

# Canada's nuclear weapons and climate change policies with respect to international human rights law

List of Issues Submission to the UN Human Rights Council  
during its Universal Periodic Review (UPR) of Canada

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Submitted April 5, 2023 by World Future Council\*  
along with  
Aotearoa Lawyers for Peace, Basel Peace Office,  
Rideau Institute, World Federalist Movement Canada,  
and Youth Fusion

\* World Future Council is a non-governmental organization in consultative status with the United Nations Economic and Social Council since 2005



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## 1. Summary

The civil society organizations making this submission contend that the positions and actions of the government of Canada, with regard to the role of nuclear weapons in its security policies, are not in conformity with their obligations under international law, including obligations under the UN Charter, international humanitarian law and international human rights law including the Right to Life (Article 6 of the International Covenant on Civil and Political Rights).

The general illegality of the threat or use of nuclear weapons, and the universal obligation to negotiate for their complete elimination, have been affirmed by the International Court of Justice in its *Advisory Opinion on the Threat or Use of Nuclear Weapons* (July 8, 1996) and by the UN Human Rights Committee in its *General Comment 36* of October 30, 2018.

Canada's participation in the threat to use nuclear weapons, and in the planning and preparation for such use, as part of their membership in the North Atlantic Treaty Organization (NATO) violates their legal obligations.

It is recommended that Canada reaffirm the norm of non-use of nuclear weapons and adopt an interim policy of no-first-use, and commit to working for the complete global elimination of nuclear weapons to be achieved no later than 2045 (the 100<sup>th</sup> anniversary of the United Nations).

The civil society organizations making this submission also contend that positions and actions of the government of Canada with respect to climate change are not in conformity with obligations under international law to protect the climate for current and future generations. The International Court of Justice case on States' obligations to protect the climate for current and future generations provides an opportunity for Canada to enhance the implementation of its obligations and to contribute to the global implementation of obligations to protect the climate.

## 2. Nuclear weapons

### *2.1. The threat to human rights and humanity from nuclear weapons;*

On January 24, 2023, the Bulletin of Atomic Scientists set the hands of the Doomsday Clock to 90 Seconds to Midnight indicating the high risks of a global catastrophe from nuclear war, climate collapse or other existential threat to current and future generations.

The threat of nuclear war has increased markedly through conflicts involving nuclear armed and allied states. Any use of nuclear weapons would cause catastrophic humanitarian consequences. Multiple uses of nuclear weapons in armed conflict could lead to the destruction of civilization as we know it.

Indeed, even the testing and production of nuclear weapons, regardless of whether or not they are used again in armed conflict, causes trans-generational harm impacting on the human rights of current and future generations.

**Canada, as a member of the NATO nuclear alliance, is contributing to and participating in these nuclear threats.**

### *2.2. International law applicable to nuclear weapons including human rights law;*

The threat or use of nuclear weapons has been affirmed as violating international human rights law, international humanitarian law and international law of peace and security.

#### **- International Human Rights Law:**

In paragraph 66 of General Comment No. 36 on the right to life<sup>1</sup>, the United Nations Human Rights Committee stated:

*The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to a crime under international law.*

*States parties must take all necessary measures to stop the proliferation of weapons of mass destruction, including measures to prevent their acquisition by non-state actors, to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them, to destroy existing stockpiles, and to take adequate measures of protection against accidental use, all in accordance with their international obligations.*

*They must also respect their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control and to afford adequate reparation to victims whose right to life has been or is being adversely affected by the testing or use of weapons of mass destruction, in accordance with principles of international responsibility.*

This paragraph complements and updates *CCPR General Comment No. 14: Article 6 (Right to Life) Nuclear Weapons and the Right to Life*, adopted by the Human Rights Committee on 9 November 1984.<sup>2</sup>

