Land Use Planning and the Indigenous People in Taiwan – case study of the territory of the Thao nation and Katratripulr tribe, from the 17th- contemporary period

By

TZU-HSIANG LIAO

A thesis submitted to the University of Birmingham for the degree of DOCTOR OF PHILOSOPHY

Geography, Earth and Environmental Sciences

University of Birmingham

January 2022

UNIVERSITY OF
BIRMINGHAM

University of Birmingham Research Archive

e-theses repository

This unpublished thesis/dissertation is copyright of the author and/or third parties. The intellectual property rights of the author or third parties in respect of this work are as defined by The Copyright Designs and Patents Act 1988 or as modified by any successor legislation.

Any use made of information contained in this thesis/dissertation must be in accordance with that legislation and must be properly acknowledged. Further distribution or reproduction in any format is prohibited without the permission of the copyright holder.

Abstract:

Taiwan is a small island with more than 24 native language groups. Through imperialism, colonialism and capitalism, their pre-colonial knowledge and social structures have been destroyed and marginalised, while territories and resources have been consumed and disposed of by the growing needs of contemporary society without their engagement in the decision-making process. After these invasions and dispossession processes, the indigenous people continue to claim their right to access their homeland and natural resources. They fight for environmental, social, and economic justice. Since being liberalised in 1988, Taiwan has begun to develop a deliberative and plural society. However, this western knowledge- and Chinese value-based planning and management discourse pays attention on binary boundary, such as Chinese/indigenous, urban/nonurban, culture/environment rather than its hybridity and difference. Indigenous land and resource arrangement knowledge that has been exercised according to their worldview for generations has been largely ignored throughout modern planning practices.

The Taiwanese government was working on democratisation with a plural society, through the Indigenous People's New Partnership, signed in 1999 (nation to nation), presidential apology in 2016, and the Truth and Reconciliation Commission of Taiwan in 2016. This process works to repair the relationship between the government and the indigenous peoples in the name of justice. The Spatial Planning Act of Taiwan opens a little room for discussion in planning and management with a culturally appropriate solution and ways by which to empower indigenous people to plan themselves in their territories. This discussion uses two cases study areas (Thao and Katratripulr) to reveal the reality of their: historical dispossession, forms of indigenous resistances and governances, state-controlled and community-based planning processes, conflicts with contemporary cultural practices and individual narratives. However, the Spatial Planning Act might eventually lead to another extinction with engagements of just voices and stakeholders. This thesis starts from a different ontology to think and examine structural, historical and hegemonic realities. The examination reflects the scientific language of objectivity and neutrality, and the complicity of planning theory, market-led development, property right, legalisation, and institutional system of decision-making to propose explanations and unsettle plural, agonistic, and radical spaces.

Acknowledgements:

I acknowledge tribal people in Thao and Katratripulr, as I realise they recognise themselves as a collective group. Their funny stories at BBQ parties cover their anger towards the government. Their daily experiences of seeking equality and justice as well as protecting their cultural integrity should be respected. I also acknowledge my parents who support me psychologically and financially. A short video call gave me the energy to face endless nights and cold weather. I sincerely thank Professor Jonathan Oldfield as my supervisor, mentor, and friend - assisting me with my confusion and difficulties at all times. I would like to thank Dr Steven Emery for his critical comments on my thesis. I appreciate Amy Hu for supporting my writing as well as Shane Down for the final proofread. Their supports make my thesis more readable. Without them, I could not have finished it.

This essay was funded by a Taiwan 3-years scholarship of government sponsorship for overseas study. I acknowledge the Institute of Ethnology, Academia Sinica who provided a 4-month opportunity as a visiting student to learn with Chen, Wen-Te, Associate Researchers. Finally, I wish to acknowledge the 'Chian Chig-kuo Foundation for International Scholarly Exchange' for their funding to assist me with my work.

Acronyms:

Interpretative phenomenological analysis (IPA)

Institutional Ethnography (IE)

Council of Indigenous Peoples (CIP)

Taiwan Aboriginal Rights Promotion Association (TARPA)

Indigenous People Basic Law (IPBL)

Environmental impact assessment (EIA)

Environmental Protection Administration (EPA)

Council of Indigenous Peoples (CIP)

The Indigenous People Basic Law (TIPBL)

Kuomintang / Kuomintang Chinese Nationalist Party (KMT)

Democratic Progressive Party (DPP)

Spatial Planning Act (SPA)

free, prior and informed consent (FPIC)

The Regulation of Aboriginal Land or Tribal Scope Land Designation (RALTSLD)

Associated bureaucracy such as the Aboriginal and Torres Strait Islander Commission (ATSIC)

Content

CHAPTER ONE: INTRODUCTION 1

1-1 MOTIVATION 1

1-2 STATEMENT OF THE RESEARCH QUESTION 3

1-3 RESEARCH AIM AND OBJECTIVES: 5

1-4 OUTLINE OF THESIS 10

CHAPTER TWO: LITERATURE REVIEW 14

2-1 Colonial power and oppression 15

2-1-1 Fourth world theory 16

2-1-2 Frontier and boundary and edge 18

Frontier 19

Boundary work 21

Edges 25

2-1-3 Planning theory 27

Assessing the relationship with the government 30

Examining the insurgent campaigns 31

Reflections on planning practice 32

Unsettling planning theory 34

2-2 PLANNING CHALLENGE FOR COEXISTENCE 36

2-2-1 Recognition of difference 38

2-2-2 Indigenous comprehensive plan 40

2-2-3 Rebuilding relationships 45

2-4 CONCLUSION 49

CHAPTER THREE: METHODOLOGY 51

3-1 INTRODUCTION OF CASE STUDY AREAS 52

3-2 POSITIONALITY AND RESEARCH ETHICS 59

3-1-1 Positionality 59

3-1-2 Ethical relationality 62

3-3 RESEARCH PROCESS 65

3-4 MAIN METHODS 68

3-4-1 Secondary data *69*

3-4-2 Before entering the field - case study *71*

a. Social media 71

b. News 72

c. Official document 73

3-4-3 Entering the field *74*

a. Observation and field note 75

b. In-depth interview 76

3-5 DATA ANALYSIS 77

3-6 CHALLENGES 78

CHAPTER FOUR: HISTORICAL PROCESS OF DISPOSSESSION AND MARGINALISATION, 17TH -21ST CENTURY 81

4-1 PRE-COLONIAL REGIME (BEFORE 17TH CENTURY) 85

4-1-1 Tribal society *87*

4-1-2 Relationship to the land *88*

4-1-3 Land stewardship *89*

4-2 HISTORICAL DISPOSSESSION (17TH CENTURY TO 1980S) 91

4-2-1 Boundary of treaties *93*

4-2-2 Enclosure work *96*

4-2-3 The boundary of 'civilisation' *98*

4-2-4 No-human in the mountain *103*

4-2-5 Chinese nationalism hegemony *109*

4-2-6 Conclusion *118*

4-3 RESISTANCE (1988 TO 2005) 119

4-3-1 Basic right *121*

4-3-2 Top-down cultural development *123*

4-3-3 Land without social connection *125*

4-3-4 Urbanisation-led development and management *128*

4-3-5 Conclusion *133*

4-4 RESURGENCE (2005- PRESENT) 134

4-4-1 Diverse culture or plural society 137

4-4-2 Limits in legislation 139

4-4-3 Expanded interpretation of Human Right 143

4-4-4 Spatial planning.....*145*
4-5 CONCLUDING POINTS 150

CHAPTER FIVE: LAND USE STRUGGLE IN THAO TERRITORY 152

5-1 THAO'S HISTORICAL TERRITORY.....152
5-1-1 Self-governance.....*153*
5-1-2 Chinese people's reclamation (Qing Colonial Period).....*157*
5-1-3 Urban infrastructure (Japanese Colonisation).....*160*
5-1-4 Systematic exclusion (KMT Period).....*163*
5-1-5 Cultural subordination.....*167*
5-1-6 Conclusion *170*
5-2 CLAIMED RIGHT PROCESS 172
5-2-1 Cultural revival *173*
5-2-2 Appeal against local government.....*176*
5-2-3 Conflicts in developments.....*179*
Defence of Jiufenzi (Sun Moon Lake Hotel BOT) 181
Defence of Makaw (Shun Shang 向山) 184
Defence of Filhaw (Peacock Garden BOT) 194
Discussion 200
5-2-4 Conclusion *207*
5-3 PLANNING AS KNOWLEDGE TRANSLATION AND VOICE.....208
5-3-1 Cultural restoration area 208
5-3-2 An argument in cultural restoration plan.....212
5-3-3 Mapping traditional territory 215
5-3-4 Discussion.....218
5-4 CONCLUSION 219

CHAPTER SIX: LAND USE STRUGGLE IN KATRATRIPULR..... 222

6-1CHANGES AND RENAISSANCE 222
6-1-1 Tribal society *222*
6-1-2 Stories and relations.....*230*
6-1-3 Cultural renaissance *240*
6-1-4 Discussion.....*244*
6-2 RECLAIMING HUNTING RIGHTS.....253

6-2-1 Conflicts *253*
6-2-2 Discussion *257*
6-3 CONFLICTS IN BURIAL CULTURE 266
6-3-1 Ancestor's home *270*
6-3-2 Different value in burial customs *271*
6-3-3 An insurgent process *275*
6-3-4 Discussion *282*
6-4 CONCLUSION 285

CHAPTER SEVEN: CONCLUSION 286

DISCUSSION 289
REFLECTION 299
CONCLUSION 303

APPENDIX 305

BIBLIOGRAPHY 325

Table

Table 1 Indigenous planning(Matunga, 2013, p. 29)....42
Table 2 Taiwan Newspaper Knowledge database....73
Table 3 Taiwanese indigenous land policy in different periods....82
Table 4 Land tenure....90
Table 5 A land survey in 1928 (Kuan, 2014, p13-14)....107
Table 6 The process of reconstruction....175
Table 7 Shang Shuan BOT process....189
Table 8 Peacock BOT process....197
Table 9 Land use....230
Table 10 Tribal migration....233
Table 11 Festival time table....241
Table 12 Land use of the Sixth cemetery....269

Figure

Figure 1 Location of Barawbaw 52
Figure 2 Sun Moon Lake area with the traditional name 53
Figure 3 Street picture 55
Figure 4 Location of Katratripulr 56
Figure 5 Katratripulr 57
Figure 6 Traditional territory (Peoples, 2009) 59
Figure 7 Participating in the protest 67
Figure 8 Distribution of Taiwanese aborigines (before the 17th century) 86
Figure 9 Land stewardship area 90
Figure 10 Figure: Dutch period 17th century (Andrade, 2007, p. 297) 94
Figure 11 Till area in Zheng conquest (Wang) 98
Figure 12 The Uncivilised aborigine boundary of 1722 (Shepherd, 1993, p. 188) 100
Figure 13 Plains indigenous migration (Liu, Chen and Li, 2001, p. 58) 102
Figure 14 General district and mountain district in 1909 (Ye, 2010) 104
Figure 15 The changes of indigenous territory 112
Figure 16 Distribution of only 12 language groups (survey 2001-2005) 127
Figure 17 Thao people’ s rough outline of their traditional territory (Chen, 2017, p. 16) 154
Figure 18 Sun Moon Lake now with the traditional name 156
Figure 19 Sun Moon Lake after level increased 162
Figure 21 Sharing food in the community 172
Figure 20 Lalu mountain 175
Figure 22 Sun Moon Lake Hotel BOT 181
Figure 23 Land Use 182
Figure 24 Shang Shuang BOT case （50 years contract） 185
Figure 25 Land Use (Shang Shuang) 185
Figure 26 Peacock Garden BOT 194
Figure 27 Land use (Peacock Garden) 194
Figure 28 Public hearing 12th August 2017 197
Figure 29 Silent protest 200

Figure 30 Thao Cultural Tribe Plan in 2002.....209
Figure 31 Thao Cultural restoration Park (decided by Thao National Assembly in 2006).....210
Figure 32 Thao Cultural restoration Park in 2008.....211
Figure 33 Announced territory.....217
Figure 34 Zhiben town.....225
Figure 35 Overview of zhiben town.....225
Figure 36 Trakuvan and parakwan.....227
Figure 37 Church.....228
Figure 38 Current ‘karumaHan’ (ancestral house).....229
Figure 39 Traditional land use.....231
Figure 40 Worship event.....233
Figure 41 Migrations of the three families.....234
Figure 42 Cultural practices.....247
Figure 43 Group discussion.....265
Figure 44 Tribal meeting.....265
Figure 45 Tarna’ wan (location of Sixth cemetery).....268
Figure 46 View.....268
Figure 47 Land use of the Sixth cemetery.....269

Chapter One: Introduction

1-1 Motivation

> My grandfather was a soldier of the Takasago Volunteers, and he was proud of his Japanese identity. He has passed, but his spirit stays in my mind forever. My father is a member of Kuomintang (KMT), and he is proud of his loyalty to the party. He is ordinarily unwilling to communicate with me about our culture and our future as an indigenous people or as a nation of Seediq; because, he realises that seeking indigenous right in a contemporary world can be problematic. I was born in the liberal stage of Taiwan with a western-style (probably American style) and Chinese-value based education. I acknowledge these discriminatory oppressors during my life because they allow me to be critical of mainstream society. I am proud of my Seediq identity.

My motivation for the research and my original interest in the general area stems from my indigenous identity and associated interests in the functioning of the Taiwanese planning system. This interest has been shaped by my educational experience and training as well as my family's business activities. My master thesis in the Architecture Department, Tamkang University, examined the production and interpretation of space with respect to how the government enhances its governance by utilising 'hero imagery' and memorial space construction.[1] My family business assists the trade and transaction of reserved lands between indigenous owners. This reserved

1 For example, settlers from China built monuments to commemorate heroes and pivotal events involving conflict with the Japanese army and colonising forces. These heroes were created in order to shape and consolidate a contentious ideology that suggested indigenous people were fighting for the state instead of for their own tribes. However, these indigenous people defended themselves against the invading Japanese forces in order to protect their own territories. Furthermore, different tribes and nations have complex relationships with each other and their land. The Chinese settlers simplified these complicated interactions in order to posit two oppositional groups: anti- and pro-Japanese and this simplification influenced the identity of indigenous people.

land system is not indigenous territory as such but more a policy of appeasement – physically allocating scattered and small public lands, normally located in rural or remote areas, to indigenous people.[2] This policy psychologically erases the indigenous context.

After working in the planning authority at the National Taiwan University Building & Planning Foundation, Yilan Branch, where I was dealing with town as well as regional planning and indigenous land use, I discerned that the spatial development process tends to hold a hegemonic value and follow a restricted urban-oriented development without addressing the needs of indigenous people. The government planned water conservation areas, reservoir watersheds, and urban planning areas, on land that was once the indigenous people's territories, and did so without negotiation in order to support the growing needs of cities. Furthermore, during my participation in the planning stage of the "Special District Plan for Indigenous People" (2013 and 2014, the plan was conducted in the tribal area of Cibo 鎮西堡 in 2018), I was able to connect with the indigenous people and, as part of this, I became aware of the deep connections between their traditional values, their flexible spatial arrangements, and basic tenets of environmental sustainability. Linked to this, it was evident that they had a challenging relationship with the current planning system.

2 I will apply the terms 'indigenous people', 'aborigines', 'native people', and 'aboriginal people' throughout this thesis.

1-2 Statement of the research question

Since 1970, the international indigenous people rights movement has campaigned intensively through the available political mechanisms for indigenous people to claim their legal rights. The United Nations in 2007 authorised the Declaration on the Rights of Indigenous Peoples[3], which acknowledged their right to self-determination, their right to access land resources, and the protection of their cultural and intellectual property (Matunga, 2017, p. 643). Indigenous people's land ownership and rights have gained increased scrutiny from a range of disciplines, but planning and urban studies more generally have not figured prominently in this respect in spite of their central importance. The core of the following analysis uses land use planning policy as a means for exploring the way in which successive settler regimes have rendered the indigenous people 'invisible' and ensured that they have limited political recognition, which has substantially undermined their longstanding and nuanced relationship with the land and its resources (Porter, 2017b).

Following the debates of the 1960s, the emergence of postmodern research, including feminism, postcolonialism, and queer studies, made the purpose of planning not just the pursuit of a ‘good life’ but also drew attention to its ability to make a difference in society, helping to challenge a range of injustices and societal imbalances (Friedmann, 2008; Forester, 2009). Allied to this, the ‘politics of difference’ produced a force for social change and justice (Young, 1990). This ‘bottom up’ movement

3 144 nations approved, and Australia, Canada, New Zealand and the USA ratified in 2009, 2010, 2016, and 2010.

challenged the planning led solely by the state. It also provided a platform for indigenous people to challenge the 'state-nation' relationship, and to reassert their heritage and the identity given to themselves in their traditional culture.

Taiwan adopted an aggressive linear economic policy during the 1950s, and eventually emerged as one of the Four Asian Tigers (Rodrik, 1995). This development was modified through the 1960s to 1970s.[4] Associated economic theories stated that traditional ways of life represented 'underdevelopment' and were not incorporated into the broader economic policy.[5] The subsequent rapid urbanisation within the country ignored, or else undermined, the living area of Taiwan's indigenous communities as well as their knowledge systems and cultural heritage. The country's non-urban areas were regulated in line with the demands of the growing urban areas, and this included dams construction and the establishment of water-protection zones. Spatial planning in Taiwan therefore regulated the activities of the indigenous people and was underpinned by economic-led development based. These regulations and legal acts were based on Western models[6] of development that effaced not only indigenous worldviews but also Chinese traditional values (Mona, Huang and Wang, 2017). As a result, these three types of values (various Chinese, Europocentric, various indigenous) provide diverse and innovative angles to review the planning system in Taiwan and unique insights into how these values have been integrated into the planning system over time.

4 The export-led development removed dependence, and lowered wages. Lower domestic consumption levels provide better investment conditions.

5 (1) Traditional society, (2) Preconditions for take-off, (3) Take-off, (4) Drive to maturity, (5) Age of high mass consumption. see ROSTOW, W. W. (1959) 'THE STAGES OF ECONOMIC GROWTH', The Economic History Review, New Series, 12(1), pp. 1-16.

6 Enlightenment, Industrial Revolution, and American dream

This study will examine the historical development of Taiwan's planning system in order to highlight the successive and longstanding undermining of its indigenous peoples. The roots of this process have a long history and encompass successive colonial incursions. This research involves Fourth world theory to demonstrate the impartment of freedom from indigenous perspective while the introduction of frontier and boundary theory are to illustrate a series of social control and process of dispossession. The thesis eventually explores planning theory to challenge the coexistence of different values in land use. These references provide critical and analytical theoretical background for the empirical case study. The empirical analysis is focused on the tribes of the Barawbraw (Thao nation) in the Sun Moon Lake urban planning area, which is situated in the middle of Taiwan, and the Katratripulr (Puyuma nation) in the Taitung city planning area, which is located in the east of Taiwan. These case studies provide insight into the functioning of power relations that have shaped the planning system. The challenge for indigenous people in Taiwan has been, and continues to be, to speak effectively to the prevailing political and planning systems in order to defend their rights and protect their culture.

1-3 Research aim and objectives:

This research aims to examine the consequences of urban development processes on Taiwan's indigenous peoples. The following research questions were developed to achieve this vision.

I. What has been the history of the indigenous people and their land use rights within the Taiwanese context prior to the modern period?

This question explores the consequences of successive colonial actors on the ability of Taiwan's indigenous people to help to practice their traditional land use activities, which they practice for generations prior to the onset of the colonial period in 17th century. More importantly, this question would like to reveal the historic state-indigenous relations by analysing what approaches were advanced to apply social control, what systematic and institutional structures excluded indigenous people from the decision-making process, and what language was applied to undermine indigenous worldview in the name of protecting property right, economic development as well as environmental conservation.

II. In what ways did Taiwan's urban development and planning process following the rise of the KMT in 1945, influence its indigenous people?

III. To what extent have shifts in state policy in the contemporary period had a positive impact on the ability of Taiwan's indigenous people to play an active and meaningful role in the country's planning process?

This thesis thus aims to explore and analyse the role and place of indigenous people within Taiwan's planning system. As part of this, the thesis draws attention to the indigenous people's recognition of their right to land use planning and natural resource management within an historical context. It also highlights the longstanding and persistent marginalised status of indigenous people and their everyday life of exclusion from the state-planning process.

A number of significant works in recent years have explored issues of Taiwan's reserved land (Hung, 1994; MAO, 1998; Yan, 1998; Yan and Yang, 2004a; Kuan, 2014), resource management policies (Lu *et al.*, 2006; Lu *et al.*, 2010), indigenous rights in National Land Planning (Shi, 2016; Kuan, 2017a), and systematic and institutional land taking (Chan, 2016), in order to provide space for the indigenous voice. However, there are only a few English language studies linked to an exploration of the planning system and indigenous rights to access land and natural resources in Taiwan (Chen, 2018; Chen *et al.*, 2018).[7] This thesis aims to provide a much-needed English-language exploration of Taiwan's indigenous people and their relationship to the country's developing planning system.

This thesis also aims to strengthen the way in which indigenous people see conflicts of spatial governance in land planning. This will be looking at: the indigenous ecological perspective (Kuan, 2016), ecological protection of indigenous knowledge (Lin, 2008; Pei, 2010; Tsai and Lo, 2013; Chen, 2009; Lin, 2015), sustainable environmental governance (Dong, Xiao and Cai, 2015), climate change (Mona, 2009), development of traditional territory (Kuan, 2017b), reconciliation (Howmi, 2016a), and ecofeminism (Xie and Wu, 2017). Specifically, this research borrows the critical indigenous conceptualisation of justice (sbalay) (Howmi, 2016b). 'Sbalay', in my own language, means mediation. Another word is 'megadul', which means connection and

7 This Chinese language study works on the participation and consent in the planning process. see Wu, J. (2014) 'A Preliminary Study on the Approaches of Taiwan Aborigines to Practice Autonomy and Development Rights in the National Land and Space Planning System', Taiwan Indigenous Studies Review, (15), pp. 55-73.

communication. We commonly observe ‘Gaya’ (norm) and apply this norm for value judgment. These differences should be central to indigenous geographical knowledge. The prevailing theoretical frameworks and practices with respect to indigenous peoples and planning systems are based on the encounters and cases that are mainly from Australia, New Zealand, the USA, and Canada (Walker, Jojola and Natcher, 2013). In this study, I aim to advance the Taiwanese case study in order to explore the relationship of its indigenous peoples to the planning system, their absence within state-led planning practices, and their contemporary efforts to advance their rights within the planning system.

1.relationship to planning

Indigenous people have typically been situated outside the state-based planning. Their ability for land planning has been historically ignored, obscured and marginalised (Jojola, 2017, p. 665).

2.absence in planning practices

There have been relatively few voices to critique the oppression of the indigenous community within planning systems. For example, planning in Canada, the USA, and Australia privileged the settler over the indigenous people (Patrick, 2017, p. 647). And, the planning system typically understood the indigenous people to be citizens and stakeholders in order to simplify their claims and bring them into planning process (Porter, 2017a). As such, the unequal relationship between the indigenous people and the colonising force has often received limited critical attention.

3.process of claiming their rights

Land rights, environmental justice movements, cultural revival, and the Spatial Land Project in Taiwan have helped to advance the position of Taiwan's indigenous peoples in recent decades. This process has embraced not only decolonisation but also an effort to acknowledge the different world view of the indigenous peoples. The Indigenous people's claim for self-determination concern specific areas of land, and challenge the empty of the contemporary urban region and its historical development. Planning history in Taiwan is rooted in colonial stories of the interaction between specific indigenous groups and the colonising forces and these stories describe how legal traditions, kinship governance systems to nature and economic orders were gradually erased through colonial planning practices.

4. theoretical unsettling

The current situation of Taiwan's indigenous peoples within the planning system testify to planning theory's inability to determine a place for the coexistence of different ontologies and world views. If oppression existed within the western planning theory, it should have been abandoned and an indigenous planning paradigm sought after. Taiwan's planning system should exhibit a much deeper engagement with local history and acknowledge its complicity with colonial projects and the continuous deprivation and marginalisation of indigenous communities. Planning should arguably be decolonised and indigenised in order to engage meaningfully with indigenous world views and planning practice (Matunga, 2017, p. 640).

The formulation of planning knowledge from an indigenous perspective is a philosophical journey. It should internalise the way of knowing, being and doing of

place-based indigenous people, and acknowledge their distinctive relationship with the natural environment. Ultimately, planning should deal with the 'everyday human world' (Low and Sturup, 2017), encompassing a range of world views. Nevertheless, modern development processes have produced many new spatial layouts surrounding the cities encompassing suburbs, rural areas, and more remote regions. The intellectual renaissance of indigenous people's local and cultural particularities may help to solve contemporary problems generated by cities.

1-4 Outline of thesis

This thesis is arranged into seven chapters in order to explore indigenous planning history within the state-based planning system of Taiwan.

Chapter two discusses the marginalisation of indigenous people and the conflict between their worldview, the prevailing development and planning challenge of coexistence. This chapter overviews the critical literature related to Fourth World Theory (Manuel and Posluns, 2019), frontiers (Fenster and Yiftachel, 1997), planning related to indigenous people (Jojola, 1998b; Lane and Hibbard, 2005a; Porter, 2006; Howitt and Lunkapis, 2010; Millette, 2011; Barry and Porter, 2012; Walker, Jojola and Natcher, 2013; Barry and Porter, 2016; Patrick, 2017; Matunga, 2017; Barry *et al.*, 2018; Walker, 2018), recognition of difference (Young, 1990; Tully, 2012[2000]), planning tool (Miraftab, 2009; Rannila and Loivaranta, 2014), decolonial theory in geography (Coombes, Johnson and Howitt, 2011; Coombes, Johnson and Howitt, 2012; Coombes,

Johnson and Howitt, 2014; Radcliffe, 2017b; Radcliffe, 2017c; Radcliffe, 2019; Barker and Pickerill, 2020) and indigenous scholar (Louis, 2007; Smith, 2012[1999]; Todd, 2016; Patrick, 2017; Matunga, 2017). The critical foundation is inspired by the work of Janice Barry and Libby Porter (2012a) 'Indigenous recognition in state-based planning systems: Understanding textual mediation in the contact zone' to create equal space for indigenous planning in the national planning system. This legitimate coexistence allows negotiation between different worldview in planning theory, tools, practices which are formulated by indigenous people.

The third chapter provides an overview of the research methodology and associated ethical challenges. The data collection and analysis are framed by the Institutional Ethnographical Approach (IEA). Complementing this approach, I also include analysis of various texts in order to assist in understanding the state-based planning and institutional discourses at play.

Chapter four provides an analysis of the influence of successive colonial powers on Taiwan's indigenous people, and associated trends linked to land use and natural resource use. Before exploring such trends in detail, the opening section focuses on the pre-colonial planning activities of indigenous people. The following section describes the historical background of dispossession from the 17th century through to the mid-20th century. Section three examines indigenous resistance after the liberalisation of Taiwan in 1988. The fourth section demonstrates how state-based planning influences

indigenous people's rights following the introduction of the Indigenous People Basic Law (IPBL) in 2005.

Chapter five explores the development and planning conflicts faced by the Thaos in the Sun Moon Lake Scenic Zone in Nantou (in the middle of Taiwan). The chapter provides insight into how the Thao were dispossessed from their land and continue to be excluded in the modern planning system. This chapter considers the Thao's role in local and regional planning systems, and explores the current conflicts concerning their cultural practice and memorial spaces. A lack of a comprehensive plan for their cultural development is made clear. The chapter also provides insight into how this group seeks a legislative process to change the government's policy and address its colonial path dependencies.

Chapter six examines a second case study and focuses on the Katratripulr tribe, Puyuma people who are located in an urban setting in eastern Taiwan. This chapter begins with the recent cultural revival that has brought the Katratripulr people together to consider their future development. It reflects upon their different values in land governance linked to activities of hunting as well as burial culture. The findings in this chapter highlight the unequal relationship in the legal system and the Indigenous Basic Law's weakness, which failed to protect indigenous right.

In summary, the colonial history in Taiwan shares a similar pattern to that of other indigenous peoples around the world - from land deprivation to the process of marginalisation. The Spatial Planning Act provides a little room for recognising

indigenous claims through planning system. However, the asymmetry relationship constructed in the colonial period brought indigenous people into this system with ‘only’ including their voice. This thesis finds a void in Taiwan's planning theory in recognising indigenous people's claims. Planning in Taiwan still achieves a 'hegemony consensus.'

Chapter Two: Literature Review

Indigenous research and movements since 1988 in Taiwan have established the recognition of the 'Austronesian identity' (Blundell, 2009). This not only brought forth a space for reflection on a 'real history' from a series of colonial views but also critiqued the nationalism used to erase indigenous ideology. Taiwan's native worlds[8] seems to follow a similar development process to that of the American New World, through the examination of the relationship between traders and colonial settlers including Dutch, Chinese and Japanese with their local systems of revenue, military, and assimilation education (Muyard, 2015). By viewing this (post)colonial planning, it can be seen that the Taiwan government tends to advance an American 'modernity' based on market expansion. This process of oppression compelled indigenous people to live under a new capitalist order without any real consideration for their cultural differences.

The first section of this chapter introduces the indigenous colonisation process that began with racialism and continues to oppress indigenous people through Fourth world theory, frontier/boundary/edges studies, and planning theory. The second section examines planning challenge for coexistence by recognition of difference, indigenous comprehensive plan, and rebuilding relationships.

[8] The city area is the first space while rural areas are inferior spaces based on the current national development in Taiwan. Indigenous people are in the third space, which implies and shares a similar oppression to that in the Fourth World.

2-1 Colonial power and oppression

The broad conceptual approach of this thesis was shaped in part by Barry and Porter's work 'Indigenous recognition in state-based planning systems: Understanding textual mediation in the contact zone' (2012a). Their work advanced key questions, such as:

> 'How are we to understand the historical experience of indigenous peoples linked to the planning process? How were these peoples disposed of their land and made to live? Furthermore, how can one understand the continuing influence and legacies of colonial complicity?'

Indigenous histories are inseparable from the history of colonialism. Colonialism represented a country on the territory of another country in order to gain economic and political advantages. Therefore, indigenous people and their rights became invisible in this process of oppression. Postcolonialist theory examines the social and political powers that shaped and maintained colonialism and neo-colonialism. Edward W. Said explained the 'dominant position' of western knowledge in his Orientalism (Said, 2014). The oppression of slaves in Fanon's Black Skin, White Mask demonstrated racialised subjectivity. Both formulated an adversarial relationship. The former created the Oriental, and the latter shaped the oppressive relationship between black and white. Gayatri Chakravorty Spivak and Renee Pualani Louis engage the voices of the subaltern and marginalised (Spivak, 1985; Louis, 2007). They focus on the differences in gender and the unique knowledge systems of indigenous people. Linda Tuhiwai Smith

critiques the embedded nature of imperialism into knowledge production in the book 'Decolonising Methodologies' (Smith, 2012[1999]).

This section begins with the Fourth world theory which identifies how the 'hidden nation' became the modern state's minority through a racial discourse. In the second part, this unequal condition helped to justify the development of frontier and boundary work in spatial, political, economic, and cognitive (environmental) aspects. The third part, planning as a social control tool assisted the colonisers to advance their economic model for the benefit of the state and consequently systematically and institutionally marginalised the indigenous people. However, planning also has the possibility to seek justice and allowed indigenous people to 'plan' by themselves back to the centre of society.

2-1-1 Fourth world theory

> 'Fourth world is the right to travel freely, not only on our road but in our own vehicles' (Manuel, 2019, p. p217)

Fourth World theory provides an analytical lens to critically examine how racial and structural exclusion contribute to indigenous poor conditions when colonial states applied historic segregation, racial assimilation (discrimination patterns), and economic development in the process of urbanisation. This theory reflects the historical racialisation of continuation and pays attention to critical geography which reveals the sustainability of the place with understanding inequality and injustice (Dotson, 2014, p. 156).

The leader of the Shuswap, Chief George Manuel, produced the Fourth World Theory (1970s-1980s) in 1974 (Manuel, 2019).[9] Fourth world as a term means decolonisation and calls for the dissolving of colonial relations with modern states through indigenous nationalism and the revitalisation of their relationships to nature (Manuel, 2019, p. xi). Nietschmann (Nietschmann, 1994, p. 225) concluded this colonial process with the 'persistent global patterns of ethnocide and ecocide' on more than 5,000 ancient groups who were 'internationally unrecognised nations (Griggs, 1992).' Each nation had common lineage[10], language, and territory, which usually were occupied by the modern state with its totalitarianism. These people now had a universal term - 'indigenous people', which came with its own self-identifying trait.

International legal frameworks such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169) downgraded these indigenous nations to minorities rather than recognising them as states. Pure economic theory ignored indigenous claims for cultural autonomy (Seton, 1999). It cannot be denied that the growth and influence of colonialism, capitalism, bureaucracy, and division of labour play important roles on ideologically and economically devaluing indigenous people into geopolitical status. The 'primitive' cultures became stereotypes of indigenous people and rational truths in globalisation economy and colonialism. The colonial powers had justified this racial marginalisation through systematic discourse of 'progress, development, and

[9] At the United Nations Stockholm Environmental Conference in 1972, indigenous representatives of North American First Nations, Saami of Finland and Sweden, the Bretons of France, and the Basques of France and Spain discussed their fights for self-determination and realised that they had common situations see Hipwell, W. T. L. (1997) 'INDUSTRIA, THE FOURTH WORLD, AND THE QUESTION OF TERRITORY', *Middle States Geographer,,* (30), pp. 1-10.

[10] This element is contemporaneously problematic. Indigenous people would be willing to say that they hold culture.

modernity' (Wilmer, 1993). However, the Fourth World theory directly discussed how the states of the First and Third world oppressors stole from indigenous people and, more importantly, produced a 'ground-up' (Nietschmann, 1994, p. 225) and alternative understanding of their problems and ways of doing things. States were created by specific laws in occupied territories at a certain time and 'gave' indigenous people international identity. This so-called civilisation process erased indigenous histories and geographies (Shaw, Herman and Dobbs, 2006; Radcliffe, 2017b) and replaced them with the values of their colonisers. In the next part, the frontier concept of discovery doctrine and boundary work demonstrate how this process was strengthened and consolidated.

2-1-2 Frontier and boundary and edge

The examination of frontier (Yiftachel *et al.*, 1997), boundary work (Walker, Jojola and Natcher, 2013), and edges (Howitt, 2001) provides a metaphor of coexistence that unsettled the colonial setting. Howitt's work constructs the possibility of 'inclusion, coexistence and reconciliation' in Australia context through the discussion of 'edge politics' (Howitt, 2001).

The Discovery principle of terra nullius was a geographical imagination of racism and imposed new boundaries on indigenous people. This discovery process took advantage of the wildness by seeing indigenous territories as frontier spaces without human connections. Frontier as an economic term meant a natural resource to be exploited. The colonisers formulated a linear concept bunded with time and space to conceptualise undeveloped and traditional aborigines and marginalise their world view

in the (post)colonial society. This unequal relationship reinforced the concept of frontier and justified the deprivation of native land and history. Indigenous people's histories were, then, described as 'peripheral', 'backwards', and 'doomed to extinction' by colonialists (Tauli-Corpuz, 1993, p. 10). They established new political, economic, and environmental boundaries to regulate, oppress and erase indigenous ones (Sletto, 2009). While the indigenous concept of edges challenged this colonisation process and the possibility of coexistence.

Frontier

Colonialism is a process in which modern states build boundaries and develop on other nations' territories. The colonisers discovered so-called 'frontiers' and developed them by emptying the space, extracting the natural resources, and securing the interest of settlers. The book Progress in Planning V.47 (Yiftachel *et al.*, 1997) provided five cases studies in South Africa, Australia, Israel, Russian North, Iraqi and Turkish Kurdistan in the internal frontier that were constructed by states. The frontier work, including reserves, urban frontiers, frontier planning, freeze frontiers for nature, and resource extraction, was based on social control. Modern states applied 'territorial constraint, social and economic dispossession, procedural exclusion' in indigenous living areas (Yiftachel, 1998), which brought Indigenous people into the postcolonial era within different political contexts.

Geographical emptiness

The discovery of indigenous geography had a structurally exclusive process. This development process had a racial discourse of evolutionary thought. For example, in early modern British Columbia, the Europeans thought that 'civilised people know how to use the land correctly, but barbarians do not (Harris, 2004).' This process of elimination created a new order to serve the colonists. Cartography was applied as a method to show the 'emptiness' (Shaw, Herman and Dobbs, 2006). The mapping process with the exploitation value framed the order and hierarchy of spaces, such as Global North and South, as Santos described: an 'abyssal line' that divided the world into 'being and not-being' (Santos, 2016(2014)). This division implied two asymmetrical positions – 'superiority and inferiority' (Radcliffe, 2017b, p. 224). The new spaces were arranged into reports, surveys, travel notes, theses, maps and photos to reveal the 'discovered' areas for the purpose of control. In British Columbia, for example, 'the survey lines, the property boundaries, the roads and railways, the farms, the industrial camps, the towns' replaced the indigenous land, and defined where they could or could not go (Harris, 2004, p. 178). Mapping created territory and property, which were linked to the legislative body. Mapping law turned the focus to property-led multiculturalism (Wainwright and Bryan, 2009). This tool and the results became evidence of emptiness of territory (Brealey, 1995) and replaced local orders with the settlers' values of individual ownership and exclusivity (Fox, 2003).

Social control

Internal frontiers were constructed by the state on indigenous territory in a specific location with a certain degree(none) of self-governance through 'given' lands for

indigenous people (Yiftachel and Fenster, 1997). The conflicts in rural area were the control of resource and land (Yiftachel, 1996) while general methods were control, segregation, and assimilation policy through 'top-down' urban and regional planning (Fenster, 1996, p. 410; Yiftachel *et al.*, 1997, p. 216). The policy to influence the frontier work included population relocation, promotion of nationalism, taming wildness, and modern construction in 'undeveloped' area which all benefit the colonists (Yiftachel *et al.*, 1997, p. 254). It is important to examine how the state build and maintain frontiers.

Boundary work

Boundaries were established from the perspective of colonial management. In Australia, the colonial government divided 'places, people and resources into manageable units' (Howitt, 2001, p. 233). It was a de-territorialisation process in which people were relocated to 'well-managed' places for the purpose of settler's economic development. Moreover, natural resources were classified and zoned for extraction.

Political limitation

Identity boundaries usually match territorial borders, but these are traditionally unstable and changeable for indigenous people. These imaginary boundaries were solidified during colonisation and became blurred through economic intervention, immigration, and intermarriage. In this context, the identity of indigenous people was usually defined by the state. Due to the state's self-centeredness and its nationalism, this recognition denied the value of diversity. The state tried to establish national culture

for so-called ethnic minorities within its jurisdiction (Yiftachel and Fenster, 1997, p. 256). The exclusion of self-identification denied indigenous people as a sovereign nation (Nietschmann, 1994, p. 226). The promotion of national culture built a cognitive boundary that mitigated resistances to utilising indigenous labour and resources. Moreover, the state could construct mechanisms to accommodate indigenous rights through securing land right and constructing the bureaucracy of government which involved the establishment of boundaries of private property, maps, and associated administration. Indigenous people in Canada, for example, participated in land ownership negotiations and joint management. They were forced to adopt the European Canadian view of land and animals. They were also forced to develop bureaucratic infrastructure with which to interact with the state. They had to become bureaucrats themselves, learning to speak and act in unusual ways (Nadasdy, 2003). In Australia, the government passed the Aboriginal Land Rights Act (1967) and Native Title Act 1993. Associated bureaucracy such as the Aboriginal and Torres Strait Islander Commission (ATSIC) then started to deal with indigenous affairs under the state's institutional framework and its ideological regulation. These bureaucratic boundaries complemented the state's ideology (Gibson, 1999) in order to practice self-determination for indigenous people. This state driven self-determination addressed conflicts and deprivation between indigenous people within the governmental legal structure rather than challenging the longstanding injustices linked to the arrival of colonial powers.

Economic marginalisation

The integration of global political and economic system opened the door for further investment and development. This trend and logic continued to develop indigenous territory, extract resource and accumulate profit (Taylor and Gutmann, 1994). The establishment of geographical and political boundaries recognised a certain degree of indigenous right. However, this recognition did not provide any channels to the indigenous economy. Settlers encroached upon indigenous land and applied the surplus value from trade to industrial economies, such as mining, forestry and fisheries. For example, Australian settlers displaced and indigenous people to generate economic benefit for themselves (Gibson, 1999). The state developed infrastructure to serve the colonisers rather than create a comprehensive development for the colonised. For example, in 1943, most territory in Kuane, Canada was included within the game sanctuary (Nadasdy, 2003) meaning that the First Nation of Kuane could not hunt and had to rely on the distribution of goods.

Socio-economic politics usually portray indigenous people as ‘backward’. This logic informs universal values and discourse that economic autonomy is based on personal efforts to accumulate capital rather than indigenous ontological perceptions. Working on the land creates legal property rights, while simultaneously ignoring traditional practice on the land of indigenous people. Therefore, the motivation for planting land or utilising resources became get profit and improve quality of life. The commercialisation of land and resources caused indigenous people to become landless. Competition and profit also brought gentrification, which forced land to be sold and marginalised indigenous people, forcing them into ‘lower price’ areas. Attendant processes of globalisation and international patent laws disrupted local production,

market practices, and local cultural identity. A case in the Philippines showed how neoliberal policy allowed mining corporations to extract resources in the indigenous people's territories with intervention from the World Bank and Asian Development Bank (Holden, Nadeau and Jacobson, 2011). The 'accumulation by dispossession' has given rise to a resistance movement [11] against global capitalism that seeks an 'alternative' (Harvey, 2005b; Harvey, 2005a; Harvey, 2013). These movements are seeking social and environmental justice and dismiss global institutions, such as the International Money Fund (IMF) (Harvey, 2016, p. 156).

Ecological barrier

Descartes says that humanity are 'masters and possessors of nature' (Rifkin, 1991). Humans are producers and consumers who can dominate and manipulate nature. Resources in nature, therefore, requires management. The words '"resource" and "management" imply a human superiority incompatible with the holistic values expressed by many Native people (Shapcott, 1989, p. 72).'

Nature here is seen as passive, and its relationship with humans is antagonistic. Modern bureaucracy established complex institutions with which to 'manage' nature. Therefore, humans 'improved' and despoiled natural places (pristine wilderness) in this context (Coombes, Johnson and Howitt, 2011). However, indigenous people see the fauna and flora in nature as active social members linking the human, non-human(spirit)

[11] Anti-WTO declaration by the Indian group Peoples Global Action
Peoples' Global Action 1999 Draft Declaration of Indian People Against the WTO', now included in the PGA manifesto available at http://www.nadir.org/nadir/initiativ/agp/en/pgainfos/manifest.htm (accessed 20 May. 2018)

and more-than-human. The science-based approaches did not perceive the link between nature, society, and spirit (Suchet, 2002; Ross *et al.*, 2011, p. 121). Indigenous spiritual beliefs were difficult to understand within a Western ontology (Hipwell, 1997, p. 4). This external system simplified indigenous relationships to people and nature.

Edges

The problem that aborigines have to face may not just be the free practice of their culture on their own land. A further question is how to coexist with settlers in a more respectful process in this deprived history and with the status of cohabitation. The examination of the two above phenomena demonstrates this indigenous dilemma. The control logic was one of separation and exclusion. The multicultural development in this condition were narrowed to selected cognitive, political, economic and spatial boundaries and became paternalistic. In this field, indigenous titles would be easily addressed with land claims and legislation to reach a reconciliation without considering the unequal relationship and pre-colonial sovereignty.

Howitt provides an alternative angle to seek coexistence through the examination of liminal space (2001). He shows that:

> ‘ The edges of ecosystems are often characterised by enormous diversity and complexity. These are liminal spaces, in which ‘edges’ are not lines of separation but zones of interaction. There are zones of transformation, transgression and possibility. Many things range across the edges, many develop specific ways of dealing with niches within the edges. And the edges themselves change. Mangroves colonise/nurture mudflats; mud entices/colonises the mangroves; the land expands and new species move in and establish changes (Howitt, 2001) p240.

This examinational logic is similar to how indigenous people see their relationships with human, nature and spirit. Indigenous people did not conceptualise boundaries (Sletto, 2009). Indigenous people see geographical edges as dynamic and complex ecologies that embrace people's active land relationship. Indigenous territory is not an exclusive space but a dynamic one. For example, Pemon of Gran Sabana, in southern Venezuela do not have boundaries, they perceive edges (Sletto, 2009, p. 268).

> ‘Among traditional Pemon, boundaries are not seen as rigid and unchanging demarcation lines in the western sense, but rather as fluctuating, porous, and often relative wide zones that are Commonly agreed-upon, semi-permanent, and contingent on changing social relations and geographies: entire villages move to new lands, forest patches are depleted and new gardens are established, remote patches of savanna are burned and the fire scar represents a bounded space temporarily reserved for hunting and gathering. New marriages lead to new alliances between families, leading to an informal redrawing of land-use zones and the inclusion into new bounded spaces for some Pemon, but not for others.’ (Sletto, 2009, p. 268)

Indigenous people therefore tend to perceive dynamic edges rather than boundaries (Fox, 2003). The ‘edgework’ or relational define who they are and who their alliances are with and link their collective economic activities. These dynamic edges challenged the legal boundary of one nation and individual land right without changing and overlapping. This work further challenges the colonial conception of geographical empty and frontier oppression.

The existence/development of frontier and boundary work ignored indigenous sovereignty by providing equal citizenship discourse and producing a metaphor of the frontier concept for economic development. These two elements were vital to develop

settlers' politics, economy and nationalism. The frontier in indigenous territory involved Land-use planning and spatial planning policies that play essential roles in social control. The tension between indigenous self-determination and neo-liberal development on indigenous territory emphasises how urban and regional planning relates to race and criticises this top-down control system (Thomas, 1995).

2-1-3 Planning theory

The political differences gradually influenced social fragmentation (Young, 1990) and challenged the top-down decision-making system. A number of scholars demonstrate that (urban and regional) planning has the possibility to reform unequal structures (Friedmann, 1987a; Harvey, 1992; Healey, 1997; Sandercock, 1998b). In planning history, it remained a challenge. Planning is, in part at least, the process of proposing a common vision and the associated setting of goals in order to achieve that vision. Importantly, the emphasis on a singular vision does not necessarily capture the common future of all of the different groups. Planning with its comprehensive plan served the colonial state, and continued to assist those with power who embraced neoliberal economics (Sandercock, 1998b). Planning theories have, over time, replaced comprehensive planning with a more bottom-up approach, including collaborative and radical methods (Friedmann, 1987b). However, the complicity of capital development and planning professions continued to marginalise indigenous people (Sandercock, 2004). This planning system made indigenous people invisible, denied them their ability to 'manage' the land, and marginalised them geographically and economically with cultural programmes and services not suitable for them (Sandercock, 2004; Jojola,

2008a). Radical planning, insurgent planning (Miraftab, 2009) and empowerment planning, however, allowed states to mandate domestic planning laws that engaged the participation of marginalised groups in decision making in order to address differences and conflicts between space and culture (Sandercock, 1998b). These practice orientated approaches accessed other ways of knowing which differed from traditional approaches, focused on citizens but documents, and saw planners as facilitators rather than leaders. However, they did not lead to a transformative change because authority was generated by the planners with their racial (also gendered) discourse. These planners became the regulators of space who defined what knowledge was sufficient, and made decisions from their value systems rather than those of the participating community (Sandercock, 1998b, p. 16). The planning theory and practices became the universal principles of the broader 'Enlightenment model' (Sandercock, 1998b, p. 62; Porter, 2010, p. 53).

In recognition of indigenous claims in a coexistence setting, Fenster and Ylftachel (1997, p. 335) provide three key elements: human right, capital logic and real democratisation. The following examines the references from the cases of democratic countries to reflect on how planning as a theory, tool, and practice, can recognise indigenous claims and consider the mechanism of coexistence between settlers and aborigines.

The planning system in Australia and Canada started to recognise indigenous rights and titles through the planning system in the past 20 years. Firstly, it revealed and acknowledged the indigenous connection between culture and place (Porter, 2012, p. 172). Secondly, it recognised the political structure of indigenous people and their sovereignty (Morrison, Lane and Hibbard, 2015). Lane and Hibbard (2005, p. 172)

highlighted both the equality and sustainability of planning in developing indigenous autonomy and addressing resource conflicts between them and non-aborigines. They considered that the state's authority was 'violent subjugation', whereas indigenous people's jurisdiction was a 'social contract or consensus.' The recognition of indigenous people revealed the limitation of conventional planning and unequally spatial ordering.

Planning in the postcolonial era was complicit with research, development, economics, and power relationships (Porter, 2006, p. 383). Porter challenged the racial course with the assumption of 'empty land' that British colonial occupied Australia. Porter's work involved discussions with respect to inclusive, participatory, and deliberative practices and the critique of 'stakeholders', which simplified indigenous claims as civil rights. This inclusive approach implied the 'other' culture but did not recognise its place-based production of knowledge. She challenged the modernist roots. Therefore recognising that 'other' knowledge and practices in the planning process remained invisible and superficial (Watson, 2003, p. 396). She turned the examination of 'colonial relationship and power' from the 'fourth world' to the daily experience of state-based planning. The planning theory and practices had colonial stands to 'include' indigenous people rather than recognise their ontological and epistemological difference (Porter, 2010, p. 146). Hibbard et al (2008, p. 147) further supported the lack consideration of this deep difference caused by the historical oppression although planning theory and practice involved community-based empowerment, participation, and collaboration. The colonialism and paternalism still obstructed the recognition of indigenous right in land use planning and management.

The modern state applied rational planning to regulate cities, allocate lands and resources which provided economic supports to the state. While this conventional land use planning and resource management maintained indigenous marginal status (Lane and Hibbard, 2005a). International indigenous rights movements allowed these oppressions questionable and indigenous people to (re)gain or maintain their land, resource, and pervious social structure (Alfred and Corntassel, 2005). The claims regarding self-determination and recognition of land title and political structure posed important challenges to the planning system and decision-making structure (Porter, 2006; Porter, 2013).

Assessing the relationship with the government

Some experts addressed development of governance structures including joint and co-management between indigenous people and the colonial state (Hill, 1985; Hibbard, Lane and Rasmussen, 2008a). Hibbard and Lane (2004) argued that indigenous people applied planning narratives in order to resist oppression and reshape state-indigenous relations by constructed new form of sovereignty. Their later work with Rasmussen (2008a, p. 146) pointed out that 'decentralised, community-based or collaborative environmental planning' did not erase the marginal position of indigenous people in environmental governance in Australia, New Zealand, Canada and the US.

Porter' works illustrated a partnership between indigenous people and state-based planning in participatory and collaborative process through case study in Australia. In western Victoria, Wimmera Indigenous Resource Management Partnership reshaped the relationship between non-indigenous planner and aborigines (Porter, 2004; Barry

and Porter, 2012). However, the state-based planning continued to marginalise indigenous voices (Porter, 2007). Barry (2012b) discussed the possibility of collaborative governance in the Central Coast Land and Resource Management Planning (CCLRMP) process in British Columbia, Canada. Her work formulated a practical discussion on government-to-government relationship in collaborative planning which recognises indigenous authority to land governance and shared responsibilities in land use planning.

Examining the insurgent campaigns

The neoliberal context in the global South provided a radical perspective (Miraftab, 2009) to challenge conventional planning. Miraftab posed the analysis of how political memory justified the oppressive relationship to question the 'inclusive' planning process. This standpoint examined the illegal status of indigenous insurgent actions (Miraftab, 2009, p. 33).' Additional examples could be seen in Russia, for example Sweet and Chakars (2010) illustrated how indigenous people, Buryat shamans, scholars, and students applied planning principles in order to counter hegemony in the Buryat region through 'spiritual activities, language promotion, demonstrations, petitions, revival of previously taboo historical figures and topics and conferences.' Insurgent planners applied 'identity, language, land, and traditional culture' to resist state policy of promoting 'European Russian/Soviet nationalism (Sweet and Chakars, 2010, p. 198).' Therefore, insurgent planning could become a tool to reveal injustice process.

Reflections on planning practice

Planning theory and planners did not recognise how deep the differences could be between different worldview (Watson, 2003; Hibbard, Lane and Rasmussen, 2008b; Porter, 2010). Generally speaking, planners have always overseen indigenous rights (Sandercock, 2004; Hibbard and Lane, 2004; Lane and Hibbard, 2005b; Jojola, 2008a; Porter, 2010). At the same time, they had limited understanding of the local complexities and generated 'comprehensive and strategic' plans for the region that were examined by a two-dimensional map. These maps were simplified and abstracted from reality (Friedmann, 2008, p. 251). The general approach of state planners implied that indigenous people could not handle planning by themselves and needed assistance and knowledge from non-indigenous planners (Lane and Hibbard, 2005b). It was, and remains, not enough to simply change the attitudes and values of a planner (Porter, 2010).

The settler states turned to produce a multicultural discourse with a more inclusive process and just development model that allowed the real participation of indigenous people. Planners adopted conditional participation framed by European-centric values. For example, in Saskatoon, Canada, the city government applied an inclusion strategy in so-called Saskatoon Speaks and Culture Plan processes (Fawcett, Walker and Greene, 2015). However, these initiatives were still integrated into the mainstream planning body. The aim of embedding more participatory and collaborative planning practices was to treat the indigenous people as another voice on the negotiating table (Walker, 2017). Indigenous people in this context were 'stakeholder[s] or recipient[s] of social

welfare (Porter, 2013).' This planning language was always applied by city planners to determine the position of indigenous people in the city. This was how mainstream state-based or urban planning practice conceptulaised indigenous communities. The result was pure symbolism.

The planning tool was transferred from comprehensive to community-based planning with its potential to address local issues (Michael Hibbard, 2008). Jojola (1998a; 2008b) and Matunga (2013) introduced an indigenous planning as 'a place-based and community-based approach and an ideological campaign (Jojola, 2008b, p. 42) ', to directly critique mainstream planning theory and practice that undermined indigenous communities. They indicated the importance of a 'value-based approach to comprehensive planning' that acknowledged the indigenous worldview and traditional knowledge. Jojola critiqued that Western planning practices' emphasis on securing private property rights and 'raising capital value (2008b, p. 43).' These authors called for traditional decision-making to 'adopt mainstream practices (Jojola, 2008b, p. 45).' Booth and Muir (2011, p. 424) noted that there were few practices of indigenous planning and stated the importance of a legal framework of planning in the Canadian context. More importantly, indigenous planning was presented as a philosophical challenge compared with technical issues.

The trained personnel from Planning Institute of Australia (PIA) in Australia, for example, had difficulty to deal with complex issues concerning the justice of the indigenous people's land because their education of land use planning was based on the 'empty land' concept which failed to integrate indigenous dispossession history (Wensing and Porter, 2015). Almost all professional planning agents had no connection

with indigenous planning matters. Most planning reports were symbolic pages showing that the indigenous people were using land on their own way. Although Walker's call (Walker, 2017) for indigenous planning strive planning space in urbanism. These professions were not willing to make fundamental changes. However, they just follow the law. The scholars turned the point from planning practice to education to enhence a comprehensive content.

Unsettling planning theory

In general, planning as a process developed a rational tool package. However, its epistemology (largely drawn from the western experience and context) had difficulty to accommodate indigenous claims and approaches. Ugarte (2014) stated that decolonising planning required 'ethical, discursive, and institutional transformations.' He applied an ethical based approach and unsettled planning theory, assumptions, epistemology through critical reflexivity and from an individual perspective. A rights-based approach was applied through the 'language of indigenous rights, self-determination, and sovereignty (Ugarte, 2014)' to challenge the institutional framework.

The book Unlearning the Colonial Cultures of Planning edited by Libby Porter traced planning culture and revealed its regulatory purposes (2010, p. 78) by introducing Lefebvre's work in the production of space. It did this through an examination of the cases of Nyah and Gariwerd in western Australia (Porter, 2010, p. 82 and 96). She implied the colonial relationship was incorporated into ruling culture based on modern political and economic practices. These formulations became the foundation of modern planning including urban, state-based, regional and land use

planning, and became universal. For example, Loke's theory of property as a universal principle became the dominant way of land use and control (Porter, 2010, p. 53). At the same time, indigenous spirit claims to the land unsettled the science-led co-management.

Barry and Porter (2012) borrowed a contested word, contact zone, in order to enhance the theoretical and methodological frameworks in examining the planning texts where indigenous people and state were in contact. They showed that all planning texts are presented in a specific historical relationship and produced a methodical framework to read texts. These texts framed boundaries which came from different forms and resources and also framed discursive structures and planning systems in order to regulate contact zones. Their later work (Barry and Porter, 2015) applied 'critical discourse analysis to reveal how this contact zone was formulated in who as planning as a regulatory function to serve. Planning texts had implicit or explicit 'standard, certain, and order' to guide and bound the everyday planning practice. They consider frontier studies and boundary work (see 2-1-2 Frontier and boundary and edge) to be constructed and maintained through a social power relationship.

The critical approaches outlined above provided an angle and useful tool for indigenous people to challenge mainstream planning system. The word planning had its philosophy rooted in the place-based world view. Therefore, the process of how indigenous people explained planning is the beginning of the transformation of planning. This process allowed indigenous people to write their planning history (Sandercock, 1998a; Sandercock, 2003; Smith, 2012[1999]) and challenge the

institutional structure and legal system (Porter, 2004; Stanger-Ross, 2008; Barry and Porter, 2012).

The legacy of colonisation requires an examination of the planning theory itself, but, more importantly, an analysis of the histories of the region and the dynamic oppression of indigenous peoples. The marginal voice and its ontological differences unsettle 'privileged' knowledge.

2-2 Planning challenge for coexistence

The post-colonial period is built on the colonial legacy of institution, law and decision-making system (Ashcroft, Griffiths and Tiffin, 1998; Sandercock, 2004; Stanger-Ross, 2008; Dorries, 2012). How different worldviews and cultural structures coexist remains crucial. Howitt and Lunkapis (2010) generated a coexistence discourse which encompasses the difference in understanding of place. This 'just, equitable and sustainable' decision-making system revealed the paradox of democracies and the recognition that indigenous custom and legal tradition in urban and rural environment had been 'erased, restricted and transformed' by the state-based planning or land use planning. Howitt and Lunkapis critiqued the minimal coexistence of pluralism including conditional Native title in Australia, treaties in Canada and divided sovereignty in United State and proved that state-based planning continued to devalue indigenous practice. Howitt and Lunkapis gave attention on the context through community mapping and emphasised these maps as 'persistent footprint' (2010, p. 110) to be discussed equally in the planning system through a wide range of tools including 'communicative action, transformational planning, and insurgent planning.'

A sustainable society is a fair society that enables indigenous people to describe justice and equality in their language. In my language, the closest equivalent of justice is ‘sbalay’, which is a process to look for truth through negotiation, coordination, and mediation. However, it always involves nonhuman and environment, which includes our ancestors’ spirits and how they are a part of all things in the territory. My world view, with its conceptualisation of time and place, provides a similar concept to that of the Iroquois’ ‘seven generation stewardship’. This stewardship (Jojola, 2013) implies that we are within a circle in the third generation, and all decision-making should consider both our ancestors and descendants in our worldview. This model does not just discuss equality and justice but relationships, responsibility, and reciprocity to the more-than-human. It focuses on a value-based approach of community-based development. Indigenous explanation of justice is based on a coexistence framework and seeks to maintain good relationships with nature, non-humans (spirit), and humans.

This section provides reference and actionable knowledge for Taiwanese aborigines during a period when the Taiwan government started to address indigenous right through its planning system in 2015. Three elements should be considered: the recognition of difference, comprehensive plan of indigenous people, and rebuilding relationship. The recognition of difference produces the framework of coexistence through communitive, agonistic and rational planning. The comprehensive plan of indigenous people locates the framework based on pragmatism and produces an alternative development angle through indigenous planning to address the reality of a hybrid economy. The last section is a narrative formulation for indigenous people to

determine how to rebuild their planning relationships with nature and to produce a communitive language that could negotiate with the universal planning theory.

2-2-1 Recognition of difference

The Fourth World, with its diverse culture, implies freedom and social justice. This theory includes all knowledge, and covers a wide range of movements whose leaders are seeking globalised ‘alternative’ perspectives. Milando, first secretary of the Tanzanian High Commission, stated that "when Native peoples come into their own, on the basis of their own cultures and traditions, that will be the Fourth World (Hall, 2003)." Indigenous people should explain what justice means to them. This justice seeking needs an agonistic space which encompasses different ontologies and makes coexistence possible. Coexistence is recognition of different worlds and not a universal world and its regulation.

Planning in the 20th Century has been based on the concept of public interest which involves different cultural values and stakeholders. The recognition of difference has become the central struggle of multiculturalism (Young, 1990; Fraser, 2000). Democratic states were forced to produce an inclusive politics by introducing mechanisms that effectively recognise indigenous right and voice (Sandercock and Kliger, 1998). Although it brough indigenous people to an internal colonial paradox as a general citizen with civil right, at least this shift allowed mandatory negotiations for policy such as indigenous land title (Young, 1990, p. 184). The special rights of indigenous people challenge the uniform rights of citizens and more specifically the system of internal colonisation (Lane and Hibbard, 2005b, p. 174). The literature has

accumulated a lot of discussions on the understanding of coexistence from non-urban area to urban area including the critique of wilderness (Rose and Commission, 1996), resource management (Hibbard, Lane and Rasmussen, 2008a; Lane and Williams, 2008) , joint management in National Parks (Hill, 1985) and co-management in protected areas (Hill, 2010; Ross *et al.*, 2012), indigenous right in fishery management, (Richmond, 2013), dispossession of mining (Holden, Nadeau and Jacobson, 2011), water governance with different ontology and kinship system (Wilson and Inkster, 2018), and water planning (Ayre and Mackenzie, 2011). Barry and Porter (2012) conceptualised this coexistence relationship in the state-based planning system. There are different challenges in cities, such as housing and social fairness. However, the recognition of indigenous people cannot be simply divided into urban and non-urban areas. The narratives of urban, rural, forest, and water areas have particular discrimination and purposes that have devalued or ignored indigenous capacity.

Western planning was a cultural practice and embedded in a specific epistemology (Porter, 2010, p. 20). This epistemology developed a universal idea that allowed planning as a systematic plan, a set of linked process, knowledge and practice as well as a profession. This universal idea in the postcolonial context became ideological and oppressive. Expanding mainstream planning's boundary to accommodate indigenous interests would collide with established ways of knowing and doing. The critical example can be seen in the discussion of property right. Moreton-Robinson (2015) demonstrated how Western understanding of property devalued and erased indigenous understanding of the relationship to the land. Our world has diverse worlds. The relationship between human beings and the environment and its stewardship are

characterized by multiple cultural approaches. Therefore, it is necessary to see indigenous planning as another worldview (Porter, 2013, p. 303).

2-2-2 Indigenous comprehensive plan

Indigenous people have their planning systems, mechanisms, institutions and practices. Planning as a modern tool for serving colonisation can also be a counter-hegemony tool for rebuilding the sovereignty of tribes, economics and culture. With an alternative development and seven generation stewardship, indigenous self-determination could help develop a bottom-up comprehensive plan. This indigenous planning system strategically attracts external expertise to rich indigenous knowledge and supports cultural integrity with a solidarity economy and clan-based multilevel governance. Indigenous planning is a tool to assist and generate a comprehensive plan. This tool should necessarily discuss ontological philosophy, historical oppression and values methods in a place-based setting. A comprehensive planning system should be understood correctly through a mixed intellectual framework of indigenous knowledge, social sciences, and science in an inter-dependent relationship (Altman, 2001; Altman, 2014).

Indigenous planning

The aim of comprehensive plan is to advance practices of coexistence planning through the indigenous worldview. A comprehensive plan requires a community-based and collaborative practice to recognise indigenous ontological differences, their daily

conflicts and local knowledge (Lloyd *et al.*, 2012). The recognition framework creates legal structure for 'the challenge of coexistence of Indigenous and Western ontology' and 'the persistence of colonial planning' (Porter, 2013, p. 285). This structure allows dialogue with different ontologies (Bond, 2011). This equal space produces a communitive language between the planner who lacks cultural competence (Barry and Porter, 2016) and indigenous people. This communitive process considers their identities and oppressive history rather than just nimbyists (Hillier, 2003, p. 39).

Indigenous planning has a transformative perspective and de-colonial motivation to reconstruct these challenges and to address cultural differences (Jackson, 1997; Porter, 2007, p. 384). As noted, planning as an activity has been practised by indigenous people for generations. Planning does not create a new order from chaos because indigenous order already exists (Booth and Muir, 2011). In my language background, planning is dynamic, and problem-solving, and repairs relationships. It tends towards what can be called pragmatism. Therefore, planning as recognition of indigenous rights has an opportunity to restore their pre-colonial order. Indigenous planning requires legality. This approach has a relationship of mutual respect and common aim with joint problem-solving. Indigenous planning is a process of adapting and pursuing justice with revolutionary and transformative changes in the local context.

