

**Statement of Friends of the Earth to the Joint Oireachtas Committee
on Environment and Climate Action**

Tuesday, 28 November 2023
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I wish to thank the chair and rest of the Committee for the opportunity to present on behalf of Friends of the Earth. Friends of the Earth supports the recommendations made by the other Stop Climate Chaos coalition members today.

My main message is that at COP 28 the Government should prioritise and support clear and progressive fossil fuel phase out commitments in the negotiated text, in line with the positions of the European Parliament and the 'High Ambition Coalition'. We also call on both Committee members and Government to support the development of a fossil fuel non-proliferation treaty.

I want to briefly provide some background and context regarding fossil fuels and COP28 before turning to Ireland's role and the fossil fuel non-proliferation treaty. My written submission contains further information on these areas.

1. Context

This Committee is very much aware that climate breakdown is already with us, impacting vulnerable communities in Ireland and particularly in developing countries. Extreme temperature records ring out almost every week like canaries in coal mines.¹ The UN 'Emissions Gap' Report recently concluded that we remain headed for a disastrous temperature rise of almost 3°C based on current state pledges and that the window to bring global emissions to 1.5 degrees is rapidly closing.²

The only way to adhere to the Paris Agreement and ensure a liveable climate is to substantially and equitably reduce the extraction and consumption of fossil fuels both in Ireland and globally. The IPCC, UN and IEA are all clear that further fossil fuel extraction and expansion of fossil fuel infrastructure are not compatible with the 1.5°C limit.³

Research led by CAN Europe and Friends of the Earth Europe notes that at least 107 out of 425 of the world's biggest fossil fuel extraction projects are operated by EU-based companies or financed by major European banks.⁴ Whether any of these companies or banks are resident or operating resident in Ireland is also worthy of investigation.

¹ See for example <https://www.theguardian.com/environment/2023/nov/08/2023-on-track-to-be-the-hottest-year-on-record-say-scientists> and P. M. Forster, P. M., et al: Indicators of Global Climate Change 2022: annual update of large-scale indicators of the state of the climate system and human influence, Earth Syst. Sci. Data, 15, 2295–2327, <https://doi.org/10.5194/essd-15-2295-2023>, 2023.

² <https://www.unep.org/resources/emissions-gap-report-2022>

³ Leon Clarke et al, "Energy Systems," In Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, 2022, P.R. Shukla et al (eds), Cambridge University Press, Cambridge, UK and New York, NY, USA;

UNEP Emissions Gap Report 2023;

IEA Net Zero Roadmap: A Global Pathway to Keep the 1.5 °C Goal in Reach, 2023

IEA, Net Zero by 2050: A Roadmap for the Energy Sector, 2021

⁴ <https://caneurope.org/carbon-bombs/>

The point is that technological innovation and a renewable revolution is not enough – hard limits on fossil fuels are essential. In this context, any new fossil fuel extraction and long-term infrastructure is not only outdated but recklessly dangerous.⁵

Yet fossil fuels remain the elephant in the room in terms of UN climate negotiations. The very holding of the COP in a major fossil fuel producing country, the choice of a national oil company CEO as COP president, and the access given to fossil fuel lobbyists⁶, have all already been the subject of significant criticism.

Obviously, these decisions cannot be unmade. However, it is important for this Committee to consider broader public perception. A multilateral process seemingly incapable of imposing clear obligations on states' fossil fuel production, while at the same time increasingly overrun by fossil fuel interests, threatens the very legitimacy and credibility of the UNFCCC itself. This is not some idle concern: COP negotiations will remain essential; however, the public will increasingly ask – why should we support climate action at home when the fossil fuel 'elephant in the room' is seemingly deprioritised at the negotiating table?

[As a brief aside, Friends of the Earth is by no certain that this Committee's awareness of fossil fuel risks is fully reflected in other relevant Committees, particularly regarding industries facilitating Ireland's fossil fuel dependency. This is something we would like to address with all parties, including next year as we look to local and European elections.]

