

# I Introduction

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The Paris Agreement was adopted under the United Nations Framework Convention on Climate Change (UNFCCC) in December 2015. Signed by 196 parties, it has since become a key reference point in global discussions on climate change, national efforts to formulate climate policies, and business investment decisions. United Nations Secretary-General Ban Ki-moon has described the Agreement as a “peace pact with the planet” and US President Barack Obama labeled it a “turning point” in the fight against climate change. At the very least, it represents – in the word of one contributor to this book – “a substantial improvement in global climate governance.”

Today the Agreement is a standard against which we measure ambition and progress at both the international and national levels. It is the Paris Agreement that commits countries to hold the increase in the global average temperature to well below 2°C and pursue efforts to limit it to 1.5°C; to increase the ability to adapt to climate change; and to make finance flows consistent with a pathway toward low greenhouse gas emissions and climate-resilient development.

So central to our understanding of climate change and politics has the Paris Agreement become, that we could almost forget a time when it was not there. Yet the agreement was never inevitable. And if we turn back the clock to a freezing night in Copenhagen in 2009, when the climate change negotiations had collapsed, who would have believed it?

The origins of the Paris Agreement underline that it cannot be taken for granted. It took years of hard work by thousands of delegates, civil society representatives, scientists, and others to craft it. The Agreement is not perfect. It may not even be sufficient. But it

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was certainly necessary. It gives the global community a realistic hope of solving the climate crisis. And at this new period in history, when we are witnessing an isolationist turn manifested in Brexit, the Trump presidency, and strong support for nationalist leaders, the Agreement reminds us that multilateralism – joint efforts and negotiations among multiple parties – can achieve strong results and deliver meaningful responses to global challenges. We need this reminder as we continue our struggles to curb not only climate change and other environmental threats, but also conflicts and pandemics.

This book tells the story of how the Paris Agreement came to be. It collects the insider accounts of high-level delegates who played a central part in creating and shaping the Paris Agreement. Its purpose is threefold:

First, the book records and documents the negotiations that resulted in the Paris Agreement. It does so with the conviction that the Agreement – although insufficient by itself – represents a milestone in the human effort to address climate change, achieved in spite of complexities that cut across science, economics, and politics. Sharing the different insider accounts of negotiators, organizers, and facilitators who played a key role in this effort is the main purpose of the book.

Second, based on the different accounts of the contributing authors, the book analyzes the key factors and dynamics that shaped the negotiations and facilitated the reaching of agreement. Nations had been collectively searching for an elusive global deal on climate change for decades. Why did they finally achieve their goal on December 12, 2015, in Le Bourget? What were the driving forces that made the historic agreement possible?

Third, building on the insider accounts and analyses, the book discusses the practical lessons we can learn from the Paris negotiations. These lessons can help organizers, chairpersons, and negotiators solve challenges in future negotiation rounds and foster

deeper cooperation, not only in the UNFCCC but also the World Trade Organization (WTO), G-20 and other multilateral fora.

On this basis, it is our hope that the book will be interesting and helpful for UNFCCC negotiators, those who follow the international climate change negotiations, organizers of other negotiations, researchers, and academic students at all levels.

#### INSIDER ACCOUNTS

The book provides insider accounts by representatives from (in order of appearance) the French Presidency, the UNFCCC Secretariat, China, the EU, the United States, the Like-Minded Developing Countries, Africa and Least Developed Countries, the Small Island Developing States, the High Ambition Coalition, civil society, and businesses. All authors were asked to address a number of guiding questions, including:

1. What were your interests/objectives; how did these match or contrast with other actors' interests; and how did you or your delegation seek to strategically promote your interests?
2. How did the negotiation process and dynamics evolve; what were the most difficult and critical moments; and how were they resolved?
3. What were the drivers in the process, and what role did different factors play? In your assessment, what can be learned from the process?

We deliberately invited delegates with *different* backgrounds and perspectives to contribute because this could allow us to infer with greater confidence what happened, how, and why. The logic behind this approach is that if multiple authors with different backgrounds and perspectives provide similar accounts of an event, it should increase our confidence that the event did in fact happen as they describe. In other words, the diversity of the authors and their accounts increases the credibility of the overall analysis.