Under the ICCPR, Article 4(2), the right to life is non-derogable, to be observed in all circumstances, even in the event of a “*public emergency which threatens the life of the nation.*” Canada is a state party to the ICCPR and as a result is obligated to implement its provisions in good faith according to Article 26 of the 1969 Vienna Convention on the Law of Treaties (*pacta sunt servanda*). Even if the General Comment is not legally

<sup>1</sup> General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life. [https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/CCPR\\_C\\_GC\\_36.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/CCPR_C_GC_36.pdf)

<sup>2</sup> See *CCPR General Comment No. 14: Article 6 (Right to Life) Nuclear Weapons and the Right to Life*. Adopted at the Twenty-third Session of the Human Rights Committee on 9 November 1984. <https://www.refworld.org/docid/453883f911.html>

binding as such, it is considered the Committee's authentic interpretation of Article 6 and the relevant practice thereto.

## - **International Humanitarian Law and the Laws of Peace and Security**

The obligations under *international human rights law* to not threaten or use nuclear weapons, and to pursue comprehensive nuclear disarmament, are reinforced by the *international law applicable to armed conflict*, which includes international humanitarian law (*jus in bello*) and the laws of peace and security including Article 2 of the UN Charter (*jus ad bellum*).

The International Court of Justice in 1996 affirmed that this body of law, and additional elements of customary international law, renders the threat or use of nuclear weapons generally illegal and requires the pursuit and conclusion of nuclear disarmament in all its aspects under strict and effective international control. This law is universally binding.

Since 1996, the UN General Assembly has called on UN member states to implement these obligations by negotiating a nuclear weapons convention – an international treaty to prohibit and eliminate nuclear weapons.<sup>3</sup>

Canada has accepted an obligation to engage in negotiations for nuclear disarmament under Article VI of the Nuclear Non-Proliferation Treaty<sup>4</sup> But has done little to implement this (see Section 2.3.2 below)

### **2.3. Policies and practices of Canada inconsistent with international law including human rights law;**

Canada is in violation of its obligations under international law, including international human rights law, through its participation in the threat to use nuclear weapons and the planning and preparation for the use of nuclear weapons as part of their membership in the North Atlantic Treaty Organization (NATO). Canada is also in violation of its obligations under international law through its failure to advance, support or join negotiations for comprehensive nuclear disarmament.

#### **2.3.1. Participation in the threat to use nuclear weapons**

The primary national defence document of Canada is *Canada's Defence Policy: Strong, Secure, Engaged*,<sup>5</sup> released by the government in 2017. The document affirms the important role and obligations of Canada as a member of the North Atlantic Treaty Organization (NATO), highlights the importance of 'deterrence' in order to address 'major power competition' and notes that deterrence includes 'conventional **and nuclear** capabilities.'

NATO membership requires agreement to the NATO Strategic Concept, the current version of which explicitly includes support for nuclear deterrence, and in particular the extended nuclear deterrence provided by US nuclear weapons.<sup>6</sup> This has been reaffirmed in other NATO documents including the *Brussels Summit Declaration*, July 2018<sup>7</sup> and the *NATO Leaders Meeting Declaration*, London, 3-4 December 2019.<sup>8</sup>

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<sup>3</sup> See, for example, [A/RES/70/56](#), *Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons*, adopted by the UNGA on Dec 7, 2015.

<sup>4</sup> "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." Treaty on the Non-Proliferation of Nuclear Weapons (NPT), Article VI, at <https://www.un.org/disarmament/wmd/nuclear/npt/text/>

<sup>5</sup> *Canada's Defence Policy: Strong, Secure, Engaged*, 2017. <http://dgpapp.forces.gc.ca/en/canada-defence-policy/docs/canada-defence-policy-report.pdf>

<sup>6</sup> See, for example, Para 18 of the 2010 NATO Strategic Concept which notes that: "The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States." [https://www.nato.int/strategic-concept/pdf/Strat\\_Concept\\_web\\_en.pdf](https://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf)

