

## Editors' Note

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# EDITORS' NOTE

In many ways, the year 2011 represents a global awakening. As the Arab spring swept across Northern Africa and the Middle East, one state after another overthrew its regime in hopes of gaining the freedoms of choice and expression.<sup>1</sup> In the wake of the Japanese Fukushima Nuclear Disaster, the world learned that energy development ought not only work to satisfy demand and national security, but should take equal account of long-term sustainability and safety.<sup>2</sup> Against this backdrop, the year ended with 195 State Parties attending the 17th Conference of the Parties of the United Nations Convention on the Framework for Climate Change.<sup>3</sup> The resulting Durban Package will bring all greenhouse-gas emitting nations under a new legal regime by 2015, with the purpose of cutting emissions no later than 2020.<sup>4</sup> And while the unprecedented agreement takes a first step toward a future, comprehensive, and binding agreement, ultimately, the Durban outcome also leaves much to be desired.

This annual SDLP Climate Law Reporter once again takes stock of climate change law and policy in an attempt to provide the ever-growing climate community with a central source of relevant and vanguard articles. This issue dives into the issue at each level, surveying the progress and prospects of climate change governance on the international, regional, and domestic levels.

On the international stage, included articles reveal that the course forward from Durban needs to unequivocally define the obligations of each nation, take the issue of equity into account, and improve mechanisms to ensure commitment accountability. As the international community sets out on this new path, the focus of climate law and policy practitioners must be mindful of this global effort.

However, as outlined by other selections in this issue, regional governance is equally important in this effort. As Himalayan glaciers face alarming melting rates, states ought to adopt regional mechanisms to better monitor and manage the fallout. In the vulnerable coral reefs of the South Pacific, regional knowledge sharing and management between governments could be the key to protecting these fragile, rich marine

1 Harriet Barovick et al., *Revolution Meets Reality*, TIME, Mar. 28, 2011.

2 Sonia Kolesnikov-Jessop, *Southeast Asian Nations Look at Nuclear Power*, N.Y. TIMES, Nov. 27, 2011.

3 UNFCCC, Durban Climate Change Conference - November/December 2011, [http://unfccc.int/meetings/durban\\_nov\\_2011/meeting/6245.php](http://unfccc.int/meetings/durban_nov_2011/meeting/6245.php) (last visited May 1, 2012).

4 UNFCCC, *Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action*, U.N. Doc. FCCC/CP/2011/L.10 (Dec. 10, 2011).

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resources. The group of nations comprising the East African Community, and their struggle with water management, provides a further example of how regional action is a fundamental asset in the fight against global climate change.

So too does this issue address the domestic front. It examines the role of the nation's courts in achieving progress in climate law. As cap-and-trade gains traction, the issue advocates that such frameworks should be structured in a way that promotes and ensures environmental justice in vulnerable communities. It also calls for carbon sequestration governance to honor the polluter pays principle and maximize liability for potentially responsible parties.

At each level, this issue seeks to advance climate change law and policy. While this year may have seen global awakening and an all-inclusive commitment toward uniform global action, the climate regime still has much room for growth. As the international community embarks on this arduous process, the fate of the climate regime and, in turn, the planet lies in the hands of climate scientists, policy makers, and lawyers.



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