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The Emergence of Climate Change- Adaptation Law and Its Implications: The Evolving Trajectory from International to National

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Abstract

Legislation for climate change adaptation has been recognized as inevitable and necessary. However, how do we construct climate change adaptation law and whether adaptation law challenges existing environmental law? Answers to these questions are far from clear.

This article refers to the development of adaptation law of the regime of United Nations Framework Convention on Climate Change and the Adaptation Policy Framework of UNDP, attempting to delineate the existing framework of adaptation law and to shed lights for future legal discussion.

This article argues that, adaptation law has evolved into a new legal model that is different from existing environmental law. The features of emerging adaptation law include: 1.connecting global commonalty and local variation; 2.global multilevel governance; 3.integrated to national development project; 4.learning-

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oriented procedure; 5. the function of transformation and immigration. This article then examines the Nation's Adaptation Policy Framework of Taiwan published by the Executive Yuan in 2012 and points out the disadvantage of it. Through the analysis, this article hopes to generate more discussion and deliberation on climate change adaptation law in the future.

Keywords: Climate Change, Adaptation, UNFCCC, Adaptation Policy Framework, Nation's Adaptation Policy Framework, Transformation, Environmental Law