil and gas.

It took a whole generation to negotiate the 2015 Paris Agreement and it is now the bedrock of global cooperation to tackle the climate crisis. In the decade since the agreement was finalised, more than 100 countries have set long term targets to achieve net zero emissions by mid-century. Most countries have also set short-term emissions targets. These targets have made a difference. Before Paris, the world was on track for a catastrophic outcome: 4°C degrees of warming this century. The first wave of global emissions targets brought this closer to 3°C. In 2021, upgraded targets brought projections down to 2.1–2.8°C. Tallying up the latest round of national targets, (mostly submitted in 2025), suggests we are still headed toward at least 2.3–2.5°C of warming, well short of the Paris Agreement's 1.5°C goal.²⁵

With the Paris Agreement in place, the climate regime has moved to an 'implementation phase', as countries consider practical measures to achieve the agreement's goals. In 2023 countries pledged to triple renewables capacity globally and double energy efficiency by the end of the decade. Fossil fuels are also, finally, on the agenda. In 2021 countries agreed to 'phase down' coal fired power; in 2023 countries went further and agreed to 'transition away from fossil fuels' in their energy systems.

The climate regime is now at a critical phase. To keep the goal of limiting warming to 1.5°C within reach (and with the smallest and shortest possible overshoot of 1.5°C), countries will need to cooperate for a coordinated phase down of the global fossil fuel industry. Current fossil fuel production plans are incompatible with the goals of the Paris Agreement; governments are collectively planning to produce more than double the amount of fossil fuels in 2030 than would be consistent with limiting warming to 1.5°C.²⁶ To meet the Paris Agreement goals, both an end to expansion is needed *and* the early closure of some existing fossil fuel production.

While the consensus model for the annual UN climate talks means COP outcomes have huge legitimacy, the perceived short-term interests of fossil fuel producer nations make it difficult (if not impossible) to find consensus for an ambitious coordinated path away from coal, oil and gas. Plurilateral initiatives - developed by 'coalitions of the willing' - can augment the core elements of the UN climate regime by tackling fossil fuels more directly. Pacific island countries are supporting two interrelated proposals: first, a global fossil fuel treaty, and second, a global roadmap away from fossil fuels. These two initiatives are considered in turn below.

Toward a global fossil fuel treaty

A growing number of countries, led by a bloc of Pacific island nations, are calling for a standalone treaty to coordinate a just transition away from fossil fuels. Past efforts to phase out harmful products - for example the negotiation of the Mine Ban Treaty, outlawing anti-personnel mines - moved quickly when 'blocker' countries were not in the room.²⁷ In a similar way, negotiating a fossil fuel treaty outside the auspices of the UNFCCC and the annual COP talks would allow countries ready to move away from fossil fuels to design a shared framework to do so, without needing to compromise with countries that are not (yet) ready to move. A plurilateral

²⁵ United Nations Environment Program. 2025. *Off Target: Continued collective inaction puts global temperature goals at risk. Emissions Gap Report, 2025*. Available at: <https://www.unep.org/resources/emissions-gap-report-2025>

²⁶ Ibid.

²⁷ The Mine Ban Treaty was negotiated in less than 18 months.

fossil fuel treaty may help to develop explicit legal standards for the phase out of fossil fuels and influence discussions within the UNFCCC process itself.

A proposed fossil fuel treaty would encompass three key elements: (i) *ending fossil fuel expansion* - with commitments to end approval of new mines, stop approving exploration licenses, and revoke fossil fuel subsidies; (ii) a *phase out existing fossil fuel production and use* with differentiated schedules based on national circumstances; and (iii) *implementing a global just transition* - including a proposed Global Transition Fund to support the transition to clean energy technologies and manage impacts for industries, regions, workers and their families.²⁸ The actual design of a treaty will be subject to negotiation by governments, including the scope of commitments, final institutional arrangements, and measures to review treaty implementation. Key principles to guide negotiations for a fossil fuel treaty include equity and justice. This means countries with greatest responsibility for climate pollution would move first and furthest to halt and phase out fossil fuel production, and provide support for a just transition in the majority world. Key principles to guide negotiations for a fossil fuel treaty will likely have much in common with the principles that guide negotiations at the UNFCCC, including well established norms around 'common but differentiated responsibilities and respective capabilities' (CBDR-RC).

As with earlier stages in the evolution of the climate regime, Pacific island countries are leading the way. In September 2022 Vanuatu was the first nation to formally endorse negotiations for a fossil fuel treaty, and Tuvalu followed soon after. Both countries have since become champions for the fossil fuel treaty proposal. Support for the idea is growing. To date, 18 countries formally endorse negotiations for a fossil fuel treaty, including 11 Pacific island countries. There is also significant support from civil society and subnational governments - to date, more than 4,000 civil society organisations and 143 cities and local administrations support a treaty.

