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**CLIMATE CHANGE LITIGATION: AN INTERNATIONAL
PERSPECTIVE WITH A COMPARATIVE ANALYSIS OF TAIWAN AND
INDIA**

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Abstract

Climate change has emerged as one of the most significant global challenges of the twenty-first century, demanding coordinated international action and effective domestic legal responses. The evolution of international environmental law has resulted in the development of diverse policy frameworks and regulatory mechanisms aimed at mitigating climate change and promoting sustainable development. Although international instruments establish common principles and obligations, their implementation remains primarily the responsibility of individual States, leading to varying legal approaches and enforcement mechanisms across jurisdictions. The growing transplantation of environmental legal principles reflects the recognition that climate change is a transboundary issue requiring both global cooperation and context-specific domestic governance. Consequently, climate change litigation has become an important legal tool for ensuring governmental accountability, enforcing environmental rights, and advancing climate justice. This article examines climate change litigation from an international legal perspective through a comparative analysis of Taiwan and India. It explores the influence of international environmental instruments and principles on the development of climate-related legal frameworks, judicial approaches, and environmental governance in both jurisdictions. The study critically analyses the constitutional provisions, statutory frameworks, policy initiatives, and judicial interventions that shape climate litigation in Taiwan and India. Adopting a doctrinal and comparative research methodology, the article identifies similarities, differences, strengths, and challenges in implementing international climate obligations within the domestic legal systems of the

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two countries. It further evaluates the role of courts in interpreting environmental rights, promoting sustainable development, and strengthening climate accountability. The study concludes by recommending strengthened legal and institutional frameworks, enhanced climate governance, and greater international cooperation, particularly between India and Taiwan, to promote sustainable development and support the global transition towards a resilient and low-carbon future.

I. Introduction

Climate change has become one of the most significant challenges confronting humanity in the twenty-first century. Scientific evidence overwhelmingly demonstrates that rising global temperatures, changing weather patterns, sea-level rise, biodiversity loss, and the increasing frequency of extreme weather events are primarily driven by anthropogenic greenhouse gas emissions. The reports of the Intergovernmental Panel on Climate Change (IPCC) consistently affirm that human activities have been the dominant cause of global warming since the mid-twentieth century, underscoring the urgent need for coordinated international and domestic responses. Recognising the transboundary nature of climate change, the international community has developed a comprehensive legal framework through instruments such as the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement. These agreements establish common objectives and principles for mitigating greenhouse gas emissions, enhancing climate resilience, and promoting sustainable development. Nevertheless, the effectiveness of these instruments depends largely on their implementation by individual States. Differences in constitutional structures, legislative priorities, institutional capacities, and political commitments have resulted in diverse approaches to climate governance across jurisdictions.

In recent years, climate change litigation has emerged as an important mechanism for addressing the shortcomings of legislative and executive action. Individuals, communities, non-governmental organisations, and public interest groups increasingly approach courts to compel governments and private entities to fulfil their climate-related obligations. Climate litigation has evolved beyond traditional environmental disputes to encompass issues relating to constitutional rights, administrative accountability, corporate responsibility, human rights, and intergenerational equity. Judicial intervention has therefore become an essential

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component of climate governance by promoting governmental accountability, interpreting environmental obligations, and safeguarding the rights of present and future generations.

The growing body of climate litigation demonstrates that courts are playing an increasingly significant role in shaping national climate policies and enforcing international environmental commitments. While several jurisdictions have witnessed landmark judicial decisions directing governments to adopt stronger climate measures, considerable differences remain in the manner in which domestic legal systems incorporate and implement international climate obligations. These differences make comparative legal analysis particularly valuable in understanding the effectiveness of climate litigation across jurisdictions. Against this background, this article undertakes a comparative examination of climate change litigation in Taiwan and India from an international legal perspective. Although both jurisdictions face significant climate-related challenges, their constitutional frameworks, legislative developments, judicial approaches, and institutional mechanisms differ considerably. The study analyses how international climate law has influenced domestic legal systems, examines the role of courts in promoting environmental justice and climate accountability, and evaluates the effectiveness of climate litigation in advancing sustainable development objectives. By identifying the similarities, differences, strengths, and limitations of the two jurisdictions, the article seeks to contribute to the evolving discourse on comparative climate governance and to offer recommendations for strengthening climate litigation as an instrument for achieving effective environmental protection and compliance with international climate obligations.

II. Concept and Evolution of Climate Change Litigation

Climate change litigation has emerged as one of the most influential legal mechanisms for addressing the inadequacies of governmental and corporate responses to climate change. As international climate obligations have expanded through multilateral agreements and national climate legislation, courts have increasingly become important forums for enforcing climate commitments, protecting environmental rights, and ensuring accountability. While legislative and executive authorities formulate climate policies, judicial institutions play a complementary role by interpreting legal obligations, reviewing governmental actions, and providing remedies where climate-related duties are inadequately fulfilled. The adoption of the Paris Agreement marked a significant milestone in international climate governance by

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encouraging States to adopt ambitious measures for mitigating greenhouse gas emissions and strengthening climate resilience. Today, almost every country has introduced climate-related legislation or policy measures. Nevertheless, the implementation and enforcement of these commitments remain uneven, resulting in increasing reliance on litigation to bridge the gap between legal commitments and practical action. Climate litigation has therefore evolved into an important instrument for advancing environmental governance and promoting compliance with both domestic and international climate obligations. Initially, climate change litigation was largely concentrated in the United States, where courts addressed both challenges to environmental regulation and claims seeking stronger governmental action. Since 2015, however, climate litigation has expanded rapidly across numerous jurisdictions, reflecting growing public awareness, stronger scientific evidence, and increasing judicial recognition of climate-related rights. Contemporary climate litigation extends beyond disputes concerning environmental regulation and now encompasses constitutional law, human rights, corporate accountability, administrative law, and sustainable development. Increasingly, claims are also being brought against major greenhouse gas-emitting corporations, alleging responsibility for climate-related harms and seeking greater corporate transparency and accountability. Although the United States continues to account for a significant proportion of global climate litigation, notable judicial developments have also emerged in countries across Europe, Latin America, Africa, and Asia. Landmark decisions from the Global South demonstrate that climate litigation is not confined to developed nations. Many of these cases are rights-based, focusing on the enforcement of constitutional environmental guarantees, the protection of vulnerable communities, and governmental compliance with existing environmental legislation. Courts in these jurisdictions have frequently relied upon constitutional principles, international environmental obligations, and human rights norms to strengthen climate governance. Despite its growing importance, climate litigation continues to face several challenges, including questions of standing, causation, scientific complexity, attribution of liability, and enforcement of judicial decisions. Nevertheless, it remains an increasingly effective legal mechanism for compelling governments and corporations to fulfil their climate responsibilities. As climate-related risks continue to intensify, judicial intervention is expected to play an even greater role in promoting environmental justice, ensuring climate accountability, and facilitating the effective implementation of international climate commitments. This global evolution provides important context for examining the

