

following the election, of his “confidence in the Taiwanese people, who will not allow themselves to be fooled”. Yet we are obliged to point out that a great number of Blue voters are still convinced today, in 2006, that CHEN SHUI-BIAN, who has been awarded two international prizes for his work as a reformer and for his commitment to the defense of human rights, would be a dictator. The 2004 psychological divorce between the Blues and Greens could not lead to a real ethnic conflict precisely because it does not follow the ethnic fault lines, but it created a similarity between Taiwanese society and the French society at the height of the Dreyfus affair. There is no guarantee that some new element might not one day throw again Taiwan into turmoil. Are the accusations flung at CHEN SHUI-BIAN a mere psychological diversion? Or do the anxieties of some key people go so far as to water down their support for the democratic principle? Are they already torn between their civic allegiance and ethno-cultural identification? There is no clear answer to this question at the moment, but the question is legitimate. As I concluded with the same concern in a 2002 contribution to *Memories of the Future. National identity Issues and the Search for a New Taiwan*, let us just hope that this question will always remain a theoretical one.



Paths to Autonomy: Aboriginality and the Nation in Taiwan*

Scott Simon

Ever since the 1940s, but especially since the rise of the Democratic Progressive Party (DPP) to power in 2000, Taiwan has been the site of contesting national imaginations. After CHIANG KAI-SHEK's Republic of China took over Taiwan under American tutelage in 1945, the new colonial state began constructing a national identity based on Chinese heritage and the universalistic ideals of SUN YAT-SEN's 'Three Principles of the People' (*sanminzhuyi* 三民主義). Republican Chinese nationalism was similar to that of Republican French nationalism, and even explicitly influenced by it, as the Three Principles of nationalism, democracy and people's livelihood were said to be analogous to fraternity, democracy and equality. Just as French citizenship was conferred on those who accepted the laws, liberties, and responsibilities of France, including learning French¹, adherence to the Three Principles of the People is what united Chinese citizens regardless if they were Han, Tibetan, Mongolian, Manchurian, or Muslim. The introduction of this hegemonic project into Taiwan met with resistance from Taiwanese nationalists, many of whom argued that the Taiwanese are a *Volk* with their own language, culture, and traditions who thus deserve their own sovereign nation-state. This Taiwanese nationalism, with its idea that the state and a culturally-based nation should coincide, is more reminiscent of German romantic nationalism. Although it was suppressed under martial law from 1947 to 1987, the latter form of nationalism gradually gained ground during the presidencies of LEE TENG-HUI and CHEN SHUI-BIAN.²

Initially, neither of these national imaginations explicitly recognized the present-day indigenous inhabitants of Taiwan, who are part of an Austronesian dispersal that stretches across the Pacific and Indian Oceans from Taiwan to New Zealand and from Madagascar to Easter Island.³ The Republic of China on Taiwan, although it long had a Tibet and Mongolia Commission without even having effective administration over those regions, did not even mention Taiwan's indigenous peoples in its constitution until the revisions of 1997 (see below). For its part, Taiwanese nationalism

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1 HOBBSBAM, ERIC, *Nations and Nationalism Since 1780*, p. 21.

2 For more discussion on Taiwan's national identity question, see CORCUFF, STÉPHANE (ed.), *Memories of the Future*.

3 BELLWOOD, PETER et al. (eds.), *The Austronesians: Historical and Comparative Perspectives*; BLUNDELL, DAVID (ed.), *Austronesian Taiwan: Linguistics, Ethnology, and Prehistory*.

usually recognized the Austronesian 'ancestry' of the Taiwanese, referring to the historical circumstances in which their paternal ancestors migrated from Fujian and took local plains aboriginal women as their wives.⁴ The contemporary indigenous communities on the island, however, were of limited interest to proponents of Taiwanese ethno-nationalism, who themselves became known as the 'Native Taiwanese' as opposed to the 'Mainlanders' who arrived with CHIANG KAI-SHEK.⁵ To a certain extent, the presence of indigenous peoples on Taiwan even undermined the nativist claims of Taiwanese nationalism, since it made apparent that both Native Taiwanese and Mainlanders had origins in China. The indigenous peoples of Taiwan were thus at best peripheral to both Chinese and Taiwanese nationalism. It was only after 1999, when DPP presidential candidate CHEN SHUI-BIAN promised to establish a 'new partnership' (*xin huoban guanxi* 新夥伴關係) with Taiwan's indigenous people, that they became a central part of Taiwanese nation-building.

Taiwan has a population of approximately 400,000 indigenous people belonging to twelve officially recognized tribes: the Amis, Atayal, Taroko, Paiwan, Rukai, Bunun, Siasiat, Puyuma, Tsou, Ketagalan, and Tau. Representing two to three percent of Taiwan's population, they are numerically as significant in Taiwan as are the indigenous populations in the territories known as Canada and Australia. These tribes are by no means 'victims of progress',⁶ but rather the proud survivors of domination by subsequent colonial states. Their languages are spoken in the villages; and religious rituals, crafts, hunting and other important elements of their cultures are still a part of daily life in those communities. Their communities are, of course, faced with many challenges due to their increasingly close relations with nation-states. Yet they also possess strong agency that, in the democratizing Taiwan of the past two decades, has permitted them to renegotiate their status through social movement activism. They thus represent an important challenge to nation-building on the island; and in many ways serve as an indicator of how successful Taiwan is in implementing human rights.

This essay explores the often tenuous relationship between aboriginality and nation-building in Taiwan. The relationship has been fraught with tension and contradictions at many levels. As this essay will show, the indigenous social movement made important gains under the DPP administration. Yet in elections, indigenous communities continued to support the KMT and their allied Peoples First Party (PFP) even after the DPP passed policies favourable to indigenous communities, such as allowing individuals to use Austronesian rather than Chinese names on identity cards and other official documents. The DPP has strongly supported indigenous rights, even making aboriginality into a campaign issue, yet risks losing some Native Taiwanese support if indigenous land claims ever threaten Native Taiwanese agricultural and business interests in those areas.

4 For an anthropological analysis of this historical process, see BROWN, MELISSA, *Is Taiwan Chinese?*

5 GATES, HILL, *Ethnicity and Social Class*, p. 241–281.

6 As suggested by the title of the classic textbook on indigenous issues, BODLEY, JOHN, *Victims of Progress*.

This essay discusses aboriginality and nationalism primarily through an analysis of the DPP White Paper on indigenous policy, draft constitutions of the Republic of Taiwan, and the Basic Law on Indigenous Peoples. More data was gained from participation in meetings of the Executive Yuan Indigenous Peoples' Council in 2004, in which activists discussed proposed indigenous clauses in the constitution, and from anthropological field research with the recently recognized Taroko tribe of northeast Taiwan. Although they were not able to meet all of their campaign promises amidst opposition from the Legislative Yuan, the DPP under the leadership of President CHEN SHUI-BIAN made significant changes to the relationship between the state and indigenous peoples; and made progress in indigenous human rights that was once thought to be impossible. Political processes, of course, are constantly in flux and no party maintains control forever. No matter who governs Taiwan in the future, the leadership will have to deal with this legacy, and will find it difficult to retract any rights 'granted' under DPP rule.

