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Laws of the Jungle:

Conflicts Between International-National Environmental Law and Taromak Rukai-Environment Relations

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International organizations and national governments have developed environmental management values that differ from and often conflict with pre-existing local community-environment relations. Because central government legislation dominates current land and natural resource policies, the interests of local and indigenous peoples are often sacrificed. Due to the complexity of pluralistic international-national and indigenous legal systems, an overview of international environmental legal discourse may furnish a useful conceptual framework. This paper seeks to empower the constructive formation of customary institutions and environmental worldviews for Taiwanese indigenous Rukai people by conducting a comparative study of the institutions of international, national, and local environmental regulatory regimes. The collective, and community-based characteristics of this entity will be a major issue and critical to a constructive and cooperative relationship between indigenous communities and the Taiwan government.

Keywords: international law, regulatory regime, environmental sustainability, indigenous peoples, worldview

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The current era is being characterized by conflicts over dwindling natural resources (Morse 2008: vii). In order to create environmental sustainability (Goodland 1995),[1] the international community, including organizations such as the United Nations,[2] (Iwama 2003) have established general principles, which aim at protecting the environment while fostering human development and well-being. These principles are based on perspectives of western civilization and the environment that generally have developed through the advancement of science. (Parris & Kates 2003: 560-61) International perspectives and principles of environmental sustainability guide international organizations, as well as national governments. National governments establish environmental laws based on international standards, and in conjunction with historical, economic and ecological situations that generally focus on conserving and/or utilizing natural resources for the benefit of the national community. These international principles and national laws are used to govern people-environment relations, and have had major effects on local communities who directly interact with their surroundings on a daily basis.

Local communities, especially those made up of indigenous peoples, often have unique life ways and cultural characteristics that are intrinsically connected to their surroundings. This *sui generis* relationship renders indigenous people a unique perspective of the environment, a unique worldview, and a unique culture. (Westra 2008: 251) Because international principles, national implementations, and local worldviews of the sustainable environment often differ greatly, serious conflicts can occur, especially at the local level where all of these principles and perspectives are applied. In order to structure appropriate ways to manage the environment in a unique social and ecological framework, all of these perspectives must be attended to. The most important perspective, and the one most often ignored by international and national entities is that of local indigenous societies. (Muehlebach 2001: 415-418) The resolution of environmental issues and conflicts over resources is dependent on actions at a grassroots level, and actions at a grassroots level are often dependent on local culture. From this argument, the significance of recognizing diverse socio-cultural views of the environment and ways to manage it should be clear.

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1 For detailed discussions of the concept of "environmental sustainability", please see Robert Goodland, "The Concept of Environmental Sustainability", Annual Review of Ecology and Systematics 26 : 1-24.

2 For the work of the United Nations and other international organizations, please see Toru Iwama, "Multilateral Environmental Institutions and Co-ordinating Mechanisms", The Seinan Law Review, 35 (3/4): 302-330.

This paper seeks to develop different views and ideas regarding perspectives on the environment at international, national, and local levels; as well as discuss how each level is influenced by evolving international standards of environmental management and indigenous rights. Nevertheless, this paper approaches this issue not from the angle of external policies and institutions. The point of departure to this paper will be indigenous perspectives on how 'protection' is to be defined, and what measures are needed to achieve it. The specific objectives of this paper dwell upon how can local environments, in the transmission of cultural knowledge and identity, and in governance, be safeguarded and enhanced?

Before one can look at a diversity of perspectives, a conceptual framework must be established. The first part of this paper constructs upon the concept of law as a system of upholding cultural values, and the idea that because values are diverse, then systems of law are also diverse. The emphasis is on the plurality of perspectives that local and indigenous peoples have embedded in their land and natural surroundings, which further demonstrates the plurality of environmental law and philosophy. Once the conceptual framework has been established, the main body of this paper compares the ways in which the environment is valued in international, national and local regimes. Relevant Taiwanese environmental laws and policies will provide an example of environmental values that are semi-congruous with international standards, but lack attention to national diversity. Finally, the case of the Taiwanese Indigenous Rukai People will provide an example of unique local perspectives on the environment. This comparative approach will demonstrate the importance of incorporating indigenous perspectives on the environment while attempting to resolve global, national and local natural resource management issues. By taking into consideration all perspectives involved, appropriate legal systems for managing the environment can be successfully developed.

Conceptual Framework

In every society natural resources are managed through regulatory regimes, hereon called environmental law. By investigating different types of environmental law, a better understanding of the differences or similarities of basic values encapsulated within those laws can be reached. But, before conceptualizing different types of environmental laws, an idea of *"what is law"?* and *"what is environment"?* must be established.

All societies have legal systems, which form the foundation of their social structure, and are intimately connected to their worldview, culture, life-ways, religion, etc. (Daes 2001: 7-9) In his 1952 book entitled *Structure and Function in Primitive*

Society, Anthropologist Alfred Radcliffe-Brown calls law "…a part of the machinery by which a certain social structure is maintained". (Radcliffe-Brown 1952: 199) Here, Radcliffe-Brown describes a social structure as a network of relationships, and a relationship as the constant adjustment of respective interests in an object or action. This is to say that our social relationships are made up of a constant value assessment; everyone values some objects or actions more than others, and this is the basis of our relationships. Therefore, a social structure is made up of a network of relationships, which are based on values for particular objects and actions. Furthermore, "law" is a system of upholding these values, which in turn constructs and strengthens the social structure. (ibid.: 188-204) Traditional indigenous communities are often organized on the basis of close-knit kinship systems, which consist of a three-dimensional relation between "foundational norms of laws", "unique social structures", and "distinct tribal values and beliefs". The whole society was often overseen by the tribal values and beliefs and regulated by the foundational norms of customary laws so as to form a well-structured indigenous community. Therefore, when one considers the obvious statement that different societies have different values and social structures, it is easy to see that law and legal systems are necessarily diverse.

Clifford Geertz emphasizes this point of the diversity of law in his book Local Knowledge, and takes this idea further to broaden our definition of law. He states that,

…the point here is that the 'law' side of things is not a bounded set of norms, rules, principles, values, or whatever from which jural responses to distilled events can be drawn, but part of a distinctive manner of imagining the real. (Geertz 1983: 173)

Here Geertz describes a more general idea of law, which is what he calls "a manner of imagining the real". In other words, local beliefs construct local ideas of reality, which create local forms of law that support local social structures. Geertz's concept of law shows that every society has a conception of reality and system of maintaining that reality. Of course conceptions of reality are tied up with cultural norms, rules, principles, and values, but in actuality they are not 'bounded' as codified laws are. In fact these values, norms, etc. are part of every individual's imagined reality, which gives them an inherent flexibility. Therefore, an understanding of law in other cultures does not solely need to be extrapolated from a codified book, but can be reached by understanding how other cultures imagine their reality.