Indigenous planning is a value-based principle suitable not only for indigenous people but also for the local community. This approach focuses on knowledge, goals, objectives and planning frameworks (Matunga, 2013, p. 29). It is a tool, procedure, and practice. It, therefore, is a context-sensitive and valued-rational approach (Flyvbjerg,

2001; Flyvbjerg, Landman and Schram, 2012) to address social issues in particular settings.

Table 1 Indigenous planning(Matunga, 2013, p. 29)

Focus	Indigenous peoples and their environments
Knowledge	Traditional ecological knowledge New indigenous knowledge (indigenous epistemologies – ways of knowing, being and doing) Community-based knowledge Other co-opted / adapted knowledge (science)
Goals	Indigenous people's autonomy over themselves and their environments
Objectives	Improved environmental quality and quantity Political autonomy and advocacy Social cohesion and well-being Economic growth and distribution Cultural protection and enhancement
Planning framework	Indigenous planning tools –tribal management plans, cultural impact assessment Indigenous planning procedures – meetings, gatherings Indigenous planning practice – traditional and adapted approaches to planning, policy analysis and resource management

The indigenous planning principle is to engage a broad cross-section of the community, particularly the younger generations. It values local and traditional knowledge and obtains outside ideas. It links to the past and reflects the present with a connection to physical and social entities. With an indigenous planning approach, a communicative direction for the future is established. It is vital to record tribal history in events, oral stories, and written narratives. More importantly, it has to consider what kind of information must be interpreted and translated – land, people, economy, agreement, or residence and how land uses form the fundamental problems.

Indigenous and state-based planning need to be examined together and neither supersedes the other. The former is a value-approach, the latter is a scientific-approach.[12] Indigenous planning allows the locals to develop their planning knowledge

[12] Including water quality, fish surveys, Ecotox, CPUE(with Catch-Per-Unit-Effort), and etc

and techniques to address the community's demands, and sees this knowledge and practice as spatial arrangement guidelines. Indigenous planning reconsiders knowledge production, the exercise of power and its process, and property right of land (Smith, 1999b; Wilson, 2008). The value-approach in the Maori culture, for example, is based on its traditional values (mātauranga) including: a cultural health index for water quality (CHI), a cultural impact assessment for a fish survey(CIA), community employment advisors (CEA), a cultural flow preference study(CFPS), and surveys (Harmsworth and Robb, 2015).

Indigenous planning approach has a few practical cases. For example, the Wotjobaluk people on the dry plains of Western Victoria claimed Native title, along the Wimmera River, since 2002 and forced the Department of Sustainability and Environment (DSE) to establish a new partnership with Wotjobaluk Traditional Land Council (WTLC) under Native Title Act 1993(Cth). DSE negotiated with Aboriginal Cultural Heritage Officers (ACHO) who worked under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth). However, the ACHO had no authority. The WTLC then arranged an unofficial group, the Wimmera Indigenous Resource Management Partnership (or WIRMP), which eventually involved members of ACHO, in order to enhance information delivery and establish good relationships between indigenous land claimants and governmental staff. The existence of placed-based WIRMP opened and continued conversation. This conversation obtained knowledge and experience from the local context. However, WIRMP did not, in the end, change the structural power relations at play (Porter, 2006, pp. 388-389) .

Another case is in Saskatoon, a city area within Treaty Six and Métis Nation territory. Fawcett, Walker and Greene (2015) examined how the Strategic Plan of Saskatoon City (2013-2023) was established to build real state-indigenous relationships in urban planning system through three elements: 'Indigenisation, co-production, and coexistence.' They contested city planning as a politically and culturally comprehensive programme should be indigenised through a guidance of 'multi-layered, interconnected and context-specific procedures (Fawcett, Walker and Greene, 2015, p. 163).' These procedures were co-maintained by City Hall, legal organisations and indigenous leaders who have rich knowledge of the Western planning system and indigenous cultural practice as well as co-produce indigenous policy. However, this inclusive Plan was characterised by a divided partnership. And, ultimately it failed to recognise indigenous planning as a worldview which requires a parallel framework. As Prusak, Walker and Innes (2015) highlight that indigenous planning in Saskatchewan, Canada context copied the settlers' planning paradigm through a bureaucratic process.

Indigenous development

Another aim of the comprehensive plan is to address the poor status of the indigenous people. Market-led capitalism continues to establish unjust and unequal structures. There is a need to develop an alternative for indigenous tribes through indigenous planning. There is evidence to suggest that a twin focus on economics and cultural /social equality can make life better (Howitt, 2012; Hibbard, 2015). Hibbard considers this development with three elements: 'landscape, self-determination, and

hybrid economics (2015, p. 160).'[13] Communities are allowed to steward their surroundings in order to increase economic, political and social freedom from their cultural perspective. Self-determination could benefit this setting (Howitt, 2012). A mixed economy involves three elements: 'state, customary, market' (Altman, 2014). If the land title is received, the customer will exist and integrate with production, distribution, and consumption. This relationship might combine differently. This hybrid entity includes 'market activities, transfer payments, remittances, customary or subsistence resources.' (Hibbard, 2015, p. 161). This hybrid economy, relying on environmental, social and cultural wealth, is an essential first step in reorienting policy settings (Altman, 2001). Place-based economics for indigenous people could be a 'moral economy' (Vadjunec, Schmink and Greiner, 2011, p. 15) with justice, autonomy and reciprocity or a 'relationship economy'. Recognising a hybrid economy does not imply that indigenous traditions are unsustainable. In fact, the cash society has forced them to choose both tradition (subsistence economy) and modernity. This value-based development increases economic, social and political freedom (Sen, 2000).

2-2-3 Rebuilding relationships

Postcolonial theory encourages a critical examination of the indigenous experience and its change emphasising that the experience is local, complex, and dynamic (Coombes, Johnson and Howitt, 2012; Noxolo, 2017a). This body of work

[13] autonomy and communality; solidarity; self-sufficiency; productive and commercial diversification; and sustainable management of regional resources. Also see Barkin, D. and Lemus, B. (2013) 'Understanding Progress: A Heterodox Approach', *Sustainability,* (5), pp. 417-431.p425 and Howitt, R. (2012) 'Sustainable indigenous futures in remote Indigenous areas: relationships, processes and failed state approaches', *GeoJournal,* (77), pp. 817–828.

examines and identifies the historical and on-going imagination of space and societies that the colonial powers constructed and described (Radcliffe, 2017a). While the colonial period might have ended, its legacies continue to marginalise indigenous knowledge (Mignolo, 2010). The subaltern and postcolonialism studies unsettle the 'privileged position' and decentre western worldviews through the centralisation of indigenous knowledge with an intimate relationship to more than human (Louis, 2007; Jazeel, 2014; Santos, 2016(2014); Radcliffe, 2017a). These approaches require us to challenge the hegemony in the production of the indigenous 'we' within a geographical setting (Shaw, Herman and Dobbs, 2006; Jazeel, 2015).

Relationship reconstruction

Indigenous (Wilson and Inkster, 2018; Barker and Pickerill, 2020) and feminist research (Todd, 2016) provide various angles from which to see hybrid worlds and knowledge. The rebuilding of relationships and knowledge should prioritise indigenous peoples' epistemologies and ontologies and provide the decolonising process with direction and purpose (Louis, 2007; Coombes, Johnson and Howitt, 2011; Hunt, 2013; Sundberg, 2013; Lee, 2016; Radcliffe, 2017a; Noxolo, 2017b; Esson *et al.*, 2017). There is a need to centre indigenous knowledge (Semali and Kincheloe, 1999; Morris *et al.*, 2010). Decolonisation is a process as well as a goal that encourages an examination of the worldview of the colonised to liberalise oppressive conditions and develop cultural restoration from 'our' perspective and purposes (Gegeo and Watson-Gegeo, 2001; Kovach, 2009; Smith, 2012).

Humanity is part of a history (past, current, and future) that weaves together all things in the world and the universe. The 'environment' is around the communities that includes landscape (cultural practice), environment and human (ancestral spirit, living people) (Kawharu, 2010). A phenomenological approach provides a contemporary angle with which to examine how time shapes space for indigenous people and how these things coexist and interact (Country *et al.*, 2016). For example, the double spiral form in Maori cosmology shows 'the interrelationships of past, present and future, of time and space, of spirit and matter (Stewart-Harawira, 2012).'[14]

> Maori oral traditions tell us that in the beginning, the world was 'sung into being' by the gods. From a Maori cosmological perspective, therefore, the double spiral form is at once an expression of the nature of Being and existence, of genealogical connection from the earth to the cosmos and back, and the vehicle by which our world is sung into being(Stewart-Harawira, 2012, p. 79).

A diverse worldview interprets time and space in different ways. Different cultures have unique understandings of time. Time is linear in Judeo-Christian beliefs (Ross *et al.*, 2011, p. 118). In this belief, time can be measured in hours, days, months, and years in a sequence. For indigenous people, time is 'practical time', 'social time', 'religious time', 'dream time', etc. (Janca and Bullen, 2003). These categories exist at the same time. Indigenous people see time not as past-now-future, but cyclical. The event and individual are placed in this circular time based on the importance of an individual or their family or community. Ancestors who once lived on this land are also active

[14] Te Korekore, the world of raw elemental energy, pre-creation; Te Po, the world of potentiality, of seeking, emerging and coming into being; and finally, Te Ao Marama, the emergence into light, into wisdom, into full beingness. See Stewart-Harawira, M. (2005) *The New Imperial Order: Indigenous Responses to Globalization.* Wellington: Huia Publishers.pp.34-35

members (Godwin and Weiner, 2006; Bradley, 2008). However, time has been bounded into capital life with a clock and task orientation (Pickering, 2004) This time control concept denies the existence of dead people in nature and regards those who have the ability to measure time as progress.

Traditional knowledge is more about 'life style'(Nadasdy, 2003). When the economic practice of digging yams is another result of 'human and more-than-human beings' (Country *et al.*, 2016), it is essential to grasp the essence of indigenous understanding of place and time. Place and time are usually inseparable (Gombay, 2012). This inseparable relationship creates a contextual knowledge. This knowledge does not seek to 'relentlessly focus on the future' (Collard, Dempsey and Sundberg, 2015, p. 327) rather it actively considers the past. This place-based knowledge is connected with the land; therefore the land cannot be transferred as private property, and requires continuous cooperation between humans and non-humans (Raffles, 2002). This relationship creates a 'shared existence and interdependent future' (Watene and Yap, 2015, p. 52) and 'different kinds of reciprocal obligations' (Mika, 2015, pp. 61-62). I (the self) is emphasised in order to link the world of matter and spirit (Mika, 2015, p. 37) , and more importantly, our(self) is I (Māori communities) and the ancestral spirit (Smith, 2004). The ancestral spirit lives in objects, the environment, and the non-human (Country *et al.*, 2016).

Knowledge production

In 2017, the Annual International Conference of the Royal Geographical Society produced a theme 'Decolonising geographical knowledge: opening geography to the

world'. This decolonising movement examined how universal geographical knowledge was constructed by the West and continues to marginalise others across the world. The universalism within Eurocentrism has influenced geography for a long period. The marginal voice could help to examine the dominant consciousness (Louis, 2007; Hunt, 2013) and reflect 'colonial memories' (Harris, 2004; Radcliffe, 2017a) where the privileged are represented in maps and have reshaped locations with a different culture. Location is the starting point and the beginning of thinking for indigenous 'geographical self' (Murton, 2012). The phenomenology of how indigenous people's 'family connection to natural resources in a particular location in what historical and social setting' is important to unsettle the prevailing hegemony (Smith, 2004). The genealogy of the 'way of knowing things, understandings of time, and the importance of spoken world' links location and knowledge as well as human and the nonhuman (Murton, 2012). However, epistemological frameworks vary from place to place. More importantly, it shows how indigenous philosophies work with European philosophy and find transformative changes. The philosophy of The Kaupapa Maori, for example, is framed from 'Maori and European epistemology' to emancipate critical theory through the way in which indigenous people recognise themselves, interact with environment and understand the landscape (Murton, 2012, p. 100). There, the voice from the nature should be heard.

2-4 Conclusion

The literature review examines the indigenous-state relationship in how the indigenous people continue to be colonised from autonomy to contemporary planning

and raises the challenge of coexistence. The Fourth World theory expresses the sovereignty of these 'hidden nations'. Indigenous people provide an alternative narrative, not one based just on economic development but also their struggle for autonomy (Griggs, 1992). These ‘hidden nations’ (Spicer, 1992) pre-date the modern state and continue to maintain their culture (Ryser, 1996).

The concept of frontier and boundary and edge propose how colonial states continue to ignore indigenous geography and to set up boundaries after being deprived of their sovereignty in the process of discovering 'wildness.' These development processes are carried with both Eurocentric value and Chinese value, using planning as a modern tool as a means of control. The definition of boundary and frontier can typically be traced back to the process of colonisation. It requires us to pay attention to the means of maintaining or creating these borders. Such sensitivity can benefit the planning process and provide an alternative dimension to the potential coexistence from indigenous edges.

The reconciliation of indigenous people has little literature to discuss in Chinese planning background. This paper collects planning theory and practice to reflect on the relationship between the aborigines and the government and borrow the concept of coexistence to address this reconciliation challenge. Coexistence needs to break the 'frontier relationship' that was established by a succession of colonial powers. It is not just about inclusion. It should consider the impact of interconnection and interdependence of settlers and indigenous groups. It is not easy to reach a reconciliation. Ideally, such a reconciliation has to understand and respect each party

and identify with the lives of all those involved, creating space for complex, different, and dynamic life activities.

Chapter Three: Methodology

Taiwan started to recognise the land rights of indigenous people through discourse of high court and human right. This process requires a wide recognition of customary title and self-determination in politics and cultures. However, these rights are collective and rooted in the oral legal system of ancestors. These inalienable rights show the philosophical difference in environmental relationship with non-indigenous people. Hibbard et al (2008b) point out that planning system has responsibility to recognise these rights. This recognition shows the tensions that Taiwan government would try to accommodate these rights into current legal arrangement and institutional system while indigenous people claimed basic right to self-determination. Barry and Porter rise Pratt's 'contact zone' to describe these conflicts and the political and democratic analytic framework (2012). The methodology of this thesis is inspired their work. They show how jurisdictions influence the environmental and urban planning to recognise indigenous rights and titles and to coexist with the western system of land governance. They also show methods to examine how planning process and result bounded indigenous claims.

This chapter starts with the introduction of the following case study areas: the Thaos (or Thau)[15] in Barabaw and the Katratripulrs in Katipol[16]. The next section addresses positionality and ethics in order to establish the sovereignty of aborigines through a collaborative process. The third section introduces a massive research process. The fourth section provides an overview of methodology which provides a number of key issues when collecting data. The main methods utilised in the field are then described in the fifth section. The sixth section presents the data analysis which locates indigenous people in a complex institutional system. The final section describes the challenges in the research process.

3-1 Introduction of case study areas

Barawbaw

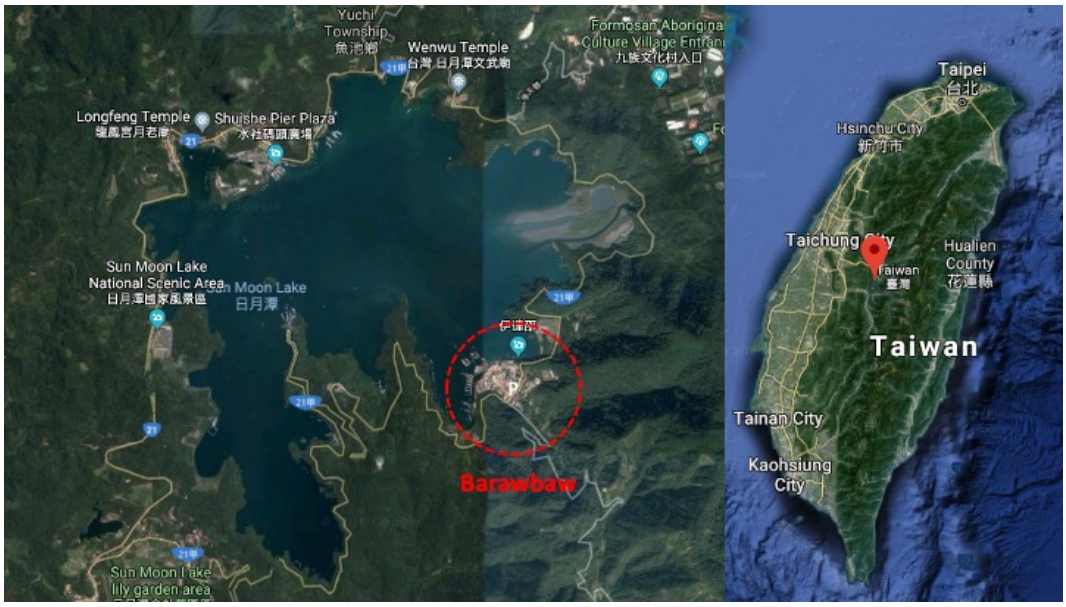


Figure 1 Location of Barawbaw

15 I will use Thao as people throughout this thesis.
16 I will use Katratripulr as people throughout this thesis.

The Thao language group currently lives in Barabaw and Typinain – an administrative district of Riyue Village, Yuchi Township, Nantou County. The Barabaw is located on the southeastern shore of Sun Moon Lake, the largest inland lake in Taiwan. The main connecting road is the 21A line, which borders the lake and links the north to Yuchi and Puli town. Opposite Barabaw is the Tabuk Kanwan, which is an important tourism area. The main streets have hotels, restaurants, and local products shops. The governmental authorities such as Sun Moon Lake Administration and Sun Moon Lake National Scenic Area Administration are located in Tabuk Kanwan. The Barabaw has a lot of shops and restaurants that sell products with an element of Thao culture. The street vendors sell various foods. Hotels and B&Bs constitute the main street view. The streetscape was 'improved' by the Thao cultural colour style in 2000, according to the 'Sun Moon Lake National Scenic Area Tourism Development Master Plan'.[17]



Figure 2 Sun Moon Lake area with the traditional name

17 The improvement constructions included as pedestrian are: roads, pavements, store signs, canopies, street lighting, indicators and car resistance.

The Thao was recognised by the central government as a unique group and independent from the Cou (or Tsou) language group in 2001.[18] Around 750 of the total 817 population registered as Thao mostly live in the Barabaw (52 households), a few live in Typina and a few others around this area.[19] Additional members of the group live in the main cities in Taiwan. [20] They continue to strictly follow traditional ancestral beliefs, even though they were considered by many to be deeply influenced by Chinese culture and having lost the ownership around the lake (Hsie *et al.*, 2008). When in the field, the Ulalauan (ancestral baskets), as the object of worship, specifically symbolise the existence of ancestral spirits and are enshrined in every household. The annual worships in March (sowing), July (hunting) and August (ancestor spirits) not only show the agricultural and hunting (including fishing) lifestyles but more importantly, the conflicts in different values when they practice their culture.[21] The conflicts exist in accessing ancestral places and spatial planning.

18 Japanese scholar categorized Thao people into Cou and this classification is applied until 2001.
19 About 1200 population in the Barabaw, including the Thaos
20 Field note in May 2017
21 Examined from the public website, field observations and interviews with the Thaos



Figure 3 Street picture

Katratripulr



Figure 4 Location of Katratripulr

The Katratripulr tribe[22] are located within what is currently Taitung City in the Taitung County[23] area with around 500 people.[24] In 1974, following the redrawing of administrative areas, several villages and tribes including the Katratripulr, were merged into the Taitung Township. The township was subsequently upgraded to Taitung City in 1976 because of the subsequent expansion in population growth. The tribe is linked to the hot spring tourism area to the north and Taitung city centre to the east within an hour's driving distance.

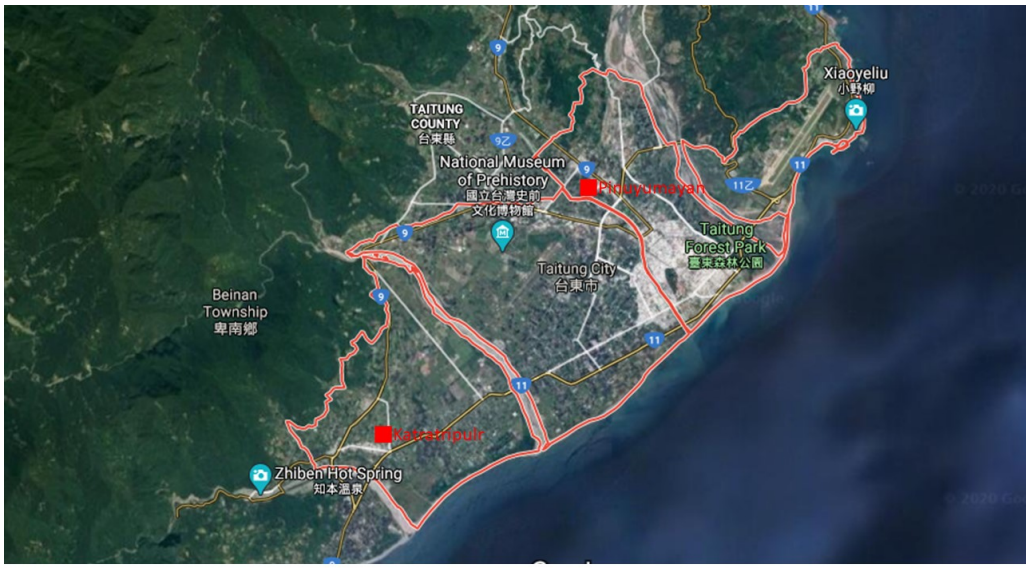


Figure 5 Katratripulr

Tribal people and Chinese have lived in the same area for around 300 years. This tribe is classified as part of the Puyuma language group (Song, 1965, p. 65), which

22 The Japanese named the Katipol based on its native pronunciation. Katratripulr is current name accepted by the tribal people.

23 Taitung County in the southeast of Taiwan includes one city, two urban townships, eight rural townships and five indigenous mountain townships. Seven native groups are residing within the county, and these include Bunu, Paiwan, Rukai, Amis, Puyuma, Tao and Kavalan. The aboriginal people account for 35.5% of Taitung county's total population in this county. According to statistics of the Taitung government in 2016, the total population in Taitung is approximately 330,000. The population of Puyuma population is about 9,000 people. See Taitung County of Indigenous Peoples website

24 The registered household is 1554, including Chinese people at Katratripulr area in 2020. See Taitung Household Registration office Taitung County

includes ten tribes (Utsurikawa, Miyamoto and Tōichi, 2011(1935)).[25] The Puyuma today forms a political and collective name. In a pre-colonial context, the basic social unit was the tribe. There is no general designation that includes these different tribes, even if they hold similar cultural practices.[26] The relationship between them is that of relatives, alliances and is sometimes unfriendly due to disputes over territory.[27] These tribes belong to two different systems: Pinuyumayan[28] and Katratripulr.[29] The tribal people of Katratripulr believe that their ancestors were born from a split boulder located at Ruvuwa'an a thousand years ago.[30]



25 Dandanaw 龍過脈部落（Mingfeng village Beinan Township 卑南鄉明峰村）Ulivelivek 初鹿部落（Chunlu village, Beinan Township 卑南鄉初鹿村）Alripay 上賓朗部落（Binlang village, Beinan Township 阿里擺，卑南鄉賓朗村）Damalagaw 泰安部落（Tainan village, Beinan Township 大巴六九，卑南鄉泰安村）Likavung 利嘉部落（Lijia Village, Beinan Township 呂家，卑南鄉利嘉村）Kasavakan 建和部落（Jianheli Taitung City 射馬干，台東市建和里）Katratripulr 知本部落（卡大地布，Chibenli Taitung City 台東市知本里）Papulu 寶桑部落（Baosangli, Taitung City 台東市寶桑里）Pinuyumayan 南王部落（Nanwangli, Taitung city 普悠瑪，台東市南王里）Pinaski 下賓朗部落（Beinan Village, Beinan Township 檳榔樹格，卑南鄉賓朗村）

26 Field note in August 2017

27 Field note in August 2017

28 The Pinuyumayan tribe is from the branch of bamboo born legend.

29 The other tribes' legend was born from the boulder

30 According to the legend, there were significant earthquakes and volcanic eruptions between heaven and the earth in ancient times. Only five brothers and sisters survived. The brother and sister become sun and moon. The others, one man and two women, took rice pounder and drifted to the hillside. This place locates on the hillside beside Sanhe Road 太麻里鄉三和路. The monument engraved with' 台灣山地人祖先發祥地 The birthplace of Taiwanese aborigines' was built in 1960.

Figure 6 Traditional territory (Peoples, 2009)

The Katratrupulr tribe has a rich history, especially during the first half of the seventeenth century before the Dutch arrived.[31] They lived in the mountain area, which faces the ocean to the east and moved to the plains when the colonial powers came and remain there until today. Katratripulr means 'united' or 'merged together' in the indigenous language, which shows their collective thinking.

3-2 Positionality and research ethics

3-1-1 Positionality

'Our research can help us maintain our sovereignty and preserve our nationhood'
(Crazy Bull, 1997)

I am from Seediq, one of the Taiwanese aborigine language groups, and a trained planner. I was born in a postcolonial era that started to challenge the colonial education system. The indigenous ontology (way of being) and epistemologies (ways of knowing) in my educational experience were 'subordinate to western science' (Louis, 2007, p. 130). A singular value of homogenous hegemony in Taiwan, influenced by Chinese traditional discourse and westernisation practices, largely ignored the indigenous people's worldview. Walker (2004) indicated that the indigenous values in conflict resolution were marginalised by western problem-solving and science-lead models. As

31 Its influence extended from the south of Changchun Peninsula 長春半島 to the south of the East Rift. See Nenozō Utsurikawa, N. M., Mabuchi Tōichi (2011(1935)) The Formosan Native Tribes: A Genealogical and Classificatory Study. Translated by: Yang, N. Taipei: Institute of Ethnology, Taihoku Imperial University. And Zeng, J. (1998) Footsteps of the ancestor - oral historiy of boulder born branch of Puyuma. Taichung: MoringStar.

an indigenous geographer, a core drive behind my research is to engage the indigenous people in order to reconstruct their sovereignty and strengthen their rights to self-determination within, and to, their territories. I have a responsibility to identify the delinked 'inequalities and injustices' in Taiwanese society (Mertens, 2007, p. 212). Therefore, a central characteristic of this research aims to prioritise the rights of indigenous people (Louis, 2007, p. 131).

In the post-colonial context, indigenous people are often labelled as the minority and disadvantaged, with minimal attention given to their characteristics as unique groups with their own sovereignty. Therefore, Louis (2007) points out that as a researcher, one must respect the indigenous people in order to examine what the research involves and how the research can assist their cause. It is easy to lose direction when the oral knowledge bias of indigenous systems has been systematically devalued in comparison with the positivist research shaping western knowledge (Bishop and Glynn, 2003).[32] The indigenous voice is often missing within the research and, therefore, also in the decision-making process. A key role for me as a researcher is not only to ensure this voice is appropriately translated and delivered within the research but more importantly that it offers an ontologically and epistemologically different perspective. This indigenous perspective has the potential to decolonise the previous research and operate a critically analytical angle with which to examine the domination of state power and the maintenance of its dominating role over time (Smith, 1999b).

[32] The oral history based on a one-to-one or one-to-group was seen as less important than written texts. In many types of research and official documents, indigenous history and culture is described from the worldview of others.

The traditional disciplines are typically limited when discussing the indigenous worldview (Widmer, 2010, p. p143), and there is scope to engage meaningfully with cross-culture disciplines. Within the context of the fieldwork, I aimed to act as both a learner and a listener with open-mindedness and cultural sensitivity, and in doing so refine the research question (NAKAMURA, 2010). This insight does not reject western theories but rather in paying attention to the changes of methods and perspectives that involve indigenous voices and perspectives within the western approach and research process (Louis, 2007, p. 132 and 134). The first consideration before conducting 'major' research is to be 'respectful' and 'humble'(Louis, 2007, p. 133). I 'centred my worldview understanding the theory and research from indigenous perspectives and their purpose' (Smith, 1999b, p. 39). I, for example, espoused this concept via prioritizing the 'genealogy' from a root and the basic element of the tribe and the whole language group. Then, paying attention to the aborigines' ideas rather than requiring them to accept mine (Steinhauer, 2002).

I use decolonising geographical knowledge to benefit both the 'marginalised aborigines' and the 'centre' (urban, development, economic). Contemporary geography can provide a subtle macro view in regional and global perspectives as well as the micro view in the location and 'de-essentialised processes' (Shaw, Herman and Dobbs, 2006, p. 274). This work should enhance alternative discussion within 'mainstream' knowledge, especially in geographies that are open spaces for 'silenced' cultural knowledge from the Asia area (Gegeo and Watson-Gegeo, 2001, p. 80). The decolonising should serve those indigenous people, helping them to resist colonial hegemony (Barker and Pickerill, 2020). The colonisation process continuously exists

in the contemporary complex relationship as Rose initiate the term ‘deep colonising’ (Low, 1999, pp. 175-187). This acknowledgement helps us ensure that western knowledge is not prioritised, and instead it allows me to adjust the research process in ‘conceptual, ethical and methodological’ rearrangements as well as enrich the indigenous knowledge (Mignolo, 2010, p. 173).

3-1-2 Ethical relationality

‘Research is the dirtiest word in the world.’ (Smith, 1999b)

‘All research is appropriation’ (Rundstrom and Deur, 1999, 239)

Critical reflection requires one to ask why do this research and with which approach should it be conducted (Kovach, 2009, p. 109). The decolonising process requires respect for the indigenous community, value, knowledge, and customs, which involve the traditional sharing and taboo. It is not only to benefit for citation (Todd, 2016, p. 14) but to understand their relations. For example, the ethical relationality does not deny difference but rather understands how historical and experienced differences established our relations. These relations are not only between humans but into the more than human (Gibson-Graham, 2011, p. 2). These relations are ethical because they prioritise specific people within a specific historical context, cultural background, or social environment to avoid pan-indigenous epistemology.

A first step when working with indigenous people is to take into account ethical considerations, as many aspects of western science and research procedures would challenge their worldview. The report of the Global Forum on Bioethics in Research

Ninth Annual Meeting – Ethics of Research Involving Indigenous Peoples and Vulnerable Populations pointed out the potential benefit of purposeful inclusion of different worldviews and linked knowledge for wider society (Millum et al., 2008). However, the knowledge production produced by western research methodologies need to be decolonised and indigenised (Shaw, Herman and Dobbs, 2006; Lau and Seedat, 2015). Several scholars outline alternative research approaches, which they term Indigenous methodologies (Atleo, 2004; Hodge and Lester, 2006). These approaches have commonalities to ensure associated research is conducted from an Indigenous perspective (Smith, 1999b, p. 39). Much of the western research focused on indigenous communities tends to consider them as a subject rather than a collaborator (de Ishtar, 2005). As such, the Indigenous people's voice has been systematically misinterpreted and misrepresented over a long period. Participation and collaboration would change the research relationship and involvement of the indigenous voice in the research would generate a positive influence on the research as well as the community; the knowledge would be co-generated and co-owned (Howitt and Stevens, 2005). The collaboration between researcher and participants should be built equitably to protect tribal sovereignty. I was influenced by a further four decolonised research methodologies outlined in the Association of American Geographers (2004-6), including (i)Recognising indigenous knowledge systems, (ii)Positioning in a collaborative relationship, (iii)Being in the field for a considerable period of time for collecting practical information, and (iv)Building a shared process that benefits both researcher and indigenous community. It is true that current regulatory knowledge is based on

science instead of the land ethics of aborigines rooted in the allocation of hunting grounds, religious taboos, and collective sharing.

Secondly, I signed an agreement to share my research with the community, and this also outlined the research aim, objectives, and problems I would like to address during the process of data collection. I also distributed consent forms to each active participant within the indigenous community. I then spent much of my 4-month fieldwork in the Katratripulr area and lived there for a couple of months because I had been living with Thao people in Barabaw.[33] This engagement with Thao allowed me to pay more attention to the social media examination approach with their public online Facebook page. Moreover, I applied for a further opportunity working close to the communities via a period (3 months) as a visiting research student at Academia Sinica, the national academy of Taiwan, and arranged to visit the Barabaw during this period.

Finally, I aimed to share and discuss useful material that I collected in order to build a positive partnership. For example, I showed documents to the tribal people of Katratripulr of how the Thao are positioned against the development and I also brought material to the Thaos indicating how the Katratripulrs describe their traditional territory, and provided suggestions from my spatial professional background.

The data collection from my research was restricted to me and my supervisors, and the main findings were anonymized as far as was practicably possible. However, in some cases, respondents were willing for their identity to be highlighted. All electronic data collected were kept confidential and secured with encryption while

33 Participatory architecture construction course for two months in 2005

stored. Regarding official guidelines, I passed the ethical examination from the University of Birmingham. The University of Birmingham provides the ethical review committee for researchers to be well-prepared when dealing with the disadvantaged, minority and ethnic groups in order to protect human subjects before they go to fieldwork (see appendix).

3-3 Research process

Before choosing the main fieldwork sites, three prerequisites were utilised in order to support observation and analysis. Firstly, the site, which is also the indigenous people's traditional territory, should be located in an active urban planning or urbanised area, even if it is a small town or village. This condition provided the governance angle in order to examine the planning process and the extent to which indigenous people are engaged in the process of decision making. In this case, one is able to examine which planning values and decision processes are at play and the extent to which policy and legal acts support or ignore indigenous people's rights. Secondly, the indigenous people need to be in a position of possessing limited (or, no) lands. This condition provides the opportunity to illustrate coexistence. Finally, indigenous people are shaping their collective claims by practising traditional ways of life. However, a tension exists in legal thought - that the traditional decision-making system is not officially recognised as a communicative approach. It challenges the contemporary law of who should be responsible for collective rights and tribal affairs: a traditional priest, a governmental leader or a tribal legal person.

I utilised internet/social media observations where their common or collective opinions had been published on a public online-platform (Facebook). I spent six months looking into the posts and comments to establish how they build the relationships. I negotiated with the tribal people and several key persons from the three tribes. After a lengthy discussion, one of the tribes accepted and agreed for me to work with them. I went to the Thao area and fortunately they suggested and introduced me to Katratripulr. During the field study, I initially went to the Thaos cultural development association as an entry point. I outlined my research interest and showed my ID and credentials in order to illustrate my plan to work with the tribe. I received consent from the association and signed the agreement that I would share my research and documents that I have collected, which will benefit the whole tribe. The association informed me that I should only conduct interviews when the tribal people are free, usually between 3 pm to 5 pm and after 9 pm during the week. After a week, I visited the shop owned by the aborigines and stated my purpose. I purchased BBQ or other products and again outlined my intentions. After several meetings and gatherings in the shop, I started to join their discussions and participated in their protests.



Figure 7 Participating in the protest[34]

For the other case study in the east of Taiwan, I joined the 'root-seeking' activities where they went back to their previous tribal location in order to see their ancestral living space. I participated in their public tribal meeting and was involved in the associated discussion. I provided information concerning how Thao people were positioned against the local government and through what methods. I collected the relevant documentation and delivered it to the host of the tribal meeting. Indigenous people in Taiwan have experienced the notion of being researched for a long time. They welcome researchers as if the research could benefit them. As a researcher with an indigenous background, it is still relatively easy to be seen as an outsider if I inappropriately apply the research. To avoid such a situation, before entering the field and conducting relevant research, I negotiated with several key tribal representatives and sought a respectful way by which to collaborate with them whilst providing support.

34 News of Taiwan Indigenous People TV IPCF-TITV 2019.6.13

3-4 Main methods

In order to review these conflicts and limitations, the main approach includes 'document review, observations and interviews to produce data' (Turner, 2002). Turner's work (2002) reveals a systematic problem with planning from the perspective of a resident within the local community. His work supports my document collection with various agencies (the municipal government, governmental sectors, law agencies) and texts (reports, meeting records, official documents, policies, news) in identifying the exclusion of indigenous people in the planning process. These texts show the characters of local policy and the conflicts in land use planning. I informed them before conducting observations. During observations, I included a listening guide (voice-centred relational method) (Walby, 2013), which helped to listen indigenous experiences in the complex institutional system. This guide allowed me to focus on the organisational process of planning and helped me to explain and reflect upon the research questions and field notes. Interviewing indigenous people was conducted to identify the gaps between their descriptions and the 'ruling relations' in practice (Smith, 1999a) and the 'truth' where 'institutional oppression' continues to marginalise them. (Smith, 2005)

The main methods utilised in the research include: secondary data, case studies, observations with field notes, and in-depth interviews. Secondary data were generated mainly from examining policy orders, planning documents and legislation orders that address the bigger picture of historical context. In the following section, case studies are divided into before and after entering fieldwork, which includes the secondary data

from specific locations and regions. The social media, local news, and local official and governmental documents play essential roles in establishing an overview of the case studies' backgrounds. This is followed by observation, and the fieldnotes that were applied in this process. The in-depth interview is the primary data collected from the field to identify the facts of the current situation. The next section describes the approaches to data analysis. The final section concludes the challenges faced when I applied these methodologies.

3-4-1 Secondary data

The historical context is important for revealing the changes in the relationship to the land of aborigines. The pre-colonial period in oral history and anthropological studies provide insight into the traditional relationship to the land. However, the changes in this traditional relationship during the colonial period are central to the research on dominant power and its assimilation, segregation policy and dispossessed economic policy. The research of indigenous people including land policy, economic development and social changes would then allow me to a construct singular value that is influenced by capitalisation and globalisation, which brought not only privatisation and dispossession but also the capacity for dominant power to shape their value on the others. The post-colonial period should be examined through this legacy of discriminative regulations and institutional processes that systematically excluded aborigines from the decision-making process. The legal research can be found from

theses, journals and other published material.[35] As part of my analysis, I would identify when contemporary regulation and policy conflicted with the worldview of indigenous peoples. The institutional process is another site in which to examine the marginalised positions where indigenous people are located. Globalisation encouraged the development of a homogeneous culture and economic development. Rapid urbanisation brought environmental degradation and raised questions over the influences of 'modern life'. The research around localisation encourages aborigines to justify their unjust encounters and claim their rights. The environmental degradation/protection research relinks sustainable development to the aborigines' traditional lifestyle. However, planning documents serve as a control method and continued to exclude aborigines. It failed to recognise those demands and continued to serve these people with power. The collection of governmental documents could show the discourse and its order in space development where they usually have conflicts with aborigines.

The contemporary anthropological study of Taiwan shows the new relationship between land and aborigines. The indigenous people of Thao and Katratripulr have their language and worldview in governing natural resources. These unwritten texts could be interpreted via the ethnographical research. The interpretation of ethnographical research allows the researcher to understand the sociocultural context of the group's daily life and to formulate reality (Van Maanen, 1988). I applied successfully for a visiting student position at the Institute of Ethnology, Academia Sinica, Taiwan, from 15th May to 15th August 2019. This three-month period allowed me to access the

35 Taiwan Law Bank https://www.lawbank.com.tw/treatise/query.aspx

institute's library and research. The Associate Research Fellow Chen, Wen-Te's research has been based in my case study area since 1989. His experience assisted my understanding of the context in Katatupular by drawing from his published work.

3-4-2 Before entering the field - case study

This section explains the methods employed before entering the field to detail the researched area. The two places, Barabaw and Katratripulr, were examined from social media, news, and official documents.

a. Social media

I conducted social media observation and the review of official documents for about two years. The two researched sites have their online platform, Thao Association and Katratripulr public affairs. The Thao Association Facebook page[36] started to become active in 2010. This platform provides the information not just for the policy support from the government but also their opinions against the development planning shared in tribal meetings. The Katratripulr public affairs Facebook page[37] was established in 2015, where it became the place for announcements of tribal affairs and their collective decisions when facing development in the tribe's area. This observation and reviewing process revealed the different values that are present when the government and indigenous people hold notions that conflict with one another. Additionally, these pages record traditional cultural practices that are related to land

36 https://www.facebook.com/itathao.thethao
37 https://www.facebook.com/groups/520886178053193/

use in a contemporary way. I examined these practices, and it was shown through the research/official documents how indigenous people's practice their culture in the land and its change from traditional to contemporary practice, and how their dispossessed histories resulted from being excluded from the constitutional system as well as being marginalised from these local activities.

b. News

There are a great number of news outlets, including paper and online platforms, some of which cover the state-specific policy angle. It shows the order of which development should be done and from what perspective. It supports the government policy and also describes the unjust development aborigines faced. The news also identifies several key events and people, some of whom I contacted and involved in order to frame my interview materials. A qualitative content analysis of the press was carried out to provide an insight of national or regional spatial plans associated with contemporary indigenous land use right in Taiwan. The data collection was aided by access to an electronic database of Taiwanese Newspaper Knowledge. Eight national and local newspapers including United Daily News, United Daily Local News, Economic Daily News, China Times, Commercial Times, Liberty Times, and Apple Daily are examined after the period of martial law in 1987. United Daily News, China Times, Liberty Times, and Apple Daily are four major newspapers in Taiwan. The political position of United Daily News is a Pan-Blue coalition, which belongs to Chinese Nationalist Party (KMT), whereas the Liberty Times is affiliated to Pan-Green force, groups of Democratic Progress Party (DPP). The other two maintain neutrality.

The key terms used to identify the main themes included: ‘indigenous people and/or land use’, ‘indigenous people and/or dam’, and ‘indigenous people and/or urban planning’. The analysis was divided into two periods. The dividing year was taken as 2005 when the IPBL was introduced. From 1988 to 2005, the data analysis focused on which discourse was applied related to indigenous people. What and how indigenous people engaged in the process of decision making after 2005 formed another key direction. Approximately 60 articles were ultimately included in the analysis. The number of key events, persons and locations was also identified.

Table 2 Taiwan Newspaper Knowledge database

Newspaper	Record in the Period
United Daily News	1951 to 2018
United Daily News (local)	1982 to 2018
United Evening News	1993 to 2018
Economic Daily News	1967 to 2018
China Times	1991 to 2018
Commercial Times	1996 to 2018
Liberty Times	2003 to 2018
Apple Daily	2004 to 2018

These articles were analysed in order to summarise key themes around indigenous land use right in the urban area and in the process of urbanisation.

c. Official document

The official documents include regulation, public meetings, environmental impact assessments, planning reports, judgments and policy. These documents were collected from the main governmental sites. Documents and reports analysed using the aforementioned keywords. These documents demonstrated the lack of recognition of indigenous people’s land right and sovereignty.

3-4-3 Entering the field

When in the field, I conducted observations and interviews. The observational activity mainly occurred through BBQ parties, friends gathering, protests, cultural practice and tribal meetings. The field notes play a vital role in opening up their ideas, logic, and way of being. These field notes allowed me to construct the contemporary relationship between land and the aborigines. These notes also assisted my interviews by supporting the development of my questions.

I initially applied the listening guide approach in the field in the first stage. This feminist approach was utilised in the tribal area because their position in mainstream society is unequal, with less power. Meanwhile, I combined the idea of the Kaupapa Maori research approach in which aborigines could shape their historical, cultural and social space (Smith, 1999a). This is a nonstandard research methodology in which different interviewees construct their own world in their own way. I listened to the indigenous people and other residents in private or at public gatherings and let them speak naturally within a comfortable and free atmosphere. This voice-centred relational method allowed me to understand how their narratives are shaped by ‘society and culture’ and how their experiences construct themselves in place, institutional process and society.

This process was carried out during many BBQ parties and personal invitations in the field. The field notes were written at night or the next morning. After participating in many gatherings, assisting with tribal affairs and purchasing many beers, trust was established, and they were willing to talk more about their encounters when facing the

conflicts in planning. In the second stage, I began to set a specific standpoint and develop deep questions in order to trace the core of the problem. I choose a particular topic to give interviewees to describe. The topic is surrounded with what relationship between indigenous people between planning and what conflicts they encountered when they claim their right. The data were edited after the interview and many reviews.

a. Observation and field note

Observational activity was focused on the local experience and relationships. This process identifies what order and ruling relations are involved in the control technology – planning. Further, it helps to reveal what local people encounter in their everyday lives. Indigenous people failed to be recognized in the institutional framework of contemporary regulation and categorisation, and continued to be marginalized in the decision-making process. The insight into local knowledge and ways of knowing is important in order to reveal the entire social relations (Campbell and Gregor, 2004).

I participated in discussions and public meetings and observed associated processes. The observation focused on indigenous people's points of view and explored how tribal approaches to 'development' differed from that of mainstream society. It was used to garner interpretations of conflict, differences, and contradictions within the developed process and record how indigenous people respond. However, the non-indigenous people were another group to whom I needed to talk. As such, I talked to a range of individuals. For example, I engaged with street vendors in Barabaw about how they see the development at Sun Moon Lake, especially around the place they live. I discussed with the Chinese manager of the hotel and his friends in Katratripulr tribe

about how they see the development around the area. The resulting material and allowed me to reflect on the possibility of coexistence within the regions. The data analysis process relied on the field notes in order to deduce how non-indigenous people see the protestations of indigenous people, and the development to form government (Herzog, 1996).

b. In-depth interview

In the field, public discussion and the protest activities of indigenous people are key sites for data collection - where people who engage in the process are the participants. I tended to bring a set of generic questions, tensions, and problems to help guide indigenous people to focus on potential everyday problems. I wanted to understand how indigenous people see the planning and development of the government through an epistemic discussion and reflection of their position (Ramón, 2007, p. 216). Interestingly, some of them agreed, and some of them disagreed with the governmental planning and development. I was interested in how planning mediated texts and how these texts respond to indigenous claims. Additionally, I was interested in what methods are used by indigenous people to raise consensus and influence policy. This intention avoided the abstraction of a theorical framework and universal institutional process and turned into ontological shift. The interview started not from the standpoint of theory but on indigenous practices and activities.

I conducted 30 semi-structured interviews with indigenous people, NGO activists, and those with expertise in the field of indigenous study in land use and policy. Semi-structured interviews for participants were aimed at addressing the development system

in general, where I have difficulty to understand the current process taking place. For example, in areas such as how government conducts planning and what processes the government have used. For the purpose of confidentiality, the names of indigenous people are anonymised within the thesis.

3-5 Data analysis

Nvivo software was used to review and code textual data. First of all, the article was analysed verbatim line by line, and particular paragraphs were open-coded to the research questions and categorised into theme concepts. The analytical work of texts included transcription and coding. The first step was 'editing' material from my interviews, file notes and secondary data. This process identified what claims were made by which particular group of people and in what order. I used interpretive approaches (Yanow, 2007) to analyse policy and its process, and examine the local setting, historical context, and human subjectivity of the policy framing, which avoided positivist and scientist analytics. I paid more attention to institutional and legal orders that were made by the government and how this order cooperated and practised to build a translocation ruling relationship and exclude or marginalise indigenous people in time and place. The 'orders of discourse' is a practice of power relations that is controlled by the government and scientific knowledge and excludes other possibilities (Norman, 2003). The second step is 'coding', which shapes the 'standardising processes' (Smith, 2005, p. 135). I ran the keywords 'aborigines' (in general and specific with Thao, Katratripulr), 'development' and 'land right' to narrow the topic. This search was

classified into a couple of topics including ‘land title, land movement, resource management (mining and dam), hunting, environmental protection, cultural heritage, and sustainable development.’ I then identified several authorities, NGOs, scholars, indigenous groups, and governmental sectors to reveal what support and conflict indigenous people had brought to the planning. They were absent in the decision-making process; therefore, I started to locate the ‘order’ and ‘discourse’ that had marginalised indigenous people. Following keywords and terms such as ‘conflict in boundary’, ‘traditional territory,’ ‘sovereignty’, and ‘conflict in development’ were thematically coded to identify the actors and events and see where these are recognised. These results showed that indigenous rights had failed to be considered when planning because the current incomplete law limited these recognitions. However, planning at a higher level of achieving a ‘good life with equality’ has to shape expectation.

3-6 Challenges

One of the main challenges with this research was the positioning of myself as the researcher and the relationship between myself and my research subject(s). I am from another group of Taiwanese indigenous people and could naturally be seen as an insider with the same goal – to be against the discriminative policies. According to my experiences of living and studying in Taiwan, our claims to land use could be the same but differ in detail compared to different groups and different periods. Despite the fact that I have a similar background and experience as these researched groups, the scenarios could still vary from place-based experience and practices, for example power relationships. I applied a cultural-sensitive approach that respects different cultures and

views the world in multiple ways instead of a dominant angle that we have been taught since colonisation.

Moreover, it is clear that planning documents and history are normally written by the outsider (non-indigenous people), Eurocentric and Chinese perspective, with some exotic, heroic and primitive narratives. These narratives are usually homogenous and stabilised that freeze indigenous people into those narratives and into the past. However, these indigenous societies have free will and have choice which are based on their adapted oral system and social structure. For example, Seediq is named by Japanese scholars, I am from the group of Truku. We, as indigenous people, have free will to choose our identity when we decide to protect the place-based area where I might immigrate to.

The documents and history are usually written by the 'colonial eyes.' I would like to produce indigenous narratives to demonstrate conflicts between different viewpoints and values rather than a colonial vision that was made in those official documents. As a planner with experiences in land trading of indigenous reserved land and indigenous people, I found that the colonial relationship remained and continued to be reinforced through science-oriented textual mediation. From my perspective, contemporary planning history should be rewritten from an indigenous angle against colonial hegemony that allows indigenous planning to be understood. Indigenous planning including planning approach, theory, and practices requires respect and equal relations. Indigenous practice combines approach and theory and this approach is central to their broader relationship with people, environment, and ancestral spirits. Naming indigenous planning reveals the contested relationship between relation-centric

planning and right-based planning. Naming our planning makes visible our responsibility to the environment and helps us to pass on this knowledge and associated responsibilities to the next generation.

Before entering the field, I examined material related to the case studies[38] since the beginning of 2016. The difficulty of conducting this initial work was linked to interpreting actions and relationships with the land. Indigenous people have a deeper connection with the nature and this relationship was often misunderstood by others outside of this group. Therefore, finding the correct and proper explanation was a challenge. Language was another challenge. The indigenous language should be considered as a representation of the cultural context and needs to be in the research agenda. In this case, I mainly relied on the use of Mandarin because most of the current generation uses this language fluently.

Text analysis is also challenging. The texts from interview, secondary data, legislative body, official document, public meeting and hearing, and discussion in planning committee shapes contemporary planning. However, the oral data made by aborigines usually pays a less important role. This unequal relationship framed the 'ruling relation' (Smith, 1999a). These ruling relations exist in everyday life where the policy, regulation, and planning does not support the interests of the aborigines. It is another challenge to create a space for mutual recognition and recognising difference. How aborigines could generally understand their legal matters is a crucial part

38 Thao cultural development association and Katipular public tribal affairs Facebook pages.

Chapter Four: Historical process of dispossession and marginalisation, 17th -21st century

Planning as an activity has been practised for generations by indigenous people in their homeland as 'active participants' in the precolonial era. However, planning as a 'colonial tool and imperial discipline', generated mainly from the West, dispossessed and devalued indigenous people with its violence and racist discourse from the imperial period to the postcolonial regime (Matunga, 2013, p. 4). These discourses worked across spatial, political, economic and cognitive aspects and helped to undermine the socio-cultural system and way of life of the indigenous peoples (Cornell, 2013, p. 37). Spatially, the indigenous people were corralled into reserved land or relocated to 'poor' areas. Politically, the indigenous people were shaped by discriminatory regulations and assimilative education that helped to reinforce nationalism and reduce resistance. The economic dimension created a system that suited the expansive needs of the colonising forces with a series of boundary works. The colonisers were intent on asserting their master status and the frontiers that made to indigenous people. Indigenous people were, as a result, (re)located onto small pieces of land, and acquired a certain 'fixed identity' within the developing administrative and governance systems (Cornell, 2013, p. 38). Underpinning much of this activity was the assumption that indigenous people were inferior (and even 'non-human'), and this justified the associated processes of dispossession and expropriation. A postcolonial society then makes invisible the

indigenous people through the generalisation of their problems and simplification of their histories.

The land issues related to Taiwanese indigenous people has accumulated a range of research. Historical perspectives (Shepherd, 1993; Shizue, 1999; Lin, 1996) provide an overview of dispossession. The land policy (Lin, 2001; Lin, 2007) and reserved land (Hung, 1994; Yen, 1997; Mao, 1997) show how mainstream society excluded indigenous peoples in terms of both epistemology and ontology. Scholars such as (Chen, 1994a; Lin, 1997a; Wu, 2000; Ka, 2001; YE, 2017) have examined how indigenous people's land rights were lost. Research on economic production (Lin, 1969; Lin, 1971; Liao, 1984b) have highlighted the difficulty for indigenous people to engage with a capitalised society. And, this chapter will critique the inevitable historical development of capitalistic economic development in a Taiwan context. The critical framework is based on the Lin's (2001) work, which examines land policy and its impact on regimes (see Table 3). The imperial and colonial powers focused on addressing farming demand and global economic development, which was based on the dispossession of indigenous people from their land and, more importantly, the systematic and institution devaluation of their worldview in the following legislative process.

Table 3 Taiwanese indigenous land policy in different periods

	Land policy	Land use form	Land right	Range of influence and impact
Pre-Colonial	Mediate decision making	1.Shifting cultivation 2.Hunting 3.ancestral landscape	1.Collective hold 2.Private access 3.Flexible	Tribe area Human, non-human, and more than human coexists with

				environment because they are all active social member.
Dutch	1.Chinese tenant farmer 2.Landdad (public meeting)	1.sedentary subsistence cultivation 2.Hunting for trade (deerskin) 3.wildness (Shifting cultivation)	1.state owned (crown land)	Mainly around Tainan Anping area. Some areas are colonised through mass gathering (Landdag).
Zheng Family[39]	1.Tuntian40 2.Army sweep Farming 3.Education	1.sedentary subsistence cultivation 2.wildness (Shifting cultivation)	1.state-owned (Guantian) 2.private (Wenwu Guantian) 3.army-owned (Yingpan)	1.Taipei, Taoyuan, Hsinchu, Changhua, Tainan 2.Punctate distribution
Qing	1.Separation 2.Establish cooked (civilized) aborigines' zone 3.Raw (uncivilized) aborigines quarantine zone 4.Kaishan Fufan policy 開山撫番政策[41]	1.sedentary subsistence cultivation 2.dry farmland 3.wildness (Shifting cultivation)	1.state-owned（Guantian） 2.private (Mintain) a.one land more than one owner Indigenous people – ownership (collect rent) Chinese people – right to use b.one land one owner	1.Aborigines' boundaries are increasingly moved inward 2.Created three lays geographical distribution, Chinese, cooked aborigines, raw aborigines 3.continued to see those hunting ground and fallow land as barren areas. 4. The Pingpu 42 people converted to settled farming.
Japan	1.Forestry regulation 2.Teach agriculture	21 land use 1.farmland sedentary subsistence	1.stae-owned (Mountain aborigines) 2.private	Whole Taiwan island. Mountain aborigines have

[39] Chinese people neglected the concept of indigenous people on hunting grounds and saw tribal communal hunting grounds and fallow land as barren areas.

[40] Station farm屯田 system is an agricultural occupation operated by a state with an army.

[41] Open to Chinese people

[42] Aborigines living in the plain

	3.Relocation 4.capitalisation	cultivation and for market 2.dry farmland 3.Town areas 4.others (including forest)	(Plain aborigines and Chinese people)	limited access to the forest resources. Plain areas were competely privatised, captialised and urbanised.
KMT	1.For plain aborigines – land reform and Capitalisation 2.for mountain aborigines - a.'The living improvement of mountain aborigines', b.'The regulation of reward for sedentary cultivation in mountain area' c.'The regulation of reward for seed culturing and afforestation in mountain area'	21 land use 1.building land 2.land for direct production 3.land use for traffic and water 4.other land (wildness)	1.stae-owned (Mountain aborigines) 2.private (Plain aborigines and Chinese people)	Whole Taiwan island. Rapid urbanization with a series of land use restriction in mountain area.

This chapter is divided into four sections based on chronology. The first section illustrates how indigenous people governed their territories with recourse to their unique cultural structure and practices. The following section moves on to highlight the process of dispossession during increased Chinese migration into Taiwan following Dutch occupation. The 4-2-4 and 4-2-5 demonstrate how imperial and colonial powers, especially during the Japanese and Kuomintang (KMT) periods, applied marginalising policies in order to narrow or even eradicate indigenous living areas and cultures. The

third section, Resistance, shows how contemporary state-based planning assists governmental policies and continues to bound the indigenous through development/racial discourses and excluded procedures. The fourth section highlights some limitations and challenges in the resurgence of indigenous people under the multicultural development context.

4-1 Pre-colonial regime (before 17th century)

Taiwan was home to Austronesian-speaking people[43] (Jacobs, 2011) who settled on the island of Taiwan more than 6500 years ago (Li, 2010). Moreover, Taiwan is considered as the location of the origin of other Austronesian-speaking peoples (Renfrew, 2009). There are only oral histories and no written historical record (Thompson, 1964, p. 163) until Wang Ta-yan's (王大淵) 'Brief Accounts of the Island Barbarians 島夷誌略' in 1349 (Thompson, 1964, p. 165; Wang, 2009) had presented some narratives; however, this record merely imagined and mentioned the ethnic groups of the non-Chinese people on this island (Thompson, 1964, p. 163 and 165). This section illustrates a general conception of Taiwanese indigenous governance through tribal society, relationship to the land and land stewardship.

[43] I will use the terms of 'indigenous people' or 'aborigines' in the following text.

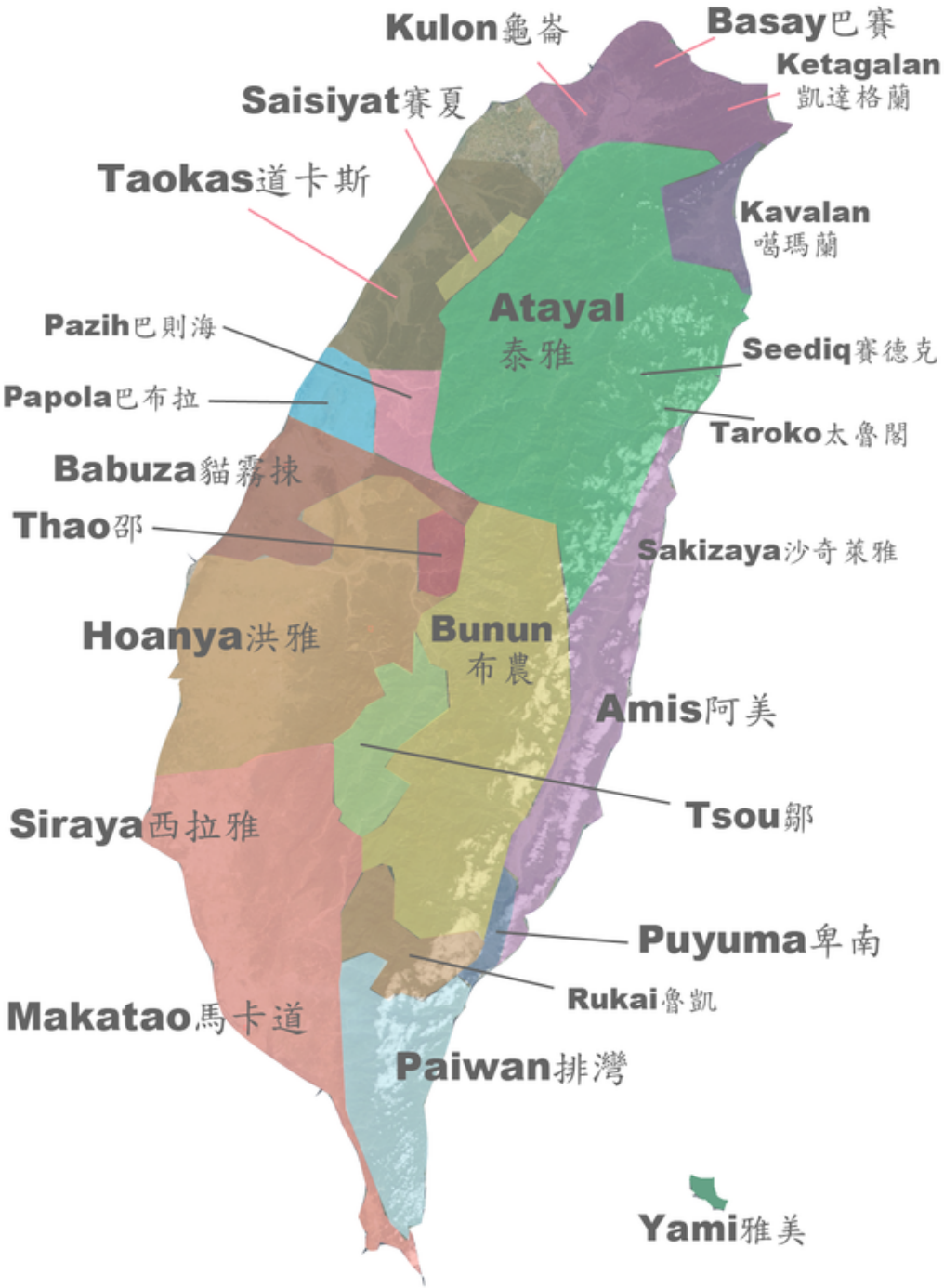


Figure 8 Distribution of Taiwanese aborigines (before the 17th century)[44]

[44] Republic of China Aboriginal Knowledge Economy Development Association https://cakeda.weebly.com/260892639921407203032766526063209982029622294.html

4-1-1 Tribal society

In pre-colonial society, indigenous people were the only ones responsible for their territories (Hong, 1993). Conflicts and negotiations existed between different groups or else between different tribes within these groups (Zhang, 1992, p. 410). The consolidation of the territory developed cultural differences. The smallest social unit to reinforce their territory was the tribe, while the size of each tribe varied from ten to a hundred people. There was no concept of a nation or the same ethnic group, but rather an alliance, or a narrative of "my tribe", "homes", "settlements" and "your" or "their tribes". This network implies the traditional cultures' dynamic balance (Guan, Shi and Chen, 2000, pp. 2-6).

These indigenous groups were classified into two types according to social power attributes. One was 'Big Man'[45] society, and the other was 'Chief' society with layered systems[46] in which individual ability was emphasised (Huang, 1986, p. 4; Pan and Zhan, 1995). In 'Big Man' society, the land is held and owned by different social units (person, family, clan), not merely an individual. There were no obvious restrictions on the qualifications of the member when they were in the same clan or clans. This made it difficult for land to be controlled by certain people. On the other hand, in Chief society, the land is stewarded by a particular social group (Huang, 1986, p. 14) and it was usually hereditary (Liao, 1984b, pp. 46-47).

[45] People has ability to guide the tribe. It is not hereditary.
[46] I do not use 'class' as class has different ideologies to indigenous classified systems that include age and position within the society. There are layered systems such as teenager, adult, and elders or leader, nobility, warrior, and civilian.

These indigenous peoples had a complex social, religious, cultural and legal systems. The individual and tribes had land titles to claim particular areas of land. Clans and tribes developed a system of interlocking stewardship, accountabilities and responsibilities. Each tribe had different social structures with which to manage their territories. The concept of ownership was complex and dynamic because it was distributed by a public negotiating process, which was agreed during tribal gatherings in which younger members gave opinions and elders provided suggestions.

4-1-2 Relationship to the land

The traditional relationship to the land was dominated by gathering, hunting, and farming. The lifestyle of the aborigines in the mountain regions was similar to those situated in the plains. In the past, men specialised in hunting, while women mainly conducted farming, feeding animals and textiles, or were engaged in collection activities (Liu, 1997, p. 80). Their way of farming was to burn the vegetation on a piece of land and rotate the fields for planting.[47] These ashes acted as natural fertilisers and were used along with biological compost (Yuan, 1962, p. 33). Furthermore, manure from wildlife enriched the soil. The aborigines developed methods of diverse shifting farming for local use.[48] The fallow system was still applied by the Bunu groups up to 1966 (Chiu, 1966, p. 136). The slash-and-burn style of farming was a typical type of

[47] The farming methods were choosing a sloped hillside, burning grass and trees. After two or three years, the same process switched to different lands. Trees should be planted in the previous land and a period of 5 to 15 years waited until it was restored then burned again.

[48] Rotation in planting millet, gelatinous rice, green taro, and sweet potato

cultivation in Southeast Asia, the Taiwanese aborigines only planted in small areas, and the fires they built to clear the land were limited in scale (Yang, 2016, pp. 8-9).

Hunting had a similar importance and arguably greater meaning than farming and gathering.[49] Hunting was never for pleasure (Yang, 2016, p. 4) due to hunting taboos. Those engaged in hunting activities were, in contemporary terms, more like managers of nature than hunters focused on killing.[50] Their animism beliefs linked the human, ancestral spirit and nonhuman. Taboos were an indigenous legal tradition used in order to maintain a sustainable environment. This tradition embraced the concept of what might be termed a 'sensitive area' linked to the habitat of an animal, water preservation, or the presence of ancestral spirits. Access, hunting and farming were usually not allowed in these places.