<sup>7</sup> Brussels Summit Declaration, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels, [https://www.nato.int/cps/en/natohq/official\\_texts\\_156624.htm](https://www.nato.int/cps/en/natohq/official_texts_156624.htm)

<sup>8</sup> London Declaration, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in London 3-4 December 2019. [https://www.nato.int/cps/en/natohq/official\\_texts\\_171584.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/official_texts_171584.htm?selectedLocale=en)

The USA has made it clear that their plans and preparations to defend allies, including Canada, involve the threat of use of nuclear weapons and the option to deploy and use nuclear weapons in defence of their allies.<sup>9</sup>

In addition, Canada is a member of NATO's Nuclear Planning Group, in which it participates in NATO plans and operations to threaten the use of nuclear weapons and to prepare for their possible use.<sup>10</sup>

NATO policy for use of nuclear weapons is based on the doctrine and practice of 'flexible response'. This includes maintaining an option to use nuclear weapons in a range of security situations, including the **first-use of nuclear weapons** in response to a conventional attack or imminent attack, threat of attack from nuclear weapons or threat of attack with other weapons of mass destruction.

### **2.3.2. Failure to implement nuclear disarmament obligations**

Canada continues to abstain on the annual UN General Assembly resolution calling on Member States to implement their nuclear disarmament obligations by engaging in "multilateral negotiations leading to nuclear disarmament in all its aspects under strict and effective international control"<sup>11</sup> and also continues to abstain on the annual UN General Assembly resolution calling for the implementation of this obligation through negotiations "on effective nuclear disarmament measures to achieve the total elimination of nuclear weapons, including, in particular, on a comprehensive convention on nuclear weapons."<sup>12</sup>

In addition, Canada continues to oppose the *Treaty on the Prohibition of Nuclear Weapons*, which was negotiated by non-nuclear States in 2017 and entered into force for States Parties in 2021.

### **2.4. Positive measures undertaken by Canada;**

The Government of Canada has made some positive steps to prevent the actual use of nuclear weapons and contribute to the achievement of a nuclear-weapon-free world. These include the removal of all US nuclear weapons hosted by Canada by 1984<sup>13</sup>, promotion of a human security focused foreign policy since 1996<sup>14</sup>, adoption of feminist principles in foreign policy in 2017<sup>15</sup>, participating in the *International Partnership for Nuclear Disarmament Verification*<sup>16</sup>, advancing incremental nuclear disarmament measures at the Nuclear Non-Proliferation Treaty Review Conferences especially in 2000 and 2010<sup>17</sup>, and participating in the Stockholm Initiative from 2018. Canada also joined with other G20 countries in November 2022 in declaring that "The threat of use or use of nuclear weapons is inadmissible."<sup>18</sup>

**However, so long as Canada continues to engage in the threat to use nuclear weapons, and rejects initiatives to prohibit and eliminate the weapons, these incremental measures are insufficient to meet their obligations under international human rights law, international humanitarian law and the law of peace and security.**

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<sup>9</sup> See, for example, the [US Nuclear Posture Review 2018](#), pp 17, 22, 23, 34

<sup>10</sup> Nuclear Planning Group, NATO, [https://www.nato.int/cps/en/natolive/topics\\_50069.htm](https://www.nato.int/cps/en/natolive/topics_50069.htm)

<sup>11</sup> Most recent resolution is A/RES/77/57: *Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons*, adopted on December 7, 2022 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/739/23/PDF/N2273923.pdf?OpenElement>

<sup>12</sup> Most recent resolution is A/RES/77/47: *Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament*, adopted on December 7, 2022. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/737/11/PDF/N2273711.pdf?OpenElement>

<sup>13</sup> See Nuclear Threat Initiative, *Canada Weapons of Mass Destruction Review*, <https://www.nti.org/learn/countries/canada/>

<sup>14</sup> See [HUMAN SECURITY AND CANADIAN FOREIGN POLICY: THE NEW FACE OF CANADIAN INTERNATIONALISM](#), by Melissa J. DeJong, University of Western Ontario, 2006

