



全國律師聯合會氣候宣言

Taiwan Bar Association Climate Declaration

世界氣象組織確認 2024 年全球升溫首次超過攝氏 1.5 度，人類已經正式邁入升溫 1.5 度的時代。國際科學共識對於人為排放溫室氣體所致之氣候變遷，對地球生態系統及人類社會將造成難以回復之侵害，一再提出警示。國家科學及技術委員會與環境部聯合出版的《國家氣候變遷科學報告》亦提出氣候變遷對台灣之衝擊：海溫及海平面上升溢淹、強颱暴潮及風浪衝擊、秋冬空氣品質變差、極端降雨、淹水、乾旱、山區坡地災害、河川流域崩塌、糧食安全危機（農漁畜產下降）、生物多樣性衝擊（森林適生面積及海域生物減少）、都市熱島、都市及鄉村資源保育及環境敏感空間衝擊、國民身心健康風險增加；清楚顯示在氣候變遷下，台灣這個面海靠山的島國，正在面臨多重的風險，且極度脆弱。

The World Meteorological Organization has confirmed that the global temperature has exceeded 1.5°C for the first time in 2024, officially ushering in the era of 1.5°C warming. The international scientific community has repeatedly warned that climate change caused by human-induced emissions of greenhouse gases will inflict irreversible damage on Earth's ecosystems and societies. The "National Scientific Report: Climate Change in Taiwan," co-published by the Taiwan's National Science and Technology Council and the Ministry of Environment, outlines the impacts of climate change on Taiwan. These impacts include rising sea temperatures and levels, increased flooding, stronger typhoons and storm surges, deteriorating air quality in autumn and winter, heavy rainfall, flooding, droughts, and the collapse of mountain slopes and river basins. The report also highlights other climate change impacts, such as food security crises resulting in a decline in agriculture, fishery, and livestock production, loss of

biodiversity resulting in a decrease in suitable forest areas and marine biodiversity, urban heat islands, negative impacts on resource conservation and environmentally sensitive areas in both urban and rural regions. Furthermore, the report emphasizes that climate change increases risks to public physical and mental health. These issues clearly demonstrate that Taiwan, a mountainous island nation surrounded by the sea, is facing multiple risks and is extremely vulnerable under climate change.

氣候危機不僅改變人類的生存條件，也深刻衝擊國家憲政秩序、人民基本權利與社會公平正義。本會作為全球法律及律師社群之一員及全國律師專業的共同代表，於氣候緊急之際，不能置身事外。本會以捍衛民主及法治、保障自由及人權為己任，謹提出以下氣候宣言，宣示對氣候行動的承諾：

The climate crisis not only alters the conditions necessary for human survival, but also profoundly affects the national constitutional order, fundamental rights of the people, and social fairness and justice. As a member of the global legal community and the representative organization of Taiwan's legal profession, the Taiwan Bar Association ("Association") cannot stand aside in this time of climate emergency. We are committed to defending democracy, the rule of law, freedom, and human rights and hereby present the following Climate Declaration ("Declaration") to affirm our commitment to climate action:

1、 肯認全球氣候治理共識，落實國際法原則

I. Acknowledging the Consensus on Global Climate Governance and Implementing the Principles of International Law

我們肯認《聯合國氣候變化綱要公約》第三條與《巴黎協定》第二條所揭示之氣候治理基本原則及共同目標，尤其是將全球平均升溫限制在工業化前水平攝氏 1.5 度，以減少氣候變遷之風險和影響，並在衡平原則及共同但有區別責任原則之基礎上，為人類當代及後代之利益保護氣候系

統。我們理解氣候減緩與調適是全球責任，台灣雖非上述氣候公約之締約方，卻有責任、亦有能力參與全球氣候行動。我們呼籲政府肯認並回應國際上對於減量與調適之科學共識，提出負責且適當的溫室氣體減量目標並依法落實之，提升氣候脆弱群體因應氣候變遷衝擊之能力，融入以社區及原住民族為本之氣候變遷調適政策及措施，確保台灣善盡其全球氣候治理之責任。