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distinct approaches adopted by Taiwan and India to address climate change through their respective legal systems.

III. International Perspectives on Climate Change Litigation

The increasing reliance on international litigation reflects the growing recognition that climate change is a transboundary problem requiring legal responses beyond national boundaries. Although international climate governance is primarily shaped by multilateral agreements such as the United Nations Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement, these instruments largely depend on voluntary compliance and political commitment by States. Consequently, international and regional courts and tribunals have increasingly been viewed as important institutions for strengthening accountability and encouraging effective implementation of international climate obligations. International climate change litigation performs several important functions. It raises global awareness of the legal consequences of climate change, highlights the disproportionate impacts on vulnerable populations, and places pressure on governments to adopt stronger climate mitigation and adaptation measures. Litigation also contributes to the interpretation and development of international environmental law by clarifying the legal obligations of States under treaty law, customary international law, and international human rights law. In many instances, judicial proceedings have influenced legislative reforms, strengthened environmental governance, and promoted greater transparency in climate policymaking.

Climate-related proceedings at the international level may arise in different forms. Some cases challenge governmental decisions that allegedly undermine climate commitments, while others seek judicial intervention against governmental inaction in addressing climate risks. Proceedings may also be initiated before international human rights bodies by individuals or communities claiming violations of fundamental rights resulting from inadequate climate action. Additionally, disputes between States concerning environmental obligations may be brought before judicial bodies such as the International Court of Justice and the International Tribunal for the Law of the Sea, particularly where climate change affects shared natural resources or marine environments. Despite these opportunities, international climate litigation faces significant legal and procedural limitations. Jurisdictional requirements, questions of admissibility, standing, causation, and the

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consensual nature of international adjudication frequently restrict the ability of courts and tribunals to hear climate-related disputes. Moreover, international judicial bodies generally interpret and apply existing legal obligations rather than formulate new climate policies, thereby limiting their capacity to compel far-reaching political action. The absence of comprehensive enforcement mechanisms further reduces the direct effectiveness of international judgments.

A. Climate Change Litigation before the United Nations Human Rights Committee

The increasing intersection between climate change and human rights has resulted in a growing number of climate-related complaints before the United Nations Human Rights Committee. These proceedings illustrate the expanding recognition that inadequate climate action may give rise to violations of internationally protected human rights, particularly the rights to life, culture, health, and an adequate standard of living. A landmark example is the *Torres Strait Islanders v. Australia* communication¹, in which Indigenous inhabitants of the Torres Strait Islands alleged that Australia's failure to adopt adequate climate mitigation and adaptation measures violated their rights under the International Covenant on Civil and Political Rights. The applicants argued that rising sea levels and other climate-related impacts threatened their ancestral lands, cultural identity, traditional way of life, and physical security. Rather than seeking monetary compensation, they requested effective governmental action to reduce climate risks and protect their communities. Another significant development arose from the *Teitiota v. New Zealand (Kiribati) communication*². Although the Committee concluded that the applicant did not face an immediate risk sufficient to prevent his return to Kiribati, it made an important legal observation by recognising that climate change may, under certain circumstances, threaten the right to life protected under the Covenant. The Committee acknowledged that environmental degradation and climate-induced disasters could eventually create conditions in which returning individuals to their home States would violate the principle of non-refoulement if there were a real risk to their lives³. These developments demonstrate the evolving role of international human rights mechanisms in climate governance. Although the Committee's decisions are not equivalent to judgments of

¹ *Torres Strait Islanders v. Australia*, Human Rights Committee, Billy et al. v. Australia, Communication No. 3624/2019, U.N. Doc. CCPR/C/135/D/3624/2019 (Sept. 22, 2022).

² *Teitiota v. New Zealand*, Human Rights Committee, Communication No. 2728/2016, U.N. Doc. CCPR/C/127/D/2728/2016 (Jan. 7, 2020).

³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

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an international court, they have contributed significantly to the development of climate jurisprudence by recognising the human rights implications of climate change and encouraging States to adopt more effective measures to protect vulnerable populations from climate-related harm.

B. United Nations Framework Convention on Climate Change (UNFCCC)

The United Nations Framework Convention on Climate Change (UNFCCC), adopted at the Rio Earth Summit, forms the cornerstone of the international legal regime on climate change. The Convention establishes the foundational principles for international cooperation in addressing climate change and seeks to stabilise greenhouse gas concentrations at a level that prevents dangerous anthropogenic interference with the climate system. It recognises the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), acknowledging that developed countries bear a greater responsibility due to their historical greenhouse gas emissions. The Convention also promotes sustainable development, precautionary action, technology transfer, financial assistance, and adaptation measures. Although the UNFCCC provides a comprehensive framework for international climate governance, it does not impose legally binding greenhouse gas reduction targets, which has been regarded as one of its principal limitations.

C. Kyoto Protocol

The Kyoto Protocol, adopted in 1997 under the UNFCCC, represented the first legally binding international instrument requiring industrialised countries to reduce greenhouse gas emissions. It imposed quantified emission limitation and reduction commitments on developed States while exempting developing countries from mandatory targets in recognition of their developmental needs. The Protocol introduced innovative market-based mechanisms, including International Emissions Trading, the Clean Development Mechanism (CDM), and Joint Implementation (JI), to facilitate cost-effective emission reductions. Despite its pioneering role in international climate governance, the Protocol's effectiveness was constrained by the withdrawal or non-participation of major greenhouse gas emitters and the absence of binding obligations for many developing economies.

