

Ted has been posting on the proceedings at the Paris climate conference, explaining some of the central conflicts playing out here and the often-counterproductive processes being employed. He's given the talks an appropriately large context, stretching all the way back to Charles Lindbergh's landing at Le Bourget. I hope to complement his posts with a more micro view. What has been happening in the drafting rooms, word by word and phrase by phrase? How is the text being built?

One answer, as Ted noted, is that negotiators aren't building text here; they are pruning it, or trying to. At the start of the conference on Sunday, parties began with 54 pages of [draft text](#) that came out of a preparatory meeting held in late October, in Bonn. To call that draft overburdened would be kind. Walt Whitman would have loved it: Nearly every paragraph contradicts itself and contains multitudes.

Take the draft language on the purpose of the agreement as one example, found in Article 2. Text that is not yet settled is, as is typical, indicated by brackets. In the draft that came out of Bonn, no language in Article 2 is unbracketed. One segment of that article reads: "Parties [shall][agree to] to take urgent action and enhance [cooperation][support] so as hold the increase in the global average temperature [below 2 °C][below 1.5 °C][well below 2 °C][below 2 °C or 1.5 °C] [below 1.5 °C or 2 °C][as far below 2 °C as possible] above pre-industrial levels by ensuring deep cuts in global greenhouse gas [net] emissions." Another option would delete all of that quoted text on a temperature goal, along with everything else in Article 2. In other words, at the opening of this two-week conference, the very aim of the agreement remained in deep dispute. Other items reflecting dissension ranged from the highly significant, such as the legal form of the agreement, to details such as whether the parties should, or should not, invite actions by non-governmental actors to advance climate progress.

Four days in, negotiators haven't made much progress converging on agreed text, for reasons Ted discusses. Brackets have proliferated to such a degree this week that one delegate has analogized brackets in the text to CO<sub>2</sub> molecules in the atmosphere. Here's a glimpse of the slow pace at which parties have proceeded in negotiating rooms. Below, I am sharing notes reflecting about thirty minutes of negotiations that took place in the ADP contact group earlier this week, which is open to observers like me. The notes are obviously not verbatim and I have condensed them considerably, while still reflecting the contour of discussions as faithfully as I could. I am removing references to country names to avoid any sense that the parties involved have been particularly unconstructive this week; instead, this dialogue is representative of the way the talks have proceeded across many rooms and participants. You'll see several of the pathologies discussed by Ted play out in these notes: a desire to maintain references to cherished concepts even in obscure corners of the

agreement; a tenacity that looks disproportionate to the importance of the provisions at issue; and a reluctance to reach agreement on narrow issues when related issues have not yet been resolved elsewhere.

For quick context: In this exchange, parties are considering a paragraph that, in essence, asks the UNFCCC Secretariat to post to its website any new INDCs (UN-speak for nationally-proposed climate action commitments) that it receives from parties. This is a straightforward, even banal, request. The language at issue is not proposed for the draft Paris Agreement itself, but instead for the draft COP decision that will accompany the agreement, which stands on a lesser rung in the hierarchy of UN texts. Here is the relevant paragraph, Para. 14 of Article 2 of the draft decision:

The Conference of Parties . . . Requests the secretariat to continue to publish the INDCs communicated by Parties on the UNFCCC website[, in particular those on finance, technology and capacity-building support communicated by developed country Parties referred to in paragraph 13 above];

To open discussion on this paragraph, the Chair set forth his aim to create a clean, unbracketed text. The discussion proceeded roughly as follows:

**Chair:** May we drop the brackets around the final clauses?

**Country 1:** No, you can't.

**Chair:** If we can't drop the brackets, any objections to dropping the bracketed provision itself?

**Country 2:** Asking the Secretariat to publish particularly some INDCs does not recognize the hard work of many parties. This is not a positive clause and we would support deleting it.

**Country 3:** We believe that the UNFCCC should be more inclusive, so we could change the words "in particular" to "including"?

**Chair:** We have a proposal to drop the last phrase entirely, and also a proposal to change "in particular" to "including." Views?

**Country 1:** We support deletion of the whole bracketed text. We don't see value in keeping it.

**Country 4:** Can I clarify, is this provision about an ongoing process of the submission of INDCs? We see this paragraph as specifically referring to those INDCs that have not yet been submitted by parties under the Lima agreement; not as referring to all INDCs indefinitely into the future.

**Chair:** As I read the paragraph, this is referring to INDCs that have not yet been communicated by parties under the Lima agreement. It's a straightforward request to the Secretariat to continue to publish INDCs that are communicated to it. Given this simple request, can we delete clause after "website"?

**Country 5:** The text is ambiguous about whether this relates to INDCs forever into the future. Our view is that the Secretariat should publish future INDCs on the website, but only in addition to some more formal capture of future INDCs. Because we have not concluded other negotiations on the content and fate of future INDCs, it might be useful to leave that bracketed phrase here until we resolve these questions elsewhere.

**Country 4:** We have a similar interpretation to the Chair's; i.e., that this is about only INDCs under the Lima Agreement, not about all future INDCs. Perhaps we can add a few words to clarify this understanding.

**Country 6:** Let's leave it as it is, because we don't know how future INDCs will be dealt with in other sections of the agreement text yet.

**Country 3:** We agree that this paragraph should be left as-is.

**Country 5:** We would request that *all* of paragraph 14 be put into brackets, to be revisited once we understand more about how future INDCs are resolved elsewhere.

**Chair:** So can I move the bracket from the beginning of the phrase to the beginning of the paragraph?

**Country 7:** Can't we simply agree that the Secretariat publish what's been provided to it?

**Country 2:** If you put a bracket at the beginning of the paragraph, we still want

to maintain the bracket around the second phrase. But do we need Paragraph 14 at all? I would assume the Secretariat will continue to publish these INDCs even without explicit instruction. Perhaps we can live without the paragraph entirely?

**Country 4:** We see the wisdom of this proposal to delete the whole paragraph. We agree to delete.

**Country 5:** We support that proposal too.

**Country 3:** We disagree. We think we should leave this paragraph in. The question of where to house future INDCs is an active discussion, and we don't know its outcome yet. Once that is resolved, perhaps we can delete this paragraph then. Let's leave it in brackets for now.

**Chair:** So let's put brackets around the whole paragraph, and leave the last clause in brackets too. I will note that the result of our efforts at streamlining today is that we have more brackets.

Given this exchange, another plausible answer to the question of how the text is being built is, It simply isn't-the process is broken.

I don't think that's right, despite how stuck the process sometimes feels. Though the open negotiations have been largely futile, much more work is being done in private settings away from the microphones, sometimes (maybe? maybe not?) drawing from messages heard in public rooms. For two nights running, delegates and facilitators have worked until morning to produce revisions of drafts based on this more private work, and they are doing so again tonight. Ministers are arriving this weekend who may provide authority to bridge chasms. And, as I sit and listen to the talks unfolding tonight, parties are engaging on substance, frustrated and tired but seemingly with a continued will to reach a deal. We'll see over the next seven days whether any of that is enough.