As anthropologists have long argued, neither states nor ethnic groups are stable objects, but both are rather processes negotiated among historically constituted groups and individuals.⁷ A study of aboriginality and the state in Taiwan can thus contribute new perspectives on how 'Taiwan' is produced in the nascent field of Taiwan Studies.⁸ What does 'indigenous' mean in the Taiwanese context; and what does 'Taiwan' mean from an indigenous perspective? How have indigenous peoples been included in Taiwanese national imagination; and how has the relationship between the two changed over time? How does a closer relationship with indigenous peoples contribute to nation-building on the island? What can indigenous communities gain from this relationship?

The Entry of the Modern Nation-State in Indigenous Formosa

Like indigenous people in North America, the indigenous peoples of Taiwan came into the purvey of the modern nation-state as part of the process by which Europe colonized much of the globe, and later as Japan extended its reach throughout the Pacific. The indigenous peoples of western Taiwan first encountered state power when their territory near present-day Tainan was taken over by the Dutch East India Company from 1624 to 1661. The Dutch were the first to bring in large numbers of Chinese settlers, needed as labour for the production of sugar because the colonial overlords could not easily convince enough aboriginal men to give up hunting and take up farming. After the area passed into the hands of KOXINGA and later the Chinese Qing Dynasty, Chinese settlement continued.

For the most part, the Qing government tried to isolate the indigenous inhabitants through measures such as controlling trade between Chinese and aborigines, prohibiting the Chinese from purchasing indigenous land, and setting up fortifications along

7 BARTH, FREDRIK, *Ethnic Groups and Boundaries*.

8 See this book's article by HARRISON, MARK, *Where is Taiwanese Identity?*

the frontier to limit interaction between Chinese and indigenous communities.⁹ On the west coast, however, the indigenous peoples were largely assimilated into Chinese society, especially from 1684 to 1788, when Chinese male settlers were not permitted to bring their wives with them and thus often married local aboriginal women.¹⁰ The west coast indigenous peoples, or plains aborigines, became known by the end of the Qing Dynasty as 'cooked barbarians', because they adopted Chinese ways of life.

The unassimilated indigenous peoples of the east coast, known by the Qing as 'raw barbarians', stayed largely outside of the reach of Chinese colonial empire. Known by the Qing mostly for their fierce head-hunting practices, they continued their hunting and swidden agricultural lifestyles in the mountains until the late 19th century. They were brought under the effective administrative control of a modern nation-state only under the Japanese administration of 1895 – 1945. The Japanese were the first to conduct comprehensive land and population surveys in indigenous areas, as well as to implement modern systems of social control including police stations and military outposts. It is important not to overlook the violent use of state power that was necessary to subdue indigenous communities. In the area that is now the Taroko National Park, for example, the Japanese widened former hunting paths through the steep gorges in order that they could bring in heavy artillery and bomb the local people into submission. The people who lived there, now known as the Taroko tribe, resisted more fiercely than any other group, culminating in the violent Wushe Incident of 1930 that ended with the final surrender of the tribe to Japanese rule.

After that event, the Japanese were able to incorporate indigenous lands into their empire to an extent never even attempted by the Qing. In addition to extracting camphor and other forest products from indigenous territory, the Japanese forcibly moved many indigenous communities down the mountains into the plains. They set up trading posts so that aboriginal people could exchange game and plants for money, which was used to purchase alcohol, matches, salt and other necessities. They invested heavily throughout the island, building an infrastructure of hydroelectric plants, railroads, irrigation, schools, health clinics, and even Shinto shrines. They educated aboriginal children, sending the most talented to Japan for further study, and recruited aboriginal men into the military. By the end of the Japanese period, the Japanese state had given each aboriginal person a Japanese name, and had them included in a household registration system. They thus found themselves in the difficult position of indigenous people everywhere: resentful for the loss of their ancestral lands, but thankful for the better medical care and other benefits of modernity that were first brought to them by the Japanese.

The Republic of China and Indigenous Formosa

When the Republic of China came to Taiwan in 1945, the new Chinese state inherited this system of administration. With adaptations through time, including more forced

9 SHEPHERD, JOHN, *Statecraft and Political Economy*, p. 6–21.

10 BROWN, MELISSA, *Negotiating Ethnic Identities in China and Taiwan*, p. 51.

relocations and further limitations on indigenous land, many institutions created by the Japanese have continued to the present day. The Chinese Nationalists took over the schools, clinics, police stations, military outposts, and irrigation systems, as well as the industrial infrastructure that had been built by the Japanese. They built their household registration system upon that which had been established by the Japanese. They forced even more indigenous communities to relocate into plains areas for more effective police surveillance. In the Taroko Gorge, they sent Mainlander military men to further widen the roads earlier cut by the Japanese. This cross-island highway led to further development of indigenous lands.

Like the Japanese, the Chinese Nationalists had a policy of forced assimilation, requiring aboriginal individuals to adopt Chinese names and learn Mandarin. Throughout the 1950s and 1960s, the Chinese Nationalist Party cultivated leaders in indigenous communities and distributed welfare through party representatives. They also tried to encourage the indigenous people to settle in the plains and adopt agricultural practices. During this time, they described their policies as trying to 'help' the 'mountain people' assimilate to plains society.¹¹ Household registration regulations were composed to forcefully assimilate indigenous people. Upon marriage to a Han Chinese man, for example, an indigenous woman would lose her indigenous legal status. But a Han woman who married an indigenous man would retain her Han Chinese status. Children received the status of their fathers.

The Chinese Nationalists continued the process of alienating the indigenous peoples from their lands. At first they nationalized the mountain regions, including hunting grounds and ritual sites; and forbade the traditional subsistence activities of hunting, fishing and swidden agriculture. In 1968, they started registering land as reserve land (*baoliudi* 保留地), in which aboriginal individuals and families could register to receive the usufruct rights of the land. Although those rights could only be sold or rented legally to other aboriginal individuals, it became common for non-aboriginal individuals to gain access to land by paying off aboriginal individuals and registering in their names. On much of the land, moreover, the aboriginal users were required to either cultivate the land or return it to the township government. Once ceded to the township government, the local authorities had the power to transfer the usufruct rights to outsiders, including corporations interested in natural resource exploitation. These policies diminished the amount of land owned by aboriginal individuals, and actually forced many to enter the proletariat. As the economy expanded in the 1970s, many aboriginal individuals moved into the cities looking for work in construction and export-oriented factories.