D. Paris Agreement

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The Paris Agreement marked a significant evolution in international climate law by adopting a more inclusive and universal approach to climate governance. The Agreement aims to limit the increase in global average temperature to well below 2°C above pre-industrial levels while pursuing efforts to restrict warming to 1.5°C. Unlike the Kyoto Protocol, the Paris Agreement requires all Parties to prepare, communicate, and periodically update Nationally Determined Contributions (NDCs) that reflect their highest possible ambition. The Agreement further promotes climate adaptation, resilience, financial support, technology transfer, and capacity building. Nevertheless, the reliance on nationally determined and largely voluntary commitments, coupled with limited enforcement mechanisms, has generated concerns regarding the adequacy of global efforts to achieve the Agreement's long-term objectives.

E. Global Stocktake at COP28

A major milestone in the implementation of the Paris Agreement was the first Global Stocktake, concluded during the United Nations Climate Change Conference (COP28) in Dubai. The Global Stocktake assessed collective progress towards achieving the objectives of the Paris Agreement and concluded that current national commitments remain insufficient to limit global warming to 1.5°C. It called upon States to accelerate greenhouse gas emission reductions, strengthen adaptation strategies, enhance climate finance for developing countries, and expedite the global transition from fossil fuels to renewable and low-carbon energy sources. The outcome also underscored the importance of increasing investments in renewable energy technologies, including solar, wind, hydropower, bioenergy, and energy efficiency, while reinforcing the need for stronger international cooperation to address the escalating impacts of climate change.

IV. Climate Change Litigation in Taiwan

A. Evolution of Climate Change Litigation in Taiwan

Climate change litigation in Taiwan has emerged as a relatively recent but significant development in the country's environmental governance. Although Taiwan is not a member of the United Nations and consequently is not a Party to the United Nations Framework Convention on Climate Change (UNFCCC) or the Paris Agreement, it has voluntarily incorporated internationally recognised climate objectives into its domestic legal and policy framework. Growing public awareness of climate change, increasing environmental activism,

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and the global movement towards carbon neutrality have collectively encouraged the development of climate-related litigation as an important mechanism for promoting governmental accountability and environmental protection. Unlike traditional environmental litigation, which primarily focuses on pollution control and conservation of natural resources, climate change litigation in Taiwan increasingly seeks to ensure that governmental authorities effectively implement climate policies, strengthen greenhouse gas reduction measures, promote renewable energy development, and fulfil statutory climate obligations. Environmental organisations, civil society groups, legal scholars, and concerned citizens have increasingly relied upon judicial mechanisms to challenge governmental inaction and encourage stronger climate governance. Landmark decisions such as *Urgenda Foundation v. State of the Netherlands*⁴ have demonstrated the capacity of courts to compel governments to strengthen climate action. These developments have encouraged Taiwanese environmental organisations to adopt strategic litigation as a means of promoting effective implementation of domestic climate legislation and ensuring greater governmental accountability in addressing climate change.

B. Legal Framework Governing Climate Change in Taiwan

Taiwan has developed a comprehensive legal and institutional framework to address climate change through legislation, executive policies, and sector-specific regulatory measures. Although Taiwan is not a Party to the United Nations Framework Convention on Climate Change (UNFCCC) or the Paris Agreement due to its unique international status, it has voluntarily incorporated internationally accepted climate norms into its domestic legal framework. Taiwan's climate governance is primarily guided by the Climate Change Response Act, 2023, the National Climate Change Action Guidelines, the Nationally Determined Contribution (NDC) framework, the Renewable Energy Development Act, and the Basic Environment Act, which collectively establish the legal basis for climate mitigation, adaptation, and sustainable development⁵.

C. Foundations of Climate Legislation

The first significant legislative initiative was the enactment of the Greenhouse Gas Reduction and Management Act, promulgated on 1 July 2015. The Act represented Taiwan's first

⁴ ECLI:NL:HR:2019:2007 (Sup. Ct. Neth. Dec. 20, 2019).

⁵ Climate Change Response Act (Taiwan), promulgated 15 February 2023.

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comprehensive climate legislation specifically addressing greenhouse gas emissions. Its principal objective was to establish a statutory framework for reducing greenhouse gas emissions, coordinating climate-related responsibilities among governmental agencies, and promoting sustainable environmental governance through legally enforceable mechanisms. The legislation also reflected Taiwan's willingness to assume responsibility for addressing climate change despite its limited participation in international climate treaty regimes. As climate change became increasingly severe and international climate governance evolved following the adoption of the Paris Agreement, Taiwan recognised the need to strengthen its domestic legal framework. Accordingly, the Executive Yuan approved amendments to the Greenhouse Gas Reduction and Management Act on 21 April 2022, proposing that it be renamed the Climate Change Response Act. Following legislative deliberation, the amendments were approved by the Legislative Yuan on 10 January 2023 and formally promulgated by the President on 15 February 2023.

D. Climate Change Response Act, 2023

The enactment of the Climate Change Response Act on 15 February 2023 marked a significant milestone in Taiwan's climate governance. The legislation replaced the earlier Greenhouse Gas Reduction and Management Act and formally established Taiwan's commitment to achieving net-zero greenhouse gas emissions by 2050. The Act provides the statutory framework for implementing greenhouse gas reduction policies while integrating climate adaptation into national development planning. Unlike the earlier legislation, the Climate Change Response Act adopts a long-term governance approach by requiring the Government to establish five-year regulatory targets that progressively contribute towards achieving the 2050 net-zero objective. The Act requires periodic review of climate policies and mandates continuous revision of reduction strategies in response to scientific developments and international climate commitments. This dynamic regulatory framework enables Taiwan to adapt its climate policies according to technological innovation, economic development, and evolving environmental challenges. The Act also establishes a coordinated governance structure by assigning responsibilities to both central and local authorities. Central government agencies are responsible for preparing sector-specific greenhouse gas reduction programmes and climate adaptation plans within their respective jurisdictions, while local governments formulate implementation programmes consistent with national

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climate objectives. This multi-level governance model strengthens institutional coordination and facilitates effective implementation of climate policies throughout Taiwan.