4-1-3 Land stewardship

The relationship to the land was more about stewardship than ownership. The land keeper system (see Table 4 Land tenure and Figure 9 Land stewardship area) was complex and the territory dynamically varied from time to time. From a land-use point, the land was divided into: housing areas, cultivated fields, hunting grounds, and fishing places (Wei, 1986, pp. 125-126). The land tenure was not simply for the individual. The holders could be individuals, families, clans, tribes or social groups, such as those pertaining hunting or fishing. In some tribes, men could only use common land and

[49] field note in Summer 2017
[50] field note in Summer 2017

women had full right to access (Lin, 2001, pp. 23-24). These allocations might modify when tribal people face an unexpected events.[51]

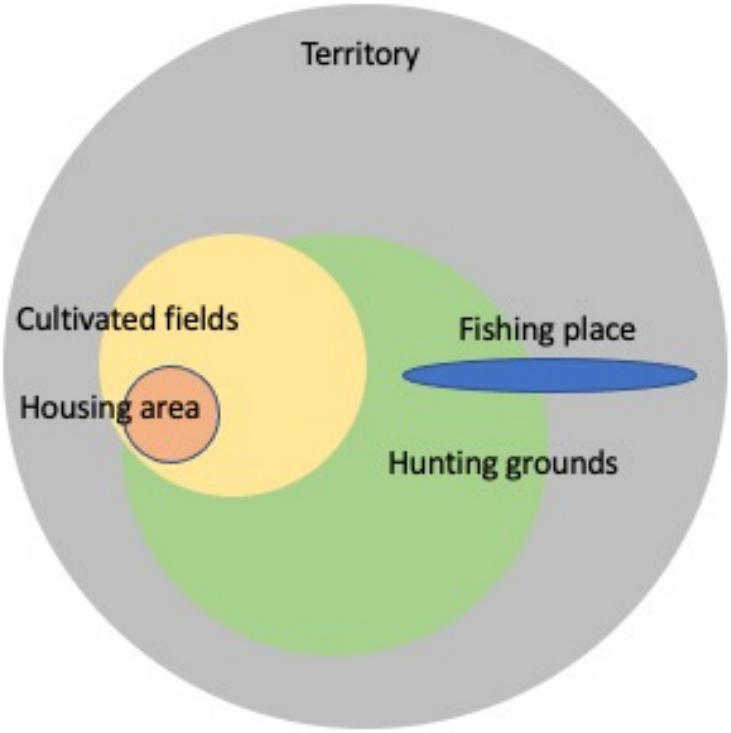


Figure 9 Land stewardship area

Table 4 Land tenure

	Housing area	Cultivated fields	Hunting grounds	Fishing place
1	Paternal family	Family hold	Paternal family	Paternal family
2	Tribal	Clan hold	Clan hold	Clan hold
3	Tribal Man – public Women -private	Clan and family	Clan hold	Clan hold
4	Building - private Village - public	Hereditary family	Hereditary family	Hereditary family

From a geographical perspective (Huang, 1986, p. 13; Wei, 1986, pp. 125-126), the tribe in the plains area settled in a circular manner. The core part consisted of enclosed houses which were surrounded by cultivated fields, hunting ground, and fishing places. The central part had a semi-permanent clan house, shrines and common

[51] field note in Summer 2017

property. The kin groups had land use right to the farmland, while these lands were returned to clans or tribes when they were fallow. Hunting grounds and fishing places were usually the common property of a clan or tribe. The land tenure was practiced by the plains aborigines and varied from tribe and season (Shepherd, 1993, pp. 240-242). In the mountain areas, most aborigines held collective ownership and differed in detail for different groups. The public space in the tribe belonged to all members. The hunting grounds and fishing places belonged to the entire tribe, clan, or else a social group.[52]

4-2 Historical dispossession (17th century to 1980s)

The indigenous colonial past continues to influence the contemporary period (Smith, 2012, p.8).

This section introduces the period of colonial rule. The associated activities include frontier expansion, the exploitation of the indigenous peoples and the securing of private property of Chinese, capitalisation of labour and natural resource, and the involvement of global economy with the introduction of colonial methods such as surveying, as well as urban and regional planning. This colonial process generated benefits to the colonial economy by displacing the indigenous people from their environment and land. Additionally, the colonisers justified their oppression through discourses of characterising the indigenous people as having 'low productivity' and being inferior in nature.

[52] Paiwan and Ruki groups held a hereditary chief system. The common property were public areas and facilities for the tribe. Others were private.

Indigenous people in Taiwan experienced six colonial regimes including: (1) the Dutch[53] (1624–1662); (2) the Spanish[54] (1626–1642); (3) the Cheng family (1662–1683); (4) the Manchu Qing empire[55] (1683–1895); (5) the Japanese (1895–1945); and (6) the authoritarian Chinese Nationalist regime[56] (1945–1988)(Jacobs, 2013). The first four colonial periods were for trade cooperation and territorial expansion for an increasing number of Chinese immigrations, and the development of a capitalist system tied into national and global networks. The increasing Chinese population, for example, placed pressures of demand for farming land. These interventional processes gradually sinicised the indigenous people in the plains area and created a 'civilised'[57] boundary along the hillside. Land in the plain region became private while other land without 'paper proof' was nationalised. Natural resources were understood as important to the market system and, therefore, the colonising force established a number of regulations limiting indigenous practice in the mountain regions.

When the Kuomintang Chinese Nationalist Party (KMT) took over Taiwan there was a period of confrontation between the two dominant economic systems of the period. The U.S. Aid since the Korea War (1951) helped to shape 'capitalist alliances'[58] against communism and stimulated the deeper dependence of Taiwan on the global economy. This Aid provided the necessary conditions for Taiwan's industrialisation and post-war boom. Not only were the military purposes of the infrastructures rapidly

[53] The policy was controlled by the Dutch East India Company
[54] Occupied a short time in north Taiwan
[55] Qing Dynasty, Qing or Manchu Dynasty
[56] Kuomintang Chinese Nationalist Party
[57] This boundary divided the un-sinicised aborigines on the mountain and the Chinese people in the plains area
[58] Seen through The Marshall Plan (European Recovery Program)

developed[59] but also, more importantly, the political purpose of higher education dominated Taiwan (Huang, 2017, p. 138).[60] These global frameworks resulted in the copying of the US capitalist system, and colonial cities started to rapidly develop. In other words, the U.S. invested in Taiwan and brought the Taiwanese into a dependent relationship. This trend along with returning international students strengthened the western worldview and the accompanying urbanisation process.[61] The associated planning policy systematically and institutionally marginalised and devalued the indigenous people and undermined their own systems of environmental governance and land planning. The following sections emphasise the conflicts between indigenous people and the colonisers in different periods.

4-2-1 Boundary of treaties

When the Dutch arrived in Taoyuan (Dayuan 大員, present-day Anping, near Tainan), southwest Taiwan (Campbell, 1903), there were around 1,500 Chinese characterised by non-large-scale permanent communities (Blussé, 1983, p. 177; Shepherd, 1993, p. 85; Andrade, 2007, p. 296; Chiu, 2008). The Hollanders built Fort Zeelandia nearby Taoyuan in 1632. The aborigines in that area (Siraya) trained warriors

[59] Mutual Security Acts. The aid included not only general wealth and military materials but also the construction of infrastructure including roads, bridges, dams, power plants and natural resource extraction. See Fu Tsu Construction Co., L. (2012) *A century of Taiwan's construciton industry.* Taipei: Yuan-Liou Publishing Company. p136

[60] Through US Aid, Washington invested a lot of resources, supporting the development of the National Taiwan University, National Cheng Kung University and Normal University. The 'science', 'medical education', 'engineering science' and 'agricultural science' is for the National Taiwan University. The 'industrial education' is for the Normal University. Also see Wong, T.-h. (2017) 'Review of 'War and Higher Education in Taiwan 1945-1990'', *Taiwan Sociological Association,* 34, pp. 169-175. p171.

[61] According to my architecture education background.

to protect the territories by head-hunting (Andrade, 2007, p. 296). There were eight villages including Sinkan, Mattau, Soulang, Bakloan, Taffakan, Tifulukan, Teopan and Tefurang near Zeelandia (Campbell, 1903, p. 8). They spoke the same language and shared customs but lived independently (Campbell, 1903, p. 15).



Figure 10 Figure: Dutch period 17th century (Andrade, 2007, p. 297)

The Dutch East India Company first settled on trade when based in Zeelandia and began strategically isolating aboriginal villages outside the boundaries they occupied (Hauptman and Knapp, 1997, p. 176). In order to expand their trade business, the

company signed treaties[62] with indigenous peoples to ensure the safety of the Chinese people around Zeelandia (Andrade, 2007, p. 300) and built some schools as well as held an annual meeting with the village leader (Wang, 1980, p. 35). The treaties detailed that 'aborigines should give the Dutch sovereignty over their country' and 'they were to surrender their country and their possessions to the States of Holland' (Campbell, 1903, pp. 119,129). The Dutch stated that the sovereignty and the property right belonged to the States of Holland (Andrade, 2008, p. 72). It is debateable how fully these treaties were understood by the aborigines. For example, in the hunting ground, aborigines attacked the Chinese hunters who had official licenses, which demonstrates a lack of understanding of these treaties, as it shows how the indigenous people were protecting their hunting rights to the land (YE, 2017, p. 34).[63]

The treaties authorised the company to use and benefit from the land and natural resources. The lands in aboriginal territory, treaty boundary, were rented to the Chinese farmer for farming to increase tax revenue. The resources in the boundary were contracted to Chinese businessman to collect royalties (Duan, 2017). This process changed traditional life, as the Dutch introduced a monetised economy (wage economy), which was based on the exploitation of natural resources (Chiu, 2008, pp. 229-230). Under this mercantile colonialism, the land use right and right to access the resource

[62] Such as Langqiao Treaty 瑯嶠條約 can be seen in 1645. See Kang, P.-t. (2005) *The History of Taiwan Aborigines: Policy (Dutch, Spanish, Mingzheng period).* Nantou: Library of Taiwan Historica. p97

[63] There is a lack of research as to whether aborigines have property right. see Weng, J. (2000) ''Landdag', 'Pacht', and 'crown land' - notes on the study of Taiwan early history (1)', *Taiwan Literature,* 51(3).

were dispossessed. It eventually forced several indigenous tribes[64] to abandon their land (Yan, 1998).

4-2-2 Enclosure work

Zheng Chenggong, a Chinese descendant of the Ming Dynasty, expelled the Dutch from Taiwan in 1662. Taiwan was crucial to the maritime trade routes of East Asian (Struve, 1998), and the Zheng government intended to stabilise the frontiers, allowing more people to pay tax and generate food. Land development during the Dutch colonialization and Ming Dynasty was on the plains around Zeelandia (Hung, 1981, p. 132). Meanwhile, the Zheng government received Dutch's jurisdiction and modified into 'government land' (YE, 2017, p. 37). The Cheng regime also applied Dutch colonial institutions, maintaining their trading system and cultivation (Campbell, 1903, p. 455). His family began to introduce a large number of Han people into Taiwan for cultivation; the aboriginal people in the plains gradually faced oppression from Zheng's dynasty.[65]

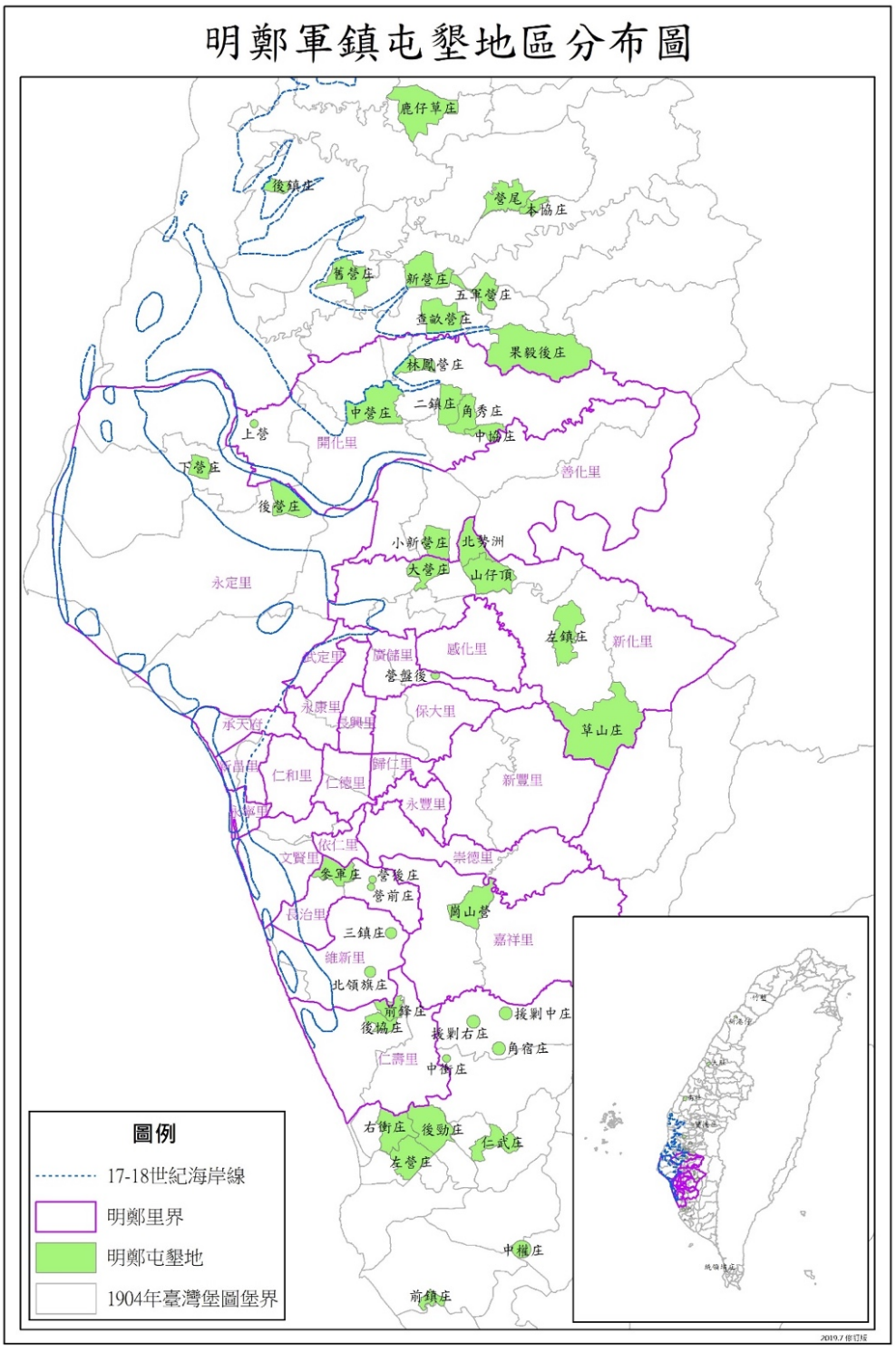
Zheng gave his subordinates land ownership, and these private land properties were protected by the army (Shepherd, 1993, pp. 91-104). The reclamation areas covered the plains from the south part of Taiwan to the north part.[66] These areas are

[64] Siraya西拉雅 groups

[65] The Zheng regime recorded the most growth for the Chinese population, which doubled from 30,000–50,000 to 50,000–100,000 see Wills Jr, J. E. (1999) 'The Seventeenth-Century Transformation: Taiwan under the Dutch and the Cheng Regime', in Rubinstein, M.A. (ed.) *Taiwan: A New History*. New York.

[66] Overall, about 30,000 hectares were reclaimed compared with 10,000 hectares of cultivation land during the Dutch regime.

scattered distribution and tribes were located between these reclamation areas. (Yan, 1998, pp. 68-69)



blueline:17-18 century / purple rectangle: Zheng period village boundary
green rectangle: till areas / grey rectangle: 1904 Japan period county boundary

Figure 11 Till area in Zheng conquest (Wang)

The Zheng government allocated civil servants land ownership from the indigenous villages without any compensation for the aborigines (Shepherd, 1993, p. 94). They stipulated that the existing farmland of the native people was not allowed to be tilled; however, the fallow fields and hunting grounds were neglected and were seen as reclaimable wasteland. An increasing area of arable land was gradually occupied by his family, while the exchange of goods was controlled by them, as well. It made the plains' natives poorer and forced them to move into inner lands as a result (Ji, 2004, p. 247).

4-2-3 The boundary of 'civilisation'

The Qing Dynasty, Manchu empire, had dominated west Taiwan for around 200 years since 1684.[67] It enforced a process of land cultivation from the south to the north and the east (Yin, 1989, pp. 7-12). By the end of the 19th century, the arable lands near the west and northeast plains and hills had been largely cultivated.[68]

The Manchu divided indigenous people into two groups based on the mode of taxation: those who payed tax or any tribute were 'civilised aborigines (cooked aborigines 熟番)', the other were termed 'uncivilised aborigines (raw aborigines 生番)'

[67] LeGendre argued that Han ,semi-civilised people, could 'seize upon the territory' occupied by 'a wild race' under the 'law of nations'. See LeGendre, C. (1874) *Is Aboriginal Formosa A Part Of The Chinese Empire?* (Accessed: 24 April 2017). P15

[68] The total cultivated area was around 600,000 hectares, which was 33 times larger than at the end of the 17th century. See Chen, C. (1992) *A GEOGRAPHY OF TAIWAN.*

(Ji, 2004, p. 205). The prohibiting cultivation policy in the 'civilised' area could not stop Chinese people's invasion. The land policy then turned to privatised land right and invasions were legalised by the issuing 'cultivation licenses'. Indigenous people in the plains gradually became landless and sold their land under the pressure of paying taxes and forced hard labour (Shi, 1990).[69] The Qing government sacrificed indigenous rights (Chang, 2008) but tried to reduce possible tension and stabilise society as the majority of colonisers were Chinese (YE, 2017, p. 261) by allocating land for cultivation and hunting to the plains indigenous people: 500 hectares for the bigger tribes, 400 hectares for the medium-sized tribes, and 300 hectares for the smaller tribes, respectively (Ka, 2001). Taiwan, in terms of its spatial arrangement, was divided into three areas at the end of the Qing Dynasty: plains (Chinese People), middle region[70] (plains aborigines), and mountain area (mountain aborigines).

[69] 'Ban the Han people from invading the plains aboriginal's land禁止漢人侵墾番地(1661-1772)', 'privatising the land rights of plains aborigines, legalising Han people's invasion番社地權私有化、漢人侵墾番地就地合法(1772-1735)', and 'selling land under the pressure of paying tax and forced hard labour在屯番制課餉勞役的雙重壓力下杜賣土地'.

[70] Between mountain and plain

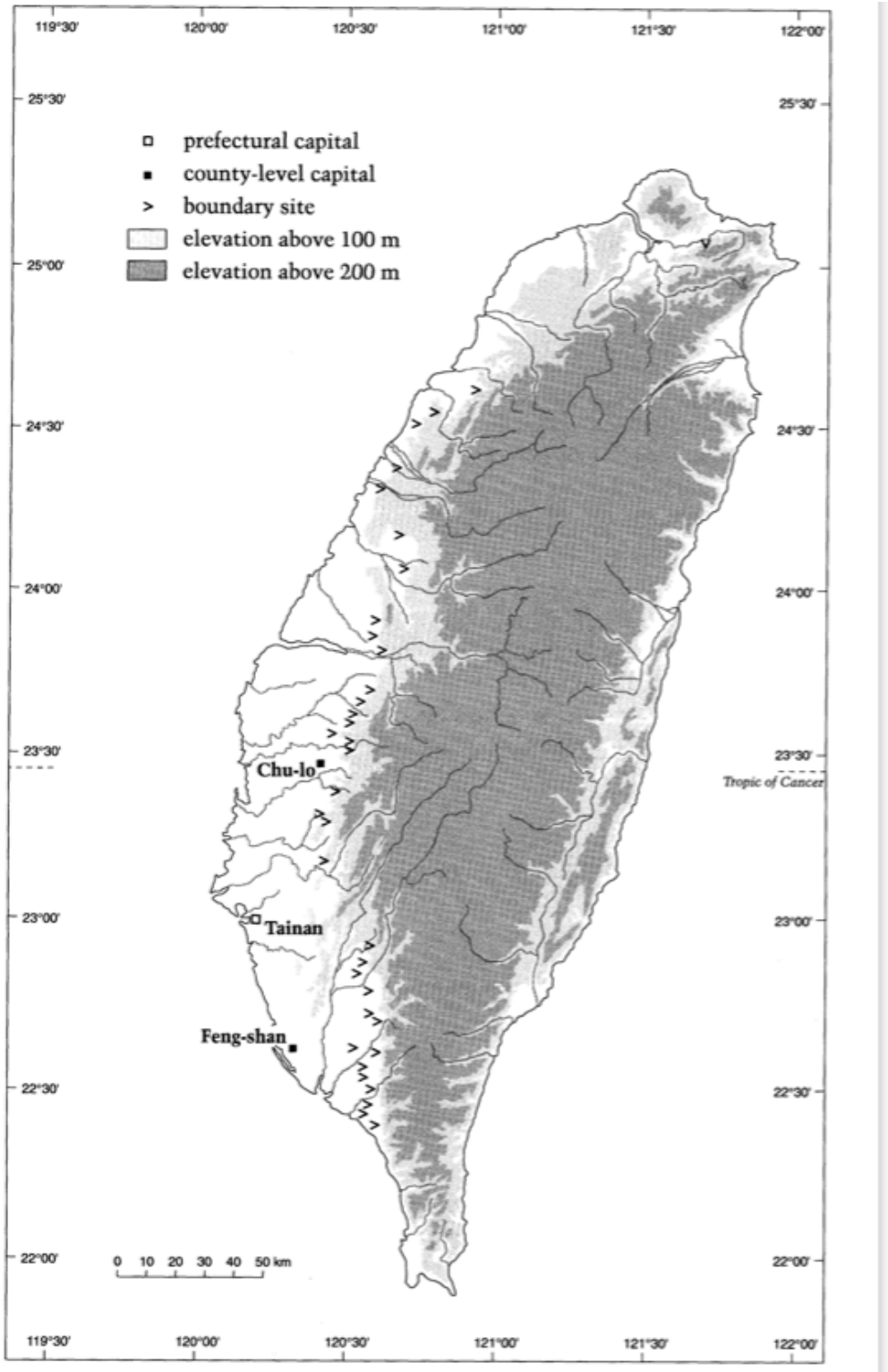
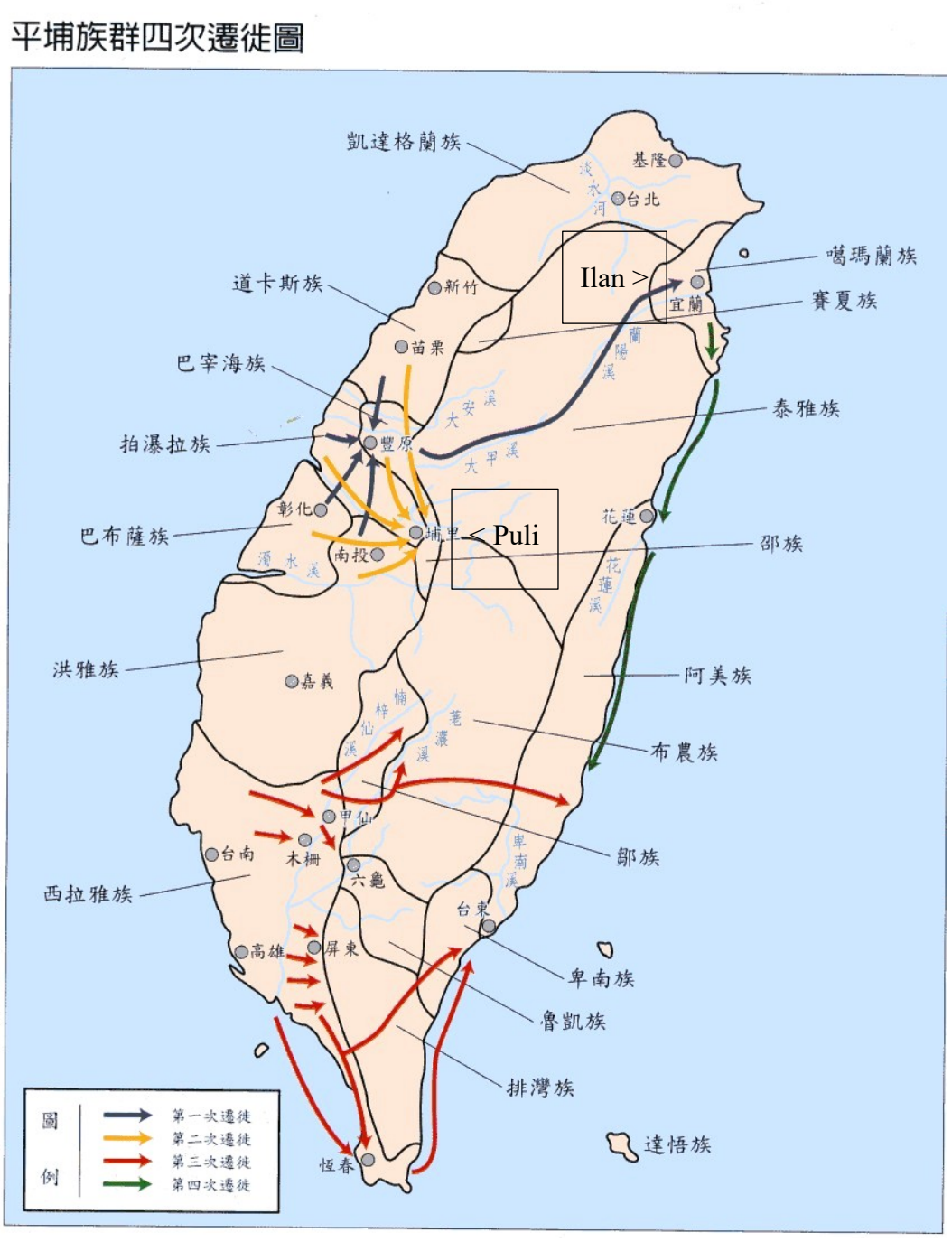


Figure 12 The Uncivilised aborigine boundary of 1722 (Shepherd, 1993, p. 188)

This buffer system formed the concept of multi-land use right, in which the plains indigenous people gave the Chinese people the rights to use the land and were thus able

to collect rent. The ownership of the land eventually went to the Han people (Huang, 1980, pp. 211-213; Chen, 1994b, p. 162; Liu, Chen and Li, 2001, p. 58). All of these factors contributed to the plains indigenous people leaving the plains in order to move to the inner mountains and the eastern rift valley.[71] The 'development value' was based on the extraction of land, transactions, and a slavery system that dominated the plain area.

[71] The plain aborigines moving to Ilan plain in 1804; those in the middle of Taiwan moved to Puli. See Pan, Y. (1996) *History of the Pingpu in Taiwan.* SMC Publishing. Hong, L. (2009) *Social network and collective consciousness in cooked aborigines: historical changes of pingpu ethnic group in central Taiwan (1700-1900).* Linking Publishing.



Blue: first migrations / Orange: second migrations / Red: third migrations / Green: fourth migrations

Figure 13 Plains indigenous migration (Liu, Chen and Li, 2001, p. 58)

4-2-4 No-human in the mountain

Japan established colonial law in Taiwan, and in order to justify its occupation conceptualised indigenous people as animals in the mountain area who had no land title.[72] These binary oppositional discourses (civilised / barbarism and human / non-human) came from the Chinese narrative that indigenous people: 'had human form without human reason (此輩雖有人形，全無人理)' (Lan, 1732), 'spoke birds' language, had ghosts form, and were non-human(鳥語鬼形，殆非人類)' (Chen, 1991). Indigenous people in the plains area were classified as 'cooked aborigines 熟番', while the 'non-humans' in the mountain areas were 'raw aborigines 生番' according to the official household registration (Lin, 1995b; Chan, 2005).

From 1895 to 1915, Japan's colonial powers divided Taiwan into two parts: the plains area (general administrative districts) and mountain area (aboriginal administrative districts) each with different governmental methods. The plains area operated using private capitalisation and assimilation[73], while the land in the mountain was state-owned (Shizeu, 1997). In 1985, Article One of the 'Regulation of Official Wild and Camphor Manufacturing' pointed out that 'wildland without official evidence is counted as government-owned' (Li, 2001). The indigenous people in mountain was seen as 'non-human' (Tadao, 2014) while the policy for the mountain area was pursuit

[72] The status of ShengFan (raw aborigines) in National Law(生范人の国法上事件) pointed out that the mountain indigenous people were seen as objects in the ground with the same status of crops and fixtures. See associaiton, T. c. r. (1907) *Taiwan custom.* Taipei: Taiwan custom research associaiton.

[73] Assimilation education for aborigines started from 1900 in the children education authorities of 'Fan tong jiaoyu suo (primary school)' and 'fan ren gong xuexiao (secondary school)'

of economic interest. Mochiji Rokusaburo 持地六三郎, councillor of the Government of Taiwan, introduced ‘Guanyu fan zheng wenti yijian shu (submission on mountain aborigine policy)’ 關於番政問題意見書, stated that ‘land issue was only concern in the mountain. The land in the mountain required only financial policy (discourse emphasised).’

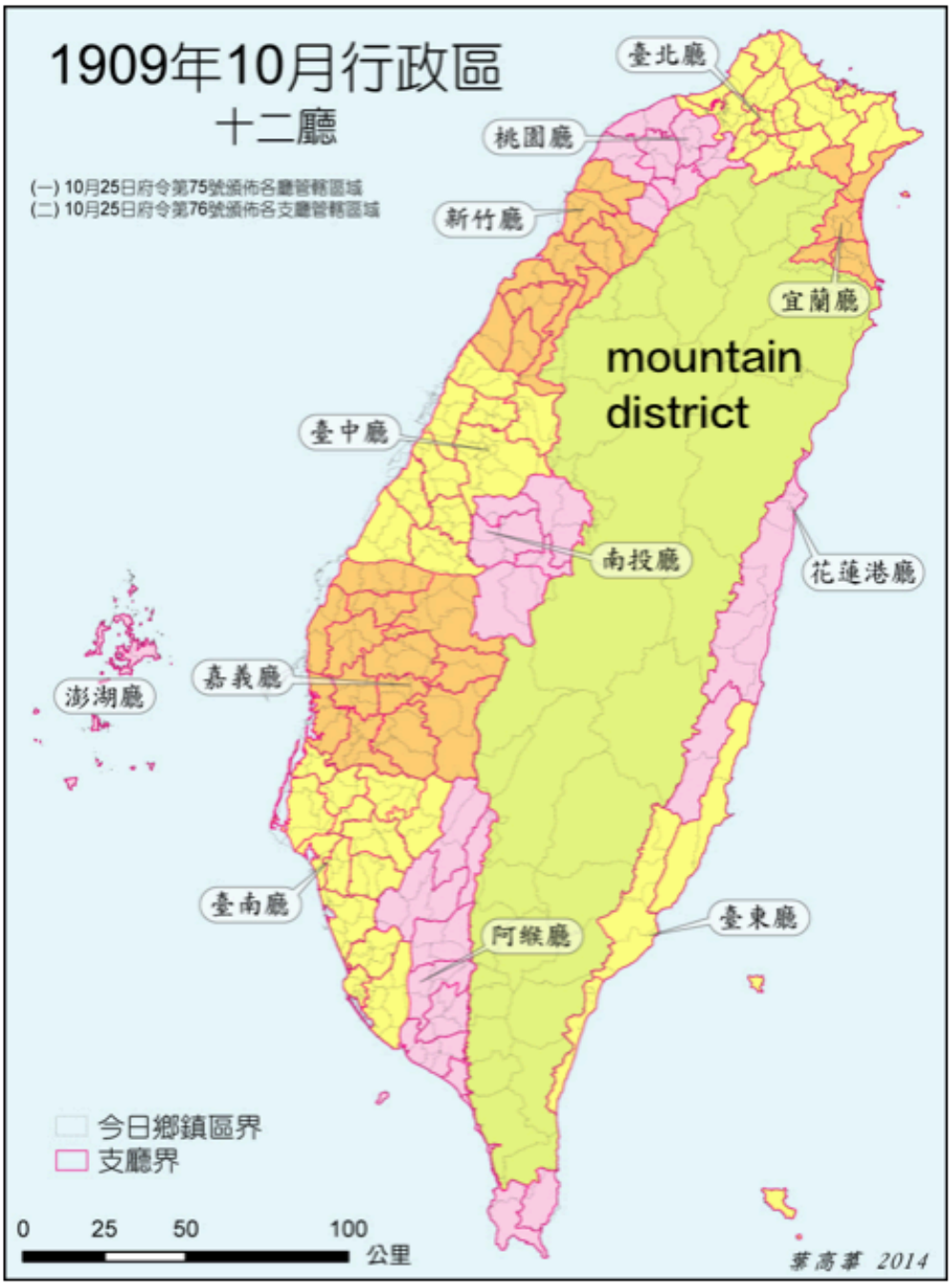


Figure 14 General district and mountain district in 1909 (Ye, 2010)

To gain absolute control over the entire mountain and to exploit resources, the Japanese government conducted mass resettlements from the mountain to foothills across four periods of time, from 1895 to 1905, from 1906 to 1914, from 1915 to 1930, and from 1931 to 1945[74] (Hwu 1996b; Masami, 2014).[75] The area for relocation was smaller and not located in developing areas, such as economic forest areas, dams, and mining areas (Yan and Yang, 2004b, pp. 205-206). In 1928, the government formally decided that reserved land for aborigines was to be based on three hectares per aborigine. The three-hectare allocation included 0.2 hectare for living space, 1.8 hectare for agriculture, 0.5 hectare for gathering wood and 0.5 hectare for livestock and other uses.[76] These large-scale migrations had a strong impact on existing social relations. Huang Ying-Kui pointed out that this migration undermined their cohesion and ability to resist, as the aborigines' sense of independence was impaired (2001 ,p109); the governing body at the time stated that the primary purpose of the migration policy was to improve 'water-soil conservation' and the 'life of indigenous populations' (Governor, 1931, p2). This relocation policy disturbed the relationships between tribes, and eradicated the relationship between Indigenous people and the drainage basin they managed as well as the relationship between different indigenous communities (Yap,

[74] The Musha Incident (Mukuni Paran in Sediq language) in 1930, a major uprising led by one group of Seediq (my nation) against the Japanese colonial powers, brought about the dramatic relocation.
[75] 1919-1934 was the peak period. According to the available statistics from the Taiwanese during Japan colonisation, up until 1941, a total of 7,318 native households (making up one-third of an entire indigenous group) were relocated from their place of origin. See Bureau, T. G. P. (1942) 'Annual Report for Aboriginal Industrial Instruction', Office, T. G.-G. (1943) 'Taiwan Government forty-fifth statistics book'.
[76] 'Relevant criteria for reserved areas of land for aboriginal use' (蕃人使用保留面 積標準有關要件)

2013, p125; Yap, 2016; Yap, 2017). In practice, the process of nationalising land in mountain aboriginal areas was a significant challenge. For example, in Saisiyat territory, this group was classified 'Huafan 化番'(between raw and cooked). They had long-term contacts (including levying of taxation) with Chinese people and Qing. However, the Japanese officer, Jun Mizuno, stated that the government only acknowledged their ability to fell camphor trees and produce camphor instead of recognising their ownership (Lin, 1998, pp. 113-114). Their ownership was recognised after Nan-Jhuang Incident in 1902 but lots of Saisiyat land were transferred into the state and private holders. Their land was emerged into general administrative districts with a protect regulation[77] that can reduce land loss and applied the free-market principle after 1923 that the land could be exchanged without any restrictions (Huang, 2012, p. 127) .[78] The process of land loss for indigenous people in the plain areas included but not limited to compulsory labour, undeclared registration, donation of lands such as communal land for urbanisation (school building) or environmental protection (afforestation).[79]

Moreover, Japanese colonial powers also applied zoning to locate resources. In 1908, the Japanese government conducted a 'Five-year Land Survey' and these wild areas, including mountain aborigines' hunting grounds, fishing areas and arable lands, were officially occupied by the Japanese empire.[80] To control the territory of the mountain aborigines, the Japanese government established a further '15 years of

[77] Article 17 of Enforcement Rules of Taiwan Land Registration Regulation
[78] Some areas in the east of Taiwan remained protectionist. In other words, indigenous people in those areas were the majority.
[79] This process will be detailed in the empirical chapter.
[80] 1910-1914 forest survey, 1915-1925 forest consolidation, 1925-1935 forest planning, control the land information of the Taiwan. See Yanaihara, T. (1987) *Taiwan under Japanese imperialism.* Translated by: Xianwen, Z. Taipei: Pamir Bookstroe. p18-24

continual land surveys' in 1928 and subsequently divided the land of mountain area into three categories – 'preserved for forest field' (10,904 thousand hectares), 'non-forest area' (77 thousand hectares) and 'temporary for reserved forest' (200 thousand hectares) (Wang, 1996, p. 76; Shirong, 1997, pp. 2-15; Fujii, 1999, pp. 32-33). From the record, the mountain aborigines had around 1,660 thousand hectares of living area, which was reduced to approximately 200 thousand hectares after the land survey in 1928. The ownership was official, but the right to use the land was still given to the tribes without any restrictions. (Lee *et al.*, 1983)

Table 5 A land survey in 1928 (Kuan, 2014, p13-14)

	Zone	Land Use
1	Preserved for forest field (10,904 thousand hectares)	The protection forest and the watershed, National land security and other public welfare
2	Non-forest area (77 thousand hectares)	Agriculture, fuel pastureland and grazing land
3	Temporary for forest reserved (200 thousand hectares)	1. military reserves necessary for the state; 2. mountain aborigines in the mountain; 3. mountain aborigines to be moved.

Furthermore, the traditional production methods of Taiwan's aboriginal people had changed – the initial method of farming the forest and hunting required the burning of the forest. This method caused great losses to important forestry resources. Therefore, the Japanese government granted industrial technologies to aborigines to replace their traditional methods, especially rice farming. The rice farming needed a specific location compared to shifting farming. For indigenous people, the millet is a holy crop (Tadasu, 2018, p. 177). The rice farming simplified mountain agriculture of the indigenous people, for example by reducing hunting activities. This policy required a large number

of farmers and monitoring.[81] The prohibition of hunting and forest burning stopped the ceremonial activities of the kinship groups and decreased the possibility of related religious activities from taking place. This policy limited the influence of the traditional patriarchal status of the mountain aborigines, as the same time granting farm and settlement relocation.

When the population and social space became more static and standardised, the outline of new society was clear and easier to intervene through scientific technology. The land right of plains aborigines was complex by the end of the Qing dynasty. Japan conducted its own land investigation in the early colonial stage to visualise the living area of aborigines and their resources, and to install their hegemonic administrative system. The local administration was applied for the purposes of management. On one hand, the tribe as a living centre of politics and economy was replaced by the state as county and local governments. The self-determination was deprived and gathered into the bureaucracy. The tribes eventually held a frontier position in the capitalist system. The aborigines' policy, on the other hand, formed interventions in the indigenous culture from different aspects, such as education, politics, administration, the economy, etc., which intervened not only in the indigenous culture but also that of the Chinese.

[81] Forcing groups to emigrate from where they had been living for generations, see Hwu , S. S. (1996a) *A research on aborigine's collective movement of the aborigine's policy in the period of Japanese dominace.* Chung Yuan Christian University.

4-2-5 Chinese nationalism hegemony

After the Chinese Civil War, the Kuomintang-led government retreated to Taiwan. The KMT operated Chinese Nationalists, which systematically oppressed both the indigenous and the immigrant Chinese who had arrived before 1945.[82] The main policy was based on the idea of 'anti-communism, restore the country' in which the social, economic, and cultural were comprehensively controlled by political orientation. The KMT modified the colonial household registration originating in Japan to enhance nationalism. The title 'Pinpu' of the plains aborigines was removed and replaced with 'Chinese'. The title 'mountain aborigines' was changed to 'plain mountain-comrades' and 'mountain mountain-comrades'.[83] The KMT further assigned only one indigenous person as a provincial senator.[84] Before U.S. Aid, the policy in the mountain regions during this period was mainly farming and the selling of natural resource.

The colonial policy in the mountain regions was more or less the same idea as in the Japanese period (1895-1945) to protect and capitalise natural resources. The regulation for 'reserved land'[85] was introduced in 1948 because some tribal groups who were relocated during the Japanese colonisation went back to their original place of dwelling (Liao, 1984a) and continued to burn the mountain forest as a farming method

[82] It caused the February 28 Incident in 1947

[83] In 1936, Chinese 89.85%, Pinpu groups 1.07%, Mountain-comrades 2.79% seeProvince, S. O. o. t. C. E. o. T. (1946) *Statistics Summary of Taiwan Province in the Past Fifty Years*.

[84] In March 1948, Hua Qingji was co-opted as the Senator of Taiwan Province. Lin Ruichang was replaced by Lin Ruichang after resignation in 1949. "Case of Appointment and Removal of Senators from Provinces, Counties and Cities", "Archives of Taiwan Provincial Authorities", National History Museum Taiwan Document Collection, collection number: 0040323105208008,0040323105208022.

[85] Mountain indigenous people have use right but no have ownership.

(Huang, 1975; Ruan, 1964).[86] The zone of 'temporary reserved forest' during the Japanese period was converted to 'mountain reserved land'. This regulation actually banned traditional activities for the same purposes of capitalising the region's natural resources. The KMT then introduced assimilation policies: 'The living improvement of mountain aborigines 山地人民生活改進運動', 'The regulation of reward for sedentary cultivation in the mountain area 獎勵山地實行定耕農業辦法', and 'The regulation of reward for seed culturing and afforestation in the mountain area 獎勵山地育苗及造林實施辦法' (Li, 1983; Yan and Yang, 2004a, p. 43). These living improvements forced the mountain indigenous peoples to speak Mandarin and also resulted in other actions such as the confiscation of shotguns (Guo, 1975). The basic idea was based on the notions of 'lack of development' and the need to 'progress' in order to meet the standards for the broader plains area. The rapidly increasing population[87] created demand for cultivated land. Roads were built to connect the mountain with the plains. The KMT established 'supply and market agency 供銷會' and included the farming and forest production, linking the mountain area to the capital market. The improvement of transportation had a marked impact on the tourism business, which changed the policy in the mountain area and allowed the indigenous to engage in the monetised economy (Sung, 2011). The land was state-owned, and the mountain indigenous peoples had the right to use it, but could not exchange, trade or sell it privately. From 1952 to 1953, the government conducted a land use survey and review.

[86] The ''regulation for the management of mountain reservations' introduced in 1948 shows 'no fire on the mountains' as a provision.
[87] from 6,000,000 in 1946 to 10,000,000 in 1958

The review forced the indigenous to provide sufficient cadastral data as proof in order to register land in their name (Wu, 1993, p. 278). However, fallow land and hunting grounds were not recorded. The land investigation in 1966 stated that indigenous people were allowed to obtain land ownership after receiving the right to cultivation.[88] Between 1968 and 1975, the final result of the reserved land survey result was 240634.2819 hectares; the mountain indigenous peoples counted for 95.02%, and the plain indigenous peoples[89] had the other 4.98% (Li, 1983, pp. 113-114). The distribution of these reserved lands was scattered and unconnected, mostly located at both sides of the upper and middle stream (Zhang, 1996a, p. 212). The land was then fixed to a specific purpose (Luo, 2012) for the benefit of the colonisers. The production methods such as paddy fields and afforestation consolidated the concept of property and ownership by continuous and repeated use of the land over a long period.

[88] Amend to 5 years in 1995 see Supplement the implementation plan for the aboriginal reserves 補辦增劃編原住民保留地實施計畫 12.2.2007 RI Yuan Tai Jian Zi Di(日院臺建字第) 0960080865

[89] Here the plains aborigines are only for Amis not the Pinpu groups recognised as 'cooked aborigines' in the Japan household registration.

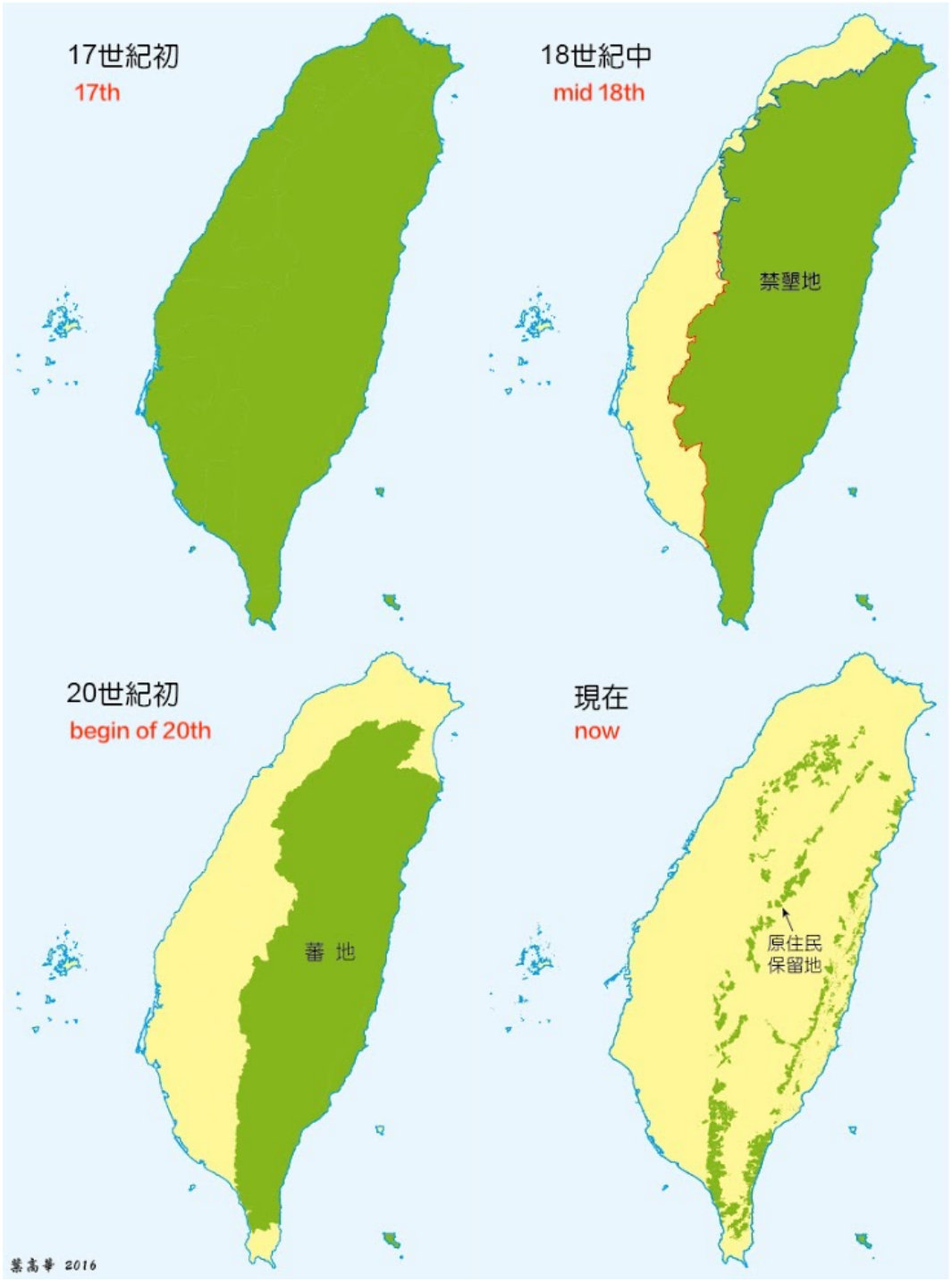


Figure 15 The changes of indigenous territory[90]

[90] Ko-Hua Yap 2016 Taiwan 400 years history https://www.hi-on.org/article-single.php?At=61&An=155488 access on 26 April 2020

In the plains area, the KMT government applied the 'Farmland Rent Reduction 三七五减租',' Sale of Public Lands 公地放領' , and 'Land-to-the-Tiller Programme 耕者有其田(1953)' after 1949.[91] However, the plains indigenous did not apply for reservations to the land administration. The tenants of these indigenous had a contract and therefore received the land right. Similarly, plain indigenous people loss of land was largely due to their 'dependence on money' and their 'lack of contemporary farming techniques'. They often had to sell their land after falling into debt (Pan, 1965, p. 159). Others may have sold their land through misinformation, and they did not register with the government because they were afraid of paying taxes (Yan and Lei, 1993), without informing the Land Registration loss the land title (Chen, 1997, p. 143). Those lands registered near the river were seen as an issue of national security, hence these lands became state-owned. From the perspective of colonial law, the plain indigenous were eventually illegally occupying state-owned land. In 1983, the 'processing principle for aborigines who use state-owned land for their residence' charged these people rent for their 'illegally occupying' status. Some of them were unable to afford the rent and subsequently lost the land (Chen, 1997, p. 144).

Property rights recognised Western individual use instead of the local collective and flexible ownership that indigenous people had practised for generations. The regulations were top-down without considering different cultural practice. Shifting cultivation, for example, was seen as illegal and inefficient use of the land. The

[91] National Development Council https://www.ndc.gov.tw/Default.aspx. The regulation of the Land-to-the-Tiller Programme was introduced in 1953. see Pan, L. (1965) *Retrospect and Prospect of Land Reform in Taiwan.*

government used its power to legalise these processes (Kuan, 2013, p. 38). While Chen Maoshun's research (Chen, 1997) pointed out that the plain indigenous right was partially recognised during the Japanese colonisation but not all of them received ownerships (Lin, 1995a, p. 96).[92] Some lands were transferred into state-ownership and to Chinese people due to a critical omission in the land registration process (Mona, Huang and Wang, 2017).

These mountain and plains policies were based on oppressing the indigenous worldview and gradually accumulated capital (Duan, 1992, p. 109). The land reform fragmented capital and created medium enterprises. The agricultural production and marketing policies were controlled by the government (Hung and Hsiao, 2017). U.S. Aid[93] supported the infrastructure of Taiwan which developed a capital society.[94] In 1960, the economic policy changed to export-oriented industries (Xiao, 1995). The Incentive Investment Regulations (1960-1990) stimulated foreign investors (USA and Japan investment accounted for 60%) for the establishment of Import-substituting Industrialisation and then encouraged domestic investment, including manufacturing, handicrafts, mining, agriculture, forestry, fishery, etc. Economic benefits of agriculture supported the development of industry during this stage. Economic development, on one hand, was a universal method with which to address the conflicts within different ethnic groups. On the other hand, its Western capitalist worldview continued to oppress the indigenous value system (both Chinese and aboriginal). On this background, this

[92] Amis and Puyuma groups' land ownership were recognised in 1915

[93] Aid between 1950 and 1960 was 148 million NTD, after 1960 it took the form of an international loan, which established dependency.

[94] economic growth rates : 9.57% (1957-1988) 6.1%(1988-2008)2.8%(2008-2015) / GDP of agriculture : 35% in 1952, 5% in2015. See National statistics (Taiwan) https://www.stat.gov.tw/mp.asp?mp=4

‘semi-capital policy’ opened the door for Chinese people to rent the reserved land, such as private mining in 1969 (ZHANG, 2000; Chen, 2012; Nogan, 2012). The reserved land could be used by Chinese people with household registration in the mountain area, civil servants, groups or individual whose work was public, and private industrial and mining, agriculture, forestry, fishery and husbandry. The Chinese people or enterprises were permitted to operate businesses such as tourism, traffic construction and factories (Chen, 1997, p. 127). In 1993, about 40% of reserved land was used by non-indigenous people (Chen, 1997). Liao Yingzhu’s research (Liao, 1981) pointed out that illegal subletting and the transference of land use rights were serious issues. This situation was worse in 2015, according to the reserved land research (Guan, Cai and Lin, 2015).

The spatial strategy assisted policy and development. The changes of spatial arrangement was a process of locating resources and developing the economy. According to Liang’s research (Liang, 2003), land use planning in Taiwan had six periods based on the political and economic changes. The Japanese city planning (1895-1945), which included the urban planning act, architecture act and land use act, was constructed by using police power. The Japanese government referenced the ‘Housing, Town Planning Act (1909)’ and imported Japanese urban planning concepts in 1933. This process dealt with urbanisation in urban and port areas. The second period (1945-1964) was one of passive control, during which the legal system was applied and translated from Japanese and focused on individual municipalities. The KMT developed Taiwan’s first urban planning act between 1964 to 1973 as a result of rapid urbanisation. In 1973, the Regional Planning Act was introduced and divided Taiwan into four regions: north, middle, east, and south areas. This period saw the

establishment of the construction management; the Urban Planning Act and Regional Planning Act separated legislation. The following period (1976-1987) improved the land regulations and divided land into urban and non-urban land systems. During the next period (1987-1997) four national spatial strategies were developed: national comprehensive development, regional planning development, county and city comprehensive development, and urban planning. The sixth period (1997-2000) enhanced the national land system that produced development permits and growth management systems to reduce environmental damage.

Since Taiwan had started to implement agricultural land reforms and economic construction projects, industries and cities had developed rapidly. From 1964 to 1973, land development was dominated by urban planning controlled by the ruling class, local political elite, land developers, and technocrats. The non-urban land use was compiled into its 'current activity' at that time (or based on the colonial date from Japan). After the 1970s, Taiwan went into a global economic order by adopting international dependency and export expansion (Hsia, 1994). Between 1973 and 1979, a large amount of agricultural land was transformed into urban land use.[95] In 1979 the 'Taiwan Comprehensive Development Plan' was introduced to address environmental pollution. It failed due to the lack of legal status (Lee, Lan and Juang, 2005). In the end, the urban development-led comprehensive development established the Asia-Pacific Operation Centre through the low-cost of land and workforce with higher ability. The urban

[95] The 1973 Urban Planning Act revised and regional planning separated from independently introduced, 1976 Regulation of Non-urban Land Utilisation, 1977 Regional Planing Act implementation details

development was officially included in the Taiwan Economic Construction Project[96] in order to achieve rapid industrial development and caused unequal development between urban and nonurban.[97] This spatial development is a model of capitalist accumulation by using the states' authoritarianism with the prime goal of economic development (Group, 1994, p. 27). The city as a unit of the national land was planned in order to arrange this power relationship (Su, 2002). Rapid urbanisation created the 'urban land and non-urban land' regulatory system in 1974. The Council for Economic Planning and Development in 1979 promulgated the 'Taiwan Regional Comprehensive Development Plan'. This plan applied zoning with different regulations in 11 land uses of non-urban land.[98] This system did not indicate future land-use policies and objectives (Lai, 1997a). It, however, regulated the 'present' land use.[99] This passive land policy marginalised indigenous development. The cities continued to spread, and the hillsides continued to be developed. The government used the reason of insufficient land to release agricultural land to development industries in order to achieve its political goals to address the economic needs of specific groups (Lai, 1997b, p. 48). These groups received development permission; however, the government did not apply the assessment of public facilities implementation. Many public facilities cannot be reasonably configured and facilities in some places are inadequate (CAI, 1994). The

[96] There is only am economic plan in the first 10 Taiwan Economic Construction Projects (1.1953-1956, 2.1957-1960, 3.1961-1964, 4.1965-1968, 5.1969-1972, 6.1973-1975, 7.1975-1981, 8.1982-1985, 9.1986-1989, 10.1990-1993, 11.1991-1996, 12.1997-2000, 13.2001-2004, 14.2005-2009 History of National (Economic) Construction Project http://ebooks.lib.ntu.edu.tw/1_file/CEPD/2/001.pdf

[97] Regulation of Non-urban Land Use Control 1976, Regulations for the Implementation of the Regional Plan in 1977

[98] 11 land uses, specific agricultural areas, general agricultural areas, forest areas, hillside conservation areas, rural areas, industrial areas, etc.

[99] Environmental Information Centre, 'interpretation of the draft national land plan' Why can't the regional plan work, but the national land plan can work? https://e-info.org.tw/node/209410

vested interests that pushed for changes in the land category and received interest did not contribute to society (Magazine, 1994). As a result, the regional plan could not guide land use, regulate the land, involve residents, or pay compensation. There were many problems caused by this development permit system, which applied change to existing regional planning or urban planning was based on urbanisation and economic development, and made indigenous people largely invisible (Chan, 2011).

4-2-6 Conclusion

The development of spatial arrangement was a process of oppression. It helped to identify and locate resources and the reserved land through surveys, measuring and mapping. The existence of the reserved land was part of a longstanding historical injustice and a colonial policy. The reserved land provided three hectares to each indigenous individual during the Japanese period. However, the population during the KMT period was five times than that during Japan colonisation (Wang, 1998, p. 210). The resulting maps are evidence of what can be termed a 'grabbing of resources'. The technologies involved became colonial methods, including the upholding of private rights, surveying and associated planning mechanisms. The urban and non-urban relations was similar to the dependency relationship of the Third World (Lee, Lan and Juang, 2005). The indigenous people were also located in the 'Fourth World' in Taiwan that regulated by complex systems, legislations, policies and institutions. Structural economic policies and unemployment have caused the indigenous people to be poorer, suffer labour exploitation, and have enlarged the gap between the rich and the poor by the importing of 'cheap' foreign workers.

Each of the above-mentioned regimes demonstrate different attitudes and land policies towards the indigenous peoples with the same purpose of extraction and exploitation, and in their own way continued to expropriate indigenous people from their land and erase indigenous identity. Indigenous people read other histories, were compelled to speak the language of the colonising forces and follow the rules made by outsiders. Indigenous dynamic practices have been recorded, preserved, and fixed into myths, legend and anthropological reports. The contextual spatial knowledge of governance has been replaced by the numbers of scientific rationality and reason.

4-3 Resistance (1988 to 2005)

In the 1980s[100], the indigenous intellectuals of the National Taiwan University began to develop a consensus position.[101] At the end of 1984, the Taiwan Aboriginal Rights Promotion Association (TARPA) was established (TAIBAN, 1987). This association announced the 'Declaration of the Rights of Taiwanese indigenous Peoples', which revealed the urgent demand for autonomy (Kao, 1994). After 1988, Taiwan started to liberalise. The four identities of groups[102] that emerged within this context included the mainlanders[103], Minnan people[104], Hakka[105] and indigenous peoples. Indigenous peoples as a united identity to claim their rights emerged the 'Return Land

[100] After the February 28 Incident, the KMT applied Martial Law between 1949 to 1987

[101] They published 'Gaoshan qing高山青(the mountain youth)' and proposed that 'aborigines' be renamed as 'indigenous people' to establish their indigenous identity.

[102] Now the fifth group was from new immigration, including Chinese ethnic groups, Mainland Hong Kong and Macau spouses, and Foreign spouses

[103] Those Chinese retreated from China with Kuomintang(KMT)

[104] Those Chinese immigrants' originating from Fujian China

[105] Those Chinese immigrants' originating from Guandong China

movements' in 1988, 1989, and 1993.[106] The first two land movements mainly focused on the return of individual land and emphasised persistent encroachment on their property. The third land movement initially produced the idea of sovereignty over natural resources and land. It claimed their land title, restored traditional naming, and worked on how to replace the titles of mountains and rivers.[107]

The rise of left party, Democratic Progressive Party (DPP), influenced the power structure and dominated spatial arrangement controlled by the KMT (Chang, 1994; Chen, 1995). DPP President Chen Shui-bian elected in 2000. However, it was still economic-led and central government dominated (Council for Economic Planning And Development, 1996; Council for Economic Planning And Development, 2002). The spatial arrangement from the 'Comprehensive Land Development Plan (1990)' to the 'Challenge 2008: National Development Key Plan' was based on strategic industries including the release of agricultural land in response to entry to the WTO, management of industrial areas and science-based industrial parks and the privatisation of infrastructure construction. The aim of spatial arrangement was to integrate the global economy and neo-liberal development (Zhou, 1997) by introducing development license systems and state-private collaboration (Council for Economic Planning And Development, 1996).[108] This development value was, as Hall described, neo-class free

[106] The activists grasped favourable political resources and demanded the further right to release political space and legalise their inherent rights. Xie concluded three trigger elements of these movement: See Xie, S. (1987) 'The Establishment of the Theory of the Generation and Development of Indigenous Movements: A Preliminary Study of North America and Taiwan as Examples', *Bulletin of the Institute of Ethnology, Academia Sinica,* (64), pp. 139-177. At p144 and 161.

[107] Jieshou Road in front of the Presidential Palace was changed to 'Ketagalan Boulevard 'in 1996

[108] 'Introduce the development permit system, rectify the social fairness and justice lacking zoning control in the spirit of the market mechanism, and activate private development capital to invest in the land development market'

market with market-led and state-led planning (Hall, 2018, p. 125). This systematic planning in Taiwan had become a ‘reasonable method’ of political leadership for the authoritarian bureaucracy at that time (Chang, 1988). Directing the discourse towards economic developments was the best solution to address differences. It created colonial cities in the plains area and colonial economy on the mountain by excluding indigenous people who were seen as simply stakeholders in order to hide their diverse and culture (Walker, Moore and Linklater, 2012).

The following section will examine the basic right, top-down cultural development, land without social connection, and urbanization-led development and management to see how indigenous people and advocates applied human right discourse to claim basic right and how top-down development and research ignored indigenous culture.

4-3-1 Basic right

Apart from the value of freedom and equal rights, it is clear that individualism was unable to protect group rights (Xanthaki, 2000; Poiconu, 2007). This obviously challenged the prevailing political structure that ignored or deliberately obliterated the different worldview between Chinese and aborigines, as well as questioned representative democracy (Lin, 1999). The legislation based on what can be termed legal positivism continued to weaken customary law. In 1997, the Additional Articles of the Constitution of the Republic of China (Taiwan) enacted the collective status and land rights of the indigenous people (Lin, 2000, p. 42). Article 10, item 10 and 11

clearly define the 'multicultural' provisions related to the indigenous people.[109] The Constitution of the Republic of China (Taiwan) did not clearly protect indigenous culture right, rather it stated freedoms in article 11 (speech, teaching, writing and publication), and article 13 (religious belief). It further stated that the right of existence, the right of work, and the right of property shall be guaranteed to the people in article 15. Scholars (Lin, 2000; Shih, 2000; Li, 2003) aimed at enforcing collective rights of indigenous people in Taiwan under the international trends, paying attention to human rights and ecological issues in the Third World. Human rights for indigenous people was developed into multiculturalism in 2000[110], whose concept is similar to Young's 'together in difference' (Young, 1995). Meanwhile, the Chen Shui-bian president (DDP) issued an Indigenous People's White Paper constituting rights in suzerainty, policy, administration, suffrage, survival and development rights, land rights, social welfare rights, education, cultural rights, and women rights and signed the 'Indigenous Peoples and Taiwan Government New Partnership'. Multicultural development had become a necessary discourse to maintain a sovereign state. However, this recognition was what Addis calls paternalism instead of critical pluralism (Addis, 1992, p. 620).

Indigenous people tried to distinguish their culture from the national culture. They applied cultural conservation discourse in language, art, traditional activities,

[109] Item 10: The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.
Item 11: The State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by law.
[110] 1980-1990 indigenous rights began, 1990-2000 indigenous rights recognition, 2000-indigenous right practice see Cheng, S.-c. (2005) *Study on Cultural Right of Taiwan Indigenous Peoples in Globalization.* Master, National Taiwan Normal University.

knowledge, and religious belief. However, their cultural practices such as hunting were usually bounded by environmentalism and animal protectionism. Indigenous voice as a quantified minority had difficulties passing regulations that really benefited them. Moreover, in terms of human rights, indigenous people were simplified as a minority with an equal relationship, which ignored their substantially different ontology, pre-colonial existence and historical oppression. Yapasuyong Poicon (2005) therefore, stated the inherent right that indigenous collective forms of political, economic and social structure in the pre-colonial era should be recognised. Their traditional customs and self-determination are required to be enforced to develop a pluralist society.

4-3-2 Top-down cultural development

The discourse of collective right was then accommodated into state-planned cultural development. Cultural development was a top-down attitude and involved the development of a capital business model in Taiwan during this period. It brought cultural identity into the marketplace. This singular value, neoclassical economics, was embedded in the economic planning of entire communities to pursue a universalised western worldview. On the one hand, the government applied a National identity discourse (Chen and Chen, 1999; Wang, 2014) where a community was a grass-root to challenging official hegemony (Xie, 1995) and emphasised how indigenous people are treated equal to other groups. On the other hand, it reinforced economic values and market discourse and justified its ‘rationality’ to apply for government support through Chinese-value community participation that industrialises culture and operates in the mode of industrial culture (Yu, 2002). However, this policy only benefited the Chinese

community.[111] This unequal situation did not cause transformative change during the peaceful transition of president election in 2000. The governmental development policy 'Challenge 2008: National Development Key Plan (2002-2007)' aimed to improve 'quality of life'. The discourse within the plan was a universal conception that indigenous cultures are required to 'improve.' It implied that indigenous people were uncivilised and their environment should rely on the more economic-led model.[112] The 'quality of life' and 'creation of wealth' gradually dominated the understanding of what constituted cultural industry (Wang, 2005). After 2000, a large number of cultural development associations were established in the indigenous community to obtain governmental resources. The community development for indigenous people was resource inventory and space improvement, which aimed to drive the tribal industry to ceremonies and craft. Tourism was seen as a 'correct choice' to address the economic issue and became the standard mode within indigenous communities (Zhong, 1998) (Lai, 2015). The capital-led cultural development discourse influenced the indigenous people with 76.8% in support (Zhong, 1998, p. 21). National policy, planning, and the press collaborated on a discourse of 'people bring money and job opportunities which brings young people back'. It saw culture as a method of generating money without considering its relationship to the environment. Such discourses were applied and embellished with 'tribal independence, a revival of traditional culture, improvements

[111] Only a few sentences of outcomes in the final report of Community Development (1994) and New Hometown Movement (1996) related to indigenous communities. See Zhaoying Su, J. C. (1999) *The track of the Community Development.* Tapieo: Ministry of Culture of Taiwan.

