

ecbi

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OF THE PARTIES
TO THE UNFCCC

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Photos

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KEY OUTCOMES FROM COP28

INTRODUCTION

With the largest attendance to date, COP 28, held in Dubai, United Arab Emirates (UAE), resulted in significant achievements. Delegates were pleasantly surprised with the adoption of the decision on the Loss and Damage Fund on the first day of the COP, and several Parties announced pledges for the Fund's initial capitalisation. Also, for the first time, fossil fuels were mentioned in a COP decision, although not the phase out that many had hoped for. Instead, countries agreed to transition away from fossil fuels in energy systems. In addition, participants concluded the first Global Stocktake (GST), assessing collective progress on achieving the goals of the Paris Agreement.

Close to 100,000 registered participants attended events in the Blue Zone, including 156 Heads of State and Government, over 780 ministers, 500 mayors, and over 50,000 students and thousands of other key stakeholders, including parliamentarians, youth, businesses, philanthropies, civil society, and Indigenous Peoples ([COP 28 website](#)). Over 500,000 people attended events in the Green Zone. While the significant interest in attending COPs is understandable for numerous reasons, not least of which is to build deeper relationships and

What follows are several contributions from authors immersed in the climate process, on the outcomes and what needs to happen going forward with respect to loss and damage, just transition, and the Global Stocktake (GST). Other outcomes will also be touched upon, as well as a view towards COP 29 in Baku, Azerbaijan, where several big decisions are expected, including on climate finance.

European Capacity Building Initiative
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“LOSS AND DAMAGE”: THE LIABILITY SPECTRE



“Loss and damage...is only a part of the equation. Because for every dollar that we spend before disaster, we can save \$7 in damage, and indeed loss of lives...[W]e continue to need significant funds for adaptations for countries that simply will not be met unless there’s a different approach to how we address both the capitalisation of the international financial institutions, the commitment of countries, and, indeed, the recognition that non state actors and individuals need to come to the table to add to the capitalisation.”

MIA MOTTLEY
PRIME MINISTER, BARBADOS

To veterans of the climate process, it was truly astonishing that a COP President tabled a significant Decision, on the operationalisation of the Loss and Damage Fund, during the opening session of the COP. Even more surprising was that the COP adopted it at the very same session. But this is exactly what happened in Dubai with [Decision -/CP.28 - /CMA.5 \(Operationalization of the new funding arrangements, including a fund, for responding to loss and damage referred to in paragraphs 2–3 of decisions 2/CP.27 and 2/CMA.4\)](#). This was an extraordinary act, not only because ‘big ticket’ decisions are normally not tabled at the outset of a COP, but also because of the issue’s history. To provide some context, let us go back in time and see how the topic of loss and damage (L&D) has evolved in the multilateral climate negotiations.¹

As far back as **1991**, the [Alliance of Small Island States \(AOSIS\)](#) put forward a proposal for an [Insurance Mechanism](#), with a submission by Vanuatu to the Intergovernmental Negotiating Committee for a UN Framework Convention on Climate Change (UNFCCC). The proposed mechanism included an international insurance pool to provide financial insurance “to compensate the most vulnerable small island and low-lying coastal developing countries for loss and damage resulting from sea level rise” [para.1.5]. The pool was expected to be funded by “industrialised developed countries” according to a formula involving gross national product and country’s emissions figures “modelled on the 1963 Brussels Supplementary Convention on Third Party Liability in the field of Nuclear Energy” [para. 4]. However, the AOSIS mechanism was not included in the UNFCCC, due, in big part, to its explicit reference to ‘compensation’ and ‘liability’, which was unacceptable to developed countries.²

The first time loss and damage made it into a COP decision was 16 years later in the **2007 Bali Action Plan (1/CP.13)**, where reference was made to “consideration of ... means to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change” [para 1.c.iii]. The idea of an “international mechanism to address the unavoidable loss and damage” resurfaced in a [submission by the African Group of Negotiators](#) in **2009** (COP 15, Copenhagen) but it was not until **2010** (COP 16 Cancun) that the COP decided to actually do something on L&D, namely to establish “a work programme in order to consider ... approaches to address loss and damage associated with climate change impacts in developing countries ...” [para. 26, [Cancun Agreements \(1/CP.16\)](#)].