E. National Climate Change Action Guidelines

To operationalise the Climate Change Response Act, the Executive Yuan approved the revised National Climate Change Action Guidelines on 3 November 2023 pursuant to Article 9 of the Act. The Guidelines constitute Taiwan's principal policy framework for implementing climate mitigation and adaptation measures and serve as the foundation for national climate governance. They were formulated after considering the objectives of the UNFCCC, international climate agreements, relevant international resolutions, and Taiwan's domestic environmental, economic, and social conditions⁶. The Guidelines emphasise the importance of science-based policymaking by incorporating climate risk assessments, vulnerability analyses, scenario modelling, early warning systems, and continuous monitoring into climate governance. In particular, they identify seven priority adaptation sectors, namely resilient infrastructure, sustainable water resource management, climate-resilient land-use planning, coastal protection and marine resource conservation, industrial and energy resilience, agricultural sustainability and biodiversity conservation, and climate-related public health management. These measures seek to strengthen Taiwan's capacity to respond effectively to the adverse impacts of climate change.

In relation to climate mitigation, the Guidelines complement Taiwan's Net Zero Emissions by 2050 Roadmap and the Government's Twelve Key Strategies by prescribing greenhouse gas reduction measures across six principal sectors, including renewable electricity generation, industrial decarbonisation, sustainable transportation, low-carbon buildings, sustainable agriculture, and circular resource management. The Guidelines further recommend supporting measures such as green finance, carbon pricing, climate legislation, scientific research, public awareness programmes, climate education, and the promotion of a just transition to ensure inclusive climate governance⁷.

F. Nationally Determined Contribution (NDC)

⁶ Ministry of Environment (Taiwan), National Climate Change Action Guidelines (approved by the Executive Yuan, 3 November 2023).

⁷ Ministry of Environment (Taiwan), Taiwan's Net Zero Emissions by 2050 Pathway and Twelve Key Strategies (2023).

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Although Taiwan is not formally required to submit Nationally Determined Contributions (NDCs) under the Paris Agreement, it has voluntarily aligned its domestic climate commitments with the international climate framework. In December 2015, Taiwan announced its Intended Nationally Determined Contribution (INDC), outlining a decarbonisation pathway consistent with limiting the increase in global average temperature to well below 2°C above pre-industrial levels⁸. Building upon this commitment, Taiwan formulated its 2035 Nationally Determined Contribution (NDC) in 2025 by incorporating the transparency principles contained in Article 4 of the Paris Agreement and the decisions adopted by the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA). The NDC establishes medium-term milestones towards achieving Taiwan's net-zero emissions target by 2050 and identifies sectoral transformation priorities necessary to facilitate the country's transition towards a low-carbon economy⁹.

G. Local Greenhouse Gas Reduction Implementation Programmes

The effectiveness of Taiwan's climate governance depends not only on national legislation and policy but also on the active participation of local governments. Recognising this, the Climate Change Response Act requires special municipalities, counties, and city governments to play a central role in implementing national climate objectives. Pursuant to Article 15 of the Act, local authorities are required to formulate and periodically revise Greenhouse Gas Reduction Implementation Programmes that are consistent with the National Climate Change Action Guidelines and the sector-specific greenhouse gas reduction programmes adopted by the central government. These implementation programmes are intended to translate national climate objectives into local action by integrating greenhouse gas reduction measures into regional development policies and administrative planning. In preparing these programmes, local governments are required to review existing local regulations, identify institutional and regulatory gaps, promote systemic reforms, and incorporate climate mitigation strategies into public administration. This decentralised governance framework strengthens coordination between central and local authorities while ensuring that climate policies are tailored to regional environmental, economic, and social conditions. The Climate Change Response Act also places significant emphasis on transparency and accountability by requiring local

⁸ Ministry of Environment (Taiwan), Intended Nationally Determined Contribution (2015).

⁹ Ministry of Environment (Taiwan), Nationally Determined Contribution (NDC) 2035 (2025); Paris Agreement, art. 4.

governments to publish annual performance reports evaluating the implementation of their greenhouse gas reduction measures. These reports facilitate public monitoring, enable policy evaluation, and encourage continuous improvement in local climate governance. By introducing periodic assessment and reporting obligations, the legislation promotes greater administrative accountability and enhances the effectiveness of climate mitigation efforts across Taiwan. At present, all 22 municipalities, counties, and city governments have completed the implementation of the Phase I Greenhouse Gas Reduction Implementation Programme (2016-2020) and submitted corresponding performance reports. Subsequently, each local authority has formulated and announced the Phase II Greenhouse Gas Reduction Implementation Programme (2021-2025), demonstrating Taiwan's continuing commitment to integrating climate action into regional governance and supporting the achievement of its national greenhouse gas reduction targets.

H. Renewable Energy Development Act

The Renewable Energy Development Act forms an important component of Taiwan's climate governance framework by promoting the expansion of renewable energy generation and facilitating the transition towards a low-carbon economy. The Act establishes regulatory obligations for major electricity consumers, encourages investment in renewable energy technologies, and provides incentives for the development of solar, wind, biomass, and other renewable energy sources.

The legislation also supports Taiwan's greenhouse gas reduction objectives by encouraging energy diversification, improving energy security, and reducing dependence on fossil fuels. In conjunction with the Climate Change Response Act, the Renewable Energy Development Act contributes significantly to the implementation of Taiwan's decarbonisation strategy and the achievement of its long-term climate targets.

I. Basic Environment Act and Administrative Regulations

The Basic Environment Act establishes the fundamental principles governing environmental protection and sustainable development in Taiwan. It recognises environmental protection as a matter of public interest and promotes the participation of citizens, civil society organisations, and governmental authorities in environmental decision-making. The Act has also provided an important legal basis for environmental litigation, particularly in cases

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involving public participation and governmental accountability¹⁰. In addition to primary legislation, Taiwan has adopted several administrative regulations implementing its climate policies. Notable among these is the Regulations for the Management of Setting up Renewable Energy Power Generation Equipment of Power Users above a Certain Contract Capacity, issued by the Ministry of Economic Affairs, which requires major electricity consumers to satisfy prescribed renewable energy obligations. Such regulations operationalise Taiwan's climate legislation and increasingly provide the basis for judicial review in climate-related disputes, including Taiwan's first climate change litigation concerning renewable energy obligations¹¹.