<sup>15</sup> "Address by Minister Freeland on Canada's Foreign Policy Priorities" (speech, Ottawa, 6 June 2017), Government of Canada, [https://www.canada.ca/en/global-affairs/news/2017/06/address\\_by\\_ministerfreelandoncanadasforeignpolicypriorities.html](https://www.canada.ca/en/global-affairs/news/2017/06/address_by_ministerfreelandoncanadasforeignpolicypriorities.html)

<sup>16</sup> See *International Partnership for Nuclear Disarmament Verification* <https://www.ipndv.org/>

<sup>17</sup> See [Canada and the Non-Proliferation Treaty](#), Government of Canada

<sup>18</sup> G20 Bali Leaders Statement, November 17, 2022, para 4. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/11/16/g20-bali-leaders-declaration/>

## 2.5. Canadian parliament calls to action

The Canadian parliament has demonstrated greater accountability to the legal obligations to prevent nuclear war, advance nuclear disarmament and protect the Right to Life than has the Canadian government.

The Canadian Senate, for example, unanimously adopted a motion in June 2010 calling on Canada to “to engage in negotiations for a nuclear weapons convention as proposed by the United Nations Secretary-General... support the initiatives for nuclear disarmament of President Obama of the United States of America... and deploy a major world-wide Canadian diplomatic initiative in support of preventing nuclear proliferation and increasing the rate of nuclear disarmament.”<sup>19</sup> The House of Commons adopted a similar motion unanimously in December 2010.<sup>20</sup>

Subsequently in 2018, the House Standing Committee on National Defence published a unanimous report<sup>21</sup> on Canada and NATO, which contained a recommendation explicitly calling for Canada to initiate a discussion within NATO on creating the conditions for a world without nuclear weapons.

## 2.6. Initiating a nuclear war: Canada and the option of first-use of nuclear weapons

The Government of Canada, and the NATO alliance, continue to maintain policies for the use of nuclear weapons to address a wide range of security situations relating to threats from nuclear, chemical, biological and conventional weapons. This includes the option to initiate a nuclear weapons conflict through the first-use of nuclear weapons.

The Hon Lloyd Axworthy, during his term as Foreign Minister of Canada (1996-2000), expressed support for a **no-first-use policy** for Canada and NATO<sup>22</sup>, but this was not confirmed as policy by Canada, nor promoted by Canada to NATO allies since Mr Axworthy’s term.

Two of the nuclear armed States (India and China) have adopted no-first-use (NFU) policies. The current US Administration is considering the possibility of adopting a NFU policy. President Biden has expressed support<sup>23</sup>, and NFU resolutions were recently introduced in the US Senate and House of Representatives.<sup>24</sup> However, support from the President does not necessarily mean that this will become policy. President Obama tried at least twice in his presidency to adopt NFU or sole purpose policies but was unsuccessful.<sup>25</sup>

Indeed, the possibility for the US to adopt an NFU policy is severely **hampered by NATO members and other US allies** which have argued successfully that they require a US first-use option in order to defend themselves from threats from conventional, biological and chemical weapons (in addition to nuclear threats).<sup>26</sup>

**Canada and other NATO countries should support the adoption of NFU policies by the USA, and also by the other nuclear armed states who have not already done so.**

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<sup>19</sup> [Motion to Recognize the Danger Posed by the Proliferation of Nuclear Materials and Technology to Peace and Security](#), Adopted by the Senate of Canada on June 10, 2010.