Two years later, the **2012 Doha Decision 3/CP.18** was the first COP decision dedicated to addressing L&D, in which the COP agreed to establish, in **2013**, “institutional arrangements, such as an international mechanism, ... to address loss and damage associated with the impacts of climate change in developing countries that are particularly vulnerable to the adverse effects of climate change”. Thus, at COP 19 in 2013, the [Warsaw International Mechanism on Loss and Damage \(WIM\)](#) was established.

1 For a more detailed account, see the excellent Carbon Brief piece on [Timeline: The struggle over ‘loss and damage’ in UN climate talks](#) (27 September 2022) by Josh Gabbatiss.

2 All that remained was a reference to ‘insurance’ in Art. 8.

In Paris (COP 21, **2015**), the negotiating text initially contained “an option from developing countries that included liability and compensation, and another from the Umbrella Group – including the US – that deletes all mentions of the topic altogether” [[Carbon Brief Timeline](#)]. In the end, L&D received a dedicated article in the Paris Agreement (Article 8), focussing on WIM governance and activities.

Although L&D got a stand-alone article, its formulation was somewhat retrograde: While the WIM was solely about “addressing” L&D, Article 8 recognizes “the importance of **averting, minimizing and addressing** loss and damage associated with the adverse effects of climate change”, thus implicitly referring to mitigation (averting) and adaptation (minimizing). Moreover, in the Paris cover decision ([1/CP.21 Adoption of the Paris Agreement](#)), the COP agreed that “Article 8 of the Agreement does not involve or provide a basis for any liability or compensation” [para. 51] demonstrating that the spectre of liability was perceived by some, particularly the US, as a significant concern.

The conceptual triad (‘averting’, ‘minimizing’, and ‘addressing’) has dominated the L&D narrative for many years. An October 2022 OCP/ecbi blog post, titled [The time is ripe ... for serious discussions on finance to address and indeed respond to L&D through a dedicated pilot fund](#), published on the eve of COP 27 in Sharm El Sheikh proposed that the Paris triad be replaced with the notion of ‘responding’ to L&D, to be implemented through a Pilot Loss and Damage Response Fund. The elements of such a fund were elaborated in a separate [OCP/ecbi blog post](#), which illustrated the relevant ‘response’ concept and its components.

As reported in a subsequent [OCP/ecbi blog post](#), COP 28 (Sharm El Sheikh, **2022**), acknowledged the “urgent and immediate need” for financial resources to assist particularly vulnerable developing countries “in **responding** to loss and damage associated with the adverse effects of climate change ... in the context of ongoing and ex post (including rehabilitation, recovery and reconstruction) action”,³ and decided to “establish a **fund for responding to loss and damage** whose mandate includes a focus on addressing loss and damage”.⁴

This Fund, as mentioned above, was operationalised by the [headline decision](#) taken on the opening day of COP 28 in Dubai (**2023**). It is noteworthy that the aforementioned “triad” was superseded by the simple references to “responding to L&D”⁵ and yet the spectre of liability was still present, as witnessed in Carbon Brief’s summary of [Key outcomes agreed at the UN climate talks in Dubai](#):

“The board will also be tasked with giving the fund a name. This came as the US – which for decades resisted the entire concept of “loss and damage” – pushed back against references to a “loss and damage fund”. Instead, US climate envoy John Kerry repeatedly referred to the “climate impact response” fund. The US State Department declined to comment on the reasoning behind this to Carbon Brief”.

Given the long-term problem that US governments have with the “loss and damage” narrative due to the spectre of liability, which has been a significant factor in preventing

3 2/CP.27 and 2/CMA.4, para 1, emphasis added.

4 Ibid. Para.3, emphasis added.

5 The only reference to the triad was in the context of referring to the “Santiago network for averting, minimizing and addressing loss and damage”.

progress on the issue of responding to adverse climate impacts over the past twenty years, the climate impact response narrative might not be an unreasonable approach. This could be undertaken if only to remove the liability spectre as a reason (or excuse) for lack of meaningful participation and progress; still, the US commitment in the initial pledging round in Dubai of USD 17.5 million (see [UNFCCC pledge tracker](#) and Figure below) lagged behind other countries. Of the initial 15 country pledges, nine were larger than that of the US in absolute terms, with Italy and France, for example, pledging almost seven times more. The picture becomes even clearer if we look at relative measures, such as pledges as a share of GDP. All but one country had larger pledges than the US by double digits, with the UAE pledge relative to its GDP a staggering 287 times larger than the US pledge.

