

EDITORIAL

From December 7-18, 2009, delegates from 194 nations met in attempt to reach an agreement that would slow climate change and increase environmental responsibility. Ultimately, what resulted was the Copenhagen Accord. This relatively brief, non-binding document (drafted by only a handful of delegates) recognizes "the scientific view that the increase in global temperature should be below 2 degrees Celsius", and aims to raise \$100 billion per year from "a wide variety of sources" to help developing nations cut carbon emissions. But with no indication as to how greenhouse gasses will be minimized, or how \$100 billion will be raised and distributed, it is difficult to see the Copenhagen Accord as much more than a list of nice ideas.

There are those who would argue that the Copenhagen Conference was an utter failure. Without concrete targets for emissions reductions, it is virtually impossible to determine if we are progressing towards a healthier planet. The lack of unanimity in signing the Accord (with countries such as Sudan, Bolivia and Venezuela in opposition) can be perceived as a disappointment to those who hoped that the world's leaders would utilize this opportunity to present a unified front on how to deal with climate change.

However, regardless of whether one views Copenhagen as success or failure, it is vital that we educate ourselves about the issues involved in climate change so that we can make informed decisions and positive changes in our lives and environments. In this edition of Amsterdam Law Forum, authors from around the world present their unique viewpoints on Copenhagen, climate change, possible solutions to global warming, and several other intriguing topics.

Indeed, there are optimists who feel that despite a lack of consensus at Copenhagen, it was not a complete exercise in futility, and effective ways to combat climate change still remain. In his article, van Asselt argues that while there is no legally binding result of the Copenhagen Accord, the verbal assurances and participation by nations such as the US and China, and the potential for developing countries to assert their intentions to a global audience, are all positive end results. Verweij puts forward that a lack of a Kyoto successor does not mean the end of a fight against climate change, as we can combat global warming through increased use of renewable resources. Markey explores solutions to global warming in the form of the offset provisions of the Regional Greenhouse Gas Initiative and disciplined cap-and-trade schemes, and Waggoner analyzes the American approach and suggests a carbon tax as a possible remedy for the risk of climate change.

The skeptics, on the other hand, propose that our climate troubles may only worsen over time. Ač examines the problem of increased energy efficiency

and its potential to become less of a blessing and more of a curse, while Babie takes a look at private property as one of the main contributors to climate change. The economic recession and its implications are also reviewed, as Kolk & Pinkse address systemic issues that require determined policy efforts. Also featured is a unique piece from Lahbom, who suggests that global warming is not necessarily a man-made phenomenon and predicts that a successor to Kyoto is unlikely.

Beyond sources and solutions, our authors also consider governmental and legislative roles in global warming. Doelle gives an even account of Copenhagen, analyzing the positive and negative outcomes, but suggests that time is running out for the United Nations Framework Convention on Climate Change. While Weishaar further investigates global warming from a European standpoint in his article focusing on emission trading systems within the EU, the interplay of numerical thresholds and legislation, particularly in a European context, forms the crux of Jancarova's article on "legal aspects of global warming regulation". Otomo provides a distinctive Australian view on environmental law and climate change, and Maljean-Dubois presents an overview of the non-compliance procedures of the Kyoto Accord.

The question of whether climate change data is a function of statistically undeniable facts or simply conjecture and propaganda is an explosive one, and regardless of which side of the discussion one stands, it is important to undertake a genuine examination of both arguments. This issue of Amsterdam Law Forum provides such an opportunity to hear the various sides of the climate change story, and it is our hope that these articles will foster a continued discussion in your universities, law firms and households.

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