



全國律師聯合會聲明響應國際法院 (International Court of Justice) 2025 年 7 月 23 日所發布的關於國家在氣候變遷方面義務的諮詢意見

本案由太平洋小島上的學生們所發起，萬那杜採納建議並主導於聯合國提案，提案受到 132 國家的支持，最後在 2023 年 3 月 29 日聯合國大會上以共識決方式作成決議，請求國際法院就(1)各國關於氣候變遷的法律義務，以及(2)違反這些義務的國家應負的法律責任，提供意見。本次諮詢意見是國際法院史上參與程度最高的一次，共有 96 個國家及 11 個國際組織發表口頭陳述，也是國際法院近 80 年的歷史中第 5 次全體一致通過的諮詢意見。

國際法院在諮詢意見中，將「避免對於環境造成重大損害」的國際習慣法，適用在氣候議題上，且強調氣候變遷公約(聯合國氣候變化綱要公約、京都議定書及巴黎協定)對於解釋適用國際習慣法的重要性。此見解對於臺灣而言，相當重要，因國際習慣法對所有國家都具有拘束力，故縱使臺灣非氣候變遷公約的締約國，仍應盡責(due diligence)地避免對於氣候系統造成重大侵害，而是否盡責的檢視標準之一，就是臺灣是否有符合氣候變遷公約所定的相關義務。

另外，國際法院的諮詢意見也確立了，將全球升溫控制在攝氏 1.5 度 C 內是基於《巴黎協定》締約方會議決議的科學共識目標，各國應制定能夠為實現該目標做出實質貢獻的國家自定貢獻(NDCs)。我國氣候變遷因應法明定 2050 年淨零排放為長期減量目標，此與 1.5 度 C 的減量路徑相符，值得肯定。

我國環境部於今年 5 月正式公告 2030 年的國家減量目標，並方於今年 9 月公布 2035 年國家自定貢獻(NDC3.0)草案，本會呼籲政府和國會積極採納國際法院的意見，透過制定符合臺灣溫室氣體減量責任的第三期(2026 年至 2030 年)國家階段管制目標、2035 年的 NDC3.0，及 2026 年至 2049 年減排路徑，為全球減排作出合乎 1.5 度 C 目標的國家貢獻，並實現 2050 年淨零排放。

再者，國際法院於諮詢意見中，多次提及「合作義務」，國家有義務在減緩、調適、財務協助、能力建構、科技資訊等等相關氣候議題上進行合作。臺灣礙於國際地位特殊，在履行合作義務上困難重重，但這應無礙於我國積極投入國際社會、展現臺灣面對氣候議題的決心。例如我國雖非巴黎協定締約國，但仍自願提交 NDC 到聯合國氣候變化綱要公約的秘書處。在雙邊或多邊合作上，臺灣仍應盡其努力，運用所有可能的方式，履行其合作義務。

誠如國際法院所言，持續且充分的解決方案，需要在個人、社會及政治層面上運用人類的意志與智慧，改變我們的習慣、舒適與現有的生活方式，以保障我們自己以及尚未到來世代的未來。我國和本諮詢意見發起國萬那杜，同為太平洋上的島嶼國家，首當其衝地面對氣候災難所帶來的影響，因此，本會也誠摯邀請臺灣社會的每個人，一起攜手面對這空間規模及時間規模都前所未見的全球氣候危機，並共同努力，為自己與後代創造更美好的未來。

2025 年 10 月 18 日全國律師聯合會理監事聯席會議通過



The Taiwan Bar Association welcomes the advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, issued on 23 July 2025.

This case was initiated by students from a Pacific island, and Vanuatu adopted their proposal and led the initiative at the United Nations. The proposal received the support of 132 countries, and on 29 March 2023, the UN General Assembly adopted by consensus a resolution requesting the ICJ to provide an advisory opinion on: (1) the legal obligations of States in respect of climate change, and (2) the legal responsibilities of States that violate such obligations. This advisory opinion represents the highest level of participation in ICJ history, with 96 countries and 11 international organizations participating in the public hearings. The ICJ adopted this Advisory Opinion unanimously — only the fifth time in its nearly eighty-year history that it has done so.

In its opinion, the ICJ applied the customary international law principle of “Duty to prevent significant harm to the environment” to the climate system. It also emphasized that the obligations arising from the climate change treaties (the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement) inform the general customary obligations. This view is particularly significant for Taiwan because customary international law is legally binding on all States. Thus, even though Taiwan is not a party to the climate treaties, it still bears a due diligence obligation to prevent significant harm to the climate system. One of the approaches to reviewing whether Taiwan has fulfilled this customary obligation is to examine its compliance with the relevant obligations stipulated in the climate treaties.

Furthermore, the ICJ’s advisory opinion affirmed that limiting global warming within 1.5°C is a scientific consensus target, based on the decisions of the CMA. States are obliged to exercise due diligence and ensure that their NDCs fulfill their obligations under the Paris Agreement and thus, when taken together, are capable of achieving the temperature goal of limiting global warming to 1.5°C above pre-industrial levels. Taiwan’s Climate Change Response Act explicitly sets net-zero emissions

by 2050 as its long-term reduction target, which aligns with the 1.5°C pathway and is therefore commendable.

In May this year, Taiwan officially announced its 2030 national emissions reduction target, and in September, it released a draft of its 2035 NDC (NDC 3.0). The Taiwan Bar Association urges the government and legislature to actively adopt the ICJ’s opinion by formulating the third-phase (2026-2030) national regulatory targets, the 2035 NDC 3.0, and the “2026–2049 emissions reduction pathway” in line with Taiwan’s greenhouse gas reduction responsibilities, so as to make our contribution to the achievement of the 1.5°C goal, and to realize the long-term reduction target of achieving net-zero by 2050.

In addition, the ICJ repeatedly emphasized in its opinion the “duty to cooperate.” States are obligated to cooperate on mitigation, adaptation, financial support, capacity-building, technology, information sharing, etc. Taiwan, constrained by its special international status, faces significant difficulties in fulfilling this duty to cooperate. Nevertheless, this should not prevent Taiwan from actively engaging with the international community and demonstrating its determination to address climate issues. For example, although Taiwan is not a party to the Paris Agreement, it has voluntarily submitted its NDCs to the Secretariat of the UNFCCC. In bilateral or multilateral cooperation, Taiwan should continue to make every effort, using all available means, to fulfill its duty to cooperate.

As the ICJ noted, a lasting and satisfactory solution requires human will and wisdom — at the individual, social and political levels — to change our habits, comforts and current way of life in order to secure a future for ourselves and those who are yet to come. Like Vanuatu, the country that initiated this advisory opinion, Taiwan is a Pacific island at the forefront of the impacts of climate disasters. Therefore, The Taiwan Bar Association sincerely invites all Taiwanese people to join hands in confronting this unprecedented global climate crisis — both in scale and duration — and to work together to create a better future for ourselves and for generations to come.

October 18, 2025