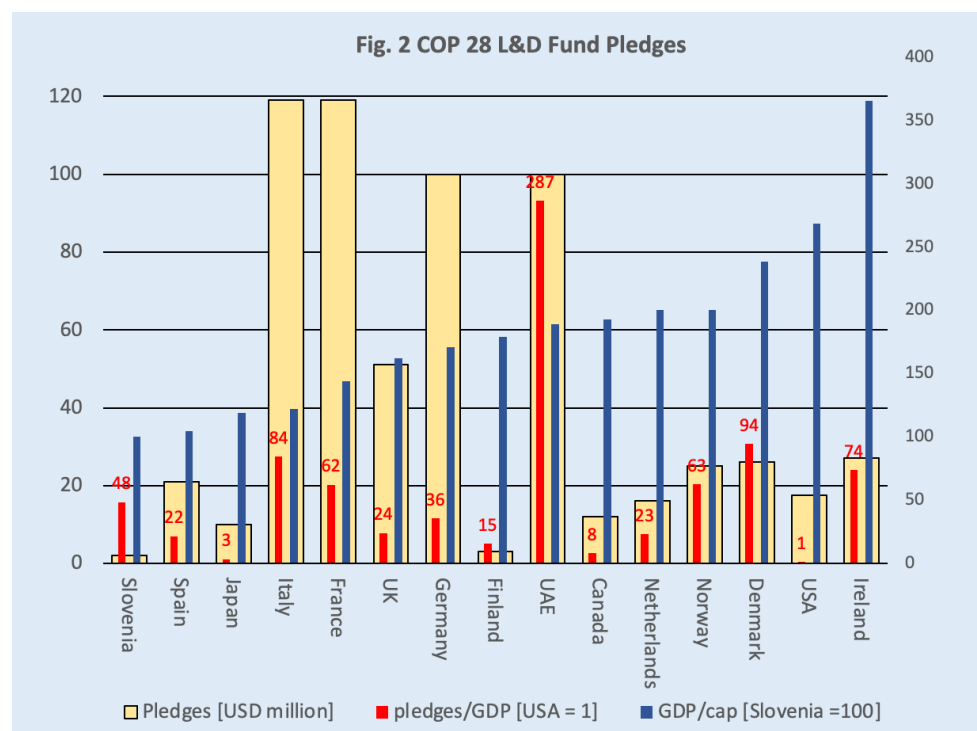


“The EU is ... on the side of the developing world and especially the small island states that are hit the hardest by climate change. We could have done more for them.”

DAN JØRGENSEN
 MINISTER FOR
 DEVELOPMENT
 COOPERATION AND
 GLOBAL CLIMATE POLICY,
 DENMARK

Anything to enable the US to participate meaningfully must be worth trying. If not a “Climate Impact Response Fund” then maybe a “Climate Impact Recovery, Reconstruction and Rehabilitation (CIR3) Fund”? The fact is, a name can be a sign of something to come, an omen. What we need to avoid is that it is regarded as a bad omen, if we want to avoid what happened over the last thirty years!

Last but not least, I was told that the Fund will indeed require a proper name (not just ‘Fund’) if it is to obtain a legal personality as was decided in paragraph 15 of the Dubai Decision. Thus, the Board of the Fund will have to face this issue, hopefully sooner rather than later.



GLOBAL STOCKTAKE

Among the many vital issues that COP 28 addressed, the first Global Stocktake (GST) under the Paris Agreement was perhaps the most fundamental to the future of multilateral climate ambition. It covers all matters, from mitigation to means of implementation, considers the history of climate action on each issue, and identifies gaps. The outcome also includes forward-looking components for each issue, and sets the future of climate cooperation, including next steps for countries' nationally determined contributions (NDCs).

The 2018 Katowice Climate Package broadly set out the process that countries followed, including the **Technical Dialogue** that preceded COP 28, which held three inclusive meetings, compiled written inputs, and considered inputs from most, if not all, of the constituted bodies. It served as an assessment of the collective progress toward achieving the purpose and long-term goals of the Paris Agreement. It also was intended to inform Parties about potential areas for updating and enhancing action and support and for strengthening international climate cooperation. In short, it was meant to inform the political discussions.

However, the political discussions did not take up much from the Technical Dialogue, and the GST outcome does not even welcome the Technical Dialogue Synthesis Report. Instead, the CMA “appreciated” those involved and the co-facilitators for preparing the report and other outputs. In moving forward, Parties were encouraged to consider the opportunities identified by the Technical Dialogue.

