

# Indigenous Peoples are the Guardians and Beneficiaries in the Era of Climate Change

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## Introduction

The establishment of the concept “commons” is a symbol of new politics as well as an opportunity to establish new social values.

Indigenous peoples are found in nearly all representative areas of Taiwan’s commons; the mountains and rivers exist with indigenous peoples.

When speaking about “commons” in Taiwan, the conversation cannot exclude indigenous peoples.

This is the history of indigenous peoples as well as their chance for future survival.

**Key Words:** commons, traditional area, co-ownership, The Indigenous Peoples Basic Law, climate change.

**In the past**, Taiwan’s attitude and acknowledgment towards indigenous peoples stem from the perspectives of politics and history. This has led to *The Indigenous Peoples Basic Law* (2018) and even designated traditional areas, but their future remains unclear.

The reason for this is our lack of attention to the key role of indigenous peoples in the era of climate change as well as their potential contributions.

According to statistics, kinder indigenous land management can passively reduce carbon emissions by 6.19GT and can store carbon by up to 849.3GT if implemented proactively; this is completely supplementary to the benefits of carbon reductions of 18.06GT through planting trees.

The forests of indigenous peoples are impacted by climate change, but there exists an opportunity.

Indigenous peoples have always been treated with discrimination, possibly even double discrimination; on one hand, they are treated unfairly due to their indigenous identities while on the other, they face the risks of migration due to climate change;

One thing is certain. If indigenous peoples lack understanding in climate adaptation, especially in the aspect of opportunity, it will be a massive loss for them and even more so for Taiwan.

Many people focus on the indigenous people’s relationship and meaning between traditional ecological

knowledge and climate adaptation but in reality, the emphasis of indigenous people's role in climate change should be the key composition of overall national policy. Not only should it not be separated, it should be swiftly integrated to face challenges.

Conceptually speaking, "viewing the Earth as an object of co-ownership" is the premise for all norms. Here, co-ownership is a departure from macro and micro concepts; instead, the concept refers to universal ownership of climate systems, oceans, mountains, rivers, seasonal winds, or recurring cycles; it is not separated by geographical location, race, skin color, religion, or age.

The governance of this type of commons is not separated by domain or restricted by sovereignty; it cannot be "simply one portion". The optimal basis for reference in governance is the establishment of legal systems. In the legal systems of different civilizations, this refers to the norms of commons; if they are buried or neglected, they must be excavated. If they are insufficient, they must be re-established.

This is the driving force behind the United Nation's advocacy of Global Pact for the Environment. Even if it cannot be completed immediately, the general trend will remain unchanged, especially with the viable future guidance laid out in the 2 critical international environmental conventions passed in 1992. That is the Convention on Climate Change and the Convention on Biological Diversity.

Furthermore, the individual efforts of various nations, especially in the advocacy of environmental laws can be of reference. The rise of the "Natural Rights" movement in Latin America is the driving force of a new century and the right to environmental protection that has risen in various areas has had an impact.

The methods and results of using natural resources based on "sovereignty" that was once absolute is now being challenged and inspected. There are many challenges in retaking commons which were "released", "deconstructed", and "privatized" as property; the biggest challenges in democracy and free systems will be the reasonable adjustments to "commons that have been privatized" to ensure ecological and environmental stability as well as maintain the growth of mankind in the existing reality where commons have been differentiated.

In contrast, the commons (land) in "communist" systems have obtained the initiative and have a shocking amount of force with the support of technology. The use of water resources, pollution emissions, and mining of mountains and forests are all clear evidence of the accelerated demise of commons.

Theoretically, it is not necessary for commons to be "owned" nor should they become "property". In this regard, legal systems should pay special care to the subsequence of rights; having "rights" should not necessarily mean that rights are enforced or implemented. Even in the face of sovereignty or nation

that results in the fragmentation of policies for water resources, rivers, mountains and forests, atmosphere, and waste which should be connected.

In contrast to the chaotic governance of a nation's natural resources due to restrictions of sovereignty, international environmental conventions provide a starting point for values and standards, even if they are time-consuming and some details must still be supplemented.

In summary of the above, the role of indigenous peoples in the era of climate change is simply a presentation of the overall legal system's values, reflected in the governance and enforcement of indigenous peoples. Specifically, those such as article 21 of *The Indigenous Peoples Basic Law* states:

When governments or private parties engage in land development, resource utilization, ecology conservation, and academic research in indigenous land, tribe and their adjoin-land which owned by governments, they shall consult and obtain consent by indigenous peoples or tribes, even their participation, and share benefits with indigenous peoples.

In the event that the governments, laws or regulations impose restrictions on indigenous peoples' utilization of the land in preceding paragraph and natural resources, the government shall consult with indigenous peoples, tribes or indigenous people and obtain their consent; the competent authority

shall allocate ample funding in their budget to compensate their damage by restrictions.

The central indigenous competent authority shall stipulate the regulations for delimiting the area of indigenous land, tribe and their adjoin-land which owned by governments, procedures to consult, to obtain consent by indigenous peoples or tribes and to participate and compensation to their damage by restrictions in preceding three paragraph.

This article is key to the optimal use of indigenous peoples in the "overall legal system"; it shouldn't merely be a consultation procedure, but should include an article with "discerning eye for climate" to specifically establish the right to survival and climate benefits of the indigenous peoples in this area. Bestowing a climate position for the indigenous peoples from procedure to reality is their opportunity in terms of era of climate change.

### **About EQPF**

Established in 1984, the Environmental Quality Protection Foundation (EQPF) is the premier ENGO in Taiwan.

EQPF has launched education programs especially in elementary schools, initiated public-awareness campaigns and organized adaptation-based tree-planting projects among other projects. Right now, EQPF also makes efforts on the rule of law for environment. URL: [www.eqpf.org](http://www.eqpf.org).