Editorial

With exceptionally high land temperatures, increases in ocean heat and acidification, a record rise in sea levels, and extreme weather events leaving a trail of devastation on every continent, 2018 highlighted the harsh realities of climate disruption. At the same time, global emissions of heat-trapping greenhouse gases resumed their earlier growth trend, with energy-related emissions reaching a new high and overall emissions rising at a pace exceeding the historic average. And yet, once again, collective efforts to mitigate the threat of climate change did not seem to reflect any particular urgency.

As Wolfgang Obergassel and his co-authors observe in their excellent analysis of the 24th Conference of the Parties (COP24) to the United Nations Framework Convention on Climate Change (UNFCCC), the international community was barely able to adopt a ‘rule-book’ operationalising the Paris Agreement, or at least large parts of it. But aside from acknowledging that climate policies around the world are currently inadequate to achieve the temperature stabilisation objectives set out in the same agreement, a vast majority of countries did not show any willingness to increase their climate ambition. Obergassel et al. therefore describe COP24 as a turning point in international climate governance: it promises to end the perpetual wrangling about implementation procedures, and finally shifts attention to the more important task of strengthening national and international climate action.

For many observers, the slow progress and outright failings of traditional climate diplomacy call for alternative approaches to climate governance. One such alternative is better integration of indigenous knowledge in climate solutions. In his article, Elia Mwanga makes an impressive argument for the value of indigenous practices, and shows how municipal by-laws can promote its use in climate change mitigation and adaptation efforts. In his conclusions, he lists a series of conditions that need to be met if indigenous knowledge is to play an expanded role in future responses to climate change.

If 2018 made one thing clear, however, it is that no amount of – conventional or alternative – climate responses will be able to prevent residual impacts from a changing climate. In view of such inevitable impacts, questions of liability and responsibility have become a contested issue in the international climate negotiations. Veera Pekkarinen and colleagues therefore assess progress made on this important agenda item – referred to as ‘Loss and Damage’ – within the UNFCCC, including the so-called Warsaw International Mechanism (WIM), and explore the potential contribution of approaches beyond international climate cooperation, such as litigation and insurance.

Still, the inevitability of adverse impacts also raises profound security concerns, such as destabilisation of domestic regimes due to climate-induced famine and other crises, or mass migration of climate refugees. From the outset of international climate cooperation under the United Nations, various observers have therefore called for a stronger role of the Security Council. Ash Murphy traces this debate and offers a compelling justification for

greater involvement of this international body – including deployment of its executive powers – in climate affairs. He also provides detailed and tangible prescriptions for a climate-related intervention by the Security Council.

Finally, Magnus Abraham-Dukuma draws our attention to the United States, where the current administration of President Donald J. Trump continues to dismantle much of the climate policy legacy of previous administrations. Abraham-Dukuma reminds us that governance in the United States is decentralised, however, and that climate action at the federal level is often at odds with more progressive action in individual states. Internal discontinuity and conflict in U.S. climate policy is mirrored by an asymmetry between efforts in the U.S. and in other countries, and Abraham-Dukuma assesses the potential implications of such disparities for international climate cooperation.

With its track record of climate disruption and unabated emissions growth, 2018 might sow doubt about the viability of meaningful climate action. And yet, by following a trajectory from international cooperation to efforts at the national and subnational level, and even to the role of traditional indigenous practices, the articles in this issue collectively affirm both the importance and availability of climate solutions that transcend all geographic, political and cultural boundaries. What was affirmed as an imperative under the Paris Agreement therefore holds true at all levels: the challenge going forward is not so much to identify new avenues of climate action, but to urgently strengthen the implementation of known and existing ones. In many ways, that challenge is also one of legal and regulatory implementation, marking a debate that the *Carbon & Climate Law Review* will continue to accompany.

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