The key lesson from the first GST is that it is inherently political. Parties struggled to agree on a familiar narrative of the past and how to move forward. Some countries wanted an outcome that would shortlist actions for countries to take in the near and medium term. Others warned against rewriting the Paris Agreement, particularly the with respect to the national determination of countries' efforts.

An October ministerial meeting encouraged informal discussions among countries prior to COP 28, with its co-chairs producing bullet points for consideration by a mid-November online meeting. The bullets were further elaborated after this pre-meeting but a decision was still far off. By the end of the meeting, there was already a desire to learn and improve the negotiation process for future GSTs. Those negotiating the new collective quantitative finance goal referred to the GST process when setting out their 2024 procedures in light of the GST. They sought to improve on what many viewed as a messy, rushed GST process.

Critical Issues in the GST

Throughout the CMA negotiations, some long-standing, rather foundational, debates still existed. These included differentiation and national determination.

The Like-minded Group of Developing Countries (LMDCs), with other developing countries, stressed differentiation. This came up in discussions on the preamble, context and cross-cutting considerations, mitigation, finance, and the way forward (among others). The point was to show developed countries' historic contribution to the problem and lack of financial support, while developing countries continue to suffer disproportionate impacts and the ongoing legacies of inequities and colonialism.



“We have initiated the phase-out of fossil fuels and the entry into the renewable era. At the same time, the decision shows that we can only achieve the necessary reduction in emissions and adaptation to the climate crisis with an intact natural environment.”

STEFFI LEMKE

FEDERAL MINISTER FOR THE ENVIRONMENT, NATURE CONSERVATION, NUCLEAR SAFETY, GERMANY

Developed countries pointed to the Paris Agreement and its more nuanced view of responsibilities. All countries submit NDCs, developed countries have some differentiated responsibilities, and there are flexibilities for all developing countries, especially least developed countries (LDCs) and small island developing states (SIDS). A few times, the US, Canada, and other developed countries suggested that the Paris Agreement was not under the Convention. Most developing countries sharply disagreed.

Debates on the Paris Agreement also lay underneath many discussions on specific issues. In the negotiations on mitigation and the way forward, for example, there was a fundamental tension between the nationally determined nature of the Paris Agreement and some countries’ calls for new goals. Parties determine their climate goals as contributing to the Agreement’s overall temperature, adaptation, and other goals. Global goals for energy efficiency, phasing out fossil fuels, and guidance for future NDCs seemed too top-down for some countries.

Sections and subsections after the preamble

- I. Context and cross-cutting issues
- II. Collective progress towards achieving the purpose and long-term goals of the Paris Agreement, in the light of equity and the best available science, and informing Parties in updating and enhancing, in a nationally determined manner, action and support
 - a. Mitigation
 - b. Adaptation
 - c. Means of implementation and support, including finance, technology development and transfer, and capacity building
 - d. Loss and damage
 - e. Response measures
 - f. International cooperation
- III. Guidance and the way forward

Many of these sections relied on the negotiation efforts and outcomes under other agenda items. Much of the substantive sections on adaptation, for example, reference the CMA decision on the Global Goal on Adaptation. The way forward in the finance section anticipates the 2024 outcome of the new collective, quantified finance goal on climate finance. Mitigation and Guidance and the Way Forward were two of the most challenging sections.

Mitigation and the Energy Transition

Mitigation was a central focus of the GST negotiations, attracting considerable attention from civil society, the media, and key countries. The [US-China Sunnylands Statement](#) set out both countries’ shared goals for the GST, including that it should “send signals” concerning the energy transition. The [G20 Leaders Declaration](#) called for pursuing efforts to triple renewable energy capacity globally by 2030. There were two contentious issues in formulating the energy transition package in the outcome.

First, there were loud calls for a phase-down of (unabated) fossil fuels., with various permutations set out. Most powerfully, some civil society members and small island states called for a phase-out of fossil fuels. Others preferred a phase-down. The High Ambition Coalition led a group of over 170 countries calling for language around a phase-down of unabated fossil fuels in the final days of the conference.



