Editorial

As the year comes to a close, we may be tempted to look back at it as the year of the COVID-19 pandemic. Countless lives have been lost and the pandemic continues to impact every aspect of our daily lives. From the perspective of climate law, the global health crisis appears to have taken over international political attention to the climate crisis. Having grown accustomed to the global climate protests led by Fridays for Future and Extinction Rebellion growing louder and gaining a broad base of support, it now feels as though most climate activism – like so many of our daily activities – has been confined to the virtual space. Although formal negotiations under COP26 have been postponed, many world leaders participated in a virtual Climate Ambition Summit in December with some announcing new and enhanced climate pledges. The clear message was one of less talk and more ambitious climate action. At the summit, in a speech nearly as emphatic as that of climate activist Greta Thunberg, UN Secretary-General Antonio Guterres called on world leaders to declare a ‘state of climate emergency in their countries until carbon neutrality is reached’ – nearly 40 countries have already done so. The event also marked the fifth anniversary of the Paris Agreement, adopted on 12 December 2015. As this issue goes to print and the academic and policy assessments of the Paris Agreement’s progress multiply, the publication of the latest UNEP Emissions Gap Report reminds us of the harsh reality that despite the dip in greenhouse gas emissions during the pandemic, we remain firmly on a trajectory in excess of 3°C of global average temperature rise. If 2020 has taught us anything, it is that rather than succumbing to the ‘new normal’, we each play an important part in reversing course.

In time for the birthday celebrations, **Stephen Minas** invites us to take a closer look at the Paris Agreement’s Technology Framework adopted by the Parties at COP24 in Katowice in 2018. His contribution provides the first in-depth analysis of the technology elements of the Paris rulebook and their initial implementation as well as a commentary on their potential to contribute to the transformational change needed to achieve the Paris Agreement’s goals. Expounding the historical development and political context of these elements and indeed of the Technology Framework itself, Minas argues that only by engaging with other actors beyond existing UNFCCC technology bodies (such as Parties and international financial institutions), can the Framework unleash its full potential for transformational change.

In his article, **Baine P. Kerr** examines the International Civil Aviation Organization’s (ICAO) CORSIA carbon offset reduction scheme from the perspective of international law. His inquiry focuses on the scheme’s additionality rule, which stipulates that offsets should amount to reductions, avoidance or removals of greenhouse gas emissions beyond those that would have occurred even in the absence of the scheme. Drawing on the International Law Commission’s Draft Articles on State Responsibility, Kerr argues that the rule can be understood as imposing an international obligation on ICAO, which could trigger the organisation’s legal responsibility. Kerr further examines ICAO’s compliance with the additionality rule and analyses to what extent the rule’s classification as an international le-

gal obligation could serve to hold the organisation to account for the scheme's environmental integrity.

Hydrogen has the potential to become a key sustainable energy vector for the energy transition, a role recognised by the European Union in its recently adopted Hydrogen Strategy. In their timely contribution, **Saskia Lavrijssen and Blanka Vitéz** apply the principles of good regulation to the EU's nascent hydrogen market. In the absence of comprehensive market regulation, the authors assess several regulatory strategies to address potential market failures in emerging energy markets. Mindful that choosing a regulatory strategy too early poses risks in itself, they advocate for the use of regulatory sandboxes to experiment in real-life and draw lessons against the principles of good regulation for what a future-proof hydrogen market regulation could look like.

In their contribution, **Sanne Akerboom and Annelies Huygen** consider the regulatory aspects of the urban heat transition in the Netherlands as part of the government's efforts to phase out natural gas. Drawing on lessons from international literature on heat transitions and relevant regulatory frameworks of Denmark and Sweden, the authors identify key success factors against which they analyse the Dutch Heat Act Bill – the legislative centrepiece of the country's urban heat transition. Since this is a very young bill (July 2020), Akerboom and Huygen's timely analysis and recommendations provide a unique opportunity to inform the further legislative process. Moreover, the lessons identified by the authors are of key relevance to the regulation of urban heat transitions beyond the Dutch context.

Finally, the article by **Jeffrey McGee, Kerry Brent, Jan McDonald and Clare Heyward** considers the application of the 1977 *Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques* (ENMOD) to the governance of Solar Radiation Management (SRM). SRM refers to set of geoengineering technologies which aim to increase the reflectivity of the earth in order to reduce global warming. Given the limited international legal and institutional development of SRM governance, they analyse the potential and limitations of existing treaties to regulate such activities. They find that the ENMOD treaty, once brought back from its cryogenic sleep, offers significant advantages over other extant treaties as a potential forum for SRM governance.

On a final note, I would like to also draw your attention to our *Climate Law Insider* newsletter for timely and relevant insights into recent climate law and policy developments, curated by our editors Anne Kling, Felix Schenuit and Juan Auz. You can subscribe to our monthly newsletter using this link: bit.ly/CLI-120

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