

Land Rights and Traditional Knowledge to Mitigate and Adapt to Climate Change: The Sarayaku Case

Indigenous Peoples (IP) are among the first to be affected by Climate Change (CC) given their dependence and relationship with the environment. Their territories have already been devastated by extraction and exploitation and CC contributes to exacerbate vulnerabilities like marginalization, loss of land and resources, and human rights (HR) violations. However, they are among those who are less responsible for the effects of CC.

The most recent international agreement on CC, the Paris Agreement (2015), has specific references to IP' rights on its preamble and to IP' knowledge regarding adaptation. However, it should have been an opportunity to push stronger within its binding part, to ensure the respect for IP' rights and include the recognition of the role of IP' knowledge and practices in mitigating and adapting to CC and in developing policies. Therefore, no international legal instrument, protects explicitly IP from CC related harms, and despite their vocal presence in the most recent climate negotiations, their participation is still scarce.

On one hand, IP's land rights have been widely recognized in International Law instruments in the way of treaties, declarations and jurisprudence. These rights have also been recognized by national laws, and such is the case of Ecuador, with a Constitution that has been internationally recognized as a historic document for its recognition of both IP'land rights and livelihoods and the rights of nature.

On the other hand, CC has been traditionally addressed from a scientific and technological viewpoint, but there are innovations and practices derived from IP' traditional knowledge that can contribute with the global search for CC solutions. Around the world, IP have already applied their knowledge and practices to mitigate and adapt to CC and one of them are the Sarayaku, in the Ecuadorean Amazon with their and their proposal of the "Living Forest" and their norms to preserve their environment and guarantee the sustainability and survival of the Amazonian habitat. In this sense, the aim of this paper is to propose a pragmatic approach that connects International Climate Law and IP' rights using the Ecuadorean Sarayaku Case to explore the potential of IP' land rights as mitigation and adaptation measures, and as a safeguard from CC related harms.