Importantly, we do not mean to suggest that any delegates would intentionally seek to cover up truth or rewrite history. Situations, communication, and signals may simply be interpreted

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differently by different participants in negotiation, particularly when, as in Paris, those participants speak different languages, come from different cultures, and work under high pressure for several days. We should not be surprised to see delegates report the same event – such as the much-debated “should/shall” incident that took place in the final plenary meeting in Paris – in different and contrasting ways. Even if a participant is fully convinced that he or she is in fact reporting the “truth,” his or her report may not represent the truth to another participant.

To synthesize and analyze the contributions, helping us to infer what happened in the negotiation process, how, and why, we invited Professor John S. Odell to provide a scientific account. His contribution provides a negotiation theoretic perspective and identifies key factors that help explain why an agreement was reached in Paris but not before.

#### INSIGHTS AND SCHOLARLY CONTRIBUTIONS

The insights and analyzes in the book enhance our understanding of multilateral negotiations in several ways. More specifically, they contribute to three strands of literature: (1) The literature on the Paris Agreement and the negotiation process that delivered it, (2) the literature on the wider climate change negotiations and regime, and, finally, (3) the literature on international negotiations and cooperation more generally.

With regard to (1) the Paris Agreement and the negotiation process that delivered it, our book paints a full picture of the process and factors that shaped the Agreement as seen from multiple perspectives. Previous studies have described and assessed the substantive outcome, its nature, as well as its effectiveness, that is, the extent to which the Paris Agreement will in itself be sufficient to solve the climate change challenge (see, for example, Bodansky 2016; Cléménçon 2016; Falkner 2016; Klein et al. 2017; Oberthür and Bodle 2016; Savaresi 2016; Streck et al. 2016). Our primary contribution lies in the book’s focus on the *process* that produced the outcome, including the factors and dynamics that shaped that process.

This is not to suggest that previous studies have not examined the process, factors, or dynamics behind the Paris Agreement. Indeed, most of the studies referenced above examine the process to some extent. To exemplify, the “Profiles of Paris project” has recorded insider accounts from dozens of delegates (Kinley et al. 2016), and individual authors in Klein et al. (2017) briefly describe the negotiation histories of separate elements of the Paris Agreement. Other accounts and analyzes can be found in Brun (2016), Dimitrov (2016), Fabius (2016), and Ourbak (2017), and in studies that investigate the roles of various parties and stakeholders, the example, the EU (Oberthür and Groen 2018), small islands states (Ourbak and Magnan 2018), and chairpersons (Walker and Biedenkopf 2020). Nevertheless, our book breaks new ground. Instead of providing individual perspectives on the negotiations or parts thereof, as others have done before, this book examines the negotiations as a whole from the different perspectives of multiple high-level delegates, and then proceeds – unlike Kinley et al. – to analyze the process from a negotiation theoretic perspective and draw out practical lessons. The result is a more complete and nuanced picture of the overall negotiations, a more comprehensive and valid overview of the dynamics and factors that shaped them, and practical advice for future negotiations.

The factors previously identified as conducive to agreement in Paris include learning about the economic benefits of climate action (Cléménçon 2016: 9f; see also Brun 2016: 5), norms and moral persuasion (Cléménçon 2016: 4; Brun 2016), the involvement of ministers (Savaresi 2016), contributions from non-state actors (Brun 2016; Fabius 2016), skillful management and facilitation (Brun 2016; Cléménçon 2016: 5f; Ourbak 2017; Savaresi 2016; Streck et al. 2016; Walker and Biedenkopf 2020), the role of the US and China (Brun 2016; Cléménçon 2016; Dimitrov 2016; Streck et al. 2016), as well as coalition-building – in particular the emergence of the High Ambition Coalition (Brun 2016; Streck et al. 2016). Arguably, all these factors played some role, as suggested by Dimitrov (2016: 9) who speaks of “multicausality” (see also Jepsen 2013; Walker and Biedenkopf 2020).

