Remarks of
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Good afternoon. It is a great pleasure to be here to talk about the Paris Agreement on Climate Change. Thanks to my good friend Carol Werner for inviting me. I am pleased to share the podium with colleagues Bruno Fulda from the French Embassy and Dr. Georg Maue from the German Embassy.

First, let me say that I am here not as a representative of the Department of State but as the former Co-Chair of the Ad Hoc Group on the Durban Platform, and I will speak from that perspective.

I would like today to cover three things:

(1) First, the negotiating process that led to the Paris Agreement
(2) Second, how the negotiation differed in important respects from what might be considered more traditional negotiations, and
(3) Third, some key features of the Paris Agreement

Negotiating Process

The negotiations that led to the Paris Agreement officially began in 2012 following adoption of a decision at COP-17 in Durban that established the Ad Hoc Group on the Durban Platform for Enhanced Action – or the ADP for short.

The group met throughout 2012, 2013, 2014 and 2015 under three different sets of co-chairs, one from a developed country and the other from a developing country.

Parties did not produce a negotiating text until February of last year in Geneva. That is when my co-chair Ambassador Ahmed Djoghlaf from Algeria and I began our work.

What we had going in were 39 pages of “elements for a negotiating text” that were annexed to the decision – the Lima Call for Climate Action -- taken by the COP at its 20th Session.
Our job at the Geneva session was to put together a draft negotiating text before May, as called for in the Lima decision.

To do this, the text had to be acceptable to all Parties. This meant the process in which it was produced had to be viewed as legitimate in the eyes of all Parties. And that in turn meant that all Parties would need to have the opportunity to provide their input.

To get there, Ahmed and I asked the Parties to tell us how the “elements” from Lima would need to be modified – what parts they wished to modify and what additions they wished to make. We established only two rules – that each proposal had to be read out in the plenary session so that all Parties would know its origin, and that all proposals had to be submitted to the secretariat in writing so that we would be sure what each Party had proposed.

It was clear, even at the time, that what would emerge from such a process would not be a thing of beauty -- and it was not. Thirty-nine pages of “elements” grew into the “Geneva Negotiating Text” that ran to 86 pages. It was not so much a “negotiating text” as a “compilation of views” of all 196 Parties.

Still, putting together such a text in essentially the first three days of the Geneva Session took people’s breath away and created a very positive spirit – a very critical element given the rancor and acrimony so familiar to the UNFCCC process. Evidence of this spirit could be seen even at the outset when Parties agreed to refrain from making opening statements in plenary and instead to make them available electronically to save time.

We were also able at that time to hold plenary discussions on three key issues: the structure of the agreement, cycles for updating the agreement and the issue of markets – or what I referred to at the time as “markets, non-markets and no markets.”

Geneva accomplished its task and the Geneva Negotiating Text was translated into all UN languages and circulated to all Parties by March of last year – well in advance of the May deadline.

**June Negotiating Session**

The ADP met next in Bonn for two weeks in June. Its main task at that time became consolidating and streamlining the text – and reducing the number of options. In one case, I think we had as many as 18 options for the same idea. This proved a very difficult task, and by the end of the session Parties had managed only to cut about four pages from the 86 pages with which they began.

Nevertheless, several crucial things happened at the June meeting. First, Parties agreed to the schedule proposed for the session, including adding work
outside normal hours – over the lunch period and into the evening. **Second**, Parties agreed to work with a set of 11 co-facilitators that Ahmed and I asked to handle discussions in each of the key areas. **Third**, they agreed to work with textual proposals prepared by the secretariat to help consolidate and streamline and reduce the number of options. **Fourth**, Parties almost universally urged that broad, conceptual discussions be avoided – and instead that complex concepts such as “differentiation” and “equity” be taken up in the specific discussions of mitigation, adaptation, finance, technology development and transfer, capacity building and transparency of action and support – where context made them more tractable. **And fifth**, they agreed to hold a series of side-events that enabled Parties who had submitted INDCs – Intended Nationally Determined Contributions – to present what they had done and to respond to questions. After all of the controversy in Lima over *ex ante* review, this was a key development – one that simply had to occur if Parties were to avoid massive public criticism for their unwillingness to engage on the substance of efforts to address climate change.

To these I might add a **sixth** – for by the end of the meeting, Parties actually asked the co-chairs to help prepare the next session by undertaking further efforts at consolidating and streamlining the text and reducing options – without omitting the views of any Party. We agreed to do so, but in addition we said that it would be necessary to begin distributing the various provisions into the appropriate baskets. By this we meant that some of the elements of the Geneva Negotiating Text likely should be contained in the text of an agreement – but others more likely belonged in the text of a decision or decisions that would be adopted in Paris concurrently with the agreement. Parties agreed.