We acknowledge the fundamental principles of climate governance and the common objectives set forth in Article 3 of the United Nations Framework Convention on Climate Change (UNFCCC) and Article 2 of the Paris Agreement, in particular the goal of limiting the global average temperature increase to 1.5°C above pre-industrial levels to reduce the risks and impacts of climate change. Based on the principles of equity and common but differentiated responsibilities, we strive to safeguard the climate system for the benefit of present and future generations. We understand that climate mitigation and adaptation are global responsibilities. Although Taiwan is not a party to the abovementioned climate conventions, it has the responsibility and capability to participate in global climate action. Therefore, we call on the Taiwanese government to recognize and respond to the international scientific consensus on mitigation and adaptation, propose responsible and appropriate greenhouse gases reduction targets, and implement them in accordance with the law. Furthermore, we urge the Taiwanese government to enhance the capacity of vulnerable groups to cope with the impacts of climate change. Additionally, we call on the Taiwanese government to integrate community- and Indigenous Peoples-based climate adaptation policies and measures to ensure that Taiwan fulfills its responsibilities in global climate governance.

2、肯定乾淨、健康與永續環境為一普世人權

II. Affirming a Clean, Healthy, and Sustainable Environment as a Universal Human Right

我們肯定聯合國人權理事會與聯合國大會分別於 2021 年及 2022 年通過的決議，肯認「乾淨、健康與永續環境」為一普世人權。氣候變遷帶來之影響深遠反映在人權之剝奪與社會不平等之擴大。極端氣候事件威脅人民之生命權、健康權、生存權、居住權、工作權、財產權、文化權等，並對女性、兒童、原住民族、農漁民、邊緣與弱勢社群造成系統性衝擊。我們呼籲台灣政府應將「氣候人權」視為國家政策與立法之核心原則，並建立相關之氣候人權影響評估機制，以確保氣候治理兼顧人權保障及社會正義。

We affirm the resolutions adopted by the United Nations Human Rights Council in 2021 and the United Nations General Assembly in 2022, which recognize access to a clean, healthy, and sustainable environment as a universal human right. The profound impacts of climate change are reflected in the deprivation of human rights and the exacerbation of social inequality. Extreme climate events threaten people's rights to life, health, livelihood, housing, work, property, and culture. These events also have systemic impacts on women, children, Indigenous Peoples, farmers and fishers, as well as marginalized and vulnerable communities. Therefore, we call on the Taiwanese government to treat "climate and human rights" as a core principle of national policy and legislation and to establish climate-related human rights impact assessment mechanisms that ensure climate governance upholds human rights and social justice.

3、以憲政秩序為基礎，建構民主氣候治理

III. Establishing a Democratic Climate Governance System Based on the Constitution

根據中華民國憲法與增修條文，國家有責任保障人民之生命安全、生態環境、公共健康與世代福祉。我們強調，台灣之氣候治理架構應建立於憲政民主程序、法治國原則與基本權保障之基礎上。重大氣候政策應確保決策過程資訊透明、開放廣泛公眾參與，方能確保程序正義，以提高

決策正當性並取得社會支持。國家亦須保障人民有知的權利、監督權利與拒絕受害之自由，避免氣候政策淪為純粹技術治理。

According to the Constitution of the Republic of China (Taiwan) and its Additional Articles, the government is responsible for safeguarding the lives and safety of its people, the ecological environment, public health, and the well-being of future generations. We emphasize that Taiwan's climate governance framework should be based on the constitutional democratic processes, the rule of law, and the protection of fundamental rights. Transparency of information and broad public participation throughout the decision-making process are essential to upholding procedural justice, enhancing policy legitimacy, and securing societal support for major climate policies. To prevent climate policies from becoming purely technocratic in nature, the government must also protect the people's right to know, their right to oversight, and their freedom from harm.

4、推動法制革新，打造制度韌性

IV. Promoting Legal Reform to Build Institutional Resilience

氣候變遷帶來之風險是結構性的，我們呼籲政府應儘速盤點現行法規體系，土地利用、能源、產業、災害應變、金融監理、交通運輸與基礎設施等法律制度，並檢視修法之必要性。我們亦呼籲政府納入氣候風險評估與淨零排放策略，提升制度調適力與彈性。同時，法律工具應被充分使用以鼓勵企業永續轉型、引導綠色投資、強化溫室氣體揭露與風險揭露，促使私部門共同承擔氣候責任，落實企業永續治理及問責性。

The risks posed by climate change are structural in nature. We urge the Taiwanese government to promptly conduct a comprehensive review of the current legal and regulatory framework—including laws governing land use, energy, industry, disaster response, financial supervision, transportation, and infrastructure—to assess the need for legislative amendments in response to climate change risks. We further call on the Taiwanese government to

incorporate climate risk assessments and net-zero emission strategies to enhance institutional resilience and flexibility. At the same time, legal tools should be fully utilized to promote sustainable corporate transformation, guide green investments, and strengthen disclosure of greenhouse gases and climate-related risks, with an aim to encourage the private sector to collectively take on climate responsibilities and implement sustainable corporate governance and accountability.

