



Article Content

Title : The Indigenous Peoples Basic Law CH

Amended Date : 2018-06-20

Category : Council of Indigenous Peoples (原住民族委員會)

Article 1 This Law is enacted for the purposes of protecting the fundamental rights of indigenous peoples, promoting their subsistence and development and building inter-ethnic relations based on co-existence and prosperity.

Article 2 Definitions:

1. Indigenous peoples: refer to the traditional peoples who have inhabited in Taiwan and are subject to the state's jurisdiction, including Amis tribe, Atayal tribe, Paiwan tribe, Bunun tribe, Puyuma tribe, Rukai tribe, Tsou tribe, Saisiyat tribe, Yami tribe, Tsao tribe, Kavalan tribe, Taroko tribe and any other tribes who regard themselves as indigenous peoples and obtain the approval of the central indigenous authority upon application.
2. Indigenous person: refers to any individual who is a member of any of indigenous peoples.
3. Indigenous peoples' regions: refer to areas approved by the Executive Yuan upon application made by the central indigenous authority where indigenous peoples have traditionally inhabited, featuring indigenous history and cultural characteristics.
4. Tribe: refers to a group of indigenous persons who form a community by living together in specific areas of the indigenous peoples' regions and following the traditional norms with the approval of the central indigenous authority.
5. Indigenous land: refers to the traditional territories and reservation land of indigenous peoples.

Article 2-1 In order to promote independent development of indigenous tribe at its will, the tribe should establish Tribal Council. The tribe which ratified by the central authority in charge of indigenous affairs shall be considered as public juristic person. The central authority in charge of indigenous affairs shall issue regulations for tribe-ratifying procedure, terms of organization, meeting procedure, the way of reaching a resolution and related matters of the Tribal Council.

Article 3 For the purpose of reviewing and coordinating matters related to this Law, the Executive Yuan shall establish a promotion

committee which shall be called by the Premier.

Two thirds of the afore-mentioned promotion committee members shall comprise members of indigenous tribes in accordance with their respective proportions. The organization bylaws of the committee shall be made by the Executive Yuan.

- Article 4 The government shall guarantee the equal status and development of self-governance of indigenous peoples and implement indigenous peoples' autonomy in accordance with the will of indigenous peoples. The relevant issues shall be stipulated by laws.
- Article 5 The state shall provide sufficient resources and allocate abundant annual budget to assist indigenous peoples in developing autonomy.
Unless otherwise provided under this Law or other laws related to autonomy, the power of autonomy and finance in regions of autonomy shall be subject to the Local Institution Law, the Act Governing the Allocation of Government Revenues and Expenditures and other statutes governing county (city).
- Article 6 In the event that any dispute concerning the power of autonomy arises between the government and indigenous peoples, the Office of the President shall call a consultation meeting to resolve such dispute.
- Article 7 The government shall protect indigenous peoples' rights to education by upholding the principles of versatility, equality, and reverence in accordance with the will of indigenous peoples. The relevant issues shall be stipulated by laws.
- Article 8 Governments of municipal cities and counties where indigenous peoples' regions are located shall establish specialized units in charge of indigenous affairs. Other county (city) governments may establish specialized units or have specialized personnel in charge of indigenous affairs.
Heads of agencies in charge of indigenous affairs in the preceding paragraph shall be indigenous persons.
- Article 9 The government shall establish special unit responsible for indigenous language researches and indigenous language proficiency evaluation system in order to actively engage in the promotion of indigenous language development.
The government shall provide preferential measures for indigenous peoples or hold special civil service examinations designed for indigenous peoples whereunder the relevant laws and regulations may require beneficiaries or candidates to pass the afore-mentioned evaluation or have proficiency in indigenous

language.

The development of indigenous language shall be stipulated by law.

- Article 10 The government shall keep and maintain indigenous cultures, give guidance to the cultural industry and incubate professional talent.
- Article 11 The government shall restore the traditional names of indigenous tribes, rivers and mountains in indigenous peoples' regions in accordance with the will of indigenous peoples.
- Article 12 The government shall protect indigenous peoples' rights and access to broadcast and media, establish indigenous peoples' cultural affairs foundation and formulate plans to establish indigenous-language broadcast media and institutions exclusively for indigenous peoples.
Issues related to the establishment of the afore-mentioned foundation shall be stipulated by laws.
- Article 13 The government shall protect indigenous peoples' traditional biological diversity knowledge and intellectual creations, and promote the development thereof. The related issues shall be provided for by the laws.
- Article 14 The government shall formulate economic policies for indigenous peoples and give guidance on conservation and utilization of natural resources for the purpose of developing indigenous economy in accordance with the will of indigenous peoples and characteristics of environmental resources.
- Article 15 The government shall generously allocate budget for indigenous peoples and supervise utilities providers to actively improve transportation, post, telecommunication, irrigation works, tourism and other public construction in indigenous peoples' region.
For the purpose of implementing the affairs as set out in the preceding paragraph, the government may establish construction funds of indigenous peoples' regions. The fund's utilization procedure shall be stipulated by laws.
- Article 16 The government shall formulate indigenous housing policies, give guidance to indigenous persons to construct, purchase or lease dwellings, and actively promote the tribal renewal project.
- Article 17 The government shall protect indigenous peoples' employment rights, provide vocational trainings which are suitable for the conditions and characteristics of indigenous society, give guidance to indigenous persons to obtain professional

qualifications and technician certificates, build complete indigenous employment service network to protect their employment opportunities and fair remuneration and promotion. The protection of indigenous peoples' employment rights shall be provided for bylaws.