**August/September Negotiating Session**

For our third session in 2015 – at the end of August/beginning of September in Bonn -- Ahmed and I produced what came to be known as the “Co-Chairs’ Tool.” In addition to much more extensive efforts at consolidating and streamlining the text and reducing options in the Geneva Negotiating Text, this document divided provisions into three categories – items that we felt should form part of the agreement, those that should be contained in a decision -- and those that required further discussion among the Parties to determine where they belonged. Moving in this direction proved vital to forward movement – and the atmosphere remained quite positive. But concerns first expressed in June that the process was moving too slowly only intensified. It was at that point that the Parties asked the co-chairs to take a more significant step forward prior to the October session, which was to be the last before Paris.

**October Negotiating Session**

For that session, Ahmed and I produced a non-paper on October 5 that consisted of nine pages of agreement text and 26 articles. We also produced 11
pages of related decision text. This reduced the Geneva Negotiating Text from over 80 pages to 20.

Without doubt, this non-paper generated controversy. Some said that we had gone too far -- that we had badly miscalculated. But I believe that the October 5 non-paper was the single, most important precursor to the Paris Agreement that would emerge just over two months later on December 12. This is because the October 5 non-paper created a vision of what the Paris outcome might look like and gave Parties a workable template from which to fashion the final deal. Up to that point, they had nothing but the Geneva Negotiating Text and a revised but still unworkable Co-Chairs Tool.

It is interesting that the agreement proposed on October 5 ran to nine pages - the Paris Agreement runs to 12. The agreement proposed on October 5 contained 26 articles; the Paris Agreement contains 29. The decision proposed on October 5 ran to 11 pages; the decision adopted in Paris runs to 19. In other words, what ultimately emerged in Paris largely followed in shape and structure of the non-paper tabled in October.

**November/December Negotiating Session**

After the October session, Parties negotiated for a week in Paris ahead of the final effort so ably led by the French Presidency between December 5, when the ADP finished its work, and December 12 when Parties adopted the final text.

The deal done in Paris thus was rooted in the negotiating process undertaken in the ADP and grew out of the work product produced by the ADP - no alternative text was parachuted in from elsewhere, and no other negotiating process sought to substitute for that undertaken in the ADP and in the “Comité de Paris” which succeeded it in the second week in Paris. This was, in my view, a key ingredient to the agreement’s ultimate acceptance by the Parties.

**What Was Different about This Negotiation?**

I’d like to turn for a few minutes to how this negotiation differed from almost every other negotiation in which I have participated in my now nearly 41 years in government negotiating on all manner of things.

**First,** this negotiation didn’t really begin in Durban – it began well before then in Copenhagen. I say this because it was the Copenhagen Accord that began to record mitigation actions taken by both developed and developing countries, thereby beginning to breakdown the firewall between them that had existed since adoption of the Framework Convention in 1992. It was also the Copenhagen Accord that called for $30 billion in Fast Start financing and in which developed countries pledged to mobilize $100 billion a year by 2020 to address the needs of developing countries in the context of meaningful mitigation actions and transparency on
implementation. It was also the Copenhagen Accord that decided to create the Green Climate Fund.

The fact that these actions were all taken well before Paris is what was remarkable – normally, such items as these are endgame stuff – they are not put on the table before formal negotiations even begin.

Second, most negotiations take place under a single chair, who is elected at the outset and serves until the end. The ADP had no single chair – but two co-chairs. And the co-chairs did not begin at the beginning and serve until the end – they were switched out three times along the way. What does this suggest about the trust with which Parties approached the negotiation of a protocol, another legal instrument or an outcome with legal force under the Durban decision?

Third, it is accepted practice everywhere that the chair has latitude to propose text to the Parties, and that the Parties accept to work with drafts prepared by the secretariat under the direction of the chair. In the case of the ADP, co-chairs were reminded time and again that it was a “Party-driven” process in which initiative should come from the Parties, not the co-chairs.

There are other ways as well in which the ADP negotiations proved unlike any others I have seen. But despite these differences they ultimately succeeded. Why is that?

I would note that in Copenhagen there was what I have described as an “upstairs/downstairs” problem – that is, there was a major disconnect in Copenhagen between what took place literally on the second floor among some key heads of state and government and what was took place on the first floor between negotiators of all Parties. When the gears came together, they did not mesh.

In addition, in Copenhagen the negotiating text on the table when the Parties arrived ran to well over two hundred pages. The COP Presidency undertook efforts among a subset of Parties to develop a more workable basis for agreement. Other Parties learned of those efforts in the press and reacted very negatively to them, questioning the legitimacy of any separate process or text. The fear and suspicion that arose from this episode rippled long after.