[112] Aim of 'uniting aboriginal/indigenous business zones and consensus; based on the current natural landscape, architectural style and cultural characteristics in order to apply an overall plan…; shaping city images and preserving aboriginal culture and innovating cultural industry; enriching human space'

to the environment, joint work, co-cultivation, and tribal economy' to justify the policy and hide the oppression that came from external power and a singular development value. This development value eventually brought impacts on the indigenous culture, environmental dirty and conflict of benefited (Lai, 2015).

4-3-3 Land without social connection

Indigenous land movements forced the government to allocate and assign the reserved land to indigenous people (Zhang, 1996a). The allocation of reserved land had narrow, small areas with limited formal planning to absorb any increase in population. During this period, the mountain indigenous people still retained the concept of collective ownership. Then, in 1996, these lands were given to individuals, which influenced the traditional collective land use (Kuan, 2013). The associated survey was conducted by using 'a house' as a unit. This method changed the mountain indigenous people's living practices. Bunun, for example, was typically characterised by many families within a 'house'; however, the survey atomised these big families because the measuring unit needed to be applied to 'a house'. As a result, people left their original family to set up a new family and started to till the fruit trees in fallow land (Huang, 1992). Traditionally, the patrilineal family and tribal people were not allowed to use the fallow land of others (Huang, 1992, pp. 94-96). The tillage expanded and the rotation tillage was narrowed, and hunting activities reduced. The land use was detached from the traditional relationship and controlled by the individuals of capitalism (Huang, 1992, p. 49). The collective could not intervene. Therefore, the mountain area became more capitalised (Liao, 1984b, p. 98). Meanwhile, the idea of

transaction for profit became rooted in the land policy because this allowed reserved land to be traded between indigenous people.

A 5-year traditional territory survey project was initiated by the Council of Indigenous Peoples (CIP) after 2002 to implement the 'new partnership agreement'. In 1999, Chen Shui-bian, the presidential candidate of the Democratic Progressive Party (DPP) established in 1986, signed the 'new partnership agreement' with the representatives of the indigenous peoples, which recognised the 'natural sovereignty of Taiwanese aborigines' and restored the 'tribal and ethnic traditional territories'. In 2002, the Chen Shui-bian reaffirmed this agreement as president. This victory in the presidential election opened the door for the concept of multiculturalism, which included the colonial history of the Dutch and Japanese. In particular, they considered the historical injustice that indigenous people experienced since Dutch rule.[113] By 2006, about 278 tribal boundaries were identified with 7684 place names and 3219 stories in these places (Zhang, 2003).[114](see Figure 16) From 2007 to 2009, the survey used a 'language group' as a unit to outline bigger boundaries such as Amis, Say-siyat, Paiwan, and Rukai. These surveys were not confirmed by the tribes and brought conflicts within a tribe and between tribes or cultural groups (Kuan and Lin, 2008) due to the top-down character of the process.[115] However, these surveys excluded the urban areas where the

[113] Also see Yang, M.-H. (2008) *Traditional Territories of Taiwanese Indigenous Peoples under New Partnership Agreement:A Research based on Taiwanese Indigenous People's Point of View.* Master, National Dong Hwa University.
[114] A series of reports in 2004,2005,2006,2007.
[115] Also see Chin, H.-T. (2006) *Knowledge, Power, and Tribal Map: A Sociological Analysis of 'Truku Traditional Land Survey'.* National Dong Hwa University. He criticises the top-down mapping process and how it caused inner tribal conflicts.

plains indigenous peoples were living and, by default, they did not have precolonial connections or relations within the newly settled urban area.

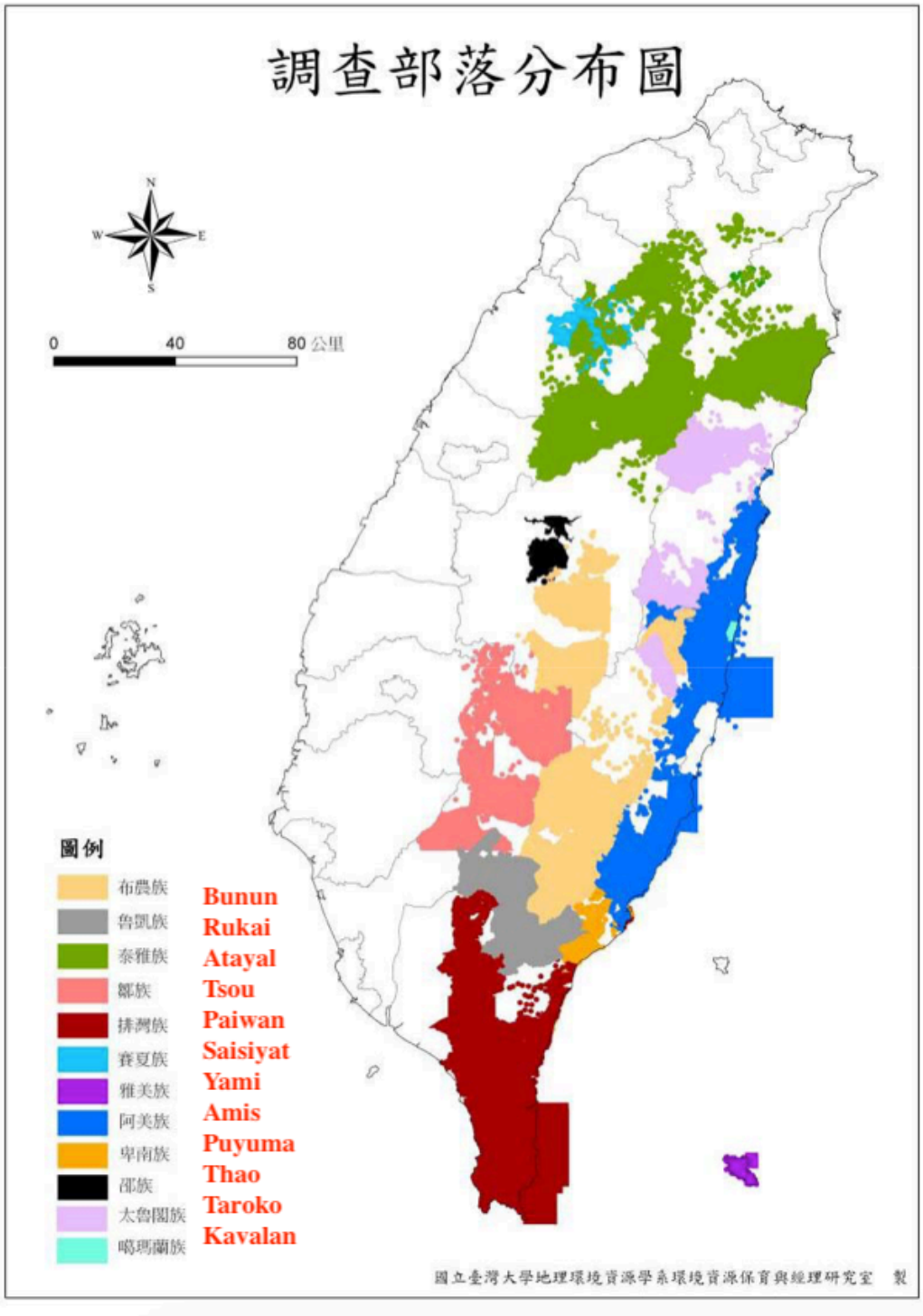


Figure 16 Distribution of only 12 language groups (survey 2001-2005)[116]

[116] See The Geography Society of China (2007) Land Survey in the Traditional Fields of Indigenous Peoples "Fifth Year Research Report", the Council of Indigneous People

4-3-4 Urbanisation-led development and management

Development and its spatial arrangement in Taiwan were problematic. Regional planning provided technical and formal legitimacy for national actions. On a practical level, this planning was a remedial measure for the consequences of economic development (Sun, 1988). Local construction and urban planning were exchanged as bribes to local factions (Group, 1994, p. 167). Therefore, local development was dominated by the minority who had power, whilst the community residents, with less power, lost their right to participate. In other words, indigenous people were mostly invisible when reviewing these developments, their presence and memory were erased. Their living area was replaced by cities with colonial buildings and parks, and naming with Chinese titles. Hunting grounds were occupied by settlers through colonial resource policies (Hung and Hsiao, 2017). The planning bounded indigenous people to reserve land (Kuan, 2014; Guan, Cai and Lin, 2015; Howmi, 2016a), rural area (Hung and Hsiao, 2017), and city fringes where their status was illegal (Jiang and Ji, 2011).

The KMT allocated indigenous people small, scattered pieces of reserved land. These lands are mostly located in the rural area that has a restricted development and is poor in resources. The rural areas, the water-source protection areas, nature reservation areas[117], wildlife protection areas[118] and national parks[119] were created due to the environmental degradations caused by rapid urbanisation. These restricted zones

[117] 22 nature reservation areas since 1986 and 6 nature protection areas since 1981
[118] 20 wildlife protection areas since 1991 and 37 Important habitat for wild animals since 1995
[119] 9 national parks were established since 1984

overlapped and further bounded the development of reserved lands. The reserved lands, for example in Xiulin Township, Hualien County has 12,718,381 hectares, of which 1,492.8498 hectares are within the Taroko National Park. The reserved lands in Xinyi Township, Nantou County (11,69.1816 hectares) and Taoyuan Township, Kaohsiung County (8,569.48518 hectares) respectively have 758 hectares and 680 hectares of land within Yushan National Park (Yan, 1997). Moreover, 40% of the entire reserved lands are located in the water quality and protection zone (Zhang, 1996b). This strict limitation did not stop outsiders developing the rural side. The investors would still receive development permits (Chen, 1995). This permission system also caused illegal encroachment, competition with nature, and collusion between politicians and businessmen to change land categories.[120] Moreover, large-scale development was allowed to be developed by consortia, government policies and non-indigenous capitalists. The consortium received development permission and changed the land use by providing the 'Business Operation Project 興辦事業計畫' to the authorised sectors[121], such as the Uni-Resort Mawudu in Hsinchu County. The government legalised illegal development in the Scenic Area in the name of promoting tourism (e.g. at the Hot Spring Sightseeing Area.) The government conducted the Build-Operate-Transfer (BOT) of forestry, for example at the Makauy-clean resort.

These permissions were associated with a number of national political strategies. The government conducted the colonial agriculture and forestry policies from 1955

[120] See National Development Council 1997 New Century National Development Plan(2001-2004) https://www.ndc.gov.tw/Content_List.aspx?n=B6E8F7AA61027563

[121] Article 11 of Regulations on Non-urban Land Use Control

according to the 'investigation report on horticultural resources in the mountainous regions of central Taiwan'. It applied 'economic de-territorialisation' and brought fruit such as apples into the mountain area for cultivation (Hung and Hsiao, 2017). The non-indigenous people illegally received reserved land and were provided with soil and water for agricultural development. Indiscriminate tilling was done by Chinese people who rented or illegally received reserved land from the aborigines (Chan, 2011), which caused soil erosion, for example at Ginger field in the Shuitian tribe (水田部落) in 2010.[122] This unreasonable and illegal situation occurred because the penalty was too low[123] and the government indulged it by delivering development permission[124]. The contemporary fruit and vegetable landscape on the mountain caused by colonial policy, increased in the discourse of environmental protection when Chi Po-lin's film 'Beyond Beauty: Taiwan from Above' was released. The apples and tea in the movie were considered harmful to Taiwan's environment. Moreover, the China Time produced a discourse that 'places are beautiful without humans.' [125] The Environmental Information Centre reinforced the notion that 'consumers who drink high mountain tea or eat temperate fruits are regarded as accomplices in the destruction of the hill

[122] See Coolloud 2010 Ginger field caused disaster, Shuitian tribe protest https://www.coolloud.org.tw/node/55889 accessed on 20 May 2016

[123] A fine of 60-300 thousand NTD for not in accordance with the current land use category. See Environmental Information Centre 2010 Jianshi Township 'Digital Sky' claimed for injustice fine https://e-info.org.tw/node/61525 accessed on 20 May 2016 and 60-300 thousand NTD for leisure farm turned into a restaurant: see 104woo 2008 illegal construction of leisure farm, Hsinchu County government fine http://dns1.104woo.com.tw/news01.asp?no=1622&check104=17&tom0=&s1= accessed on 20 May 2016

[124] See Control Yuan 2018: A discussion on the development, management and maintenance mechanism of hot springs in Taiwan – Project Investigation Research Report

[125] Jialin huang 2013 Travel Study Room – Seeing Taiwan's Beauty and Sadness China Times https://www.chinatimes.com/newspapers/20131116000602-260116?chdtv accessed on 6.12.2019

environment.'[126] However, there were institutional and systematic issues behind the matter that require exploration. The conflicts caused by the permission development could also be seen in: the Dongpu digging graves event (1987)[127], Asian Cement's occupation of reserved land (Chen, 2017), the nuclear energy storage site in Tao living area[128], and the anti-dam movement[129]. The anti-dam movement, for example, was focused on the protests against the government's attempted support of downstream capital industries and colonial cities by flooding the tribe's space with water.

There were only regulations without planning for the land use of indigenous people. Article 37 of the 'Slopeland Conservation and Utilization Act' regulated how indigenous people received allocations of reserved slope land. Article 46 of the 'Non-urban Land Use Regulation' stated that new residential buildings on reserved land shall be subject to conduct of overall planning by the local government. The reserved land was mainly in the rural areas and regulated by the Rural Community Land Readjustment Act. However, rural regeneration was largely top-down. The countryside was divided into regeneration development zones and integrated agricultural land areas. Moreover, the non-urban land use control, hillside conservation policy, and forest

[126] Li Caiwei 2013'Beyond Beauty: Taiwan from Above' can't you see Taiwan's hillside development problem? ,Environmental Information Centre https://e-info.org.tw/node/95128 accessed on 6.12.2019

[127] Dongpu village東埔村 was included in the Yushan National Park in 1985. The Dongpu grave event occurred in 1987 in the name of obstructing the Dongpu scenic spot and local prosperity. The Bunun's ancestral graves were forcibly excavated. See Zhang, Y. 'Commercialisaiton, colonisation, and globalisation of hot springs,' *Cross-Strait hot spring academic seminar*.

[128] The government established a nuclear waste yard without obtaining consent of the local indigenous people from 1978. The anti-nuclear movement protest started in 1987 due to the airport event. See Huang, S. (2015) 'From ethnic justice to environmental discourse: the transfer of framwork of Tao anti-nuclear and abolition nuclear movement', *Thought and Words,* 53(2), pp. 7-48.

[129] Sasala Taiban, One person, two NTD, anti-Majia reservoir movement http://drgu.duckdns.org/~lanyu/machia.html, Jian-shih anti-dam association https://www.facebook.com/反尖石興建水庫行動聯盟-Jian-shih-anti-dam-association-190403190970922/

restricted zones did not consider the need of indigenous people (Foundation, 2014). The current land use of 'farming and grazing lands' and 'forestry land' did not regulate for the use of public facilities. Therefore, tribal classrooms (Wang, 2015, pp. 16-17) and long-term care buildings[130] were seen as illegal constructions. Moreover, traditional farming methods such as forestry mixed cropping, fallow rotation, and the burning forest for tilling were not considered as agricultural use. Collecting forest resources was also considered illegal.

Natural resource management was generally top-down in character, excluded human activity, and was based on scientific rationale (Lu *et al.*, 2010). For indigenous people, their traditional relationship to nature was devalued had been banned since Japanese colonisation and continued to be marginalised. After 1990, participatory protected area management was applied to Taiwan's conservation areas. This participatory approach developed the co-management of Makau National Park (Xiao and Xiao, 2003) in 2000 and the Community Forestry-participatory coexistence of conservation in 2002. However, this co-management did not involve the opinion of the tribes around or within the national park (Lin, 2006). This co-operative plan eventually failed. This was the same situation with respect to the co-management of the forestry, the forest resource property right and utilisation, especially hunting grounds and hunting behaviours that are the main conflict between aborigines and the forest

[130] Wang Zengyong pointed out that most of the indigenous villages are forest land, agricultural and pastoral land conservation areas, and aboriginal reservations. There are few lands that can be changed into construction land, and there are many buildings without construction licenses. The application requires a certain fee. Economic conditions and regulations are all obstacles. See Xiaoting Lin 2016 a building license card kills the care of the elderly in a rural area ,China Times https://magazine.chinatimes.com/thejournalist/20160324004352-300102 access on 6.6.2019

management agency (Lu *et al.*, 2010). The Forestry Bureau put forward a hunting plan[131] in 2004 that proposed the practices of the participatory method. This proposal was applied not only to protect the environment and animals but also to develop green eco-tourism. This so-called 'bottom-up' approach to natural resource management was seen as part of a process of decentralisation and a respect of and for the autonomy of aborigines. However, it is bureaucratic that the Forestry Bureau authoritises the hunting license and tourism permission.

4-3-5 Conclusion

Understanding the development of cities and countries is essential to reveal interaction of postcolonial planning and resource supervision. Planning in the early Taiwan stage was conducted according to urban development (Group, 1994, p. 59). There was only an economic development policy, in which land policy was there to support factories and tourism development. Land development lacked a comprehensive vision, such as environmental protection and social impact. The state strengthened its national sovereignty by ignoring and negating the relationship between aboriginal people and the land as well as the customary law they had practiced for generations.

The dual process of urban development and national construction continued to eliminate the ownership of indigenous people and their connection with the city. However, they increasingly recognised that they had not participated in the decision-making process and were being politically and sometimes geographically marginalised.

[131] 2004 trial hunting project based on traditional cultural rituals

The Chinese settlers could not, or were unwilling to recognise, this situation. Taiwan's urban development after Japanese colonisation existed as a specific spatial organisation and continued to marginalise and deprive indigenous peoples. The zoning or construction of cities and their hinterlands such as reservoirs and water source protection areas erased the history of plain areas and limited development of the mountain regions.

4-4 Resurgence (2005- present)

This period experienced a right to left party shift. During the period of President Ma Ying-Jeou 馬英九 KMT government (2008-2016), there were no transformative changes in recognising indigenous right. There was the pursuit of a 'welfare colonialism policy'[132] without touching upon the discussion of the subjectivity of indigenous people, solving the plight they faced, or restoring historical fairness and justice. The sovereignty of indigenous peoples and the independent development of society, culture, and economy were ignored by the discourse of 'incompatible with the law'. Ma Ying-Jeou's(馬英九) government only legalised the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights(ICESCR), and passed the Enforcement Act in 2009 to examine human rights in Taiwan by a unique examination system.[133] The Enforcement

[132] See Zhenghao 2016 looking back at Ma Ying-Jeou's 8-years government https://www.viewpointtaiwan.com/columnist/回眸凝視馬英九政府八年來的原住民政策實踐/ access on 6.12.201

[133] Taiwan designed a similar human rights review system to that of the United Nations, but with a higher level of NGOs' involvement. Every four years, the 'National Human Rights Report' produced by the Taiwan government and 'Shadow Report' provided by NGOs were delivered to the review committee. The committee comprises of 10 international human rights experts serving as reviewers in 2013 and

Act allowed law experts to expand the interpretation of human rights for indigenous people (Cheng, 2014; Cheng, 2015; Cheng, 2016; Cheng, 2017; Hsu, 2019).

The President party shift, the first DPP president Chen Shui-bian (2000-2008) and the second Tsai Ing-wen (2016-present), gave indigenous people space in which to claim their rights. However, this shift was situated upon an 'oral gift' or a 'big picture' rather than a fundamental change of indigenous right to land title and resource management. The 'oral gift' showed that a new partnership had no legal position. It was an agreement between President Chen Shui-bian and indigenous people rather than a nation-to-nation relationship between the Taiwan government and indigenous people. The 'big picture' laid on the apologies of President Tsai Ing-wen to indigenous people and an acknowledgement of historical injustice. However, it only recognised history after 1945 and did not recognise the indigenous land title and sovereignty during the precolonial period. Through the examination of policy and legislation, the discourse that the colonial government applied in the name of giving indigenous sovereignty and the way in which indigenous people and scholars applied human right discourse to justify the pluralisation of society as sustainable development, was revealed.

In 2005, the Indigenous People Basic Law (IPBL) (see appendix) was introduced in order to produce a framework for protecting the indigenous right to land and access to natural resources.[134] Article 23 covered culture rights and developed the right of/to

2017. See You, M. (2013) 'The significance of internaitonal review of National Human Rights Reports', *new Century Think Tank Forum,* (61), pp. 100-103.

[134] Taiwan human rights and indigenous right process: 1980-1990 human right / indigenous right beginning stage, 1990-2000 the basic rights structure / indigenous right recognition, 2000- multicultural rights practices / indigenous rights formulation see Cheng, S.-c. (2005) *Study on Cultural Right of Taiwan Indigenous Peoples in Globalization.* Master, National Taiwan Normal University.

the land and in Articles 19 to 23 - the regulation of the right to use, manage, and receive free prior informed consent for any development and research. The IPBL is an enabling statute that facilitated the Regulation of Resources Common Management in Indigenous area (2007), Aboriginal Autonomy Interim Regulations (2014), Draft of Indigenous Land and Sea area (2015), Regulation of Aboriginal Land or Tribal Scope Land Designation (2015), Regulation of Receiving Free Prior Informed Consent of Indigenous People (2016), and Tribal Public Juristic Person (2016). The Tribal Public Juristic Person is aimed at 'Reconstructing traditional tribal organisations, preparing for the autonomy of indigenous peoples and exercising the collective rights of indigenous people' (Wang, 2018).

In national land-use plan, the Executive Yuan approved the implementation of the 'Revitalisation of Economic Programs' that requested the Council for Economic Planning and Development to restructure the 'Spatial Planning Act (SPA)' in 1933.[135] Until 2016, the government announce the implementation of SPA. In response to the land use and environmental resource development characteristics of the indigenous peoples, the 'Indigenous Peoples Specific Regional Plan' was produced to protect the rights of indigenous peoples to land and space development. This specific plan directly guides the use of indigenous land and space development planning. It requires the critiquing of the practice and examination the process, especially how IPBL and sub legislations cooperate with SPA (see appendix).

[135] 2002, the 'New Century Land Reform Plan' proposed by the Presidential Office withdrew the 'Comprehensive Land Development Plan (Draft)', 2004 the Plan renamed as 'National Land Planning' failed to complete the legislation in Legislative Yuan, several times.

The following section reveals how Taiwanese indigenous domestic daily life challenged the policies of multicultural discourse. It begins from the development of diverse culture, presidential apology and the SPA, which opened up opportunities to define and recognise the nature of indigenous peoples' political and spatial systems.

4-4-1 Diverse culture or plural society

In order to balance the development between cities and rural areas and reduce the impact of the involvement of the World Trade Organisation (WTO) in 2002, the Taiwanese government invested in a series of programmes to develop rural areas. Cultural tourism has become a global trend and shaped the community response with the associated development of facilities. The 'Community Development (1995-2002)', 'New Hometown Community Creation project (2002-2005)', and 'Six-Star Project for Healthy Community (2005-2008)' developed community cohesion. The New Tribal Movement was listed in the programme of the New Hometown Community. The CIP applied 'Indigenous Tribal Sustainable development' from 2005-2008 and 'Indigenous Tribal Industry Development Plan' from 2006-2008. As a result, the tribes as communities gradually became autonomous subjects and a collective consciousness (Bellin, 2006). For indigenous people, the 4-year Tribal Sustainable Development programme (2006-2009) under the 'Six-Star Project for Healthy Community', was on the one hand to document oral histories without a further discussion as to how these histories should be recorded and transferred to the next generation from 'our' perspective. On the other hand, this policy mainly dealt with the improvement and new construction of facilities such as building pavilions, dredging ditches, repairing cultural

buildings, improving building facades and the cultivation of skills in areas such as becoming a tribal guide (China, 2009, p. 40).

With the impact of the global financial crisis (2007-2008), Ma Ying-Jeou government applied rural regeneration in its 'Love Taiwan Twelve Construction', which was closer related to indigenous people.[136] The government passed the Rural Rejuvenation Act in 2010. Rural Development (2008-2011) and Rural Regeneration programmes (2012-2015,2016-2019) were largely remedy policies for unemployed young and middle-aged people who returned to the countryside after the economic crisis in 2007. This policy emphasised the bottom-up strategy of community empowerment and participation in order to develop a 'living, productive, ecological' community. This policy, however, still did not consider the daily reality of what indigenous people faced and put them in the national major agricultural development plan by introducing facility construction to promote agricultural transformation (Chin, 2009; HUANG, 2015). These policy formulations led the sustainable development discourse that 'government should promote friendly organic agriculture and guide the indigenous tribes to rationally use the forest environment.'[137] Therefore, the cultural development associations largely developed in this period were then controlled by the politicians and churches that were not from the traditional decision-making process (China, 2009, p. 40). This process did not consider a proper comprehensive economic and spatial plan of the indigenous peoples and did not consider how indigenous people make decisions by themselves. These policies only focused on the empowerment and

[136] Flood control was another construction which influence indigenous people at a most.
[137] Similar discourse that can be found in the official documents. See for example, Taoyuan District Agricultural Research and Extension Station https://www.tydares.gov.tw/ws.php?id=6937

participation to reach a deliberative consensus. The ‘Indigenous Tribal Vitality Project (2012-2019)’ created four principles: ‘Law and Politics existence’, ‘tribes’ existence’, ‘cultural existence’, and ‘academic existence’, which maintained the stability of tribal life through traditional collectives of co-doing, communal eating, and sharing. The prevailing tourism development model became a common mode of rural development in communities and tribes. If tribal development only pursued economic growth and ignored the value of the co-existence of traditional knowledge and the environment, then it also ignored the alternative development path whose value may produce and achieve more freedom of economic, social, and cultural society based on the indigenous knowledge of co-existence with nature. The governmental policy created a diverse culture within in a same developed value which is not a plural society where diverse worldviews coexist in a place.

4-4-2 Limits in legislation

A formal apology by the representative of the government to Indigenous people was circulated by President Tsai Ing-wen (蔡英文) on 1st August 2016. She pointed out that the erroneous administration of the past four hundred years had resulted in the suffering and unfair treatment of indigenous people. The oppression included the power of regime conquest and land plunder, which encroached on indigenous land use rights. Meanwhile, she announced that the ‘Indigenous people's historical Justice and Transitional Justice Committee’ would be set up to pursue historical justice. The main tasks of the committee included: exploring the historical truth of the infringement and deprivation from outsiders or colonisers; the planning of repatriation or compensation

measures; the examining of laws and policies that discriminated against the IPBL; actively implementing the United Nations Declaration on the Rights of Indigenous Peoples[138] and the relevant international human rights conventions. These measures and the IPBL with its court systems created the 'recognition space' to defend the indigenous pre-colonial right. However, similar to the Mabo Case in Australia, it was a paradox that a colonial power to recognise indigenous pre-exising rights (Paul, 1996, p. 159). In other words, the acknowledgements were based on the common law to seek space for recognising indigenous customary law. This recognition included the unequal relationship since colonisation and created a dependent sovereignty for the Taiwan government. This hierarchy was rooted in the colonised legal framework.

The introduction of the IPBL forced The Forestry Act [139], the Wildlife Conservation Act[140] and the Fisheries Act[141] to produce an interpretation that included indigenous basic right. These narratives disallow indigenous governance as a possible solution rather it saw indigenous knowledge as a means which was follow by the principle of SPA. This concept was derived from the Taiwan body of law that was also rooted in the western worldview. This process continued to undermine the Taiwanese indigenous people's ability to determine a sustainable future. There were 438 items

[138] It recognised the collective right as a basis to claim indigenous historical justice and the contemporary right. Foster,2007:45-46 'indigenous people's right to self-determination

[139] Article 15 paragraph 4, 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.

[140] Article 21-1, Wildlife may be hunted or killed for traditional cultural or ritual hunting, killing or utilization needs of Taiwan aborigines, regardless of Article 17, Paragraph 1; Article 18, Paragraph 1; and Article 19, Paragraph 1. Hunting, killing or utilizing wildlife in the condition listed above shall be approved by authorities. The application process, hunting method, hunted species, bag limit, hunting season, location, and other regulations shall be announced by the NPA and the national aborigine authority.

[141] Explanation on Article 44 paragraph 1,

within 82 regulations within a general search for 'indigenous people' in the current law database of Taiwan.[142] These laws and regulations regulate the accountability of administrative agencies and do not touch on the rights and obligations of indigenous individuals, tribes, and language groups. Twelve of these acts passed by the Legislative Yuan beside IPBL are mainly social welfare-oriented.[143] There is no actual practical consideration in indigenous subjectivity because most of these laws are characterised by a 'shallow' discourse: 'the relevant issues shall be stipulated by laws' and 'shall be provided by the competent authority and executed by local authorities.' All laws related to indigenous people governing themselves in their land therefore require authorisation by other administrative agencies to enact separate laws. However, the assumption behind this discourse is what Paul calls the 'barbarian principle' (Paul, 1996), which justified the occupation of the settler and its modern legislation.

The territories investigation[144] of indigenous people and the Research on the Establishment of Aboriginal Courts in Taiwan (Wang *et al.*, 2003) have, since 2004, supported and dealt with the recognition of indigenous land title. However, this research was in the policy framing stage without any practical operation and recognition of indigenous customary law until 2013 when the aboriginal courts were established.[145] This process emerged an inclusive idea of customary law to be incorporated into the

[142] Laws & Regulations Database of The Republic of China (Taiwan) https://law.moj.gov.tw/Eng/index.aspx

[143] Education Act for Indigenous Peoples、Indigenous Peoples Employment Rights Protection Act、The Logging Ban Compensation for Lands Reserved for Indigenous Peoples Act

[144] Investigation of indigenous traditional land and territories research 2002,2003,2004,2005,2006,2007,2008,2009 Council of Indigenous Peoples https://www.apc.gov.tw/portal/docList.html?CID=EF01DA518F292687 access July 2018

[145] 8.10.2012 Yuan Tai Ting Si Yi Zi Di 院台廳司一字第 NO.1010028460

main body of national law (Wang, 2013). However, this framework is still based on a Western worldview: including and translating indigenous behaviour into the main law regulatory body. This can be seen in recent research projects of the CIP. The recent official document 'Editing and Analysis of Important Verdicts of Domestic Indigenous People' stated that modern laws (Western legal system) were unable to address the indigenous people's worldview and also ignored the tradition of Chinese immigrants (Mona, Huang and Wang, 2017). It is clear that no further provisions were made in respect of the indigenous languages, traditional customs, culture and values of the indigenous people and in protecting their legal rights and interests through the judgements (Mona, Huang and Wang, 2017). The CIP conducted the project of 'investigation, sorting and evaluation of traditional customs of indigenous peoples and research on existing legal systems' and finished the report with the input of fourteen Taiwanese aboriginal groups in 2019.[146] These reports show a gap between customary rule, rooted in the place and relational context, and Western law. These reports also point out that land and natural resource management should be governed by the clans and tribes. However, these results will eventually be incorporated into the contemporary legal system such as the Forest Law and the Regulations Governing Disposition of Forest Products of State-owned Forests. It is also a challenge to maintain

[146] Investigation and Evaluation of Traditional Customary Norms of 14 Indigenous Peoples and Research on Existing Legal Systems, Council of Indigenous Peoples https://www.apc.gov.tw/portal/docDetail.html?CID=5EF10D26E1C7A237&DID=0C3331F0EBD318C26A0006FBFF947485 access in June 2019

clan relationships today as Chinese named law is register-led instead of being recognised by the tribes.[147]

4-4-3 Expanded interpretation of Human Right

The limitations in plural development and the legal system encouraged indigenous people and scholars who seek multicultural development to use human rights discourse in their claims for land title and autonomy (Cheng, 2016; Hsu, 2019). Paragraph 3.2 of General comment No.23 of the ICCPR points out the close connection between indigenous cultural practices and the land. Paragraph 7 of General comment No.21 highlights the importance of collective right as recognised by the United Nations Declaration on the Rights of Indigenous Peoples. Paragraph 38 further states that 'parties must therefore take measures to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources, and, where they have been otherwise inhabited or used without their free and informed consent, take steps to return these lands and territories.' After the Enforcement Act of ICCPR and ICESCR in 2009, the Taiwanese government ran an independent examination of human rights in 2013 and 2017, and will conduct a third in 2021.[148] Due to the exclusion from the United Nations since 1971, the Taiwanese government and domestic society have together created a unique system where 'examination, review of decision, and implementation procedures' were applied in

[147] If you do not register as an aborigine or follow either your father's or mother's surname, you do not have right.
[148] Human Right in Taiwan https://www.humanrights.moj.gov.tw/17998/

Taipei (Chen, 2020). Domestic societies, including the Taiwan Aboriginal Rights Promotion Association (TARPA), organised the Covenants Watch in 2009. The Covenants Watch persuaded the government to adopt an examination system that conforms to the United Nations standards. This examination process invited international experts with review experience to Taiwan, conducted substantive reviews, and set up a 'work group' that facilitated the Ministry of Justice to conduct international reviews in a fair and neutral manner.

The human rights review system of the Concluding Observations and Recommendations (second report)[149] in 2013 concluded several points. Firstly, the government must recognise aboriginal autonomy. Secondly, indigenous people's right to self-determination in post-disaster reconstruction, traditional territories and the use of natural resources should be recognised. Furthermore, the government should strictly enforce free, prior and informed consent (FPIC) from indigenous people. The TARPA produced an 'Aborigine Shadow Report' in 2015 to respond to the recommendations. The shadow report stated that the public land did not applied the FPIC which was a requirement in the indigenous territory according to the IPBL.[150] The public land development policy encouraged long-term investment and lease of enterprises for economic development which usually did not consider indigenous living space. Both private and public land development require Environmental Impact Assessment (EIA).

[149] Review of the initial report on the implementation of the International Bill of Human Rights to Taiwan (the Republic of China) Concluding observations and recommendations adopted by independent international experts. Accessed on August 26, 2018 http://www.humanrights.moj.gov.tw/cp-468-31490-f6b22-200.html

[150] See Zamak Luvaniyaw, Valincinan Savungaz, Association of Taiwan Indigenous People Policy Promotion 2013 https://piidebbylin.weebly.com/uploads/5/8/9/6/58961533/icescr_0206.pdf

However, these developments did not apply FPIC or applied FPIC after planning in the indigenous territory. The veto power did not apply to indigenous people (see Chapter Five). Taiwan's plural development did not reach fairness and address justice because the asymmetrical relationship persists. The legislation and human rights discourse that the government applied did recognise the difference but were unable to comprehensively recognise indigenous law as a subject of sovereignty. This limited recognition gave indigenous people a divided sovereignty (Paul, 1996, p. 166).

4-4-4 Spatial planning

The IPBL defined the indigenous right to access land and natural resources, and the SPA provided principles of land development. The Urban and Rural Development Branch, Construction and Planning Agency, and Ministry of the Interior entrusted the National Taiwan University Building and Planning Research Foundation to plan and research strategies for accommodating indigenous right, the conservation and sustainable development in the SPA framework since 2012. The result recognised indigenous (Atayal's) responsibility and stewardship in land and resource use (Foundation, 2014). This project framed the three-level governance structure including tribe, watershed groups, and nation and emphasised the mechanism of co-management that indigenous people plan, and the government assists and monitors. The government establishes a master plan and indigenous people apply 'planning permission' to proceed. However, Shi (2016) describes: the assumption behind the SPA and the IPBL was an applied binary discourse that prioritised the environment over the human. Moreover, it implied that indigenous people were unable to produce their master plan. In fact, the

government's political and economic agenda was often related to the neoliberal discourse. For example, the indigenous people's customary land does not include private land. The Regulation of Aboriginal Land or Tribal Scope Land Designation (RALTSLD) introduced in 2017 excluded the application of private land. This exclusion caused obstacles for indigenous people to exercise FPIC because indigenous territories covered both public and private land. The key features of the political, cultural, and spiritual identities of the aborigines have become mainly invisible, as their traditional territories and ancestral lands are grouped into a more extensive and complex planning framework and assigned to a multiple potential planning unit. More visible control attempts can be seen in the conflicts of planning rights and natural resource management rights of indigenous people.

The SPA was procedural law (Shi, 2016, p. 182) that divides land into environmental conservation zones, marine resource zones, agricultural development zones, and urban-rural development zones with its land use principle and planning procedure (article 20). Shi pointed out the conflict between environmental conservation zones (article 20.1 and chapter 5) and Article 20 of IPBL (Shi, 2016). On a legal level, it was questioned as to which Act privileges the other and how indigenous people right could be prioritised through an equal examination. In the planning process, Wu highlights that (Wu, 2014) the autonomy and development rights of indigenous people can be implemented through additional planning tools and planning procedures such as inclusion, participation and deliberative process. This system is another hegemonic consensus. As Shi (Shi, 2016) states, national urban planning did not require indigenous people to participate and the participation of the CIP, scholars, and head of county or

city, is not in fact a bottom-up process and is not even a transformative change. Shi further clarifies that the tribal Public Juristic Person is another means of state control (Shi, 2016, p. 183) to restrict the use of land and resources and establish other resource governance agencies' consent rights, for example the National Park Authority, in the name of 'promoting the independent development of indigenous tribes'.

The SAP pre-research project for indigenous people 'Northern Atayal: Land use plan and spatial development strategy research report' suggested basic land-use demand of indigenous people in three land use areas: living, farming and grave land (Foundation, 2014). This research collaboratively worked with indigenous people and produced a learning system that indigenous people could plan by themselves. However, modern planning language has difficulty recognising the collective and flexible land use that hunting grounds, living, farming area and grave land, were stewarded by a tribe or a number of people. Moreover, this research was based on the assumption of co-management and co-governance under governmental authority. It did not challenge the fundamental right of self-determination. However, this project played essential to recognise indigenous right through planning and had its potential to challenge current planning system.

Planning in Taiwan as a regionally spatial development strategy, communicative method, and knowledge translation fails to recognise indigenous sovereignty. This rose a simple and critical question 'whose land, for what development, in whose decision-making process?' The first challenge is the recognition of indigenous territory. The RALTSLD identified partly indigenous territories in 2017. According to Article 3, traditional territory of indigenous people excluded private land. In practical, this

recognition cause confliction from the private holders and governmental sectors who own public lands. The Thao nation, for example, initially announced their territory, which covers the current administrative district of Yuchi Township, Shuili Township, Puli Township, Renai Township, and Xinyi Township. This announcement led to controversy as it clashed with the views of property right (see chapter 5).[151] The other challenge is the ability to manage the land. In fact, there is much research and evidence that identify the importance of indigenous knowledge in sustainable development, including water governance (Pu, 2012; Kuan, 2013) and environmental and economic planning (Pu, 2017).

Due to the indigenous land discourse being confined to public land with authority from the government, the SPA did not involve the indigenous people in the city/county planning. For example, the official document 'Taitung County Regional Planning and Research Plan'[152] only cites the population and distribution but is unable to discuss the future demand of local aborigines (County, 2015), because, these lands are state-owned, and the land use is mainly control-led. Moreover, this document ignores the indigenous historical context in the urban area (although the planning did not cover the cities) and suggests establishing aborigines' spatial plans in adding a new category to the non-urban land use zoning (County, 2015, pp. 5-48). The state-owned lands, on the one hand, have priority in land conservation under the premise of land protection. On the other hand, private lands in environmentally sensitive areas are restricted. In practice,

[151] For the plight of the Thao see the controversy about the traditional territory designation, The News Lens https://www.thenewslens.com/article/99376

[152] The National Land Plan are based on the regional plan of each county. The National Land Plan provides guidance and the County plan provides the land use and zoning.

the official documents do not address the common problems in the tribal area i.e. that there is insufficient land for construction and the regulations of land use fail to meet the lives of the aboriginals (County, 2015, pp. 5-15).

The third report of the human rights examination system showed efforts in self-determination, cultural protection, judicial protection, participation in politics, and the number of indigenous people in the public sector.[153] The unequal relationship still existed. However, it is a planning issue to allow the coexistence of claims and the understanding of place as 'just, equitable and sustainable decision-making in planning systems (Howitt and Lunkapis, 2010).' Planning has its theory and purpose, which usually serves neoliberal development. It is critical to think about whether the development is acts on behalf of the free-market by denying indigenous rights (Howitt, 2012). This development is related to the comprehensive development of indigenous people, which links not only the land use planning but also natural resource management planning (see Chapter Six). Kuan Da-Wei (2011) points out that indigenous land rights include spatial planning, land management, and resource utilisation. He draws attention to the adjustment of the Aboriginal Autonomy Act and the SPA to strengthen the power of indigenous autonomy and participation in the SPA, which seeks to go beyond the limitation of current legislations. The participation is still bounded by governmental law. However, a planning system rooted in just empowerment but not recognising right to plan by themselves would become another

[153] Ministry of Foreign Affairs Republic of China (Taiwan) https://www.mofa.gov.tw/cp.aspx?n=DAC099A7691B2050

hegemony. Tully's work points out that this recognition is 'monological' (Tully, 2004), based on ones' 'essentialist interpretation'; it is not a relationship of coexistence.

4-5 Concluding points

Colonialism has controlled the land and resources of the aborigines and in the process made them the object of study (Wilson, 2008). In the past 400 years, historical oppression has showed the interaction of colonisation, inter-colonisation of a wide range of governmental strategies, and indigenous resistance. Taiwan had no treaty and federal system. Therefore, indigenous people and experts who were interested in multicultural development sought political theory, human rights, and planning systems to negotiate reconciliation. The colonial strategies were legitimised through the modern legal body and paternalistically political recognition during the resistance period (1998 to 2005). This unequal relationship continued to marginalised indigenous people through planning. Planning as a colonial tool assisted the process of domination to undermined indigenous peoples, reshape their geography, manage and control natural resources, and develop an economic policy that benefits the colonisers. The legislative system further justifies this process of oppression. Although the court's rulings, multicultural policies, municipal-style autonomy, and political theory in deliberative and collaborative planning recognised indigenous land right, however, these narratives denied them as free people to be existence in their territory. These texts (judgment, research, policy, legislation and Western theory) framed the 'master' discourse (Tully, 1995, p. 34) in the planning system. This system in Taiwan became a monological mode that dealt with granting identities, property rights and procedural justice rather than self-

determination, land relationship and recognition of ontological differences. The dramatic changes in the procedure of the SPA recognised indigenous claims in the planning procedure. While the deliberative process and participatory inclusion involved in the SPA 'justice' model in Taiwan, this planning practice with overwhelming power did not recognise indigenous ability and right to plan by themselves. The current reconciliation was still neo-colonisation.

Chapter Five: Land use struggle in Thao territory

This chapter initially draws from Thao's historical territory which rewrites Thao in the planning history. The following section moves on to claimed right process. This section explores the ways in which the Thaos have sought supports from the contemporary legislative system and built alliances against development within their territory. The third section describes planning as knowledge translations and voice. It demonstrates how the problematic planning system assists the Thao to articulate their thoughts on the possibility of coexistence in the urban planning zone.

5-1 Thao's historical territory

This section describes the different spatial arrangements and respective values during a particular period in the development of the Sun Moon Lake area. The Thaos were experienced spatial practitioners and stewards of their territory. However, this knowledge was ignored throughout the colonial periods of economic and extraction based historical development. The first part of this section demonstrates the connection between their clan system, land management and planning systems. Sections two through four provide an insight into processes of dispossession and marginalisation. The fifth part describes their cultural revival, and, in this context, the conflicts they encountered as they practised their culture. They found within these conflicts, there exists injustice in spatial planning and natural resource management. In general, this

section shows how colonial powers and capitalism displaced the Thaos from their land and devalued their collective desire to maintain their traditional culture.

5-1-1 Self-governance

Understanding of the Thao and their spatial arrangement during the pre-colonial period is generally lacking. The ancestral, oral histories pointed out that Thao people moved to Sun Moon Lake[154] in the pursuit of deer (Hong, 1993). The Thao's traditional territory can be seen from the record of 'Shui Sha Lian '[155] in local chronicles during the reign of Emperor Kang Xi of the Qing Dynasty (1662-1722) (Yu, 1697b). It stretched from north of the middle reaches of the Zhuoshiu river to south of upstream of the Datu river and west of Central Cordillera to the east of Hushan mountain (Hong, 2002, p. 104) . The Thaos first settled in the Puzi (土亭仔) and expanded into Tarinkuan (外石印) and Lalu mountain (shrine space) in the 19th century.[156]

[154] The lake was called Sun Moon Lake in 1823 and has remained so until Today. See Deng, C.-a. (1958) 'YOU SHUILISHE JI', in *LI CE HUI CHAO 蠡測彙鈔.* pp. 33-34 [Online]. Version.p33

[155] 'Shui Sha Lian水沙蓮' is from the Thao's language 'Sazum', which means water.

[156] Between 1654-1722 they moved, see Chen, C. (1999(1958)) *Sun Moon Lake Thao Investigation Report.*. When the population increased, some of them left Lalu mountain and migrated to Tabuk kankwan（水社）, Shtafari (頭社), Waqraz (茅圍), Shimduq (審鹿), Thapuduk or Kathafatu (貓蘭), and Lay'azu'an（潭南, see Chen, J.-S. (2017) 'The Movement of Fighting against Asia Cement Corporation and Returning Our Lands: Retrospect and Prospect in 2018', *Taiwan Indigenous Studies Association,* 7(3), pp. 157-187.

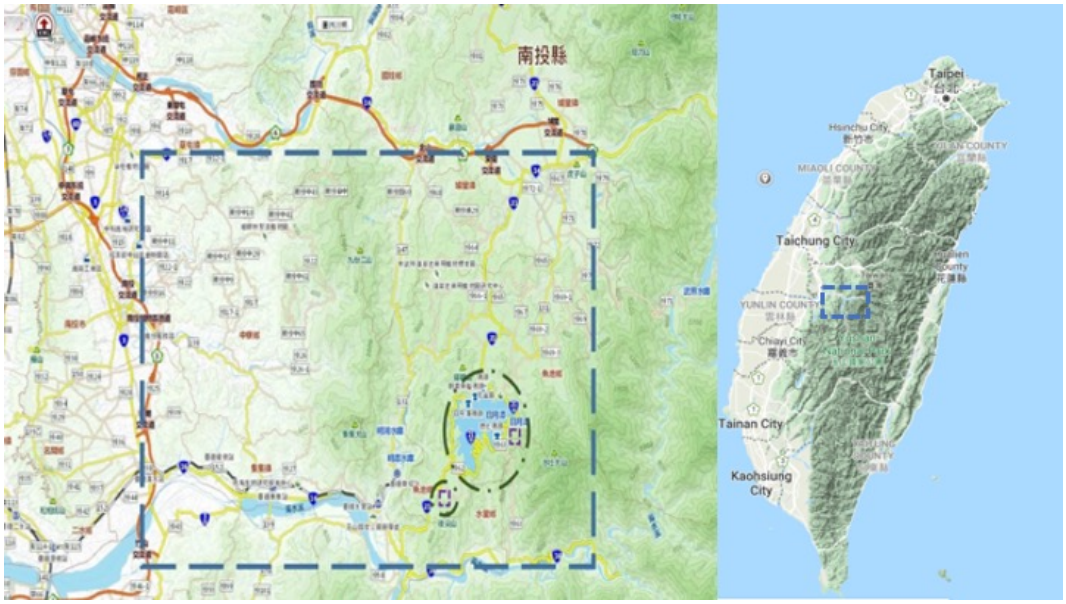


Figure 17 Thao people's rough outline of their traditional territory (Chen, 2017, p. 16)

This area included the tribal land, arable land, ritual spaces, ancestral shrine, cemetery and hunting ground. Other areas include the water catchment area, important transportation routes and lease area[157]. Arable land, hunting ground and the cemetery were positioned around the tribal land. Li's report (1957) showed that their farming area was near the Sun Moon Lake and that they applied slash-and-burn agriculture. Natural resource management was controlled by 'parsijan' (taboo). The clan system allowed tribal people to access the natural resources with respect. For example, Autumn Maple and Camphor trees were not permitted to be cut. The owls and eagles should be conserved. These taboos were related to modern notions of sustainability. For example, the camphor trees were used for making canoes. Fishing was another important activity (Chen, 1999(1958), p. 58). For example, the creation and use of a small artificial islet

[157] Lands were rented to other groups of people in the historical record.

was one of the fishing methods and was privately owned. More generally, hunting had considerable significance, its methods included the use of weapons, burning, and trapping. Hunting, fishing, and gathering resources such as mushrooms and wood were the Thaos' main natural resource utilisation and remain central.

Thao's concept of property right included both private and public ownership. The members of the clan can cultivate the land within the scope of the clan land. This clan land was publicly owned. The hunting ground belonged to a tribe where there might be two clans. A member of the tribe was not allowed to enter other hunting grounds. The lake for Thao people belonged to everyone and no one could own it. The land was allocated to each clan. Chen (1999(1958)), concluded that the land use right was ambiguous. However, the land use was 'Yiqi Taolun (discussing together in mandarin)' ,flexible and negotiable, through the clan's system (Field note in May 2017).

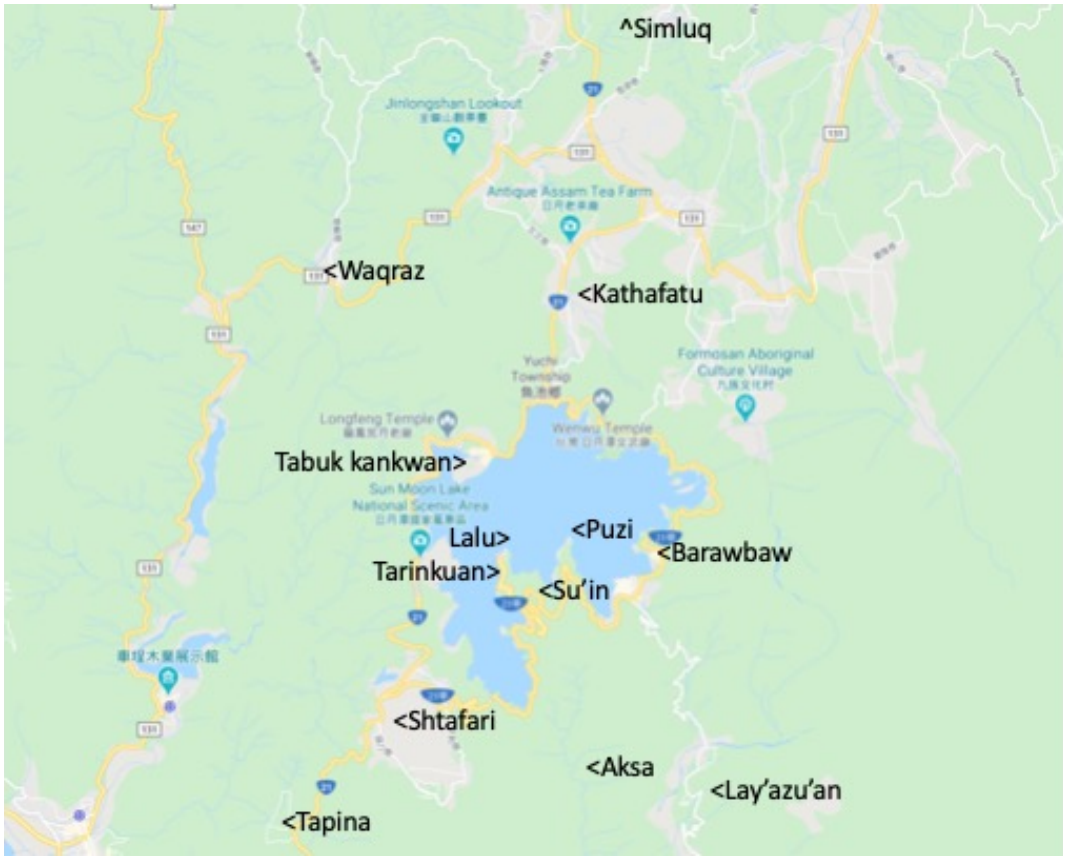


Figure 18 Sun Moon Lake now with the traditional name

In terms of social structure, Huang's work (Huang, 1986) classified Thao as a 'chief' system. This type of society has an obvious and institutionalised leader whose position was inherited. There were seven clans that constitute the Thaos including: shinawanan, shkatafatu', shkapamumu', shkahihian, shtamarutaw, shapit, shtanakjunan. The division of work related to tribal affairs was based on the clans. The shinawanan and shkatafatu' clan charged tribal policy. The shkapamumu' clan dealt with the priest's calendar and manufactures weapons. The shkahihian and shtamarutaw clan shared ritual duties. Each clan had its own territory within which there were a number of tribes. Some of the tribes might consist of two clans. The patriarch was normally the leader of the clan. He determined penalties and punishment and called for tribal

meetings with each head of the households or families. When at war, the patriarch served as a military leader (Li, 1957, p. 53).

5-1-2 Chinese people's reclamation (Qing Colonial Period)

Thao was 'discovered' by Chinese in 1697 according to Yu's record (1697a). The Thao were classified as 'Huafan' because they had paid tributes to the local government (Yu, 1697a) before 1921.[158] With an increasing number of Chinese people moved closed to the Thoas' area, the Qing ruler established interpreter in tribes (Zhou, 1962[1717]). Around 1723, Chinese immigrants levelled forests that were originally inhabited the deer and this reclamation behaviour reduced the deer and deerskin production. This aggressive reclamation process gradually caused conflicts. Three important events: 'Gu Zong event (1725)' [159], 'Lin Shuang-Wen event (1786)'[160], and 'Opening Up the Mountains and Pacifying Aboriginal Peoples (1874-1895)' (Lin, 2014) allowed Chinese to settle into the Thao's territories.

[158] These Thao peoples are not identified as 'cooked aborigines' or 'raw aborigines', but 'Huafan 化番' i.e. a group of indigenous people that are distinct in between the two previous identifications. see Zhou, Z. (1962[1717]) *Gazetteer of Zhuluo County*. Available at: https://ctext.org. Yu, Y.-h. (1697a) *Small Sea Travel Diaries*. Available at: https://ctext.org/zh (Accessed: April 26 2016).

[159] The conflicts were caused by the avarice of interpreters who played a negotiation role between the Thaos, Chinese people, and the Qing government. The interpreters were in charge of trade, lease, and collecting taxes. See Deng, X. and Xu, M. (2000) *History of the aborigines of Taiwan - Thao.* Nantou Provincial Literature Association. p26。

The behaviour of head hunting outraged the Chinese governor of Qing, and in 1726 the governor lead an army and surrounded the hunters, Gu Zong and his two sons. This series of incidents was later known as 'Gu Zong shijian 骨宗事件(Guzong event)', where 85 skulls were uncovered following the Qing governor's attack. The governor settled the army near the Sun Moon Lake, while Chinese people continued to occupy and reduce the Thao's territories. The act of headhunting was stopped as a result. See Liu, Z. (1962) *Nantou County chronicles - development chapter*.

[160] The 'Lin Shuang-Wen event' brought the Thaos into the 'civilised line'. In 1786, the Thaos assisted the Qing governor in defending against the Qing Dynasty.

The first event was caused by the extorted taxes that the interpreters helped the Thaos to rent the land to the Chinese for cultivation and made huge benefit with this process. The interpreters were therefore headhunted by the Thaos. This headhunting behaviour, seen as uncivilised, provided an opportunity for the Qing to intervene. The second event integrated the Thaos' territory into the 'civilised area' to against those mountain aborigines. Until 1788 around 100 hectares farmlands were built by the Qing army while the Thao had approximately same areas of self-cultivation land (Yao, 1957, p. 32). However, the Qing did not recognise those hunting ground and fallow field.[161]

According to Chen's research (Chen, 2001a), there were at least six cases of Chinese reclamation with between 1815-1849 (Liu, 1962) since the 'Guo Bainian event' [162] occurred in 1814. There were three official records of organised migration between 1850 to 1874 that caused the Thaos to move to Lalu and Tubuk kankwan (see Figure 18 Sun Moon Lake now with the traditional name). The new settlement Taringkuan (Su'in 石印) of Thao was established in 1853 during this period. This reclamation process generated a huge number of contracts between Chinese and Thao people and

[161] The Qing saw a lot of wildness – countless uncultivated farms (Wei Ken Huang Bu Wu Shu). See Yao, Y. (1957) 'Puli She Jilue (Puli tribe record), Dongcha Jilue (Taiwan record)', *Taiwan Literture,* 7.

[162] The 'Guo Bainian enent' occupied Thaos land in Tabuk kankwan, Simlug and Qariwan. In 1814, Guo Bainian 郭百年 received an official reclamation license through deception. He pretended to be a governor and brought approximately a thousand soldiers and farmers to cultivate the territory of Thao, in Tabuk kankwan 水社 with about 400 hectares and Simluq 審鹿 500 hectares. See （1829）姚瑩《東槎紀略》〈埔里社紀略 p34 Then, he then went into the Qariawan (current Puli township) with a great number of Chinese people and massacred the aborigines. See Liu, Z. (1962) *Nantou County chronicles - development chapter*. 131-132
Guo Bainian was later arrested in 1816. These places were returned to the Thaos. The Thaos invited around 30 tribes of west plains aborigines, including Hoanya, Babuza, Papora, Pazzehe and Taokas, to cultivate Qariawan. See Deng, X. and Xu, M. (2000) *History of the aborigines of Taiwan - Thao.* Nantou Provincial Literature Association. p37. Approximately 3000 plains aborigines' contracts were documented to have moved to the Qariawan. See Chen, S.-C. (2002b) *A research of the spatial confliction under gone withing the transition of land ownership of thao people in zintun.* Master, National Tawian University. p2-8,p2-9

most of these documents were 'illegal' (Liu, 1962; Mao, Jian and Bai, 1999; Deng, 2001). The Thaos became the main landlords and recruited small Chinese family farmers. Meanwhile, the Thaos started to grow rice, maintained slash-and-burn agriculture, and introduced one-crop farming such as a banana trees as cash crops. It brought not only migrants and new farming techniques but also plagues that forced the Thaos to move alongside of Sun Moon Lake.[163]

The policy, Opening Up the Mountains and Pacifying Aboriginal Peoples (1874-1895), allowed the Chinese government to settle the army around the Sun Moon Lake and established a station farm system since 1874. The reclamation became legal. The Chinese people gradually moved alongside the Sun Moon Lake (Deng and Xu, 2000, pp. 26-63) . The Barabraw had in effect become a Chinese settlement. This system divided the Thao's land into individual farm and army cultivation (Chen, 1999(1958), p. 52) as the Chinese people saw these areas were the concept of frontier which required development. Therefore, boundaries (arable land and wildness) were settled. However, the Thaos' farming techniques were not able to satisfy the need of the Chinese people for rice; as a result, these lands were eventually rented to Chinese people for rice farming (Deng and Xu, 2000, pp. 30-32). This caused rent issues and the fraudulent

[163] The first plague occurred in 1858. The Thao moved to Su'in. While Kathafatu and Simluq had been abandoned and few tribal people stayed; there were only four tribes left, Tabuk Kanwan, Shtafari, Su'in and Lalu. See Liu, Z. (2019) *History of Taiwan's Sun Moon Lake.*
Around 1874, the plague spread into the north part of Thao tribes (Waqraz). See Deng, X. and Xu, M. (2000) *History of the aborigines of Taiwan - Thao.* Nantou Provincial Literature Association.
The Thaos who were living in Kathafatu moved to Tabuk kankwan and Lalu. While Chinese people moved around the Sun Moon Lake between 1849 to 1874, those Thao living in Barawraw moved to Lalu. See Liu, Z. (1962) *Nantou County chronicles - development chapter*. p200.

swapping of tenants and their lands. The reclamation process never stopped.[164] The Thaos believed that their relocation was affected by the destruction of holy place due to the Chinese school (Zhengxin College 正心書院) was built on the top of Lalu mountain. The holy space was occupied, and a subsequent plague in 1879 caused the Thaos to relocate away from the lake.[165] This plague caused a large number of deaths within tribes. In 1897, from the four tribes, only 352 people (Huang, 1953) remained while it was 861 in 1847 (Liu, 1992). Their lands were largely transferred to Chinese immigrants or rented to them with legal and illegal documents.

5-1-3 Urban infrastructure (Japanese Colonisation)

The Japanese government relocated the Thao several times for monitoring purposes and the construction of hydroelectric power. The last settlements were located in Barabraw and Tapina. In the early stages of Japanese colonisation (1906-1915), the government relocated most of the Thao people in the name of centralising management (Chen, 2002b, pp. 2-12,2-13) and developing the hydroelectric power lake project. At the time, Su'in required an improved electricity supply and capacity due to the development of the light industry. The Power Company (Japan) evaluated the potential of utilising the Sun Moon Lake as a source of hydroelectric power, as a result, it became the biggest power generation project in Asia. The Thaos around the Sun Moon Lake were then relocated to Su'in (Chen, 2001a, pp. 82-127) and some tribal people in Tabuk

[164] It started from the southwest of Sun Moon Lake to Shtafari 頭社, Tabuk kankwan 水社, and Kathafatu 貓蘭 and Barabraw 卜吉 between 1836 to 1838Liu, Z. (1962) *Nantou County chronicles - development chapter*. p159

[165] Field note in May 2017. After 1882, those Thao people living in Lalu and Tabuk kankwan moved to Waqraz, Su'in; Those in Kathafatu and Simluq moved to the north. Also see Ibid.

Kankwan migrated to Tapina 大坪林(Chen, 1999[1958], pp. 4-5) Due to the enlarging of the power generation capacity, the Thaos were given three options for resettlement, which eventually resulted in them moving to Barawbaw.[166] Meanwhile, those Chinese people who were living in the Barawbaw were relocated to other places.[167] The arable land was being reduced at the time due to gradually increasing water levels (Liu, 1951).[168] The Japanese government allocated some lands in the Aksa 益則坑 and Jiufenzi 九分仔 to Thao people to cultivate (Chen, 2002b, pp. 3-5; Shih, 2004). The Japanese government implemented a simple 33-units village plan in Barawabaw, alongside the main road (current Yiyu street 義勇街), there were two households on one side and two households on the other side. The unit of households was located in a rectangular system with front yard, doors facing Sun Moon Lake and a 3.3-metres wide alley separating each unit from the accessory space. These units were allocated to each Thao family, and each unit had six rooms: bedrooms, living room, bathroom and kitchen. Outside of these units were a hog house, cowshed, compost latrine, and warehouse, which also acted as a storage for rice (Shih, 2004).

[166] They refused the first place, Ershuei Changhua彰化二水because the place was not suitable for traditional agriculture. The second place, Yuchih Nantou 南投魚池, was denied by tribal people because it was close to the territory of another indigenous group Bunun. see Mao, L., Jian, S. and Bai, H. (1999) *Everyone comes to write village history: public participattory community history village establishment project - sunmoon village*: Cultural Construction Committee of the Executive Yuan. p24-39, Shih, S. (2004) *The impact of tradition sacrifice spatial for Urban Land Readjustment to Thao tribe in Sun Moon Lake.* Master, Tamkang University.p16

[167] Changhua彰化, Puli埔里, and Guoxing國姓

[168] Tainan Newspaper on 26th July 1934 reported the depth of lake had increased by 7 metres and the aboriginal tribal lands were now under the water

In the Thao's opinion, the lands in Barabraw were an exchange for those lands that had been lost to the rising water level around Sun Moon Lake.[169] However, the Japanese government applied for these lands in Barabraw to be utilised for the use of power construction by the Power Company (Japan). This frontier concept through territorial constraint secured coloniser's benefit (Yiftachel et al., 1997). The Thaos did not have to pay tax but instead were required to pay cereals as rent (36 to 60 kg). The land was state-owned but the Thaos had full right to its access.