J. Taiwan's First Climate Change Litigation: The Large Power Consumers Case

Taiwan's first major climate change litigation arose following the implementation of the Ministry of Economic Affairs' Regulations for the Management of Setting up Renewable Energy Power Generation Equipment of Power Users above a Certain Contract Capacity, commonly referred to as the Large Power Consumers Regulation. The regulation, which entered into force on 1 January 2020, required large electricity consumers to satisfy a specified proportion of their contracted electricity demand through renewable energy generation or equivalent compliance measures. On 3 February 2021, Greenpeace East Asia, the Environmental Jurists Association, and four individual plaintiffs instituted proceedings before the Taipei High Administrative Court challenging the legality of the Regulation. The applicants argued that the regulatory framework imposed insufficient renewable energy obligations by applying only to a limited proportion of contracted electricity capacity and by significantly increasing the threshold defining a large power consumer. According to the applicants, these changes substantially reduced the number of enterprises subject to renewable energy obligations and consequently undermined Taiwan's greenhouse gas reduction objectives. The plaintiffs further contended that the Regulation was inconsistent with the objectives of the Renewable Energy Development Act and the Greenhouse Gas Reduction and Management Act. They argued that the Regulation frustrated the legislative intention of promoting renewable energy development and reducing greenhouse gas emissions. Relying upon the Protective Norm Theory (Schutznormtheorie), the applicants

¹⁰ Basic Environment Act (Taiwan), art. 34.

¹¹ Ministry of Economic Affairs (Taiwan), Regulations for the Management of Setting up Renewable Energy Power Generation Equipment of Power Users above a Certain Contract Capacity (2020).

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asserted that the relevant statutory provisions conferred enforceable public rights, thereby entitling them to seek judicial intervention requiring the Ministry of Economic Affairs to amend the Regulation. Environmental organisations also relied upon Article 34 of the Basic Environment Act to establish standing in the public interest.

However, the Taipei High Administrative Court dismissed the application on procedural grounds without considering the substantive climate issues. The Court held that existing administrative law did not recognise an individual public law right requiring the Ministry to amend the Regulation. It further observed that Article 34 of the Basic Environment Act merely permits environmental litigation where authorised by law and does not itself create an independent cause of action. Consequently, both the request compelling administrative action and the request for declaratory relief failed to satisfy the jurisdictional requirements prescribed under Taiwan's Administrative Litigation Act, leading to dismissal of the proceedings.

K. Taiwan's Updated Carbon Reduction Targets

Taiwan has continued to strengthen its climate governance by adopting more ambitious greenhouse gas reduction targets consistent with its long-term objective of achieving net-zero emissions by 2050. In 2024, the Government introduced the National Project of Hope, which identified Green Growth and the 2050 Net-Zero Transition as one of the country's principal national development priorities. The initiative established five major strategies to accelerate decarbonisation while promoting sustainable economic growth and enhancing Taiwan's competitiveness in the global green economy. To strengthen institutional coordination, the President established the National Climate Change Committee in June 2024 under the Presidential Office. The Committee serves as the highest-level policy coordination body responsible for formulating national climate strategies, promoting inter-agency cooperation, and facilitating engagement among government authorities, industry representatives, academic experts, research institutions, and civil society. The establishment of the Committee reflects Taiwan's commitment to adopting a whole-of-government and whole-of-society approach to climate governance while improving public participation in climate-related policymaking. Further strengthening Taiwan's climate ambitions, the President announced an enhanced climate action agenda during the Committee's meeting held on 24 October 2024. Recognising the need to remain competitive within the rapidly evolving international low-

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carbon economy, the Government called for a reassessment of Taiwan's climate commitments and proposed more ambitious greenhouse gas reduction targets aligned with evolving international Nationally Determined Contributions (NDCs). This review sought to establish clearer medium-term milestones for 2032 and 2035 while reinforcing Taiwan's long-term decarbonisation pathway. These policy commitments were subsequently reflected in the Bill for Phase III Greenhouse Gas Regulatory Goals, proposed on 30 December 2024, which increased Taiwan's 2030 greenhouse gas reduction target from 24 ± 1 per cent below 2005 emission levels, as previously announced under the 2022 NDC, to 28 ± 2 per cent below the 2005 baseline. Building upon this proposal, the President announced Taiwan's New Carbon Reduction Targets on 23 January 2025, proposing greenhouse gas emission reductions of 32 ± 2 per cent by 2032 and 38 ± 2 per cent by 2035, measured against 2005 emission levels. These revised targets demonstrate Taiwan's increasing commitment to progressive climate action and its intention to voluntarily align domestic climate policies with evolving international climate governance despite its exclusion from the formal UN climate regime.

L. Significance of Climate Change Litigation in Taiwan

Although the Large Power Consumers Case was dismissed on procedural grounds, it represents a landmark in the evolution of climate change litigation in Taiwan. It demonstrates the growing willingness of environmental organisations and civil society to employ strategic litigation as a means of strengthening governmental accountability and ensuring effective implementation of climate legislation. The case also illustrates the increasing influence of international climate governance on domestic environmental policymaking despite Taiwan's unique international legal status. The litigation further exposed important procedural barriers confronting climate litigants, particularly with respect to standing, justiciability, and the existence of enforceable public rights. Nevertheless, it stimulated significant public debate concerning renewable energy regulation, greenhouse gas reduction, administrative accountability, and judicial oversight of climate policy. As Taiwan continues to strengthen its climate governance framework through legislative reform and administrative action, climate litigation is expected to play an increasingly important role in promoting environmental justice, enhancing regulatory compliance, and ensuring effective implementation of Taiwan's long-term commitment to achieving net-zero greenhouse gas emissions by 2050.