5、 強化氣候變遷與司法之對話機制，推動氣候的法律倡議

V. Strengthening Communication Mechanisms Between Climate Change and the Judiciary, and Advancing Legal Initiatives for Climate

氣候訴訟於全球各地風起雲湧，我們認為司法不應置身於氣候治理之外，司法應是氣候正義的守護者，而法律人當是推動氣候正義的重要行動者。我們主張我國公私部門應檢視我國訴訟制度，評估司法對於受氣候變遷侵害之人民的近用性、以及於氣候變遷因應法中納入公民或公益訴訟專章，我國司法部門亦應加強法官氣候法律之培訓與氣候相關之跨領域知識建構。

Climate litigation is surging worldwide. We believe that the judiciary should not shy away from climate governance. Rather, it should serve as the guardian of climate justice, and legal professionals should play a leading role in advancing climate justice. We advocate that both the public and private sectors in Taiwan review the litigation system, assess the judiciary's accessibility to individuals harmed by climate change, and consider introducing dedicated provisions for citizen or public interest litigation to the Climate Change Response Act. Additionally, our judiciary should enhance training for judges on climate laws and foster interdisciplinary knowledge related to climate issues.

6、 實現公正減量與公正轉型

VI. Realizing Just Emissions Reduction and Just Transition

我們支持以科學為本之溫室氣體減量目標及措施，但認為公私部門均應從公正轉型之視角審視氣候行動是否「不遺落任何人」。溫室氣體減量及氣候轉型政策應考量其對產業勞工、原住民族、農漁民、老年人、兒童、身障者及在地社群等弱勢社群之衝擊，並提供具體配套以保障其基本權。法律人有責任參與氣候轉型過程中權益之調和，確保社會不因減量而分裂。我們亦呼籲政府建立制度性之公正轉型評估機制、氣候政策參與及對話平台、氣候補償基金，與綠色就業之職能訓練，讓氣候正義在制度中實現。

We support science-based targets and measures for reducing greenhouse gases. However, we believe that the public and private sectors should examine climate actions through the lens of a just transition to ensure that “no one is left behind.” Policies aimed at reducing greenhouse gases and climate transition should consider their potential impact on vulnerable groups, such as industrial workers, Indigenous Peoples, farmers and fishers, the elderly, children, persons with disabilities, and local communities. These policies should also be accompanied by concrete measures to safeguard the fundamental rights of these vulnerable groups. Legal professionals have a responsibility to reconcile competing interests during the climate transition process and ensure that mitigation efforts do not divide society. We also call on the Taiwanese government to establish institutional mechanisms for just transition assessments, participation and dialogue platforms in climate policy, climate compensation funds, and green job training programs, so that climate justice can be realized within the system.

7、強化調適政策與韌性建設

VII. Strengthening Adaptation Policies and Resilience Building

極端氣候所導致的水患、乾旱、熱浪、風災與生態失衡，對於人民生命財產安全均構成前所未有的威脅，而調適是在氣候緊急之下國家存續與社會穩定之基礎工程。我們認為調適不應僅限於工程與預警，而應在法

律制度中融入綜合性與以社區及原住民族為本之氣候變遷調適政策及措施。我們呼籲政府應將氣候風險納入空間計畫、空間設計、水土保持、公共衛生與社會福利等體系之制度設計中，以保障我國人民之生存權、適足居住權，並確保臺灣社會具備集體應變與共同行動之能力。

Extreme climate events such as floods, droughts, heatwaves, typhoons, and ecological imbalance pose unprecedented threats to people's lives and property. Adaptation is essential for national survival and societal stability in the face of climate emergencies. We believe adaptation should extend beyond engineering projects and early warning systems to include comprehensive, community-based and Indigenous Peoples-based climate adaptation policies and measures within the legal framework. We urge the Taiwanese government to incorporate climate risk considerations into institutional frameworks for spatial planning, spatial design, soil and water conservation, public health, and social welfare. This integration is essential to safeguarding the right to livelihood and adequate housing for our people. Moreover, this integration will ensure that Taiwanese society possesses the capacity for a collective response and joint action.