2. COP28 and EU positions on fossil fuel language

To turn to the COP, at COP26 in 2021, a commitment to phase down the use of coal was agreed; incredibly this was the first time a fossil fuel was addressed in a COP decision. While approximately 80 countries supported fossil fuel 'phase down' language at COP27 last year, agreement could not be reached.⁷ The COP27 text also contained a provision to boost "low-emissions energy", a further vague term and potential loophole.

COP 28 is an opportunity to secure transformational commitments on clear fossil fuel phase out language, energy system transformation and pre-2030 ambition to keep 1.5oC alive.

The EU negotiating position approved by the EU Council⁸ includes the statement that:

- *...the 1.5°C goal will require the global phase out of unabated fossil fuels and a peak in their consumption already in this decade...*

This limit to only "unabated" fossil fuels is extremely problematic. However, it is important to note that EU support in this area also includes significant qualifications:

- *.... emission abatement technologies which do not significantly harm the environment, exist at limited scale and are to be used to reduce emissions mainly from hard to abate sectors and that removal technologies are to contribute to global negative emissions, and emphasises that they should not be used to delay climate action in sectors where feasible, effective and cost efficient mitigation alternatives are available, particularly in this critical decade....*
- *....the importance for the energy sector to be predominantly free of fossil fuels well ahead of 2050 and the importance of aiming to achieve a fully or predominantly decarbonised global*

⁵ <https://caneurope.org/time-to-end-fossil-winters/>

⁶ <https://friendsoftheearth.eu/press-release/coalition-us-eu-coalition-decisionmakers-fossil-free-un-climate-talks/>

⁷ <https://www.carbonbrief.org/interactive-who-wants-what-at-the-cop28-climate-change-summit/>

⁸ <https://data.consilium.europa.eu/doc/document/ST-14285-2023-INIT/en/pdf>

power system in the 2030s, leaving no room for new coal power...

The EU position also includes the following relevant commitments:

- *....Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the right to a clean, healthy and sustainable environment, the rights of indigenous peoples as set out in the UN Declaration on the Rights of Indigenous Peoples, local communities, migrants, children and youth, persons with disabilities and people in vulnerable situations, as well as gender equality, empowerment of women and girls and intergenerational equity*
- *Stresses that public and inclusive participation, engagement and access to information, including for civil society and different stakeholders, are key for promoting social justice, fairness and inclusiveness in the global transition towards climate neutrality...*
- *...Calls for a phase out as soon as possible of fossil fuel subsidies which do not address energy poverty or just transition.*

We strongly support that the EU's position also calls for:

- *Encourage work towards agreeing global 2030 1.5°C compatible goals and targets for rapidly increasing energy efficiency and accelerating renewable energy. Therefore, calls on global action towards the tripling of installed renewable energy capacity to 11 TW and doubling of the rate of energy efficiency improvements by 2030, while respecting each country's national energy mix.*
- *These targets must go hand in hand with energy savings and the phase out of fossil fuel energy production and consumption, to be adopted by COP28, while working with developing countries, including through capacity building, technical and financial assistance from all sources, to address the challenges and secure the benefits, including in terms of energy access and security, of the transition.*

The European Parliament's subsequent resolution on the EU's COP engagement⁹, while not a negotiating mandate, points to a willingness at political level for an enhancement of the EU's position. The Parliament's resolution does not limit its support to a phasing out of 'unabated' fossil fuels and rather calls for a '*tangible phase out*' from all fossil fuels as soon as possible, as well as a halting of new investments in fossil fuel extraction. It also supports the same progressive renewable and energy efficiency goals.

3. 'Unabated Fossil Fuels'

It is worth briefly addressing this issue of a potential call only for a phase out of 'unabated' fossil fuels. Requiring 'abated' fossil fuels is understood as referring to technologies such as Carbon Capture and Storage (CCS) which aim to trap polluting emissions from power plants or industry at source and then utilise or store them in some way.

We recognise certain emissions removal activities are noted as necessary for Paris Agreement commitments to remain within reach. However, the creation of such a 'unabated fossil fuel' category must not be accepted at COP28:

- There is no clear international definition of what constitutes 'abatement' and this ambiguity raises the possibility of loopholes.
- Despite the proposed development of the technology for more than two decades and billions in subsidies, CCS projects remain speculative, unproven, not commercially viable, associated with environmental or health risks, and/or have failed outright.