V. Climate Change Litigation in India

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A. Constitutional and Legal Framework

India does not currently possess a standalone climate change statute. Nevertheless, the country's constitutional provisions, environmental legislation, and judicial interpretations collectively provide a robust legal framework for addressing climate change. Environmental protection has evolved into a constitutional obligation through the combined operation of Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties. The Supreme Court has consistently interpreted Article 21 of the Constitution to include the right to a clean, healthy, and pollution-free environment as an integral component of the right to life. Similarly, Article 48A directs the State to protect and improve the environment and safeguard forests and wildlife, while Article 51A(g) imposes a corresponding duty upon every citizen to protect and preserve the natural environment. Furthermore, Article 253 empowers Parliament to enact legislation for implementing international environmental agreements, thereby enabling India to fulfil its obligations under global climate treaties such as the UNFCCC and the Paris Agreement. These constitutional provisions have laid the foundation for judicial intervention in environmental and climate-related disputes.

B. Statutory and Policy Framework

Although India lacks a comprehensive climate change law, several environmental statutes indirectly regulate activities contributing to climate change. The Environment (Protection) Act, 1986, enacted after the Bhopal Gas Tragedy, serves as the umbrella legislation empowering the Central Government to adopt measures for environmental protection and pollution control. The Air (Prevention and Control of Pollution) Act, 1981 regulates air pollution by prescribing emission standards and establishing Pollution Control Boards, while the Water (Prevention and Control of Pollution) Act, 1974 aims to prevent and control water pollution through institutional regulatory mechanisms. Other significant enactments include the Forest (Conservation) Act, 1980, Energy Conservation Act, 2001, Biological Diversity Act, 2002, and the National Green Tribunal Act, 2010, which collectively contribute to climate mitigation and sustainable environmental governance. In addition to statutory measures, India has adopted policy initiatives such as the National Action Plan on Climate Change (NAPCC) and various State Action Plans on Climate Change to promote renewable energy, enhance energy efficiency, conserve natural resources, and strengthen climate

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resilience. These legislative and policy measures provide the legal basis for climate governance despite the absence of a dedicated climate change statute.

C. Judicial Approach to Climate Change Litigation

The Indian judiciary has played a transformative role in strengthening environmental governance and addressing climate-related concerns through judicial activism and Public Interest Litigation (PIL). By adopting an expansive interpretation of constitutional rights, the Supreme Court and various High Courts have developed a distinctive body of environmental jurisprudence that significantly influences climate governance. Indian courts have incorporated internationally recognised environmental principles into domestic law, including the Sustainable Development Principle, Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine, and the principle of Absolute Liability. These doctrines have enabled courts to balance economic development with environmental protection while ensuring that environmental degradation does not compromise constitutional rights. Judicial intervention has therefore become an essential mechanism for enforcing environmental accountability and promoting climate justice.

Several landmark decisions have shaped India's climate and environmental jurisprudence. In *M.C. Mehta v. Kamal Nath*¹², The Supreme Court recognised the Public Trust Doctrine, holding that natural resources are held by the State in trust for public use and cannot be exploited for private benefit. In *Vellore Citizens Welfare Forum v. Union of India*¹³, The Court formally incorporated the Precautionary Principle and the Polluter Pays Principle into Indian environmental law, declaring them integral components of sustainable development.

Similarly, *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*¹⁴ emphasised the need to conserve natural resources for future generations, while a series of *M.C. Mehta* cases concerning vehicular pollution in Delhi resulted in significant policy measures, including the introduction of compressed natural gas (CNG) for public transport to improve air quality. These judicial decisions illustrate the proactive role of Indian courts in addressing environmental degradation and indirectly advancing climate change mitigation through constitutional and environmental litigation.

¹² (1997) 1 SCC 388.

¹³ (1996) 5 SCC 647.

¹⁴ AIR 1988 SC 2187.

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D. National Green Tribunal and Climate Adjudication

The establishment of the National Green Tribunal (NGT) under the National Green Tribunal Act, 2010, marked a significant milestone in India's environmental governance by creating a specialised judicial forum for the effective and expeditious resolution of environmental disputes. Unlike conventional courts, the Tribunal combines judicial expertise with scientific and technical knowledge, enabling it to address complex environmental issues through an interdisciplinary approach. Although the NGT was not established exclusively to adjudicate climate change disputes, its broad jurisdiction over environmental matters has enabled it to play a vital role in India's evolving climate jurisprudence. The Tribunal has significantly contributed to climate governance by consistently applying internationally recognised environmental principles, including the principle of sustainable development, the precautionary principle, the polluter pays principle, and the public trust doctrine. These principles guide the Tribunal while adjudicating disputes relating to industrial pollution, environmental clearances, forest conservation, mining activities, air quality, and infrastructure development¹⁵. Since many of these activities directly influence greenhouse gas emissions and climate resilience, the Tribunal has effectively integrated climate considerations into environmental adjudication despite the absence of a dedicated climate change statute.

Another significant contribution of the NGT lies in strengthening regulatory compliance and institutional accountability. The Tribunal regularly reviews environmental clearances, monitors compliance with statutory obligations, and directs remedial measures where environmental norms have been violated¹⁶. In doing so, it places considerable reliance on scientific evidence, environmental impact assessments, cumulative ecological impacts, and long-term sustainability considerations. This science-based approach has enhanced the quality of environmental decision-making and indirectly strengthened India's climate governance framework.

The NGT has also improved access to environmental justice by providing a specialised, efficient, and relatively accessible forum for individuals, affected communities, and civil society organisations. Its simplified procedures and liberal approach to locus standi have facilitated greater public participation in environmental governance, particularly in matters

¹⁵ Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647.

¹⁶ A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718.

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involving pollution, ecological degradation, and climate-related risks. Consequently, vulnerable communities affected by environmental harm have been able to seek timely judicial remedies through the Tribunal. Despite its growing importance, the Tribunal's role in climate adjudication is not without limitations. Climate change often involves complex policy choices concerning energy security, economic development, and environmental sustainability, which primarily fall within the domain of the legislature and executive. The NGT has therefore generally adopted a balanced approach by enforcing existing environmental laws while recognising the need for coordination with governmental authorities responsible for climate policymaking. Nevertheless, its jurisprudence has substantially strengthened environmental accountability and established the Tribunal as one of India's most influential institutions in addressing climate-related environmental challenges.