<sup>20</sup> [Motion of Bill Siksay on Nuclear Non-Proliferation](#). Also accessible at Hansard debates, Dec 7, 2010 <https://www.ourcommons.ca/DocumentViewer/en/40-3/house/sitting-112/hansard>

<sup>21</sup> *CANADA AND NATO: AN ALLIANCE FORGED IN STRENGTH AND RELIABILITY*, Report of the Standing Committee on National Defence. JUNE 2018, 42nd PARLIAMENT, 1st SESSION. <https://www.ourcommons.ca/Content/Committee/421/NDDN/Reports/RP9972815/nddnrp10/nddnrp10-e.pdf>

<sup>22</sup> See [Germany Raises No-First-Use Issue at NATO Meeting, Arms Control Today](#), 1999. See also *NATO and the Bomb*, McGill-Queen’s University Press 2001, where Erika Simpson reports that Canada Foreign Minister Lloyd Axworthy raised the issue of no-first-use at NATO headquarters in 1999.

<sup>23</sup> See [President Biden Says He Supports a No First Use Policy: Let’s Hold Him to That](#), Union of Concerned Scientists, and [Mission Possible: Revisiting the o First Use of the Nuclear Weapon](#), Carlo Trezza, European Leadership Network, April 6, 2021.

<sup>24</sup> See, *No-First-Use Act, 117th US Congress First Session*, [https://adamsmith.house.gov/\\_cache/files/e/5/e58528a5-908a-4312-85a0-66c3cc7ef630/31D081012955976B3EABD23847BA64EF.smitwa-001.xmlnofirstuse.pdf](https://adamsmith.house.gov/_cache/files/e/5/e58528a5-908a-4312-85a0-66c3cc7ef630/31D081012955976B3EABD23847BA64EF.smitwa-001.xmlnofirstuse.pdf)

<sup>25</sup> See [‘No First Use’ Nuclear Policy Proposal Assailed by U.S. Cabinet Officials, Allies](#), Wall Street Journal, August 12, 2016,

<sup>26</sup> See [‘No First Use’ Nuclear Policy Proposal Assailed by U.S. Cabinet Officials, Allies](#), Wall Street Journal, August 12, 2016,

## 2.7. Recommendations

In order to implement their nuclear disarmament obligations under international human rights law, international humanitarian law and the law of peace and security, it is recommended that the government of Canada:

1. Welcomes the *Treaty on the Prohibition of Nuclear Weapons* and participate in the Second Conference of States Parties as an observer country;
2. Initiates a diplomatic initiative to engage nuclear armed and allied states in negotiating a nuclear weapons convention or package of agreements for the global prohibition and phased elimination of nuclear weapons under strict and effective verification and compliance;
3. Announces support for the adoption of no-first-use policies by all nuclear armed and allied states;
4. Proposes to the next NATO Summit adoption of a policy of *no-first-use of nuclear weapons* and a goal for NATO to eliminate nuclear deterrence from its security policy within 10 years;
5. Reaffirms the conclusion of the G20 Bali Leaders Declaration that '*the threat or use of nuclear weapons is inadmissible*', and moves to enshrine this norm through a UN General Assembly Resolution and/or the Final Declaration to be adopted at the UN Summit of the Future (Sep 2024);
6. Calls on nuclear armed and allied states to commit to achieving the global elimination of nuclear weapons no later 2045, the 100<sup>th</sup> anniversary of the United Nations.

## 3. Climate change

### 3.1. The threat to human rights and humanity from climate change;

Reports of the *Intergovernmental Panel on Climate Change* indicate that anthropogenic emissions of greenhouse gases are causing significant climate change, with more frequent and intense extreme weather events, land loss and degradation, sea level rise, coastal erosion, ocean acidification, and the retreat of mountain glaciers, leading to displacement of affected persons and further threatening food security, water availability and livelihoods. Climate change also impacts adversely on efforts to eradicate poverty and achieve sustainable development. It is also stimulating, or amplifying, conflicts leading to further adverse impacts on human well-being.

*Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850–1900 in 2011–2020. Global greenhouse gas emissions have continued to increase, with unequal historical and ongoing contributions arising from unsustainable energy use, land use and land-use change, lifestyles and patterns of consumption and production across regions, between and within countries, and among individuals.*<sup>27</sup>

The *Intergovernmental Panel on Climate Change* also reports that current action by governments is insufficient to halt a continued increase in average global temperatures, let alone to reverse this and restore the climate to a safe and sustainable condition.