⁹ https://www.europarl.europa.eu/doceo/document/B-9-2023-0458_EN.html?redirect

- There is a risk that relying on these speculative technologies could be used to design policies which mask weak mitigation activities, or which divert resources from effective solutions.¹⁰
- The IPCC has classified CCS as the most expensive and least-effective mitigation lever through to 2030.¹¹
- The head of the IEA recently stated that ‘Continuing with business-as-usual for oil and gas while hoping a vast deployment of carbon capture will cut the emissions is fantasy. It would mean an implausibly large amount of carbon capture...’¹²

The greatest concern is that this ‘unabated’ formulation may essentially result in a legal loophole or perverse incentive for states and companies to continue to expand fossil fuel usage while these technologies have limited impact, locking-in further polluting emissions.

This is not a theoretical problem. This precise scenario has played out in the UK where the Conservative government approved yet more fossil fuel exploration together with new supports for CCS. This has been met by almost universal opposition and criticism, and as essentially being tone-deaf to the climate crisis.

We welcome EU caveats on hard to abate sectors. However, an agreement which featured this ‘unabated’ formulation, would be opposed by civil society, given the extreme likelihood of prolonging fossil fuel dependence, and given the manipulative strategies of petrostates and industry in the past 2 decades (including in the EU).

Therefore, the primary mitigation approach must be preventing further fossil fuel production, substantially reducing fossil fuel use, as well as electrification, reducing demand and reducing ecosystem degradation.¹³

The UN ‘Emissions Gap’ Report provides detailed information on the characteristics and development of CCS and other CO2 removal activities. It does not seek to reject removals but points to a huge range of risks, uncertainties at every level.¹⁴ Several Friends of the Earth International studies have also shown that ‘nature-based’ removals (for example through largescale forestry plantations) are often associated with land-grabbing and significant human rights abuses mainly for vulnerable communities in the Global South.¹⁵

4. Global Stocktake

The Global Stocktake is a core element of the Paris Agreement to collectively ratchet up climate action by states. It takes place every five years, with the first stocktake set to conclude at COP28. It is intended to review existing climate pledges (Nationally Determined Contributions) and inform the next round of state commitments. We are already aware that

¹⁰ <https://www.unep.org/resources/emissions-gap-report-2022>. See also CAN’s position pa https://climatenetwork.org/wp-content/uploads/2021/01/can_position_carbon_capture_storage_and_utilisation_january_2021.pdf.

¹¹ IPCC, Summary for Policymakers. In: Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. Geneva, Switzerland

¹² <https://twitter.com/fbirol/status/1727552767256932766>

¹³ See mitigation scenarios assessed in the IPCC Sixth Assessment Report as noted in <https://www.unep.org/resources/emissions-gap-report-2022>

¹⁴ <https://www.unep.org/resources/emissions-gap-report-2022>

¹⁵ See https://www.foei.org/wp-content/uploads/2022/10/COP27-Whats-at-stake-regarding-false-solutions_ONLINE.pdf ; https://www.foei.org/wp-content/uploads/2021/01/Friends-of-the-Earth-International_BECCS_English.pdf ; <https://www.foei.org/publication/chasing-unicorns-carbon-markets-net-zero/>

the result of this stocktake will indicate that states have fallen far short of Paris Agreement commitments.

Governments will produce a response to the Global Stocktake at COP28. This text must include far-reaching commitments and clear, actionable measures to get on track with Paris commitments and ensure improved climate pledges by states due in 2025.¹⁶

It has already been proposed¹⁷ that this text include provisions noted in the EU's position on tripling renewables and doubling energy efficiency¹⁸. Small Island states and the African Group are championing strong text on fossil fuel phase out.¹⁹ We understand that there may be support from some of the major Parties, such as the US and China, for a global renewable energy target, however their support for any additional agreement on fossil fuels phase out language is much less certain.²⁰

5. Ireland and EU response

Our main recommendation is that the Irish Government and the EU must work to ensure that the text is not only limited to renewables and energy efficiency and is complemented by clear fossil fuel phase out language, in line with the European Parliament's position, given the risks mentioned earlier.

