

Efforts to narrow scope of Just Transition Work Programme averted

Kuala Lumpur, 28 Nov. (Hilary Kung) – Developing countries averted efforts by developed countries in narrowing the scope of the Just Transition Work Programme [JTWP] at the Baku climate talks, which ended at dawn on Sunday, Nov 24. The talks concluded with no substantive decision on advancing the JTWP, concluded with only a procedural decision to continue further consideration of this matter next year.

The failure to arrive at a substantive outcome was the result of an “imbalanced text” by the Co-chairs of the JTWP which did not reflect the concerns and proposals of developing countries and was viewed as narrowing the scope of the JTWP from the decision adopted in Dubai in 2023 at COP 28. Developed countries in the JTWP consultations, wanted to delete references in the draft Presidency text to the Convention, the principle of common but differentiated responsibilities and respective capabilities [CBDR-RC], and the concept of the ‘right to development’, drawing strong reactions from developing countries. (See further details below).

[The outcome from Dubai ensured the JTWP’s broad scope, when Parties decided that “*the work programme shall include the following elements:*

- *Just transition pathways to achieving the goals of the Paris Agreement (PA)...*;
- *Just and equitable transition, which encompasses pathways that include energy, socioeconomic, workforce and other dimensions, all of which must be based on nationally defined development priorities and include social protection so as to mitigate potential impacts associated with the transition;*
- *Opportunities, challenges and barriers relating to sustainable development and poverty eradication as part of transitions globally to low emissions and climate resilience, taking into account nationally defined development priorities;*
- *Approaches to enhancing adaptation and climate resilience at the national and international level;*
- *Just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities, including through social dialogue, social protection and the recognition of labour rights;*
- *Inclusive and participatory approaches to just transitions that leave no one behind; (and)*
- *International cooperation as an enabler of just transition pathways towards achieving the goals of the PA.]*

At the closing plenary of the Baku talks morning of Sunday, Nov 24, the COP29 President, **Mukhtar Babayev** announced that “...consideration of this matter couldn’t be completed at this session”, and proposed to request the [UNFCCC’s] Subsidiary Bodies [SBs] to continue discussion at its 62nd session in June 2025 with a view to recommending a decision for consideration and adoption by CMA7 in Nov 2025. [CMA7 is the 7th session of the Conference of Parties to the PA.]

While all eyes in Baku on the JTWP were whether developing countries could successfully clinch an actionable workplan bolstered by the delivery of climate finance, technology transfer, capacity building and international cooperation, the draft text of the Co-chairs of the JTWP was viewed as “imbalanced” by developing countries, and this had stalled the negotiations in the first week with no consensus in transmitting the text for further consideration in week two of the climate talks. (see [TWN Update 9](#) for further details). Ensuring a balanced Presidency text in week two became the main objective of developing countries, to overcome the impasse from the first week.

On Thursday, Nov 21, the COP29 President convened an open-ended single-setting session [called “Qurultay”, meaning ‘meeting’ in Azeri] around noon, to hear the views from Parties on all the new texts issued by the Presidency on areas of controversy including the JTWP. During the session, the COP29 Presidency’s lead negotiator, **Yalchin Rafiyev** explained that the new text for the JTWP was based on inputs received from the Co-chairs and further strengthened based on what Parties shared through bilaterals, which was seen as a “well-balanced text for further engagement”. The Presidency’s draft text contained a few bracketed paragraphs (denoting lack of consensus), and a few options on four of the paragraphs (including a no-text option).

[The main focus of the single-setting session however was on the draft decision text related to the new collective quantified goal on finance [NCQG], with not much attention given to the JTWP decision text.] During the Qurultay, several Parties indicated that they would like to have more time to engage on the Presidency draft text, in respect of the JTWP.

INFORMAL CONSULTATIONS NIGHT OF 21 NOVEMBER

Later at night around 10.30 pm on Thursday, 21 Nov, an informal consultation was convened by Co-chairs **Kishan Kumarsingh (Trinidad and Tobago)** and **Georg Borsting (Norway)** to resolve the impasse. During this session, many developing countries expressed frustration over their inability to negotiate, as there were proposals missing and more clarification was needed over some of the texts.

The Co-chairs invited Parties to reflect on the Presidency draft text (released on Nov 20) by stating their preference on options and views on the bracketed paragraphs. A representative from the COP29 presidency team opened the consultation session saying that the one hour consultation was convened at the request of several Parties to engage on the Presidency draft text.