“[I]f Parties continue to oppose the phase out of fossil fuels and fossil fuel subsidies, they must stop and question their own commitment to this process.....our small island developing states are on the frontlines of this climate crisis, but if you continue prioritizing profit over people, you are putting your own future on the line.”
CEDRIC SCHUSTER
AOSIS CHAIR

However, this language is absent from the outcome. The Arab Group and other OPEC countries pushed back. In a [leaked OPEC memo](#), the organization of oil producers reminds its members that the focus should be on emissions, not sources of emissions; for them, mentioning fossil fuels would not be acceptable.

The outcome calls for transitioning away from fossil fuels in energy systems. It is a historic first that a UNFCCC outcome includes the words “fossil fuels,” the source of the climate crisis, and perhaps damning in the fact that it took so long.

Second, due to pushback from OPEC countries, the role of transitional fuels and carbon capture and storage (CCS) was debated. Transitional fuels, such as gas, may be lower in CO2 intensity but are still climate-damaging fossil fuels. Many countries characterized the decision’s recognition “that transitional fuels can play a role in facilitating the energy transition” as a “loophole.” On CCS, SIDS, LDCs, and several developed countries called for it to only be a last resort in sectors that are difficult to abate. However, CCS is listed alongside other zero- and low-emission technologies, such as renewables and nuclear energy, in the final decision.

The energy transition package is formulated as a list. Recently, Saudi Arabia’s energy minister [referred to it as a menu](#) from which countries can pick and choose. While many others disagree, the language of the decision is ambiguous and allows for flexibility. It calls on Parties to contribute to the actions listed in a nationally determined manner and consider national circumstances, pathways, and approaches. The list includes the following:

- Tripling renewable energy capacity globally and doubling the global average annual rate of energy efficiency improvements by 2030;
- Accelerating efforts towards the phase-down of unabated coal power;
- Accelerating efforts globally towards net zero emission energy systems, utilizing zero- and low-carbon fuels well before or by around mid-century;
- Transitioning away from fossil fuels in energy systems in a just, orderly and equitable manner, accelerating action in this critical decade to achieve net zero by 2050 in keeping with the science;
- Accelerating zero- and low-emission technologies, including, *inter alia*, renewables, nuclear, abatement and removal technologies such as carbon capture and utilization and storage, particularly in hard-to-abate sectors, and low-carbon hydrogen production;
- Accelerating and substantially reducing non-CO2 emissions globally by 2030, including methane emissions, in particular;
- Accelerating the reduction of emissions from road transport on a range of pathways, including through the development of infrastructure and rapid deployment of zero- and low-emission vehicles; and
- Phasing out, as soon as possible, inefficient fossil fuel subsidies that do not address energy poverty or just transitions as soon as possible.

Guidance and the Way Forward

While the bullet points were transformed into sentences in the other sections, this final section remained barest when the draft text went to ministers. The Co-Facilitators had little explicit guidance from Parties on what should be included or the careful balances to be struck.

LMDCs, in particular, worried that this section and other aspects of the GST could lead to a re-writing of the Paris Agreement by setting new expectations for NDCs. Indeed, there were suggestions for the next round of NDCs, including pre-checks to see if they are aligned with 1.5°C and for more countries to submit economy-wide quantitative targets.

The outcome essentially reaffirms previous agreements around communication and information requirements with respect to NDCs, including that the next NDCs should state how they were informed by the GST. Interestingly, the mitigation section says more about the next round of NDCs. After repeated assurances regarding the nationally determined nature of the NDCs, the text encourages Parties to align their NDCs to the 1.5°C temperature goal, taking into account national circumstances.

This section establishes:

- an expert dialogue on mountains and climate change (June 2024);
- an expert dialogue on children and climate change to discuss the disproportionate impacts of climate change on children (June 2024); and
- an annual GST dialogue beginning in June 2024 to facilitate sharing knowledge and good practices on how GST outcomes inform Parties' next NDCs.

There is also a call for the various constituted bodies, work programmes, and other UNFCCC initiatives to consider integrating the GST outcomes into their work. This could be meaningful, or a “flashpoint”, for ongoing work under the mitigation and just transition work programmes. In those discussions at COP 28, countries could not agree on whether to reference the GST outcome, particularly around the energy transition.

What's Next?

The next GST will begin in 2027 with another technical dialogue. The political phase will end in 2028. In the meantime, considerable work is needed to keep track of all the calls, encouragements, and other expectations set in the first GST.

This will be the “Roadmap to Mission 1.5” under the COP 28 (UAE), 29 (Azerbaijan), and 30 (Brazil) Presidencies. It will aim to enhance international cooperation and raise ambition in the next NDCs to keep 1.5°C within reach. This may be the most tangible outcome of the GST, to make sense of the varied, confusing, and contradictory messages it sends.

