
The International Legal Concerns on Climate Change Regime: Taiwan's Perspective

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Climate change is an emerging environmental issue. To prevent possible trade sanctions from the industrialized trading partners, Taiwan proposed several policies to mitigate greenhouse gas emissions. This includes their preparation of the Greenhouse Gas Reduction Act is under legislature review and the Statute for Renewable Energy Management. Because Taiwan is not a member of the United Nations, it is excluded from participation in the United Nation Convention on Climate Change and lacks access to the flexible mechanisms defined under the Kyoto Protocol. The Taiwan Environment Protection Administration plans to encourage the local emitters to acquire foreign reduction credits to offset domestic emissions. This article approaches Taiwan's mitigation policies and measures from an international legal perspective. It also introduces adaptation policies and recommends that the government establish a special national adaptation team to prepare data and criteria for risk prioritization. Finally, this paper recommends that the Parties of the UNFCCC adopt the 'universal apply' principle for climate change and allow any governmental agency whose governing matters are covered by the convention, to participate and share emission-reduction responsibilities.

Keywords

Climate Change, Taiwan, EPA, Mitigation, Adaptation, UNFCCC, Flexible Mechanisms

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I. Introduction

Climate change is one of the biggest environmental concerns in the 21st century. The global greenhouse effect caused by anthropogenic greenhouse gas (“GHG”) emissions into the atmosphere has led to rising global temperatures, endangering the climate system. The international community is trying to stabilize global GHG emissions through cooperation from multiple sectors, information sharing on the reduction of GHG emissions with stakeholders, and the prevention of adverse effects caused by climate change.¹ As the 17th leading merchandise exporter among the World Trade Organization (“WTO”) members,² Taiwan also produces 1% of all global greenhouse gas emissions.³ Although Taiwan is neither a member of the United Nations, nor United Nations Framework Convention on Climate Change (“UNFCCC”), it is still aligning its national policies and measures on carbon dioxide emission reduction rates with the UN guidelines. By complying with UN and UNFCCC policies and measures, and following GHG emission reduction rates according to the Kyoto protocol, Taiwan could be protected from low carbon regulations imposed by its trading partners in the European Union or the United States.

In accordance with the natural disaster hotspot project of the World Bank in 2005, Taiwan is a probable location for multiple natural disasters.⁴ Climate change might furthermore intensify the strength and frequency of natural disasters increasing the damage to Taiwan. Early preparations are crucial to the reduction of adverse consequences including human loss caused by climate change. The cost of mitigating and adapting to the effects of climate change is still high, because of its unique international legal status; Taiwan is unable to request any scientific or financial assistance from international organizations and UNFCCC.⁵ Taiwan is thus forced to independently use its internal efforts and funds to develop climate-related policies and measures and increase capacities.⁶ This puts Taiwan in an unfair and unequal position

¹ United Nations Framework Convention on Climate Change art. 2 (Mar. 21, 1994), U.N. Doc. A/AC.237/18 (Part II)/Add.1, reprinted in 31 I.L.M. 848 (1992).

² WTO, INTERNATIONAL TRADE STATISTICS 2010 13 (2010), available at http://www.wto.org/english/res_e/status_e/its2010_e/its2010_e.pdf (last visited on May 5, 2011).

³ Shu-Hung Shen, *Taiwan’s Climate Change Mitigation*, THE KOREA TIMES, Nov. 26, 2009, available at http://www.koreatimes.co.kr/www/news/opinion/2011/01/198_56189.html (last visited on May 5, 2011).

⁴ WORLD BANK, NATURE DISASTER HOTSPOTS: A GLOBAL RISK ANALYSIS 2 (2005).

⁵ Yiyuan (William) Su, *The Effects of the Kyoto Protocol on Taiwan*, 6 SUSTAINABLE DEV. L. & POL’Y 51, 51 (2006).

⁶ The Republic of China (Taiwan) has withdrawn its representation of China from United Nations since 1971. See G. A. Res. 2758, at 2, U.N. GAOR, 26th Sess., Supp. No. 29, U.N. Doc. A/8429 (Oct. 25, 1971), available at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/327/74/IMG/NR032774.pdf?OpenElement> (last visited on May 5,