Both Radcliffe-Brown and Geertz's description of law have their merits. Radcliffe-Brown emphasizes that the function of law, is to uphold values that maintain relationships, which make up a well-organized social structure. Therefore, while investigating law in other cultures, one can look at the relationships between peoples (and perhaps between people and the environment), and the values that are focused on

in those relationships. (Hann 1998: 25-26) Geertz's explanation of law as a "distinctive manner of imagining the real" emphasizes that while looking at law in other cultures, a broader view can be adopted to include how people conceptualize and engage with their realities.

Both of these concepts will be useful for our proceeding discussion of environmental law and values, but particularly here, it is important not to view law, or the social structure that it maintains, as static and/or isolated. Interactions between different societies, their conceptions of reality, and their respective legal systems have occurred extensively throughout world history. During the period of Western imperial expansion, local societies and cultures where heavily influenced by dominating colonial empires. The effects of that period have continued into the present, as Amsterdam and Bruner point out,

> *Western history is a running commentary on the efforts of the powerful to impose a conception of reality on those they would rule. The results are everywhere: in school curricula and academic agendas, in forms of converse between the sexes, in the language of legal representation, in advertising and political discourse. (Amsterdam & Bruner 2000: 225)*

Societies have always been influencing each other, and often this occurs with more than a touch of domination. This concept applies directly to the discussion of different groups with different environmental legal systems, which will be expanded on in later sections.

Often unexpected things happen when legal systems clash, especially when one legal system attempts to control a society whose cultural conception of reality does not match the codes of an imposing legal system. Naomi Mezey describes this phenomenon, which she calls *"Slippage"*; in her words, "'Slippage' is the term I give to the inconsistencies between the production of legal meaning and its cultural reception". (Mezey 2003: 54) The phenomenon of slippage is useful while describing the interaction of different conceptions of the environment and different environmental laws between international, national and local levels. When an international entity creates a new legal meaning of an environmental subject such as biodiversity, the cultural reception around the globe may be inconsistent with the original intention of the international body. (Goodland 1995: 6-7)

The above-mentioned argument of *"what is law"* has built a conceptual framework that will be used to discuss different forms of environmental law. Law can be considered as a system of imagining reality, which upholds certain values important

to social relationships. These values and relationships will vary between cultures, and therefore the law and legal systems of different cultures will also vary. When different cultures collide in a legal discourse, unexpected results can occur, especially when one society attempts to impose their conception of reality on another cultural group. Now that the term "law" has been conceptualized, an understanding of the diverse forms of "environment" must be approached.

The concept of nature or a natural environment is not a universal thing. One could say that there are natures or environments, plural, not singular. This is because different groups of people see their surroundings, whether natural or man-made, in many different ways. In Western thought, Nature is often depicted as an abstract inventory of things separate from the social world. This forms the Nature-Society dichotomy that is evident throughout much of Western culture. (Descola & Pálsson 1996: 3-7) When the Western concept of nature is compared to other culture's concepts of their environments, a similar idea of a human-nature objective separation may not be found. As Descola and Pálsson point out, "…nature is a social construct and conceptualizations of the environment are the products of ever-changing historical contexts and cultural specificities…" (ibid.: 15) Just as all societies have different mechanisms for maintaining their social structures, they also have different "imaginings of the real", and they have different "conceptualizations of the environment". Therefore, any deliberation of law, environment, or environmental law would be culturally specific.

As will be shown, local conceptions of the environment are often so specific to their place that they differ greatly from national and international perspectives. In addition, national and international conceptions and principles regarding the environment often differ, and when all three of these different conceptions encounter, it is often the local perspective that is disempowered. Descola and Pálsson powerfully state,

> *The issue of environmental responsibility, the ethics and politics of nature, refuses to respect any cultural boundaries; witness the recent growth in environmentalist movements on the international scene and the recurring tension between western science and local epistemologies. Nature is no longer a local affair; the village green is nothing less than the entire globe. (ibid.: 13)*

Due to the globalization of environmental affairs, now is an extremely important time to consider these issues, and develop ways to resolve them. All perspectives of the environment have unique qualities, but often it is the perspective of the powerful that overrides the local. Therefore greater understanding of the differences and similarities

between local and other perspectives of the environment must be engaged.

By looking at the "law of the environment", this paper undertakes some strategies on how to approach these issues. Based on the above-established conceptual framework, the law of the environment is constructed upon diverse values, interdependent relationships, and cultural conceptions of the environment. Any environmental legislation framework, whether local, national, or international, can be approached functionally, as in how the law maintains certain kinds of relationships with the environment; or it can be approached conceptually, as in how the environment is conceptualized or valued in that legal system. In addition, it is important to understand how different societies' conceptions of the environment and environmental laws intersect, conflict with each other, and cause "slippage".

The following sections will look at evidence of perceptions and values of the environment within three social levels. First, at the international level, a development of environmental ethics will be presented, and different methods of enacting environmental law will be emphasized. Second, Taiwan's environmental laws will provide a look at how national legislature follows international trends and values in environment management, regardless of domestic diversity. Third, the Taromak Rukai tribe will be used as an example of how a local indigenous group values their environment, and how an unspoken customary environmental law is manifested from those values. Finally these three types of environmental law will be compared and contrasted.