In the 1980s, an indigenous social movement began to form, especially in urban areas. The movement began formally with the establishment of the *Mountain Greenery* (*Gaoshan Qing* 高山青) newspaper in 1983 and the foundation of the Alliance of Taiwan Aborigines (ATA) in 1984. The movement grew rapidly after the end of martial law in 1987, with the creation of several new publications and NGO's, some sup-

11 KUNG, WEN-CHI, *Indigenous Peoples and the Press*, p. 63.

ported by the Presbyterian Church.¹² Since 1991, the ATA and other indigenous groups have been recognized by the United Nations, a special status that gives them significant clout in a country that is otherwise isolated from most international organizations.¹³

In terms of the national legal framework, indigenous peoples were marginalized for most of this period. The constitution long mentioned Tibet and Mongolia, but remained silent on indigenous rights. Taiwan's indigenous peoples were incorporated into the Republic of China constitution very belatedly – and only due to the activism of the indigenous social movement after the lifting of martial law in 1987. It was after President LEE TENG-HUI's election as Taiwan's first democratically elected president in 1996 that the Indigenous People's Council was founded, institutionalizing a new relationship between the state and indigenous peoples. Shortly afterwards, on June 16th, 1997, indigenous people demonstrated in front of the National Assembly in Taipei demanding that indigenous rights be incorporated into the Republic of China constitution. Article 10, among the many revisions passed on July 18th of that year, declared that:

“The State affirms cultural pluralism and shall actively preserve and foster the development of indigenous languages and cultures. The State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the indigenous peoples. The State shall also guarantee and provide assistance and encouragement for indigenous education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by law. The same protection and assistance shall be given to the people of the Penghu, Kinmen, and Matsu areas.”¹⁴

Other amendments also created a system in which aboriginal legislators were eventually guaranteed ten seats in the National Assembly. It is worth noting that these additional articles already used the collective term ‘indigenous peoples’ (*yuanzhu minzu* 原住民族) which draws attention to collective rights, rather than the term ‘aboriginal people’ (*yuanzhu min* 原住民) that is concerned more with individual rights in a liberal framework. The inclusion of the Han inhabitants of Taiwan's off-shore islands, however, shows that these additional articles were not based on international ideas of indigenous human rights as much as they were on identifying the rights of minority groups in remote areas of Taiwan. Nonetheless, they provided a legal reference for further indigenous demands. The DPP, which emerged in the 1980s as an opposition party closely linked to social movements, was the first party to pro-actively define a policy on indigenous rights.¹⁵

12 STAINTON, MICHAEL, *Aboriginal Self-government*.

13 ALLIO, FIORELLA, *The Austronesian Peoples of Taiwan*.

14 OFFICE OF THE PRESIDENT, ROC, *Additional Articles of the Constitution of the Republic of China*.

15 The KMT/PPF subsequently prepared their own White Paper on Aboriginal Policy before the 2004 presidential elections, and accepted many of the themes from the DPP version, although framing it in a more liberal framework. Because they have not been in a position to implement those policies, however, that document lies outside the scope of this essay which focuses on how the DPP has used aboriginality in its nation-building project.

Taiwanese Independence and Imagined Aboriginality

The DPP grew to maturity during the Taiwanese social movement era of the 1980s and early 1990s, as democratization gave new social space to the indigenous, environmental, labour, feminist, and other social movements. The leadership and membership of the DPP and various social movements often overlapped, as can be seen in the visible example of feminist activist and lawyer ANNETTE LU 呂秀蓮 eventually becoming vice-president. With its roots in the democratic social movements, it is not surprising that the DPP has been supportive of the demands of indigenous peoples.¹⁶ When CHEN SHUI-BIAN was mayor of Taipei, for example, he established the Taipei Municipal Aboriginal Affairs Council, the first institution set up explicitly to serve the needs of aboriginal people. He also renamed a major boulevard in front of the Presidential Building Ketagalan Boulevard in honor of the indigenous peoples who once inhabited the Taipei Basin. Since the street's original name was *Jie Shou* 介壽, meaning ‘Long Life to CHIANG KAI-SHEK’, the name change illustrates well the shift in national imagination entailed by the DPP rise to power.

Indigenous peoples, moreover, have also been important to Taiwanese nationalists as they attempt to create an imagined nation distinct from China. As BENEDICT ANDERSON has shown, nations are not naturally equivalent to states or even existing ethnic groups. This perspective does not argue that nations are imaginary in the sense of being fictitious, but rather underlines that they are built up through human agency. According to ANDERSON, nations are built up through the means of such institutions as the print media, museums, maps, and censuses, by which members of a group begin to perceive themselves as being part of a larger community.¹⁷ States need to create an ‘identification effect’¹⁸ to gain legitimacy and popular consent in particular nation-building projects. Of course, nations are always constructed from existing materials. In the above example of the street in Taipei, for example, both the former and the latter names embody social memories of important aspects of Taiwanese history. When CHEN SHUI-BIAN changed the name from that of a former president to that of the former indigenous inhabitants of Taiwan, he attempted to refocus social memory on Formosan rather than Chinese national identity.

The Taiwanese independence movement has long incorporated the presence of Formosan indigenous peoples into their national identity. It is thus important to look at the Taiwan Independence Movement as one of the philosophical currents that has nourished the indigenous rights movement. Two important documents that illustrate this are the 1993 *Republic of Taiwan (ROT) Constitution* first drafted by HSU SHIH-KAI 許世楷, who was later made Taiwan's representative to Japan by CHEN SHUI-BIAN, and a subsequent 1998 version by HUANG CHAO-TANG 黃昭堂. The drafts of these and other proposed versions of the Republic of Taiwan constitution were even distributed as background materials in 2004 as indigenous peoples debated how their needs would best be incorporated into a revised constitution (see below).

16 For an overview, see SHIH, CHENG-FENG et al., *Yuanzhu minzu quanli*.

17 ANDERSON, BENEDICT, *Imagined Communities*.

18 TROUILLOT, MICHEL-ROLPH, *Global Transformations*, p. 90.

Illustrating well the role of indigenous peoples in the philosophy of the Taiwan Independence Movement, the 1993 Draft Republic of Taiwan Constitution began with the preamble:

"Our Malay-Polynesian ancestors, in the past lived in the wilderness of Taiwan in freedom and peace. Our Han ancestors, in order to escape bad governance, war, chaos and famine in China; in search of freedom, peace and a better life, migrated to Taiwan. But we Taiwanese often saw our freedom, peace, and lives trampled upon by foreign powers. We have thus decided to gather our forces to protect our own freedom, peace and life; we unite together to establish an independent Republic of Taiwan. [我們的馬來波里尼西亞語系祖先，過去在台灣的原野自由、和平地生活著。我們的漢語系祖先，為了逃避中國的惡政、戰亂與飢餓；追求自由、和平與較好的生活，移往來台灣。但是，我們台灣人的自由、和平與生活，仍時常受到外來政權的蹂躪。因而，我們決意以自己的力量，來維護自己的自由、和平與生活；因此，我們結合，以創設獨立的台灣共和國。]"¹⁹

This preamble served the needs of the Taiwan independence movement more than that of the indigenous rights movement, because it relegated indigenous peoples to the past, as ancestors of all Taiwanese, rather than as political agents in contemporary Taiwan. Clause 3 of this constitutional draft then defined the citizens of Taiwan as belonging to four distinct 'cultural' groups categorized according to language and time of migration to Taiwan. These were the

"Malay-Polynesian language family, the Fulao language family, the Hakka language family, and the Beijing language family. [第3條：台灣共和國的國民，由於語言以及移住時期等的不同，可以分為馬來波里尼西亞語系、福佬語系、客家語系、北京語系，四文化集團。]"²⁰

Although the linguistic categorization of these groups was clearly political rather than anthropological, it was important as a founding document in the ideology of Taiwan as constituted by four ethnic groups.