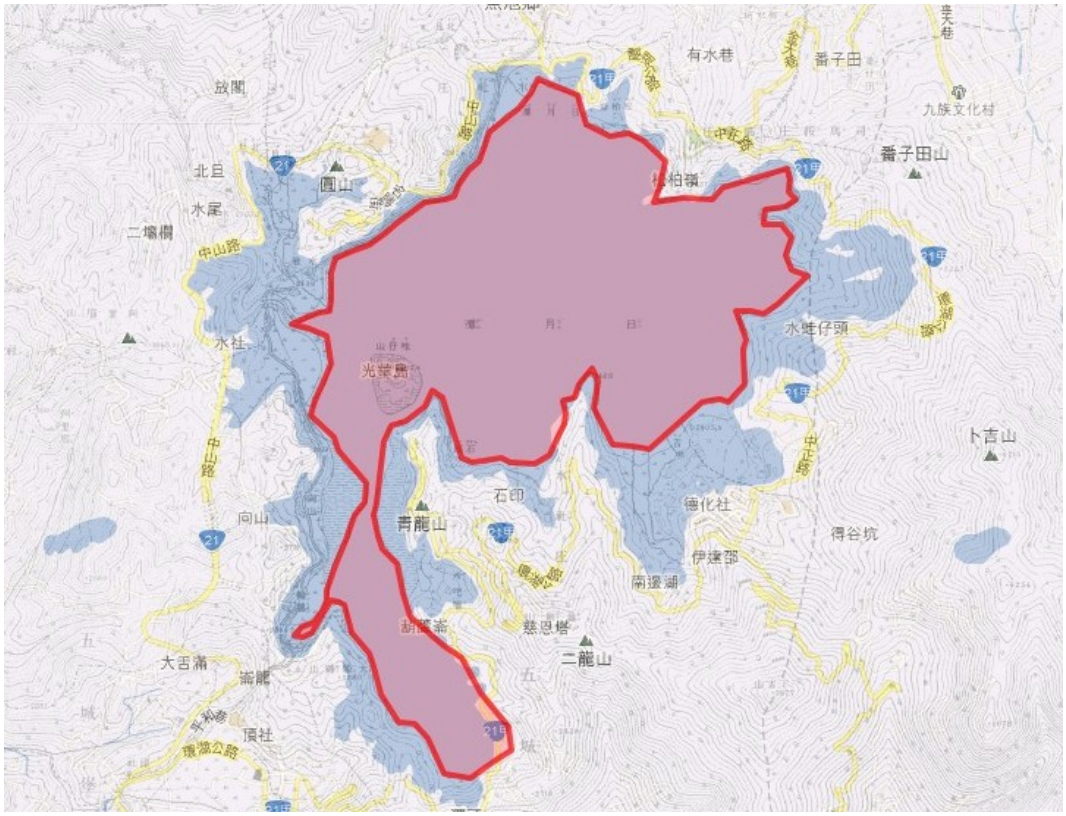


Figure 19 Sun Moon Lake after level increased [170]

[169] interview DDJ who is an elder of the Thao people

[170] Taiwan Hundred Years History Map 2012 Changes in Sun Moon Lake from map <The Map and Remote Sensing Imagery Digital Archive Project> Research centre for Humanities and Social Sciences, Academia Sinica http://gis.rchss.sinica.edu.tw/mapdap/?p=2453&lang=zh-tw access on 27 April 2020.

5-1-4 Systematic exclusion (KMT Period)

This section was based on the contribution of Chen (2002b) and Shih (2004) with some supplementary field work to reveal the dark side of a top-down and politically integrated planning process. The KMT systematically deprived the Thaos of their land via the legal process and regulation. As chapter 4 described, land registration transferred a significant number of lands to these Chinese people in 1964. Some of the Thaos were not informed of the need to register, while those were informed could not afford the rent. Moreover, some oral purchase behaviour of land did not have official proof and standing.[171] The National Property Administration, the Taiwan Power Company, and the Forestry Bureau took over other the lands as a result. The Thaos became the tenants of these authorities. This process was ,Yitachel (1998) described, the process of 'territorial constraint, social and economic dispossession, procedural exclusion.'

After 1945, the Chinese continued to move to the Barabraw as tension rose over land use.[172] The KMT government further revoked the land ownership in Aksa, which was allocated by the Japanese government according to the Forest Rental Act (Shih, 2004).[173] Moreover, Thao people provided their land to build an elementary school for

[171] Field note in May 2017: When the Chinese people first arrived near the lake, they borrowed or rented land from the Thaos for living and business purposes. Also see Shih, S. (2004) *The impact of tradition sacrifice spatial for Urban Land Readjustment to Thao tribe in Sun Moon Lake.* Master, Tamkang University.

[172] In 1955 Chinese population reached two-fifths of the total. See Chen, S.-C. (2002b) *A research of the spatial confliction under gone withing the transition of land ownership of thao people in zintun.* Master, National Tawian University.p3-5

[173] Field note in June 2017

their children to study but this land was occupied by the government and sold to a private investor to build a hotel. The land was also given by the Thao people and the construction was finished by the 33 households of Thao in 1950. Furthermore, the land borrowed from the Thaos for the KMT Service Centre / Community Service Centre was forcibly transferred to the state without negotiation and was sold to a private company to operate a bed and breakfast hotel in 2003. In 1967 The KMT government applied a tourism development discourse based on the economic development and 'job opportunities' through the construction of the Taiwan Mountain Culture Centre on the Thaos' last substantive area of arable land. In 1967, the Jiufenzi of Thao arable land was compulsorily expropriated by the Nantou county Mayor, Lin Yang-Kang 林洋港, in order to build the Taiwan Mountain Culture Centre in the name of tourism development and provision of jobs. Interview and field note in June 2017: They were persuaded that the government would buy this land to build a cultural performance centre and as such they would not need to cultivate the land because of increased income from tourism. Meanwhile, this land was under the rule of Sale of Public Lands, which meant that Thao people could receive ownership after paying ten years of rent. However, the government forcibly requisitioned the cultivated land of the Jiufenzi at 60,000 NTD per thousand square metres; this amount was not enough to enable the Thao to afford any farmland around the Jiufenzi (Interview DJJ, elder of one clan、Banu, elder of other clan). After 1969, The road around the lake was built and brought more Chinese immigrants and tourists. Around 1970 Chiang Kai-shek 蔣介石 declared Barawabaw as a prohibited construction area to maintain the indigenous people's

lifestyle and its tourism value. The policy nevertheless resulted in the disorder of villages because it did not recognise the increasing number of Thao population and other Chinese.[174] In 1986, this essentially unjust process included land investigation and urban land readjustment. The land investigation allowed the government to recover unpaid rent from the Thao since the initial land registration. The 'Land Use Status Survey Form of Urban Land Readjustment 南投縣第拾期魚池鄉德化社市地重劃區土地使用現況調查表' for Barabraw in 1984 revealed unjust facts. This form was applied to identify the scope of where the Thaos lived in the administration's property to be utilised as a proof of rent requirement (Tsai, 2017, p. 134). The National Property Administration in 1984 announced that the Thaos should pay 15 years of rent because these lands were registered by the administration. Around 80% of the land in Barabraw belongs to the National Property Administration. This investigation recognised only lived-in buildings and excluded those spaces such as the hog house, cowshed, compost latrine, warehouse and the 'danshiqan' (front yard) and denied the validity of oral rental agreements between the Thao and the Chinese. The Thaos did not have the participatory right in the negotiations because they were the only lessee. The urban planning meeting authorised and controlled by the Nantou County government recognised only stakeholder and applied public meeting to involve voices. For example, at the first public meeting (27.6.1987) there were a total of 13 representatives, four of whom were Thaos, seven local ethnic Chinese, and two 'outsiders' who did not live in the Barabraw.

[174] House and construction are chaotic

The second meeting (8.7.1987) had 15 representatives, three of whom were Thaos, six Chinese and six outsiders. As such, the fairness of the process was questioned.

The entire area of readjustment was 9 hectares: the Thaos had 1.74 hectares (Chen, 2002b). The Dehua Elementary School was relocated and this site, donated by the Thoas, was turned into one of 'Cost Equivalent Lands.' These lands were sold to assist with the expenditure of land readjustment. Moreover, the Thaos had no changes to buy these lands because they did not receive comprehensive information.[175] The Thaos, as minorities, could simply be ignored. Therefore, the Thao participated in the indigenous land movements described in chapter 4, which forced the KMT to change the land policy. In 1989, around 88 sums of a total 1.7399 hectares were assigned but only 62 sums of land were allocated to the Thaos (37 from National Property Administration and 25 from Taiwan Power Company) (Chen, 2002b, pp. 3-10; Shih, 2004, pp. 25-27). The Thaos still needed to pay 15 years of rent in order to receive the ownership.[176] However, these allocated lands were scattered and not related to any cultural practice.

The planning document 'Sun Moon Lake Specific District Plan (1970-1990)', which applied to the Urban Planning Law, proposed that this area is a mountain settlement city focusing on tourism development. Nantou County conducted a 'plunder' of the urban plan in Barawbaw in the name of landscaping works and enhancing tour value in 1987[177] through land investigation and urban land readjustment. This process clarified the ownership boundary of the Thao and total rents for these lands since the

[175] interview Banu
[176] Field note in May 2017
[177] 76 Nantou County NO 10394, Dunyi Wu吳敦義 served as Nantou County Mayor

KMT arrived. The boundaries do not count places outside of the home. Those unable to pay the rent were forced to give up their right to participate in the discussion of land adjustment. The membership of the participants was problematic. The land adjustment results show that the Thao's living area was reduced by 40%.[178]

5-1-5 Cultural subordination

Since the post-war time, governmental policy has been based on anti-Communist ideology. Many places with aboriginal significance were replaced by the China nationalism which created ideological boundary to cover the original. The Barabraw was renamed 'Dehua', which means to cultivate Thao people as 'good residents' with morality. Moreover, Lalu island was renamed 'Guanhua island', which means to carry forward Chinese culture. The colonial dispossession and marginalisation process changed the Thaos' social structure in intermarriage and cultural practices. The challenges of cultural revival are reflected in the cultural practices in daily life.[179] Cultural practices highlight the close connection to places as well as spatial

[178] In 1987, the Nantou County announced the Land Readjustment Map. The government expropriated 40% of the current living area for cost equivalent land, administrative land, roads and public facilities construction. The other 60% was for Thao's land ownership. See Shih, S. (2004) *The impact of tradition sacrifice spatial for Urban Land Readjustment to Thao tribe in Sun Moon Lake.* Master, Tamkang University.

[179] The Thao calendar includes the Tilling Festival (February), the Seedling Festival (March), the Weeding Festival (May-June), the Hunting and Baiman Festivals (July), and the all-important Annual Harvest Festival (August), which is the traditional start of the Thao New Year. Thao New Year ceremonies and celebrations often stretch over half a month in length and always reach their climax soon after the Chinese Mid-Autumn Festival. During the night of the "final drinking" ceremony, the Thao follow the instructions given to them by their ancestors and engage in live performances of dancing, singing, and well-wishing. The evening air is flooded with song and the sound of exploding firecrackers. It is an experience not easily forgotten. The renowned pestle music of the Thao is also an important part of Thao New Year activities. Performances are usually held on the last day of the seventh lunar month at the headman's house to announce the formal beginning of the New Year. Pestle music is performed by several people wielding wooden pestles of varying lengths, involving the rhythmic pounding of pestles against stone slabs. Field note in May 2017

arrangement and governance. Thao people have three regular rituals, including the sowing in March of the lunar calendar, hunting festival in July and the Ancestral Spirit Festival in August and the New Priest Liturgy held in a decade. There are about 14 large and small festivals each year that are indispensable parts of daily life. Most of these festivals are blessing rituals for farming, including upland rice and paddy fields. The rest are rituals for fishing, hunting and harvesting. These activities have their traditional place and practice. The traditional 'danshiqan' (front yard) in front of the house is a mixed-use place and utilised at different times for traffic, farm work, and sometimes acts as a holy space. It was, however, ignored in the urban planning process and became a main road. Therefore, the religious ceremony was forced to take place in the street, which caused complaints. Moreover, Lhalhaushin (Swing Festival) in the third month of the lunar calendar, the swing made of bamboo for the supreme ancestor of Lalu island, is a sign for a good harvest for the whole family. However, the swing had to be moved from the side of the lake to the tourist parking site, where Lalu island could not be seen.

Cultural practices are associated with the relationship that the Thao people maintain with nature. The intervention in utilisation of natural resources since Japanese colonisation largely changed the Thao's lives and forced them to depend on capital. The utilisation of natural resources privileged the government. The land use was divided into single use, which benefited the colonial economy. For example, Japan developed a hydroelectric power plant, tourism, camphor business, and tea business at Sun Moon Lake and the Camphor trees were preserved for export and manufacture (Tang, 1996[1958]). The Thao's farming skill based on burning trees was banned in

order to develop rice faming. The afforestation policy during the KMT period encouraged the Thao to plant single-species trees such as Fir and Cypress for export. The wood material for manufacturing canoes, houses and living utensils on the mountain was also prohibited. Hunting and forest agriculture therefore were not allowed because the forest around the Sun Moon Lake area was protected for maintenance and development of hydropower and tourism.[180] The Thao people could not rely on the land and resources within their territory and had to develop capital life as labour and develop tourism to survive.

Capitalism gradually entered the Barabraw. Li (1957, p. 58) provided a living description of the KMT period: *'The economy of the small town (Barawbaw) is completely dependent on tourism. The Thaos are controlled by the economic dependence on clothes, living, food that have to be bought with money. They gave up their traditional way of living. They applied their cultural practice to tourism performance as well as participated in the tourism industry in order to adopt the new cash economy and survive.'* The dependent relationship between culture and tourism was affected by governmental planning. The spatial arrangement in the Sun Moon Lake area was based on tourism, and associated policy has positioned 'Mountain Lake View and Thao culture' as a development goal since 2000.[181] However, the planning process has marginalised the indigenous people. Instead, discussion focused mainly on economic development, the number of tourists, and infrastructure. 'Thao culture' was

[180] Field note in May 2017: Hunting was prohibited after 1970.
[181] Sun Moon Lake Urban Planning 1970 to 1990, Sun Moon Lake first overall review of Urban Planning 1986, Sun Moon Lake Second overall review of Urban Planning 2015 and Sun Moon Lake Tourism Overall Outline Plan 2014

never a primary or even a secondary concern. In reality, tourism development was operated for and by Chinese people and investors. Only a few Thao people in Barabraw opened restaurants or artwork shops. The yacht industry is managed by Chinese investors while the Thao have just one yacht.

5-1-6 Conclusion

From the analytical perspective of fourth world theory, urban planning in Barabraw further destroyed indigenous connections to the nature and spirits. It not only shaped the economic-led development but also caused gentrification, which benefitted politicians, the Chinese people and investors who bought the land and sold it after land adjustment (field note in May 2017). The land allocation was not just, and what the Thaos did receive was badly positioned: in the middle and behind main streets; those with power received the better positions, such as the corners.[182] These lands were classified as commercial and residential districts according to the report of Urban Land Readjustment conducted by the local government, Nantou County in 1987, rather than considering cultural differences in spatial management. Each piece of land was therefore given a specific use, privatised and given a price. The price was set by the market and increased sharply as more Chinese people were attracted to the Barawbaw. Tourism at Sun Moon Lake followed the values of political ideology, Chinese value, western spatial knowledge and a short-term economic benefit route. It did not pay

[182] Field note in May 2017

attention to the maintenance of the landscape and the overall planning vision. It swallowed the indigenous culture. Their self-determination was devalued (Seton, 1999) in this symmetrically excluding process and progress discourse (Wilmer, 1993).

Fortunately, the ancestral rituals of Thao did not disappear during the colonisation process and continue to exist collectively within the indigenous community. They did not give up their culture, but contemporary policy and power relationships continuously force them to compromise. This postcolonial relationship continues to create conflicts. Cultural practice requires not only spatial but also social space in order to recognise indigenous knowledge and right to self-determination. These practices are not always traditional and change as a result of contemporary demands, which creates new forms adapted to the new life. This process has resulted in changes to farming and property right from multi- and flexible use to private ownership, which has meant that land can be rented and sold as products (Chen, 2005). This has caused land loss and increased the importance of collective ownership. The occurrence of intermarriage and adoption through the Thao's cultural processes, emphasise that indigenous people are a group that have their own indigenous culture. Although the clan system was influenced by contemporary political, economic, and social organisations, the Thao reconstruct the clan system within the Thao Cultural Assembly to establish and practice their traditional 'negotiating' functions (ield note from May 2017). The traditional religion plays an essential role (Wang, 2002, pp. 113,118).



Figure 20 Sharing food in the community

5-2 Claimed right process

This section describes how the Thaos have used the current legal system in order to claim their rights and seek support against unjust developments. The first part describes how the Thao to restore their culture. The second part reveals the process of appeal against the local government in order to secure their current ‘temporary living’ at Jiufenzi after 921 earthquakes. The final part demonstrates the conflicts with the narratives of three Building-Operation-Transfer (BOT) projects that highlighted tribal claims and the ‘uncomfortable process’ for them.

5-2-1 Cultural revival

The Thaos' pursuit of rectification and revitalisation of collective ethnic identity was a process of continuous hard work for many years.[183] This process included the "Everyone, Write Village History" campaign[184], the establishment of Thao Cultural Development Association, 921- Building a house on my own, and founding of Thao National Assembly. The Thao Cultural Development Association was established on 9th June 1999, with the purpose of pursuing cultural restoration. The association played an essential role in subsequent reconstruction activity and cultural revival (Jian, 2006). This association actively operated the internal communication within the Thao, held first language lessons, and supported the promotion and operation of traditional annual festivals (Fieldnote in May 2017). The association organised the 'Thao Reconstruction Committee' when the earthquake occurred on 21.9.1999 and then issued the 'Thao Manifesto for the Reconstruction of the Catastrophic Sun Moon Lake Area' (Tian, 2002). This manifesto called on the tribal people to build houses on their own, promote

[183] In 1997, Mao Shi 毛石 brought the Thao to Alishan to officially meet with the Tsou tribe. This gathering strengthened Thao people's recognition of ethnic differences that "we are Thao, not Tsou." see Tsai, Y.-Y. (2017) 'Becoming Thao', *Taiwanese Journal of Sociology,* (62), pp. 113-175.p142
In 1998, the leaders of the Thao (Yuan Futian 袁福田 and Shi Fuxiang 石福祥), the entire tribal people, and Thao Culture Development Association wrote a petition 'Thao position and Rectification 邵族定位與正名' to the head of Executive Yuan Xiao Wanchang 蕭萬長 and the head of Council of Indigenous Peoples. The petition 'Thao position and Rectification 邵族定位與正名'[183] pointed out four evidents to locate Thao as another indigenous group which does not belong to Tsou including misplacement of literature, unique culture from academic point of view of cultural anthropology and ethnography, the standpoint of physical anthropology (HLA) and genetics (DNA), and social and administrative system. seeTsai, Y.-Y. (2017) 'Becoming Thao', *Taiwanese Journal of Sociology,* (62), pp. 113-175.p145
In February 1999, a symposium 'Whether the Thao aboriginal people of Riyue Village, Yuchi Township, Nantou County, be independently divided into the tenth aboriginal ethnic group from the current Tsou ethnic group?' was held. See Jiang, J.-J. (2011) *The Research of Taiwan Aboriginal's Ethnic Identity: The Case of Thao.* Master, National Chi Nan University.p53
[184] Tribal people and historical workers Jian Shi Lang launched this campaign in Apirl 1999.

the rectification of Lalu Island (Guanghua Island), establish the 'Thao cultural restoration area' (see 5-3-1 Cultural restoration area), and propose the government to return the Puzi 土亭。 These visions indirectly contributed to the success of rectification. In 2001 Thao became the tenth officially recognised indigenous group in Taiwan.

When an earthquake occurred on 21st September 1999, around 80% of the households in Barabraw were destroyed. This association held a tribal meeting to discuss reconstruction and generate the idea of cultural revival and sustainable development within Sun Moon Lake.[185] The Thaos then worked with Architect Hsieh Ying Chu 謝英俊 on 5th December 1999 to rebuild their houses.[186] The 41 temporary housing units were co-operatively constructed with the Thaos' participation at Jiufenzi.[187] This reconstruction strengthened the collective consciousness.

[185] The Fan Sun-lu (范巽綠), Democratic Progressive Party(DDP) on the left, held a press conference of 'returning to ancestral home and rebuilding tribe' on 22 October 1999. Yang Jen-fu (楊仁福), Member of the Legislative Yuan(KMT), supported the Thao's reconstruction.

[186] Hsieh Ying Chun 謝英俊 was invited by the scholars Chen Ban 陳板 (professor of Antiquities and Art Maintenance) and Wu Mi-cha 吳密察 (Taiwanese historian) in October 1999, He contended that the commercialisation of the house had nothing to do with the basic needs of people.

[187] For example, I did work for your house and you will do work for me when my house was built. The construction is easy to access and can be installed by a non-experienced person. I participated in the the Hsieh Ying Chun's team in 2009 summer. This method could be done by both men and women.



Figure 21 Lalu mountain

Table 6 The process of reconstruction

Date	event
October 1999	Chen Ban and Wu Micha arrived at the Sun Moon Lake Dehua village. They began to carry out an inventory, plan the resettlement and reconstruction of the Thao people.
29 October 1999	The 5-person architect team of Hsieh Ying Chun 謝英俊 arrived. Hsinchu Weishun construction Ltd 暐順營造 provided a batch of trial materials for the prototype house. The team tested manual methods and material improvements. Around 10 Thao people were hired to participate.
12 November 1999	The prototype was completed and converted into a temporary office.
16-25 November 1999	The discussion was held between tribal people and the team in design, construction method, grouping, salary and distribution.
21 November 1999	The Academia Sinica donated 5 million NTD to the reconstruction project.
23 November 1999	The Hsinchu City Government and Hsinchu Rotary Club donated 5 million NTD to the project.
30 November	The temporary housing drew lots in public based on the 41 Ancestral baskets (41 households)[188]

[188] It is the basket where the clan-ancestral live. It is the main form of religion of Thao. Important rituals in the Thao nation including sowing festivals, the hunting festival and the worshipping eel festival. For the harvest festival, the ancestral spirit basket should be put in front of the square to worship. This kind of worship is the most important feature of the Thao being one the Taiwanese aborigines.

The Thao fought for land in Puzi in 1998 while the Nantou County government refused to return the area as a water source to conserve the forest. Then the association held the activity of returning to ancestral home (Puzi)[189] to experience the life of their ancestors and think about the future of Thao. These visions indirectly contributed to the success of rectification. In 2001 Thao became the tenth officially recognised indigenous group in Taiwan.

The association assisted tribe to defend ethnic rights with modern legal system while the first indigenous autonomous organsation, Thao National Assembly, was established in 2005. The association played a role in a dialogue with the government. When the assembly decision was jointly made, the association, as a juridical person to implement the collective consensus (Fieldnote in May 2017). They realised that their culture was endangered and decided to claim their rights to their land and access to the natural resource. They rectified the 'Thao' as a collective identity to claim their right in their territory.

5-2-2 Appeal against local government

In 2003, the Thao Cultural Development Association delivered a document[190] to the Control Yuan[191] clarifying that the process of Urban Land Readjustment since 1983

[189] Lalu Island was split in half when earthquake occurred on 21.9.1999. The Thao activists held an event to return to their ancestral home on 24 October. seeTsai, Y.-Y. (2017) 'Becoming Thao', *Taiwanese Journal of Sociology,* (62), pp. 113-175.p145

[190] Shao Han Zi No.920116(邵函字第920116號)

[191] The Control Yuan (CY) is one of five branches of the Government of Taiwan. This investigatory agency monitors the other branches of government.

in Barawbaw has undermined the rights of the Thao. For example, cultural land such as worshipping spaces were not recognised as property, and the government had ignored their collective voice for years. The Thaos claimed that according to article 15 of The Constitution of the Republic of China and article 10 of The Additional Articles of the Constitution of the Republic of China, the government needed to consider the rights of indigenous people's land use while operating an urban planning policy in this small village (see appendix). In the planning stages of Land Readjustment, the implementation measures for Urban Land Readjustment are based on Article 56 of The Equalization of Land Rights Act. The legislative spirit is to rationally distribute the land right and to avoid monopolisation by a particular group of people. The purpose of the implementation measures for Urban Land Readjustment is to promote the overall development in an urban area and enhance the economic value of the land (see appendix). However, these regulations did not recognise indigenous people's claims. XYJ, an architect living in the community, has provided professional opinions to help Thao people defend the unjust and illegal development in their territory.[192] He pointed out that the Legislation and Urban Land Readjustment in Barawbaw has remained disputed.[193] These processes in legislation are legal but have failed to successfully engage Thao people in the decision-making process. According to article 8.8 of Implementation Measures for Urban Land Readjustment, the government should assess

[192] Field note from May 2017

[193] Interview May 2017: He pointed out that Thao people were forcibly moved to Barawbaw, where the lands were given to Thao people during the period of Japan colonisation.

‘other special matters’ when considering the region for re-division. Thao people’s land right in Barawbaw remains a controversy, as outlined by XYJ during conversation:

> W: What did you do to help Thao people avoid unjust development in their community?
> XYJ: I helped them by using appeals to The Control Yuan
> W: How?
> XYJ: The government could conduct Urban Land Readjustment when the land right is clear according to the law. The planning process increased land valuable/price, and the value is different from the land value of indigenous people or people who have lived here for generations. There were a lot of corruption cases and injustices, while most of the county council members were involved in related interests. We (I and Thao People) argue the reason of improper procedures. It is hard to use the law when dealing with Thao people’s land because the aboriginal affairs are dealt with administrative orders. Therefore, the Control Yuan could be the source that could resolve Thao’s land problem.

In the operation stage, the land inventory was operated/implemented in Barawbaw in 1980. The government established the ‘Barawbaw Renewal Promotion Committee 德化社都市更新促進委員會’ to deal with the affairs of Urban Land readjustment. As mentioned, Thao people, from a legislative point of view, were unable to participate in the planning process because they did not have land ownership. In the process of land measurement, land distribution, announcement, and coordination are public, democratic and legal. However, the Barawbaw Renewal Promotion Committee was and remains a non-statutory organisation. The land allocation was therefore controlled by people who could ignore the voice of Thao people on the authority of law.

After the appeal, the Control Yuan informed the Council of Indigenous People to negotiate with other sectors of government in order to settle the Thao community in 1989. It also indicated that the ‘Thao Cultural Rehabilitation Area (see 5-3-1)’ could be

considered as a settlement in the Puzi area, where the land use as sewage treatment plant or shelter-forest could be modified. However, the procedure of changing urban planning and land use is complicated. The planned resettlement place was located on an incline. The slope of the forested land was steep, which had implications for the quality of water protection and the stability of landslides near the lake if there was largescale construction. Therefore, the Thao people were to temporarily settle in the current area according to the advice of the Control Yuan.

The legacy of historical injustice led the Thao people to become a geographically and politically marginalised group. When they sought recourse to the legislative process, they found they had no firm standpoint in a neoliberal context (Harvey, 2005a, pp. 26-63). The Thaos tended to seek support from different political parties, local groups, scholars, NGOs[194] and indigenous groups locally, nationally and internationally.

5-2-3 Conflicts in developments

After the Land Movement had been operating for a couple of decades (est. 1988), a special law, the ‘ Indigenous People’s Basic Law’(IPBL), was introduced in 2005 for the protection of indigenous people’s rights. This was an important milestone concerning the sovereignty and autonomy of indigenous people in Taiwan. It would help to realise the idealised goals of the self-government of indigenous peoples in the future. Article 1 of the act indicates the need for co-existence and prosperity in society. In reality, the power is held by the majority - Chinese people. Indigenous people’s self-

[194] Domestic, national, and international NGOs, international NGOs, such as Asia Indigenous Peoples Pact (AIPP)

government and self-determination are usually ignored during party alternation and political struggle. The Indigenous People's Basic Law protects the human right of indigenous people to the minimum. Indigenous people in Taiwan are trying to utilise this act to claim their rights. Human right discourse, political influence and local/regional NGOs groups have played an essential role.

The policy of ' kaishan Fufan開山撫番' during Qing Dynasty caused a large number of Chinese people to settle near Sun Moon Lake area. The Thao's homes and arable land were submerged when government constructed a hydroelectric power plant in the Japanese colonial period. Some of the Thao were persuaded to donate lands for school and a cultural center during the KMT period. In the end, these lands were sold or rented by the government for tourism and commercial purposes. The urban planning for tourism purpose in 1989 took away the remaining land of Thao and Thao settlements were deemed to be an illegal occupation of the commons. They must be leased and purchased from the government. This urban land use readjustment ignored Thao's worship square which was transformed into roads. With the booming tourism industry, land use nearby Sun Moon Lake was promoted by the hotel development projects such as Shun Shang and Peacock Garden. A number of state-owned lands, traditionally held by the Thaos, continued to be handed over to consortiums. The restrictions on access to the mountain forest resources did not allow the Thao to build their boats or houses. This forest resource was protected to promote lake tourism. The use of the lake was governed with consideration of tourism benefits while the right to use the lake in line with Thao's water culture was reduced.

This part introduces three projects in which the government cooperated with private and international investors. The Thao people, numbering fewer than 600 people, defended their rights in the face of significant business interest and development-lead projects linked to tourism.

Defence of Jiufenzi (Sun Moon Lake Hotel BOT)



Sun Moon Lake Hotel （current Thao community）

Figure 22 Sun Moon Lake Hotel BOT



Land ownership: Nantou County government

Urban planning zone: Special area for sightseeing, culture, and recreation

Land Area: 29905.93-metre square

Figure 23 Land Use

At the end of 2004, the Nantou County government informed the Thaos who were living in this area that they should demolish their houses and relocate within 1.5 months. The government stated it owned the land and the project of the Sun Moon Lake Hotel via Building Operation Transfer (BOT) would stimulate economic development. The government granted a private company to build and operate a project -usually a large projects- through Act for Promotion of Private Participation in Infrastructure Projects. After the contract issued date, the ownership of the project will be transferred to government. The county government stated that the Thaos had no right to occupy this land.

State-based planning was controlled by the local government. The Nantou County is the poorest county in Taiwan, around 82% of annual income depended on central

government subsidies.[195] The local governor (2001-2005) [196] of Nantou County Lin Zongnan (林宗男) forced proceedings to the BOT.[197] The discourse stated that the Barawbaw required a hotel and the Thaos' occupation of the land was illegal.[198] However, the central government supported indigenous culture and halted this project. On 18th April 2005, Xie Changting, a member of the DPP party, also (謝長廷) the head of the Executive Yuan, commonly known as the Premier of Republic of China (Taiwan) indicated that Thao people were a valuable cultural asset and their living space should be linked to the issue of cultural continuity. The Executive Yuan adopted the position of protecting the living space (19.4.2005 LTN) and would not grant any subsidies for this BOT case. Based on the principle of 'disadvantage and cultural priority' he requested that the Nantou County government halt the removal of the Thao settlement and return the land to the Aboriginal community (30.5.2005 LTN). The local governor continued to apply the discriminatory discourse in the name of improving the quality of tourism in Nantou to proceed this BOT. On the platform to improve the quality of tourism in Nantou, Li Chaoqing KMT (李朝卿2005-2012) believed that the Thao culture could be promoted in order to attract tourists. As such, the hotel should include Thao cultural elements. On the other hand, he planned for the construction of a train

[195] A deficit of over 13 billion in 2001. Chen Lianground 2012 support the vitality of central Taiwan CommonWealth Magazine https://www.cw.com.tw/article/5041459

[196] The governor was KMT over the years.

[197] He (DPP) stated that this land was purchased by the government in December of 1973, hence the ownership belonged to the Nantou County government. He pointed out that the location of resettlement was planned in 2002 in Puzi "Thao Cultural Rehabilitation Living Area" and the rent subsidies were claimed for the current householders in the community.

[198] On 2nd June 2005, Lin Zongnan DPP(林宗男) governor of Nantou County announced that the location where the Thaos were living was illegally occupied after the 921 earthquakes(21/9/1999). (2.6.2005 Nantou County News)

track surrounding the lake, night firework/dancing performance sites and BOT to attract tourists, especially from China. However, Shi Qinglong (石慶龍), chairman of the Thao National Assembly, pointed out that this land was the Thao's agricultural land[199] in the coordination meeting hold by Lee Chaoqing (李朝卿2005-2012, member of KMT). On 8th August 2007, Zheng Kong Kong 鄭空空[200] rose the notion of protecting Thao living arrangements. She delivered this information to the Tien, Chiu-Chin (田秋堇 Members of the Legislative Yuan and DPP), Taiwan Environmental information Centre, scholars in Academia Sinica, Taiwan Association for Human Rights, TARPA, Indigenous Peoples Action Coalition of Taiwan (IPACT) in order to help stop this aggressive development.[201]

Defence of Makaw[202] (Shun Shang 向山)



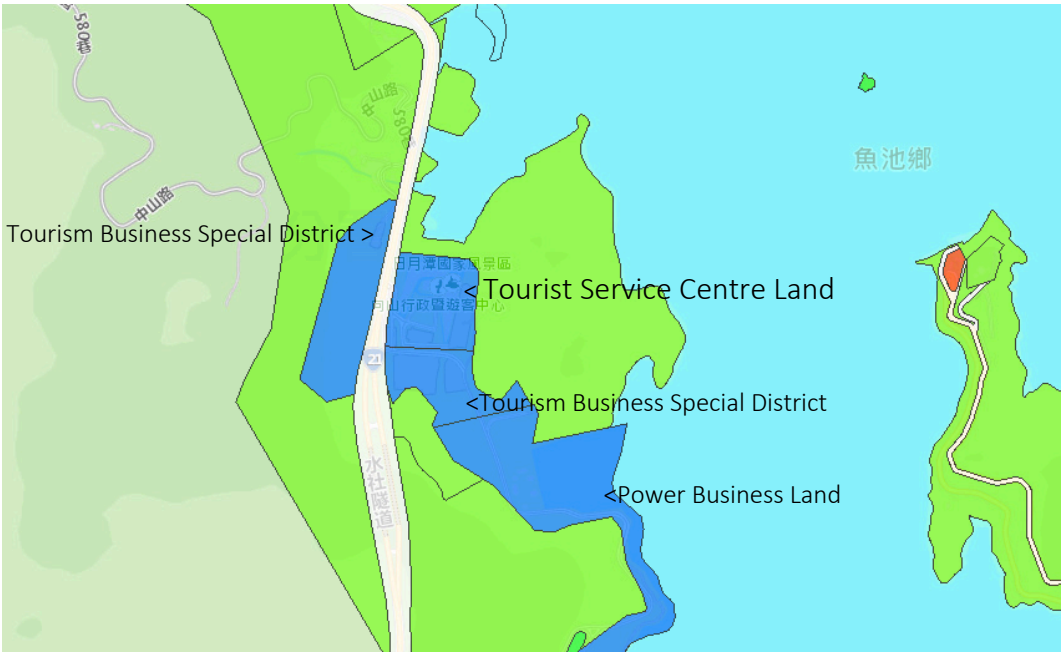
[199] Jiufenzi(九分仔)

[200] She is Chinese and has been based in the Thao community for around 20 years.

[201] Interview with Zheng

[202] Makaw is a memory place in Thao's language, I will use Shang Shuang in this context.

Figure 24 Shang Shuang BOT case （50 years contract）



Land ownership: Nantou County government

Land authority: Sun Moon Lake National Scenic Area Administration

Urban planning zone:

Tourism Business Special District旅遊事業用地 28011.43 metre square

Power Business Land電力事業用地 105460.54 metre square

Figure 25 Land Use (Shang Shuang)

The discourse of economic development, more precisely tourism development, started to dominate planning after 2002 in Sun Moon Lake. The strategies for the Doubling of Tourist Arrivals plan were to service the existing package tours; develop new packages of tourism routes and new attractions; build a sightseeing tourism services network; promote international tourism and enlarge conferences and exhibitions. The goal of the plan was to increase the number of tourists visiting Taiwan to reach five million within six years (a million tourists in 2000, three million tourists in 2006). The ‘Challenge 2008 Six-Year National Development Plan’ (2002-2007)

introduced in 2002 aimed at meeting the number of tourists.[203] The document mainly focused on infrastructure improvement as well as the quality and quantity of accommodation.[204] In this context, Sun Moon Lake was chosen for the Architecture Design Completion in order to attract tourists from around the world. In 2003, the Tourism Bureau, an organisation under the Ministry of Transportation and Communications of the Republic of China (Taiwan), selected four national-level landscape routes, including the natural and human landscapes of coasts, lakes and mountains for an Architecture Design Competition. The four competitions' routes were the Sun Moon Lake Tourism Line, the Alishan Tourism Line, the Northern Coast Tourist Line in the suburbs of the Taipei metro area and the Kenting Line. Shun Shang was a selected location to apply for the International Architecture Design Competition. Since 2003, the Sun Moon Lake National Scenic Area Administration: amended the land-use via state-based urban planning, conducted a feasibility assessment for preliminary planning, applied for abolishment of the Protective Forest, and promoted investment. The Sun Moon Lake National Scenic Area Administration on 10th October 2004, modified the 'Power Business Land' and re-designated it 'Tourist Service Centre Land' and 'Tourism Business Special District' land uses according to the article 26 of Urban Planning Law for Shun Shang Administration / Visitor Centre and the Shun Shang hotel BOT.[205] The urban planning and land use modification was modified by

[203] Project of 'Plan for the Doubling of Tourist Arrivals'遊客倍增計畫

[204] Executive Yuan 2002, 'Challenge 2008 Six-Year National Development Plan' https://www.teg.org.tw/files/events/2002.05.31.pdf p83

[205] First public exhibition 11.6.2004-26.6.2004 / First public meeting 16.6.2004 / Second public exhibition 13.7.2004-27.7.2004 / Second public meeting 19.7.2004

the County government.[206] The local Administration therefore had power to implement the planning process and ignored Thao's cultural practice. The administration, on 16th April 2004, invited the Head of Yuchi Township, the elected representatives, the head of the tourism sector of Nantou County to discuss a mid- and long-term plan for the Sun Moon Lake. The Nantou County government would allow the review of local city plans individually to boost the Sun Moon Lake as an International tourism destination as well as speed up the construction of transportation, Visitor Centre, sewage statement plant, and Shuishe Park (水社公園). Importantly, the site of the Shun Shang is the Thao ancestral gravesite, Makaw. Thao people visit this site annually.[207]

> Makaw is 'Wo Zuren Zhu Di Difang (a place where the ancestor is living in mandarin).' Why do Chinese people have grave land as land use, but the Thao people cannot have a similar land use? Field note from July 2017 in Barawbaw with a group gathering

In 2007, the bidding briefing was held on 13th in Taipei and 21st in Nantou. The bid outlining the case was officially published on in April 2008. In 2009, the investor, the Zhong Cheng Hotel funded by the Hong Kong Bonds Group Company Limited (Cole, 2015), signed a BOT case with Sun Moon Lake National Scenic Area Administration according to the 'Act for Promotion of Private Participation in Infrastructure Projects'. It is estimated that a 4-star hotel with about 300 rooms on a 2.8-hectare site would cost around 20 million NTD. Since the development area exceeded 1 hectare, an environmental impact assessment (EIA) was legally required according to the

[206] The land was designated as Power Business Land, which was the waste dump generated by Daguan Power Plant and collected from Mingtan Water Tunnel.
[207] Field note from July 2017

Environmental Impact Appraisal Law.[208] This law authorised the Environmental Protection Administration and the Executive Yuan (EPA), the right to veto the project rather than the local communities. The Thaos had no right to participate in the planning process because they were not recognised stakeholders.[209] However, the Thaos were able to participate in the EIA in order to deliver their opinions.

There were five EIA examinations (see Table 7). These examinations produced a general result that, according to the Indigenous People Basic Law (IPBL), the investor should consult aborigines and receive their consent in order for development to continue. The first examinations record (23.11.2011) stated that there was incomplete information of culture assets.[210] The CIP provided many written papers that clarified that this land was the Thao's traditional territory according to the council's survey results of traditional regions investigation (see 4-3-3). However, the laws of the restoration, acquisition, disposal, plan, management and utilisation of the land and sea area owned or occupied by indigenous peoples or indigenous persons were not regulated. Therefore, it was hard to publish the traditional territory for the public according to the record.[211] The third examination pointed out that the information on the assessment of aboriginal life and cultural impact was lacking.[212] For example, the modified report of environmental impact instruction only describes the Thao living

[208] Taiwan formulated the law in 1994 and adopted a two-stage environmental impact assessment system similar to the United States including strategic EIA and development behaviour EIA.
[209] The property right was registered in Nantou County in 1964 and managed by the Sun Moon Lake National Scenic Area Administration in 2000 (after 921 earthquakes).
[210] Also, state the geological data nearby the base especially the side slope, the plan of sewage disposal, the monitoring data of air quality and groundwater, the earthwork backfilling plan,
[211] First EIA record 2011.11.23
[212] 1.add information on the assessment of aboriginal life, cultural impact 2.provide the storage and calculation content of sewage zero-emission 3.add traffic dispersion measures and environmental monitoring plan 4.modify the commitment amount of each emission.

status and history on pages 6-77, 6-82 and appendix 8. However, it did not produce any information about how this development would influence indigenous people. The investor further appealed to the EPA that the EIA result should exclude the condition of receiving consent from the Thao people. In on 26th May 2017, the appeal was dismissed by the Supreme Administrative Court.[213]

Table 7 Shang Shuan BOT process

Date	Event
2003-2005	Urban planning stage to adjust land use
11-16 June 2004	First Urban Plan Public Display
16 June 2004	First Public Hearings: receive opinions
13-27 July 2004	Second Urban Plan Public Display
19 July 2004	Second Public Hearings
16 January 2009	Signed a BOT contract
13 October 2010	First public (explanatory) meeting
23 November 2011	Environmental Protection Administration (EPA) First examination
9 February 2011	EPAT Second task force
1 August 2012	Project meeting of BOT
21 September 2012	Second public (explanatory) meeting
7 December 2012	EPA Third examination
12 March 2012	Third public (explanatory) meeting
13 June 2013	EPAT Fourth examination
30 July 2013	EPAT Fifth examination
26th August 2013	Deliver the petition to Executive Yuan
16th October 2013	Deliver the petition to the Control Yuan
30th October 2013	EIA final review
13th October 2014	EIA second stage
April 2015	Administrative appeal
3 June 2015	Thao people delivered an appeal to the Executive Yuan
2017	EIA process restart

The Thaos produced a coexistence discourse, which was not only for economic development but also for 'pluralised' development. Moreover, they emphasised the importance of participation in the development process. Banu, Thao resident, indicated that the plan was proceeding without involving the local people, and this included both the Chinese and indigenous people, and did not consider how the different cultures were

[213]. 2017 Judgment No.273 (2017判字第273號)

to coexist in this area. The Thaos stated that they had not been invited to discuss this with BOT before it developed its plans[214], moreover the seven Thao residents who participated in first meeting were not able to fully represent the entire Thao.[215] At the second meeting (21.8.2012), the Zhong Cheng Hotel invited (仲成飯店 the Environmental Protection Administration and the Council of Indigenous People, and 102 families of Thao people were informed so that they could discuss the BOT. Ironically, the investor misinterpreted the speech of the Thao elder in the second meeting and announced that Thao people confirmed and agreed with the development. CMY, assistant of the Thao Cultural Development Association, pointed out that the Thao agreed with the BOT as long as the investor could provide and ensure coexistence development and reasonable compensation.

W: Did the Shang Shuan BOT involve any unjust processes?

CMY: The second review of the EIA pointed out that the investor should have received the indigenous people's consent. The public meeting came to the Thao community and indicated the rebate. The elders pointed out that the investor should follow the Indigenous Basic Law. The recorder had discrepancies with the official materials. The Thao people hold different recording manuscripts.

The Thaos sought support from the opposition party (DDP) and held a press conference to delivery their claims and historical injustice encounters in 2012. Gao Ronghui(高榮輝), Chairman of the Thao Nationalities Parliament, and Mao Longchang（Banu 毛隆昌）, Chairman of the Thao Cultural Development Association,

[214] The Thao people that attended the second EIA meeting indicated that the Thao National Council and the Thao Cultural Development Association had been known by the local government for many years.

[215] They are also not the representatives of each clan or family. 12th October 2010 YuanTaiJiao No. 101014267 (院臺交字第 1010141267 號函)

accompanied by the left Democrats and Progressive Party member Tian Qiujun（田秋堇） and Green Party spokesman Pan Hansheng（潘翰聲）, held a press conference on 27th November 2012. They requested that the Environmental Protection Administration reject this BOT case. Since 2000, it had been planned to build upon the Thao's traditional territory to build the Sun Moon Lake Hotel BOT in the Thao community and the ropeway BOT. Urban structures such as a school, parking lot, sewage treatment plant, and a Barawbaw Visitor Centre were built in the territories without prior discussion with Thao people. The Thao people's lives or living areas did not improve after these developments. However, they continued to lose their land, and their rights continued to be ignored. Then accompanied by the Taiwan Rural Front (理事長徐世榮), NCKU professor LeShei Luluan (樂鐉祿璞崚岸), and Kao Mingzhi (高明智) from the Katatipular tribe, they went to the Executive Yuan to air their grievances. They alleged that the conclusions made by the Zhong Cheng Hotel (仲成飯店) in the third meeting were falsified. Cheng Peiyi (陳佩怡), the administrative commissioner of the Thao National Council office, delivered a transcript of the third public meeting to Executive Yuan. She criticised the distorting behaviour of the investor. She mentioned that the public meeting should follow the Thao National Council procedures and be held under the council. On the third of June 2015, about 10 Thao people delivered an appeal to the Executive Yuan and requested a veto of the Shun Shang BOT case. Banu, chairman of the Thao National Council, pointed to three appeals: (1) Sun Moon Lake is Thao's traditional territory, and the Thao has the right to veto; (2) Without the consent from the Thao it is against the law, and the Executive Yuan support the consortium; (3) The number of tourists should be controlled, and the activities of

the Sun Moon Lake National Scenic Area Administration should be investigated and corrected. In comparison, the government body implemented a development discourse with the company promising to employ aborigines and provide assistance (by means of a grant) for their economic activities. The investor and the local government believed the job opportunities could 'simply' address the indigenous issue. The administration further stated that:

'This case is a policy of the Executive Yuan. Ma Ying-Jeou (president 2008-2016) and Mao Zhiguo (ministers of transportation 2008-2013) recognised that the construction could improve transportation and promote local prosperity. The construction did not violate the revenant laws of indigenous people and was far from the Thao people's community on the other side of the lake, which did not affect the lives of the Thao people.'

> It is 'very unreasonable' that the development project was delayed for more than 6 years. In addition, it is 'unreasonable' that this project must be approved by the Thao people. This could deter private investment in Nantou, even across the country.
>
> Lin Ming-Chen(2014-2018) county head of Nantou[216]

> Our ancestor was ' Shui Zai Nali (sleeping there in mandarin).' The government dig our ancestors' home without informing us. If I dig a Chinese ancestor's grave, it would become a big news.
>
> Field note in July 2017 in Barawbaw with a group gathering

There was controversy in that the private investor misinterpreted the traditional territories as an aboriginal reserve (see chapter 4 historical context). The private investor suggested that this area did not belong to the aboriginal reserve of Thao.[217]

[216] Central News Agency 3.6.2015 https://www.taiwannews.com.tw/ch/news/2748290

[217] Yuan Min Di Zi No.1001066703(原民地字第1001066703號函)

The investor took these two points to commoditiz the developments. This gap allowed the Executive Yuan to take advantage of and intervene in the EIA process. On 1st August 2012, the Executive Yuan "Promotion Committee for Sightseeing Development"[218] held a conference for Shun Shung BOT. The councillor, Yang Xiuxing (楊秋興), of the Ministry of the Interior indicated that this case did not apply to article 21 of TIPBL because of the Indigenous Lands and Maritime Law, which was in the draft stage. It was unable to determine that Shun Shung was the Traditional area of Thao. The Council of Indigenous People, a department under the Executive Yuan, did not have enough power to challenge this argument. Reflecting on the situation, ZYQ pointed out that bureaucracy determined the exclusion.[219]

> W: How did the government avoid the Indigenous People Basic Law?
> ZYQ: Some members in the consultant list of environmental impact assessment. Are experts on cultural assets background. But the decision would change if the Ministry of the Interior held different opinions. Yang Xiuxing(楊秋興), minister of state indicated that article 21 of the Indigenous Basic Law could not apply to the Shun Shung BOT. This project involves the National Land Plan and National Land Use, which is 193ommoditiz by the Ministry of the Interior.

[218] project meeting of Sun Moon Lake Shun Shung BOT(日月潭向山觀光旅館BOT開發案專案會議)
[219] ZYQ has lived in the Thao community for decades and assists Thao involvement with the media and politicians and public protests.

Defence of Filhaw (Peacock Garden BOT)

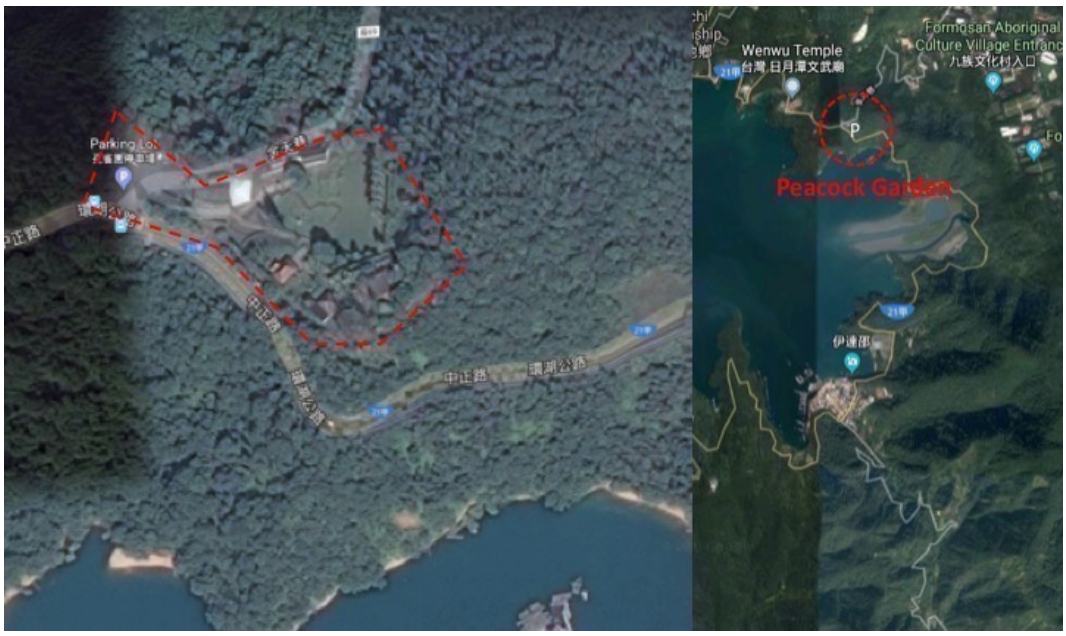
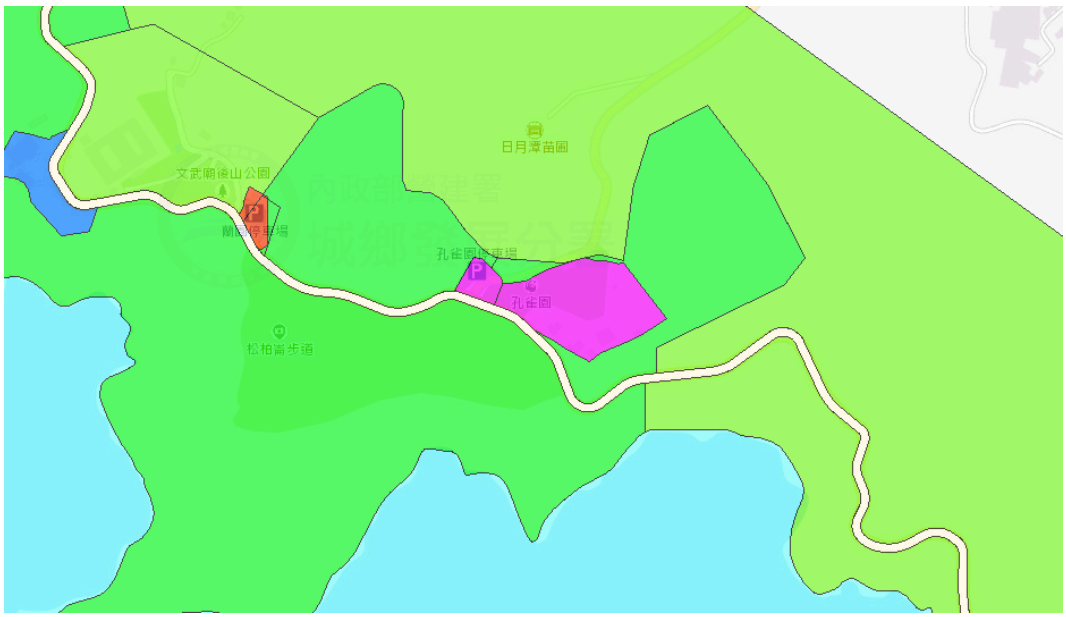


Figure 26 Peacock Garden BOT



Land ownership: Nantou County government

Urban planning zone:

hotel area 14297.42 metre square

plaza and parking area 1827,87 metre square

Figure 27 Land use (Peacock Garden)

The Peacock Garden was established by General He Yingqin (何應欽) and the chairman of Taiwan Province Huang Jie (黃杰) in 1968 for the development of tourism in Sun Moon Lake. ZYQ, a Chinese person with a Thao name who had lived in the community for decades, pointed out that this place an ancestral ceremony location. In the past, there was no public transportation linking the roads around the lake. Transport relied on canoes. Filhaw (Thao language) is an important transfer point. At that point, a path on the side of Filhaw (now Peacock Garden) could link to the north, Yuchi and Puli. When tribal people arrived at the shore of the lake below Filhaw, they raised smoke to allow tribal people on the other side of the lake to recognise and pick them up. Filhaw was the location of the old tribe and paddy field. So far, the paddy festival was held annually at the bottom of Filhaw near the lake (Field note in July 2017 in Barawbaw in a group gathering).

> W: How important is this place?
>
> ZYQ: I could not guess, but I understand that the Thao people used to use water as a path before roads were constructed. Below the Filhaw is a grave and living area of Yuan (one of eight families) and is the path to link Yuchi. In the past, eight families lived around the lake and each of them had an ancestral ceremony. And there is a united ancestral ceremony in the August lunar calendar (about September) and the ceremony lasts a month because they have to go through each family. Nowadays, only two names, Yuan and Shi, can be identified, because during the Japanese colonial period, other families had been relocated and lived together.

According to the urban planning procedure on 8th August 2012[220], the land use of this area was modified to a Hotel area, square and parking lots for the demand of sightseeing facilities in the Peacock Garden. In 2015, the Nantou County government arranged an enterprise recruitment meeting of BOT case for tourism at Peacock Garden on 26 October.[221] The base area of the Peacock Garden (1.6 hectares), the parking lots and a park (1.6 hectares) were planned according to the 'Act For Promotion of Private Participation In Infrastructure Projects'. The tender instruction indicated that the company had 50 years of operating rights. In addition, around 66 million NTD, must be paid to the county government as royalty in the first 10 years.[222] On 26th February 2016, the Thao people convened a tribal meeting to veto the Peacock Garden BOT.[223] However, the BOT completed bidding on 17th April 2016. The citizen's group in Nantou County and DPP Nantou Party Branch launched the Rescue Peacock Movement on 31st October 2016. On 4th November 2016, the Thao people with KMT, DPP, and NPP (New Power Party) protested in front of the Control Yuan. Later, the Thao people delivered a petition to the Control Yuan.

This protest action involved the notion of distributive justice. The main elements of the peacock garden BOT case can be commoditiz in three-points. First, the case violated the TIPBL. Second, the public hearing should have been held before the feasibility assessment instead of a presentation after the planning stage. Third, the county

[220] Fu Jian Du Zi No.10101548681(府建都字第 10101548681 號函)
[221] The Peacock Garden is the only large open space by the highway around Sun Moon Lake. It is close to important sightseeing and tourist areas.
[222] Around 1.7 million GBP
[223] The participants included the chief of Tourism Department of Nantou County, staff members of the Council of Indigenous Peoples, and 218 tribal people, 57 households of total 113 households.

government cut the lot in the bid to make each area less than 1 hectare, deliberately evading the EIA process.



Figure 28 Public hearing 12th August 2017

Table 8 Peacock BOT process

Date	Event
8 August 2002	Urban planning procedure
26 October 2015	Enterprise recruitment meeting
17 April 2016	Bidding
29 December 2016	Public hearing
30 June 2016	Online publication
23 August 2016	Online publication
29 December 2017	First EPA examination
24 April 2018	Second EPA examination
12 June 2018	Third EPA examination
14 August 2018	Final EIA review

According to the paper from the Cultural Affairs Bureau of Nantou County[224], there is a relic (Songbai Lun) near the site. However, this revealed the critical question of why the Thao's ancestral sites were not listed in the government system.

> Thao people are confused as to why their ancestors' Place could not be listed as historical relic. The fundamental question is that: How old or how important does the site have to be to be listed? Which expert could list this site? Chinese people? Or the Thao themselves?
>
> Field note in July 2017 in Barawbaw with a group gathering

> I am against Peacock BOT. I am opposed to the building of a hotel on the resting place of my ancestors. If your ancestors are facing displacement, how would you feel? BOT should openly go online to solicit opinions before planning, however this project did not. In the feasibility assessment stage, this project should look online for comments, but this project did not. In your heart remains only profit.
>
> EPA first examination, query system public opinions

The Thao Cultural Development Association office delivered a claim during the examination process. It highlighted that public communication was only held once despite the investors stating that it happened more than once. Moreover, the data and cultural information in the document had a large number of citation errors. It also showed that the investors did not really know the indigenous culture on the site. For example, the 'Assessment report on the impact of this case on the society, economy and culture of the Thao' in appendix 11 pointed out that: 1. The lifestyle and economic development of the Thaos were gradually moving towards tourism development, such as singing and dancing performances, selling crafts and souvenirs, and sailing boats. 2.

[224] Wen Zi Zi No.1060002899 (文資字第1060002899號函)

The scope of this project was not on the areas of the Thaos' business. The project therefore did not impact Thao business. 3. The hotel did not compete with the Thaos' tourism business. However, it provided another development potential for their business, such as providing cultural products promotion exhibition space and dancing space (commoditize). The cultural aspect provided resource matching and fundraising platform which supported the Thao in promoting their culture through practicing 'cultural commoditization' and established an indigenous cultural promotion strategy plan which included traditional craft sales space and traditional dance performance space. The education aspect provided educational scholarships, and funds for a Children Community Companion Programme. The social economy aspect provided venture fund. The discourse in the appendix thus provided reward plans and capital development as part of a broader paternalistic process. It shaped and enforced the idea of 'progress' based on the neoliberal free market without considering the indigenous relationship to the place.

> The income for the Nantou county is not just generated from tourism but more historical humanity. The designation gave the legal state of traditional territory. The function of law is recognition. The historic record could have revealed the scope. The local government could have played an essential role in building a multicultural society that respected each other's culture.
>
> EPA third examination, query system public opinions

It is also arguable that the nine examiners were all of environmental engineering and mechanical engineering backgrounds. As such, it was difficult for them to identify the right questions that were related to the socio-economic and cultural effects of the planning decisions.

Discussion

Taiwan is at an early stage in recognising the indigenous right. The law, regulation, and planning systems tend to marginalise and exclude indigenous people. The system has demonstrated limited flexibility to address differences. It is argued that it is nevertheless critical to examine the justice issue from different perspective.



Figure 29 Silent protest [225]

The appeal (5-2-1) revealed the structural violence and social control. In the hegemonic era in the 1980s, the concept of frontier made indigenous people' backward and stagnant' obvious. Government officials demonstrated how urban planning would

[225] *22nd April 2017, is Earth Day, which raises international awareness of environmental protection. On that day, I helped the Thao people express their voice in protecting their traditional territory and refuse the developments in the Sun Moon Lake. 'No One is outsider' 'product territory, stop plundering' 'defend TIPBL and refuse BOT'*

improve indigenous people to a good life in the future. However, they did not clarify the privatisation of ownership would be easily transferred. KMT did not nominally apply segregation; instead, it used land registration which displaced the Thao (see 5-1-4) with the same purposes. Assimilation and economic development (tourism) became a kind of social control. Assimilation discourse was based on recognising individual right and relied on economic development. Regarding the Eurocentric identity as progressive to resolve the conflict between the values of the Han people and the values of the aboriginals. To develop a city, the land around the lake should be privatised without considering historically injustice and indigenous relationship to those land with different value. Thao as a minority had difficulty to claim their right when the rule and exclusion structure were made by the KMT government. To develop tourism, the forest around the lake required protection, and the water surface needs to be designed for sightseeing boats. The Thao people must develop survival tourism, such as dancing, while flat land around the lake started to develop hotels through urban planning. The transferred land had paper evidence.

After liberalisation (1998), the Thao sought support from the Control Yuan that is dedicated to handing whether government agencies act following the law and regulation. When land registered, the Thao became 'stakeholder' or landless. In this way, the government could conceal the unjust history and self-determination of the indigenous people before colonisation by using the framework of Western law, so-call modern law at that moment, to justify the legitimacy of land distribution and development. Meanwhile, land conflicts within Chinese society, this contemporary law effectively resolves the tensions between different forces in the name of economic development.

Written proof is more legal than oral. The Chinese have license concept during the Dutch period while indigenous oral tradition was devalued. Written paper, therefore, became the basis for planning. However, the provisions in the Urban Planning Law stated that carrying out urban planning without clarifying the ownership would infringe on the landowner's rights. At this point, the Control Yuan had intervened in the appeal with the Nantou County office. In this process, the Thao used the inter-governmental and legal norms to find possible opportunities for claiming their right. However, the regulations on handling aboriginal affairs at that time were unable to deal with land issues.

BOT cases demonstrate systematical and institutional exclusion. The protests outlined above show the unequal cultural narrative where the tribe, and Barabraw as a cultural location were not recognised. The recognition of indigenous culture was regulated into the Cultural Heritage Preservation Law and ignored the existence of pre-colonial culture because the government saw these culture were Sincisation due to a series research, report, documents. The government applied progress discourse and recognised only temples around the lake and related artefacts as listed at the national-level protection programme. The current protective regulations for the indigenous peoples are based on notions of compensation and supervision. The Cultural Heritage Preservation Law The article remains a mixture of western and Chinese discourse that largely made the indigenous invisible. One important democratic process of the right to free, prior and informed consent (FPIC) stated in the IPBL was applied during the

planning stage rather than before it.[226] This FPIC did not recognise indigenous decision-making processes but paid greater attention to bureaucracy and distributed justice. Moreover, tribal meetings became the contemporary legal entities through which to negotiate with the government. However, the government focussed attention and developed dialogue with the host of the tribal meeting rather than a leader of the tribe. For example, representative democracy replaced the decision-making systems of the cultural group. The representative democracy was shaped by an elite (power) system comprised of the legislator, county councillor and local representatives. The government only recognised the agents selected by the elections instead of those elders chosen through the cultural practice. The law clarifying the legal person of the tribe is currently under discussion.[227] Therefore, a cultural development association is considered as a temporary window for the tribe to exercise their right collectively.[228] The representative democracy of Taiwan is applied to the majority of decisions for 'convenience and effectiveness'. From an indigenous perspective, one administrative region sometimes has three different indigenous language groups. And, yet they may only have an opportunity to provide one or two representatives.[229] The decision-making is decided by a majority and the voice of the indigenous is therefore relatively easy to ignore. In some instances, the indigenous' voice has been replaced by the voice of

[226] Tara Ward 2011 The Right to Free, Prior, and Informed Consent: Indigenous Peoples' Participation Rights within International Law volume 10 Issue 2 article 2 Northwestern Journal of International Human Rights

[227] Article 2-1 of TIPBL in Taiwan, states that a tribe ratified by the Council of Indigenous Peoples shall be regarded as a public juristic person

[228] Currently, the entity is cultural development association. see Wang, Y. (2018) 'Tribal Public Juristic Persons Derived from the Practical and Theoretical Development of Public Juristic Persons', *The Graduate Institute for Legal Sciences of NCKU,* (35), pp. 1-33.

[229] In Nantou, there are at least three language groups. But there are only two representatives in local county.

environmental groups and economic development.[230] In the Thao's case, they did not have equal rights to participate in the deliberative process. Critically, their participation was shaped in order to simplify their claims and the subsequent focus on economic development and environmental degradation devalued their long-established sustainable relations with the land.

Land allocation and compensation could be explained with distributive justice by the government to address indigenous land issues. However, it did not address the unequal and racial relationship based on the frontier concept. It also ignored traditional local relationship between Chinese people and indigenous people within an oral negotiation structure. Moreover, it denied indigenous self-governance in the pre-colonial period. The distributed discourse is based primarily on economic and environmental 'bad and good'. The assumption behind this approach tends to rest on notions of unlimited consumption and plentiful environmental resources. These two main assumptions undermine the indigenous values and fail to consider their close and sustainable connection to the land over the course of many centuries. It shows that different ontological groups have a universal principle to negotiation.

The above discussion concerns the passive aspect of preserving and protecting indigenous tradition. Planning as a tool to generate a future vision plays a vital role in recognising the indigenous people's hybrid tradition, which was influenced by contemporary ideas in terms of environmental protection and sustainable development.

[230] Similar negotiated case of deliberative democracy was applied in Taiwan Chin, L. (2012) 'Yes or No? Deliberative Democracy on Taiwan's Nuclear Waste Policy and the Development of an Aboriginal Tribe', *Taiwan indigenous peoples study,* 5, pp. 1-39. in 2010 to address the unclear waste storing in the triable area.