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While our identification of dynamics and factors, which is summed up in the book's final chapters, reinforces many earlier conclusions – including the significance of state interests, coalition building, and the role of chairpersons – it also extends research on negotiations within the climate regime in several ways. Specifically, the insider accounts contained in this book suggest that the existent literature has not sufficiently drawn attention to three factors, and how they can help shape conditions in favor of multilateral agreement.

First, the evidence suggests that *perceptions and norms* played an even more important role than acknowledged so far. The accounts in this book demonstrate how state and non-state actors, including businesses and environmental NGOs, worked successfully to change and use perceptions by engaging parties in learning processes and shaming those who would oppose an ambitious outcome in Paris.

Second, the book provides novel insights into the role of *process management*. This includes further disaggregation of the role of chairpersons and their teams but also new evidence on the utilization of informal negotiation techniques and strategic process management. For example, early adoption of a “formula” (i.e., a set of general principles), which established that the final outcome should be universal and legal in some way, but at the same time allow each country to decide on its own contribution, promoted progress ahead of COP 21.

Finally, the accounts provide repeated illustration of how progress in climate negotiations often comes down to *individual agency*, a factor overlooked in structural or state-oriented analyzes. This book suggests that, at multiple times during the Paris process, changes in perceptions or resolution of difficult issues resulted from personal initiative and leadership or from very small, interpersonal alliances, seemingly unrelated to structural, economic, or political underpinnings.

Our identification of factors that shaped the Paris process and outcome adds new detail to existing knowledge about (2) the wider

climate change negotiations and regime.<sup>1</sup> Previous publications have pointed to various factors to explain processes and UNFCCC outcomes over the years, including the 1992 Convention, the 1997 Kyoto Protocol, and the 2009 Copenhagen Accord. These include the structure of collective action problems (Barrett 2005), asymmetries between parties (Barrett 2005; Savaresi 2016), complexity and/or limited information and capacity (Depledge 2005; Savaresi 2016), parties' interests and power (Victor 2011; see also Bodansky 2016), process management (Monheim 2016), the role of chairpersons (Depledge 2007; Walker and Biedenkopf 2020), as well as the need for such factors to be configured in a way that allows for issue linkages and package deals (Jepsen 2013). Our book reconfirms the role of such factors, but emphasizes the importance of perceptions and norms, which can be shaped by civil society and businesses, process management, including the adoption of a formula, and individual agents. The accounts in this book suggest that these factors were important not only for Paris, but that they will remain influential, shaping the direction of the climate regime in coming decades.

Next to its more specific contributions to the literatures on the Paris Agreement and climate negotiations, the book's observations and analyses also add to (3) the general literature on international negotiations. First, as noted previously, the book shows how perceptions and norms, process management, as well as individual agency can shape negotiations and, through this, international cooperation. Second, it contributes to research on whether and how institutions matter. While the conclusion that party interests shaped the agreement surely lends some support to state-centric approaches (e.g., Martin 1992), the critical role of the French Presidency, norms, and process management undoubtedly implies greater support for notions that institutions and institutionalized actors matter (e.g., Tallberg 2004). As pointed out in Chapter 14, it is highly implausible that parties would have reached an agreement in 2015 – let alone an agreement that represented so many joint gains – in the absence of

<sup>1</sup> Notable early publications include Mintzer and Leonard (1994), Paterson (1996), Oberthür and Ott (1999), Yamin and Depledge (2004), and Depledge, (2005).

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a chair who organized, facilitated, and mediated between them, or if norms had not increased the costs of blocking agreement. In a wider light, this finding lends support to the proposition that certain types of negotiation management can increase the probability of agreement (Monheim 2016; Odell 2009).

In sum then, this book contributes to existing literatures with a new approach and new insights. Its approach is different because it (1) focuses specifically on the *negotiation process* rather than its outcome, (2) collects insider accounts from prominent delegates with different backgrounds and perspectives, and (3) uses these accounts to provide a comprehensive overview of factors and dynamics as well as lessons for the future. Our focus is on *how* the historic agreement was achieved, what *factors* shaped it, and the *lessons* that the process holds for future negotiations. The insights underline the importance of state interests, coalition building, perceptions and norms, process management, individual agency, and the ability of chairpersons to *use* such factors to promote agreement. The final factor – chairperson ability – suggests a need to equip chairpersons with tools that increase their chance to successfully organize, facilitate, and mediate.

