Editorial

10 Years of Carbon & Climate Law Review

A decade ago, when the idea for this journal was born, the law of climate change was still in its relative infancy. To the surprise of many, the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) had just entered into force, and its operational rules and procedures were being elaborated. Parties had already begun negotiations on the framework for international climate cooperation after 2012, when the Kyoto Protocol's first commitment period was set to expire. Meanwhile, the evolving politics in several nations, including a changed majority in the United States legislature, promised more favourable domestic conditions for ambitious climate action. A vibrant system of tradable emission allowances in the European Union was seen as the starting point for a global carbon market whose value was predicted to exceed one trillion dollars. Excitement pervaded the climate community, and one discipline, in particular, began identifying opportunities for engagement at the emerging nexus of climate change and the law: legal scholars and practitioners.

Much has changed in the last ten years, but some things have also remained the same. Although the international climate regime did not evolve as originally expected, with the controversial climate summit in Copenhagen marking a major inflection point, we now have an international treaty that sets out the architecture for climate cooperation beyond 2020: the Paris Agreement. Adopted with nearly universal support, it achieves much broader and diverse participation than the Kyoto Protocol, but does so at the expense of centralized governance and oversight. Alternative, less formal venues that offered greater flexibility than the UNFCCC – such as the now defunct Asia-Pacific Partnership on Clean Development and Climate – perhaps already foreshadowed that trend as the inaugural issue went into print.

Domestically, the number of laws and regulations related to climate change saw explosive growth during the same period, increasing from around 300 in 2007 to over 1200 by 2017.¹ At the same time, a casual observer might be forgiven for concluding that the legal and political landscape in key jurisdictions – most notably the United States – has not evolved much since 2007. Carbon markets never met the lofty expectations of early participants, although their scope and regional coverage has continued to expand. Instead, carbon pricing more generally, and alternative channels of climate and renewable energy finance, have gained substantially in importance, contributing to the nearly \$400 billion in relevant flows each year.² Overall, the past decade has been one of dynamic, at times tumultuous, and certainly never monotonous developments, offering ample material for authors to cover in this journal.

All that has found its reflection in the breadth and diversity of topics featured in the journal during its first decade. Over the span of forty issues, more than 250 articles by authors from a broad range of professional and geographic backgrounds have populated the journal's pages, with special issues dedicated to topics spanning from the Arctic, oceans, forests, adaptation, and geoengineering, to carbon capture and sequestration, aviation, investment,

1 Michal Nachmany et al, *Global Trends in Climate Change Legislation and Litigation: 2017 Update* (London School of Economics, 2017) 8.

2 Barbara Buchner et al, *Global Landscape of Climate Finance 2015* (Climate Policy Initiative 2015) 1.

legitimacy, as well as a number of specific geographies and different aspects of the carbon market. That remarkable trajectory is commemorated in the present instalment, which features invited retrospectives from a number of authors who contributed to very first issue, as well as personal assessments of the past decade coupled with an outlook on the future prospects of legal scholarship and practice in the area of climate change from founding members of the editorial board.

In his preface to the inaugural issue, Yvo de Boer, then still Executive Secretary of the United Nations Framework Convention on Climate Change, challenged the journal's editors and contributors to hold actors in the climate regime 'to the highest standard, with a journal of the highest standard.' Whether *Carbon & Climate Law Review* has lived up to that challenge shall be for readers to decide; but hopefully the journal has served as a 'forum for analysis and debate' and 'a vehicle to promote understanding and opportunity', two further measures of success proposed by Mr de Boer at the time. An 'active exchange' built on 'intellectual and scholarly debate', to draw on words used by Senator Jeff Bingaman, then Chairman of the Energy and Natural Resources Committee in the US Senate, in his preface to an issue on transatlantic cooperation, can help us 'learn about our mutual experiences and explore opportunities to work together in the future.'

But dialogue and exchange alone are not enough. Writing in the preface to the third issue, Pascal Lamy, then Director-General of the World Trade Organization, also highlighted the importance of a 'diversity of ... views expressed by legal practitioners and academics', and it has to be the continued aspiration of this journal to give expression to different perspectives, from mainstream to contrarian, from theory and practice, from public and private sector to civil society, from both global North and global South, from experienced thought leaders to the fresh voices and ideas of a younger generation. Much has been achieved in that regard, but more can still be done, and the last issue featuring entries to the Raúl Estrada Competition for Emerging Scholars in Climate Law marks a step in the right direction. Ultimately, as Ambassador Estrada himself pointed out in that issue, the journal has to enable intellectual engagement with the 'fascinating questions of legal scholarship and doctrine' that we will encounter as we elaborate our collective response to climate change. And that is a journey I hope you will continue to accompany us on, during the next decade and beyond.

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