In fact, sustainable development has existed in Thaos' customs for generations and was gradually suppressed by processes associated with colonialism, capitalism and globalisation. This has resulted in the absence of indigenous culture in planning documents for decades. In state-based planning documents, the Sun Moon Lake Special District plan aims only to address the economic demand and environmental problems caused by rapid urbanisation, such as those caused by tourism, the subsequent privatisation of the land and the labour workforce.[231] According to the report of the administration, the predicted number of rooms was 3162 including a Bed & Breakfast in Sun Moon Lake during the peak season in 2012.[232] In 2014, 'the suitability for development of accommodation rooms' in Sun Moon Lake was 3857 units[233]; however, there are currently 4724 units. It is important to have regulation over the total amount. The 'Act for Promotion of Private Participation in Infrastructure Projects' opened the door for private interests to invest in public land, which is not subject to the Land Act and the National Property Act.[234] The only veto power is from the Environmental Impact Assessment (EIA) process controlled by the Environmental Protection Administration (EPA). Although, the IPBL have stated the right for the indigenous to exercise FPIC, this is not evident in practice. Projects, such as the defence of Peacock, have resulted in development permission being granted without the consent of the Thaos. This oversight has caused tension and shows the importance of full participation.

[231] First(1986) and second(2013) overall review
[232] 2007.12.13 UDN Local
[233] 2014 Sun Moon Lake Tourism overall outline Plan p7-22
[234] the public land should not be used for profit and the lease over 10 years must be approved by the democratic body and works.

> How can a hostile state become a partner? They, the Thaos, are about to live and survive on this land. The consortium came and made money and left. They do not care about the people and environment here. What the Thao maintain is the continuation of people with their own culture and the issue of self-esteem. The Thaos are towards sustainable development in ecological environmental.
>
> Field note in July 2017 in Barabraw with a group gathering

This gap came from the exclusion of indigenous knowledge in space. The name of the places have been replaced with a Chinese name and cultural and geographical education is dominated by the Chinese. The economic-led discourse and power relationships consolidated this exclusion and produced these discriminative projects.

> It is not that we call it Filhaw (Peacock) and it is not that we said it is our traditional territory. It is based on the oral history and historical record. Our place has been renamed into a political purposeful one. It is a different value to suppress the other.
>
> Field note in July 2017 in Barawbaw at a group gathering

These developments are built for the purpose of economic gain and relied on what might be termed a shallow discourse with respect to the indigenous peoples. For example, these projects allow the Thaos to dance and performance their culture in the hotel[235] and provide job opportunities for the Thaos. The design of the architecture will also include elements of Thao culture. Moreover, the planning document of the Peacock described the Thaos development towards tourism without any recourse to the long process of historical oppression that had gradually turned the Thaos to tourism and

[235] To provide 1500 hours of dance performance. Third examination records.

associated activities. However, the youth of the Thao people are still working hard to rebuild their culture and customs.[236] The impact of the Shang Shuan BOT on Thaos cover only one page in the official document in which it is stated that 'the location is not a cultural space for Thao ancestral beliefs and rituals, nor is it a living space.'[237] Moreover, the investors suggested somewhat provocatively that 'the project will introduce a population which could "stimulate" the social environment to move towards the goal of "high-quality" life'.[238] The interviews with the Chinese resident in Barabraw revealed that they felt the Thaos' claims would negatively influence the economic development of the region.[239]

5-2-4 Conclusion

Those land and resource that Thao people relied on for generations were progressively taken away by the Chinese for cultivation, the Japanese for power generation, and the KMT for development purposes. Policies prohibiting the hunting and logging forced the indigenous peoples to become involved in tourism. The planning process assisted this marginalisation. The negative consequences of Thao culture were addressed through governmental reconciliation and by paying compensation and exchanging the land. However, the concept of compensation to the Thaos is not considered to be true reconciliation.[240] The compensation they claim is for the

[236] EIA report p26
[237] Shang Shuan BOT EIA report p7-88
[238] Shang Shuan BOT EIA report p7-73
[239] Largely heard from the news and agreed government economic-led development
[240] Filed note in May 2017

injustices[241] made during the entire colonial period and the recognition of their import 'relations' to the nature and spirits (Field note in May 2017). True reconciliation should aim to recognise their self-determination in land use and natural resource management planning to create legal space and process for this recognision. The current provisions made in the constitution are based on legislation, which protects private rights but fails to see the power relationship and unequal relations with structural violence that have excluded the Thaos over time. Planning therefore promotes urban development on a 'empty map', which largely make indigenous culture invisible.

5-3 Planning as knowledge translation and voice

After the appeal (see 5-2-1), the resettlement planning of the Thao community was confirmed by the central government in 1989. This planning 'Thao Cultural Rehabilitation Area' considered the Puzi area as a suitable place. This section demonstrates a collective plan funded by Academia Sinica and operated by Nantou County under pressure from the press, the judicial process of Control Yuan[242], and protests of tribal people after the appeal. This process eventually led the Thao to announce their territory to flight for justice.

5-3-1 Cultural restoration area

In 2002, the Aboriginal Administration Bureau of Nantou County Government entrusted the NTU Building & Planning Foundation plan 'for' Thao people. The

[241] They 'qipian yuan zhumin (deceive the aborigines)' and I summaries into an injustice process.
[242] Independent investigatory agency to examine the government sectors.

planning process is noted as collective and collocative 'with' the Thaos.[243] This plan was the first case of its type in Taiwan and the began the process of linking culture and land. This plan initially covered 150 hectares (see Figure 30), including Puzi (1), Lalu (2), the current community (3), Tarinkuan (4), and Barawbaw (5) and with different areas for specific use including agricultural restoration, architecture and culture reconstruction, fishing and hunting.

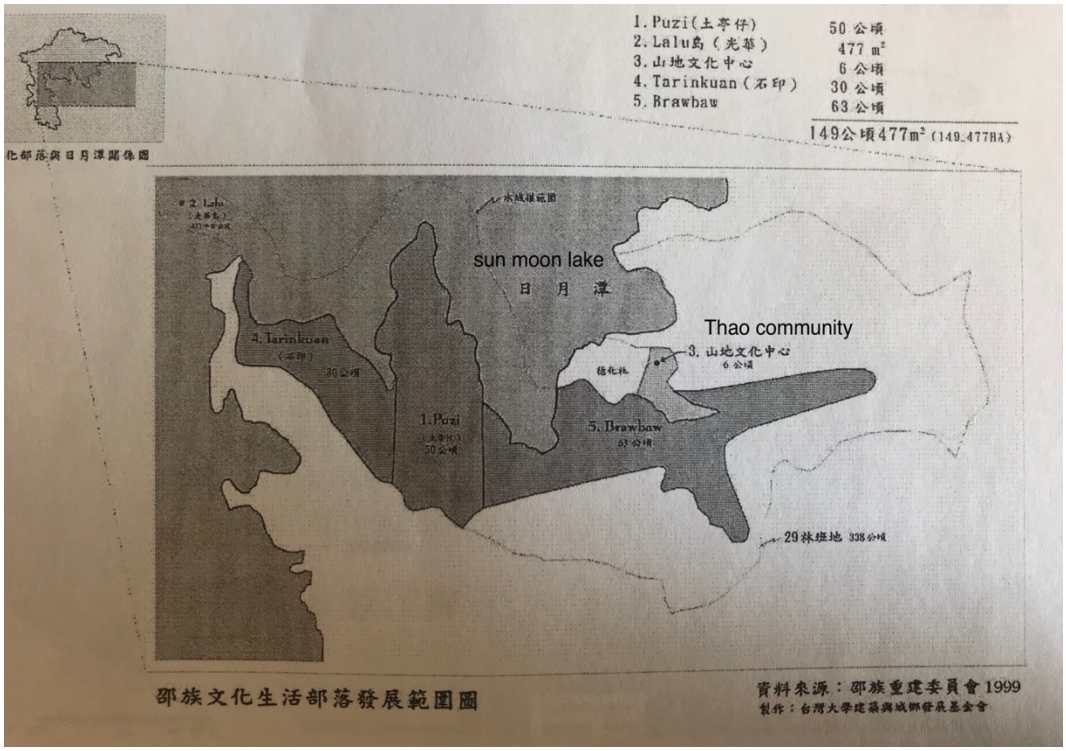


Figure 30 Thao Cultural Tribe Plan in 2002

This project involved both private and state-owned land and took a long period of time to be negotiated.[244] However, these areas are in a protected forest and required another plan to be formulated as the basis for drawing up urban plans and restoration

[243] File note in May 2017. The decision is still controlled by the government.
[244] In 2005 (11th November), the Council of Indigenous Peoples reported to the Executive Yuan, the executive branch of the government of the Republic of China in Taiwan, as 'Thao Cultural restoration Park' according to the Thao people's demand.

work in 2006.[245] The further plan enlarged and included the area of the yellow part (see Figure 31) for ownership and right to access nature as well as the blue part for the use right of the lake.

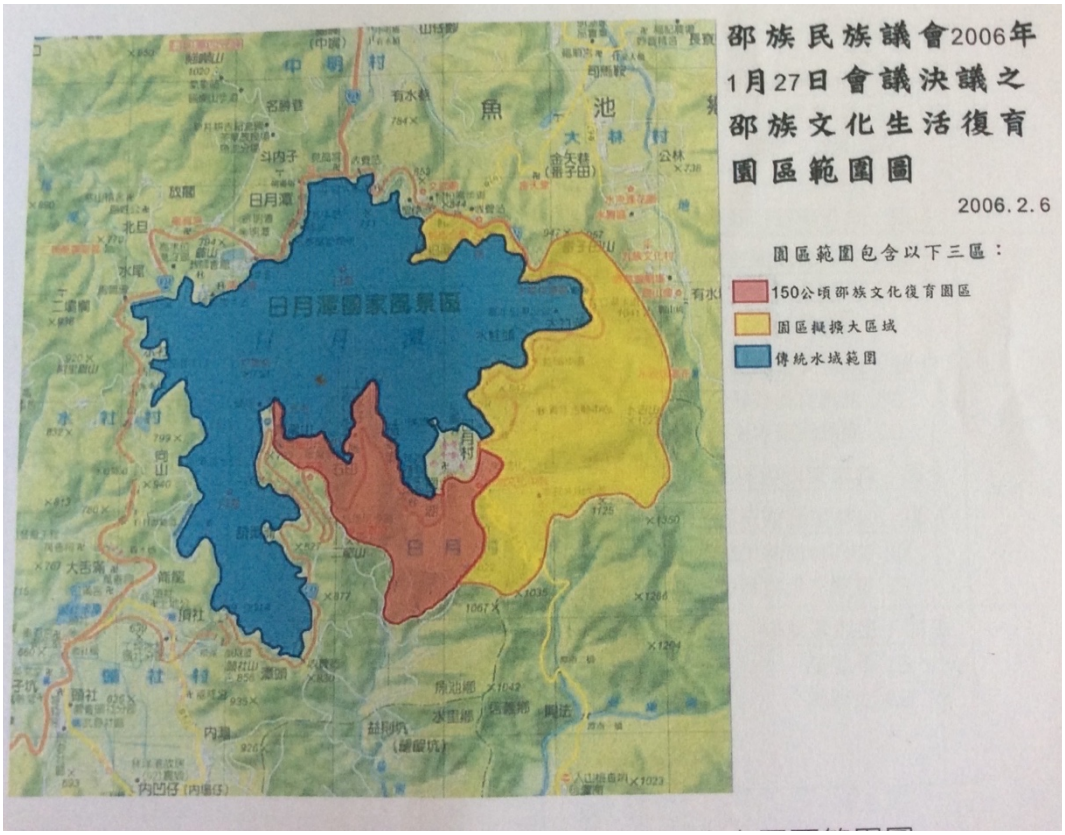


Figure 31 Thao Cultural restoration Park (decided by Thao National Assembly in 2006)

The improved plan in 2008 (see Figure 32) divided the Sun Moon Lake area into seven areas:[246] A district (location for ancestor festival), B district (cultural education and administrative area), C district (tribal and planted area), D district (fishing zone), E district (agricultural area), F district (forest and hunting area), G (living area).

[245] The Executive Yuan agreed to implement the plan for the Thao Cultural restoration Park in 2006 and approved this plan in 2008. Yuan Tai Nei Zi No. 097007459(院臺內字第 097007459 號函)
[246] In 2008, the CIP engaged the Thao people to draw its future image collectively.

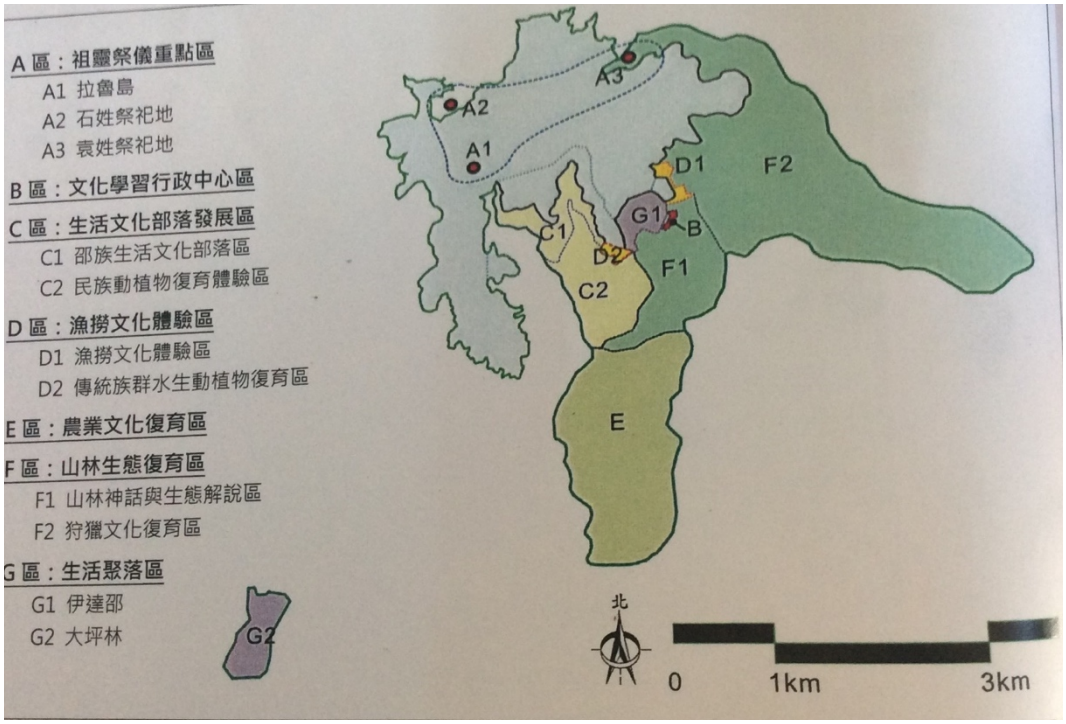


Figure 32 Thao Cultural restoration Park in 2008

The area of the Thao Cultural restoration Park plan expanded from 150 hectares to 1892.62 hectares, including the water area (788.07 hectares in Sun Moon Lake) and the land area (1104.55 hectares). This case was delayed due to funding being used for disaster relief in 2009. However, the main problem was land acquisition. The initial completion schedule of 2008 to 2010 was postponed. In 2013, the Control Yuan proposed corrections of this delay to the CIP, but the plan was not processed until 2019.[247]

W: How was the restoration area being planned?

DJJ: In the end it was 1,892 hectares. It was Chen Shui-bian's (DPP) policy at that time. Walis Perin told us to draw our future plan.

[247] The Control Yuan, Republic of China (Taiwan) press 2013.6.6 access on 2017.7.7 https://www.cy.gov.tw/News_Content.aspx?n=124&sms=8912&s=6581

5-3-2 An argument in cultural restoration plan

The core of the cultural restoration plan attempts was to appease the opposition to BOT cases in the current Thao community. This plan involved a variety of sectors and departments in the government. The majority of the land is currently state-owned forest under the Forestry Bureau, an agency of the Council of Agriculture. These areas are Non-urban land and Protection Forest that has limited utility and management. Moreover, the Sun Moon Lake area is in a scenic area, according to the Sun Moon Lake Special Planning, which needs a complex modified urban planning process in order to meet the demand of the above district (A,B,C,D,E,F,G). However, the plan was eventually conducted by the local government, Nantou County, which considered moving the Thao community out of the current site, building the hotel and relocated them into apartments. ZYQ, staff of cultural development association who had lived in the Thao community for decades, pointed out that this procedure had not considered Thao culture. This process was based on the removal of the Thao community first and the subsequent development of the Puzi. Moreover, the land in Puzi was basically unable to be used under current law and regulation.

W: What happened during this process?

ZYQ: The development order is controversial. The plan shows that the first step is to remove the Thao community and then develop the Puzi. I believe that the Thao could negotiate with the government because we still live in the area. The county government imagines putting Thao people into apartments and outside is a big square for the festival, but there is no link to the Thao's traditional lifestyle. This plan lacks the subjectivity of indigenous planning.

W: What problems show in this plan?

ZYQ: The scope of the second Cultural Restoration Park looks very large; however, most of the area cannot be used because this land is protected forest as declared by official notice. The Thao people have only cultural right at the water area rather than right to use. The water area is now being managed by the Taiwan Power Company, Sun Moon Lake National Scenic Area Administration, Yacht Club, the Forestry Bureau (protective forest declared by official notice around the lake) and the Fishing Club; none of which would support the Thao's right to use the lake. Therefore, the cultural right is only symbolic. The land area is protected forest as declared by official notice, which is hard to derestrict and develop. The planning authority provided a vague narratives that three-stages slope was renamed into the grade of the slope in the report. None of these lands could be used.

W: What is the Thao's sustainability plan for their culture and land?

ZYQ: After the 921 Earthquakes in 1999, the Thao National Assembly had proposed Puzi as a regeneration area. The development should include both culture and economy. At that time, the Thao people cooperated with the National Taiwan University Building & Planning Foundation to produce the future image. It would be a hassle if the Nantou County conducts this case. The local government would not pay attention to the cultural issues. Therefore, the central government and the Council of Indigenous People conducted this case and then the National Taiwan University Building & Planning Foundation took over. The project was planned twice. First, the conclusion is 150 hectares. After the Thao became an officially recognised indigenous people in 2001, the representatives of Thao stated their opinion and plan that included the water area and land area for hunting, with total 1,892 hectares. To claim the ownership and the right to access is important for the Thao people to practise their culture in contemporary society.

Thao people did not agree to move out of their current community in advance. The planning agent suggested that the restoration plan should be positioned in the upper-level plan (Sun Moon Lake National Scenic Area Tourism Development Overall Plan) which formulates develop principle. However, Nantou government with the planning authority and power remain applied the economic-led development. Although, the DDP government allocated 550 million NTD (2000-2004, 2004-2008) to help Thao people, while the planning process was delayed during the KMT (2008-2012, 2012-2016)

government. Until today DPP government (2016-2020, 2020-present) had not announced to operate this restoration plan. Moreover, the 'Sun Moon Lake National Scenic Area Tourism Development Overall Plan' in detail did not provide the guidance for indigenous development and simply illustrated the 'cultural restoration plan' itself. This plan currently focuses on tourism development without addressing the issue of land title.

The Thao's cultural practice in their land is separated by non-urban land use such as protected forest as declared by official notice and urban land use including leisure land, commercial land and infrastructural land. These lands belong to the state, private investors and governmental sectors. These units of land use are not subjected to support cultural development. In reality, the origin Puzi was located underwater level 20 metres. Today's Puzi is hunting area and 78% covered by Grade 3 slope.[248] The top is collapsed soils, and it is difficult to develop a settlement in this area.[249] It is difficult to exchange land with local authorities or purchase on current land value. There needs to be a huge and complex political power.

Cultural activities are changing according to contemporary life. Comprehensive planning should recognise the pluralised developments with the Thao and Chinese (detail in different groups) and mediate these conflicts. The restore planning ignores the Thao's culture, which depends on the relationship between the human and nonhuman. Therefore, geographical knowledge and clan management systems should

[248] Slope more than 15%, less than 30%
[249] The Control Yuan report

be recognised. The Thao further delivered the mapping of their territory to identify their relationship from site to areas and from group relations to natural relations.

5-3-3 Mapping traditional territory

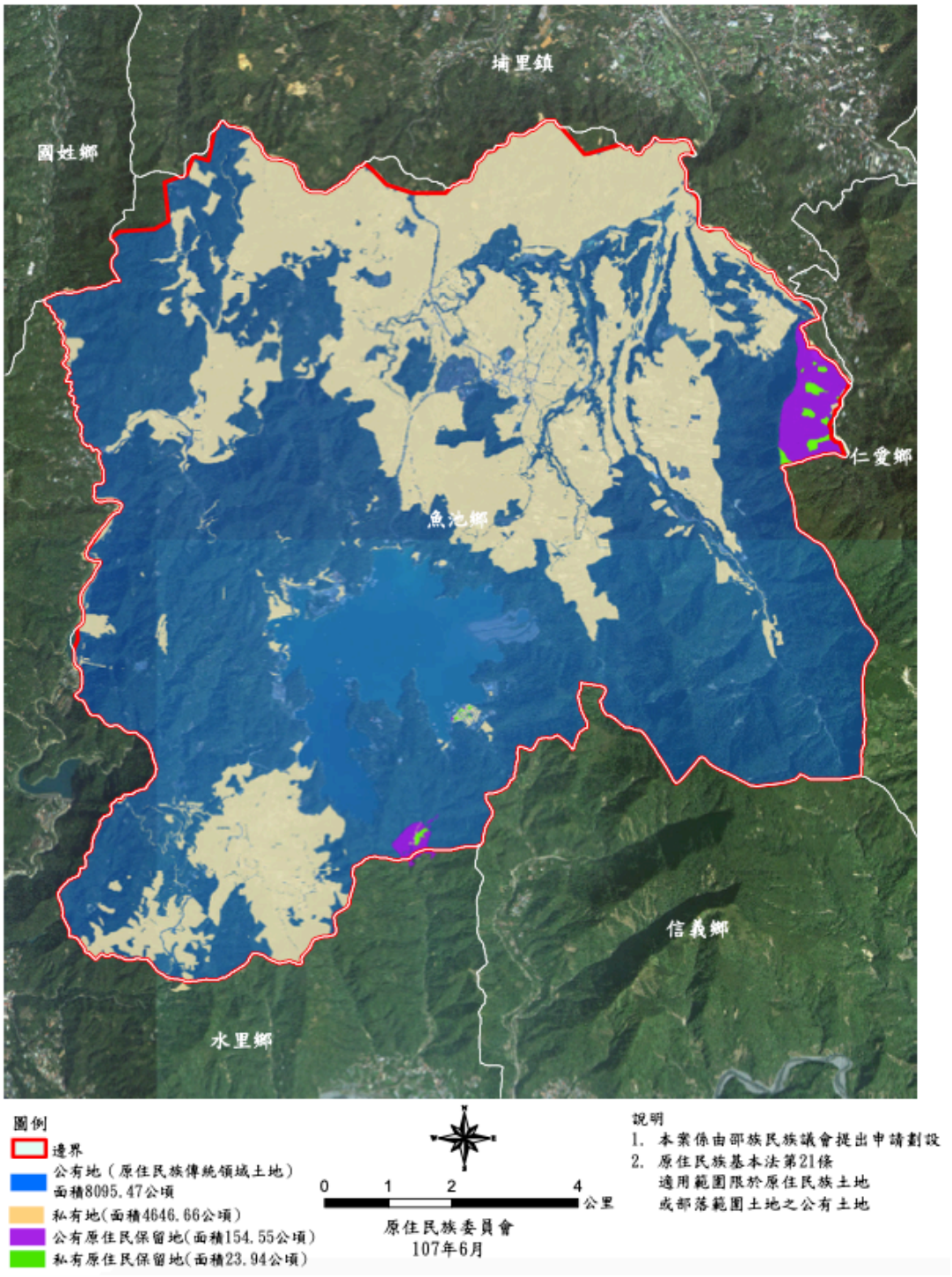
The governmental lead mapping had been done between 2002-2007 (see 4-3-3). The Thao's territory had been drawn up from community-based approach according to the Regulation of Aboriginal Land or Tribal Scope Land Designation in 2018.[250] The policy of 'addendum reserved land曾編保留地' gave lands to Thao, which is just the contour line of buildings they in which they are living. There have been 37 cases to apply the reserved land since 1988 but only 5 have passed until today. These reserved lands require the Thao to prove continual use.

The document '2016 Indigenous traditional land scope confirmation work plan - Thao detailed implementation plan' maps this territory based the modern skills, such as drawing techniques and resource management projects with traditional knowledge, custom, behaviour and regulation. The investigation area includes traditional festivals areas, the holy land of ancestral spirits, previous tribal locations and surrounding hunting areas and cultivation areas. This mapping is different from the previous 'top-down' mapping but more than what the Thaos themselves generate. This mapping tries to link location to the regional development in order to show the spatial arrangement

[250] This territory was challenged by the local government and private holder. This announcement was rejected by the high court in 2019. Yuan Su Zi No. 3 Judgment (臺北高等行政法院 108 年原訴字第 3 號判決)

knowledge rather than the place itself. However, this mapping result was announced in 2019 and has caused conflicts (see Figure 33). [251]

[251] Council of Indigenous Peoples 2019 Indigenous land or tribal land survey and designate plan https://www.cip.gov.tw/portal/docDetail.html?CID=EAB4E460567F49D5&DID=2D9680BFECBE80B6F41DCFA06BD3C230 access on 28 May 2018. Tai Su Zi No.1080162550, No.1080162655, and No.1080162600.



Read: boundary / Blue: public land (8095.47 hectares) / Orange: private land (4646.66 hectares)

Public reserves (154.55 hectares) / Private reserves (23.94)

Figure 33 Announced territory

This area is 2,4777 hectares, which was reduced from 7,3600 hectares according to the oral and historical records. At other places in the traditional territory, they will exercise cultural right. But in this area, they are seeking land title (field note in May 2017).

5-3-4 Discussion

The cultural restoration plan involves a huge benefit in negation of land exchange and allocation of land (Field note in May 2017). However, this discourse is danger because indigenous claims will be reconciliation through compensation without recognizing their pre-colonial right. This process justifies the Chinese dispossession did not unsettle the unequal relationship that was shaped in colonial period. In the development of place, they know this place is for the Thao. In general, they believe that this place will benefit culture and daily life. As to the question for what and how to use it, there is a complex and general response that, as we are familiar with the place, will find some demands (Field note in May 2017).

> W: What do you think of the restoration plan?
> Banu: If the plan is successful, we will move there including housing and festivals. It will be an area where culture is alive. If we want to see the Thao people there, we should buy a ticket for the entrance where catering and cultural experiences are accommodated. The indigenous people's culture should not be open to the public. Confidentiality could make a profit and still preserve culture. Tourism will be sustainable.

The Thaos' territories were misunderstood and explained by the reserved land through the official documents including planning and governmental papers. The

reserved land is fundamentally different from traditional territory. Traditional mapping has caused conflicts with Chinese citizens with the infringement of private property. The different understanding of traditional territories is easily controlled by politicians who apply the discourse within private right violation. However, the Thao would like to produce a contemporary territory that their population will manage. They claim the cultural right through private land. They justify that the Chinese value of this area is not allowed to be used to oppress indigenous culture. The Thao claim this area is for diverse culture with equal right development. On the contrary, politicians mainly focus on private right issues.

Cultural activities are changing according to contemporary life. Comprehensive planning should recognise the pluralised developments with the Thao and Chinese (detail in different groups) and mediate these conflicts. The restore planning ignores the Thao's culture, which depends on the relationship between the human, nature and ancestral spirit. The Thao further deliver the mapping of their territory to identify their relationship from site to areas and from group relations to natural relations.

5-4 Conclusion

These claims and protests were launched after the planning was made. The Thao people fought for cultural survival in their land against hegemonic development. Assimilation policy, the construction of the city, report and research continue to emphasise economic-led trend and marginalise indigenous people and their knowledge. Thao's collective culture is explained as Sinicisation: no connection to nature, lower educative statues and dancing for money. Urban planning can change the land use for

economic development and benefits those with power rather than local people. This development process is based on extraction and brings environmental destruction and injustice that narrow the role of the Thaos to just stakeholders or excludes them completely from the negotiation table. This development logic does not calculate the cost of environmental restoration. The value behind this logic stems from the deprivation of the land, the habitat of animals, and the indigenous people of their cultural practices. Urban planning serves private right more than the collective. The land individualisation does not help indigenous culture. Land that is divided for individuals is easier to transfer. The rich members of society can buy land upon which the community rely. Moreover, this system is easy to expropriate by the government when it is individually held. The development of tourism is another way of turning land into capital. Thao people become landless and then need money. They have to move to a town or village for job opportunities. The company and government eventually control the land for more benefits.

Moreover, the environmental impact assessment (EIA), lacks the ability to effectively solve the cultural aspects of the Thao people's demand. The overall planning is state based as well as elitism and theoretical stance with singular value. State-based planning is top-down for economic investment and to increase job employment opportunities. The investment provides a measure of the quality of life-based on job opportunities and benefits. The people who make decisions are often non-locals. Thao people consider a past, present and future that cannot be only valued by money. The planning process has shown that indigenous people exist in the historical introduction rather than as a contemporary living entity and cultural holders. Their culture and

contemporary practices have been commercialised and engaged in capital development as now a popular industry of cultural and creative business including dancing performance and art. Although the Thao people have a representative in government, their population of less than 600 are less influential on policy formation. The Colonial past requires a transitional justice process. It is critical to examine the justice from indigenous perspective based on their relational network and self-determination.

Chapter Six: Land use struggle in Katratripulr

This chapter begins with changes to and the renaissance of the Katratripulr, centred on the anthropological research of Chen's work (Chen, 2003; Chen, 2011a; Chen, 2014). The critical book 'xin zhi diming' by Lin Jinde illustrates the oral histories through places with stories from pre-colonial to the present period. The following section: reclaiming hunting rights, reveals the conflict between conservation and indigenous culture. The stories of the tribal people challenge the current singular discourse. The third section deals with the grave relocation, which raised the differences in values of how indigenous people see land use. The final part concludes with the challenge of pluralised development.

6-1Changes and renaissance

This section demonstrates tribal society, stories and relations, cultural renaissance, and discussion. The establishment of tribal identity is a dynamic process and continues to change. The nature of oral histories proves this diversification and provides some narratives that have been invisible. The cultural renaissance allowed some discussion when conflicts occurred within daily cultural practices.

6-1-1 Tribal society

The legend of Katratripulr highlights their adaption to diversity which influenced the adaptability of the tribe in contemporary society. The tribal people establish a negotiation system based on their traditional organisations and started to claim their

right to the land and natural resources. Their environmental governance is shaped by customs, age group systems, and contemporary social relations alongside modern technologies (Field note in July 2017).

Diversity and adaptability

The Katratripulr tribe is composed of a complex group of people (Chen, 2003). The oral history of the tribe showed its complexity and the relationship between its people:

> 'Brother and sister stayed on the earth during the flood. They not only gave birth to shrimp, fish, crabs and birds that were used as food and sacrifice in the future, but also gave birth to different colours of pebbles. "The people who came out of the white stone are the Chinese; the people who came out of the red stone, green stone, and yellow stone are Westerners of different races; the people who came out of the black stone are Taiwanese aborigines." Those from the black stones combined with each other and became the ancestors of Katratripulr' (Zeng, 1998, pp. 25-29)

This legend implied the relations of co-existence in the east Taiwan plains area. The relationship between the language groups and their interactions implied the concept of 'order' and 'relations' within the Puyuma tribes and between different groups of indigenous people in the east of Taiwan.[252] The Katratripulr see the others not based on 'class' but rather on relations. Since the Qing dynasty allowed Chinese immigrants to

[252] Although those who initially came to this place is important, their historical and current interdependency relations to each other is more important (Field note in August 2017).

move to east Taiwan in the 19th century (Shen, 1892), a number of Chinese men became members of the tribe.[253]

> The Puyuma language group, with common ancestral origins to the Paiwan and Amis language groups, have respectively relationship to each other (Chen, 2001b).[254] The Puyuma language group calls the Amis language group 'pappiyan', meaning people who provide their workforce (Zeng, 1998, p. 33).

The diversity not only shows in the tribal members but also within the current location of Katratripulr. The tribe has three families including the Mavaliw, Pakaruku, and Ruvaniaw which form the main body of decision-making relations. These families occupied different areas in the mountain and moved to their current location during Japanese colonisation. Among them, the Mavaliw is the largest family and were the first to arrive in the area. The Pakaruku family arrived later and shared ancestry with the Mavaliw family who migrated from Ruvuwa'an. The last to reach this area were the Ruvaniaw (Jiang, 2000) who perceived themselves as 'outsiders' and located their living area slightly away from the Mavaliw and Pakaruku families (Zeng, 1998, p. 150). This process absorbed the Chinese people as their attack-and-defensive alliance groups.

[253] There has been a rising number of Chinese people entering into marriage with Katratripulr women. Tradition dictates that the groom takes the bride's family name. see Tai, Z.-y. (2002b) *Aboriginal people of Taiwan: Puyuma.* Taipei: Taiyuan.

[254] Tend not to use equal because this conceptualisation has idea of class and distribution

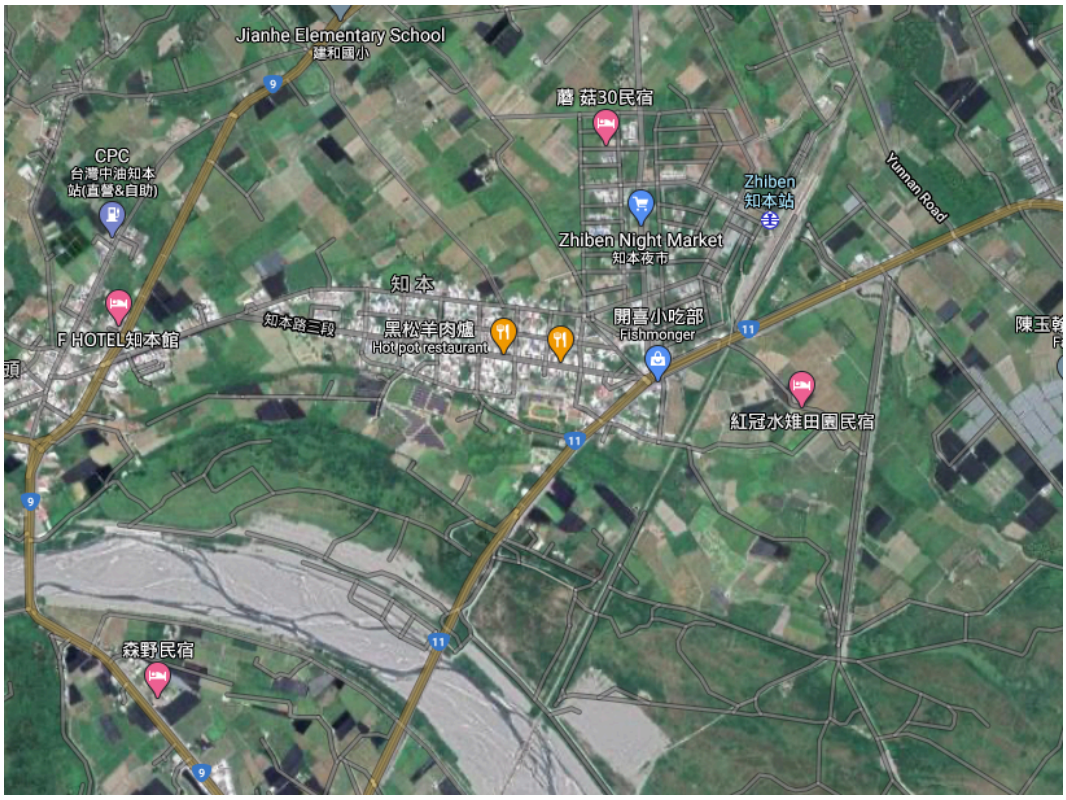


Figure 34 Zhiben town



Figure 35 Overview of zhiben town

Clan and decision-making system

The social structures of Katratripulr are: psychic group, age group, and temporary groups that include a farming team (Misahor, women weeding team), a hunting team, a fishing team etc.[255] Each of the three families has a 'karumaHan' (ancestral house), 'parakwan' (adult military training building), and 'Trakuvan' (teenager military training building). The 'karumaHan' means both real home and old home in the Katratripulr's language.[256] This (mainly male) aged group is divided into five stages.[257] Children aged 13 to 16 go to 'Trakuvan'. Those aged over 16 go to 'Parakwan'. [258] At 26, they leave the 'Parakwan' for this middle-age group. The oldest and final group are for those aged over 55. The 'Trakuvan' stage trains children in running, wrestling[259], and monkey hunting[260]. The 'Parakwan' stage teaches respect and obedience to rules. In general, this system not only teaches the skills required to protect the tribe and respect the elders but also delivers the geographical and psychological knowledge in and of their territory. After a ceremony of 'spanking buttocks', the children move on to the 'Parakwan' stage. The 'Parakwan' is a 'growth' stage in which they have to serve the tribe and show absolute obedience to the elder group.[261] However, these system,

[255] The social structure, namely aged system, only reappeared ritually during the 'Mangayaw (hunting festival)' in the 1940s and 1950s. see Ying Li, P. D., Reports, N.P. (2002) *The construction of indigenous knowledge system : a case study of Puyuma*.p38

[256] Field note in July 2017: This type of house can be classified into three different uses: tribal worshipping place, clan/family worshipping place, and priest worshipping place.

[257] Women have another group system.

[258] Field note in August 2017: Women play an important role in kinship society, while men play an important role in politics. Aged under 12, Takuvakuvan (age between 13-17),Valisen (aged between 18-20), Venangsangsar (aged 21-23), Valiseng (aged between 24-26), Musavasavak(married to aged 55), and Mahizangan (aged over 55)

[259] The sport trains how to utilise their body to defend the other and allow them to protect their tribe. Field note in August 2017

[260] The kids have to live in the mountain for two days and one night in order to train boldness. The tribal elders, the middle-aged and the Parawan members bring them to traditional territories to teach them knowledge of plants, gathering and skills of setting traps and hunting monkey. Eventually, they have to walk approximately 300 metres in the dark alone.

[261] Field note in August 2017

seen as corporal punishment and discipline issues, had been interfered with by police since the early KMT period (Chen, 2011b).



Figure 36 Trakuvan and parakwan

These age groups and three-family gathering frame a unique decision-making system. The elder receives the opinions from the middle-aged group or younger group while Rahan (leader)[262] of three families (Tai, 2002b) makes a decision in a public gathering. The leader is selected by dream[263] and is responsible for the tribe's well-being, and especially its rituals. However, their cultural practices were stopped by mandatory duty during Japanese colonisation. The tribal people were forced to do labour on infrastructure, such as the Taiwan east train tracks and stations construction projects. Later in the KMT period, the Rahan of Mavaliw and many tribal people

[262] Field note in August 2017: Rahan is traditional leader. However, the Dutch created Ayawan as a leader and Rahan became a priest. Also see Ying Li, P. D., Reports, N.P. (2002) *The construction of indigenous knowledge system : a case study of Puyuma*.p38

[263] Those qualified men who received inspiration after sleeping in 'karumaHan' for one night are selected by the ancestors. In 2017, the Rahen of Pakaruku family passed away and new participants did not receive the inspiration overnight. Therefore, this family applied 'draws' within the participants.

become Catholic after 1953 (Zeng, 2006).[264] At that time, the Pakaruku family took responsibility for rituals. The church, in fact, is the starting point and promoter of the revival of tribal culture. The venues for tribal activities and millet harvest festivals are the plaza of the church. The important leaders and key persons of the tribe are mostly Catholic. After 1988, the Katratripulr tribe carried on the cultural renaissance and built 'karumaHam' for three families in the Katratripulr culture park. All of the ancestral houses from three families were moved and settled in this park. The focus of tribal life shifted to tribal affairs and the Catholic belief became not as important as before (Chen, 2018).



Figure 37 Church

[264] The first missionary stronghold of the Catholic Church in the Puyuma area. About two-thirds of the tribe's populations became believers, at the peak. Catholicism is accepted by the majority of the tribal people because its doctrine is consistent with the traditional concept of tribe. see Chen, Y.-C. (2018) *The Development, Adaptation and Evolution of Catholicism in Katratripulr Community*. Master, National ChengChi University, Taipei.

Catholicism is a religion, but our ancestral inspiration and traditional customs are the guidance for our lives.

Field note in August 2017 talking with GMZ, an elder of tribal people



Figure 38 Current 'karumaHan'(ancestral house)[265]

The environmental management and spatial arrangement are managed by the clan system and carried out by the contemporary gathering form such as tribal meeting.[266] Generally, as chapter 4 described, members of the family have use right for hunting

[265] Three concreate houses for each of the three families, beyond bamboo houses for clans or individuals

[266] According to the field note in August 2017 and discussion with Kao Mingzi, I emphasis the connection and relationship to the land because I tend not to see the land and natural resources as economic assets. However, the research tends to divide the land and resourcse into private or public property. see Tai, Z. (2002a) *Aboriginal people of Taiwan: Puyuma.* Taipei: Taiyuan.

grounds that are owned by the matrilineal clan. Therefore, the family is the main body that maintains stewardship. There is a private and common use; however, it is not a permanent right. The right to use is granted through the family. Common resources such as water can be shared with the tribal member.

Table 9 Land use

Family	Clan	Tribe
Cultivated land, fallow land, house land	Hunting grounds, pasture, woodland, dry land	River, tribal gathering place, cultural rituals, road, cemetery

These shared rights and connotations need to be understood as forming the social space between individuals, families, and tribes. The contemporary concept of land use is absolute exclusivity and human domination. However, the tribal concept of land use is the connection between human and non-human without possession or control. The receiving land is a responsibility to the family and the environment. It is private used, family owned, and clan owned (Field note in August 2017).[267] It is interesting that this responsibility is not visible to others. Outsiders have difficulty to see these responsibilities based on indigenous traditional guidance which are adapted to contemporary value.

6-1-2 Stories and relations

This section illustrates how they see place and its connections in different period of time in order to show the changes of social relations with human, ancestral spirits, and more-than-human. The Katraripulr's spatial order and social relations could be seen

[267] The long relationship and discussion with Gao Mingzhi, an elder of katratripulr influenced my previous concept of land ownership.

through the book, ‘Xin Zhi Diming 心知地名’ which recorded 114 place names with stories of the tribal territory (Lin, 2016). Their hunting-agriculture activities in the mountain were nomadic, which reflects the dynamic spatial order. The book also recorded the living area, hunting grounds, fishing areas, and worship places as well as the changes through colonial occupation in these places. The arable land is used for hunting ground when it is fallow. For example, some places such as ‘ura’uras, Ruyuwa’an, Muveneng, are for the ritual of pa’udalr (rain worship). Katratripulr believes the rain god lives in ‘ura’uras. Other places e.g. ‘ude’udengan, is for piling up the tributes. Tribal people carried out burning, farming, hunting, and fishing activities around the living area during the pre-colonial period.

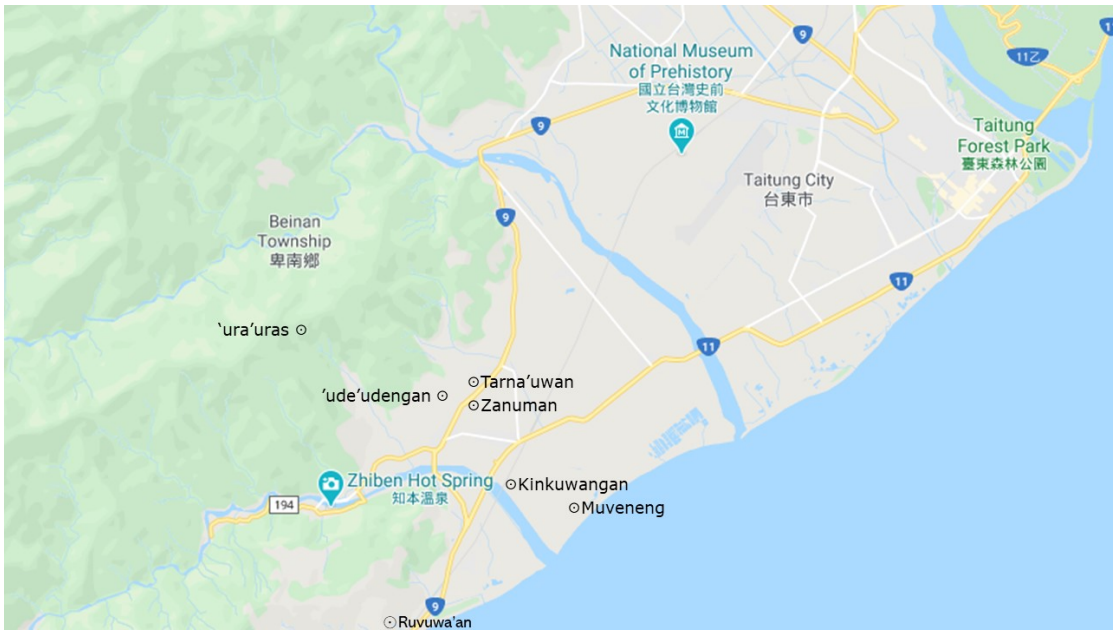


Figure 39 Traditional land use

The dynamic field implies the essence of no fixed boundaries. Similar to what Sletto (Sletto, 2009) described, indigenous people, have fluctuating edges. The hunting

grounds usually include arable land (and fallow land), and fishing areas. The military training and building of ancestral houses are a rule always followed by the tribal people. When edges changed, the negotiation started. The negotiation method relies heavily on the instructions of the spirit and the experience of the elders.

> Due to several Typhoons, Pakaruku asked the Mavaliw permission and moved to Silrivan. The Ruvaniyaw family moved from south of Taiwan to Tupi due to the plague. They considered themselves outsiders and therefore lived near Kaviyang (Zeng, 1998, pp. 176-179; Utsurikawa, Miyamoto and Tōichi, 2011(1935))
>
> When I participated in the root-seeking activity, there are always a ceremony of 'gen zu ling duihua (speaking to ancestral spirit in mandarin)' with betel nut on the ground, and ritual group apply a certain performance (field note in July 2017).

The spirit group connects the non-human, while the hunting group link more-than-human, and the age-groups form the stewardship system. They produce connections and name place with stories that involve the formulation of time. The worship should be applied after a particular event happened. Tribal people who left living areas have different reasons including population, leaders' conflicts[268], animal living[269], doom[270], underground burial concept, plagues, and over reclamation.

[268] Kanalilraw is close to the other language group, tribe of Taromak. The Pakaruku family was attacked when the Taromak held a hunting ceremony. They therefore moved to Kanaluvan.

[269] They left Rumingan because they decided that this place was to be preserved for animals, such as shrimp and deer. see Quack, A. (1981) *Das Wort der Alten: Erzahlungen zur Geschichte der Puyuma von Katipol Taiwan (The Words of the Old Man: Legends in the History of the Development of the Puyuma Clan in Zhiben).* Translated by: Hong, S. Taipei: Academia Sincia special room of the Institute of Ethnology. It is especially important not to overfish the shrimp, which are for the blessing of ancestors. See Zeng, J. (1998) *Footsteps of the ancestor - oral historiy of boulder born branch of Puyuma.* Taichung: MoringStar.

[270] They moved to Rumingan when the event of 'the princess committing suicide for the God deer' occurred. They believe that this place is ominous. see Zeng, J. (1998) *Footsteps of the ancestor - oral historiy of boulder born branch of Puyuma.* Taichung: MoringStar.



Figure 40 Worship event

Table 10 Tribal migration

Family	stories
Mavaliw	The Mavaliw family and Pakaruku family originally lived in the Ruvuwa'an and moved to 'arawyan after several generations. Sihasihaw, younger brother, then moved from to Kazekalran during the 17th Century. The sons, Kazekalran and Pangurian, of Sihasihaw found this place with a wide view in order to overlook their territory and hunting grounds. They subsequently moved to Tupi (Jian, 2002, p. 81).[271] Later, in around 1893 three powerful typhoons destroyed Tupi and moved to Takelekeled. Those tribal people living around the Tupi including Ruma' and Kaviyangan were forced to move to Takelekeled (Zhao *et al.*, 2002, p. 14) then to Te'ete'e (Schröder and Quack, 2009, p. 7) by the Japanese government.
Pakaruku	The Mavaliw family and Pakaruku family originally lived in the Ruvuwa'an and moved to 'arawyan after several generations. Tuku, elder sister, The sister moved to 'areenu with a group of people because of different opinions in addressing tribal affairs with the brother. (Lin, 2016, p. 236). The sister started the Pakaruku family and the brother started the Mavaliw family. Tuku then built a large tribe in Tusariyariyang. She had four descendants. One of which

[271] There could be two reasons. According to the oral history, the plagues and over reclamation caused them to move. According to the Dutch, they were forced to move in 1643.

	is the Pakaruku family. This family moved to Rumingan, Ruvaruvangan[272] and kanalilraw.[273] This family migrated to Kanaluvan during the Dutch period (1624-1662).[274] Due to several Typhoons, this family asked the Mavaliw permission and moved to Silrivan. In 1893, three Typhoons attacked this place. They discussed with the Mavaliw family and moved to Takelekeled. During the Japanese period, they moved to Pinavuka.
Ruvaniyaw	The Ruvaniyaw family moved from south of Taiwan to Tupi due to the plague. They lived near Kaviyang. After 1893, the Typhoons and the Japanese government gradually forced them move to Te'ete'e.

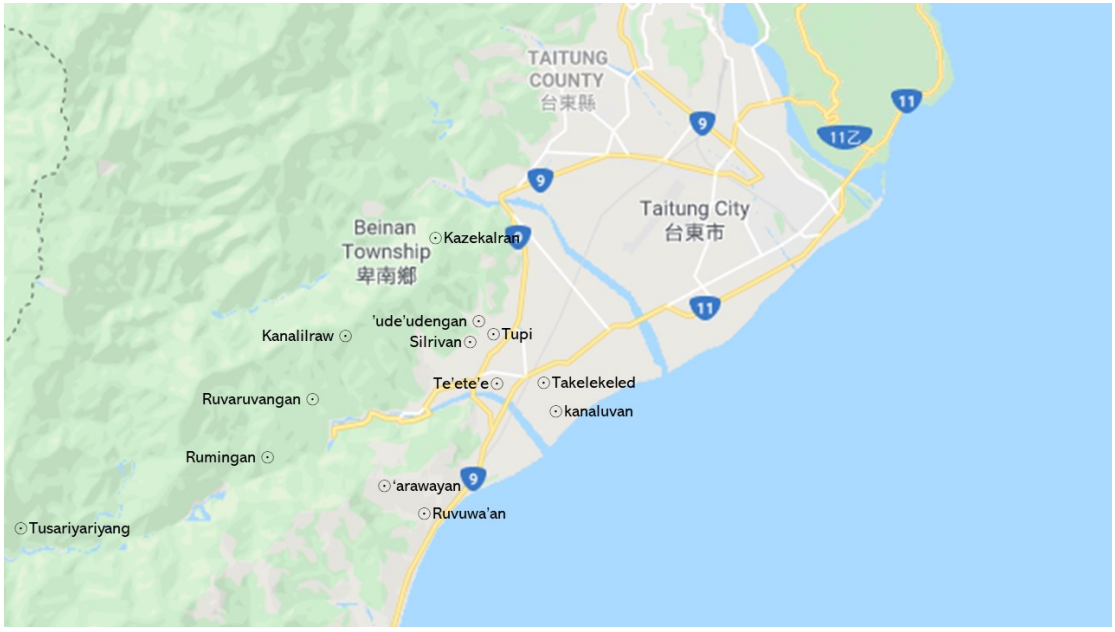


Figure 41 Migrations of the three families

The Dutch established local meetings (oosteijke landdag) (Kan, 2006) after 1630[275] and trading economy through a partnership with the Pinuyumayan tribe (Jian, 2002, pp. 78-79,81; Nakamura, 2002, pp. 61-67).[276] This weakens the influence of the Kazekalan tribe who had a tribute relationship[277] with other tribes. During the Qing dynasty

[272] This place is hot and humid is high.
[273] This place is close to the other language group, tribe of Taromak. The Pakaruku family was attacked when the Taromak held a hunting ceremony. They therefore moved to Kanaluvan.
[274] About 1640, the Dutch came here for gold.
[275] Eastern gold mining roadmap during the Dutch period see Tang, L. *A mpa of the eatern gold inning route during the Dutch period*. Available at: https://thcts.sinica.edu.tw/themes/ra06.php (Accessed: April 1 2018).
[276] The Kazekalans lost their power to Pinuyumayan in 1647. They were informed that they must relocate their tribe near to the Chihpen river estuary. But the tribal people refused.
[277] The tributes were stacked at the Tarna'uwan then transferred to the Kazekalan tribe for tribal people Lin, J. (2016) *'xin zhi diming' Katratipulr tribal history.* Taitung: Taitung County Indigenous People Cultural Development Association..

colonisation, around 65 tribes, including the Katratripulr, paid tribute to the Qing dynasty from 1696 (Meng, 1988). Although there was an 'empty Chinese' policy for 150 years (1772-1785)(Shi, 2001a).[278] Tribal people remain trading[279] and farming relationship with the Chinese[280]. In 1875, the empty policy was ended. The Qing Dynasty applied the policy 'kaishan Fufan 開山撫番', which utilises a 'respectful discourse' to occupy indigenous 'wildland' and secured Chinese people's land ownership (Luo, 1983; Zhao *et al.*, 2002, p. 10). Yet research have pointed that the impact was minimal (Zheng, 1993) and indigenous people remained self-governing (Hu, 1895). This process led Chinese farmers to become immigrants (Chen, 1959). This resulted in the tribal people to move closer to the plain to adopt agriculture. The Chinese immigrants brought farming techniques and intermarried with the Katratripulr. This formed a diverse society (ZHANG, 2000, p. 4).[281] Another official land investigation[282] and land right allocation in 1889 allowed these pieces of land which were largely located in the indigenous fallow land to private ownership(Lin, 1997b). The recognition of land relationships shifted from a social contract (oral or complex agreement) into a more uniform and legally effective paper.

[278] Government removed Chinese out.

[279] During this forbidden period, the Puyuma people applied for trade with the south of Taiwan in 1729 Wang, Y.-Z. (1764) *Reconstruction of Fengshan COunty Chronicles*: Chinese Text Project (Accessed: April 15 2018)..

[280] In 1856, Zheng Shang et al from Fengshan County, traded and provided agricultural techniques. They also formed relationships with the local indigenous peoples and hired farmers to cultivate in the Taitung plain Luo, D. (1983) *Taitung County History II.* Taipei: Cheng Wen Publishing..

[281] See the report done by Tadai-Antei "Taitung Colony Survey Report".

[282] Land investigation (土地清丈) includes 'Taiton-Chih-Li-Chou-Pa-Kuang-Ts'e 臺東直隸州八筐冊', which is the most complete yulin-t'u-ts'e '魚鱗圖冊; land survey records; Cadastres' of Liu Ming-Ch'uan (劉銘傳) land investigation business in Ching dynasty

Japanese empire transferred those lands without any forms of proof of ownership or certification (Shi, 1995) into Japanese governmental land, and divided land use to those could extract resources and settle more Japanese investors (Li, 1997, p. 172)[283] as the epitome of the third world. This land use was regulated by modern law to justify this aggressive oppression and occupation and to benefit those Japanese investors. In 1895, the Japanese empire introduced the 'regulation of banning in governmental forestry, wilderness and camphor manufacture 官有林野及樟腦製造業取締規則' in order to occupy the land without proven ownership of the mountain. The Japanese investors legally revived some of these governmental lands with very favourable conditions, low prices and long-term monopolisation in the east of Taiwan after the introduction of the 'regulation of reservation and sale in Taiwan governmental forests and wilderness 臺灣官有森林原野豫約賣渡規則' and the 'regulation of reservation and rental in Taiwan governmental forest and wilderness 臺灣官有森林原野預約貸渡規則' in 1896 (Shi, 1995). In doing so, the governmental lands were divided into different land use such as planned settler immigration land, reserved settler immigration development (Chang, 2001, pp. 50-52)[284] and 'indigenous area 土著部落整理區'.[285] Those indigenous in the planned and reserved areas had to relocate (Lin, 1995c, p. 74).[286] The government gave each household farming land (around 2.7 hectares) and

[283] Before the land investigation, the Tadai-Antei (田代安定) came to the East of Taiwan to find land for settler immigration development. See Tadai-Antei 'Taitung Colony Survey Report'

[284] In 1909, colonial survey and rural planning were conducted and 15 places were picked in which to settle the Japanese settlers' village Governor, T. (1919) *Report on the Immigration Business of Taiwan Governor.* Taipei: Taiwan Governor..

[285] The immigration policy divided the lands of east Taiwan into four zones: immigration area, tribal area, other purposes.

[286] Eastern Taiwan has complete and concentrated immigration shelter, the residents are mainly indigenous people with 'lower civilisation', and a population density that is low.

grazing land (around 1 hectares), which were around the relocated location. These lands were registered into 'collective ownership' in 1910 and changed into 'private' in 1911 for the purpose of governance.[287] Indigenous people then required Japanese government to design their village. The modern village form of the Katratripulr tribe[288] was framed according to the immigration policy and the purpose of governance. In 1937, the police Wang Keming 汪克明 and Rahans of the three families discussed plans for the tribal living area. The four main roads facing eastward were designed and three Palakuwan (military training buildings) were also determined (Zhao *et al.*, 2002, p. 14). The relevance of the eastward direction is linked to the central importance of the sea to the tribal people (Song, 1998, p. 260). The Mavaliw family eventually moved to near Pinavuka from Takelekeled.[289] The Pakaruku family moved to near Makawilr from Takelekeled (Song, 1998).[290] The Ruvaniyaw family moved to Kaviyangan from Te'ete'e (Song, 1998).[291]

The colonial economy policy then sped up the land occupation of indigenous people (Chen and Lin, 2000, p. 169) through its requirements of skills, labour and land.[292] About 116 hectares were bought for a low price by a Japanese investor in

[287] A tribal area with 10 people or hundreds of people will cause problems.
[288] The number of Katratripulr people was 987 in 1896. Tadai-Antei 'Taitung Colony Survey Report' 1940 p277.
[289] The Pinavuk was the palakuwan of Mavaliw. The place is behind the 26 Kangding Street.
[290] Pakaruku's Palakuwan. The place is around 14, Lane 320, Section 3, Zhiben Road.
[291] Ruvaniyaw's Palakuwan. This place is around 7, Lane 141, Section 3, Zhiben Road.
[292] The indigenous' self-sufficient farming skills could not meet the demand of the market, as a result the Japanese government introduced Chinese farmers in Aimin, huntig gorund, in 1915 Zheng, Q.-X. (1995) *Immigration and Settlement in the Taitung Plain. East Taiwan Series No.3*: East Taiwan Research Association..

1923.[293] The land in Kanapayrang[294] near Aimin was also forcibly sold to Japan during that time (Lin, 2016, p. 215).[295] Significant reclamation activities were launched after the middle period of Japanese occupation (around 1920) (Chen and Lin, 2000, p. 33). The place, 'arawayan, became farmland during the Japanese period and more Chinese immigrants moved here for reclaims. This farm is for growing bananas, cassava and tangerine (Zhao *et al.*, 2002).

The tribal people were busied by forced labour (Zeng, 1998, p. 192)[296] including the construction of irrigation (Zheng, 1995, p. 69)[297], construction of roads (Chen and Lin, 2000), airplanes, embankments and supplies transport (Lin, 2016, p. 173).[298] These infrastructure developments have stimulated the land value, which released indigenous land to the free market (Zheng, 1995, p. 87; Guo, 2008, p. 187). The tribe gave up traditional hunting due to forced labour and the promotion of rice and cane crops. The loss of the hunting ground means the loss of the binding forces of the traditional social organisations. The inherent concepts of customs (law and regulations) have been replaced by rules following the 'colonial market economy' (Fu, 2007, p. 57).

After KMT arrived, the Veterans Affairs Council established the Eastern Land Development Office in order to settle the veterans near the hillside and riverside in the East of Taiwan (Chen and Lin, 2000, pp. 204-205). For example, the Veterans Affairs

[293] 30 JPY for around a hectares
[294] In Katratrpulr language, there have been some Chinese living for a while.
[295] 100JPY for around a hectares because the tribal people protested with knives.
[296] Men aged between 16-45 and women who do not have child were forced to do compulsory labour, once a month, 10 days during each period.
[297] Zhiben irrigation ended in 1924 and indigenous people provided most of the labour. Also see Chen, H.-T. (2002a) 'Official Immigrant Villages and the Irrigation Development in Eastern Taiwan (1909-1946)', *East Taiwan Study,* 7, pp. 135-163. p142-143。
[298] Delivered the daily supplies to the police post in the mountain.

Council stationed 500 veterans at kanaluvan. The soil was dug from the kanaluvan to a depth of around 3 metres in order to cover the riverbed of the Lijia creek in Kulrawsan in 1967. About 648 people settled in 1968.

Meanwhile, the policy of 'Sale of Public Lands' (see 4-2) caused the land loss. For example: The Katratripulrs lost arable land in Tubi and Eray because they did not know how to register it (Lin, 2016, p. 116). Chinese people who rented land from Katratripulr without contract, registered land into their name (Cai), 2019). Some tribal people trusted the Land Administration Agent but lost their land (Field note in June 2017). The land in Masilid was delivered to veterans and the Chinese after compulsory acquisition (Lin, 2016, p. 130). Moreover, the land in Raveng near the Zhiben hot springs area was delivered to the Taitung County Farmers Association. This place became the Toyugi Hot Spring Resort & Spa (Journey to the East) 2000. The land in Zanuman was also transferred as private property to the Chinese (Lin, 2016, p. 85).

In order to increase foreign income,[299] the economic policy is to develop heavy/light industry[300] by increasing the production of agriculture with high economic value (Wu, 1993, pp. 377-383) and logging to export that systematically restricted indigenous people to maintain relationship with environment. For example, The cane provided materials for the sugar industry. Around two-thirds of the raw materials of the total production of sugar relied on cane farmers. Pineapple is another crop. Pineapple

[299] Taiwan's economic development period, (1)1950s crop processing for export and simple industrial technology with low capital, labour intensive (2) 1960s export expansion period (3) 1970s import substitution. See Gou-Chuan Chen, S.-Q. L. (2000) *Taitung County History - Industry.* Taitung: Taitung County Government. p31

[300] 'Develop heavy/light industry with agriculture, Develop agriculture with industry' see Li, K.-M. (1981) 'Review and protespect of Taiwan's pineaplle business', *Bankd of Taiwan Quarterly,* 32(1), pp. 233-261.

processing plants supported by U.S. Aid were co-worked with the sugar industry to export processed pineapple products. In around 1970, the cane, pineapple, and rice were the main productive landscape in plain area (Office, 1961)p24. Pineapple business in Taitung had become a discourse of revitalising the rural economy. Until 1980, the sugar apple became popular. The policy for forest in 1956 stated 'more afforestation, more logging, more treasury', which caused primaeval forest felling. The timber yards are on Eray and Varalrialra' (Lin, 2016, pp. 116,140). In 1959, the natural forest over 40 years, except for research, observation, or scenery should be cleared.[301]

6-1-3 Cultural renaissance

An important turning point for 'tribal reconstruction, cultural revival' of the Katratripulr was the Taiwan Aboriginal Music and Dance Series in 1992 (Chen, 2011a) (Lin, 2004). The tribal people, especially young people, were greatly stimulated by participating in the performance. Gao Mingzhi 高明志,tribal people, pointed out that this performance has had a vital impact on the new generation of tribal people, which had encouraged the young to return to their tribes, seeking their cultural roots. These changes include: 1. Rebuilding tribal society, especially the 'Palakuwan system'[302]; 2. Restoring some rituals, such as mangayaw (annual hunting and mourning) and mangayangayaw (teenager festival); 3. Building the karumaHan (ancestral house),

[301] Hinoki has a clean-up period of 80 years. See Li, G.-Z. (2016) 'How many trees were cut down during the great logging era in Taiwan?', *Gen-Zheng Li*. Available at: https://leekc-95kh.blogspot.com/2016/07/blog-post.html 2017].

[302] Adult military training building to used to train the young generation. see Chen, W.-T. (2010) *Puyuma.* Taipei: San Min Book Co., Ltd. p26-35。

palakuwan (adult military training building), and Takuvan (teenage military training building); and 4. Establishing the Rahan of three leading families as the representative of the tribes (Chen, 2011a).

