I wasn't in Durban for the last days of wrangling, so I missed some late nights, dramatic speeches, and unexpected alliances. ClimateWire has the best account I've seen of the last-minute drama (sub. req'd.: "How a Belligerent, Sleep-Deprived Crowd in Durban Arrived at Consensus"). Highlights include a ministerial-level "huddle to save the planet"; invocations of the South African legacies of Mahatma Gandhi and Nelson Mandela; and deepening divisions between small-island and LDC developing countries on the one hand, and larger emerging-economy developing countries, like China and India, on the other.

On most major issues, the countries found compromises they could agree to—but will the agreements change much on the ground? Dan and Jonathan have weighed in with thoughts. There were three sets of key questions facing the Durban delegates. Here's my rundown of how they were answered:

(1) **Future of the Kyoto Protocol**: The KP is the only legally binding int'l regime requiring country emission reductions, but it doesn't cover the US or any developing countries, and it is therefore increasingly irrelevant. Its first commitments are also set to expire next year. A key question in Durban was whether any country would agree to re-up for a second commitment period. Developing countries were demanding a 2CP and wanted desperately to avoid an outcome where "Kyoto dies on African soil."

Of developed countries, from the start it was clear that only the EU had any real stomach for a second commitment period. Even the EU said it would refuse a 2CP unless the Durban deal established a path toward a broader, legally binding agreement that would bind all major economies, not just developed countries. The EU and small island developing states forged a new, limited alliance on this issue, squeezing India, China and others – resulting in a deal that created a limited second commitment period in exchange for the decision, described below, on a new, broader agreement to take effect by 2020.

Let's be clear. This KP extension won't result in additional emission reductions beyond what the EU would have done anyway because of its national commitments; so why does it matter? I do think it's important to provide continuity for KP carbon markets and mechanisms, which would have flatlined without this agreement. As flawed as those markets and mechanisms have been, they've provided good regulatory learning opportunities (read:even their flaws have been instructive). They've also provided some real incentives to invest in clean tech projects in developing countries. I'm glad they will live on. But the future of emission

reductions lies elsewhere.

(2) **Path to a broader, legally-binding agreement**: In order to make a real dent in climate change emissions, we need contributions from both developed and developing countries. Even the merely-political Copenhagen Accord got us that. The EU and others arrived in Durban, however, demanding more. They wanted a legally binding agreement broad enough to apply to all major economies, not just developed nations. The US further demanded that any such new agreement put China and the US on the same legal footing, a lesson the US learned in the ratification fight over the Kyoto Protocol.

The Durban outcome on this point is both potentially the most far-reaching, and potentially the most meaningless. Countries agreed to begin negotiating a new instrument binding on all parties, to be concluded by 2015 and in effect by 2020. The agreement would take the hotly-debated and ambiguous form of "a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties." Surprisingly, the decision outlining the path to the new agreement makes no mention of the long-cherished principle of common but differentiated responsibilities (discussed by Rhead here)—i.e., the idea that because of different capacities, development states and historical responsibilities, the obligations of developed countries should be different from those of developing countries not just in scale, but in character.

That firewall dividing developed from developing countries was the spine of the KP, and emerging economies didn't give it up without a fight. Here, read the Indian environment minister's angry reaction in Durban to mounting pressure for it to soften on CBDR. Apparently the speech got a standing ovation from many other developing countries, though it didn't carry the day.

The weakening of the dev'd/dev'ing distinction is potentially revolutionary. But given how difficult it was to develop even just the terms for negotiating this new agreement, I wouldn't hold my breath awaiting the adoption of a new, meaningful, ambitious, binding legal instrument along these, or any other, lines.

(3) **Making Cancun promises real**: At the COP last year, in Cancun, countries made a series of decisions that were then hailed as mini-breakthroughs. They set up a Green Climate Fund to help developing countries mitigate and adapt to climate change; a technology committee to help transfer green tech; and an adaptation committee. But one year later, these Cancun institutions and mechanisms still

needed to be made real. The Green Climate Fund, for example, needed a governing board, a host country, an institutional framework, start-up financing, etc. Durban tackled these implementation questions.

Of all the Durban outcomes, these elements were the least sexy but have the most potential to change facts on the ground in relatively short order – by providing financing for adaptation, for example, or sharing clean energy technology. (See Andy Revkin's piece here for a reminder that this all comes down, in many ways, to whether we can quickly create and disseminate new clean energy tech.) Read here and here for more info on how two of these institutions were operationalized.

In sum: As an institution, the UN climate framework has faced existential questions about its meaning and utility since at least Copenhagen, in 2009. It's far from perfect, or good, or probably even adequate, but it's the most sophisticated international climate communication network we have. The amount of effort poured into workgroups, subsidiary bodies, contact groups, strategy sessions, reportings, side events, main events, and press events is astounding. It was hard to walk down the conference center halls and not say a green prayer that all that effort would lead somewhere good. For now, I'm counting it a good thing that the KP institutions will continue to serve as laboratories for what works (and doesn't) in carbon markets; and that the Cancun institutions with potential to change facts and funding on the ground are up and running (or, at least, walking). On the new agreement, I'll believe it when I see it.