Formation of International Environmental Values

There are three main methods of managing human-environment relations that can be recognized throughout international environmental legal discourse. By briefly reviewing these methods and their development, it will be shown that international environmental laws and standards have shaped environmental management values within diverse national contexts. The values that are propagated throughout these discourses will be evident by looking into the three main methods of (1) Protectionist, (2) Utilitarian, and (3) Community-based. Modern environmental laws are mainly comprised of the former two these methods, which have a strong influence from the Western nature-society dichotomy. The most recent development in environmental management: community-based conservation, has begun to signal a movement away from the modernist separation of the human community and the ecological environment. (Berkes 2004: 622-24)

Traditional Western environmental laws are based on two extremes of

environmental management. At one extreme is protectionism, which became most evident in 1872 when the United States established Yellowstone, the country's first national park. This system of protecting what Euro-Americans saw as the natural environment led to the eviction of Native Americans who physically and culturally depended on the environment within the newly established national park. Because the Euro-Americans saw the uncultivated and seemingly 'wild' environment in the Yellowstone area as 'empty', they wrongly justified the eviction of local people. [3] Once the indigenous people were evicted, the management of the 'natural' environment came under the jurisdiction of the government, and was intended to be preserved for the benefit of the national community. This 'protectionist' style of environmental regime may have terrific ecological benefits, but it obviously completely disregards the needs and rights of the local community [4]. (Berkes 2004: 628) Throughout the colonial period and into the present day, this protectionist approach to environmental management, also known as the Yellowstone model, has been adopted in different forms throughout the world (Mulder & Coppolillo 2005: 16-36), including in Taiwan. (Huang 1999: 46-47) Once the Yellow Stone model was implemented internationally as a cornerstone to national conservation programs, the protectionist ideology of separating people from "the wilderness" to preserve it's imagined intrinsic value, became a standard of international environmental management. (Mulder & Coppolillo 2005: 15-16) Eventually, as the Yellow Stone model diversified within different national and local contexts, a cover term, "protected area" was adopted and enshrined in the United Nations Convention on Biological Diversity.[5]

Several types of values and perceptions of the environment can be deduced from the protectionist model of environmental legal regime. Protectionism clearly symbolizes

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3 The idea of seeing indigenous land as empty had emerged in the subsequent development of international law as the doctrine of terra nullius. For further discussions, see Erica-Irene A. Daes, "Indigenous Peoples and Their Relationship to Land", E/CN.4/Sub.2/2001/21, 11 June 2001, at 9-12.

4 For example, Mere Roberts et al. describe Maori conceptualization of humans "as part of a personified, spiritually imbued 'environmental family' … Earth's bounty is considered to be a gift, necessitating reciprocity on the part of human users in order to maintain sustainability". See Mere Roberts, Waerete Norman, Nganeko Minhinnick, Del Wihongi, and Carmen Kirkwood, "Kaitiakitanga: Maori Perspectives on Conservation", Pacific Conservation Biology 2, Issue 1 (1995): 7-20.

5 See Multilateral Convention on Biological Diversity. Concluded at Rio de Janeiro on 5 June 1992. Electronic copy available at: http://www.cbd.int/convention/convention.shtml. Article 8. In-Situ Conservation: Each Contracting Party shall, as far as possible and as appropriate, (a) Establish as system of protected areas or areas where special measures need to be taken to conserve biological diversity.

the nature-society dichotomy that is a primary characteristic of western conceptions of the environment. (Godden1998: 719-42) This method also carries a tone of humans as being the obligated stewards of nature, which can be traced back to many world religions such as Judeo-Christianity, Islam, Hinduism, Confucianism, etc. (Mulder & Coppolillo 2005: 11)

The values that are associated with protectionism could be classified as intrinsic. Intrinsic values of nature can be considered as the non-use value of nature as a separate entity; therefore, it is often given moral, ethical and legal protection just as any human individual would. The intrinsic value of nature also includes aesthetic values, which "are linked with the stirring of emotions, generally of wonder, happiness and joy". (Hillier 1999: 183) Therefore, protectionism generally sees nature as a separate entity that can be valued for its own special intrinsic qualities and its aesthetic appeal. Obviously, the main shortfall of this view of the environment is that the unique physical and spiritual connection that local people may have held with their environment for generations is often disregarded because it does not fit into the nature-society dichotomous paradigm. (Nakashima & Roué 2003: 314-24)

The other extreme of modern environmental management can be called utilitarian. [6] This utilitarian framework for environmental management focuses on the aspects of the environment that can be used by humans. There are many aspects of the environment that are highly valued by human societies. These values of the environment include:

a. Products of the environment that have a market value, such as timber, food and medicinal products, etc.
b. Services of the environment such as absorbing carbon dioxide in the atmosphere, maintaining biodiversity and environmental integrity, etc.
c. Information in the environment, which is useful for the development of scientific knowledge.
d. Psycho-spiritual values of the environment, which help humans in their pursuit for psychological and spiritual development. (Mulder & Coppolillo 2005: 5)

Among these utilitarian aspects of the environment, the market-based economic value is most often regarded as the most important, even to the extent that the academic field of ecological economics can ascribe a monetary value for an area of the environment that includes environmental services and information. (ibid.: 8) The

6 For detailed discussions, see Peter S. Wenz, Environmental Justice (Albany, N.Y.: State University of New York Press, 1988), 155-80.

utilitarianism of environmental management has developed very effective ways of capturing the human benefits of ecological systems. Characteristics of the utilitarianism and the values that it entails can be witnessed in all forms of environmental legal regimes throughout the world.

Both protectionist and utilitarian foundations of environmental management can be witnessed in one of the primary standardizations of international environmental law: the Convention on Biological Diversity, which was concluded at the 1992 Earth Summit in Rio de Janeiro. Throughout the text of this international agreement the principles of conservation that grew out of the Yellowstone model of nature preservation, and the sustainable utilization of natural resources are outlined. For example the final statement of the preamble to the convention states that it is "Determined to conserve and sustainably use biological diversity for the benefit of present and future generations". [7] Although protecting biodiversity and sustainably using natural resources are noble goals, over 15 years after being signed by 192 countries, appropriate implementation of this legally binding international agreement has seen little success. (ibid.: 236)

Because the protectionist approach is often costly, ineffective, and disregards the distinctive cultures of the local community; and because the utilitarian approach often leads to unequal access to, and serious conflict over natural resources; a new system of environmental law is currently emerging. These tensions and debates have unfolded in a context of transnational environmental policy-making and indigenous activism that have increasingly emphasized the connection of indigenous rights to protecting the ecological integrity of home territories. The community-based approach to environmental law attempts to equitably provide intrinsic, ecological, economic, cultural, and psycho-spiritual environmental values for local communities by involving local people in the management of their surroundings. (Berkes 2004: 627-629) One definition of this community-based environmental management is "the sustainable management of natural resources through the devolution of control over these resources to the community as its chief objective". (Mulder & Coppolillo 2005: 45) The most obvious theme of this environmental legal paradigm is 'devolution', which moves authority for natural resources management from government agencies to local communities. (Murphree 2002: 1-3) Another theme is a transition away from protectionism and more acceptance of 'sustainable' utilization, but rather than general utilization for the society at-large, this time it explicitly focuses on utilization by the

