Editorial

As a quintessentially global challenge, climate change has seen many of the earliest legal responses emerge at the international level. Such responses include, notably, the United Nations Framework Convention on Climate Change (UNFCCC), a legally binding international treaty that entered into force in 1994. Every year since, the Conference of the Parties (COP) to the UNFCCC has served as a focal point for climate cooperation, with decisions adopted during the annual climate summit often heralding new milestones in the development of international and, through percolation over time, domestic climate law.

Every year, that is, except 2020, when the annual climate summit was postponed due to the COVID-19 pandemic. As Wolfgang Obergassel and a team of fellow authors argued with an article in Issue 3/2021 of *Carbon & Climate Law Review*, however, the hiatus in formal negotiations did not translate into an absence of international climate action.¹ On the contrary, it saw diplomatic engagement continue through a number of informal channels, while also invigorating efforts by a range of non-Party actors beyond sovereign states.

Formal negotiations did return in late 2021, however, when the 26th Session of the Conference of the Parties (COP 26) convened in the Scottish port city of Glasgow. In this issue of *CCLR*, Obergassel et al. take stock of that landmark summit and its implications for international climate cooperation. From decisions on Article 6 of the Paris Agreement to common timeframes for Nationally Determined Contributions (NDCs), they affirm meaningful progress in the implementation of the climate regime, but also highlight persistent shortfalls on overall ambition, climate finance, and loss and damage. Overall, their analysis suggests that Glasgow was not so much a turning point as it was another step in a long and evolving process.

In their assessment of COP 26, Obergassel et al. repeatedly address the importance of actors and initiatives beyond the UNFCCC, and also emphasize alternative channels to enhance climate action, such as international climate litigation. Adrián Martínez Blanco expands on this important dimension with his article on public participation in the international climate regime, approaching it as a human right rather than a procedural tool to help inform the negotiation process. Tracing the history of public participation in the UNFCCC and its constituted bodies, he shows that the rules and practices of the climate regime fall short of international access rights agreements, such as the Aarhus Convention and the Escazú Agreement, and identifies ways to correct this shortfall.

Obergassel et al. also remind us that more ambitious climate pledges will not necessarily translate into more ambitious climate action. As always, domestic implementation remains critical to translate such pledges into meaningful progress on climate change mitigation and adaptation. For countries whose economies rely in large part on the extraction and processing of fossil fuels, carbon capture and storage (CCS) technologies promise a way to implement domestic climate pledges without surrendering current revenue flows.

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¹ Wolfgang Obergassel and others, 'Climate Diplomacy on Hold, But not Climate Change' (2021) 15 *Carbon & Climate Law Review* 211.

Reza Maddahi provides a case study of Iran, a country that mentions CCS in its intended NDC, and identifies opportunities for financial, technological and capacity building support under the Paris Agreement – that is, if the country were to ratify the Paris Agreement, a treaty it has signed, but failed so far to ratify.

Finally, in his article on Qatar, Saudi Arabia and the United Arab Emirates, Justin Dargin explores how three of the most significant oil and gas exporting countries in the world have approached international climate negotiations and how their positions have evolved over recent years.

As 2021 comes to a close, the articles in this issue underscore the continued relevance of international climate diplomacy under the UNFCCC and Paris Agreement. Climate action around the globe may be entering a critical period of national implementation and enforcement, with attention shifting to the activities of domestic legislative, executive, and judicial bodies as well as private stakeholders. Frustrated by the complexity and lagging pace of international negotiations, some observers have therefore proposed abandoning climate diplomacy altogether. But if 2021 has shown anything, it is that the formal process under the UNFCCC remains vital to track, support and, over time, enhance domestic climate action by states and private actors. It can and should be further improved, but is as indispensable as any other tool in our toolbox to meet the global climate challenge.

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