8、引領產業法治化與永續轉型

VIII. Leading Legal Institutionalization of Industry Practices and Sustainable Transformation

氣候行動另一支柱在於企業的永續轉型與市場的再建構。面對全球 ESG、永續金融浪潮及碳邊境調整機制之啟動，我們支持政府在行政指導之外，透過積極立法建立並完善永續資訊揭露制度、減量計畫的提出及執行、強化責任會計、監理機關之監管培力，並確保消費者與投資人能獲得完整、真實之氣候資訊，使永續市場建立於信賴與透明之上。

Another pillar of climate action lies in the sustainable transformation of enterprises and the market reform and restructuring. Given the global increase in Environmental, Social, and Governance (ESG) practices and sustainable

finance, as well as the implementation of carbon border adjustment mechanism, we support the Taiwanese government in moving beyond administrative guidance through robust legal frameworks that embed sustainability into the core of industrial governance. We advocate for proactive legislation to enhance sustainability disclosure regimes, require the formulation and implementation of emissions reduction plans, enhance responsible accounting, and empower supervisory authorities. These measures will ensure that consumers and investors receive complete and accurate climate-related information, thereby fostering sustainable markets built on trust and transparency.

9、鼓勵並支持¹律師會員採取氣候行動

IX. Encouraging and Supporting Lawyer Members to Take Climate Action

我們鼓勵並支持律師會員採取包括但不限於下列的氣候行動：

We encourage and support our members in taking climate action, including, but not limited to, the following:

- 1、採取注重氣候的策略來執行律師職務。

Adopting climate-conscious strategies in legal practice.

- 2、向客戶說明其活動對氣候危機產生負面影響的潛在風險、所需負擔的責任和可能造成的聲譽損害。

Advising clients of the potential risks, liabilities, and reputational harm that could result from their activities exacerbating the climate crisis.

- 3、鼓勵企業客戶，自願揭露氣候變遷對其業務運營（包括供應鏈）所帶來的風險。

¹ 支持的方式，例如：蒐集並提供其他國家的實務經驗供會員參考、編纂律師執業氣候指引、舉辦氣候講座、於律師節頒發氣候律師獎等。

Methods may include collecting and providing practical experiences from other countries for members' reference, compiling climate practice guidelines for lawyers, organizing climate seminars, and awarding climate lawyer award during Lawyer's Day.

Encouraging corporate clients to voluntarily disclose the climate-related risks to their business operations, including those across their supply chains.

- 4、參與氣候倡議及爭議處理工作，包括調解、談判或訴訟，特別是以公益、志願或減少律師費等方式，為受到氣候危機負面影響的人提供服務。

Participating in climate advocacy and climate dispute resolution, including mediation, negotiation, and litigation. Providing services to assist those adversely affected by the climate crisis on a pro bono basis, voluntarily, or at reduced fees.

10、推動本會氣候行動

X. Promoting the Association's Climate Action

- 1、我們將積極於地方律師公會、政府、企業、非營利組織及各大專院校合作，提供氣候法學培訓課程、工作坊或研討會，供律師會員及其他不特定人參與，以培養氣候意識，建構應對氣候變遷的法學能力。

In order to foster climate awareness and develop legal capacity to address climate change, we will actively collaborate with local bar associations, government agencies, businesses, non-profit organizations, and universities to offer climate law training courses, workshops, or seminars open to lawyer members and the general public.

- 2、我們將盡力推動本會的碳足跡盤查，依盤查結果擬定本會減量計畫及具體措施，並定期提出減量成果報告。相關盤查結果、減量計畫及具體措施，以及減量成果報告將落實資訊公開，並保障律師會員參與及提供意見之權利。

We will endeavor to conduct a carbon footprint assessment of the

Association, develop emissions reduction plans and specific measures based on the inventory findings, and publish progress reports regularly. The findings of the inventory, the reduction plans and measures, and the progress reports will be made public. We will also ensure that members have the right to participate and provide input.

- 3、我們將積極參與及監督氣候法律、氣候政策的擬定及執行，包含地方層級、國家層級、區域層級及國際層級，以實現本宣言第一條至第八條之意旨。方式包含但不限於提供法律意見、發表聲明、參與會議等。

To advance the goals set forth in Articles I through VIII of this Declaration, we will actively participate in and monitor the formulation and implementation of climate laws and policies at the local, national, regional, and international levels. Our participation may include, but is not limited to, providing legal opinions, issuing public statements, and attending relevant meetings.