This should include:

- Global targets on renewables and energy efficiency together with a full, swift and equitable phase-out of global fossil fuel production and consumption well before 2050.
- Ending further investment and finance for new oil and gas exploration and fossil fuel infrastructure
- Support developing countries in the phase-out of fossil fuels and eliminating fossil fuel subsidies.

This is not a theoretical or fanciful proposition. In October Ireland and 15 other states, as part of what is known as the 'High Ambition Coalition' released a Statement on the Global Stocktake²¹. This includes calls for the COP28 decision to support a phase out of fossil fuel production and use, urgent reductions in methane emissions, ending finance and subsidies for fossil fuel development, as well as the renewables and energy efficiency objectives mentioned earlier.

¹⁶ <https://unfccc.int/topics/global-stocktake/about-the-global-stocktake/why-the-global-stocktake-is-important-for-climate-action-this-decade#Why-is-this-so-important>

¹⁷ UNFCCC Informal note by the Chairs of the Subsidiary Bodies, Summary of the intersessional workshop to develop elements and inform the work of the joint contact group of the first global stocktake under the Paris Agreement, 30 Oct 2023.

https://unfccc.int/sites/default/files/resource/WS_GST_Summary%20Report_30Oct_final.pdf

¹⁸ See for example the COP President-elect's letter dated 17 October 2023:

<https://unfccc.int/documents/632560>.

¹⁹ <https://www.carbonbrief.org/interactive-who-wants-what-at-the-cop28-climate-change-summit/>

²⁰ <https://www.politico.eu/article/cop28-agenda-global-warming-climate-change-paris-agreement-pledges-united-states-uae-island-nations-china-g77-european-union-saudi-arabia-russia-india/>

²¹ <https://www.highambitioncoalition.org/statements/cochair-summary-april-2021-9n7c5-z7kxl-733k4-sjma4-6rx7a-72mzf>

We understand that the Irish Government will prioritise language on innovative forms of finance, potentially including taxation of fossil fuel industry profits, to assist clean energy access in developing countries.²² This is significant, commendable and necessary.

However, without fossil fuel phase out commitments, the benefits of renewables development will continue to be dwarfed by the impacts of continued fossil fuel production and expansion.

Responding to the renewables and energy efficiency proposals, UN Secretary General, Antonio Guterres has warned that states “must also commit to phasing out fossil fuels, with a clear time frame aligned to the 1.5-degree limit. Otherwise, we’re simply inflating the lifeboats while breaking the oars.”²³ As the Head of the Alliance of Small Island States noted “We can’t afford for the COP28 decision to imply the acceptance of fossil fuel expansion when we know that expansion can’t be compatible with a 1.5C future.”²⁴

Ireland and the EU should also be clear that a change in approach is necessary in relation to climate pledge: Ireland and the EU should call for climate pledges to integrate clear plans and targets for ceasing expansion and use of fossil fuels, as well as phasing out existing infrastructure.

Related but separate to the EUs climate pledge, it is worth noting that Ireland’s national climate action plans, while progressive, have to date been silent on such matters. The latest energy security package includes significant commitments to reduce average and peak gas demand. It also highlights carbon budget scenarios which clearly show the limited role of gas in the energy system post 2030.²⁵ Fossil fuel phase out and demand reductions targets must now be clearly set out in future climate action plans.

6. Fossil Fuel Non-Proliferation Treaty

There are other diplomatic avenues which the Irish Government should exploit to exert pressure and deliver lasting change. Last year I provided information to this Committee on the development of a fossil fuel non-proliferation treaty²⁶ and outlined the reasons why Ireland’s support is relevant, appropriate and strategic.