The draft text saw equity and the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) in the second para of the preamble being bracketed. The entire bracketed para read, “[*Affirming* that countries have different starting points and national priorities and that just transition pathways must be nationally determined, in the context of equity and the principle of CBDR-RC in the light of different national circumstances,]”

The **United States [US]**, the **European Union [EU]** and the **United Kingdom [UK]** requested this paragraph to be deleted while others including **Brazil**, the **Arab group**, the **Africa Group** and the **Like-minded developing countries [LMDC]** asked that it be retained. The **EU** said there was no point in having this paragraph as by definition, it was already captured in the sentence “Underscoring Article 2, paragraphs 1–2, of the PA”. The **LMDC** went further to say that it was “very worrying to see the principle of CBDR-RC not mentioned in the text” and also questioned “how can CBDR not even be an option in the [operative paragraphs of the] text” while other wordings not from the PA and UNFCCC are in the options.

On the option of whether to recall Article 3.5 of the Convention or there be no text, many developing

countries including the **LMDC, African Group, Brazil, India,** and the **Russian Federation** preferred the option of recalling Article 3.5 of the Convention in relation to the concerns over unilateral restrictive trade measures and climate change, while developed countries such as the **US, Canada** and the **EU** preferred the “no-text” option.

[Article 3.5 of the Convention states that *“Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.”*]

The **EU, US** and **New Zealand**, in particular, said that it could not accept recalling of the Convention, given that the JTWP is a CMA item [under the PA. Developed countries had made multiple attempts in the past to delink PA from the Convention - see [TWN Dubai Update 16.](#)] **Bolivia** for the **LMDC** responded by saying that it would not accept its deletion and rebutted that PA is under the Convention, which was then supported by **Brazil**.

On the issue of energy access, **Ethiopia** for the **LDCs** said the draft text did not address this issue which is critical for the group. It said it had also submitted a written proposal but did not see it reflected in the text. It then suggested explicit mention of energy access, to underscore that just transition should facilitate affordable energy access. This proposal was supported by the **African Group, LMDC, India** and **Brazil**.

On another matter, the **US** proposed to delete the reference to the “right to development” and the “right to a clean, healthy and sustainable environment” in the text, and said it would have to come back to this after some guidance from lawyers on international human rights law. This provoked strong reactions from **India** and **Burkina Faso**.

“We will not accept the deletion of the reference to the right to development” retorted **India**, adding that this would be completely unacceptable, and

highlighted that this was a surprise and that “there is a UN declaration on the right to development” which has “beautiful language and [is] very well crafted.”

India then went on to cite the UN declaration and said that it is exactly because of the right to development that LDCs ask for the insertion of “energy access” and “energy affordability” language in the text.

Speaking in a similar vein, **Burkina Faso** said that “The right to development is not negotiable - this is our red line”. Referring to recognition of the special circumstances of LDCs and Small Island developing states (SIDs) in the Convention and the PA, it said further “we are not here to renegotiate....we prefer no deal than a bad deal...we will not accept carbon colonialism to come. We wouldn’t accept any approach without means of implementation in the way forward.” Elaborating further, it said, “We wouldn’t accept any deal [that excludes] our informal sector, which is the engine of our economies that feed the world...”.

Brazil also expressed its support for the **LDCs** and **LMDC**, and said it was in favour of the addition of the “energy poverty issue”, and asked how this will this be inserted. More broadly, it also expressed its frustration with the mode of work which made it “impossible to follow all the suggestions” as “[Parties] are not negotiating but [only] making statements”. It questioned, “How are we going to follow the red lines and who decides what is to remain in the text [and what is being removed].” It then called for improvement in the process that is more Party-driven.

Egypt, in its national capacity, said that there is need to delete some paragraphs [paras 15 and 16] in the text which contradicted the nature and scope of the JTWP that Parties had agreed to in Dubai. **India, Bolivia** for **LMDC** and **Qatar** for the **Arab Group** also shared the same view and made similar comments on these two paras.