- Article 18** The government shall establish indigenous peoples' development fund for developing indigenous peoples' economy, assisting indigenous businesses, and planning, implementing, incentivizing, managing, leasing, selling, constructing, purchasing, and renovating dwellings. The sources of the fund shall include budget allocated by the central government in accordance with the budget procedure, revenues of leasing or selling dwellings and related matters, compensations made to indigenous peoples' land, reparation, revenues, funds distributed in accordance with other relevant laws and regulations as well as other revenues.
- Article 19** Indigenous persons may undertake the following non-profit seeking activities in indigenous peoples' regions and the sea areas promulgated by the central indigenous competent authority:
1. Hunting wild animals.
 2. Collecting wild plants and fungus.
 3. Collecting minerals, rocks and soils.
 4. Utilizing water resources.
- The central indigenous competent authority shall consult with the central relevant authority before promulgating the sea areas in the preceding paragraph.
- The activities in Paragraph 1 can only be conducted for traditional culture, ritual or self-consumption.
- Article 20** The government recognizes indigenous peoples' rights to land and natural resources.
- The government shall establish an indigenous peoples' land investigation and management committee to investigate and manage indigenous peoples' land. The organization and other related matters of the committee shall be stipulated by law.
- 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.
- Article 21** 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 people.

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.

A fixed proportion of revenues generated in accordance with the preceding two paragraphs shall be allocated to the indigenous peoples' development fund to serve as returns or compensations. 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.

Article 22 The government shall obtain consent from the locally affected indigenous peoples and formulate a common management mechanism before establishing national parks, national scenery, forest district, ecological protection zone, recreation zone and other resource management institutions. The regulations shall be made by the central relevant authority jointly with the central indigenous affairs authority.

Article 23 The government shall respect indigenous peoples' rights to choose their life style, customs, clothing, modes of social and economic institutions, methods of resource utilization and types of land ownership and management.

- Article 24 The government shall formulate public health and medical policies for indigenous peoples in accordance with the characteristics of indigenous peoples, incorporate indigenous peoples' regions into the national medical network, implement indigenous peoples' health care, establish comprehensive and long-term health care, emergency care and evacuation system, and protect indigenous peoples' health and physical safety. The government shall respect the traditional medicine and health methods of indigenous peoples and undertake researches and promotions. The government shall allocate ample funding in their budget to subsidize indigenous people who need medical care, emergency care and evacuation to the nearest hospital or social welfare institutions; the regulations for subsidy the traffic-cost for long-term health care, medical care or social welfare resource utilization shall be stipulated by the central competent authority.
- Article 25 The government shall establish a natural disaster prevention and relief system in indigenous peoples' regions and natural disaster prevention priority zones to protect physical and property safety of indigenous peoples.
- Article 26 The government shall actively implement social welfare for indigenous peoples, undertake planning to establish indigenous peoples' social security system and give special protection to the rights of indigenous children as well as women and mentally or physically disabled indigenous persons. The government may provide subsidies for those indigenous persons who lack resources to participate in the social insurance scheme or use medical and welfare resources.
- Article 27 The government shall actively promote savings and cooperative businesses by indigenous peoples, give guidance to the management thereof, and grant them with preferential tax measures.
- Article 28 The government shall provide protection and assistance for indigenous persons living outside indigenous peoples' regions in respect of their health, accommodation, finance, education, caring, employment, medical care and adaptation to the society.
- Article 29 In order to protect the dignity and fundamental human rights of indigenous peoples, the government shall provide for a separate chapter devoted to indigenous peoples' human rights in the national human rights legislations.

- Article 30 The government shall respect tribal languages, traditional customs, cultures and values of indigenous peoples in dealing with indigenous affairs, making laws or implementing judicial and administration remedial procedures, notarization, mediation, arbitration or any other similar procedure for the purpose of protecting the lawful rights of indigenous peoples. In the event that an indigenous person does not understand the Chinese language, an interpreter who speaks the tribal language shall be provided.
For the purpose of protecting indigenous peoples' rights and access to the judiciary, indigenous peoples' court or tribunal may be established.
- Article 31 The government may not store toxic materials in indigenous peoples' regions in contrary to the will of indigenous peoples.
- Article 32 The government may not forcefully evict indigenous persons from their land, except in the case of imminent and obvious danger. Indigenous persons shall be properly accommodated and compensated for losses suffered as a result of forced eviction as set out in the preceding paragraph.
- Article 33 The government shall actively promote exchanges and cooperation between indigenous peoples and international indigenous peoples and ethnic minorities in economical, social, political, cultural, religious, academic and ecological issues.
- Article 34 The relevant authority shall amend, make or repeal relevant regulations in accordance with the principles of this law within three years from its effectiveness.
The central indigenous competent authority shall interpret and implement the relevant laws and regulations, which do not be amend, made or repealed in the preceding paragraph with the competent authority by the principle of this law.
- Article 35 This law takes effect upon promulgation.