Table 11 Festival time table

	Festival name	When held	content
1	misaHur	Every November	It was farm work, helping to weed the millet field. It was restarted in the way to harvest Florist's Daisy in 1996.
2	Mangayangayaw	Every mid December	1996 restarted, 2-3 days monkey hunting for teenager
3	mangayaw	Every last December	3 days, 28 to 31 December Annual hunting
4	remavaravas	Every January	1993 restarted Mourning
5	mugamut	Every July	1955 restarted Harvest festival
6	paHudaL	August (depends)	1998 restarted Pray for rain

The Katratripulrs have integrated their internal and external resources since 1992 and have received funding from the government (see 4-3-2). In 1992 the Katratripulr people acquired the former site of 'Chihpen Fan School (elementary school 知本番學校) ' for the reconstruction of the Palakuwan. The 'palakuwan system' was reorganised at the end of 1992 in order to launch a series of tribal reconstructions and a revival of ceremonies. The 'mangayangayaw' was resumed and the training at the youth stage was re-established in order to connect to the next stage training, Palakuwan in 1995. These two buildings formed a comprehensive Palawuwan training system. The 'Katratripulr Cultural Development Association' was established in 1998 to receive governmental resources.[303] The association applied governmental funding in order to

[303] Chinese people and Katratripulr people set up the Zhiben Community Council in 1975. The council was renamed the Zhiben Community Development Association. The tribal people established another

build facilities, such as the Palakuwan building and the ancestor's house, and operates within a range of culture activities.[304] The domestic industry combined with cultural activities has over time emerged as the basis of a tourism industry.

This renaissance process confirmed that the Rahan[305] was the central power of Mavaliw, Pakaruku and Ruvaniyaw and restarted the role of 'tribal society' in contemporary life. The '2009-2011 Taitung Katratripulr tribal tourism and cultural development project' plans forest and tribal life experiences for tourists and invites experts to provide practical experience and knowledge with respect to combining cultural and domestic industries. Traditional culture has the potential to create job opportunities and encourage the sustainable development of the tribal community.[306] Zeng Jian[307], the bishop, collected and investigated data linked to the early foreign missionaries in Katratripulr.[308] The function of the cultural development association, as a legal body, is to apply funding from government. It becomes a representative for

Zhiben Indigenous People Development Committee in 1995 and it was renamed the Katratripulr Cultural Development Association.

[304] The karumaHan (ancestor's house), palakuwan (adult military training building), and Takuwan (teenager military training building) were built in 2001. The ancestor's house were put together behind the Catholic Church and since has been moved to the palakuwan park.

[305] Priests of three families.

[306] Chen Zhengzong shared in the third education training of 'Chief Tribal Project' held by CIP on 24.9.2008

[307] Zeng Jian曾建次, chairman of the Zhiben Indigenous People Development Committee and the first chairman of the cultural development association, vigorously promoted tribal culture.

[308] Field note in July 2017. Also see Quack, Anton 1981 Das Wort der Alten: Erzahlungen zur Geschichte der Puyuma von Katipol (Taiwan). Haus Volker und Kulturen. (《老人的話：知本卑南族發展史中的傳說》)。 1985 Priesterinnen, Heilerinnen Schamaninnen? Die Poringao der Puyuma von Katipol (Taiwan). Dietrich Reimer Verlag. (《祭師、治療者、薩滿？：知本卑南族的 poringao》)。

Schröder, Dominik and Anton Quack 原著，陳文德 主編 2009[1979] 知本卑南族的出草儀式：一個文獻。臺北：中央研究院民族學研究所。 (Kopfiagdirten der Puyuma von Katipol (Taiwan). Haus Volker und Kulturen)。

negotiating with governmental administrative systems. This causes tension in that they have to conclude the decision within the traditional society system, which views the association as the window through which to discuss issues with the government. Although the association and the traditional age groups system created some conflicts, this communicative process established a sense of belonging and collective consciousness of territory.

The Katratripulrs are trying to rebuild their traditional culture and to negotiate with the government while claiming their land title and cultural rights to allow them to access the land and to utilise the natural resources. The development of colonial agriculture, a forest economy, and urbanisation marginalised the Katratripulrs in the small village.

> We used to follow the government's 'mingling (orders in mandarin).' The Japanese asked us to do labour and we have to do that. The Chinese government asked us to farm and change our way of life. The land on the mountain became state-owned. The government did what they wanted, and we cannot go back to hunt. The land became more valuable, the Chinese people slowly defrauded our land. Many of our grandparents' land was defrauded during registration and also after that period.
>
> Field noted in the gathering party in July 2017

This series of institutional and systematic oppression transformed the production methods and relations of indigenous people from self-sufficiency into economic commodity production. The hunter's knowledge system and social significance and function have also declined. Those remaining in the tribe became the key people for cultural practices.

> The Kinkuwangan was both a hunting ground and arable land. This place was turned into a shooting range during Japanese colonisation. In around 1960, the children of tribal people collected the seeds of white Popinac for money. More tribal people moved to the city for jobs in around 1980. Few people with lower education stayed with the tribe but play a vital role in maintaining traditional culture.
>
> Discussion with LJD (chairman of the tribe) in July 2017

6-1-4 Discussion

The changes of the tribe had a similar pattern as Jojola described, that the process of westernisation or modernisation in the territory of indigenous people was urbanisation, industrialisation, and civilisation through 'economic independence and political integration (Jojola, 1998a, p. 100)' based on the desires of colonisers. The narratives of history focused only on the civilsation brought by economic growth, which fundamentally ignored indigenous relations to the environment or have made them invisible. In other words, it erased indigenous history and geography (Shaw, Herman and Dobbs, 2006; Radcliffe, 2017b) as well as set up a series of boundaries that did not belong to the indigenous.

In eastern Taiwan, the Japanese coloniser established the frontier (see 6-1-2), which bounded tribal people at the current living area. Japan government located tribal people in a designed house unit with their cultural buildings. The social control methods, including penal servitude, a policy of stealing forests, colonial urban planning (Taitung city), and agricultural policy, gradually deprived the relationship that tribal people maintained with nature. This process ultimately transferred nomadic nation to inferior citizens of Japan that settle in the plains. However, the delicate relationship between

the environment and tribal people continued through the connection with ancestral spirit and cultural practices. In the early stage, the social control of the KMT was mainly in the assimilation of Sinicization, land reform, and promoted nationalism. Sinicisation's discourse played an essential role in justifying national economic development and reducing resistance from indigenous people. The land reform (see 4-2-5) was a highly compromised solution between KMT and Taiwan elites (Liao and Chu, 2015). This process provided the foundation for Taiwan's industrial development and created the 'farmer' class in a rural area and the 'landlord' class in cities. The soil improvement with veterans settlements and cash crop became the priority in Taitung to support the industrial development in the west and engage in the global economic system. Land use-planning in Taitung rural areas was divided into dry farming, orchard, sugar cane, and paddy field in 1995. The mainstream history from post-war reconstruction in 1945 to liberalisation and globalisation after 1970 was the imaginations of capitalist countries such as the United States.

Urbanisation in this period was a practical political consideration between KMT decision-maker, technocrat, Taiwan elites (landlords). The rural land near urban could become urban land. This transformation effectively reduced the tension between KMT and Taiwan elites. Planning in Taiwan was the transplantation of modern architecture and urban planning of 'American Style' and became formalism (see 4-2-5). The formal planning applied rationality and abstraction based on Japan's city foundation to reconstruct Western cities' imagination without considering local context. The land-use had divided into pieces of the unit which were unable to meet indigenous culture's demand. Tribal people's spatial governance was largely invisible under this American

dream. Tribal geographies were emptied, and their relational environments were replaced with a resource to extract. Tribal social relations were largely devalued under the discourses of 'progress, modern, and economic develop logic.' However, the 'Farmland Rent Reduction 三七五减租',' Sale of Public Lands 公地放領' , and 'Land-to-the-Tiller Programme 耕者有其田(1953)' (see 4-2-5) that farmer could become corporate investor through reducing rent, obtain lands, and releasing land from landlord caused fire sale of farmer's land. Moreover, Land was becoming more fragmented, and prices were getting higher and higher due to nearby urbanisation. These three policies had many regulations that strictly restrict landlords. Many concerns such as mandatory lease renewal and frequent or unpredictable changes in policy fall into landlord before they rent land out. Therefore, only oral contracts were made due to these concerns. Moreover, the global market (WHO), the gentrification of land, and the agricultural expenditure could not afford the daily expenses through a fragmented land under a free market principle. Tribal people could only survive when they were forced to endure these economic development policy and colonial urban planning.



Figure 42 Cultural practices

The impact of the regional programmes in land use on the cultural practices of Katratrripulr is very conflicting. Planning sectors or professions have too little knowledge about the tribal people's use of land. The existing acts and regulations, zoning, land use categories are fundamentally different from the tribal use. However, the government is very unfamiliar with this aspect, therefore conflicts often arise. For example, Taitung County planned the 'Zhiben Comprehensive Recreation Area' project (1982) in the early year in Zhiben wetland to the recent planned 'Baseball Field' project (2016)[309] and the 'Solar Power and Education Demonstration Area' project (2019)[310]. The government dredged waterways, drained lake water and converted wetland into farmland. It is argued that the recreation area project would replace the wetlands constructed on the protection forest (fieldnote). This is illustrative of the government's attitude towards the wilderness. The baseball field project nearby the wetland (within

[309] Disputes in traditional fields, Zhiben Stadium is no longer built https://e-info.org.tw/node/203673

[310] The District Committee of the Ministry of the Interior deliberates the solar power project on Zhiben Wetland / land zoning should be clarified first https://e-info.org.tw/node/232230

the Recreation Area project area) was built for professional baseball teams training base, not for local people and was operated by a consortium. The solar power project was not discussed with tribal people before it had been planned. The Katratipular stated that this was their traditional field named Muveneng in their language with a story in search of gold during the Dutch occupation. They opposed the projects unless they obtained consultation, consent and mutually beneficial cooperation. Tribal people questioned (field note) the government while these governmental programmes did not meet tribal people's demands. They Katratipular tended to maintain the original appearance of wetland and work with NGOs such as The Society of Wilderness and Citizen of the Earth, Taiwan under this principle to introduce ecological tourism. However, the planning power is always dominated by the government. In practice, there is no mechanism for the tribe to voice and participate. The initiation, formulation, and approval authority are controlled by the central and local agencies. The tribe can only wait passively, and daily life and cultural practice have to be greatly affected. The Katratripulr were trying to frame consensus through their traditional social relations as resistance actions.

The contemporary social relations based on the traditional value (the younger age-group are responsible for chopping bamboo; the middle-aged would command and the seniors provide experience; shard food and prey; spirit communication and discourse of ‘help environment and environment help you) in the Katratipular tribe was spatial governance, decision-making process, and philosophical value (field note in July 2017). The members of the Parakwan system have to cover the roof of ‘Trakuvan’ and

‘Parakwan’ with new thatch annually and these builds are required every three years. Even when they are not fighting for survival, the daily work of a member is still busy. They not only need to defend unjust development but more often to deal with ritual preparations, weddings and funerals, farming harvests, and thatch harvesting. Children who are not obedient and playful are managed by a Parawan member. Tribal warriors and dispatched workers who are responsible for tribal chores (Field note in August 2017). These relations are connected through a continuous process of reciprocity. Maintaining the relationship becomes a responsibility that links to a diverse framework between humans, the environment, and ancestral spirits in space; whilst this relation-work experiences and activities in the western language are planning. However, the interview question for ‘how to impinge or co-become the future’ remained flexible and an open answer: If immediate things are not done well, there will be no good for people, the environment, and ancestral spirits.[311] For example, the oral history in Ruvaruvangan is that ‘people become goats’, which states that if I can become a goat, I then do not have to work and sleep on the hill. This history tells people to follow the changes in nature (Lin, 2016).

> The mountain is our natural refrigerator. When the weather is cold, let it grow gradually, When the weather is hot, we will clean up the environment that allows animal and our food grow. After raining, there has something to eat in the mountain. (Field note in June 2017)
>
> You have no way to know what will happen tomorrow. Rather you can find some clues from the environment. Slow your pace is a way to fastest find issues. When you go slower, and you can familiarize yourself with the environment and make a decision.
>
> Yiming, an artist and hunter

[311] By asking 10 middle-aged hunters through unofficial gathering, parties and discussions

From a planning angle, the modern spatial arrangements served the colonial economy and neoliberal development. The planning practices ignored indigenous legal traditions by developing a top-down comprehensive plan which assisted economic agriculture and forest policy with a universal value – economic growth. This external value overrides the indigenous worldviews and makes indigenous people 'Bu Shu Fu (uncomfortable in mandrain).' Indigenous practice of spatial arrangement was rooted in the dynamic oral histories. However, these planning practices were documented in research and became a 'traditional thought' compared with the modern tool of planning. A practical dialectic can be found in Katratipulars coexistence oral history (see 6-1-1) comparing the time point of tribal migrations. It is impossible to produce a coexistence narrative unless these narratives had been modified until they had been written into the paper. This ignores the conditions that oral history was updating and will generate actionable knowledge.[312] For example, the contribute relations were formed since they moved closer to the plains. Language is complex and varies with different holders. Therefore, oral history can easily be misunderstood and misrepresented (Absolon and Willett, 2004). For Chinese people, the paper proof had been well applied in the folk since Qing Dynasty including development permit and sale contract (Lin, 2011) The Katratripulr had experienced with these proof systems from the western culture since Dutch occupation. But the free market principle, colonial planning, dispossession and

[312] Field note in June 2017, discuss with elder and hunters, and planning working experience with indigenous people between 2012-2014

repossession of land in a legal manner had bounded the importance of oral history and even enlarged the insecurity to the individual property of the oral custom.

Oral history is a cyclical process that tells people where they are from and where their responsibility is. The book ‘The Truth About Stories: A Native Narrative’ by Thomas King (King, 2005, p. 10) describeed Judeo-Christian and the creation story of 'how the world was formed, how things came to be, for contained within creation stories are relationships that helped to define the nature of the universe and how cultures understand the world in which they exist.' The Judeo-Christian worldview with its linear time formulation creates competing relations in individualism and hierarchy. While Katratipular’s worldview only reflects from oneself due to the different language group, which might focus on social relations. Hunting is a human-animal relationship while the opposite is also true. Legal regulation is focused on the right of the human, whereas for indigenous people, there are ‘multi-layered and multidimensional relations‘ to responsibility between humans as well as between human and non-human (Craft, 2017). This connection brings the focus on the responsibility of social cohesion rather than equity in human right.

The current scientific-led government holds a singular world view using rational truth to serve private property and individualism. This conceptualisation oppresses the indigenous worldview. Therefore, mutual recognition is a path to seek co-existence. Indeed, the current global development shortens the distance and increases the impact between local, regional, and global levels on issues such as climate change. The indigenous people of Katratripulr have considered the trends and established the Puyuma nation alliances that unite eight tribes and their territories as a regional

management strategy. It requires the unsettling of colonial ontology and cognitive violence by centring indigenous political ontology in partial custom and governance to respect the environment (animal, forest, water, stone etc.).

It is interesting to note how the Katratripulr applies the idea of 'we' within the three families and its diverse intermarriage.

> As long as people live here and get through their relation-making process – 'parakwan' and 'Trakuvan' is tribal people. They have to maintain the relations and take responsibility to the elder, tribe, as well as the environment. And finally, they have to know how to share.
> Field note in August 2017

For indigenous people, there is no commonality. This complex reflects how they see things. The way of knowing, being, and problem-solving is based on their world views and values. Sometimes the Chinese language is limited when discussing the Katratripulr's thoughts with regards to the environment and ancestry.[313] The universal thought is that their oral histories are dynamic and adaptive. However, these histories have been documented and fixed into written research through colonial eyes. Meanwhile, from the written organising of this section, it is easy to fall into a myth of linear development that external systems, especially dominant scholars, control the discourse and definitions of human progress, modernity, and development. This linear view is rooted in the assumption of extraction and competes with the prioritisation of the natural environment. Oral histories are critical because of their authentic expressions of relationships to the non-human. While the Katratripulr's history is

[313] After having long period discussion with Gao Mingzhi(elder), Lin Jinde(elder), and Gao Xianting.

flowing and they are learning, developing and adapting to contemporary society based on their worldview.

Under the consolidation of ownership, limitation of hunting, and mountain agriculture of colonial policy, the Katrtripular continued maintaining a relationship to the environment secretly (field note in July 2017) until liberalisation and started to practice publicly which Chen Wen-Te contributed large anthropological observations. The next two sections will describe the conflictual points between indigenous social relations and modern legal framework and state-based planning.

6-2 Reclaiming hunting rights

Hunting behaviour has diverse perspectives within a different worldview. This section reveals a frontier concept through an event of hunters under arrest when tribal people maintained an important relationship to the nature in the mountain. It reveals the importance of coexistence and leads some discussions in interpretations of 'wild animal', human rights discourse, and human-animal relations.

6-2-1 Conflicts

The cultural revival of the Katratripulr reinvigorated the Mangayaw[314] (annual hunting). The original meaning of Mangayaw is to hunt, seek revenge and 'headhunting' annually. This annual hunting includes Mangayaw, mourning, and Mangayangayaw[315]. This activity could last for several months in the past but now it is

[314] Original meaning is hunting or deer hunting. Now it became an annual hunting ritual.
[315] Monkey hunting is organised to allow young tribal people to get ready to enter the next stage.

held for four days at a fixed place, camping in the wild and catching voles (Tai, 2002a). This activity brought tension when awareness of eco-environmental issues increased in the late 1980s (Field note in June 2017).

The Katratripulr held annual hunting on 30th December 2015. Some males go hunting, and some arrange the camping around the river according to the age groups over a period of four days and three nights. During this time, any kills should be shared with the tribe, and the family in mourning should be away from the community. They might influence the hunting result, according to the oral stories. The elders teach the people how to create traps, and survival skills. The family in mourning would be removed by the elders when the annual hunting finished, then the family would live and enjoy a new year with other tribal people. The festival linked people with people, people with all living things, and people with places. This gives them spiritual identity, the home of the soul and encourages the respect of elders from their children and grandchildren.

In 2007, Gao Rongguang(高榮廣), a tribal person of the Katratripulr tribe was chased, searched, and forced to drive away by Gao Mingzheng(高明正), the leader of the Taitung Forest Conservation Police, in the early morning of the 31st December whilst holding the ‘annual hunting’ of the tribe. The police heard some gunshots and gathered in the mountain to look for the source. In response to the incident, the representatives of the tribes of the Puyuma ethnic group held a cross-tribal meeting on 7th January 2008 and decided to establish the Puyuma National Assembly path by the end of January. The ‘chasing’ case would be included in the legislative agenda and they determined to request the government to implement the Indigenous Basic Law and

recognise their collective cultural rights and right to life with respect to natural resource collection and the hunting culture of indigenous people. On 17 January, the Katratripulr invited: 10 tribes of Puyuma, Chen Guannian(陳冠年 the member of the aboriginal committee of the Council of Indigenous People, the Puyuma Nation), Dr. Gao Zhengzhi (高正治 former delegate to the National Assembly, the Paiwan Nation), Ph.D. Cai Zhiwei (蔡志偉 doctor of law Taitung University Professor, Sediq Nation), Jiang Jianshou(江堅壽 member of County Council, Puyuma Nation), and Hong Meiyiu (member of County Council, Puyuma Nation) to participate in discussions. During the meeting, the team for the chasing case authorised by the Katratripulr tribal meeting, proposed the action plan 'Katratripulr Hunter Action 0122.' The cross-tribal meeting decided to submit a complaint on 22 January 2008 with five appeals. The appeals are based on principles of Indigenous People Basic Law (IPBL) that state indigenous people's hunting rights.

Appeal to Taitung County Government

1. The Taitung County government shall entirely respect the resolutions of tribal meeting and approve them following the legislative spirit of the Indigenous People Basic Law. According to Article 19, indigenous people can independently decide the types, quantity of prey and method of hunting because of traditional culture and rituals. Moreover, the content of the resolution was written to the competent authorities of the Taitung County Government.
2. The Taitung County Government shall provide the designated hunting areas in order to avoid the cross-country taking place.
3. The competent authorities of the Taitung County government shall actively coordinate the relevant sectors and tribes of the Puyuma to establish the traditional hunting areas. The location of the incident was known as the traditional hunting ground of the Katratripulr tribe. The government should respect the tribal people's right to hunt wild animals during the traditional hunting festival.

Appeal to the Forest Police

1. It should be clearly stated that the provisions based on protecting their rights in traditional culture and rituals within the Indigenous People Basic Law and the Wildlife Conservation Law should be implemented in the education of police personnel. The methods and means used by the police authorities to carry out their duties should be clearly defined in their internal duty methods according to the interpretations of the Council of Grand Justices No. 535.
2. The Forest Police should mark the ceremonial period in their annual service calendar to avoid a similar incident when the grassroots police do not acknowledge the difference between ethnic groups.

Three families, comprising of 300 tribal people of Katratripulr and a few people from Paiwan, dressed in traditional clothes and protested on 22 January 2008 in front of the Taitung County government and submitted a petition to the Taitung County government, Forest Service Bureau, and Forest Police Team of the Ministry of the Interior. The tribal people pointed out that the festival had been flagged to the Taitung County Government according to the relevant statutory procedures (Article 2 and Article 21 of the Wildlife Conservation Act) and approved by the Agricultural Bureau the Police station of Taitung. They also stated that the Taitung government should fully respect the resolution of the tribal meeting and approve it according to the legislative spirit of the Indigenous Peoples Basic Law (interview GST, indigenous artist).

The Katratripulr tribe also contacted eastern indigenous groups, and launched the "228 tribal wolf-smoke action" to awaken the consciousness of indigenous peoples to their basic rights. In addition to supporting the hunters of the Katratripulr tribe, it was also necessary to use specific actions to present the demands for respecting the sovereignty of tribal tradition to their territory. They went to Taipei, the capital city of

Taiwan, on 8 March and demanded that "the new partnership" and "nation-to-nation relations" claimed by President Chen Shuibian 陳水扁 should be implemented.[316]

The first hunting convention was signed in December 2008 with the tribe, Forest Bureau, Agricultural Department of Taitung County government, Forest Police and Taitung Branch of the Police Department. The convention consisted of 11 articles based on principle Article 19 of the Indigenous People Basic Law. The content of the treaty included the area of hunting as well as the activities with which each age-group could be involved. In addition, the convention allowed the hunting of: six Mountain pigs, 200 voles, 60 flying squirrels, tenmuntjac, two sambars, three goats, five monkeys. The tribal people hoped not only to establish the inherent sovereignty of their traditional territory by implementing traditional hunting, but also to strengthen the mechanism of the traditional organisation's operation (age groups) and the ability to advance a constructive dialogue with the public sector.

6-2-2 Discussion

Any regulations such as natural resource management is rooted in the neglect, ignorance or prejudice of cultural differences, or even its rejection (Shi, 2001b). The environment has fallen into the binary discourse of protection and development. These discourses are based on scientific knowledge and an external world view. The multicultural values that the Taiwan Constitution emphasises has gradually influenced

[316] "A New Partnership Between the Indigenous Peoples and the Government of Taiwan" was signed in 1999 with DPP president, which emphasised the natural sovereignty of indigenous peoples, establishing indigenous peoples' autonomous regions and land claims.

the reform of laws that recognise indigenous rights. For example, the decriminalisation of hunting 'wild animals' for indigenous people in Article 20 of Controlling Guns, Ammunition and Knives Act and the legalisation of the basic right to subsistence and 'traditional economic production methods' concerned indigenous rights but were unable to help them with their culture. Firstly, this integrating process forced indigenous people to accept the concept of 'wild animals.' The concept of 'wild animal' comes from the agriculture society. The relevant idea of 'stock', 'harvest' and 'wildlife' was generated from an external system, not an indigenous system (MG, 2006, p. 170). The hunting agreement described above violated the relationships between animals and indigenous people. Biologists and policymakers have dominated a hunting culture that did not belong to them. Secondly, the narrative of conceptualising crime and hunting wild animals / economic production and basic right is very paternalistic in itself.

From the perspective of rights, the hunting right is clarified as taking part in cultural life in 15 of ICESCR. Cultural life is a historical, dynamic, and evolving process including all manifestations of humans. The hunting right is one of the cultural rights that protect collectively right. Maintaining a traditional lifestyle is also a basic human right (Anaya, 2004). Inserting human rights and distributive discourses to indigenous people downgraded their sovereignty into civil rights under the radically frontier concept. The function of law is to express traditional life in modern language or in legislative language.[317] The modern law system is abstract without a local context.

[317] Alfredsson, 1993 41-45, the right to self-determination and indigenous peoples.
Daes, 2001:42 Indigenous peoples and their relationship to land.

Taiwan has been working on domesticising western legislations to practice multicultural development (Cheng, 2014). In 2015, the Ministry of Justice had organised a seminar on “Practice in investigation case of Indigenous people 原住民偵辦案件實務研習會”, the deputy director, You Lizhen (余麗貞) led the prosecutors of both the county and the city to the Katratripulr tribe, listened to the history of their hunting rituals and discussed the conflicts related to the Controlling Guns, Ammunition and Knives Act and the Wildlife Conservation Act. However, the state has relevant control rights. It sees indigenous knowledge as a cultural heritage and myth to justify its refusal of certain beliefs and customs and separate the relationship with more-than-human. The indigenous dynamic living practice is interpreted as fixed culture and is written from a colonial and scientific angle that cannot intervene development, planning, and resource management.

The discourse of wild animals’ extinction applied by those environmentalists without really living in the mountains and with nature justify the justice of ‘animal killers (Lu *et al.*, 2006). Rather consider historical oppression, institutional discrimianiton(Chi and Wang, 1995) the environmental justice research on how capitalist expansion, mining, urban infrastructure, economic development, leisure industries, consumption, and other factors caused injustice(Chi, 2001b). Conservation is rooted in the western worldview of this nature is an obstacle to ‘human progress’ - it is better to ‘separate’ and ‘isolate’ indigenous people from conservation areas (Lu *et al.*, 2006). The precise calculation of the number of wild animals in the study of

wildlife was utilised for governmental sustainable management of hunting.[318] Although in 2014 the 'regulation of Indigenous peoples' hunting, slaughter, and utilisation of wild animals based on traditional culture and rituals' was produced to establish a diverse cultural development. There is a taboo in clarifying the number of the prey within the tribe but the regulation states that the hunter has to fill an application with clear information of type, quantity, hunting period, method and area.

> The Chinese people think hunting is killing. The result of the hunt is bestowed by the ancestral spirit. They do not understand the habits of animals, what they eat. We have to know the natural knowledge of ground and location of water. We bring back the latest information of the hunting ground. We have to clean the environment for the animal to ensure that my next generation could have enough environment.
>
> Discussion with Yimg (hunter and artist) in July 2017

Chi's (2001a) research on Taiwan's conservation policy, involved co-management and justice discourse with case studies from America, Canada, and Austria National Park. The conclusion locates this shared-power model allowed indigenous legal traditions to 'integrate' into the modern legal system to secure indigenous rights and reach a 'win-win' model between conservation and cultural preservation. The win is a competing language while indigenous people pose a 'relations' language in their world view.[319] Winning means conservation and cultural preservation are separate rather than seeing as a cultural practice with a 'seven-generation model' value (Jojola,

[318] Research before 2000 can be seen in the Forestry Bureau Conservation Network 'Survey and Research of Rare creature稀有生物調查研究' http://conservation.forest.gov.tw/

[319] Field note in July 2017. Discussion with Gao Mingzhi when we had conversations online concerning the notion of indigenous self-determination for a long period of time since 2017.

2008b) which is of higher ethics than the principle of sustainable development. These practices are knowledge, and the external systems cannot understand them. The justice discourse is based on the assumption of distribution where 'bads' and 'goods' should be equally allocated to the proper places. This ignored nature as a subject to be distributed with an assumption that humans are dominant. The stand of justice is based on an equal principle which did not see historical justice and political difference (Young, 1990). This recognition is sovereignty which pre-exists before colonialisation(Tully, 2004). Global trends are always western value-based (Clement, 2019), especially in geography (Radcliffe, 2017b) and planning (Yiftachel *et al.*, 1997). It marginalises indigenous people in the frontier, empties them from their land by replacing colonial cities, and erasing their culture by planning (Tully, 2012[2000]; Barry *et al.*, 2018).

> CZZ, middle group, mentioned the chasing case in order to explore the collision between hunting festivals, the judicial system and public sectors. He emphasised that the festival is of core importance to the tribe, but ignored by both the public sector and the judiciary. The traditional territory was the tribal people's living area. However, indigenous people as a part of the ecological environment for thousands of years are nevertheless ignored in the act.
>
> Field note in the gathering party in 2017

The research after 2000 extends quantitative research to the social level and link hunting to environmental management (Lu, 2005; Lu *et al.*, 2006; Lu *et al.*, 2010) with a more inclusive narrative on community-based and co-managed approach and a suggestion on common property. However, these studies provide an important turn on the role of hunters and calls for reconstructing the political, social, and economic space

of hunters. Considering hunter as a key person is important while the role of clan and decision-making is more vital (Jojola, 1998a). Rather than re-positioning hunters in the contemporary structure with the economic-led involvement in green tourism, agroforestry, and fishing, I propose steward (hunter) as an indigenous planner. In other words, having the right to plan their land is crucial in order for them to practice their traditional ways of life. The appropriate way to protect indigenous cultures does not come from outside policies and system, but arguably exists in their own cultural practice. Their land right had been formally acknowledged in the IPBL. However, this recognition did not allow indigenous people to directly plan their land. Planning – for the indigenous group – did/does not belong to a profession but was/is relatable to everyone living in this land. Therefore, a proper and contemporary planning principle requires trust and respect that makes each other's responsibilities clearer. This planning process includes engagement and transparency in a fair manner. An indigenous planner provides a depth of community-based knowledge deriving from the use of indigenous language. A professional planner plays a vital role to provide an innovative approach to bridge a mutual negotiation between government and indigenous people in planning language.

Planning as an activity had been applied by the Katratripular tribe to counter inclusive governance through organising cross-tribe meetings, engaging the IPBL, involving scholars and politicians, producing appeals in an 'unofficial' procedure. The tribe further apply insurgent planning (through its political structure (three Lahens leaders and aged-group organisaitoins) and occupied the official agency of symbolic hegemony. This process produced an actionable knowledge and tool to raise the

consciousness of basic rights and demanded the 'nation-to-nation relationship. This radical planning process for indigenous people does not just demand justice discourse, it sought the recognition of indigenous worldview and the 'relations' that indigenous people were and are trying to maintain. Anthropologists tend to see the animal-human relations as 'symbolic or metaphorical' (Nadasdy, 2007, p. 25). However, the animal-human relations of indigenous epistemologies challenge the Western dualistic discourse in nature/culture and human/animal (CASTRO, 1998, p. 471). It is a process of de-Anthropocene to destabilise the human control discourse that is central to the Euro-Western legal system (Todd, 2014, p. 222). These dynamic relations between human and animals then challenge the incorporation of country-driven co-management of wildlife. This scientific management limits the possibilities of indigenous knowledge. Traditional Ecological Knowledge (TEK) will become a substitute for science in this context and adapt to the Nation process instead of improving indigenous sovereignty (Nadasdy, 2003, pp. 124-125). In Manuel's words (2019, p. p217), using our way of being and doing as vehicles to live freely. However, the Chinese Grand Justice provided a paternalistic practice. This paternalistic style can be seen through The Republic of China Constitutional Court Reporter Interpretations of Bunu Hunter Wang Guanglu[320] case on 7th May 2021. The Grand Justices' explanation also pointed out key issues including wild animal protection issues such as decreasing number of wildlife, environmental protection such as control measures to apply for approval in advance and animal right such as animal pain feeling (the

[320] He was sentenced to 3 years and 6 months in prison due to the hunting protected animals in the mountain. Interpretation No. 803 https://cons.judicial.gov.tw/jcc/zh-tw/jep03/show?expno=803

judge's language). Indigenous scholar had proposed a debate on raising to the discussion level of different worldviews. However, the Grand Justices believed that the state had decriminalised or recognised this hunting behaviour in the IPBL, the Wildlife Conservation Act, and the Controlling Guns, Ammunition and Knives Act to protect indigenous culture. This recognition did not mean that indigenous people collectively have hunting rights. Therefore, the discussion returned to the rights-based structures as the main body rather their relations and responsibilities to the land. In the end, Wang Guanglu was convicted, and the leftist government President Tsai proposed an amnesty[321], only seven amnesties had been done, to exempt him from execution. These key issues generated from Chinese agricultural society experiences and Eurocentric practices did not put indigenous people's way of knowing and being such as hunting taboo in environmental stewardship within an equal discussion level. The amnesty seems to recognise diverse cultures, but it is a present of paternalistic multiculturalism.

[321] See news https://www.cna.com.tw/news/firstnews/202105205005.aspx



Figure 43 Group discussion



Figure 44 Tribal meeting

6-3 Conflicts in burial culture

This section demonstrates a long-standing unequal relationship based on racial discourse in land-use planning and top-down state-based planning system. A governmental policy on tomb relocation has sparked a series of insurgent actions. This process revealed that national/state spatial strategy largely ignored indigenous people. Actively resistance reflected the structural violence and institutional discrimination. The first part introduces the ancestor's home of Katratripulr. Following different values in burial custom, it highlights two completely different narratives. The last introduce an insurgent process where tribal people built connections and generated actionable knowledge to fight for human/non-human relations.

> The Tarna'uwan, the Sixth Cemetery, is the tribal ancestors' new home and should exist forever. Tribal people see this space as the origin of life because it is the living area of their ancestors. They see their territory as a subject to build connection, a general idea of home.
>
> Field note in July 2017

The central government passed the 'The Hualien-Taitung Area Development Act' that around 400 million TWD would be invested into the east of Taiwan. In 1977, the Tarna'uwan was included in the urban planning zone of the Chihpen railway station. The overall development plan was drafted in 2009 in the name of rectification of the landscape in order to carry out burial relocation of the Sixth and Tenth cemeteries. On the 1 September 2010, the Taitung local government announced that the Sixth cemetery should be relocated before 31 May 2011. The cemetery in Taiwan is a facility classified

in NIMBY.[322] It has to have a minimum distance of 500 metres to school.[323] The Sixth cemetery is located just next to the Chihpen Junior High School 知本國中. It is interesting that the school was built in 1968, which is much later than the Sixth cemetery. The relocation announcement was published in September 2010.[324] All the human remains should be exhumed, cremated and taken to Columbarium Pagoda[325]. This announcement indicated that the bodies of tribal ancestors buried in the Sixth cemetery would be 'No Name graves 無名墓' after the issued date. This announcement violated the Katratripulr's religion of living with their ancestors and created obstacles for the inheritance of traditional culture and life, which breaks the Indigenous Basic Law as well as its legislative spirit.[326] It encouraged the people from Katratripulr to

[322] Article 8 of Mortuary Service Administration Act : Cemetery establishment and expansion shall be done in an appropriate location in regards to soil and water conservation, environmental protection, military facilities and public health. The distance between the facility and the locations mentioned in the following Paragraph 1 shall not be less than 1,000 meters, and the distance between the facility and locations mentioned in the following Paragraphs 2, 3 and 6 shall not be less than 500 meters. The facility shall keep an appropriate distance from locations mentioned in other paragraphs in accordance with local conditions. For others with other laws or autonomous regulations provided, funeral construction shall be in line with those provisions.
1. Public drinking water wells or drinking water sources.
2. Schools, hospitals, kindergartens and nurseries.
3. Prosperous regions.
4. Rivers.
5. Factories and mines.
6. Storage or manufacturers of explosives or other combustible gas, fuel, and other such materials.
For cemeteries designed for tree burials as mentioned in a preceding paragraph, the distance between the facility and locations mentioned in Paragraphs 1 and 5 may be shortened.

[323] Chen Jinding 陳進丁, chief secretary of the Taitung city office, stated that according to the 'Mortuary Service Administration Act' the distance between the cemetery and the school must not be less than 500 meters.

[324] Taitung Funeral Management Office Work Report〔2012.12.10-2013.1.6〕http://meeting.taitungcity.gov.tw/102%E5%B8%82%E5%8B%99%E6%9C%83%E8%AD%B0%E7%B6%B2%E9%A0%81%E7%89%88/%E7%AC%AC01%E6%AC%A1/10201%E6%AE%AF%E8%91%AC.htm

[325] A tower or wall in which cinerary urns are stored.

[326] Refuse Relocation Movement can be examined through the public link below which is established on 6th September 2012. https://www.facebook.com/WenHuaBuKeBeiMoMieHanWeiZuLingJuJueQianZang

march on the street and use the slogan ‘Protect the Ancestral Spirit, Refuse the Relocation’ as a protest of the injustice of the local government’s decision.



Figure 45 Tarna’wan (location of Sixth cemetery)



Figure 46 View



Figure 47 Land use of the Sixth cemetery

Table 12 Land use of the Sixth cemetery[327]

	1	2	3	4	5
Land location	Taitung County Taitung City				
section	青林段 Qinglin Section			建本段 Jianben Section	
Land number	0721	0735	0736	0585	0586
Area Square meter	11,970.64	948.94	2,748.58	6239.15	2409.92
Land category	grave	Irrigation	grave	grave	grave
Land ownership	Taiwan	Taiwan	Taiwan	Taiwan	Taiwan
Management Authority	National Property Administration, Ministry of Finance	National Property Administration, Ministry of Finance	National Property Administration, Ministry of Finance	National Property Administration, Ministry of Finance	Taitung city office

[327] Katratripulr memorial park development plan.

6-3-1 Ancestor's home

The Tarna'uwan in Katratripulr language means a high, elevated place overlooking the plain. According to oral history, the Karapiyatr, ancestor of Katratripulr, from the old tribe, Kazekalran, dispatched his son to secure the main entrance to the southeast of the tribe, constructing an observatory to protect their hunting ground and cropland and to receive tributes from other tribes (Lin, 2016, p. 98).

Katratripulr's burial culture is indoor. Bodies were buried beneath the home. When the house filled with the bodies, the descendants moved them to other places. During Japanese colonisation, the government considered this tradition to be unhygienic and forced them to move the bodies to the Tarna'uwan. Moreover, around 96 Katratripulr ancestor remains were relocated to the Tarna'uwan when the 'Beinan old path' was built through the previous tribes in 1925.[328] The Japanese government built a gravestone at that time to record history as the figure shown above in the middle (see Figure 46). The human remains are buried layer by layer underground. By the time that the KMT had arrived in Taiwan it had become known as the Sixth Cemetery. The Katratripulr people accepted the changes because the spirit of an ancestor was considered able to watch over the life of their descendant from an elevated point.[329]

> Tribal people believe the ancestral spirit is not separated, and lives with tribal people.
>
> Field note in July 2017

[328] According to the tribal elder's narrative, Chen Mingren陳明仁

[329] Field note in August 2017

Specifically, the location of the cemetery ensured that the deceased were notionally able to remain in close contact with their descendants, maintaining the familial connection. As my field note shows that this concept of continued closeness and proximity to the living comes from the tradition of burying the dead under the house of their descendants.

6-3-2 Different value in burial customs

Every 5th April is Tomb Sweeping Day, which is one of four traditional festivals brought by Chinese immigrants. In 1935, this day was officially announced as a national holiday. This holiday is an important day for Chinese people to worship their ancestors and sweep tombs. However, the ritual culture of the indigenous people, who respected their ancestors differently, is not given much attention. In the Han dynasty, people believed living humans existed on the earth, and dead people dwelt underground (Hsu, 2011). The fear of ghosts can be found in the legend of “devils” (Shen, 1993). This ingrained fear of ghosts moved to the local region with the immigration of the Chinese. Until now, they still have a particular cultural taboo on 'death'. They mostly dislike graves, cremation sites, funeral homes, and columbarium pagodas near their homes. Taiwan's grave development can be seen from Qing dynasty. The grave place is usually located in these wastelands (Gao, 1960[1694], p. 150) and less developed land allocated by the village for the rich (Chen, 1958[1883], p. 217). The common grave was facing oversaturation during the middle period of the Qing Dynasty. Until 1970, the land demand for town and city housing development was also increasing. The grave

surrounding the village was seen as a barrier to land development with the population increasing (Wang, 1995, p. 5).

The tradition of Chinese burial ritual consists of the notion of Twice Burial, i.e. the body is involved in two burial processes (Xu, 1999). For the first time, the burial place is normally covered with soil. The second stage occurs several years later, when the body of the deceased has decomposed. This process is essentially bone collecting, and while practised in Taiwan, it originated in the southern part of China. The collection invites people who are specialised in a Feng Shui known as geomancy and chooses a specific day on which to collect and place the bones in the tombs. The relatives and friends of the deceased then invite the elder who has the experience, and together they collect the bones. The bones are then placed into funeral urns and buried in tombs. The first process of burial means misfortune. Family members retain in grief for three years; however, following the bone collection, the process means good fortune. The second has now been put into a tower, which is like a level building with a vertical storage space (Liao and Huang, 2009). This cultural tradition of twice burial among the Chinese would likely make them less understanding/sympathetic to the importance of keeping the graves in situ for the indigenous community.

The burial culture of Katratipular (Puyuma nation) is indoor burial. This custom came from the ‘relations’ between human and ‘non-human (spirit).’ The Puyuma people believe that the spirit is separated from the body after human death. The flesh becomes part of the earth. The spirit exists forever in the same land but in a different world. Koroku Kono(河野喜六)(Office, 2000(1919), p. 313) described that after a person dies, the body and spirit separate, the flesh becomes soil, and the spirit rises to

sky. The spirits of leaders, wizards, and those who avoid the charms of women go to the sky. The spirits of mortals enter the human world or the dog world. They believe that there will be people who appear similar to those who have died.

The burial culture of Puyuma groups is located beneath *the house. The hous*e of the Puyuma is generally situated at an east-west direction. The front door is 'Piyalaudr' (eastward), and the backdoor is 'Piyadraya (westward)' because facing the sun means happiness (Office, 2000(1919), p. 94). When the Puyuma people developed an indoor cemetery in the house, the grave was in the Southwest corner of the house. The knee/legs of the body were positioned straight, and the head faced to the south or the west. The body was buried eastwards from the west until close to the middle pillar of the roof. Meanwhile, the people in the house were to move to other places because the west of the pillar was living for Biruwa (spirit) and the east was the dwelling place for living people (Office, 2000(1919), pp. 314-316).

The "Twice Burial" culture is only one way in which humans face death. The Taiwanese Constitution guarantees everyone's religious freedom. For many indigenous peoples in Taiwan, the 'ancestral home' could not be relocated because the spirit is immortal. For the Katratripulrs, the living descendants should move rather than 'relocating out the dead.' The death for the Katratripulrs involves the understanding of their place in the universe. They believe spirits and living people is inseparable. The relocation is equivalent to displacing them from the universe. As the experience detailed below shows, if someone moves the body without receiving their consent, there are significant repercussions.

> Every beginning of April, I would need to clean my ancestors' graves in the deep mountain. I asked my father if we could move them to some place close to our house. He answered me: "It is impossible because they are living here". The same situation is in the Katratripulr. If we move them out, they will feel unhappy and might affect our future life. It is impossible. Here is their home and they should sleep here. We could move them unless they come to our dream and give us message. We must deliver this sign to the elder and through the priest to find the answer through some rites.
>
> Discussion with my father and field note in August 2017

The ancestral spirit is usually considered to have the power to bless its descendants and live amongst them. Therefore, in some daily activities, the descendants must pay homage to their ancestors to pray for a blessing. For example, to date, when tribal people eat and drink outdoors, they place a piece of food on the gourd or a beverage on the ground for the ancestral spirits. The "death" leads tribal people to identify their position in the universe and hold the belief in inseparable linking between the living and the dead. Relocation would displace them at the level of cosmology, forcing them to become atheistic from the belief that 'the ancestors are always around.'

The entry of foreign religions and the transformation of society from agriculture to industrial, and the increase of immigrants have influenced original culture. It is a process of assimilation. However, with an increasing population, it is becoming more challenging to find burial places. Moreover, the use of cremation is also gradually becoming more accepted amongst the indigenous. The tree burial becomes acceptable when this result is environmentally friendly and links the indigenous with their ancestors within their territory, which is a possibility for coexistence.

6-3-3 An insurgent process

In September 2010, a document from the Taitung city office required the people of Katratripulr to relocate the cemetery within a limited timeframe. Different opinions emerged within the tribe. For example, the elder was seduced by thousands of TWD and signed the official documentation, agreeing to the burial relocation as suggested by Majia 馬捷, Chinese people and a retired veteran, who were devoted to tribal development. In the beginning, some of the tribal people accepted the decision according to Gao Mingzhi 高明智, an elder of tribal people because 'as a good citizen they do not know how to say no'. Others found it emotionally difficult to accept the decision due to their strong beliefs in ancestral spirits. Chen Zhengzong 陳政宗, stated that in the Palakuwan system (age groups) the elder's opinion should be respected. Therefore, they held the negotiation between the middle-aged and young-aged groups. The decision was communicated with the elders and a consensus was reached. At this point, the tribal people established a tribal meeting to produce a joint resolution. Chen Zhiyuan 陳志源, current head of the Katratripulr cultural development association, points out that the tribal people's demand would never have been considered when the local government conducted master planning or tourism development.

Watan: how did you interpret the debate around the relocation?

CZY: At the beginning, we were all blindfolded. They (the government) initially would have liked to develop tourism. It seems that our cemetery is very bad for this development. In the end, we found that the politicians bought the land next to the Sixth cemetery and wanted to develop a new

building there. The process of modification was not transparent and rather opaque in nature. We did not know what the government was doing.

The resolution from the tribal meeting is legitimate as it fully represented the entire tribe; although, the government constantly questioned whether 'there were different voices within the tribe'. In Katratripulr, the differences and disagreements among individuals were expressed through the platform of a tribal meeting where anyone could provide opinions and help to form a consensus. Therefore, the decision to oppose the relocation represented the voice and consensus of the tribal collectives. As CZY mentioned that tribal meetings are conducted when tribal affairs occur, and tribal people who participate are willing to give their ideas. This tribal meeting is rooted in the 'Palawuwan' system: that the voice of each individual in the tribe should be equally heard.

Watan: how were the individuals' opinions integrated?

CZY: We discuss them in the tribal meeting. Currently, we temporarily conduct tribal meetings for specific situations. It is more meticulous and flexible. We live nearby; therefore, the discussion is more focused. It is from our traditional system "Palawuwan", which builds a sense of identity within our own culture.

Watan: how do the tribal meetings operate?

CZY: We gather the opinions of tribal people who come to the meeting and publish them on Facebook, which is a platform for the younger generation. If you do not come to the meeting, we regard this as an individual 'giving up". We will publish news on the Facebook page that is aimed at various age groups. At present, people come directly to express the options they love and provide their advice/input. We are already familiar with this kind of meeting. The young generation quickly read through the Facebook page. For the elder, we have free lunches on Mondays, Wednesday and Fridays, and deliver our opinions to them there. However, we need to tell the elders how and what

to do before we do something. If there are some points raised, we will discuss these at the tribal meeting.

The Rahens of three families brought tribal people to protest in March 2011. They stated that the local government should receive a consensus opinion before the relocation process and that the current state of affairs did not comply with the Indigenous Basic Law. The Taitung city officials issued a press release in response, asking the tribe to cooperate in the burial relocation in the name of facilitating 'regional landscape and industrial develop'.[330] The legislator Chen Ying 陳瑩 questioned the Ministry of the Interior in charge of the funeral and interment business and asked the Ministry of the Interior to intervene and coordinate with the IPBL and the Mortuary Service Administration Act. The Ministry of the Interior, Jian Yihua made a promise that the relocation would be postponed until the rights and responsibilities had been clarified.

There were a number of consultation meetings, administrative appeals, and administrative litigations between 2011 to 2014.[331] The Xie Yajie 謝亞杰, the deputy director of the Land Management Division of the Council of Indigenous People, pointed out the free prior and informed consent of the IPBL. Then the the chairman of

[330] County press 2011 develop local sightseeing in cooperation with county cemetery relocation http://www.taitung.gov.tw/News_Content.aspx?n=E4FA0485B2A5071E&sms=E13057BB37942D3F&s=7DA3D08702D69543

[331] Taitung Funeral Management Office Work Report（9.12.2013-5.1.2014）http://meeting.taitungcity.gov.tw/103%E5%B8%82%E5%8B%99%E6%9C%83%E8%AD%B0%E7%B6%B2%E9%A0%81%E7%89%88/%E7%AC%AC01%E6%AC%A1/10301%E6%AE%AF%E8%91%AC.htm Access on 8.8.2018

the Council of Indigenous People, Sun Dachuan 孫大川 expressed concerns to the Mayor of Taitung County, Huang Jianting 黃健庭 that the relocation should follow the IPBL in order to receive the consent from indigenous people. This land was Katratripulr's traditional territory according to research findings[332] and satellite positioning technology. The third court record indicated the possibility of a memorial park with maintenance by the Katratripulr tribe. The judge required the Taitung city office to submit a plan for the memorial park that met the local tourism development needs and the preservation of traditional customs. However, the claims from tribal people to reserve 0.6 hectares in order to adopt environmentally-friendly burial in the future, and their refusal to move bones underground were rejected by the city office. In 2013, the Taitung city office emphasised that all planning must be carried out after relocation had been done according the fourth court record. The court on September 2013 discussed the Tree Burial area in 'Katratripulr memorial cultural park project' plan[333] but city office refused to stop the relocation construcition. To raise public consensuses, the Katratripulr announced their traditional territory in November 2013 to publicly resist the government.

> The Chinese people feel fear to live with dead people. In our traditional culture, we buried our dead relatives under our houses. They will protect us. During the Japanese period, the government discussed with our ancestors and agreed to bury dead relatives at Tarna'uwan. This place is the highest place in the plain. My ancestors believed they could protect our tribal people.

[332] Traditional territory investigation since 2002.

[333] Taitung Funeral Management Office Work Report（24.1.2015-26.2.2015）http://meeting.taitungcity.gov.tw/104%E5%B8%82%E5%8B%99%E6%9C%83%E8%AD%B0%E7%B6%B2%E9%A0%81%E7%89%88/%E7%AC%AC03%E6%AC%A1/10403%E6%AE%AF%E8%91%AC.htm Access on 8.8.2018

The judge wanted to reach consensus through negotiation during a total of 12 court records. During the judgment, the judge cited domestic regulations on the protection of indigenous peoples' rights, including the constitution and international human rights conventions. Article 13 of the Constitution stipulates that people should have freedom of religious belief; Articles 10 and 11 of Article 12 of the constitutional amendment stipulate that the state should promote the development of multiculturalism and protect the culture of indigenous peoples. The international human rights conventions (including the Convention on Civil Political Rights, the Convention on Economic, Social and Cultural Rights) guarantee cultural rights, minority rights, and the principle of non-discrimination. The General comment no. 21 7 item of the Convention on Economic, Social and Cultural Rights pointed out that Indigenous peoples' cultural values and rights associated with their ancestral lands and their relationship with nature should be regarded with respect and protected, in order to prevent the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity. State must therefore take measures to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources, and, where they have been otherwise inhabited or used without their free and informed consent, take steps to return these lands and territories. In addition, Taiwan had implemented the 'implementation Law of the Convention on Civil Political Rights, the Convention on Economic, Social and Cultural Rights 2009'. These two conventions were no longer merely international

obligations but should have been considered to have an impact on domestic law. Articles 1, 21,22,23 of the Indigenous Basic Law require that the state guarantees the rights of aboriginal people and the regulation for indigenous people's land utilisation and for co-management between indigenous people and government. The basic law has also incorporated the opinions of the two conventions to formulate relevant provisions.

Graveyard Land is conceptualised by traditional Chinese as being for dead people not the living. This idea influences the price of land and local development. The purpose of changing land use from Graveyard Land to Farming and Pasturable Land is the hope of increasing land prices when the government conduct future urban regeneration. This defence is one of the cases with which to claim cultural right in the indigenous traditional fields of east Taiwan.[334] Tsai pointed out that the tourism and free-market discourses resulted in gentrification, cultural and environmental issues (Tsai, 2015). Those elements which influenced the price of the land in the state-base planning were removed from their original place through urban renewal (every five years) according to the Urban Planning Act. The Taitung city office still held a public tender on 14 June 2012 for the 'removal of unowned graves at the Sixth and Tenth cemeteries.'[335] The tribal people demonstrated their anger at the opening of the Austronesia Cultural Art Festival in 2012 and held a cloth on which were the words 'fury ancestor spirit, bloodstained sabre 憤怒祖靈，血染戰刀'. On 20 September 2012, the Taitung city

[334] Other cases also see Tsai, C. (2015) 'Tourism Development Beyond Indigenous Peoples in Eastern Taiwan', *Taiwan: A radical quarterly in social studies,* (98), pp. 219-237.

[335] Taitung Funeral Management Office Work Report（1.7.2013-8.9.2013）http://meeting.taitungcity.gov.tw/102%E5%B8%82%E5%8B%99%E6%9C%83%E8%AD%B0%E7%B6%B2%E9%A0%81%E7%89%88/%E7%AC%AC08%E6%AC%A1/10208%E6%AE%AF%E8%91%AC.htm Access on 8.8.2018

office mobilised nearly a hundred police officers to the Sixth cemetery to start the removal construction. The tribal people blocked the entrance. In early October 2012, the Taitung County Police Department began large-scale interviews with those young people who participated in the protest on 20 September. This action triggered a strong dislike among the tribal people. About 200 people including tribal people, Paiwan indigenous group, Amis indigenous group, scholars and lawyer protested in front of the Taitung city office on 12th October.[336]

In 2013, the Taitung city office emphasised that all planning must be carried out after relocation has been done during the fourth court record. On the 6th of April, 2013, Rahan, Priests, elders with tribal people in the Tarna'uwan pray to the ancestors. Rahan reported the 'Katratripulr memorial cultural park project' confirmed by the tribal meeting to Katratrpulr people and the ancestor. Rahan emphasised that the tribal decision is refusing relocation. The plan's content includes

- reclaiming the right to use the land,
- planning the traditional festival venues for future generations of the tribe, and
- coordinating the beautification of the site and environmental protection.

The court, in September 2013, discussed the Tree Burial area in the 'Katrtripulr memorial cultural park project' plans. The Taitung city officials did not legislate the regulation and had done the land preparation bidding in October. Then the Katratripulr announced the traditional territory in November against the government's action.

[336] Taitung County News 12.10.2012 http://www.taitung.gov.tw/News_Content.aspx?n=E4FA0485B2A5071E&sms=E13057BB37942D3F&s=DCCFB4B546811F9D Accessed on 8.8.2018

After several litigations and negotiations, the Taitung City Office signed an agreement on 18 June 2015 with the tribe of Katratripulr. The Tarna'uwan was planned as the 'Katratripulr ancestor memorial park' to be located in the northern part of the park. The south of the park reserved for the use of a patio garden, parking lots as well as a cultural performance area runs from the north to the south.

Watan: how do you think urban planning changes to grave land use could influence the tribe?
LJD（chairman of tribe): The Sixth cemetery is the urban planning area. A review occurs every five years. It takes a long time to conduct an urban planning review. The land use has been modified into Farming and Pasturable Land without informing us. We are trying to make a natural burial area for environmental protection. We're also waiting for a change in the overall review to Graveyard Land. We ask indigenous representatives of the public (Chongqing Lin, Lin Qiuxing 林崇瀚、林秋興) to help us. We do not know when the land use was changed.

6-3-4 Discussion

In the Chinese's traditional concept, the graveyard land is for the dead and not for the living. Taiwan's grave development could be seen from the Qing dynasty. The grave place is usually located in those wastelands, and lower develop land which was allocated by the village for the rich. The grave was relocated when it was full. The twice burial custom, therefore, have little impact on the grave relocation. The land was replaced by Yan house for living people after a particular ceremony. Today, the land demand for town and city housing development is rising. The grave surrounding the village has seen as a barrier to land development when the population is increasing. The purpose of changing land use from Graveyard Land to Farming and Pasturable Land is

subjected to increase the land price when the government conduct urban regeneration after years.

The Cultural Heritage Preservation Act (CHPRA) and the Indigenous People Basic Law (IPBL) could be considered to protect indigenous claims. Nevertheless, CHPRA preserved only Chinese building in the beginning, Japanese building in 1990, multicultural development in 2005, and added protection clauses for indigenous cultural assets until 2016. Preserving graves is not only to protect indigenous people's culture but also to protect the grave culture of different ethnic groups for cultural diversity. In practical, the graves with hundred years near the urban development area were hard to preserve. These historic graves were eventually levelled or relocated to other places. Although IPBL clarified to receive indigenous consent before conducting a land development, the local government did not follow this law.

The dispute over the burial of the Katratripulr highlights that the aboriginal culture has been oppressed by colonies for an extended period. It is necessary to learn the administrative logic of the Chinese people, follow the rules established by the Chinese people, as well as to struggle and negotiate in a state of unequal information and power. These insurgent campaigns were based on the multicultural discourse and forced the local government to negotiate a proper solution. In the past, some people build a 'Yin(ghost)' house to store the funeral urns. For Chinese people, earth burial, cremation, and tree burial are burial methods, while one-time burial and second burial are ceremonies. Nowadays, the price of land increased so that others put them into the Columbarium Pagoda where contains a significant number of wall niches. Therefore,

the Chinese's tradition of Twice Burial[337] is likely to disappear within the next decade, with the rate of cremation was up to 78% in 2014 and 83% in 2016 in Taitung County. With the increasing population, cremation is also gradually becoming more accepted amongst the indigenous and Chinese people, and it is difficult and expensive to find a burial place. Living with ancestor could be interpreted into staying in the relational territory of indigenous people according to the decision made through their traditional ceremony. For Chinese people the burial of cremation that the family members with the monk chanting escort bone ash to the temple or Columbarium Pagoda reduce the first burial process and directly operate second burial ceremony. The environmental awareness in line with the transformation of the concept of tombs improved both the funeral facilities and the park gardenisation. The green burial park result is a positive case that the concept of coexistence is integrated into public spaces such as park through planning and spatial design. More importantly, the relationship between land, spirit, and human of indigenous people unsettled the universal conception and forced government to set up a negotiation platform.

During this process, it is encouraging that this incident not only condensed the unity of the tribe but also awoke the younger tribal generation. In particular, the tribe people learned how to use official rules such as planning and lawsuits to state their needs and defend their rights.

[337] More relocations represent filial piety in Hakka culture of Chinese people. Also see Yin House: Forms of Tombs in Taiwan and Changes in Funeral Customs (16.3.2021) http://www.ge.yzu.edu.tw/modules/news/article.php?storyid=809 Accessed on 8.8.2018

6-4 Conclusion

It is important to find ‘our way’ of knowing and being which requires ‘us’ to respect other worldviews and coexist in a place with mutual respect which is more than equality. However, the dispute over hunting and the burial of the Katratripulr highlights that Indigenous culture has been invisible for an extended period of time. The administrative logic of the Chinese people, the rules established by the translated western knowledge as well as the struggle and negotiations in a state of unequal information and power are unable to reduce the adaption of the Katratripulr. This structural violence was unsettled by Katratripulr’s insurgent actions (Miraftab, 2009) to anti-neoliberal development and reach a radical result (Sandercock, 1998b) of eco-burial. This grave space was integrated into public spaces such as parks through spatial planning and design based on the indigenous worldview.

Chapter Seven: conclusion

This research sets out to explore the historical development of Taiwan's planning system to highlight the successive and longstanding undermining of its indigenous peoples. In order to trace this development, the empirical analysis has been focused on the tribes of the Barawbraw (Thao nation) in the Sun Moon lake urban planning area, which is situated in the middle of Taiwan, and the Katratripulr (Puyuma nation) in the Taitung city planning area, which is located in the east of Taiwan. The research methodology in chapter three focused on exploring daily experiences for the indigenous and collect diverse planning texts. The interpretive policy analysis expends my eyes on not just texts themselves but more importantly the interaction between power relations (orders), place-based context, and reflection of the legal and illegal phenomenon which questions who legialised unreasonable issue. The analysis of discourse was inspired by the institutional ethnography approach through examining the orders and value (worldview) behind the discourse as well as most importantly the institutional structure that largely disconcerns indigenous people.

The historical context in chapter four is a rewrite process that applied an indigenous angle in the planning history. This history did not praise how Taiwan was well developed, rather it revealed the asymmetric relationship rooted in race and the worship of western progress. Indigenous people in Taiwan experienced a similar process of discovery doctrine with the discriminatory concept of frontier relationship and regulated operation of boundary work (see 2-1-2). Since the 17th century, colonial regimes have changed the relationships between the land and the aborigines. These

regimes incorporated Taiwan into the world production system and changed the indigenous mode of production and production relations. The tribal development has gradually engaged with capitalisation and globalisation (Sun, 2008). This act of erasing native process was initiated by builing settler villages from empties geographical connections of indigenous people through armed agricultural activities, the conquest of the wilderness, plunder of economic natural resources, and land occupation (also see the process of theoretical work in 2-1-2 frontier and boundary work). These aggressive activities were largely and well operated during the powerful Japanese colonies between 1895 to 1945. This colonial era had established a comprehensively regulatory system that relocated indigenous people to a police force established village, introduced modern agricultural techniques for securing economic natural resources, located economic resources for extraction, constructed infrastructures, and built settler cities through urban planning that eventually benefit the colonial's economic development (see similar process and methods in Yiftachel et al., 1997). This radical rule based on the land use planning completely changed the politics, economy and cultural practices of aborigines (Chen, 1998).

The subsequent Kuomintang regime conducted Chinese programmes of assimilative education and applied western regulatory knowledge, and engaged in the prevailing international division of labour (Chen, 1998). These mixtures of Chinese values and western knowledge influenced spatial arrangement, such as urban planning and natural resource management (Hsia and Chen, 1988). The resulting planning arrangements usually exclude indigenous people such as reservoir/catchment area planning and national park planning. These colonial and regulatory systems

(anthropological research, economic reports, resource maps, institutions, and jurisdictions) became a bias and had well-arranged by the KMT to develop economic-led and market-led development after the U.S aid in 1960. The modern planning theory and practice (American system and then UK system)[338] which largely relied on top-down comprehensive and rational planning continued to marginalise indigenous people. The two empirical chapters five and six revealed the increasing demands of land claims after three land movements since 1988. The claims turned to challenge indigenous-state relationship through the human right and multicultural development as well as participatory mechanism after the Indigenous People Basic Law (IBPL) enacted in 2005 which clarifies the right to free, prior, and informed consent highlighted by the draft of the Declaration on the Rights of Indigenous Peoples (2007). The indigenous member of the two tribes (un)officially involved in the planning process through planning cases of cultural restoration area and cemetery which resulted in a relatively positive result. They had strong feelings about what is lacking or is insufficient around them, but they had little intention and confidence in knowing how planning could actively assist them to achieve their demands (fieldnote). Because planning remains top-down regulatory and social control (see 2-1-2 frontier).

[338] According to the reports, planning practices, and researches of Taiwan, the theory framework and cases study are based on this two countries.

Discussion

The current operation of political and economic life was seen as background norms with little related to indigenous claims. The formulation of planning theory and practice has its aims and purposes. Planning still serves the neoliberal market and depends too much on economic growth. The globally dependent economy pursues the 'accumulation of capital' and the First World shapes the image of modernity. Indigenous people at the stage of 'noble savage' located in the 'Fourth World' are understood as inferior. Because they 'do not "think" and they do not "exist."' This colonial process devalued the indigenous worldview that is rooted in co-existence with nature. Indigenous cultures were exploited, fixed and preserved in the past under colonial eyes (Smith, 2012). Not only the Enlightenment and industrialisation but also the Chinese and Japanese colonial government records created this 'noble savage' (Lee, 2016) image of indigenous people. The consequences of the colonisation process along with capitalism continued to entrench this stereotype (Clement, 2019). These views have 'became more formalised through science, philosophy and imperialism, into explicit systems of classification and "regimes of truth"' (Smith, 2012, p. 33). The colonial law applied Locke's idea of seeing that indigenous lands are settled not ceded or conquered (Paul, 1996, p. 163). This Europe-centric approach then transferred into the Taiwan's legislative system, which accepted the 'barbarian principle'. The land right was based on Jon Marshall's explanation of the Discovery Doctrine.[339] The law

[339] Opinion of the U.S. Supreme Court Feb. 28, 1823

continues to deny the land title as well as the governance system for indigenous peoples. These historical trends of devaluing indigenous worldviews have been reinforced through boundary work (see 2-1-2) with contemporary discourse, such as economy-led tourism development, private right, and environmental protection. This hegemonic process continues to polarise, alienate, and simplify indigenous claims when they fight for their pre-colonial self-determination.

The colonisers saw that these lands and natural resources were 'undeveloped' and used this in order to justify their exploitation (Nash, 2002, p. 222). Their contextual governances were marginalised by the imagination of 'civilisation', 'development', and 'progress' within the context of growing capitalism. Free market discourse has become the exclusive development value. It is important to ask questions as to how the colonisers established frontier concept and boundary (see 2-1-2) to fit their legitimate sovereignty, economic and political systems, and territory in Taiwan. The examination of legitimacy of government is a critical start point. Then, planning as a tool to assist colonisation is another examination angle. The planning practices are usually hidden and destructive by regulatory purpose. Indigenous planning rooted in the placed-based and community-based approach could provide for a bottom-up model of development. This alternative development is central to indigenous knowledge and their relations to the environment. This approach is a process of self-determination as Manuel's Fourth World theory (2019, p. xi) states that alteres the colonial relations. However, this approach, which requires an equal power to the SPA, is able to unsettle the current planning system. This dual system implies the full recognition of the indigenous right to self-governance in land and resource. This system actually creates a moral space for

cross-cultural and mutual respect. Indigenous people urgently require a comprehensive plan applied by the indigenous approach to building 'political difference independently'.