JUST TRANSITION

The work programme on just transition pathways (JTWP), which was established at COP 27 in Sharm el-Sheikh, drew much attention at the Subsidiary Body (SB) meeting in June 2023 and remained contentious throughout the meeting later in the year in Dubai at COP 28. It was part of the basket of issues on which agreement was found only at the very end of COP 28.

Looking back, different phases can be identified with regard to attention given to the issue under the UNFCCC: a timid emergence, progressive strides towards a broadening and deepening of what the notion of just transition entails, and the gear change that came with the operationalisation of the work programme. Looking back on this evolution is key to understanding the discussions that took place at COP 28.

Timid Emergence

While the decision to establish a dedicated work programme on just transition pathways came as a surprise to many, as it was catapulted into the conference's cover decision without being discussed under any specific agenda item, it built on more than a decade of groundwork both within and outside the UNFCCC.

Trade unions, which gained UNFCCC **constituency status** in 2008, played an instrumental role in fostering growing attention on the notion of just transition, as they have been engaging in persistent lobbying in the climate change negotiations for many years. As early as 2006, they urged focusing on "**just employment transition**" and promoted inclusion of a "**just transition framework**" in the negotiations for a post-2012 agreement (which would eventually become the Paris Agreement).

The International Labor Organization (ILO) also looks back on more than a decade of leadership on the matter. In 2013, the General Conference of the ILO adopted **conclusions on sustainable development, decent work, and green jobs**, which put forward a policy framework for a just transition. This was complemented in 2015 with the publication of **guidelines for a just transition towards environmentally sustainable economies and societies for all**.

The lobbying paid off, with the notion of just transition first making its way into the UNFCCC's **Cancun Agreements** adopted in 2010 and, in 2015, it was referenced in the preamble of the **Paris Agreement**. In both cases, the references were specific to *just transition of the workforce*.

The scope and magnitude of actual work on just transition within the UNFCCC nevertheless remained fairly limited. It was confined under the forum on the impact of the implementation of **response measures**, whose work is generally focused on minimising the downsides of mitigation policies, and gathering lessons learned with a strong focus on the energy sector.

Progressive Strides

With continued lobbying by labour organizations, momentum for more extensive work on just transition grew at the Fiji/Bonn COP 23 in 2017 and the Katowice COP 24 in 2018, but only on the sidelines of the negotiations. Backed by the ILO, the Fijian Presidency launched a Working Group on Just Transition and Decent Work, as part of the **Marrakech Partnership for Global Climate Action**, and the Polish Presidency fostered the adoption of a **Solidarity and Just Transition Silesia Declaration**.

Although not picked up in decision text, these initiatives marked important initial strides towards broadening and deepening work on just transition in the climate context, including by:

- not only referring to mitigation, but also to adaptation;
- looking beyond workers towards sectors, regions, cities, and communities;
- attending to gender responsiveness;
- emphasizing the employment opportunities arising from the transition to low-emissions and climate-resilient economies;
- framing just transition as a means to enhance public support for achieving the Paris Agreement's goals; and
- encouraging support for developing countries to promote activities that will create quality jobs.

A small formal step was taken at the Chile/Madrid COP 25 in 2019, with Parties noting that gender-responsive implementation and means of implementation of climate action can enhance just transition of the workforce (Decision 3/CP.25, paragraph 9).



“Anyone who can do the math knows that investments in fossil fuels are not profitable in the long term ... [This conference is] a sign of hope in these hard geopolitical times that multilateralism still works, if we are willing to come out of our comfort zones.”

ANNALENA BAERBOCK
FEDERAL MINISTER
FOR FOREIGN AFFAIRS,
GERMANY

However, the real shift came with COP 26 in Glasgow. For one, decisions went beyond the focus of *just transition of the workforce* by:

- recognizing the need to ensure *just transitions that promote sustainable development and eradication of poverty*; and
- urging Parties to communicate long-term low-GHG emission development strategies towards *just transitions to net-zero emissions by or around mid-century*.

For another, the decisions touched upon means of implementation, notably by referring to:

- making financial flows consistent with a pathway towards low-GHG emission and climate-resilient development,⁶ including through the deployment and transfer of technology, and the provision of support to developing countries; and
- the provision of targeted support to the poorest and most vulnerable countries in the context of the transition towards low-emission energy systems.