Fortunately, we are able to learn from the past, and improve on it. First, the ADP last year was characterized by the absence of protracted discussions of process. This is because Ahmed and I met with each of the key negotiating groups at length in the run up to each negotiating session. For each session we prepared a scenario note setting forth our thoughts on how to organize the session, and we changed our approach based on the input from Parties. By the time we got to the formal negotiating sessions, most if not all procedural concerns had been resolved. And we also changed course as necessary during the negotiating sessions themselves.
Second, Ahmed and I were also clear from the outset in our discussions with the French Presidency that the ADP should end its work by a date certain and that afterward, negotiations should continue only in the COP. In other words, there should be only one negotiating process underway at any particular time in Paris. The French Presidency completely agreed. And we did so, working together with the French Presidency and agreeing that we should end our work in the ADP by noon on December 5. There was then a formal hand-off to French Foreign Minister Fabius and his team.

Third, as described, there was never any separate effort to develop a negotiating text, and the French Presidency was clear on this point throughout the year – that there was no other negotiating text than what the ADP produced and there would be no other text than that. This went far to providing needed reassurance to Parties.

Finally I might add that France, which took over as President of the COP in Paris -- and Peru, which held the COP Presidency throughout 2015 until then -- worked together hand-in-hand throughout the year. They held a series of meetings, first in Lima and later four times at the ministerial level in Paris – not to negotiate text, but to explore what the landing zones might be with respect to the most difficult issues. The socialization of these issues and possible solutions they discussed among ministers and the teams they recruited to help them went far to produce the positive outcome in December.

My parting observation is that the UNFCCC can be a difficult place in which to maneuver, with many constraints not normally encountered elsewhere. It behooves anyone coming into the UNFCCC process to make no assumptions and to seek to learn the territory well in advance. In this I recall a wonderful and insightful book written by one of Canada’s ambassadors to Washington – Allan Gottlieb. It is called, “I’ll Be with You in A Minute, Mr. Ambassador” and he says at the outset that, notwithstanding his many diplomatic assignments elsewhere, including ambassadorships to several other important capitals, he realized in his first week in Washington that his prior experience, however extensive, wouldn’t help him here – this was just too different a place.

**Key Features of the Paris Agreement**

Let me turn for a few minutes to the key features of the Paris agreement. I will not go into them in any depth for two reasons: (1) the text is widely available now and, as noted, it is short enough that you can digest it quickly; and (2) many commentaries are already available and more no doubt are coming.
Let me say these few things. Five key features stand out:

(1) It is ambitious – it aims to strengthen the global response to the threat of climate change, holding the global average temperature increase to well below 2 degrees C above pre-industrial levels, and pursuing efforts to limit the temperature increase to 1.5 degrees C above those levels;

(2) It focuses both on reducing greenhouse gas emissions (mitigation) and building resilience to the adverse impacts of climate change (adaptation);

(3) It applies to all Parties – all will undertake (and communicate) ambitious efforts representing a progression over time – gone is the firewall of yore;

(4) It establishes a robust transparency system with periodic stocktakes and updates of nationally determined contributions;

(5) It supports the efforts of developing countries in need to engage in this global effort by providing financial resources, strengthening cooperative action on technology development and transfer and by helping build capacity to take effective climate action.

By the time Parties adopted the Paris Agreement, nearly 190 of them had come forward with INDCs. This level of participation is extraordinary and was unanticipated even by the most optimistic observers of the climate scene. The mitigation contributions put forward now form the basis of a long-term, durable system to drive emissions down over time. Moreover, this level of participation augurs well for the global partnership that will increasingly be vital in mounting an effective global response to the threat of climate change. The process begun before Paris will continue under the new agreement as all Parties undertake and communicate nationally determined contributions.

While the Paris Agreement applies to the period from 2020 onward, the accompanying decision taken in Paris (Decision 1/CP.21) contains a broad suite of actions that Parties agreed to take in the period before 2020 -- both to promote climate action in the period leading up to 2020 and to prepare the steps needed to give effect to the Paris Agreement once it enters into force.

Significantly, the decision welcomes the efforts of all non-Party stakeholders to address and respond to climate change, including those of civil society, the private sector, financial institutions, cities and other subnational authorities, and invites them to scale-up their efforts – together with governments.

To me, this also was one of the most important aspects of the Paris COP – recognizing the vital role of non-government actors in responding to climate change and welcoming and encouraging their participation. This was one of the four key pillars that France identified early on as essential to success in Paris and one that
France worked hard all year to support. Recently, Minister Fabius named Ambassador Laurence Tubiana as one of the two high-level “champions” called for in Decision 1/CP.21 to strengthen existing efforts and the scaling-up and introduction of new or strengthened voluntary efforts, initiatives and coalitions under the Lima-Paris Action Agenda and in other areas. Recognizing her efforts in the run-up to COP-21, I can think of no finer “champion.”

In view of the time, let me stop here and thank you. I look forward to your questions.