7 Convention on Biological Diversity. Concluded at Rio de Janeiro on 5 June 1992. Preamble, See also Articles 1, 2, 6, 8, and 10 for more examples of protectionist-utilitarian ideology.

local community. (Techera 2008) The community-based environmental management regime is relatively new, but is being adopted in many cases throughout the world, and is being promoted by the United Nations, especially through the UNESCO Man and the Biosphere program, [8] which began in the 1970s; (Mulder & Coppolillo 2005: 37) as well as through international legal agreements such as the Convention on Biological Diversity, which points out that local and indigenous knowledge and special rights need to be recognized and respected. [9]

Protected areas are no longer seen strictly in terms of the 'conservation of nature,' but are informed by notions of 'cultural landscapes' (Pérez de Cuéllar 1995) in which indigenous knowledge, management practices, and sacred sites are implicated. Therefore, the objects of protection for national governments, environmental NGOs, and agencies in international governance are increasingly viewed as culture-environment complexes. Environmental responsibilities and local community's rights can no longer be considered in isolation from one another, at any of these levels. The World Commission on Environment and Development recognized a strong connection between indigenous cultures and biodiversity preservation, and advocated states' duties to respect indigenous rights, institutions, and decision-making (Brundtland 1987:xiii). In 1989, Article 15 of the International Labour Organization Convention No. 169 affirmed that "the rights of [indigenous peoples] to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources". By basing environmental management regimes on the local community, this system allows for the plurality of local customary laws and perceptions of the environment that were discussed at the outset. Ideally, if environmental management could be effectively devolved to the local community, then local people could adapt international standards of protectionism and sustainable utilization, to local systems of environmental management, and to local worldviews.

However, because the principles of community-based environmental laws are often only partially adopted by governments, and the devolution of authority often encounters many problems on the road to development, the ideals of this new system have rarely been completely realized. Whether or not community-based conservation

8 For an overview of the program, see UNESCO's program on Man and the Biosphere website at http://www.unesco.org/mab (Last access on July 22, 2009).

9 Convention on Biological Diversity. Concluded at Rio de Janeiro on 5 June 1992. Preamble and Article 8 (j).

has been completely successful is not within the scope of this paper. These three approaches to environmental management are evident in national environmental laws, international environmental NGOs, and other international development and environmental agencies such as the World Bank, and the U.N. By looking at these approaches, a development of international environmental values growing from the western nature-society dichotomy to protectionist models of protected-areas, into international legally binding documents that emphasize protectionism and sustainable utilization have been illustrated. These values have moved from the conflicting protectionist's intrinsic values of nature, and utilitarian, often commodified values; to more recent values that could be based on the local communities conceptions of what is important in their environment, and on how that local community wants to develop their own legal system of environmental management.

Adoption of International Utilitarian and/or Protectionist Environmental Management Values in Taiwan

The next level of environmental law to be explored is that of national laws. Most national laws attempt to adhere to international standards while maintaining national customs and taking into account domestic environmental and economic situations. While reviewing Taiwan's national environmental laws, several themes common to those discussed above were found. The three laws examined here are the Forest Law, the Wildlife Conservation Act, and the Indigenous Peoples Basic Law, all of which exemplify how the Taiwanese National Government, controls, values and perceives human-environment relationships in Taiwan. Within these three legislative texts the themes of protectionism and utilization are evident, while the third theme reflecting an international recognition of indigenous cultural perceptions of the environment can be found at an early stage of development.

The Taiwan Government's efforts to adopt international standards of environmental protectionism are evident in the text of the Nature Conservation section of the Forestry Bureau's website,

> *Though we are not a signatory of agreement on international conservation, we are still actively sending out representatives…to understand trends in nature conservation around the world.* [10]

10 From the Taiwan Council of Agriculture Executive Yuan, Forestry Bureau website, Nature Conservation section. Available online at: http://www.forest.gov.tw/ct.asp xItem=22192&CtNode=1886&mp=3.

The international protectionist and utilitarian trends in nature conservation and environmental management can be witnessed especially in Taiwan's Forest Law's Chapter's I, III, and IV. The titles of *Chapter III: Forestry Management and Utilization, and Chapter IV: Conservation Forestry*, point directly back to, and support foundations in international environmental management values. [11]

The first article of Taiwan's Forest Law clearly shows both protectionist and utilitarian goals that are based on the same nature-society dichotomy which form most international approaches to environmental management. Article 1 of the Forest Law states, "This Act is established to preserve forest resources, the natural functions of forests and their economic viability".

The goal of "preserving forest resources" and their "economic viability" evidently show utilitarian characteristics, which aim at the use of forests for national economic development. The second goal that this article highlights is to preserve "the natural functions of forests". The use of the word "natural" seems to imply something not involving human kind, thus explicitly illustrating the nature-society dichotomy. In fact, most of the forests that this law governs have been managed by indigenous peoples for thousands of years, thus the forest's "functions" have been part of a human-environment linked system for so long, that using the term "natural" may be misleading.

Although local indigenous communities throughout Taiwan have managed their environments for ages, the Taiwanese central government claims total stewardship responsibilities in most traditional territories, leaving little room for indigenous peoples to continue their culturally *sui generis* relationship with their environment. During Japanese colonial occupation of Taiwan, most indigenous traditional territory was claimed by the colonial government. After 1945, the Japanese passed on their legacy of colonization in Taiwan to the Republic of China's Nationalist government, which continued to implement the right to appropriate any forest to state ownership. [12] Although indigenous peoples originally occupied and governed most of these so-

11 The Forest Law is available online at http://www.forest.gov.tw/ct.asp?xItem=21160&CtNode=1870&mp=3

12 Article 7 of the 2004 Forest Law, Should a public or private forest have any of the following, the central government agency may appropriate it to national ownership, and shall compensate the owner accordingly:

1. It is needed for reasons of national security or operation of national forest;
2. It includes a river, lake or other water source that provides important resources to the public.