[Para 15 of the draft decision reads, *“Notes that just transition pathways are determined at the national level in a nationally determined manner through national climate plans, policies and strategies such as NDCs (nationally determined contributions), NAPs (national adaptation plans) and LT-LEDS*

(long-term, low-emissions development strategies) and urges Parties to consider just transition pathways in developing and implementing NDCs, NAPs and LT-LEDS that are aligned with the outcome of the first global stocktake and the relevant provisions of the PA, recognizing that doing so can facilitate more ambitious climate action;” while para 16 reads, “ Emphasizes the inherent connection between pursuing efforts to limit the global temperature increase to 1.5 °C, including through deep, rapid and sustained reductions in greenhouse gas emissions, and pursuing just transition pathways.”].

On the inclusion of references to the private sector in the JTWP as reflected in para 17, [which is presented without brackets], the **UK** said para 16 and 17 are of utmost importance in this context. The **LMDC** commented that it could not accept the inclusion of private sector in the text and also could not accept a blanket statement on the opportunities of transitions without even knowing what this entails. **Egypt** said it could go with para 17 but it needs a lot of changes in the paragraph and highlighted that this para is not agreed language as Parties have not negotiated on the text even though it is not bracketed. It suggested that this para to be deleted unless there are opportunities to change it to the language that Parties agree.

[Para 17 read, “*Underscores the multisectoral and multidimensional nature of just transitions and the resultant need for whole-of-economy approaches to just transitions that engage the private sector, including micro, small and medium-sized enterprises, and contribute to the creation of green, decent jobs and recognizes that such approaches include significant socioeconomic opportunities associated with transitioning away from fossil fuels in energy systems.*”]

India also said it could not accept “private sector” in the text in para 17, which needed more clarification from those who drafted the language to clarify what it means. “What role is envisaged for the private sector in just transitions? It is not enough to simply throw in the word without context,” it said further. With regards to the “socioeconomic opportunities associated with transitioning away from fossil fuels in energy systems” mentioned in para 17, India also

questioned, “What are the socio-economic opportunities associated with fossil fuel transitions? If there are such opportunities, why is there a need for ‘social protection’..., or indeed even to make efforts for just transitions?”. **India** went on to say that many things in the text have no basis in science and are not even reflected in any part in the summary of the two dialogues [held under the JTWP], produced by the secretariat. It is unclear from where they have been introduced into the text.” India also questioned the meaning of the term “workers affected by a just transition” in para 14. “If workers are also affected by a ‘just transition’, how can it be ‘just?’” it asked further.

(Para 14 read, “Further highlights the importance of ensuring meaningful and effective social dialogue involving all relevant social partners, including with workers affected by a just transition, informal workers, people in vulnerable situations, Indigenous Peoples, local communities, migrants and internally displaced people, children, youth and persons with disabilities, as well as education for sustainable development and decent work, for enabling effective, inclusive and participatory just transition pathways and reiterates that the global transition to low emissions and climate-resilient development provides opportunities and challenges for sustainable development and poverty eradication)

On para 19 of the text, option 1 invites the JTWP to integrate outcomes of the first global stocktake (GST) relevant to just transition. The **UK** said follow up of the relevant elements of GST is key to this programme. **Japan, New Zealand,** and the **EU** also indicated option 1 as a strong preference. The **LMDC, India, African Group, Arab group, Egypt,** and the **Russian Federation** preferred the no-text option, with LMDC, India and Russian Federation indicating that this is their redline.

(Para 19 read, “Invites the work programme to integrate outcomes of the first global stocktake relevant to just transition...in line with para 186 of decision 1/CMA.5”).

On “Developing country Parties with significant capacity constraints” in para 21 of the text, **India** asked “which Parties are included here” and was happy to engage but this had “no basis”. (Para 21 reads, “*Acknowledges the challenges and barriers faced by developing country Parties with significant*

capacity constraints, including the LDCs and SIDs, in preparing and implementing national climate change plans and notes the importance of enhancing the provision of means of implementation and creating domestic enabling environments for preparing and implementing such plans”).

India also highlighted that it could not accept para 22 that “*notes the summary of the 2023 Forum of the Standing Committee on Finance on financing just transitions and the information therein on integrating consideration of just transitions into national policy making and policy frameworks as well as into creating enabling environments, and mobilizing and enhancing access in relation to financing just transitions*” because it links entirely to domestic policy alone without the global dimension. Explaining further, it said “we should speak to the question of the depletion of the global carbon budget and the pre-2020 implementation gap as all this constrain our policy making at the domestic level”. (For more details, please read India’s intervention in [TWN Update 9](#)). In a similar vein, the **LMDC** and the **Arab Group** also highlighted the need to recognise that “developed countries bear their historical responsibilities”.