I noted that Ireland is ideally placed to start the process of getting the proposed treaty initiative on the diplomatic and UN agenda given its commitment to climate action, rejection of further offshore exploration licences and its membership of the *Beyond Oil and Gas Alliance* diplomatic initiative²⁷. Our Department of Foreign Affairs also has significant expertise and a proud tradition of leading the international agenda on other non-proliferation treaties related to nuclear weapons and disarmament. In the past decade Ireland has also

²² <https://www.irishtimes.com/environment/2023/10/24/states-awash-with-fossil-fuel-profits-should-divert-funds-to-tackle-climate-crisis-says-eamon-ryan/>

²³ <https://www.irishtimes.com/environment/climate-crisis/2023/11/20/emissions-gap-leads-to-calls-for-scaled-up-ambition-at-cop28-and-phase-out-of-fossil-fuels/>

²⁴ <https://twitter.com/AOSISChair/status/1718967430867767531?s=20>

²⁵ <https://www.gov.ie/en/publication/5c499-energy-security-in-ireland-to-2030/>

²⁶ <https://fossilfuel treaty.org/>

²⁷ BOGA is an international alliance of governments and stakeholders working to facilitate the managed phase-out of oil and gas production. BOGA aims to keep fossil fuels in the ground by bringing together countries that have taken steps to end new licensing for oil and gas exploration and production. BOGA aims to set a clear process to phase out oil and gas production for both developed and developing countries. It also aims to provide a shared dialogue to support countries in their energy transition. <https://beyondoilandgasalliance.org/>

aligned with and supported small island states at the UN, many of whom are now seeking Ireland's support in seeking a negotiating mandate for this new fossil fuel treaty.²⁸

The case for Ireland to reject further fossil fuel infrastructure and support a fossil fuel non-proliferation treaty has only increased in the past year. This proposed treaty aligns with recommendations in the EU Council and European Parliament's positions in that it seeks to end new fossil fuel production, phase out existing extraction and manage a just transition to zero carbon alternatives. For the second year in a row the European Parliament has again formally called on Member States to support the treaty.

The Global Stocktake has also only reinforced arguments that a new binding framework is needed in addition to the Paris Agreement. There is a need for a coherent and equitable approach to preventing emissions *at source* and a coordinated just transition globally. It also remains highly uncertain that fossil fuel producing states will ever permit Paris Agreement mechanisms to fully support science-aligned phase out targets.

Therefore, we are now calling on Ireland to join the European Parliament, small island states and thousands of other authorities and support calls for a negotiating mandate for a new fossil fuel treaty.

To be clear, this is not about deprioritising the Paris Agreement, it is about complementing it and acknowledging that we simply do not have time: new fossil fuel projects are still being approved, threatening both survival limits set down in the Paris Agreement. New international legal avenues are necessary.

7. Conclusion

To conclude, 8 years after the signing of the Paris Agreement, the fact that questions remain about the capacity of states to make an explicit statement on fossil fuel phase out speaks not only to the malign influence of the fossil fuel industry but equally to a lack of political leadership and weaknesses in the COP process itself.

This is not some call now to suddenly disregard multilateral efforts, rather it signals that the negotiating position of states (and the EU) needs to be made more accountable, subject to even greater oversight and explicit in the need for fossil fuel phase out. For Ireland, this starts with this Committee.

We ask the Committee to write to the Minister for Environment, Climate and Communications and the Minister for Foreign Affairs to:

1. Support the European Parliament's position and advocate for a response to the Global Stocktake which includes commitments to a tangible and equitable phase out from *all* fossil fuels as soon as possible, as well as a halting of investments in fossil fuel extraction.
2. Call for climate pledges (NDCs) to also integrate plans and targets for ceasing expansion and use of fossil fuels, as well as phasing out existing infrastructure.
3. Convene likeminded states and use the BOGA to build diplomatic support for a fossil fuel non-proliferation treaty and develop a UN resolution on this issue.²⁹

²⁸

https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_environment_and_climate_action/submissions/2022/2022-10-25_opening-statement-jerry-macevilly-head-of-policy-friends-of-the-earth_en.pdf

²⁹ See Fossil Fuel Non-Proliferation initiative, Briefing Note Pathways Towards International Cooperation On Fossil Fuel Supply <https://fossilfueltreaty.org/s/Briefing-Pathway-TowardsInternational-Cooperation-on-Fossil-Fuels.pdf>

Lastly, we also now call on Committee members to endorse the fossil fuel non-proliferation treaty in the run up to COP28. Further details will be provided by Friends of the Earth directly.