Any and all acts relevant to land appropriation may be applied when appropriating land to national ownership. The procedure for appropriating public forest may follow the relevant rules of public property management.

called state lands, the central government monopolizes the stewardship responsibilities, but allows for some basic gathering by indigenous peoples in accordance with their traditional cultures. Article 15, paragraph 4 of the 2004 Forest Law states,

> *If the forest is located in the traditional territory of aboriginal people, the aboriginal people may take forest products for their traditional living needs. The harvesting area, variety, time, paid/unpaid, and other rules should be decided by the central government agency along with the central government of the aboriginal people.*

This article leaves little room for local indigenous customary laws regarding human-environmental relationships to exist. Clearly, the Taiwanese government's views of the environment attach greater weight for its inherent and economic values, which are to be used for national objectives rather than local development and cultural maintenance. This legal framework is constructed upon the nature-society dichotomy and the central governments purport to centralize and unite diverse views of nature and systems of environmental management.

More evidence of the utilitarian approach for Taiwanese environmental policy comes from article 47 of the 2004 Forest Law, which stipulates the criteria for a forestry business to receive a national award. These criteria highlight the values that the central government associates with a utilized forest, they include "reforestation", "national defense", "national economic development", "large scale cultivation of forests as a commodity to supply industry, national defense, ship building, road engineering…", "invent or improve tree species", "mitigating damage", "research", and "security". [13]

13 Article 47 of the 2004 Forest Law, A forestry business that meets one of the following criteria may receive an award.
1. Special achievement in reforestation or forestry management;
2. A special forestry business whose forest products have significance to national defense or the nation's economic development;
3. Large scale cultivation of forests as a commodity to supply industry, national defense, ship building, road engineering or other important applications;
4. Nurseries that propagate seedlings in large numbers for local reforestation;
5. Those who invent or improve tree species, or bamboo and wood applications and crafts;
6. Significant contributions to extinguishing forest fires, or mitigating the damage by pests or pathogen and disasters caused by man;
7. Significant contributions to the research improvement of forestry science;
8. Significant contributions to the security of the nation's territory, conservation of water sources.
The award may be a cash prize, plaque, trophy or commendation certificate. The qualifications,procedures and complete incentive measures for such issuance shall be decreed by the central government agency.

Clearly, these programs aim at national economic development and security; but nowhere in this law are their awards for the re-establishment of traditional sustainable forest management by indigenous peoples. Rather, the indigenous local communities are given limited access and use rights, and punished if their access does not conform to state law, while large scale industrial enterprises are rewarded for their effective utilization of forest products. Obviously, the Forest Law preserves certain types of human-environmental relationships, while inhibiting others.

Although Taiwan's Forest Law primarily values the intrinsic and economic aspects of the environment for national use, there have been some alterations to the forest law that signal a slight acceptance of cultural values important to indigenous communities. For example, article 19 of the 2005 Indigenous Peoples Basic Law states,

Indigenous persons may undertake the following non-profit seeking activities in indigenous peoples' regions:

1. Hunting wild animals.
2. Collecting wild plants and fungus.
3. Collecting minerals, rocks and soils.
4. Utilizing water resources.

The above activities can only be conducted for traditional culture, ritual or self-consumption.

In addition, several other articles of the Indigenous Peoples Basic Law, the Wildlife Conservation Act, and the Forest Law recognize indigenous rights to their land, natural resources, and cultures. [14] But these Laws all grant the central governments plenary authority to govern the indigenous peoples' land and traditional territory. For example, immediately after recognizing indigenous rights to land and natural resources, article 20 of the 2005 Indigenous Peoples Basic Law stipulates,

> *The government shall establish an indigenous peoples' land investigation and management committee to investigate and manage indigenous peoples' land... The restoration, acquisition, disposal, plan, management and utilization of the land and sea area owned or occupied by indigenous peoples or indigenous persons shall be regulated by laws.*

14 Articles 10-23 of the 2005 Indigenous Peoples Basic Law; Article 21-1 of the 2006 Wildlife Conservation Act.

Therefore, the law secures government control of indigenous land through the *ad hoc* committee, and through the implementation of by-laws, which regulate indigenous land. Although it seems that the Taiwanese government has taken some steps to decentralize environmental authority and incorporate the international trend towards community-based management, this law of environmental management seems to contradict itself by recognizing indigenous rights to self-government, but lacks the appropriate mechanisms to enact decentralization.

The three international trends of environmental law regimes: protectionism, utilitarianism, and community-based management systems, are well-informed in the environmental laws and policies of Taiwan. But these laws continue to portray the environment as a resource separate from society to be utilized for national objectives or protected for intrinsic "natural" value. Thus, the law does not leave room to take into account the pluralistic culturally-based systems of environmental law that exist within the diverse indigenous communities of Taiwan. The next section will discuss how a local indigenous community conceptualizes and relates to their environment, thus creating a unique type of environmental law. The active development and presentation of indigenous cultural values, institutions and processes will be critical to a constructive and cooperative relationship between the tribal communities and the surrounding environment.

Customary Indigenous Rukai Environment Relations and Values

In order to understand another culture's system of customary environmental law, especially in a society that does not practice a codified legal system, a broad conception of law must be utilized. Using a more inclusive legal concept, such as the one described above, which focuses on relationships that are strengthened, and "imagining of the real" that are perpetuated, a better understanding of different legal systems can be obtained. The broad and flexible working definition of customary environmental law used in this section can be considered as a system of human-environment interactions that is based on a culture's distinctive manner of imagining their environment and their place in it, which upholds cultural values that maintain the network of relationships between individuals, the community, and the environment. A shroud of secrecy surrounded many of the indigenous customary "laws". Some of these were sacred and not to be spoken about to anyone, except to the members of the relevant tribal group. Rukai customary law was encoded in each group's religious traditions. It regulated every aspect of daily life and activities, such as moral integrity, the kinship system, inheritance,

property, social organization and so on. Here the use of the words customary law as opposed to simply custom, is based on local informant's views of their customary law, in Taromak Rukai called *Dualixia*, as being the local equivalent of modern codified laws. In this section, some basic values of an indigenous Rukai customary environmental law will be constructed by looking at what role the environment plays in local traditional systems of subsistence, social structure, belief, and identity. Then, a brief investigation into what kinds of changes have occurred in the local setting, and how national and international laws have influenced the local environmental management regime will follow.

The Rukai tribe is an indigenous ethnic group living in the southern mountains of Taiwan. Currently, the Rukai population is approximately 10,000, and this group can be separated linguistically, culturally, and geographically into three groups, which are the Western Rukai, the Eastern Rukai, and the Lower Three Community. (Taiban2006: 34-36) The following exploration will focus on the main Eastern Rukai community, called Taromak, who live in Dongxing Village of Taitung County.