### 3.2. International law applicable to climate change;

There is a growing body of human rights, environmental, peace and security (human security) law applicable to the issue of climate change. This includes resolutions, agreements and declarations with specific obligations on greenhouse gas emissions, global temperature targets, adaptation and remediation measures,

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<sup>27</sup> See *Intergovernmental Panel on Climate Change AR6 Synthesis Report: Climate Change 2023* <https://www.ipcc.ch/report/sixth-assessment-report-cycle/> and the *Summary for Policymakers* [https://report.ipcc.ch/ar6syr/pdf/IPCC\\_AR6\\_SYR\\_SPM.pdf](https://report.ipcc.ch/ar6syr/pdf/IPCC_AR6_SYR_SPM.pdf), March 2023.

and financing mechanisms and commitments. This also includes law not specifically mentioning climate change, but applicable to it.

This body of law includes, inter-alia;

- UN General Assembly resolutions 77/165 of 14 December 2022 on the protection of the global climate for present and future generations of humankind, and 76/300 of 28 July 2022 on the human right to a clean, healthy and sustainable environment;
- Human Rights Council resolution 50/9 of 7 July 2022 on human rights and climate change (and all previous resolutions of the Human Rights Council on this issue);
- Human Rights Committee General Comment 36 on the Right to Life, which affirms that *Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life*;
- The United Nations Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement, which aim to limit average global temperature increase to 1.5°C above pre-industrial levels, and which set forth equitable processes for adaptation to the adverse effects of climate change.

### **3.3. Policies and practices of Canada**

Canada continues to contribute to climate change, in potential violation of its human rights and environmental law obligations, primarily through excessive carbon emissions. Canada's population is 0.48% of the global population. Yet, Canada contributes 2.6% of global carbon emissions. This is more than 5 times as much as the average carbon emissions per capita. Canada's excessive carbon emissions are impacting negatively not only on the human rights of Canadians, but also of people globally.

Canada contributes such a disproportionately high contribution to climate change through a range of activities, which should be cut, significantly reduced or made more sustainable. These include fossil fuel mining (tar sands, coal, oil and natural gas), agriculture, transport and manufacturing.

Canada's 2030 Emissions Reduction Plan provides a roadmap for the Canadian economy to reduce 40-45% emissions below 2005 level by the year 2030 and to achieve net zero by 2050.<sup>28</sup> The plan includes a number of useful operational measures, including on electrifying public transport, greening homes, and investments in renewable energy. However, even if achieved, the Canadian goals and timeframe are insufficient to cut emissions fast enough to meet global targets of keeping atmospheric temperature rise below 1.5 degrees Celsius.

### **3.4. International initiatives to protect the climate**

#### *3.4.1. The International Court of Justice Advisory Opinion on Climate Change*

The fact that international law applicable to climate change has not curtailed the destructive emission of climate change gases (by Canada or other countries), nor prevented global temperatures to continue rising, nor facilitated equitable or sufficient responses to the impacts of climate change, has led to the United Nations General Assembly, on March 29, 2023, adopting a resolution (without any opposition) requesting an advisory

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<sup>28</sup> Canadian Government: Canada's 2030 Emissions Reduction Plan, March 2022.

<https://www.canada.ca/en/services/environment/weather/climatechange/climate-plan/climate-plan-overview/emissions-reduction-2030.html>

opinion of the International Court of Justice on the obligations of States in respect of climate change.<sup>29</sup>

Such legal action at the global level is vital in order to ensure equitable application of the law universally, regardless of differences in domestic legal systems. All UN member States should now engage in the proceedings and prepare to implement the decision that will be rendered by the Court.