#### LESSONS FOR FUTURE NEGOTIATIONS

While scholarly contributions are valuable, ideally a book should also be important in the real world. We hope that the insider accounts and this book's concluding discussions of the factors that shaped the Paris process and Agreement and its practical lessons can promote cooperation on global challenges. A number of helpful lessons, which may overlap or be mutually reinforcing, can be drawn from the book. These include:

- *Leveraging non-state actors.* Civil society (e.g., NGOs, and businesses), represents a potential source of information, creativity, and normative power. These organizations can contribute directly by providing ideas, textual suggestions, or pledges, and indirectly by creating a certain



atmosphere, normative context, or set of expectations. Organizers should leverage this by recognizing, encouraging, and organizing non-state actors and making them an integral and supportive part of their strategy.

- *Appointing the right people and equipping them with the right tools.* The Paris negotiations provide many illustrations of how individual delegates and facilitators made a crucial difference. It is difficult to engineer personal chemistry and trusting relationships, but countries and organizations preparing to host and facilitate large-scale multilateral negotiations should bear these factors in mind when designing their teams and selecting the individuals who will hold key responsibilities. No matter who is ultimately appointed, they should be equipped with the best possible tools in terms of negotiation and facilitation techniques.
- *Process management.* Several of the chapters in this book underline how skillful process management by France and the UNFCCC minimized the risk that progress toward agreement would be derailed by mistrust or diplomatic missteps. Future organizers can take inspiration and seek to design negotiation processes that rest on wide and sensitive preparatory outreach, are marked by transparency, inclusion, and fairness, and make use of informal techniques and extensive consultations before and during summit negotiations.

#### THE STRUCTURE OF THE BOOK

The book is divided into three sections. In the first introductory section, we place the negotiations in Paris in a broader historical context. The current chapter – Chapter 1 – introduces the ambition of the book, details its contribution and outlines its content. Chapter 2, written by Pamela Chasek, provides an introduction to the history of UNFCCC negotiations and the wider context, including the scientific basis, taking the reader from the origins of the climate regime to the negotiations in Paris. This will help readers appreciate the subsequent chapters and assess what the negotiations achieved and did not achieve.

The second section (Chapters 3 to 13) presents the eleven insider accounts. The chapters reflect on the personal recollections of the

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organizers (Tubiana, Kinley), national delegates (Zhenhua, Betts, Biniaz and Pershing, Orellana, Mpanu-Mpanu, and Fletcher), and representatives of non-state actors (Yamin, Morgan, and Howard). Each chapter provides an insider view of the negotiations, discussing objectives, processes, and lessons learnt, or a selection thereof, based on the editors' guiding questions presented here.

The third section provides analysis and reflection, pulling together insights from the participant accounts. In Chapter 14, John S. Odell provides a negotiation theoretic perspective, identifying key factors that shaped the process to explain why an agreement was reached in Paris but not before. Chapter 15, authored by the four editors together with Frauke Ohler, offers some conclusions, summarizes the insights, identifies practical lessons learnt, and finally discusses the implications of larger trends in global governance and multilateral negotiations.

Bookending these three sections is a foreword by Laurent Fabius, former prime minister of France (1984–6) and, in his role as Minister of Foreign Affairs (2012–16), Chair of 2015 UN Climate Change Conference that led to the Paris Agreement, and an afterword by Patricia Espinosa, former Secretary of Foreign Affairs of Mexico (2006–12) and the Executive Secretary of the UNFCCC.

CHAPTER SUMMARIES

In Chapter 2, Pamela Chasek, Professor at Manhattan College and co-founder and executive editor of the *Earth Negotiations Bulletin*, places the Paris Agreement in its historical context by reviewing the origins and development of the climate change regime. The chapter describes the history of the UNFCCC, from its creation in 1992, through the 1997 Kyoto Protocol, over key milestones in the discussions about a post-Kyoto successor regime. Focusing on the years immediately leading up to Paris, the chapter traces climate negotiations over a series of COPs, including the divisive debates at the Copenhagen COP in 2009 and the efforts to rebuild the parties' trust in the process during the following years. It details how negotiations