E. Challenges to Climate Change Litigation in India

Despite the significant contribution of the Indian judiciary to environmental protection and the gradual development of climate jurisprudence, climate change litigation in India continues to face several legal, institutional, and practical challenges. One of the foremost limitations is the absence of comprehensive and dedicated climate change legislation. Unlike certain jurisdictions that have enacted specific climate laws establishing clear emission reduction targets, adaptation strategies, and enforcement mechanisms, India's legal framework remains fragmented. Climate-related disputes are therefore addressed through a combination of constitutional provisions, environmental statutes, and judicial precedents, resulting in uncertainty regarding the scope of enforceable climate obligations. Another major challenge is the difficulty in establishing causation and attributing legal liability for climate-related harm. Climate change is a complex and cumulative phenomenon caused by greenhouse gas emissions from multiple domestic and international sources over an extended period. Consequently, it is often difficult for litigants to establish a direct causal relationship between the conduct of a particular governmental authority or private entity and the specific environmental harm suffered. The scientific complexity involved in proving climate attribution frequently poses evidentiary challenges before courts and tribunals.

Institutional and administrative constraints further impede the effectiveness of climate litigation. Although the National Green Tribunal has significantly strengthened environmental adjudication, its jurisdiction is confined to statutes listed under the National Green Tribunal

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Act, 2010, thereby limiting its ability to address broader climate governance issues. Moreover, the implementation of judicial decisions often depends upon executive agencies and regulatory authorities, where inadequate institutional coordination, shortage of technical expertise, bureaucratic delays, and weak enforcement mechanisms reduce the practical impact of court orders.

Balancing environmental protection with economic development presents another persistent challenge. As a rapidly developing economy, India faces the difficult task of simultaneously achieving economic growth, industrial expansion, energy security, poverty alleviation, and climate mitigation. Courts are frequently required to reconcile competing interests involving infrastructure development, employment generation, and environmental conservation. This balancing exercise often requires judicial restraint, particularly where policy decisions involve complex economic and scientific considerations.

Access to climate justice also remains uneven. Although Public Interest Litigation has considerably expanded access to environmental justice, vulnerable communities continue to encounter financial, geographical, procedural, and informational barriers in pursuing climate-related claims. Additionally, climate litigation in India is still in its formative stage, with relatively few cases directly addressing greenhouse gas emissions, carbon neutrality, or long-term climate adaptation. Most cases continue to focus on traditional environmental concerns such as pollution control, deforestation, environmental clearances, and conservation of natural resources.

Finally, India's increasing commitments under international climate agreements, particularly the Paris Agreement, necessitate stronger domestic implementation mechanisms. The absence of legally enforceable national climate targets and comprehensive accountability measures may hinder the effective fulfilment of international obligations. In this context, the enactment of dedicated climate legislation, strengthening institutional capacity, improving coordination among governmental agencies, integrating scientific expertise into judicial decision-making, and enhancing public participation would significantly improve the effectiveness of climate change litigation. Such reforms would not only reinforce environmental governance but also ensure greater accountability, legal certainty, and resilience in addressing the growing challenges posed by climate change.

VI. India-Taiwan Partnership in Climate Governance and the Green Energy Transition

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Climate change has fundamentally transformed international cooperation by encouraging countries to develop collaborative mechanisms for achieving sustainable development and carbon neutrality. Although India and Taiwan differ in their constitutional structures, legal systems, and international status, both have demonstrated a strong commitment to climate action through legislative reforms, renewable energy development, technological innovation, and sustainable industrial policies. Their complementary economic and technological strengths provide an important opportunity to strengthen bilateral cooperation in support of global climate governance.

A. Renewable Energy and Climate Governance Cooperation

India and Taiwan have increasingly expanded cooperation in renewable energy and sustainable development as part of their broader response to climate change. India's rapidly growing energy demand, industrial expansion, and commitment to reducing greenhouse gas emissions have created significant opportunities for collaboration in clean energy technologies. Government initiatives promoting renewable energy, energy efficiency, sustainable infrastructure, and carbon reduction have encouraged bilateral partnerships aimed at accelerating the transition towards a low-carbon economy. India has emerged as one of the world's fastest-growing renewable energy markets, particularly in solar and wind energy. Through initiatives such as the National Solar Mission and various investment incentives, India has significantly expanded renewable energy generation capacity. Taiwan, meanwhile, has developed considerable expertise in solar photovoltaic manufacturing, offshore wind energy, battery technology, semiconductor manufacturing, and energy storage systems. These complementary strengths provide an ideal foundation for technological collaboration, joint research, and investment in sustainable energy infrastructure. Climate change has also intensified challenges relating to water scarcity, environmental degradation, biodiversity conservation, and sustainable resource management. Taiwan's expertise in wastewater treatment, pollution control, circular economy practices, and environmental management offers valuable opportunities for collaboration with India. Joint research programmes, technology transfer, demonstration projects, and capacity-building initiatives can significantly strengthen both countries' ability to address climate-related environmental challenges while promoting sustainable development. Institutional collaboration between governmental agencies, universities, research institutions, and private industries has further strengthened bilateral engagement. Joint initiatives focusing on renewable energy, energy

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efficiency, environmental sustainability, and climate adaptation demonstrate how technology sharing and scientific cooperation can effectively complement domestic climate policies. These collaborative efforts contribute not only to the implementation of national climate commitments but also to innovation, economic development, and environmental protection in both jurisdictions.

B. Green Finance and Climate Adaptation

Beyond renewable energy cooperation, India and Taiwan have recognised the importance of integrating climate finance and climate adaptation into their long-term climate strategies. Taiwan has adopted progressive policies promoting green finance, sustainable investment, carbon pricing, and financial support for low-carbon industries. These initiatives encourage investment in renewable energy, industrial decarbonisation, circular economy projects, and environmentally sustainable infrastructure.