The Rukai social structure provides one way to understand the local relationship to the environment and how that relationship strengthens social structures. The Rukai community can be broken into two basic units, the larger of which is the village community. Within the village community, there traditionally are three stratified classes, the highest chief class, the noble class, and the commoner class. Each family within each class is then further stratified depending on marriage connections and other status markers, such as personal ability. The authority of the chiefs and nobles is created by their mythological preeminence; in the tribal myths, the chiefs can trace back their ancestry to the first Rukai that were born from the sun, stone, or both. Therefore, the tribal chiefs and nobles' social status is based on their primordial connection to the environment, which gives them special rights and duties regarding natural resource use within their territorial domain.

The chiefs and nobles claim the tribes hunting, fishing and agricultural areas as part of their territory, and therefore common users of these areas must adhere to rules of proper use. If a commoner wishes to use a piece of land for agriculture, go hunting in a particular hunting area, or fish a section of river, he/she must first obtain permission from the chief or noble whose territory that area is. Then, once a natural resource product has been successfully extracted, a portion of the product must be given as a tribute to that chief or noble. This tribute determines the status of the chief or noble and also carries with it some obligations, such as the chief or noble will use the products for their own consumption as well as give to the needy within the community. (Chiao 2001: 16-18) Users of the land also take responsibility for sustainable and effective use,

such as when and where to grow certain crops, and whether an area of forest is being over hunted. (Taiban 2006: 172-173) The purpose of this social organization was to safeguard the supreme authority of the chief and political regime; the traditional land and property systems; and the social order and family relationships. This traditional system of redistribution structures and strengthens the social position, rights and duties of chiefs, nobles and commoners, as well as the traditional connection to the land, which holds the chiefs and nobles as partial land use supervisors. Although this supervisory position may be in some ways functionally similar to modern systems of government's supervising land use, it is based on local mythical connections to, and imaginings of the land that set up specific rights and duties of all involved, which reinforces the local social structure of the indigenous community.

The smaller fundamental unit of the Rukai community is the family, which has three elements, the family name, the members and the house. Within the kinship system, the inheritance of land is one way of connecting the family unit to the environment. The family name, house and land to which the family holds usufructuary rights, is most often inherited by the eldest son. Several situations can cause inheritance rights to be passed on to someone other than the eldest son, for example, if there is no sons in the family, then the land will be inherited by the eldest daughter, then once she marries, the husband's family can claim usufructuary rights, or if the eldest son moves away, or marries into a higher class, the next son can take the inheritance. Younger brothers and sisters will not be completely disconnected from the land that their family uses because they will be involved in work sharing activities, which would privilege them to request for the use of more land from the chief or nobles. (Xie 1997: 3-6) The Rukai system of inheritance embodies the family as a social unit and strengthens their connection to the land that they use for their subsistence activities. Further, commoner family members cultivate and pay tribute to the chief or noble who presides over the area, the family unit thus establishes a connection to the community at-large, and to that communities' ancestral past. This connection is based on the function and conceptualization of an indigenous view of the environment.

A physical relationship with land also forms the foundation of Rukai customary environmental laws. Their traditional subsistence activities were based on swidden agriculture, hunting, fishing and collecting wild forest products. Main agricultural products include millet, taro, sweet potato, peanuts, ginger, beans, etc. Millet is important ceremonially and is planted in March and April, then can be harvested in July. Taro was a staple food before the introduction of white rice, and was planted in January and February, then harvested in November and December. Sweet potato is grown year round and harvested 3-4 months from planting. Agricultural fields usually

surrounded the traditional settlement area in the mountains, and were based on rotating between crops, and fallow periods. When a new field needed to be prepared, the men would first cut trees and grass, followed by burning the fields. Then men and women would work together to clean up the roots and stones. Finally, the women would be responsible for all planting, weeding, and harvesting. Often when help is needed for agricultural and other activities, friends and relatives will participate in work trading.

The other important subsistence activity is hunting. Hunting was strictly a man's activity, and was practiced either alone and/or in groups. This activity was not solely significant for subsistence, but was also very important socially. A man's status was most often measured by his hunting ability, and if good enough, his social status would be raised. With a higher social status, the hunter would be granted privilege to wear decorated clothing, and the lily flower. With these privileges would come obligations to act as a leader and decision maker in the community, and responsibility to sustain and foster the ecological system within their hunting area. In addition, the successful hunter is obliged to redistribute meat and animal products to the noble families, or chief who claims the hunting area, as well as to fellow hunters, family and friends.

Common hunted prey includes wild boar, deer and goat; now due to market demand, several smaller animals are hunted. Several species were considered taboo prey, these include the Crested Serpent Eagle and the Clouded Leopard, which were not to be hunted because in the mythological past these animals helped the Rukai found a new village; the Taiwan Black Bear, and Taiwan Macaque were restricted prey because they are similar to humans. If any of these animals were killed by accident or out of necessity, the whole carcass could not be brought into the village, and the Black Bear meat had to be eaten in a particular place. Leopard pelts and teeth, as well as eagle feathers could only be used by the highest chief. In addition to hunting, river fishing is also a traditional subsistence activity, and just like agriculture and hunting, permission is needed to be obtained from the noble land retainer, and a tribute of fish would need to be paid. (Chiao 2001: 9-16)

The traditional subsistence activities of the Rukai portray the physical relationship that this tribe had with their environment. The social structure mutually reinforced these subsistence activities, which made up the daily cultural life of the Rukai. In order to understand the functional and conceptual aspects of customary environmental law, subsistence activities and their connection to the social world must be understood. Clearly, agriculture and hunting maintained the hierarchical social structure and gender relations, while hunting allowed for male social mobility. (Taiban 2006) These subsistence activities were part of the environmental law of the Rukai because they physically enacted culturally specific values for certain actions and objects.