It is important to note as well that the natural rights of indigenous peoples *were not* mentioned in this draft constitution, which defined rights in the liberal tradition of individual rights with all 'individuals' equal in the eyes of the law. It neither problematized the arrival of the Han on the island nor made provisions for collective indigenous rights. In this document, the indigenous peoples were important primarily to demonstrate the non-Chinese components of Taiwan. The subsequent 1998 version by HUANG CHAO-TANG made even fewer references to indigenous peoples, saying only that there would be a cabinet level 'Aboriginal Ministry' (*Yuanzhuimin bu* 原住民部). Nonetheless, the Taiwanese Independence Movement eventually incorporated a fuller understanding of indigenous rights into their vision of Taiwan after working with indigenous communities on concrete issues of common concern.

19 Hsu, SHIH-KAI, *Taiwan Gongheguo xianfa caoan*.

20 Hsu, SHIH-KAI, *Taiwan Gongheguo xianfa caoan*.

'Return our Land': Indigenous Struggles in the 1990s

Around the world, the expansion of the capitalist economy and nation-state system has been challenged by the presence of egalitarian small-scale societies with "less cultural incentive to accumulate wealth"²¹ and political power. In some parts of the world, they have continued to subsist on hunting, fishing, and swidden agriculture, interacting marginally with cash economies and nation-states. Commercial extraction of natural resources is often the final battle, as groups struggle against what JOHN BODLEY calls 'ecocide'.²² The indigenous social movements of the 1990s made many Taiwanese aware of how their national development is a part of this same process. The most important struggles of that period were those of the Taroko tribe of Hualien, where some families lost farming land to development for Asia Cement²³, and the Tau tribe on Orchid Island, whose livelihood was threatened by the disposal of nuclear waste on their island.²⁴

The Taroko lifestyle of hunting and swidden agriculture had already been curtailed by decades of colonial rule. Nonetheless, many older people continued to live from farming, their diets supplemented with occasional game. In 1973, the Taiwanese conglomerate Asia Cement applied to rent land from the Hsiulin 秀林 Township office. The township officials encouraged Taroko families to cooperate, saying that Asia Cement would provide them with employment. The original owners of the land received compensation for the crop value, a small percentage of the land value, and the promise that the land would be returned after the lease expired 25 years later.

After the leases expired, the owners tried to get their property back, only to find that Asia Cement was not willing to relinquish control of the territory. The township office claimed that the owners had relinquished the land in perpetuity, and had the papers to prove it. Since martial law had ended, however, the owners could fight back. Led by 58-year old Taroko woman IGEUNG CIBAN, they launched a social movement with the slogan 'Return our Land' (*huan wo tudi* 還我土地). She found that the documents relinquishing land rights contained irregularities, including missing dates and seals on some. Most suspiciously, the signatures of many of the property owners were all written in the same handwriting.

IGEUNG was joined in her struggle by BAYAN DALUR, indigenous representative to the Legislative Yuan (DPP), and local environmental activists. In order to get better access to township documents, IGEUNG herself ran for township council representative on the DPP ballot in 1997, but lost the election. In 1998, she presented a report on the Taroko land struggle to the United Nations Working Group on Indigenous Populations; and even made a documentary film with Amis director MAYAW BIHO on the issue. In August 2000, the Taroko won their case in court, helped partly by YOHANI ISQAQAVUT, who was a Presbyterian minister, long-term indigenous activist, and new chair of the Indigenous Peoples Council for CHEN SHUI-BIAN's first admini-

21 BODLEY, JOHN, *Victims of Progress*, p. 2.

22 BODLEY, JOHN, *Victims of Progress*, p. 7.

23 The subsequent narrative follows closely SIMON, SCOTT, *The Underside of a Miracle*.

24 The subsequent narrative follows closely ARRIGO, JENDA, *A Minority within a Minority*.

stration. Although it turned out to be a pyrrhic victory in many ways – the owners had still not been able to access their land as late as 2005 – it did bring indigenous land issues into the public sphere and onto the agenda of the DPP.

A second important struggle was that of the Tau tribe on Orchid Island. In 1980, the Taiwan Power Corporation (Taipower) started building what they claimed was a fish cannery on Orchid Island, saying that it would provide employment for the local people. In 1982, however, Taipower started shipping in nuclear waste from the three nuclear power plants in Taiwan. Although there is a lack of systematic epidemiological studies, the Tau report that they have found deformed fish in the area, that there are increasing rates of cancer among the residents, and that women have been giving birth to deformed babies.

After martial law was lifted in 1987, the Tau began protesting the nuclear dumping on their island, joined by Taiwanese anti-nuclear activists and the Presbyterian Church. Tau activist Si JILGILAN, known as 'Flying Fish', gained support for the movement through his evocative paintings of the suffering endured by the Tau due to the poisoning of their land. Taiwanese anti-nuclear activists, who also opposed the construction of a fourth nuclear power plant in northeastern Taiwan and overlapped with the environmentalist wing of the DPP, joined forces with them. In 1998, the Tau even managed to physically block a shipment of nuclear waste. Tau protests finally stopped plans to expand the site, and gained an agreement from Taipower to stop shipments. By 1999, both the Fourth Nuclear Power Plant and the Taipower waste storage site on Orchid Island had become campaign issues, with CHEN SHUI-BIAN promising to stop both projects.

During this period, Taiwanese scholars and activists began discussing indigenous land issues and possibilities for a more just indigenous policy. Among other projects, this included a white paper on indigenous policy.²⁵ This created a synergy in which indigenous activists and politicians in the major parties could meet and discuss the prospects of indigenous autonomy. The efforts of those activists showed results, at least by getting indigenous rights included in mainstream political rhetoric. The first party to publish an explicit policy recognizing indigenous sovereignty and land claims was the DPP. Although indigenous peoples represent only a small fraction of the Taiwanese electorate, aboriginality became an important part of their electoral platform.