COP 27 in turn ushered in the basis of a breakthrough on just transition. Decisions adopted in Sharm el-Sheikh contained ever more references to just transition, including specific reference to *just transitions to renewable energy during this critical decade* and to just and equitable transition *pathways* that include energy, socioeconomic, workforce, and other dimensions.

Most importantly, Parties decided to establish a work programme to foster discussion of pathways to achieve the goals of the Paris Agreement outlined in Article 2.1, in the context of Article 2.2 (see box).

Paris Agreement **Article 2.1** sets out the aim for the Agreement to strengthen the global response to climate change in the context of sustainable development and poverty eradication efforts by: a) limiting global average temperature increase to 2°C and preferably 1.5°C; b) increasing adaptive capacity and resilience in a manner that does not threaten food production; and c) making finance flows consistent with a pathway to low-GHG and climate-resilient development.

Article 2.2 specifies the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances.

The decision specified that the work programme would build on and complement existing workstreams, including the mitigation work programme, and that annual high-level ministerial roundtables would be convened. All else was to be fleshed out by the SBs throughout 2023.

Gear Change

The objective of negotiations in 2023 was to operationalise the work programme by the end of the year. With this timeline in mind, delegates exchanged views on the work programme’s possible elements at the Subsidiary Body meeting in June,

⁶ Which is the language of Paris Agreement Article 2.1.c.

through submissions, a dedicated workshop, and ultimately throughout both meeting weeks at COP 28⁷.

Unsurprisingly, strong divergences emerged regarding the scope of the work programme. Developing countries argued that the work programme should go beyond a mitigation-centric approach that only focuses on the energy sector's workforce. They, and especially the African Group, underscored that attending to sustainable development and poverty eradication is the essence of just transition. Many highlighted the need to reduce inequality within and between countries. Developed countries emphasized just transition is something all countries need to address domestically and highlighted it as a tool for enabling enhanced ambition.

The most contentious point was that developing countries believed that the work programme should address how the multilateral process will support nationally determined just transition pathways, rather than just serve to share best practices, and called for means of implementation. Some developed countries opposed this, and some suggested the work programme could identify available resources to support just transition pathways, both within and outside the UNFCCC.

Discussions on the preamble of the decision text also served to address the overall framing of the matter. A number of developed and developing countries emphasized the need for a rights-based approach to just transition, voicing their opposition to relevant references being dropped in some iterations of draft text at COP 28.

Another contentious point was the issue of unilateral climate measures that affect trade, such as carbon border adjustments. Argentina, Brazil, and Uruguay, supported by China and India, wanted to see it included and a bracketed reference to Article 3.5 of the Convention, which covers this, remained in the draft text until the final stretch of consultations undertaken by the Presidency.

To operationalise the work programme, Parties also had to pin down its institutional arrangements and expected outputs. Developing countries overall emphasized the distinctiveness of the JTWP's mandate compared to the response measures discussions. In June, they opposed the suggestion for the Katowice Committee of Experts on the Impacts of the Implementation of Response Measures (KCI) to serve as an expert body supporting the work programme's implementation. However, Parties were generally in favor of placing it under the guidance of the SBs.

Preferences for the work programme's timeline varied, with developed countries generally preferring a shorter mandate and developing countries a longer one. In terms of outputs, developed countries preferred synthesis reports, while developing countries urged for the adoption of annual decisions on this issue.

In Dubai, negotiations were complicated by interlinkages to other agenda items and the fact that much attention focused on securing an agreeable outcome on the GST. With no agreement in sight despite work in informal huddles and a drafting group, the latest

⁷ In addition, the Standing Committee on Finance's 2023 Forum focused on finance for just transitions. Just transitions was also addressed in several high-level events at COP 28, including on accelerating just energy transitions and on gender-responsive just transitions.

iteration of draft text went into the hands of the Presidency. In a last ditch effort to secure agreement on the basket of outstanding issues—among them the GST, Global Goal on Adaptation, and just transition—the Presidency conducted consultations with groups and tabled revised draft decisions early on 13 December, which were adopted shortly afterwards in the conference’s closing plenary.

The **decision** on the JTWP caters to various groups’ priorities and, among others:

- refers not only to the workforce, but also to sustainable development and poverty eradication as part of global transitions to low emissions and climate resilience;
- recognizes that just transitions are for all countries, while also recognizing the specific needs and special circumstances of developing countries; and
- contains, in its (hefty) preamble, a list of rights and type of people whose rights are to be respected⁸.