Campaigns to develop new international treaties have in the past been driven by ambitious governments, civil society groups and concerned citizens, but ultimately the process must be taken up by a critical mass of governments and negotiated by formally accredited diplomats. The campaign for a fossil fuel treaty is nearing this critical turning point. In September 2025, countries that support a fossil fuel treaty agreed to advance a series of diplomatic conferences to build cooperation for a just transition away from coal, oil and gas. Colombia and the Netherlands agreed to co-host the first international conference on shifting away from fossil fuels in Santa Marta, Colombia in April 2026.

A roadmap for the transition away from fossil fuels

Even as countries consider negotiating a fossil fuel treaty outside the UNFCCC, there are also moves underway *within* the UN climate talks to develop a shared plan to shift away from coal, oil and gas. At COP28 in Dubai in 2023 countries agreed to 'transition away from fossil fuels' but they did not agree on a path forward to actually do this. At COP talks in Brazil in 2025, Brazil's president Luiz Inacio Lula da Silva proposed that countries build on the Dubai consensus by endorsing a global roadmap away from fossil fuels.²⁹ More than 80 countries backed Brazil's proposal including major fossil fuel producers such as Australia, but pushback from other fossil fuel producers - including Saudi Arabia and Russia - kept the proposal out of the final COP30 outcomes. Despite this, Brazil pledged to develop a roadmap away from fossil fuels as an initiative of the COP30 Presidency. This roadmap, or something very similar, may be considered and formally adopted at the COP31 summit in Antalya, Turkey.

²⁸ For discussion of possible elements of a fossil fuel treaty, see: Peter Newell, Harro van Asselt; Freddie Daley (2022) 'Building a fossil fuel non-proliferation treaty: Key elements'. *Earth System Governance*. 14 (2022).

²⁹ Brazil also signalled, in its 2035 Nationally Determined Contribution to the Paris Agreement, that it would "welcome the launching of international work for the determination of schedules for transitioning away from fossil fuels".

A roadmap away from fossil fuels should not be thought of as a standalone document, but rather as a process - over several UN climate summits - allowing countries that are fossil fuel producers and consumers to discuss shared measures that are needed for a science-based, coordinated and just transition away from coal, oil and gas. This process could inform both the next Global Stocktake of implementation of the Paris Agreement (due in 2028) and the next round of nationally determined contributions (due by 2030). To achieve the goals of the Paris Agreement countries will need to detail efforts to cut fossil fuel production and consumption in their national climate plans.

Ultimately, both the proposal for a roadmap away from fossil fuels, and for a fossil fuel treaty, will strengthen the global climate regime and deepen normative commitment to transition from fossil fuels to clean energy technologies. The proposals are closely linked. The push for a fossil fuel treaty helped to spur discussions for a roadmap away from fossil fuels. Discussions for a fossil fuel treaty also help countries to understand the key opportunities, and challenges, of planning for the wind down of the global fossil fuel industry. The Brazilian COP30 Presidency will take the outcomes of the first global conference on transitioning away from fossil fuels - in Santa Marta, Colombia - as input for the development of the roadmap away from fossil fuels. In this fashion, plurilateral initiatives championed by a 'coalition of the willing' can augment, and strengthen, the core elements of the global climate regime.

As countries consider the path forward for tackling climate change, Pacific island countries will again lead the way. Pacific nations are collaborating with Australia to lead the COP31 United Nations climate negotiations, to be held in Türkiye in 2026. A 'pre-COP' summit will be held in Fiji and Tuvalu in October 2026. This will be a key moment to consider the global transition away from fossil fuels and ensure the roadmap developed by Brazil's COP30 presidency is on the agenda for COP31. Pacific island countries have also pledged to take forward outcomes from Santa Marta and will host the second global conference on transitioning away from fossil fuels in 2027. Pacific island countries will continue to lead the diplomatic campaign to launch formal negotiations for a fossil fuel treaty.

Conclusion

Pacific island countries have understood the existential threat posed by climate change sooner than other countries. In pursuit of multilateral initiatives that would help ensure the survival of low-lying atoll nations, Pacific island countries have hastened the end of the fossil fuel era. For more than a decade, Pacific island countries have called for a global moratorium on new coal, oil and gas. Pacific nations have also considered a world-first regional treaty to ban fossil fuel production. Today, Pacific island countries are championing a global treaty for a just and orderly phase out of fossil fuels. Such a treaty would strengthen the climate regime by accelerating the implementation of the Paris Agreement. The future of the climate regime is not yet written, but nations worldwide and generations to come can take heart that Pacific island countries are holding the pen.