The 2000 DPP White Paper on Indigenous Rights

On September 10, 1999, as part of his electoral campaign, CHEN SHUI-BIAN signed a *New Partnership between Indigenous Peoples and the Taiwan Government* on Orchid Island. In that document, he used the legal term natural rights (*ziran zhuquan* 自然主權) to recognize that indigenous peoples were the original owners of Taiwan and have rights that precede the arrival of the state on Formosa. These include the right to high level autonomy.²⁶ These electoral promises were further refined and discussed in

25 TAIWAN YUANZHUMIN WENJIAO JIJINHUI, *Kuashijie yuanzhumin zbenge baipishu*.

26 OFFICE OF THE PRESIDENT, ROC, *Kanjian jinbu Taiwan*.

the 2000 DPP White Paper on Aboriginal Policy.²⁷ As a policy white paper, it merely highlighted the guiding principles of the party's platform. In many ways it was a 'wish list' of ideals, written for the purposes of a political campaign rather than for concrete administration. It did, however, reflect how indigenous peoples were incorporated into DPP discourse.

Throughout the document, the KMT was depicted as just one more colonial power in Taiwan, following subsequent regimes by the Spanish, the Dutch, KOKINGA, the Qing Dynasty, and Japan. The very first paragraph of the document depicted the KMT as a colonial power following in the footsteps of the Japanese:

"Ever since the KMT government moved to Taiwan, policy planning aimed at Taiwan's indigenous peoples, in addition to continuing the 'Administering Barbarians Policy' from the period of Japanese Rule, has made evident its feeling of superiority of Greater Chinese Chauvinism. [自國民黨政府遷台以來，對台灣原住民的政策規劃，除了延續日治時期的「理蕃政策」之外，更將其大中國沙文主義的優越意識表露無遺]。"²⁸

The DPP White Paper was progressive in many aspects, including explicit recognition that indigenous peoples have been harmed primarily by loss of territory and involuntary incorporation into the global capitalist system. This theme, reiterated throughout the White Paper, showed that the DPP framed aboriginal poverty in terms of destitution, or loss of original means of subsistence. The problem was that indigenous lands were lost to colonial powers, including institutions of the KMT state such as the Forestry Bureau. The preferred solution was thus to return indigenous lands to rural communities.

Even after the end of martial law, when social movements pressured the government to better protect indigenous interests, the problem remained a lack of 'inter-subjectivity' (*huwei zhuti* 互為主體), leading to marginalization of indigenous peoples and damage to their social systems. The White Paper thus proposed policies related to, in the following order: sovereignty; rights to participation in policy-making, administration and politics; rights to subsistence and development, land rights, social welfare rights, education and cultural rights, and women's rights. In each of these sections, indigenous subjectivity was central to the argument, as the policies should come from the indigenous communities themselves rather than being imposed from outside. The proposed solution was a 'new partnership' between the Taiwanese state and indigenous peoples.

Clearly written within a decolonization framework, the central concept in the White Paper was inherent sovereignty (*zong zhuquan* 宗主權). In spite of the discussion of indigenous sovereignty and self-determination in terms of land rights and economic development, however, the main problem still was reduced to Taiwan's independence from China, as if the latter were the most important reason for writing the policy. The White Paper clearly asserted:

27 DPP, *Yuanzhumin zbenge baipishu*.

28 DPP, *Yuanzhumin zbenge baipishu*.

"Amidst Taiwan's struggle between unification and independence, we must establish a relationship of common destiny with the indigenous peoples. The promotion and declaration of inherent sovereignty is *the only way* to declare Taiwan's national status to international society. (Italics by S.S.) [台灣在統獨爭議中，必須與原住民族建立生死與共的生命共同體關係，宗主權的主張與宣示，視為一向國際社會宣告台灣國家定位確立的路徑]。"²⁹

The White Paper stated further that

"The promotion and declaration of inherent sovereignty is *the only possibility* of breaking of relations with China; it is even through this that international recognition of legal status and qualifications can be gained. (Italics by S.S.) [宗主權的主張與宣示，是切斷與中國關係唯一可能，甚至可由此取得國際認定的合法地位與資格]。"³⁰

The policy was even based on "the recognition that Taiwan is a multi-ethnic, independent state [台灣是多民族的獨立國家]。"³¹

In terms of its imagined community, the Taiwanese nation envisioned in the White Paper was composed of a wished-for alliance between indigenous peoples and so-called 'New Taiwanese.' The definition of 'New Taiwanese' in the document was very different from the better known use of the term to refer to Mainlanders who identify with Taiwan, as was used in MA YING-JEOU's campaign for Taipei mayor in 1998.³² The White Paper explained instead that the vast majority of Taiwanese – called 'New Taiwanese' in this context – are actually *métis*, descendents of aboriginal women and migrant men from China. They are "New Taiwanese created by the intermarriage, métissage, assimilation and incorporation of 'Tang Mountain fathers and non-Tang Mountain mothers' [「唐山過台灣，沒有唐山母」所造成的雜交，混血，同化，融合的新台灣人]。"³³ The nationalist ideology of the White Paper thus included a partnership of indigenous peoples and Native Taiwanese, yet implicitly excluded the Mainlanders who were associated with a KMT colonial regime.

By making them the 'poster children' of Taiwanese independence, the White Paper thus tried to incorporate indigenous peoples into a national imagination not of their own making. In the final analysis, this was the underlying rationale and interest of the DPP in creating an emancipatory discourse for indigenous peoples. The DPP's instrumental support of indigenous peoples was clearly evident after President CHEN SHUI-BIAN's election, as he publicly used indigenous people to construct a non-Chinese identity for Taiwan. He even began his inauguration ceremony with aboriginal singers and dancers, followed by Hakka and Holo music, and invited an aboriginal pop singer to sing the ROC National Anthem. To CHEN's credit, however, the relationship of the Taiwanese state to indigenous peoples under his rule has been more than just singing and dancing. In the summer of 2004, indigenous leaders and academics, wearing suits ties rather than indigenous costume, met over several months in Taipei to discuss the

29 DPP, *Yuanzhumin zhengce baipishu*.

30 DPP, *Yuanzhumin zhengce baipishu*.

31 DPP, *Yuanzhumin zhengce baipishu*.

32 CORCULLI, SHI PEI-SI, *Memories of the Future*, p. 186–189.

33 DPP, *Yuanzhumin zhengce baipishu*.

institutional framework for a new partnership between Taiwan and indigenous communities.