In order to further understand the customary environmental law of the Rukai, an abstract view of local perceptions of the environment must be grasped. The Rukai traditionally believed that spirits governed all things in the world. In fact, the entire environment was a spiritual place to the Rukai. The spirit world can be split into 5 types. The first is related to hunting, this spiritual category governed the success of the hunt. The second is related to mental and physical well being, therefore if one gets sick, it is to this spiritual world that reconciliation must be obtained. The third category isthe ghosts of those who die unexpectedly and live outside of the settlement. In order to appease these ghosts, before one eats, he/she must drop a portion of drink or food for the ghosts. The fourth category is the ancestral spirits who died of natural deaths. The fifth category is a spiritual entity called *Aililinane*, which exist in particular places outside of the settlement and have their own emotions and powers. When one enters an *Aililinane* area, they must obey certain taboos such as not talking too loud, wearing certain clothes, etc. The result of not adhering to these taboos was often sickness. Another abstract aspect of the Rukai environment is the signs that help people foretell the future, which includes dreams and bird calls. While in the forest, the hunter would pay close attention to the calls and behaviors of the birds, from which he could determine the success, failures, or potential perils of the hunt. (Chiao 2001: 24-28)

The abstract belief system of the Rukai fills the environment with spiritual and socialized meaning. With spiritual powers influencing and influenced by human actions, it is difficult to separate the social and natural worlds of the Rukai. The Rukai's relationship with their environment was based on these beliefs and worldviews, which established their system of 'imagining the real', as well as established certain functional systems of respect for their surroundings, such as taboos. Therefore, the Rukai's traditional belief system was a central part of their unique form of environmental management regime and customary environmental law.

Within the Rukai territory, and within Taromak village in particular, the local relationship to the environment can be separated into the above connections of social structure, subsistence, and belief systems. Another important local perception of the environment is based on local identity, which is connected to places throughout the Rukai traditional territory. For example, according to local myth, the original settlement of the Taromak Rukai is on top of Mount Kindoro, which towers over Taromak's current settlement. In this place, many mythological events related to the geological and sociological formation of the surrounding area took place. Still to this day, those that climb to the peak of Mt. Kindoro are considered heroes. As Mt. Kindoro stands above Taromak's settlement, it is an unshakeable mark of the local peoples' identity, history and connection to their environment.

As historical events influence local Taromak lifestyles and identity, more places that have special meanings are formed. For example the story of a place called *Yirulanaga*, tells of an event long ago, when two women named Dane'ana and Galayguy (both common names today), went to the river to collect water and saw two strangers coming up the river with red hair and blowing smoke out of their mouths. The two women then ran back to the village where the villagers were building a house and told them what they saw. Then, two young men, named Libali and Adongnade killed the strangers, and left one tongue-less, at a place then named Gongong. After this event that place became known as *"Yirulanaga"*, which means "the body covered with blood". (Jin 1995) The effects of historical events during the colonial era have influenced the environment of the Taromak. These influences can still be witnessed through the stories and changes to place names in the Taromak's traditional territory. This story of place is still often told and represents the bravery and ability of the Taromak people to protect their homeland. Clearly this story of place plays a role in the Taromak people's social identity, and because the story is attached to a place name, it is simultaneously engrained into the landscape and social identity of Taromak, thus creating a powerful link between people and their environment.

The politics of indigenous commitment to the care of their places is rooted not only in the cultural present, but may derive enormous symbolic impetus from the past. Clearly the Rukai's relationship to the environment is a complex connection, which exists on many levels. In order to understand this complex relationship, this paper argues that the Rukai environment as a layered mosaic of interacting socio-cultural meanings and values, all of which play an important role in the construction of a customary environmental law. This layered mosaic can be called a cultural landscape, which is covered with places, areas, and layers of special meaning and value, all of which interact with each other and maintain social and socio-environmental relationships. According to the above discussion of indigenous elements of Rukai-environmental relations, several basic values of their customary environmental regulatory framework can be extrapolated. These values include,

a. Sacred value of the nobles and chiefs;
b. Value of maintaining the hierarchical structure through paying tribute for land use;
c. Value of subsistence activities for maintaining the above values, as well as social relationships through work trading, gender relationships, and social mobility;
d. Value of the environment as a spiritual place which has powers to inform individuals of future events, to maintain well-being by adhering to taboos, and to preserve the environments mysterious powers; and

e. Value of the environment as a fundamental part of the local Rukai cultural identity.

The customary environmental law of the Rukai functionally upholds these values, and their system of 'imagining the real' is intimately related to them.

The traditional cultural landscape and customary environmental law of the Rukai has had dramatic transitions from successive colonial governments. The extent of changes that took place from the early 1900s until now is far beyond the scope of this paper, but a few key changes are mentioned. In the beginning of the 20th century, the Japanese colonial government promulgated and implemented subjugation policies towards the indigenous peoples, [15] which threatened and disintegrated the Rukai customary environmental law. [16] For example, by prohibiting the paying of tribute to the nobles for resource use, the place of the environment in the social structure, and the social structure itself were severely disrupted. This change took away the economic base of the village social structure, and distorted the traditional land tenure system and concept of land. Another major change to the traditional environmental law of the Rukai was the continued political pressure to establish intensive agriculture within the reservation land to which the Rukai were confined. This heavily transformed the traditional subsistence culture and disordered the social relations based on work sharing and product distribution. In addition, these pressures changed the traditional subsistence culture based on a concept of self-sufficiency to a reliance on the market economy. [17] During the post-World War II era, the KMT Government measured the Rukai reservation land established by the Japanese and assigned private property rights to particular people using the land. This drastically converted the traditional collective

15 For an overview of the Japanese colonial period, see Harry J. Lamley, "Taiwan Under Japanese Rule, 1895-1945: The Vicissitudes of Colonialism", in Taiwan: A New History, ed. Murray A. Rubinstein (Armonk, NY: M.E. Sharpe, 2006), 201-260. Lamley classified Japanese occupation into four periods: 1) Annexation and Armed Resistance (1895-1897); 2) Colonial Reforms and Taiwanese Accommodation (1897-1915); 3) Colonial Governance and Peacetime Experiences (1915-1936); and 4) War time (1937-1945).

16 For detailed discussions on Japanese colonial policy towards indigenous peoples, see Fujii Shizue, Rizhi shiqi taiwan zongdufu lifan zhengce (Policy for governing savages under Japanese colonial rule) (Taipei: Wen Ying Tang Publisher, 1997); Shih-Ming Huang, Rukaizu ailiaocun toumu wenhua bianqian zi yanjiu (Study of the transition of Chieftainship culture in Rukai Ailiao group) (Tainan: National Cheng Kung University Graduate Institute of History, Master Thesis, 2004).