#### *3.4.2. Beyond Oil and Gas Alliance*

The Beyond Oil and Gas Alliance (BOGA)<sup>30</sup> is an international alliance of governments (federal and state) established by Costa Rica and Denmark to facilitate the managed phase-out of oil and gas production. Members commit to end new concessions, licensing or leasing rounds for oil and gas production and exploration and to set a Paris-aligned date for ending oil and gas production and exploration on the territory over which they have jurisdiction. Currently there are 11 core members (Costa Rica, Denmark, France, Greenland, Ireland, Portugal, Quebec, Sweden, Tuvalu, Wales and Washington State), 2 associate members (California and New Zealand) and 5 friends (Chile, Fiji, Finland, Italy and Luxembourg).

#### *3.4.3. Fossil Fuel Non-proliferation Treaty*

Fossil Fuel Treaty.Org<sup>31</sup>, a coalition of civil society organizations, is promoting the negotiation of a global treaty to:

- Prevent the proliferation of coal, oil and gas by ending all new exploration and production;
- Phase-out existing production of fossil fuels in line with the 1.5C global climate goal;
- Fast-track real solutions and a just transition for every worker, community and country;

Such a treaty would be complementary too, expand upon and codify the commitments undertaken by the Beyond Oil and Gas Alliance. The Fossil Fuel Non-proliferation Treaty proposal is supported by Tuvalu, Vanuatu, the European Parliament, World Health Organization and 79 Cities and Subnational Governments.

#### *3.4.4. Governance of the Global Commons*

The **Global Commons** comprise areas/environments that are not owned by anyone, but are common heritage for humanity and the Earth. These are the high seas, the atmosphere, Antarctica, outer space and the seabed (and increasingly cyber-space). The Global Commons surround, support and sustain our world's ecosystems and are vital to sustainability and economic prosperity. In the report 'Our Common Agenda' the UN Secretary-General elevated the proposal to repurpose the United Nations Trusteeship Council to provide better global governance for the Global Commons. This proposal is finding increasing traction amongst governments and civil society in preparation for the UN Summit of the Future to be held in September 2024.<sup>32</sup>

### **3.5. Recommendations**

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<sup>29</sup> UNGA Resolution *Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change*, adopted March 29, 2023. <https://www.vanuatuicj.com/resolution>

<sup>30</sup> Beyond Oil and Gas Alliance. <https://beyondoilandgasalliance.org/>

<sup>31</sup> See <https://fossilfuel treaty.org/>

<sup>32</sup> See *Repurpose the Trusteeship Council to Better Govern the Global Commons*, Excerpt from *Road to 2023: Our Common Agenda and the Pact for the Future*, The Stimson Center, June 2022 <https://www.unfoldzero.org/wp-content/uploads/Repurpose-the-Trusteeship-Council-to-Better-Govern-the-Global-Commons.pdf> and *Repurposing the Trusteeship Council to provide governance for the global commons*. David Hales, Chair of the Climate Action Task Force at the Parliament of the World's Religions <https://www.unfoldzero.org/wp-content/uploads/Parliament-of-the-Worlds-Religions-Backgrounder-on-Repurposing-the-Trusteeship-Council.pdf>

In order to respond adequately to climate change, Canada is encouraged to act both nationally and globally by:

1. Participating in the proceedings of the *International Court of Justice Advisory Opinion on the obligations of States in respect of climate change* and preparing to implement the decision that will be rendered by the Court.
2. Joining the Beyond Oil and Gas Alliance (led by Denmark and Costa Rica), and implement the Alliance commitment to end new concessions, licensing or leasing rounds for oil and gas production and exploration and to set a Paris-aligned date for ending oil and gas production and exploration on the territory over which they have jurisdiction.
3. Supporting the negotiation and adoption of a Fossil Fuel Non-Proliferation Treaty;
4. Supporting the UN Secretary-General's proposal for re-purposing the UN Trusteeship Council to provide global governance for the global commons – including the atmosphere - in order to better facilitate global implementation of obligations to protect the climate. This proposal could be proposed for adoption at the UN Summit of the Future.

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