Constitutional Debates on Aboriginality

Constitutional consultations at the Indigenous Peoples Council (IPC), which were open to any interested parties, brought together high-ranking officials of the IPC, government officials working with indigenous people, social activists, and both indigenous and non-indigenous scholars.³⁴ The agenda included 1) why indigenous peoples should be included in the constitution; 2) why indigenous peoples have inherent rights; 3) the meaning of indigenous peoples' natural rights; 4) the legitimacy of indigenous self-determination; 5) why indigenous peoples should be granted autonomy; 6) the organization of indigenous autonomy in unitary/federal systems; 7) the organization of indigenous representation and effective political participation; 8) the relationship between traditional territory and land, natural resource, fishing and hunting rights; 9) indigenous judicial rights and customary law; 10) the incorporation of indigenous financial administrative rights into the constitution; 11) quasi-nation-to-nation relations in the perspective of nationalities' treaties; and 12) constitutional problems of an aboriginal clause in the constitution.³⁵

Each session began with a scholar or activist presenting a position paper on the week's topic. On this basis, the group was able to discuss the inclusion of indigenous rights in the constitution from a number of perspectives including the evolution of natural rights and inherent rights in western political thought, the Canadian example of the Assembly of First Nations, the necessity of indigenous rights for effective sustainable development, the history of the colonization of indigenous lands in Formosa, and the achievements of the international indigenous rights movement. Throughout the sessions, Canada was held up as a model for what Formosan indigenous peoples could hope for in a new constitution, not least because of how Canada's 1982 constitution specifically incorporated collective indigenous rights. Without a doubt, the sessions were the official culmination of a long dialogue between indigenous and Taiwan independence movement activists.³⁶ One of the most outspoken participants, in fact, was Tamkang University professor SHIH CHENG-FENG, who has long militated for Taiwan independence.

Cooperation between the Taiwanese independence movement and the indigenous movement does not mean that the former movement has merely used the latter for its own purposes. As JANE K. COWAN has pointed out, emancipatory discourses of human rights, minorities, indigenous peoples, and other categories, are framed globally

34 The minutes of these meetings were published as Nianfa Yuanzhu Minzu Zhengce Zhisian Tuidong Xiaozu, *Yuanzhu minzu xianfa zhuanzhang buyi shili*.

35 SHIH, CHENG-FENG, *Taiwan xinjian zhong de yuanzhu minzu zhuanzhang*.

36 For some of the publications that have come out of this dialogue, see SHIH, CHENG-FENG et al., *Cong hejie dao zizhi*, as well as HSU, SHIH-KAI et al., *Yuanzhu minzu renquan yu zizhi*. For a discussion on the constitutional meaning of the Taiwanese indigenous peoples' movement, see LIAI, SHI-YA, *Diyi Minzu*.

and then mobilized in different local contexts.³⁷ Taiwan missed out on the decolonization processes of the 1950s and 1960s because of CHIANG KAI-SHEK's influential role in the United Nations at the time and US support for his regime. Although Taiwanese in exile demanded decolonization from the Republic of China, their claims were unheard in a Taiwan that was still under martial law and still shocked by the memories of the violent 2-28 Massacre of 1947.

Taiwan democratized in the 1980s, precisely at the historical moment when international and transnational legal institutions were expanding the scope for recognition of group rights and creating ways to ensure them. Through the 1990s and early 2000s, international organizations and many countries, including Taiwan, began paying more attention to the natural rights of indigenous peoples and the ways in which their rights had been neglected in the process of decolonization. The Taiwan independence and indigenous movements were both nourished by this international context.

Due to the pressure of indigenous social movements, the formation of the Indigenous Peoples' Council by LEE FENG-HUI, and ongoing dialogue between indigenous activists and the independence movement, indigenous rights were eventually incorporated into CHEN SHUI-BIAN's campaign promises, the 2000 DPP White Paper and in 2004 into the proposed constitutional revisions. The consensus emerged that Formosan indigenous peoples in the past four centuries have seen their lands taken away without their permission by Chinese settlers in the Qing Dynasty, by the Japanese imperial government and by the Republic of China on Taiwan. Because the indigenous peoples had already been living on Taiwan for over 6000 years, they have a natural right to the land, which includes self-determination.

Largely due to indigenous input, the proposed indigenous clauses in the new constitution thus began with explicit recognition of the natural rights of indigenous peoples and their desire for self-determination, with autonomy for each tribe. This autonomy extended to the use of traditional lands, economic development, language, traditional knowledge, customary law, and other expression of collective cultural rights. By far the most explicit recognition of indigenous sovereignty, however, was the provision that Taiwan should have two vice-presidents and one of them should be an aboriginal individual.³⁸

After the talks were concluded, President CHEN SHUI-BIAN announced to Rukai tribal leaders in Pingtung County that the government was mapping traditional indigenous territory and planning on incorporating indigenous rights into the constitution on the basis of 'nations within a nation' (*guozhong you guo* 國中有國).³⁹ Those principles articulated strongly with the legal principles enshrined in the UN Draft Declaration on the Rights of Indigenous Peoples that all indigenous peoples have the right of self-determination, defined as the right to determine their own political, economic, social and cultural development within existing states. At the time, months before the

37 COWAN, JANE, *Ambiguities of an emancipatory discourse*, p. 153.

38 SHIH, CHENG-FENG, *Taiwan xinjian zhong de yuanzhu minzu zhuanzhang*.

39 KUO, SHAO-CHI, *Bian. Zhixian she zhuanzhang*.

December 2004 legislative elections in which constitutional revisions were a major campaign issue, the DPP portrayed themselves as the party of human rights.

Unfortunately, however, indigenous issues were not even on the agenda when constitutional revisions were passed by the National Assembly in June 2005. The constitutional revisions cut the number of legislators in half, changed the electoral system, abolished the National Assembly, and created the mechanism by which constitutional amendments would be proposed by the government and approved by popular referendum. The latter two changes mean that an indigenous amendment in the future would need widespread support of legislators and voters. That support could prove difficult to gain, especially since the concept of inherent indigenous sovereignty is rarely accepted by non-indigenous voters in any country. Taiwanese landowners in mountainous areas would be threatened by land claims and few would understand the logic of such provisions as a guaranteed spot for an aboriginal vice-president. Nonetheless, an emerging legal framework gave indigenous peoples the social space to lobby for further rights.

New Legal Frameworks for Aboriginality

In the nation-state, legal systems are one of the main fields of contestation between dominant ideas and values versus alternative understandings and practices. Law is thus one of the main arenas for creating and asserting new identities.⁴⁰ During CHEN SHUI-BIAN's first term, the Indigenous People's Council invested heavily in studying indigenous law in other countries, holding scholarly conferences, and consulting with indigenous communities in Taiwan. In the end, they drafted an Indigenous Self-Determination Law (*yuanzhu minzu zizhi qu fa* 原住民族自治區法) consisting of 104 clauses defining the rights, responsibilities, and scope of future autonomous areas. When the law finally passed the Executive Yuan on June 3, 2003, however, it had been reduced to 15 clauses. In order to become law, it had to pass the Legislative Yuan. Due to opposition from the Legislative Yuan, the law had not yet been passed by 2005. Nonetheless, two other laws were passed and become central to the debates on indigenous rights. These were the National Land Rehabilitation Regulations (*Guotu fuyu tiaolie* 國土復育條例) passed on January 19, 2005, and the Basic Law on Indigenous Peoples (*yuanzhuminzu jibenfa* 原住民族基本法) passed on January 21, 2005.