“The South cannot be forced to choose between development and climate action. Both factors are indissolubly linked.”

**MIGUEL DÍAZ-CANEL
BERMÚDEZ**
PRESIDENT OF CUBA

Notably, the body of the decision only specifies that the work programme should include, among other elements, international cooperation as an enabler of just transition pathways towards achieving the Paris Agreement’s goals. The preamble on the other hand stitches together various references to means of implementation. It:

- recalls paragraph 85 of Decision 1/CMA.3—which refers to consistency of financial flows, technology transfer, and the provision of support to developing countries—and spells out the full text of the paragraph;
- underscores the importance of urgent delivery of means of implementation (capacity building, climate finance, and technology development and transfer) to facilitate just transition pathways and of enhancing international cooperation on, and support for, just transition pathways, especially for developing countries; and
- takes full account of the specific needs and special situations of LDCs with regard to funding and transfer of technology.

Parties decided that the work programme’s implementation will be guided by a joint contact group to be convened at each SB session, beginning in June 2024. At least two dialogues will be held each year prior to the two annual SB sessions, with dialogue topics to be defined by the SB Chairs based on input by Parties and observers. In terms of outputs, there will be an annual summary report on the dialogues, an annual decision, and a report to inform the second GST. Finally, the work programme’s effectiveness and efficiency will be considered at CMA 8 in 2026.

Looking Ahead

The operationalisation of the work programme at COP 28 ushered in a gear shift with regards to the consideration of just transition within the UNFCCC. It broadened the scope beyond just transition of the workforce and ensured not only more frequent but also deeper engagement on the matter, especially considering the expectation for annual decisions.

One thing that makes these discussions complicated is that just transition can be seen as all encompassing. It links to discussions under existing workstreams, including on:

⁸ Specifically, it acknowledges that Parties should respect their respective obligations on: human rights; the right to a clean, healthy, and sustainable environment; the right to health; the rights of Indigenous Peoples, local communities, migrants, children, persons with disabilities, and people in vulnerable situations; the right to development; and gender equality, empowerment of women, and intergenerational equity.

technology, agriculture, the mitigation work programme, the new collective quantified goal on finance, and alignment of finance flows (Paris Agreement Article 2.1.c).

The next step is for the SB Chairs to determine the topic and format of the first dialogue to be held before the SB meeting in June 2024.

CONCLUSION

While this brief focused on loss and damage, the all-encompassing GST outcome, and the JTWP, other outcomes from COP 28 included:

- adoption of the framework for the Global Goal on Adaptation to guide the goal's implementation and which establishes impact, vulnerability, and risk assessment (by 2030), multi-hazard early warning systems (by 2027), climate information services for risk reduction and systematic observation (by 2027), and country-driven, gender-responsive, participatory, and transparent national adaptation plans (by 2030);
- designation of the consortium of the UN Office for Disaster Risk Reduction and the UN Office for Project Services as the host of the Santiago Network on loss and damage; and
- a decision to continue and strengthen the dialogue to exchange views on and enhance understanding of the scope of Article 2.1(c) of the Paris Agreement (on aligning finance flows with low-GHG climate resilient development) and its complementarity with Article 9 (climate finance).

In advance of what many are calling a finance COP, the climate change conference in Azerbaijan will need to focus on the cost of the global energy transition. COP 29 is the deadline for countries to agree on a new quantified collective goal on climate finance, and the Loss and Damage Fund will need many more pledges. With the agreement to move away from fossil fuels, developing countries, in particular, will require finance and other support to make the transition. While some hailed the agreement as the “beginning of the end” of fossil fuels, others remained skeptical. COP 29 will again be hosted by another fossil fuel-based economy and will be presided over by a former executive of the state's oil company, as was COP 28.

Another issue that continues to require attention is that of gender balance in the climate process. Already, the COP 29 organising committee sparked controversy when it initially appointed only men, as well as oil executives. Only after significant backlash were 12 women appointed.

With warming records also continuing to be broken, and 2023 officially the warmest year on record, COP 29 will have the additional pressure to advance the climate agenda. As AOSIS Chair Cedric Schuster of Samoa *asked* of developed countries with respect to what is at stake and on the need to keep 1.5 alive: “How can you not understand—it is our very survival that is at stake”.

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