In the reference to “global partnerships” in para 24 option 1, the **US** said, “We strongly support option 1 as the substance in this para is critical for the JTWP and this para also speaks to the real purpose of a work programme”, and that it would be “a real detriment to lose this para.” This was echoed by the **UK** that option 1 in the para 24 is key to recognizing international cooperation but **India** questioned what does “global partnership” mean. The **LMDC** made a suggestion to maintain the part that acknowledged the lack of capacity among developing countries but called for deletion of “may” and references to “partnerships” and change it to “cooperation”. [The references to “global partnerships” such as the ‘Just Energy Transition Partnerships’ or JETPs has drawn much criticism from some think-tanks, as well as concerns from some developing countries.]

(Para 24 read as follows: “*Acknowledges that developing country Parties may lack the institutional and financial capacity to achieve just transitions on their own and that global partnerships and capacity-building initiatives may be essential in this context and recognizes that the*

work programme has the potential to promote and enhance the role of existing international partnerships and institutional arrangements in providing capacity-building and technical and financial assistance”).

On the mode of work during the informal consultation, **Egypt** for the **G77 and China** requested the Co-chairs to project the text at the start of the informal consultation so that Parties could engage with text and to follow and track what exactly others are saying. This was then echoed by many others including **China, Brazil, LDCs, the African Group, Iran, LMDC, Peru, Burkina Faso and Indonesia**. The proposal from the **G77 and China** was however not accepted by the Co-chairs, who said that this was due to a “distinct objection from the US”.

India expressed dismay in this regard and said, “A lot of Parties asked for the text to be seen on the screen as many are not native English speakers” and that this would enable for a more “just” process” adding that Parties “could have moved a while ago [with textual negotiations] but we were provided with no options.”

Towards the end of the session, **Egypt** for **G77 and China** expressed its disappointment and said, “we started at 10.30 pm and we were told we had an hour but we have now exceeded...[this] 2.5 hours [would have been] more conducive if we could engage on the text and if the request by 134 members [to project the text on screen] was honoured. Unfortunately [we are] very disappointed...rejection by only one Party...led us to this critical situation.... So many nights here [we have] tried to engage constructively but we never broke into a single informal-informal [to negotiate on the text]. It is very frustrating. Just transition should mean justice and unfortunately the JTWP did not reflect any justice in the process”.

Bolivia for the **LMDC** also expressed its disappointment “with the process that has been carried out to take us to this point of exhaustion.” It said “we could not restrict our comments only to the options and bracketed paragraphs because in our view, currently everything is bracketed since nothing is agreed upon. Indeed, we have not negotiated the language in any of the paragraphs. We can go paragraph by paragraph through the

entire text, and provide our inputs. From what we have heard, we can see that colleagues have asked for the removal of some of the paragraphs that we think are extremely important for us to have here.”

China emphasized the need for a “Party-driven process” and said it is important for Parties to know who has proposed what in the text so that they can engage and seek clarification or negotiate with the proponent and not negotiate with the Co-chairs.

Hence, the consultations on 21 Nov ended with Parties reiterating and elaborating some of their views and positions in further detail, some of which have been stated during the “Qurultay” on Nov 21.

NOVEMBER 22 DRAFT TEXT

The [final iteration](#) of the Presidency draft text of Nov 22, saw some changes with the insertion of the “access to affordable energy” language; but, by and large, many concerns and “redlines” from developing countries remained unaddressed, including the removal of the reference to Article 3.5 of the Convention, relating to unilateral trade measures.

On what was supposed to be the final day of the talks on Friday, Nov 22, according to reliable sources, the Presidency convened bilateral meetings with selected groups of Parties over the draft decision text. However, no consensus was possible.

Sources also informed that some developing countries, including the **LMDC** supported by the **African Group**, made efforts to salvage the situation by proposing a procedural decision, suggesting an additional paragraph calling for submission by Parties, observers, and non-Party stakeholders on their views on how the implementation of the work programme could be strengthened to effectively address the elements contained in the Dubai decision. This proposal did not see the light of day.

With no substantive outcome on the Presidency text, developing countries had thwarted efforts of narrowing down the scope of the JTWP and in undermining “justice” in the just transition.

Further consideration in advancing the JTWP will continue afresh in Bonn, Germany, in June 2025.