The National Land Rehabilitation Regulations were promoted by the government as a tool for protecting Taiwan's natural environment and promoting sustainable development. Some aboriginal individuals, however, refer to it ironically as the 'Annette Lu Law' because in the summer of 2004 she had visited a typhoon-struck region in Nantou and was quoted in the media saying that the local aboriginal people should move to South America if they want to cut down forests and grow crops. Although the main impetus behind the law was environmental protection rather than indigenous rights, it was especially important to indigenous communities in mountainous areas. Some provisions in the law explicitly referred to the collective rights of indigenous

40 SIEDER, RACHEL and WITCHELL, JESSICA, *Advancing Indigenous Claims through the Law*, p. 203.

peoples. In many ways, however, it threatened to limit the activities of those indigenous groups.

With the important exceptions of military installations, public works, and eco-tourism (*shengtai lüyou* 生態旅遊), development and commercial agricultural projects were outlawed above 1500 meters in the North and South, 1000 meters in the central range, and 500 meters in the East. Those areas were determined to be protected areas for cultural artefacts as well as for plant and animal life. Rivers and coastal areas would also come under the scope of the law. All development in these areas would be approved by the central government rather than by county and township authorities, as had been the case in the past. Illegal development could be fined up to NT\$ 5,000,000.

The law made several provisions for indigenous communities, as it required the central government to fund aboriginal villages and also called for preferential hiring on aboriginal individuals in both eco-tourism projects and transport companies that would take tourists into mountain areas. Provisions were also made so that the central government would assist individuals and even entire communities who wished to move out of the mountains into plains areas. Indigenous legislators KUNG WEN-CHI 孔文吉 and MAY CHIN 高金素梅 immediately protested the law, arguing that indigenous peoples protected the mountainous areas for thousands of years and that the creation of autonomous districts would be a more effective way to promote sustainable development. Yet only two days later, the Legislative Yuan passed the *Basic Law on Indigenous Peoples*, thereby establishing the legal framework for the creation of indigenous autonomous regions.

The *Basic Law on Indigenous Peoples* was drafted after consultation of international documents on indigenous rights, including the *Draft United Nations Declaration on the Rights of Indigenous Peoples*, *ILO Convention 169*, as well as studies of national laws in Canada, New Zealand, and the United States. In contrast with these documents, however, Taiwan's Basic Law defined the responsibilities of the government toward indigenous peoples rather than the inherent rights that indigenous peoples hold because of their presence prior to the later arrival of the nation-state on their territory. In many ways, it even limited indigenous rights. Article 5, for example, limited the self-governance rights of indigenous autonomous areas to financial autonomy. Article 19 limited the right to hunt to non-economic purposes of culture and religion. Like Canadian law, it thus restricted the rights of indigenous communities to sell game. In spite of these limitations, however, the Basic Law was progressive in that it defined certain indigenous rights for the first time in Taiwanese history. No law had ever promised to give Formosan indigenous peoples so much control over their own lives.

Although the language of the DPP White Paper makes it seem as if Taiwanese government uses aboriginality to gain international recognition, political processes are not so easy to explain. These laws are best understood in the current international context in which states are expected to enact human rights laws to protect marginalized groups. Formosan indigenous NGOs have been present at the Working Group on Indigenous Populations and other UN debates on indigenous rights; and have returned to their country demanding that such rights are incorporated into Taiwan's

emerging legal framework. Their contributions have changed the legal framework of Taiwan and may eventually influence Taiwan's position in the world.

The language of international agreements on indigenous rights is powerful in local situations precisely because it frames them as a universal right to which all progressive states must conform. Considering that 'indigenous' groups are now recognized to have certain inherent collective rights, many countries including China, India, and many African countries have resisted recognizing the presence of indigenous peoples within their borders. The passage of these laws in Taiwan thus classifies the island nation as a colonial nation like Canada where the original inhabitants have certain rights due to the fact that their societies existed on that territory before the introduction of the nation-state. Once the laws have been passed, however, enactment and enforcement of the laws will be contested in local communities and in the court system. Among these laws, the acceptance of autonomous regions seems to offer the most space for indigenous communities to negotiate their identities and the rights entailed by aboriginality.

Taiwan's First Indigenous Autonomous Region?

In the summer of 2005, the Taroko tribe of Hualien County was preparing to establish Taiwan's first Indigenous Autonomous Region. The Taroko tribe, officially recognized by the government on January 14, 2004, was Taiwan's youngest tribe. The tribe's population of approximately 29,000 people was once classified as part of the Atayal tribe, but managed to get recognition as an independent tribe after years of protest by the Name Rectification Movement (*zhengming yundong* 正名運動) and a successful petition drive sent to the central government.

Following procedures established in the Indigenous Self-determination Law, tribal leaders established the Taroko Tribe Autonomous Region Promotion Team (*Tailugezhu zizhiqu tuidong gongzuo xiaozu* 太魯閣族自治區推動工作小組) and the Hualien County Taroko Construction Association (*Hualien County tailuge jianshe xiehui* 花蓮縣太魯閣建設協會). By far, the most enthusiastic promoter of the autonomous region was school principle TERA YUDAW 李季順. He published a book about the culture and history of the tribe, making the case that the Taroko people should gain recognition as separate from the Atayal tribe and work towards self-determination.⁴¹ Following the precedents of legal discussions at the national level, Taroko activists even drafted a Basic Law of the Taroko Tribe.⁴²

In collaboration with the Indigenous Peoples' Council and the relevant township governments in Hualien, the Promotion Team began holding information meetings with Taroko students and in Taroko villages throughout Hualien. Many of the members of the Team were Presbyterian ministers and church members, following a historical pattern in which the Presbyterian Church has supported the indigenous social

41 TERA YUDAW, *Muda Hakaw Utux*.

42 SIYAT, ULON, *Gimi ka Truku*, p. 205–210.

movements.⁴³ During the village meetings, TERA YUDAW and other supporters of the autonomous region explained how the region would be financed and provided a general framework of the rights indigenous communities would gain from autonomy. Consistent with Article 5 of the Basic Law on Indigenous Peoples, which limited self-determination to financial autonomy, much of the discussion concerned how the region would be financed. When villagers expressed concern about financial aspects of the plan, members of the team assured them that they would have the same financial base as the affected townships, collecting taxes and compensation funds from the industries located in the area. With many details about governance left to be discussed, they selected three representatives from each area to join a team to draft a constitution for the Taroko Autonomous Region. They declared that they would formally proclaim the establishment of the Autonomous Region on January 14, 2006. That day, the anniversary of legal recognition of the tribe, will become the Taroko National Day if the Autonomous Region is established.

