Editorial

Ahead of the recent Climate Action Summit in New York City, a synthesis report on the state of climate science compiled by several international agencies and initiatives affirmed that increases in atmospheric greenhouse gas concentrations continued to accelerate, and that the period between 2015 and 2019 was on track to be the warmest of any equivalent period on record. It also warned that growing climate impacts increase the risk of crossing critical tipping points.¹ Only days after, a special report by the Intergovernmental Panel on Climate Change highlighted alarming impacts on the oceans and the cryosphere, with sweeping and severe consequences for nature and humanity.²

Despite United Nations Secretary General Antonio Guterres' exhortation to nations that they increase their climate efforts, however, new commitments pledged during the summit were few and mostly incremental, in distinct contrast to the fiery calls to action from civil society that preceded the global gathering.³ Given the tenacity of this ambition gap, political attention has continued to extend to the inevitable impacts of climate change, underscoring the importance of adaptation. During the same month as the Climate Action Summit, for instance, a global high-level commission issued a call to action on adaptation and resilience, noting that progress is not happening 'at nearly the pace and scale required.'⁴

Closing the ambition gap and adapting to the growing impacts of climate change are, in other words, two of the most vexing and critical challenges in the current climate debate. Articles in this issue of the *Carbon & Climate Law Review* squarely address both challenges, offering analysis and discussing potential solutions from a legal perspective. In her article on carbon coalitions, Sara K. Parker addresses an important dilemma in the further evolution of market approaches to international climate cooperation: on the one hand, these tools promise dramatic cuts in the overall cost of achieving pledged mitigation outcomes, enabling greater ambition as a result;⁵ yet at the same time, if poorly designed, they also risk undermining the integrity of climate action, e.g. through flawed accounting or outright fraud.

It is no surprise, therefore, that market approaches were the only issue area that failed to see adoption of international guidance during the latest round of climate negotiations in Katowice, Poland. Unless countries are able to overcome past differences, the next negotiations in Santiago, Chile, may only succeed in passing very sparse and permissive rules,

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- 1 Science Advisory Group of the UN Climate Action Summit 2019, 'United In Science' (22 September 2019) <reliefweb.int/sites/reliefweb.int/files/resources/climsci.pdf> accessed 1 October 2019.
- 2 Intergovernmental Panel on Climate Change (IPCC), 'Special Report on the Ocean and Cryosphere in a Changing Climate' (24 September 2019) <report.ipcc.ch/srocc/pdf/SROCC_FinalDraft_FullReport.pdf> accessed 1 October 2019.
- 3 Somini Sengupta and Lisa Friedman, 'Foot-Dragging On Climate Aid As Clock Ticks' *New York Times* (24 September 2019) A1.
- 4 Global Commission on Adaptation (GCA), 'Adapt Now: A Global Call for Leadership on Climate Resilience' (10 September 2019) <cdn.gca.org/assets/2019-09/GlobalCommission_Report_FINAL.pdf> accessed 1 October 2019.
- 5 See, for instance, the recent International Emissions Trading Association (IETA) et al., 'The Economic Potential of Article 6 of the Paris Agreement and Implementation Challenges' (24 September 2019) <www.ieta.org/resources/International_WG/Article6/CLPC_A6%20report_no%20crops.pdf> accessed on 1 October 2019.

potentially raising concerns about regulatory loopholes and lacking oversight. Parker sets out a more optimistic vision, however, observing that past experience with jurisdictions collaborating on market approaches has evidenced mutual pressure to strengthen their respective governance frameworks. For Parker, this argues in favor of encouraging states to work together in ‘carbon coalitions’ and hold each other to increasingly stringent standards over time.

Christopher Campbell-Durufié rejoins the topic of market approaches and their operationalisation under the Paris Agreement, tying it into the aforementioned challenge of adaptation. Outlining the ways in which use of such market mechanisms can affect the adaptive capacity of communities affected by climate change, Campbell-Durufié makes a persuasive case for including safeguards to protect and enhance adaptive capacity in the operational rules on market approaches currently under negotiation.

Cassandra Pickering and Evgeny Guglyuvatyy likewise focus on the interactions between mitigation and adaptation, assessing whether recent amendments of the Vegetation Management Act enacted by the Australian state of Queensland help support efforts to protect the Great Barrier Reef from growing climate impacts. Ultimately, they conclude, this policy governing land clearing and deforestation falls short of affording the necessary level of protection, prompting them to recommend elaboration of a uniform and stringent legal solution at the national level to restrict deforestation and protect the Great Barrier Reef.

Returning to the potential role and legal implementation of market approaches, Paul Dijkshoorn, finally, offers a theoretical exploration of emissions trading at the individual level – ‘Personal Carbon Trading’ – as a way of extending the incentives from carbon markets to sectors not currently covered by existing trading systems. While he concedes that such a framework would be technically challenging to implement and radical in its potential effects on consumer lifestyles, he draws up a fictitious case study incorporating, among other options, blockchain and Internet of Things technologies to show that it is technically feasible and therefore merits further study.

All articles in this issue highlight pivotal governance and regulatory challenges we face as we proceed down the difficult path towards decarbonizing our economies and making our world more resilient to climate change. In doing so, they underscore that no simple solutions are apparent, and that no response to climate change is free of complex normative questions and intricate links to other vested aspirations. Much as we need to therefore expedite our research into the legal barriers, opportunities and implications shaping how we address climate change, we also should be mindful of the simple – yet therefore no less true – observation voiced by a young climate activist during the recent Climate Action Summit: the solutions needed are still nowhere in sight. Public opinion and political will have to first evolve in line with the scale of the challenge; but as they do, and new and more far-reaching solutions become viable, the community of climate lawyers has to be prepared to keep pace with and accompany this accelerating debate.

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