

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Myron Ebell
Sent: Tue 5/30/2017 9:54:03 PM
Subject: Ryan, Here are the smoking guns on the claim that Paris allows us to reduce our commitment
Page one of e-mail from Michael Jacobs, 2 December 2014.png
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Dear Ryan, Here are the smoking guns on the recent claim by Todd Stern and others that of course the Paris Climate Treaty allows parties to withdraw their Nationally Determined Contributions and submit less ambitious ones. Yours, Myron.

From a discussion with Todd Stern, the State Department's chief climate negotiator, at Brookings on 17th December 2015—that is, the week after returning from negotiating the Paris Climate Treaty. Stern affirms that the text of Article 4 means what it says it means and not what he now says it means.

Todd Stern, starting at 5:58, <https://www.brookings.edu/events/unpacking-the-paris-climate-conference-a-conversation-with-todd-stern/>:

“Second of all, really important with respect to ambition. We started off with the completely extraordinary fact that here were 186 countries that had put forward their targets, their so-called INDCs in the lingo, during the course of 2015. **And then there was an architecture built around that in the agreement of five-year cycles to ratchet those up. And countries either put in new targets or, if they're in the middle of a longer target period, they have to either revise it upward or reconfirm it every five years.** And the five-year cycle follows a global stock-take to see where we are in the aggregate vis-à-vis our long-term goals, vis-à-vis what science is telling us. So you've got an every-five-year stock-take and then about a year after the every-five-year stock-take **countries have to either reconfirm and say, yes, I'm going to hold where I am or I'm going to increase where I am or if they're in the period of time where they have to put in a target anyway, obviously they do. So that was really important.**”

“So in the first set of these INDCs which are going to keep ratcheting up, again we hope every five years, that there’s already been this big, big move.”

“... [T]he structure that you have these five-year review periods and the ratcheting up cycle of what countries are supposed to do built into the agreement.”

My colleague Chris Horner received the attached e-mail last Friday as the result of a FOIA to the State Department. The e-mail is from Michael Jacobs to Todd Stern. Here are the key statements:

“When I was in DC I mentioned to you my view that INDCs should be describes as minimum or floor contributions, in order to preserve the possibility of further ambition coming later.”

“They have to be minimums rather than revisable in both directions, otherwise we have not real agreement in Paris at all.”

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Stop continental drift!

INDCs as floors or minimums

Rationale

When major countries' INDCs are published in March-April it is likely that collectively they will look far from a 2C path (indeed, the emissions gap may have widened) but countries will say they cannot revise them before Paris. This means Paris may be declared a failure 6 months before it begins.

The way to avoid this (apart from a much more concerted effort now

to raise intended levels of ambition) is to agree in Lima that INDCs are minimum contributions, to which countries may add subsequently. This should anyway be the case. After all, which country decides everything that will affect their emissions in 2025 in March 2015? If they are clearly specified as minimum contributions:

- we have a clear answer to the question 'so hasn't Paris already failed?' - no, because more could still be done
- this allow countries to add to the INDCs even after Paris, up to the point at which they are formally inscribed in the ratified agreement in 2017-1

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- this in turn allows countries to absorb the new economic evidence on the benefits of action (eg falling renewables prices

)

over a longer period, and so raise ambition; these

costs will continue to fall after March 2015

- it opens the potential to get more ambition before December in response to the 'assessment'
- it avoids the terrible risk that INDC numbers will lock in low ambition for another ten years, as countries fixate on their INDCs even after circumstances and costs change. We have seen

exactly

this happen with the EU's 20% by 2020.

C

onservative force

s in every country

can say 'we don't need to do any more.'

They have to be minimums rather than revisable in both directions, otherwise we have not real agreement in Paris at all

Language to be agreed in Lima (to be refined!)

Parties are free to strengthen their INDCs in the period between initial submission and their inscription into the Paris agreement.

INDCs should be regarded as 'floor' or 'minimum' contributions, to which parties may choose to add as they conduct further analysis of policy options, and as domestic and international conditions change, including as a result of the Paris agreement itself.

MICHAEL JACOBS | Senior Adviser

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B6

Hartmann, Lorraine

From: [redacted]@gmail.com on behalf of Michael Jacobs [redacted]@newclimateeconomy.net
 Sent: Tuesday, December 02, 2014 9:59 AM
 To: Stern, Todd D (S/SECC)
 Cc: Sierawski, Clare S; Biniaz, Susan N
 Subject: Re: Lima

RELEASE IN PART B6

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Good idea. Free before 4pm, when I'm speaking at an event.

MJ

REVIEW AUTHORITY: David Van Valkenburg, Senior Reviewer

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On Tue, Dec 2, 2014 at 2:53 PM, Stern, Todd D (S/SECC) <SternTD@state.gov> wrote:
 Michael -- let's definitely get together. We arrive very early morning 6th. Let's try on the 7th, if possible.

From: Michael Jacobs [mailto:[redacted]@newclimateeconomy.net]
 Sent: Tuesday, December 02, 2014 09:37 AM Eastern Standard Time
 To: Stern, Todd D (S/SECC); Sierawski, Clare S
 Subject: Lima

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Hi Todd, Claire

Just to say that I'll be in Lima from Saturday 6th evening. I know how busy you will be but it would be good to catch up if a moment can be found.

Many congratulations on the US-China statement. I know a lot of work went into that for a long period. I recognised some of the text! - I hope that paper I sent with Hal H was useful.

When I was in DC I mentioned to you my view that INDCs should be described as minimum or floor contributions, in order to preserve the possibility of further ambition coming later. Have discussed this with a few delegations and groups and there seems to be some interest. See below for more.

Best - and hope to see you next week

Michael