India's growing renewable energy sector presents substantial opportunities for Taiwanese investment in green technologies and sustainable industrial development. Cooperation between financial institutions, industries, and governmental agencies can facilitate investment in renewable energy infrastructure, battery manufacturing, green hydrogen, and climate-resilient technologies. Such partnerships strengthen economic growth while supporting national commitments under global climate governance. Climate adaptation also presents an important area of bilateral cooperation. Both India and Taiwan are increasingly vulnerable to floods, cyclones, droughts, heatwaves, and other climate-induced disasters. Taiwan's experience in disaster risk management, climate monitoring, early warning systems, and resilience planning can complement India's disaster management initiatives. Joint scientific research, technological cooperation, and knowledge exchange can substantially improve the adaptive capacity of both jurisdictions and enhance regional climate resilience.

C. Climate Cooperation through Critical Mineral Supply Chains

The global transition towards a low-carbon economy has significantly increased the strategic importance of critical minerals such as lithium, cobalt, nickel, graphite, and rare earth elements. These minerals constitute indispensable components of renewable energy technologies, electric vehicles, battery storage systems, semiconductors, and modern clean energy infrastructure. Consequently, securing reliable, resilient, and sustainable critical mineral supply chains has become an essential element of international climate governance.

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China presently occupies a dominant position in the global critical mineral market, particularly in mineral processing and refining. This concentration creates strategic vulnerabilities for countries seeking to accelerate clean energy transitions, as dependence upon a single supplier may expose renewable energy industries to geopolitical risks, supply chain disruptions, and economic uncertainty. Diversifying critical mineral supply chains has therefore emerged as a major policy objective for countries pursuing carbon neutrality and long-term energy security.

Within this context, India and Taiwan possess complementary comparative advantages. India has significant reserves of strategic minerals, including lithium, nickel, and other critical resources, while simultaneously expanding overseas investments to secure additional mineral assets. Taiwan, although possessing comparatively limited natural mineral resources, has established itself as a global leader in mineral refining, advanced metallurgy, semiconductor manufacturing, battery technology, and materials engineering. Combining India's resource base with Taiwan's technological expertise provides an opportunity to establish environmentally sustainable and resilient supply chains capable of supporting the global clean energy transition. A collaborative approach could facilitate the establishment of advanced mineral processing and refining facilities in India using Taiwanese technology and industrial expertise. Such cooperation would strengthen regional manufacturing capacity for batteries, electric vehicles, renewable energy equipment, and semiconductor industries while reducing dependence upon concentrated global supply chains. Importantly, these facilities should be developed according to climate-resilient principles by incorporating renewable energy sources, energy-efficient production technologies, environmentally responsible refining processes, and sustainable mining practices.

D. Policy Coordination and Sustainable Industrial Development

Effective cooperation in critical minerals requires supportive legal and policy frameworks. India and Taiwan can strengthen bilateral cooperation by promoting low-carbon industrial investment, encouraging circular economy practices, facilitating battery recycling, and supporting research into cleaner extraction and refining technologies. Fiscal incentives, regulatory reforms, and environmental standards should ensure that mineral development contributes not only to industrial competitiveness but also to national and international climate commitments. Academic institutions, research organisations, and civil society also

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have an important role in advancing sustainable mineral governance. Collaborative research on environmentally responsible mining techniques, emissions reduction technologies, battery recycling, and climate impact assessments would strengthen scientific cooperation while promoting environmentally sustainable industrial development. Equally important is the participation of local communities in mining regions, ensuring that environmental protection, public health, indigenous rights, and climate justice remain integral components of future mineral development.

E. Future Prospects for India-Taiwan Climate Cooperation

The partnership between India and Taiwan demonstrates that effective climate governance extends beyond legislation and judicial intervention. While climate litigation remains an important mechanism for ensuring governmental accountability, long-term climate resilience also depends upon technological innovation, sustainable industrial development, renewable energy cooperation, and secure supply chains for critical minerals. Future cooperation may include joint research centres, pilot projects for lithium and battery manufacturing, collaborative climate technology incubators, legal dialogue on climate governance, academic exchanges, and coordinated policy development on carbon markets, green finance, and climate adaptation. Such initiatives would strengthen bilateral relations while contributing to regional energy security, sustainable economic development, and global decarbonisation efforts. By integrating renewable energy cooperation, climate finance, technological innovation, and sustainable mineral governance, India and Taiwan can establish a model of climate partnership that complements domestic climate legislation and litigation. This partnership demonstrates how democratic societies can cooperate through legal frameworks, institutional collaboration, and scientific innovation to advance climate justice, environmental sustainability, and the global transition towards a low-carbon future.

Conclusion

Climate change has evolved from an environmental concern into a multidimensional legal, economic, and governance challenge requiring coordinated action at the international, national, and regional levels. This study demonstrates that climate change litigation has emerged as an important instrument for strengthening climate governance by promoting governmental accountability, protecting environmental and human rights, and facilitating the implementation of international climate commitments. While the international climate

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regime, comprising the United Nations Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement, provides the normative foundation for global climate action, its effectiveness ultimately depends upon robust domestic legal frameworks, institutional capacity, and effective judicial oversight. The comparative analysis reveals that India and Taiwan have adopted distinct yet complementary approaches towards climate governance. India has largely relied upon constitutional principles, judicial activism, and environmental jurisprudence to address climate-related disputes despite the absence of dedicated climate legislation. In contrast, Taiwan has adopted a comprehensive legislative framework through the Climate Change Response Act, National Climate Change Action Guidelines, progressively enhanced carbon reduction targets, and local implementation mechanisms, reflecting a proactive and policy-oriented approach to climate governance. Although climate litigation in Taiwan is still developing, recent legal and institutional reforms indicate an increasing commitment to strengthening climate accountability. The study further demonstrates that effective climate governance extends beyond judicial intervention and requires international cooperation, technological innovation, renewable energy transition, sustainable industrial development, and resilient critical mineral supply chains. In this context, expanding cooperation between India and Taiwan presents significant opportunities for advancing climate governance through legal collaboration, clean energy partnerships, green finance, research and technological exchange, and sustainable resource management. Strengthening these complementary legal and institutional frameworks will not only support the implementation of international climate commitments but also contribute to climate justice, sustainable development, and the global transition towards a resilient, low-carbon future.

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