Self-determination will mean that the Taroko are no longer one ethnic group among others, but rather an ethno-nationalist group with a conscious political project. Citing BENEDICT ANDERSON, Taroko nationalist and student activist SIYAT ULON thus makes a conceptual distinction between ethnic groups (*zuqun* 族群) and nationalities (*minzu* 民族), the latter being a conscious political group.⁴⁴ Following in the footsteps of ANTHONY SMITH⁴⁵, he argues that the Taroko have all of the qualifications to form a nation: an appropriate group name, a sense of common 'blood', a common historical memory, a common culture, a homeland, and experience of living together.⁴⁶

As in all forms of nationalism, the Taroko project has met with resistance from within. Taroko nationalists such as SIYAT ULON and TERA YUDAW have defined Taroko as a nation comprised of the Truku, Tkdaya, and Teuda sub-ethnic groups. Especially in the high mountain region now known as Nantou County, some people prefer to be called the Sejiq tribe and oppose autonomy under the name Taroko. Opponents of the new Taroko nation perceive it to be a form of Truku hegemony over the other two groups. According to SIYAT ULON's account, the Name Rectification Movement met with resistance from people who identify less strongly with the Taroko nation than with their own sub-ethnicity, clan, village, or even with the administrative unit as defined by the Republic of China (e.g. Nantou or Hualien County).⁴⁷ Considering that Nantou County is the ancestral homeland of the Taroko people, the consent of all these groups will be necessary to successfully form a Taroko Autonomous Region. That process is only now beginning. If successful, it could change the very meaning of 'Taiwan.'

43 STANTON, MICHAEL, *Presbyterians and the Aboriginal Revitalization Movement in Taiwan*.

44 SIYAT, ULON, *Gimi ka Truku*, p. 28.

45 SMITH, ANTHONY, *National Identity*.

46 SIYAT, ULON, *Gimi ka Truku*, p. 31–41.

47 SIYAT, ULON, *Gimi ka Truku*, p. 69.

Conclusion

As a hunting people, the Taroko identify strongly with the forest. Hunters tell how they sometimes follow the paths made by the movements of wild boar through the forest. Taroko elders recount how the ancestors cut paths across dangerous mountain cliffs to move from central to eastern Formosa. The Japanese widened the same paths and brought in military artillery to subdue rebellious tribes who refused to accept colonial rule. After WWII, CHIANG KAI-SHEK sent Mainlander soldiers to widen those roads, paving the foundation of the cross-island highway that now brings tourists from Taichung to Hualien.

Political paths to power are similar in that they often follow paths laid by others for entirely different purposes. When the Chinese Nationalist Party first incorporated Formosan indigenous peoples into the constitution, they did so primarily as a way of protecting peoples in 'remote' areas of the country. The language of aboriginality, however, was soon appropriated by Taiwan independence activists in search of non-Chinese identity; and was incorporated into the policy platform of the Democratic Progressive Party as reflected in President CHEN SHUI-BIAN's speeches and the 2000 White Paper. Through resistance against environmental destruction of indigenous territory, an uneasy articulation of interests was formed between the some segments of the indigenous and Taiwanese independence movements. Once the DPP came into power, indigenous activists could thus make contributions to indigenous policy and even make suggestions on how to incorporate their rights into a new constitution. Active in the global indigenous rights movement, indigenous activists were able to bring new ideas from the Draft UN Declaration on the Rights of Indigenous Peoples, ILO Convention 169, and even the experiences of Canada and New Zealand to Taiwan for discussion on policy making. Reshaped by contentious relationships between the DPP and opposition members of the legislature, these demands have not always been incorporated into national law. Nonetheless, significant progress has been made, including recognition that Taiwan's indigenous peoples have the right to some form of political autonomy.

Some legal anthropologists have argued that indigenous autonomy is a new form of assimilation into unequal power relations.⁴⁸ Nonetheless, the new political agenda reveals important changes in Taiwan. Indigenous peoples are no longer treated as 'backward' mountain peoples that need to be assimilated into 'modern' society, but rather as groups with inherent rights. Those rights are still under negotiation, but one aspect of the discourse is new. For the first time in history, there is public recognition that any nation-state on Formosa – whether the Republic of China or a still-imagined Republic of Taiwan – must negotiate with the island's indigenous peoples. No matter who has power in Taiwan, these advances made by the indigenous movement are a part of political reality. If they can negotiate substantive autonomy for themselves, political actors such as the Taroko nationalists will thus make the island into a model of indigenous rights. In doing so, they may carve the path for a new Taiwan. No

48 SIEDER, RACHEL and WITCHELL, JESSICA, *Advancing Indigenous Claims through the Law*, p. 219.

longer caught between 'Chinese' and 'Taiwanese' nationalisms, it can become a multicultural state conscious of its colonial past. Taiwan, or alternatively the ROC, can thus become a multicultural state as envisioned by Canadian political philosopher WILL KYMLICKA.⁴⁹ If current trends continue, political realities rather than any cultural debate will change the way the world perceives Taiwan.

Where is Taiwanese Identity?

Mark Harrison

This chapter explores the ambivalent space between subjective authenticity and objective analysis which characterizes attempts to define Taiwanese identity. The chapter draws on BHABHA's notion of 'double writing' to suggest that while scholarship and nationalist ideology speak from different subject positions and from different institutional settings, they nevertheless convey similar forms of information about the constitution of identity in Taiwan. Taiwanese identity, therefore, operates in that space "between the pedagogical and the performative." The chapter concludes that this feature of Taiwanese identity challenges the viability of sociological or political science approaches, and enables an understanding of Taiwanese identity as unbounded and characterized by a dynamic process of political contestation.

In the last twenty years, Taiwan Studies has been developing as an autonomous field, drawing out of Chinese Studies, political science, international relations and cultural studies. It is forming into a received body of scholarship, with a canon, leading lights, controversies and methodologies.

As an academic discipline, Taiwan Studies is constituted by what DAVIES refers to as 'truth statements', particular categories the investigation of which constitute the work of that discipline.¹ SHAPIRO, developing these ideas in a post-structuralist critique of political science, calls these the discursive practices of a discipline:

"discursive practices [...] delimit the range of objects that can be identified, define the perspectives that one can legitimately regard as knowledge, and constitute the certain kinds of persons as agents of knowledge, thereby establishing norms for developing conceptualizations that are used to understand the phenomena which emerge as a result of the discursive delimitation."²

In the Foucauldian terms that SHAPIRO is using, Taiwan Studies, like Chinese Studies or political science is understood as a discourse characterized by specific practices which produce the effect of authority and of legitimate knowledge in the discipline. In a discursive sense, the discipline is structured and constrained: there are certain things one writes about and ways of writing which make a piece of work Taiwan Studies rather than, say, Chinese Studies. And there are certain ways of writing, both epistemologically and stylistically, which make Taiwan Studies texts credible as expressing legitimate knowledge about Taiwan.

The categories which have come to generate the questions one asks when one is doing Taiwan Studies include democratization, economic development, China-Taiwan relations, Taiwanese literature, especially nativist writing, and Taiwanese identity.

1 DAVIES, GLORIA, *Chinese Literary Studies and Post-structuralist Positions: What next?*, p. 78.

2 SHAPIRO, MICHAEL, *Language and Political Understanding*.

49 KYMLICKA, WILL, *Multicultural Citizenship*.