17 Further discussions of the Japanese colonial impacts on the indigenous peoples, see I-shou Wang, "Cultural Contact and the Migration of Taiwan's Aborigines: Ahistorical Perspective", in China's Island Frontier: Studies in the Historical Geography of Taiwan, ed. Ronald G. Knapp, 31-54 (Honolulu, HI: University of Hawaii Press, 1980).

system of land management to an individualized system. (Xie 1997: 10-14) All of these changes are due to the imposition of outside societies' views of the environment and legal systems on the Rukai and can be considered forms of 'slippage'. The initial intention of many of these policies was to 'de-barbarianize', 'civilize', or 'modernize' the Rukai life ways. But in many cases these changes to the traditional environmental legal systems and the values that they upheld, led to serious disruptions in the Rukai socio-cultural systems, which in turn led to the current damaged state of Rukai cultural integrity.

Conclusion

Officially recognized protected areas, institutions of state policy and international conventions, are part and parcel of coping with a global context of relentless and escalating pressure on natural resources, and proliferating environmental crises. From the above discussion of values and conceptions of the environment within international, national and local levels of environmental regulatory regimes, several conclusions regarding the conflicts between these three levels, and the development of appropriate systems of environmental law can be surmised. The conceptual framework based on Radcliffe-Brown and Geertz's ideas, defined legal systems as a part of a culture's distinctive manner of imagining reality, which uphold cultural values and maintain a network of social relationships. It was then shown that just as systems of law are diverse, so are conceptions of the environment. Therefore, a working definition of environmental law can be considered a legal system based on a culture's distinctive manner of imagining their environment and their place in it, which upholds cultural values that maintain a network of relationships between individuals, the community, and the environment.

As states agree to participate in new global regimes created by international conventions and agree to be bound by various forms of environmental laws, they inevitably face challenges in domestic legal reform, implementation and enforcement. Nevertheless, at the intersections of international laws, national legislations, and indigenous customary laws, there are interactions, clashes, or negotiations between different legalities, or understandings of law. Clearly these values, imagined realities, and conceptions of the environment will be extremely diverse. So whose values, imagined realities, and conceptions of the environment are enacted in modern environmental legal systems and policies? Three levels of legal systems; international, national, and local, represent three different, and often conflicting systems.

At the international level, three different methods define the developing

approaches to environmental management. The first, protectionism, is based on the Western conception of a nature-society dichotomy, and focuses on intrinsic values of nature. The second method, utilitarianism, highlights several uses of the environment that are to be valued. These uses tend to be based on a conception of the environment as a global resource to be managed by international standards and national entities. The third method, community-based management, attempts to include local values and needs, which are often disregarded in the above two methods of environmental law. This method is still in its infantile stage and has only reached limited success.

At the national level, the example of Taiwan's Forest Law, Wildlife Conservation Act, and Indigenous Peoples Basic Law portrayed foundations similar to international protectionism and utilitarianism, both based on a nature-society dichotomy. The clear protectionism gives the National Government rights as stewards of nature, and separates indigenous peoples from their traditional territory. Utilitarian elements in these laws are based on values that promote the national large-scale agendas of economic development and national security, while disregarding local utilitarian values and systems that support local culture. By recently beginning to recognize indigenous cultural values and environmental worldviews, Taiwan's national laws have shifted slightly towards accepting more pluralistic values of the environment. But the central Taiwanese Government continues to monopolize governance and supervision of all natural resource management. In addition, these policies lack mechanisms to devolve decision-making powers to local institutions that could support local culture.

The nature-society dichotomy was difficult to find at the local level, especially because the environment plays an important role in so many aspects of Rukai culture. The lack of the dichotomy so common in international and national environmental regulatory regimes makes it difficult to separate local human-environmental relationships into protectionist or utilitarian. Rather it is more effective to look at local environmental customary law from a more inclusive angle that highlights subsistence values, social structure values, cultural values, spiritual values, and identity values. These values are a part of local imaginings of the environment, and strengthen local relationship networks between indigenous individuals, the community and the environment. Although many outside forces have had major impacts on the local Rukai culture, elements of these cultural values of the environment still exist. In significant measure, Rukai practice of alternative ('non-modern') lifeways supports such environmental sustainability. They attempted to bend environmentalism to their own purposes, and in some cases are declaring protected areas on their own initiative in efforts to secure the environmental and cultural values integral to their own vision of reality and practices of life. The active development and formation of

indigenous customary norms and laws have the potential to stimulate and promote the international environmental values of sustainability and equality, while strengthening locally effective institutional concepts already present in tribal communities. (Daes 2002)

There are two major conflicts between these three levels of environmental regulatory regimes. The first is: Western imaginings of a nature-society dichotomy lead to concepts of nature having intrinsic values, which in turn lead to protectionist environmental goals at the international level that have standardized environmental management in diverse national contexts. When national governments adopt a centralized protectionist attitude, as in the case of Taiwan, local people are separated from their territory by keeping them on a reservation and controlling their interaction with the environment, which finally leads to a destruction of the local human-culture-environment relationship. The second major conflict is: utilitarian values are solely based on international and national agendas and disregard local values based on socio-cultural systems, which promote local social structures, identity, social mobility, etc. When international and national approaches to environmental law adhere to the above principles, a major conflict with local imaginings of reality and cultural values continues to undermine local cultures, negatively influence local social structures and life ways, and leads to slippage in the form of negative environmental and social outcomes. In the development of appropriate forms of environmental law, this paper supports the employment of indigenous cultural values and customary institutions, and the devolution of power to indigenous institutions to manage their surroundings in ways that promote local indigenous culture and ecological sustainability.

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自然環境治理法則多元構向的衝突

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國際組織與國家政府在環境治理規範的建構上，已然發展一套有別於先於國家建立前已存在之地方社群的環境價值觀。實則，中央政府的法律規範主導並支配了國土治理與自然資源政策，因而限制了地方社群與原住民族的基本權益。由於國際規範、國家法律與原住民族傳統習慣所形構在環境治理法則上的多元構向，本文採以國際環境法制的發展論述，作為探究此間所存在衝突的分析框架。

本文旨在透過環境規制體系在國際、國家與地區性之發展的比較研究，冀以賦權臺灣魯凱族之傳統習慣與環境世界觀，作為具有建設性的規範機制。魯凱族所具有之集體且以社群為基礎的治理內涵，是本文所關注的焦點，亦係建構原住民族社群與臺灣政府間，對於環境治理合作關係的基石。

關鍵詞：國際法、規範體制、環境永續、原住民族、世界觀