The indigenised process, indigenous planning, provides space for indigenous people to enjoy freedom and equality, and test the western political theory that allows them to provide a non-colonial alternative. Moreover, this process should create a space of intercultural dialogue and recognise that racial discourse formulated during colonisation were false and were trying to undermine indigenous liberty and goods. I agree with the coexistence framed by Tully (Tully, 2012[2000]) that: 'free and equal peoples on the same continent can mutually recognise the autonomy or sovereignty of each other in certain spheres and share jurisdictions in others without incorporation or subordination.' This is not exclusive or state-dominated sovereignty rather it is based on the democratic assumption of 'free people (Alfred, 1999, pp. 54-72).' Indigenous people and non-indigenous people should heed the shortsightedness of materialism and consumerism that frames unfairness in the place. Most importantly, 'self-determination' arguments support indigenous pre-colonial right and contemporary coexistence. This requires mutual consent and a modification of the exclusive jurisdiction. Self-determination like indigenous planning is a parallel system to the state jurisdiction that is not homogenous sovereignty. Indigenous people in Taiwan have their pre-political structures and governance systems. A liberal democracy should protect their pre-right as nations (Griggs, 1992) and relationship to land as groups rather than see them as colonised civilians and individuals to justify colonial oppression and assimilation.

The land use guidance in the Indigenous Spatial District of Spatial Land Act in 2015 with the legalisation of consult routes in the IBPL opened a little door for negotiation between the state and indigenous people. The President apologized to tribal people in 2016 and stimulated rational communication. The examination of these two empirical cases revealed that planning theory and practice in Taiwan together played a vital role in marginalising indigenous people. An emergent characteristic of the research has been the challenge as to how indigenous people coexist with other people, ancestral spirits, and the environment in the context of contemporary Taiwan. It is argued that this challenge must be addressed through recognition of the different worldviews of the indigenous peoples within the planning system. In this context, I generated five areas that might give an image of coexistence in the Taiwan context.

Five key areas are apparent:

The involvement of indigenous people in the planning system challenges the authority of the state and its knowledge assumptions. It is clear that the Indigenous worldview has been excluded from national priorities with the concept of frontier relationship. Their ability to steward land has been effectively undermined because they were in the Fourth World without any contribution to stimulating the economy. For example, the Thao cannot access trees for the building of boats or practise fishing and hunting. And, the Katratripulr require hunting licences and records of their hunted prey to be submitted to the government.

The absence of indigenous people in planning practice is longstanding and deeply embedded. The land of the Thao and Katratripulr has been systematically and

institutionally deprived in the name of development over many decades through boundary works (see 2-1-2). In the bounding process, surveys, mapping, and research were carried out to the fundamental benefit of the Japanese, KMT, current politicians, and investors, all of which held power over the indigenous people.

The process of claiming land rights in practice was narrowed on the exchange of interest (ownership or property) rather than on the clear instances of historical injustice, differing ontologies (Matunga, 2013) and counter-hegemonic power (Miraftab, 2009). The relationship between the aborigines and land was regarded as primitive[340], and it is believed that aborigines had no control over the land, such as disposal and management. (Wen, 1998) Meanwhile, this land relationship to Chinese people in Dutch period was the right to use the land, in Zheng Chenggon period were classified into state owned (Wang Tian), private to those with power (Wenwu Guantian), and garrison (Yingpan)(Chen, 1978). The land began to be measured during Qing Dynasty rule that Chinese people obtained land ownership from indigenous people through preoccupy, sale, fraud, concession, debt settlement, forgery of documents, and exchange (Zhang, 1981). One land had two owners (large rent right owners and small rent right owners) in this period. This period also developed a series social contract such as development permit, sale contract, and pawn contract et cetera in the folk (Lin, 2011). These types of land ownership were simplified during Japanese colonisation by introduction western persona ownership structure (Wen, 1998) and reinforced in the KMT period. However, the land ownership to Chinese culture does not see individual as subject of

[340] the land was chosen for faming at any time

property. The broad family (surname) is the subject of property (Zeng, 2002). Therefore, reconciliation of indigenous land conflicts will be discussed under this unified ownership structure. For example, the County office in Taiwan tried to paternalistically exchange property with the Thao to achieve reconciliation. The aim of this reconciliation does not recognise indigenous right and relationship to land. Rather it sought a neoliberal discourse to address conflict.

Moreover, the land in Japan started to detail the type of land use (Wen, 1998) such as farm, house, forest, grave, et cetera for the colonial purpose. These types of land use gradually ignore Chinese value (family relations) and Indigenous value (kinship structure). The City office of Taitung would have liked to relocate graves to make way for tourism development. The Katratripulr insisted that ancestral spirits were connected with the land and that they needed to be connected to them. However, the Chinese thought it was a Yin house for the dead.

There is continued need to unsettle the status quo (Barry *et al.*, 2018) in order to challenge established values, power and procedure structures. As things stand, Taiwan's Spatial Land Act simply engaged indigenous voices within the planning process as cultural holders. It did not change the fundamental value of the planning system with its government-led and market-led orientation. Indigenous people still do not have the right to veto before the planning process begins and can only play a consulting role after the planning decision has been made, due to the regulation of the Indigenous People Basic Law. There is no agonistic space (Hillier, 2003; Pløger, 2004) for different worldviews and ontologies to coexist and interact. Agonistic space challenges the collaborative and deliberative planning that is rooted in the universal

value and narratives and seeks for a potential transformative change in the institutional system. Radical approaches allow insurgent planning to seek progressive transformation through innovation methods (Sandercock and Attili, 2013) and conflictual approaches (Miraftab, 2009). However, this coexistence framework requires a collaborative establishment of rights (responsibility) and a legal framework (Walker, 2017) that guides the relationship of indigenous and non-indigenous people (Tully, 2012[2000]). Moreover, this legal framework should challenge the state-based planning system to seek a space and mechanism for the parallel existence with indigenous planning traditions. Barry and Porter's work contributes in this aspect (Barry and Porter, 2012; Barry and Porter, 2015) which aims to make real partnership possible. However, it is not just a collaborative relationships which involve indigenous knowledge in co-governance, co-planning, and co-management (Harmsworth and Robb, 2015). Rather indigenous planning is linked to notions of independence (Matunga, 2013).

Agonistic pluralism does not just embrace the inclusion and participation of indigenous people, it should also create an equal space for an alternative ontology. This alternative needs to recognise indigenous claims (Howitt and Jackson, 1998; Porter, 2004). Agonistic pluralists (Mouffe, 1999; Hillier, 2003) challenge the structurally unequal relationships since historical colonisation. According to the deliberative democrats (Healey, 1997), democratic outcomes could achieve agreement between participants through an equal conversation and rational debate, because participants work towards a common good. This process looks fair and equal, but it ignores the perspective of indigenous self-determination. The result of planning in this sense would be hegemonic consensus. Agonistic space does not treat others as enemies but

adversaries (Mouffe, 2005, p. 30). These adversaries should deal with conflicts through the creation of 'practices, discourses and institutions' (Rannila and Loivaranta, 2014, p. 790). It is essential to develop a coexistence of viewpoints (generated form ontological differences) with a respectful relationship, because power and exclusion exist in all settings (Hillier, 2003; Bond, 2011). In my language 'sbalay', the process of finding the truth, is not aimed at finding a peaceful consensus, but to reach a settlement through intense negotiation that might include 'collaboration and competition (Hillier, 2003).' Each voice is equally important and discussed publicly and each one respects others. Agonistic pluralism creates a conflict space characterised by equality, liberty, and respect. Planning's 'practice, discourses, and institutions' could respect an indigenous ontological system (Rannila and Loivaranta, 2014, p. 790); however, planning theory has its own philosophy, history, practice, and methods. The local practices of planning systems have developed a variety of 'methods/tools, procedures, policies, guidelines' to ensure indigenous dispossession and displacement under colonialist pressures and urban regeneration (Porter, 2014). This universal planning theory makes other pieces of knowledge, stands, and practices invisible (Barry *et al.*, 2018). Therefore, it is crucial to reconstruct the knowledge, actions, function, goals, practices, and institutions of planning in this turbulent era to address these issues. Planning has a responsibility to respond to inequality and find emergency actions.

Moreover, the securing of property rights is a key parallel issue that eliminated or weakened the indigenous motivations from fighting for their rights. Today, property conflict is mediated in the planning process in terms of 'who can do what and where with their rights' (Porter, 2011). Property right is a key drive underpinning capital

accumulation according to neoliberal logic. Planning theory has not been able to unsettle the prevailing property right, particularly private property. The concept of private and public property in play has its roots in western ontology and context. In fact, the property was not an fixed and exclusive logic between humans and land (Keenan, 2015). Keenan unsettles the property through spatial relationship turn (Keenan, 2015, p. 10) and borrows Doreen Massey's narrative of space into a dynamic and across time frame with stories narratives. She implied how western law maintains a fixed narrative (property right) to regulate indigenous people in Canada. This dual and narrow concept of private and public property is arguable (Porter, 2010). Chen et al. (2018) pointed that Atayal's customary land governance was nomadic-based on traditional agricultural behaviours through their decision-making system without any fixed and regulatory purposes of individual and State property. This dual system was largely legalised in Japanese colonisaiotn and enhanced in KMT after the Second world war. It needs to be understood how these narratives turn land into private property (Moreton-Robinson, 2015), and how property colludes with planning (Barry and Porter, 2016) to devalue and eliminate an indigenous understanding of the land.

Finally, the geographical knowledge of indigenous people is vital. Its ontological philosophy and epistemological ways of being, knowing, and doing can unsettle the dominant knowledge. This indigenous knowledge production could challenge planning theory or critically generate indigenous planning theory by themselves rather than rely more on the external system such as university. Clement et al. (Clement, 2019) illustrates a path that indigenous earth experience is an alternatives narrative of 'self

and non-human things.' Indigenous people pay attention to relations (Mika, 2015; Country *et al.*, 2016) which links space/place with humans, ancestral spirits, and more-than-human. Country et al. (Country *et al.*, 2016) believes these 'non-human' are alive and will teach knowledge and communicate. The relationship is connected through the principle of reciprocity. To build, maintain, restore this relationship is the indigenous' responsibility. This philosophical relation-logic is a miniature reflection of the indigenous worldviews in comparison to western planning pays attention to rights. The purpose of modern planning is based on the protection of the human right. Justice can be achieved through agonistic discussions and insurgent movements rather than the result of practices of planning. Therefore, justice is a noun and result which is predictable. For indigenous people, an immature and utopian question should be asked is that 'what is western human right and justice for indigenous people if this world mutual respects and recognises each other's worldview?' While seeking fairness and equality is the conceptualised discourse of justice (Rawls, 1971; Ishiyama, 2003) in the western worldview, the answer, inspired by my previous planning experiences with indigenous people in the Spatial Land project, the interviews in fieldwork, and also my indigenous identity, are place-based relations. I borrow Lake's formulation of injustice as the subject of planning. While indigenous might make relations as the subject for indigenous planning. Responsibility should replace the purpose of planning while reciprocity then replaces accountability. Relations are dynamic in an indigenous time circle. This condition reflects in the space is edges works that indigenous people have no boundaries. Caring about this relation is value-led which guides the action in place-

based planning. Indigenous planning driven by the indigenous worldview is the next step towards challenging dominant values.

> 'We must seek methods that take into account our knowledge and way of being, Our traditional legal system requires understanding the history, nature, environment, and relationship between people and environment and acceptance of a specific worldview (King, 2011).'

Reflection

Nietschmann (1994, p. 225) state that this colonial process was ‘ethnocide and ecocide.’ Chinese people occupied the land and reduced the area of the Thao people’s territory meanwhile they located arable lands from the wasteland from indigenous fallow lands and hunting grounds (see 2-1-2 frontier concept) during the Qing dynasty. During the Japanese period, the social control such as forced relocation did not actually give the Thaos land ownership. Land registration and urban planning in Barawbaw during the KMT period was reliant upon bureaucratic operations. The development concept of land for the Thao was fundamentally different to that of the Japanese (Liang, 2000), Chinese (Hsie *et al.*, 2008) and western knowledge. The land used for hunting, fishing and gathering, combined with millet and rice, was recognised not only as ‘low-level agriculture’ but also into a status of economic marginalisation.

Colonisation is an ongoing process with its legal authority. However, indigenous autonomy challenges the legitimacy of modern laws based on rights discourse. Indigenous people should be able to formulate and produce useful planning theories, practices, and suitable methods. The metaphor of coexistence unsettles the dominant

way of knowing. Richie Howitt pointed out that coexistence should break the 'frontier relationship' (Howitt, 2001, p. 242).

> How to accommodate traditional law and custom as a legitimate authority in indigenous domains; how to recognise indigenous diversity rather than privileging a government-authorised and authenticated version of 'Aboriginal'; how to constitute national sovereignty without sub- merging or denying indigenous sovereignties; how to build citizenship communities that do not require the overthrow of indigenous responsibilities (Howitt, 2001, p. 242).

Indigenous peoples worldwide are defending the effectiveness and importance of their knowledge systems and their survival methods in order to resist the increasing hegemony of the mainstream epistemology of the postcolonial powers (Gegeo and Watson-Gegeo, 2001). Planning practices with orthodox approaches have failed to address indigenous issues and usually marginalised them (Lane, 2005). Planning can contribute to the advancement of spatial justice and coexistence. Indigenous planning has advanced an ideologically multicultural coexistence. For indigenous people, planning could initially be an insurgent tool. Through this encounter-hegemonic process, indigenous people start to formulate their planning theory, practice and tool to explain planning. The purpose of indigenous planning might begin with pragmatism to discuss responsibility (right) and build relationship (love) through the reciprocal actions.

From my own perspective, in order to build an effective relationship, we should continue to amend our dynamic 'indigenous legal tradition', such as constitutions and laws and govern ourselves. We could sing these traditions, dance with people, and hunt in order to teach our children to maintain our territory. Or we establish a governing body of tribal councils constituted with members followed by traditional thought.

Decision-making should be publicly applied through traditional beliefs. Then we could plan (build or reconstruct, it is hard to plan for the future as indigenous people maintain flexibility with nature) our relationship with nature with our social structures (perhaps social entrepreneurship but rooted in our worldview) in the hybrid and dynamic contemporary economy. Within this hybrid setting, we could arrange our spatial arrangement of tribe and infrastructure. Challenging the system could achieve widely transformative change and social justice.

Reflecting on the empirical heart of the research, I argue that exercising planning to advance indigenous right in Taiwan requires a transformative change. The current indigenous claim is focused on human rights discourse and calls for a changing of the colonial relationship[341] with the direction of 'decolonisation, self-determination and an inclusive new Nation-Building together.'[342] This initiative tries to sign a treaty with government to recognise indigenous right to self-governance.

I feel that indigenous people need to challenge planning constraints in Taiwan and acknowledge the coexistence of different world views in the future with a formulation of an agenda of decolonisation. It calls on non-indigenous planners to give up power and control. The current planning theory and system in place has its alienating

[341] Similar to Viswanathan, who focused on addressing the relationship rather than reconciliation and recognition in Canada : 'redefine our mutual relationships, responsibilities and accountabilities to each other as settlers and as Indigenous people'. See Viswanathan, L. (2017) 'Settler-Indigenous Relationships as Liminal Spaces in Planning Education and Practice', *Planning Theory & Practice,* 18(4), pp. 644-647.p645

[342] Mianjie Yang 2020 Decolonizing the colonial status / 'Taiwan Indigenous Peoples Self-Determination Alliance' statements to build a new country, Liberty Times Net https://news.ltn.com.tw/news/politics/breakingnews/3291647?fbclid=IwAR10cEkUxMARvf9th7_wZHi-aTOfb5GDq1GDhSJd1VqlShT6mXBLWmxaJpk also see 原住民族自決聯合 Indigenous Taiwan Self-Determination Alliance (Facebook page) https://www.facebook.com/ITSDA.2019

philosophical background and purpose, which planners, government, and stakeholders applied this universal value to develop a working framework. The conflicts that have arisen from the indigenous claims for self-determination can be seen in the two case studies outlined in this thesis. It is necessary to question whether the theories we use can face contemporary challenges and achieve the meaning of coexistence as the indigenous people say: of people, spirit, nature, space, time, knowledge, and power.

The critical question should be asked: 'what is the purpose of planning and for whom is it?' The purpose of planning usually assists market-led development. Development has continually relied on monetised economy and marginalised indigenous people through colonialism, racialism, neoliberalism, globalisation, environmental degradation and so on. Economic growth is a favourite theme of politicians. The fact is that economic growth does not necessarily improve the well-being of people. This monetised economy involves a linear time model and changeless traits considering we can control the future. Interestingly, the Inuit hold the opposite notion, where they focus on the present. This attitude is a place-based experience that reflects a world full of change, complexity, uncertainty, and surprise(Gombay, 2012, p. 31).' The monetized economy could not benefit from this uncertain condition which allows the Inuit to rely more on social relations. They realise that their well-being is based on reciprocal relationships, such as sharing prey and money. This mutual relationship extends to the more-than-human. This economic system is a co-becoming process. The further questions asked by indigenous people is that we need planning for what purpose to face present or uncertain future?'

Indigenous people require, on one hand, a comprehensive development that produces communicative language and actionable knowledge to deal with the purpose and aims we need. This indigenous philosophical core does not advance 'control technology' but concentrates on the pragmatism that is beneficial to relations and reach economic, political and social freedoms. On the other hand, indigenous people should have a short-term plan. They should see planning as a means to advance their cause, as Juliana M Zanotto says (Barry *et al.*, 2018, p. 430) 'treat planning as a weapon of communication between groups, utilise the language of government to develop alternative plans to "arm themselves", and see this process is "conflictual planning."' This anti-hegemonic process could generate power for disadvantaged groups and allow the collective group to 'occupy' so-called public lands. The problem-led planning approach and content handles conflict itself and is a short-term strategy.

Conclusion

The land stwerdship and law traditions of aborigines have been recognised internationally for its overlap with core tenets of sustainable development.[343] In Taiwan, the ecological knowledges of indigenous people contribute to sustainable development. And a range of research points out the ecological significance of aboriginal culture to sustainably contribute to land use (Lu *et al.*, 2010; Kuan, 2015; Lin, 2015; Kuan, 2017b). The indigenous knowledge and social systems related to land governance in

[343] Rio Declaration on Environment and Development (Earth Chapter), Agenda 21, United Nations Convention on Biological Diversity, United Nations Framework Convention on Climate Change, Statement of Forest Principles Michael Grubb et al., The Earth Summit Agreements: A guide and Assessment: An Analysis of the Rio '92 UN Conference on Environment and Development, Washington, DC: Brookings Institution, 1993.

their traditional territories would, I argue, benefit Taiwan. With the findings of this research, I aim to push for the establishment of a space for fostering communication with society, eliminating misunderstanding, and rebuilding discourse. Indigenous people should pay attention to the continued violence of colonialism and its legacies, and the initiatives that have been taken to stop it.

> ‘Rather than create equitable solutions toward achieving inclusive and transformative change, we are observing the continuation of short-sighted environmental destruction and the alimentation of those who have the ability to create territorial peace and environmental stability in the name of conservation and solutions to economic recovery.’
>
> GAM A. SHIMRAY
>
> Secretary General of AIPP

Taiwan has none of the treaty and federal systems but could move towards the legitimacy of planning theory and its transformative capacity. Agonistic theory creates a dualistic system for indigenous planning and state-based planning. The ontological philosophy of indigenous people unsettles the univseral philosophy of planning theory. Their historical oppression (frontier and boundary work) challenges planning practice. Their worldview critiques the planning's rational approaches and turns them into a value-led process. Planning theory needs to focus on complex land relations from the geographical perspective of the aborigines. The comprehensive plan should not rely too much on market-led development. It needs to pay attention to more complex economic realities.

Appendix

Consent Form

Consent Form (Survey)

Title of Project: Urban Land Use Planning and Spatial Development Strategies for the Indigenous people in Taiwan.

Name of Researcher: Tzuhsiang Liao

I confirm that I have read and understood the Participant Information Sheet for the above study and have had the opportunity to ask questions.

I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.

I agree to the use of my data in any publications arising from the research.

Data Storage:

- The material will be treated as confidential and kept in secure storage at all times.
- The material will be retained in secure storage for use in future academic research.
- The material may be used in future publications, both print and online.

I agree to take part in this research study ☐

I do not agree to take part in this research study ☐

Name of Participant Signature

Date

Name of Researcher Signature

Date

Sample Consent Form: June 2016 (you should remove this footer)

Questionnaire

Sample survey Schedule

Urban Land Use Planning and Spatial Development Strategies for the Indigenous people in Taiwan

RESPONDENT ID : □□□□-□□-□□-□□

NUMBER - GENDER - AGE - AREA

Doctoral Researcher: Tzuhsiang Liao
Phone Number: +44 857436158 / +886 921706931
Institution: University of Birmingham
Date: XX.XX.2017

General decision-making process

1.How is the indigenous viewpoint integrated into the state-driven decision-making process surrounding development and planning initiatives?

2.Who is involved in this process?

3.Who do you think should be involved in this process?

4.What mechanisms are available to facilitate your participation in the decision-making process?

5.How might this process be improved from your perspective?

6.What is the nature of your interaction (if any) with non-state actors linked to the decision-making process?

7.To what extent do the country's different indigenous communities work together at a national level?

8.Is there scope for more effective cooperation here?

A Specific Development/s

1.Describe the nature of the current development taking place on your land?

2.How did you receive this development information?

3. Who plays a coordinating and catalytic function between the various authorities, organisations, and civil groups? How (by whom) are the indigenous people represented?

4.How successful is this group in influencing the policy-making process?

* The list of questions is not comprehensive and is subject to variations.

2

Indigenous People Basic Law (2005)

Laws & Regulations Database of The Republic of China

Print Time：2021/02/26 04:46

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 inhibited 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 be 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 promulgate 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 Thegovernment 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.

Web site：Laws & Regulations Database of The Republic of China

Spatial Land Act (regulations with indigenous people)

Article 6

The basic spatial planning principles are as follows.

1.Spatial planning shall comply with international conventions and regulations and promote sustainable development.

2.Natural conditions, water resources and climate change shall be taken into consideration in spatial planning to establish the capacity to prevent disasters on land and facilitate emergency responses.

3.Environmental conservation zones shall be used for conservation purposes and other uses may be prohibited or restricted accordingly.

4.Marine resource zones shall be used with resource sustainability taken into consideration; diverse needs shall be consolidated and priorities of uses shall be established.

5.Agricultural development zones shall be used to ensure food security. Important agricultural production environments and facilities shall be safeguarded and fragmented development shall be avoided.

6.Urban-rural development zones shall be guided toward compact development and placed under growth management to create suitable and harmonious living environments and efficient production environments as well as to provide sufficient public facilities.

7.Metropolitan areas shall be developed in sympathy with regional characteristics and the overall development, whereas cross-region consolidation shall be reinforced to achieve the complementation of resources and strengthen regional functions to improve competitiveness.

8.Specific areas shall be developed in manner that takes into account topography, geomorphology, geographic features and cultural characteristics of the region as well as requirements set forth in other regulations.

9.When spatial planning involves indigenous people's land, the traditional cultures, territories and knowledge of such people shall be respected and preserved, and mechanisms to help achieve mutual benefits and prosperity shall be established.

10.Spatial planning shall be conducted with extensive public participation and informational transparency.

11.Environmental conservation shall be considered in land use and fair and efficient regulatory mechanisms shall be established.

Article 11

The agencies that are responsible for the establishment, review and approval of the National spatial plan are as follows.

1.National spatial plan: to be established and reviewed by the central competent authority and presented to the Executive Yuan for approval.

2.Municipality or county (city) spatial plans: to be established and reviewed by the competent authority of each municipality or county (city) government and presented to the central competent authority for approval.

If the specific areas in the National spatial plan, as stated in the preceding paragraph, include the land or sea area that belong to indigenous people, then these areas shall be jointly established by the central competent authority and the central competent authority for indigenous peoples in accordance with Article 21 of the Indigenous Peoples' Basic Law.

Article 20

The demarcation principles that are used in functional zone and sub-zone are as follows.

1.Environmental conservation zones: To be demarcated by natural resources, ecology, landscape, disasters, and the deployment of corresponding disaster prevention facilities, shall be taken into account and areas shall be classified by their degree of environmental sensitivity.

A.Type 1: areas with abundant resources, important habitats, an exceptional landscape or susceptibility to disaster, and with an environment that is highly sensitive.

B.Type 2: areas with abundant resources, important habitats, an exceptional landscape or susceptibility to disaster, and with an environment that is weakly sensitive.

C.Other necessary types.

2.Marine resource zones: to be demarcated by the current states of internal and territorial marine, future developmental requirements, current conservation and utilization of marine resources, traditional use of such resources by indigenous people, and special and other uses, and to be classified according to the needs of the use of marine.

A.Type 1: areas with an exclusive use.

B.Type 2: areas with compatible uses.

C.Other necessary types.

3.Agricultural development zones: to be demarcated by the agricultural production environment, capacity to contribute to food security and quantities of existing agricultural improvement facilities, and to be classified according to the conditions of agricultural production resources therein.

A.Type 1: areas with excellent environments for agricultural production that can contribute to food security or have important agricultural facilities that have been improved.

B.Type 2: areas with decent environments for agricultural production that can contribute to food security and support agricultural diversity.

C.Other necessary types.

4.Urban-rural development zones: to be demarcated by the degree of urbanization and developmental needs, and to be classified according to the level of development.

A.Type 1: areas with higher levels of urbanization and higher concentrations of residential buildings or industrial activities.

B.Type 2: areas with lower levels of urbanization but with a certain concentration of residential buildings or industrial activities.

C.Other necessary types.

New or expansionary urban plans may be approved only if they are located in urban-rural development zones.

Article 23

If lands in other functional zones meet the demarcation principles for environmental conservation zones, then not only will control be imposed according to the land use principles that govern such zones, but also the use of such lands will be prohibited or restricted, as determined by its resources, ecology, landscape, and the characteristics and magnitudes of potential disasters.

The central competent authority shall establish regulations concerning functional zones ,sub-zones and land for designated use; and shall establish regulations concerning

converting and scales , the constructible land and building intensity, items, conditions, procedures of land use whose use must be approved only after an application, land use items which do not need an application for approval, prohibited or restricted land use, and land uses to be placed under control. However, areas that are covered by urban plans or national park plans shall be subject to the Urban Planning Law, the National Park Law and related regulations.

If any of the regulations to be established by the central competent authority, referred to in the preceding paragraph, affect the land or sea area that belongs to indigenous people, then Article 21 of the Indigenous Peoples Basic Law shall apply and the central competent authority shall work with the central competent authority for indigenous peoples to establish such provisions.

Depending on actual local needs, the competent authorities of municipalities or counties (cities) may act by guidelines that have been set forth in corresponding the National spatial plan to establish control regulations and present them to the central competent authority for approval.

The land use for national defense, important public facilities and public utility projects may be approvaled following application in any functional zone.

Article 36

In principle, environmental restoration areas shall be used for conservation, and development and the installation of any facilities shall be prohibited. The demarcating agency shall establish restoration plans and execute them after they have been approved by the central relevant authority. If such areas include indigenous people’s land, then

the demarcating agency shall invite indigenous tribal settlements to send representatives to participate in plan establishment and execution and management.

The restoration plans that are referred to in the preceding paragraph shall be comprehensively reviewed every five years. If changes are deemed necessary, the responsible agency shall request the Executive Yuan to approve such changes. The central competent authority shall define the objectives and contents of the restoration plans, the criteria by which they shall be changed, and conditions for the prohibition and restriction of uses, or the acceptance of compatible uses.

When executing the restoration plans that are referred to in Paragraph 1, the each relevant authority may act under law to purchase or expropriate private land and legal buildings in the area if necessary.

The Constitution of the Republic of China

Article 15

The right of existence, the right of work, and the right of property shall be guaranteed to the people.

The Additional Articles of the Constitution of the Republic of China

Article 10

The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.

The State shall, following the will of ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation,

health and medical care, economic activity, land, and social welfare, measures which shall be established by law.

The Equalization of the Land Rights Act

article 56

The government, at various levels, may select the following areas for land consolidation, after the approval of the superior governments:

1.All or part of any newly established city for the implementation of its development and construction.

2.Any old city for the implementation of its renewal in response to its need for public safety, public health, public transport or the promotion of its rational use.

3.Any urban land development of a new community.

4.Any area designated by the competent authorities of the central government to be undertaken within a time limit.

When undertaking land consolidation according to the preceding Paragraph the competent authorities shall prepare a project of land consolidation and report to the competent superior authorities for approval and publicly announce it 30 days before its implementation.

If, within the period of announcement prescribed in the preceding Paragraph, objections to the project are raised by more than half of the interested landowners who own among themselves more than half of the land to be consolidated, the competent authorities shall conciliate and revise the plan showing how the land is to be consolidated in

consideration of the objections and re-submit to the competent superior authorities for approval. The instruction of the plan shall be publicly announced and implemented.

The regulations governing matters such as the selection of areas for urban land consolidation, public announcement of prohibited matters, making of projects, instructions, public announcement and notification, cadastral survey, survey, assessment of land values, calculation of liability, distribution design, compensation for demolition and removal, construction of works, arrangement of cadastre, delivery, fulfillment solution, and financial liquidation, etc shall be formulated by the competent authorities of the Central Government.

Hunting convention

97 年卡地布部落大獵祭狩獵公約

前言

藉由傳統祭典年祭（猴祭、大獵祭、除喪祭）的執行辦理來確立部落自身所屬的自然主權及傳統領域，以達到未來成立傳統領域守護隊的基礎，持續強化部落傳統組織運作機制與對公部門之對話能力。

第一條
本部落係依據部落千年流傳下來口傳史，萃取精華傳承之生活智慧而衍生之傳統歲時祭儀－大獵祭。為使部落文化傳承，傳統階級教育之延續，維護自然主權及傳統領域為部落責任；並依據原住民族基本法第十九條為最高指導原則，經部落族人共識決定每年務必辦理傳統年祭－大獵祭。

第二條
本部落執行大獵祭傳統祭典於 97 年 12 月 29 日起至 98 年 01 月 01 日止，因祭儀祭典所需狩獵期限於 97 年 12 月 26 日起至 98 年 01 月 01 日止。

第三條
大獵祭傳統祭儀狩獵範圍以卡地布之傳統領域為主（經部落耆老口述及部落族人實地探勘以知本溫泉地區 29－33 林班地附近原住民保留地為限；另知本林道 0 km－12km 及其林道上方 200 m 至 陵線及林道下切河谷 250 m 處）為本部落主要獵場。其部落傳統領請參閱附件 1（傳統領域受獵區域圖）。

第四條
本部落大獵祭傳統祭典係以部落傳統組織為其執行主力，部落之所有成年男子均有參與之義務；並清楚以拉罕（司祭長）為祭典最高指揮單位，巴拉冠（青年會）成員為其主要執行單位，已婚之成年男子為其輔佐單位。祭典各項任務工作指派務必聽命於拉（司祭長）指揮，並遵守巴拉冠青年會長下達各項分工任務。

第五條
參與大獵祭之部落成年男子係指：男子 15 歲之「法力勝」青少年（巴拉冠最低年齡階層）以上之戶口及出生地設籍於卡地布部落（行政區域：台東市知本里、台東市建業里）之原住民成年男性；若戶籍在卡地布但離開部落很久之後回來即積極參與部落各項公共事務之漢人，同樣必須認同卡地布部落狩獵公約者；經由部落司祭長及巴拉冠會長議決通過，始有資格參與部落大獵祭。

第六條

為因應大獵祭祭儀需要，必需派遣狩獵隊伍進行狩獵；其狩獵隊伍之成員依其部落傳統年齡階級來組織分工；成員包含部落獵人、已婚成年男子（青年教父）、巴拉冠青年會成員組成；以利執行狩獵（由獵人負責）、確認傳統領域及狩獵訓練教育（由已婚教父負責）獵場開路及搬運獵物（由巴拉冠青年成員負責）等勞務工作；藉由狩獵任務之明確分工建立大獵祭祭典自我規範及約束之能力。

第七條
因應大獵祭祭儀需要及正視祖靈尊重及維護傳統領域、自然主權之權力；狩獵任務採適時、適地、適需之原則；不濫獵殺、不濫砍伐、不濫採集。因此；97 年度部落狩得獵物之種類、數量限制如下表：

獵捕種類	獵捕數量	獵捕工具及數量
山豬	山豬 6 隻	傳統補獵器 80 處
山豪（野鼠）	山壕 200 隻	傳統補獵器 300 處
飛鼠	飛鼠 60 隻	傳統補獵器 60 處
山羌	山羌 10 隻	傳統補獵器 50 處
水鹿	水鹿 2 隻	傳統補獵器 20 處
山羊	山羊 3 隻	傳統補獵器 30 處
猴子	猴子 5 隻	傳統補獵器 30 處

第八條
因應大獵祭祭儀需要其獲得之所有獵物除祭祀所需，依其拉罕（司祭長）指示分配，一半依照年齡階層分配給所有參與大獵祭之部落男子；其餘帶回部落分享給全體卡地布部落族人。決不容許有私自販售圖利之行為，請族人務必遵守。

第九條
依據卡地布部落 97 年度大獵祭狩獵公約所執行之一切行為均受卡地布傳統組織拉罕（祭司長）及台東縣卡地布文化發展協會保障。

第十條
本部落狩獵公約為年度一次公約，因應部落傳統領域之狩獵自然環境及考量部落傳統組織運作能力；在未來於每年 11 月提出部落狩獵公約。

第十一條
本部落狩獵公約將於 97 年 12 月 26 日於卡地布巴拉冠正式公布；並於部落網站及原民會、行政院原住民族委員會官方網、農委會林務局官方網公佈。

Bibliography

Absolon, K. and Willett, C. (2004) 'Aboriginal research: berry picking and hunting in the 21st century', *First Peoples Child and Family Review,* 1, pp. 5-17.

Addis, A. (1992) 'Individualism, Communitarianism and the Rights of Ethnic Minorities', *Notre Dame Law Review,* (67), pp. 615-676.

Alfred, G. T. (1999) *Peace, Power, Righteousness: An Indigenous Manifesto.*

Alfred, T. and Corntassel, J. (2005) 'Being Indigenous: Resurgences against Contemporary Colonialism', *Government and Opposition,* 40(4), pp. 597-614.

Altman, J. C. (2001) *Sustainable development options on Aboriginal land: The hybrid economy in the twenty-first century.* Australian National University.

Altman, J. C. (2014) 'The political ecology and political economy of the Indigenous land titling 'revolution' in Australia', *ANU Research Publications*, pp. 17.

Anaya, S. J. (2004) 'Indigenous Peoples in International Law, 2nd ed.', *Oxford University Press.*

Andrade, T. (2007) 'Pirates, Pelts, and Promises: The Sino-Dutch Colony of Seventeenth-Century Taiwan and the Aboriginal Village of Favorolang', *Asian Studies,* 64(2), pp. 295-321.

Andrade, T. (2008) *How Taiwan became Chinese : Dutch, Spanish, and Han colonization in the seventeenth century / Tonio Adrade. [electronic resource].* New York: New York : Columbia University Press.

Ashcroft, B., Griffiths, G. and Tiffin, H. 1998. Post-colonial studies : the key concepts /. 2nd ed. ed. London: London : Routledge.

associaiton, T. c. r. (1907) *Taiwan custom.* Taipei: Taiwan custom research associaiton.

Atleo, E. R. (2004) *Tsawalk: a Nuu-chah-nulth Worldview.* Vancouver: UBC Press.

Ayre, M. and Mackenzie, J. (2011) '"Unwritten, unsaid, just known": the role of Indigenous knowledge(s) in water planning in Australia'.

Barker, A. J. and Pickerill, J. (2020) 'Doings with the land and sea: Decolonising geographies, Indigeneity, and enacting place-agency', *Progress in human geography,* 44(4), pp. 640-662.

Barkin, D. and Lemus, B. (2013) 'Understanding Progress: A Heterodox Approach', *Sustainability,* (5), pp. 417-431.

Barry, J. (2012a) 'Indigenous recognition in state- based planning systems: Understanding textual mediation in the contact zone', *Planning Theory,* 11(2), pp. 170-188.

Barry, J. (2012b) 'Indigenous State Planning as Inter-Institutional Capacity Development: The Evolution of "Government-to-Government" Relations in Coastal British Columbia, Canada', *Planning Theory & Practice,* 13(2), pp. 213-231.

Barry, J., Horst, M., Inch, A., Legacy, C., Rishi, S., Rivero, J. J., Taufen, A., Zanotto, J. M. and Zitcer, A. (2018) 'Unsettling planning theory', *Planning Theory,* 17(3), pp. 418-438.

Barry, J. and Porter, L. (2012) 'Indigenous recognition in state- based planning systems: Understanding textual mediation in the contact zone', *Planning Theory,* 11(2), pp. 170-188.

Barry, J. and Porter, L. (2015) 'Bounded recognition: urban planning and the textual mediation of Indigenous rights in Canada and Australia'.

Barry, J. and Porter, L. (2016) *Planning for Co-existence? Recognizing Indigenous rights through land-use planning in Canada and Australia.* Londaon and New York: Routledge.

Bellin, W. (2006) *Achievement Album of Key Demonstration Tribes of Indigenous Tribe Sustainable Development Project*: Council of Indigenous Peoples.

Bishop, R. and Glynn, T. (2003) *Culture Counts: Changing Power Relations in Education.* London and New York: Zed Books.

Blundell, D. (2009) *Austronesian Taiwan：linguistics, History, Ethnology, Prehistory. Revised edition.* Taipei: Shung Ye Museum of Formosan Aborigines, and Berkeley: Phoebe A. Hearst Museum of Anthropology, University of California Berkeley.

Blussé, J. L. (1983) 'Dutch Protestant Missionaries as Protagonists of the Territorial Expansion of the VOC on Formosa: Bijdrage Aan de Konferentie Over 'De Rol Van de Religie in Maatschappelijke Veranderingsprocessen in Azië : KOTA IV, Amsterdam, 19 en 20 Mei 1983', *KOTA 4. Bijdrage,* 7.

Bond, S. (2011) 'Negotiating a 'democratic ethos': moving beyond the agonistic – communicative divide', *Planning Theory,* 10(2), pp. 161-186.

Booth, A. L. and Muir, B. R. (2011) 'Environmental and land-use planning approaches of indigenous groups in Canada: an overview', *Journal of Environmental Policy and Planning,* 13(4), pp. 421-442.

Bradley, J. J. (2008) 'When a stone tool is a dingo: country and relatedness in Australian Aboriginal notions of landscape', in Bruno David, J.T. (ed.) *Handbook of landscape archaeology*. Walnut Creek, Calif: Left Coast Press, pp. 633-637.

Brealey, K. G. (1995) 'MAPPING THEM 'OUT': EURO-CANADIAN CARTOGRAPHY AND THE APPROPRIATION OF THE NUXALK AND TS'ILHQOT'IN FIRST NATIONS' TERRITORIES, 1793-1 916', *Canadian Geographer,* 39(2), pp. 140-156.

Bureau, T. G. P. (1942) 'Annual Report for Aboriginal Industrial Instruction'.

CAI, X.-X. 'Land Management', *Proceedings of the Symposium on Land Supply Strategies for the 21st Century*: The China Research Institute of Land Economics.

Cai), A. M. Z.-W. (2019) *Commissioned research of Incorporating the investigation and evaluation of the traditional customs of the indigenous peoples into the current legal system - Puyuma and Saisiyat*, Taipei: East Taiwan Studies Association Cultural and Art Foundation. Available at: https://www.cip.gov.tw/portal/docDetail.html?CID=5EF10D26E1C7A237&DID=0C3331F0EBD318C26A0006FBFF947485.

Campbell, M. and Gregor, F. (2004) *Mapping social relations; a primer in doing institutional ethnography.* AltaMira Press.

Campbell, W. (1903) *Formosa under the Dutch.* London,Kegan Paul.

CASTRO, E. V. D. (1998) 'Cosmological Deixis and Amerindian Perspectivism', *The Journal of the Royal Anthropological Institute,* 4(3), pp. 469-488.

Chan, S.-C. (2005) 'Identification and Transformation of Plains Aborigines, 1895-1960: Based on the "Racial" Classification of Household System and Census', *Taiwan Historical Research,* 12(2), pp. 121-166.

Chan, T. 'The Dilemma of Realizing the Rights of Indigenous Peoples' Land and Natural Resources under the High Wall of the National Legal System-Talking from Land Planning and Environmental Governance', *Seminar on Aboriginal Traditional Customs and National Legal System*, Taitung.

Chan, T. (2016) 'Land grab and land managmeent under developmentalism - taling from the Taitung Mira Bay', *Taiwan Indigenous Law Review,* (1), pp. 67-76.

Chang, C.-s. (1988) 'Mainstream Paradigm of Postwar Urban Studies in Taiwan: A Preliminary Review', *A Radical Quarterly in Social Studies,* 1(2&3), pp. 9-31.

Chang, C.-s. (1994) 'Local government, popular organizations and local planning: the political economy of planning in the 1990s', *Challanges of National Land Planning*, pp. 159-176.

Chang, L.-c. (2008) 'From Quarantine to Colonization: Qing Debates on Territorialization of Aboriginal Taiwan in the Nineteenth Century', *Taiwan Historical Research,* 15(4), pp. 1-30.

Chang, S.-b. (2001) *Japanese Agricultural Immigratio nin Taiwan (1909-1945): centered on government-run immigration. Collection of researches on Taiwan history* Taipei: Academia Historia Office.

Chen, C. (1958[1883]) *Hsinchu County Interveiw Book*: Taiwan Literature Series.

Chen, C. (1992) *A GEOGRAPHY OF TAIWAN.*

Chen, C. (1999(1958)) *Sun Moon Lake Thao Investigation Report.*

Chen, C. (1999[1958]) *Sun Moon Lake Thao Investigation Report.*

Chen, D. (1978) *History of Taiwan Development.* Taiwan Provincial Government Press Office.

Chen, D. (1995) *'Jin Quan' CIty: local factions, a sociological analysis of consrotium and development of Taipei city.* Taipei: Chuliu.

Chen, G.-C. and Lin, S.-C. (2000) *Taitung County History - Industry.* Taitung: Taitung County Government.

Chen, H.-T. (2002a) 'Official Immigrant Villages and the Irrigation Development in Eastern Taiwan (1909-1946)', *East Taiwan Study,* 7, pp. 135-163.

Chen, J. (1959) 'History of immigrants in Taitung', *Taiwan wen shian,* 10(3), pp. 111-116.

Chen, J. (2001a) 'Historical migration of the aborigines in the Sun Moon Lake area 1825-1934', *Taiwan Historical Research,* 7(1), pp. 81-134.

Chen, J.-S. (2012) 'An Analysis of Contemporary Issues and Judicial Cases of the Indigenous People Reservation Land Policy in Taiwan', *Taiwan Journal of Indigenous Studies,* 5(2), pp. 83-114.

Chen, J.-S. (2017) 'The Movement of Fighting against Asia Cement Corporation and Returning Our Lands: Retrospect and Prospect in 2018', *Taiwan Indigenous Studies Association,* 7(3), pp. 157-187.

Chen, M. (1997) *Post-war Taiwan Indigenous Peoples Policy-Discussing from the Identification of Plain Aboriginals and Mountain Aboriginals.* Master, National Chengchi University.

Chen, Q. (1994a) *Taiwanese aboriginal Land Rights - the land changes between bureacurats, Han people, and Anli tribal people (1700-1890).* Academia Sinica: Institute of Modern Histroy, p. 265.

Chen, Q. (1994b) *Taiwanese aboriignal Land Rights - the land changes between bureacurats, Han people, and Anli tribal people (1700-1890).* Academia Sinica: Institute of Modern Histroy, p. 265.

Chen, Q. and Chen, R. (1999) *Review on Taian Community Development Movement.*

Chen, S. (1991) *Wen Su Lu : folklore and society in Fujian and Taiwan.* Woolin Press.

Chen, S.-C. (2002b) *A research of the spatial confliction under gone withing the transition of land ownership of thao people in zintun.* Master, National Tawian University.

Chen, W.-C. (1998) *The Politics of Colonial Anthropology:An Enquiry of the Work of Ino Kanori(1895-1900).* Master, National Taiwan University, Taipei.

Chen, W.-T. (2003) 'A Dialogue between Anthropology and History: The Making of the "Puyuma" (or "Pinuyumayan") as an Ethnic Group in Taiwan', *NTU Humanitas Taiwanica,* 59, pp. 143-176.

Chen, W.-T. (2010) *Puyuma.* Taipei: San Min Book Co., Ltd.

Chen, W.-T. (2011a) 'Cultural revival?Cultural innovation? take Katratripulr (chihpen) people as example', *Taitung Historical Journal,* 17, pp. 3-39.

Chen, W.-T. (2011b) 'Cultural revival?Cultural innovation? take Katratripulr (chihpen) people as example', *Taitung Historical Journal,* 17.

Chen, W.-T. (2014) 'Cutulral Industry and ‘Ethnic-tribal cultures’ : two case studies of the Pinuyumayan (Puyuma) People, Eastern Tawian', *Journal of Archaeology and Anthropology,* 80, pp. 103-140.

Chen, Y. (2005) *Rereading the Swei-Sa-Lien：Theorizing the Survival Struggles of the Thao People and The Roles of their Ritual Practices in the Conservation of their Lake-Culture.* Master, National Taiwan University.

Chen, Y. (2009) 'Indigenous traditional knowledge system and ecological space protection area strategy', *Taiwan Indigenous Studies Review,* (6), pp. 1-25.

Chen, Y.-C. (2018) *The Development, Adaptation and Evolution of Catholicism in Katratripulr Community.* Master, National ChengChi University, Taipei.

Chen, Y.-J. (2020) 'Human Rights Treaty Monitoring 2.0: A New Model from Taiwan', *Taiwan Human Rights Journal,* 5(3), pp. 43-62.

Chen, Y.-p. (2001b) *Ascribed and choice--Taiwan Aborigine Katipol's Hierarchy and ethnic boundary.* Master, National Tsiung Hua University.

Chen, Y. Y.-S., Kuan, D.-W., Suchet-Pearson, S. and Howitt, R. (2018) 'Decolonizing property in Taiwan: Challenging hegemonic constructions of property', *Environment and Planning D: Society and Space,* 36(6), pp. 987-1006.

Cheng, C.-J. (2014) 'Connotation of Indigenous Hunting and Fishing Right under Two Human Rights Covenants', *Taiwan Journal of Indigenous Studies,* 7(3), pp. 83-120.

Cheng, C.-J. (2015) 'Who Has Right to Decide Who Is an Indigenous Person?-Analysis of the Issue of Indigenous Membership Identification from the Perspective of Two Human Rights Covenants and Relative International Documents', *The LAW MONTHLY,* 66(9), pp. 81-108.

Cheng, C.-J. (2016) 'Analyzing Indigenous Peoples' Right to Hunt- From the Perspective of Two Human Rights Covenants', *Fu Jen Law Review,* (52), pp. 189-248.

Cheng, C.-J. (2017) 'Case of Indigenous People Handmade Shotgun - Comment on the Judicial Ruling of Supreme Court Criminal Case Tai-Shan-Zi No.3280 (2016)', *The LAW MONTHLY,* 68(9), pp. 75-92.

Cheng, S.-c. (2005) *Study on Cultural Right of Taiwan Indigenous Peoples in Globalization.* Master, National Taiwan Normal University.

Chi, C.-C. 'Biodiversity Conservation and Indigenous Cultural Continuation: Towards a Cooperative Model', *National Park Biodiversity Conservation Strategy Seminar*, National Taiwan University.

Chi, C.-C. (2001b) 'Capitalist expansion and indigenous land rights: Emerging environmental justice issues in Taiwan', *The Asia Pacific Journal of Anthropology,* 2(2), pp. 135-153.

Chi, C.-C. and Wang, J. (1995) 'Environmental Justice: Analysis of Conflict between the National Park and Indigenous people'.

Chin, C.-H. (2009) *The Rural Regeneration Plan in Indigenous Tribe：A Case Study of Pinaski.* Master, National Taitung University, Taitung.

Chin, H.-T. (2006) *Knowledge, Power, and Tribal Map: A Sociological Analysis of 'Truku Traditional Land Survey'.* National Dong Hwa University.

Chin, L. (2012) 'Yes or No? Deliberative Democracy on Taiwan's Nuclear Waste Policy and the Development of an Aboriginal Tribe', *Taiwan indigenous peoples study,* 5, pp. 1-39.

China, T. I. P. C. D. A. o. t. R. o. (2009) *Evaluation Report on the Benefits of the Sustainable Development Project of Indigenous Tribes*: Research, Development and Evaluation Commission.

Chiu, C.-c. (1966) *Social Organisation of the Take-Bakha Bunun.* Taipei: Institute of Ethnology, Academia Sinica.

Chiu, H.-h. (2008) *The colonial 'civilizing process' in Dutch Formosa, 1624-1662 / by Chiu Hsin-hui.* Leiden ; Boston : Brill, 2008.

Clement, V. (2019) 'Beyond the sham of the emancipatory Enlightenment: Rethinking the relationship of Indigenous epistemologies, knowledges, and geography through decolonizing paths.', *Progress in Human Geography,* 43(2), pp. 276–294.

Cole, J. M. (2015) *黑色島嶼: 一個外籍資深記者對台灣公民運動的調查性報導.* 商周文化.

Collard, R.-C., Dempsey, J. and Sundberg, J. (2015) 'A Manifesto for Abundant Futures', *Annals of the Association of American Geographers,* 105(2), pp. 322-330.

Coombes, B., Johnson, J. T. and Howitt, R. (2011) 'Indigenous geographies I', *Progress in Human Geography,* 36(6), pp. 810-821.

Coombes, B., Johnson, J. T. and Howitt, R. (2012) 'Indigenous geographies II', *Progress in Human Geography,* 37(5), pp. 691-700.

Coombes, B., Johnson, J. T. and Howitt, R. (2014) 'Indigenous geographies III: Methodological innovation and the unsettling of participatory research', *Progress in Human Geography,* 38(6), pp. 845-854.

Cornell, S. 2013. Reconstituting Native Nations: Colonial Boundaries and Institutional Innovation in Canada, Australia, and the United States. MQUP.

Council for Economic Planning And Development, E. Y. (1996) *Comprehensive Land Development Plan*.

Council for Economic Planning And Development, E. Y. (2002) 'Challenge 2008: National Development Key Plan (2002-2008)'.

Country, B., Wright, S., Suchet-Pearson, S., Lloyd, K., Burarrwanga, L., Ganambarr, R., Ganambarr-Stubbs, M., Ganambarr, B., Maymuru, D. and Sweeney, J. (2016) 'Co-becoming Bawaka: Towards a relational understanding of space/place', *Progress in Human Geography,* 40(4), pp. 455-475.

County, T. (2015) *Taitung County Regional Planning Research*.

Craft, A. (2017) 'Giving and Receiving Life from Anishinaabe Nibi Inaakonigewin (Our Water Law) Research', in Thorpe J, R.S.a.S.L. (ed.) *Methodological Challenges*

in Nature-Culture and Environmental History Research. London: Routledge, pp. 105-119.

Crazy Bull, C. (1997) 'A Native Conversation About Research and Scholarship', *Tribal College,* 9(1), pp. 17-23.

de Ishtar, Z. (2005) 'Striving for a common language: a white
feminist parallel to Indigenous ways of knowing and researching.', *Women's Studies International Forum,* 28, pp. 357–368.

Deng, C.-a. (1958) 'YOU SHUILISHE JI', in *LI CE HUI CHAO 蠡測彙鈔*. pp. 33-34 [Online]. Version.

Deng, X. (2001) 'Reclamation in the Shuishalian Area and the Situation of the Thaos', in Chen, Q. and Hong, L. (eds.) *Contract Documents and Social Life 1600-1900*, pp. 67-116.

Deng, X. and Xu, M. (2000) *History of the aborigines of Taiwan - Thao.* Nantou Provincial Literature Association.

Dong, E., Xiao, S. and Cai, H. (2015) 'Tao People's Response to Modern Environmental Governance and the Development of the Sustainable Environmental Governance', *Taiwan indigenous peoples study,* (5), pp. 1-44.

Dorries, H. J. (2012) *Rejecting the "False Choice" :Foregrounding Indigenous Sovereignty in Planning Theory and Practice.* PhD, University of Toronto, Toronto, Canada.

Dotson, O. F. (2014) 'Fourth World Theory: The Evolution of . . .', *buildings,* (4), pp. 155-194.

Duan, C. (1992) *Taiwan's post-war economy.* Renjian.

Duan, H. (2017) 'Land Experience of Kabuasua Siraya', *Aboriginal Education World,* 76, pp. 58-61.

Esson, J., Noxolo, P., Baxter, R., Daley, P. and Byron, M. (2017) 'The 2017 RGS-IBG chair's theme: decolonising geographical knowledges, or reproducing coloniality?', *Area (London 1969),* 49(3), pp. 384-388.

Fawcett, R. B., Walker, R. and Greene, J. (2015) 'Indigenizing City Planning Processes in Saskatoon, Canada', *Canadian Journal of Urban Research,* 24(2), pp. 158-175.

Fenster, T. (1996) 'Ethnicity and citizen identity in planning and development for minority groups', *Political Geography,* 15(5), pp. 405-418.

Fenster, T. and Yiftachel, O. (1997) 'Frontiers, planning and indigenous peoples: Conflict or coexistence? Conclusions', *Progress in Planning,* 47, pp. 333-336.

Flyvbjerg, B. (2001) *Making Social Science Matter: Why Social Inquiry Fails and How it Can Succeed Again.* Cambridge University Press.

Flyvbjerg, B., Landman, T. and Schram, S. F. (2012) *Real Social Science: Applied Phronesis.* Cambridge University Press.

Forester, J. (2009) *Dealing with differences : dramas of mediating public disputes / John Forester.* Oxford ; New York : Oxford University Press, 2009.

Foundation, N. T. U. b. a. P. R. (2014) *Northern Atayal: Land use plan and spatial development strategy research report*, Taipei: Urban and Rural Development Branch, Construction and Planning Agency, Ministry of the Interior.

Fox, J. (2003) 'Siam Mapped and Mapping in Cambodia: Boundaries, Sovereignty,and Indigenous Conceptions of Space', *Society & Natural Resources,* 15(1), pp. 65-78.

Fraser, N. (2000) 'Rethinking Recognition', *New Left Reivew,* 3.

Friedmann, J. 1987a. Planning in the public domain : from knowledge to action. Princeton ; Chichester: Princeton ; Chichester : Princeton University Press.

Friedmann, J. 1987b. Planning in the public domain : from knowledge to action / John Friedmann. Princeton ; Chichester: Princeton ; Chichester : Princeton University Press.

Friedmann, J. (2008) 'The Uses of Planning Theory A Bibliographic Essay', *Planning Education and Research,* 28(2), pp. 247-257.

Fu, Q.-Y. (2007) *A study on the imperialisation of the aborigiens in Taiwan at the end of Japanese occupation.* Taipei: Council of Indigenous People.

Fu Tsu Construction Co., L. (2012) *A century of Taiwan's construciton industry.* Taipei: Yuan-Liou Publishing Company.

Fujii, S. (1999) 'Investigation in the indigenous land issue'.

Gao, G. (1960[1694]) *Taiwan Fuzhi (Taiwan Govenmence Record)*: Taiwan Literature Series. Available at: http://tcss.ith.sinica.edu.tw/cgi-bin/gs32/gsweb.cgi/ccd=i_lUdw/main?db=article&mode=advance.

Gegeo, D. and Watson-Gegeo (2001) 'How we know': Kwara'ae rural villagers doing indigenous epistemology.', *The Contemporary Pacific,* 13(1), pp. 55-88.

Gibson, C. (1999) 'CARTOGRAPHIES OF THE COLONIAL/CAPITALIST STATE: A GEOPOLITICS OF INDIGENOUS SELF-DETERMINATION IN AUSTRALIA', *Antipode,* 31(1), pp. 45-79.

Gibson-Graham, J. K. (2011) 'A feminist project of belonging for the Anthropocene', *Gender, Place and Culture,* 18(1), pp. 2-32.

Godwin, L. and Weiner, J. F. (2006) 'Footprints of the Ancestors: The convergence of Anthropological and Archaeological perspectives in contemporary Aboriginal heritage studies', in Bruno David, B.B., Ian J. McNiven (ed.) *The social archaeology of Australian Indigenous societies*: Aboriginal Studies Press, pp. 124-138.

Gombay, N. (2012) 'Placing economies: lessons from the Inuit about economics, time, and existence', *Cultural Geography,* 29(1), pp. 19-38.

Gou-Chuan Chen, S.-Q. L. (2000) *Taitung County History - Industry.* Taitung: Taitung County Government.

Governor, T. (1919) *Report on the Immigration Business of Taiwan Governor.* Taipei: Taiwan Governor.

Governor, T. (1931) 'Indigenous policy framework'.

Griggs, R. (1992) *History of the term "Fourth World"*. The Meaning of 'Nation' and 'State' the Fourth World: THE FOURTH WORLD DOCUMENTATION PROJECT ARCHIVES (Accessed: 6.12 2019).

Group, T. S. D. C. (1994) *Challenges of National Land Planning.*

Guan, D., Cai, Z. and Lin, S. (2015) *Investigation and Research on Land Policy of Aboriginal Reservation Land - Final report on the analysis of the issue of non-indigenous people's use of general registration as indigenous people's reserved land*: Council of Indigenous Peoples.

Guan, H., Shi, S. and Chen, X. (2000) *The comparison of Tho, Bunu, and Tsou living culture.* Taipei: Daw Shiang.

Guo, X. (1975) 'Mountain administration and policy', *Bulletin of the Institute of Ethnology,* 40.

Guo, Y.-c. (2008) *The agricultural people in the Taitung Plain : the social and economic changes of the Amis people i Malanshe 1874-1970.* PhD, National ChengChi University, Taipei.

Hall, T. (2003) *The American empire and the fourth world / Anthony J. Hall.* Montreal ; Ithaca : McGill-Queen's University Press, 2003.

Hall, T. (2018) *Urban geography / Tim Hall and Heather Barrett.* Fifth edition. edn.: London England ; New York, New York : Routledge, 2018.

Harmsworth, G. R. and Robb, M. (2015) *Māori Values and Perspectives to Inform Collaborative Processes and Planning for Freshwater Management*: Landcare Research.

Harris, C. (2004) 'How Did Colonialism Dispossess? Comments from an Edge of Empire', *Annals of the Association of American Geographers,* 94(1), pp. 165-182.
Harvey, D. (1992) 'Social Justice, Postmodernism and the City', *International Journal of Urban and Regional Research,* (16), pp. 588-601.
Harvey, D. (2005a) *A brief history of neoliberalism / David Harvey.* Oxford ; New York : Oxford University Press, 2005.
Harvey, D. (2005b) *The new imperialism / David Harvey.* Paperback edition. edn.: Oxford ; New York : Oxford University Press, 2005.
Harvey, D. (2013) *Rebel cities : from the right to the city to the urban revolution / David Harvey. From the right to the city to the urban revolution* Paperback edition. edn.: London : Verso, 2013.
Harvey, D. (2016) 'Neo-liberalism as creative destruction', *Geografiska annaler. Series B, Human geography,* 88(2), pp. 145-158.
Hauptman, L. M. and Knapp, R. G. (1997) 'Dutch-Aboriginal Interaction in New Netherland and Formosa: An Historical Geography of Empire', *Proceedings of the American Philosophical Society,* 121(2), pp. 166-182.
Healey, P. (1997) *Collaborative Planning: Shaping Places in Fragmented Societies.* UBC Press.
Herzog, T. R. 1996. Research methods and data analysis in the social sciences / Thomas Herzog. New York: HarperCollins Colege Publishers.
Hibbard, M. (2015) 'Development Planning with Cultural Integrity: Self-Determination, Multifunctionality, and the Hybrid Economy in Indian Country', *Planning Education and Research,* 36(2), pp. 158-166.
Hibbard, M. and Lane, M. B. (2004) 'By the seat of your pants: indigenous action and state response', *Planning Theory & Practice,* 5(1), pp. 97-104.
Hibbard, M., Lane, M. B. and Rasmussen, K. 2008a. The Split Personality of Planning Indigenous Peoples and Planning for Land and Resource Management. *J. Plan. Lit.*
Hibbard, M., Lane, M. B. and Rasmussen, K. (2008b) 'The Split Personality of Planning Indigenous Peoples and Planning for Land and Resource Management', *Journal of Planning Literature,* 23(2), pp. 136-151.
Hibbard, M. B. L. a. M. (2005) 'Doing it for themselves - Transformative planning by indigenous peoples', *Journal of Planning Education and Research,* 25(2), pp. 172-184.
Hill, M. (1985) 'Kakadu National Park: an Australian approach to joint management', *Environments,* 17(3), pp. 57-64.

Hill, R. (2010) 'Towards Equity in Indigenous Co-Management of Protected Areas: Cultural Planning by Miriuwung-Gajerrong People in the Kimberley, Western Australia'.

Hillier, J. (2003) '‘AGON’IZING OVER CONSENSUS: WHY HABERMASIAN IDEALS CANNOT BE ‘REAL’', *Planning Theory,* 2(1), pp. 37-59.

Hipwell, W. T. L. (1997) 'INDUSTRIA, THE FOURTH WORLD, AND THE QUESTION OF TERRITORY', *Middle States Geographer,,* (30), pp. 1-10.

Hodge, P. and Lester, J. (2006) 'Indigenous research: whose priority? Journeys and possibilities of cross-cultural research in geography.', *Geographical Research,* 44, pp. 41-51.

Holden, W., Nadeau, K. and Jacobson, R. D. (2011) 'EXEMPLIFYING ACCUMULA TION BY DISPOSSESSION: MINING AND INDIGENOUS PEOPLES IN THE PHILIPPINES', *Geografiska Annaler, Series B: Human Geography,* 93(2), pp. 141-161.

Hong, L. (2009) *Social network and collective consciousness in cooked aborigines: historical changes of pingpu ethnic group in central Taiwan (1700-1900).* Linking Publishing.

Hong, Y. (1993) *Taiwan’s aboriginal footprints.* Taipei: China Times.

Hong, Y. (2002) *Painted the map of Qianlong Taiwan.*

Howitt, R. (2001) 'Frontiers, Borders, Edges: Liminal Challenges to the Hegemony of Exclusion', *Australian Geographical Studies,* 39(2), pp. 233-245.

Howitt, R. (2012) 'Sustainable indigenous futures in remote Indigenous areas: relationships, processes and failed state approaches', *GeoJournal,* (77), pp. 817–828.

Howitt, R. and Jackson, S. (1998) 'Some things do change: indigenous rights, geographers and geography in Australia', *The Australian Geographer,* 29(2), pp. 155-173.

Howitt, R. and Lunkapis, G. J. (2010) 'Coexistence: Planning and the challenge of Indigenous Rights', in Healey, J.H.a.P. (ed.) *The Ashgate Research Companion to Planning Theory: Conceptual Challenges for Spatial Planning*. Farnham: Ashgate, pp. 110-133.

Howitt, R. and Stevens, S. (2005) 'Cross-cultural research: ethics, methods and relationships', *Qualitative Research Methods in Human Geography*, pp. 30-50.

Howmi, P. (2016a) 'The transformation of the concept of "indigenous land rights" under the reserved land system: a "non-modern" perspective to explore the cognitive

transformation (balay) of the Taroko land', *Taiwan indigenous studies Review,* (20), pp. 91-116.

Howmi, P. (2016b) 'We Need Authentic Historical Justice(sbalay) for the Indigenous Peoples', *Taiwan indigenous peoples study,* 6(3), pp. 135-144.

Hsia, C.-J. (1994) 'Taiwan's Regional Spatial Structure Changes in the Process of Global Economic Restructuring', *Challanges of National Land Planning*, pp. 53-94.

Hsia, C.-J. and Chen, C.-W. (1988) 'Taiwan's economic development, Lanyu's social structure and the spatial role of national parks', *Taiwan: A radical quarterly in social studies,* 1(4), pp. 233-246.

Hsie, H.-C., Yang, L., Liu, R., Li, W. and Huang, Y. (2008) *Commissioned research of Incorporating the investigation and evaluation of the traditional customs of the indigenous peoples into the current legal system - Bunu and Thao*, Taipei: Department of Anthropology, National Taiwan University. Available at: https://www.cip.gov.tw/portal/docDetail.html?CID=5EF10D26E1C7A237&DID=0C3331F0EBD318C26A0006FBFF947485.

Hsu, C. (2011) *A Study on the View of Ghosts of the Han People. Collection of Researches on Ancient History and Culture* (6 vols). Huamulan Cultural Enterprise Co., Ltd.

Hsu, H.-Y. (2019) 'The Right to Consult of Indigenous Peoples and Its Implementation: In the Context of the Right to SelfDetermination of Peoples Under the ICCPR and the ICESCR', *Chengchi Law Review,* (158), pp. 229-294.

Hu, C. (1895) *Taitung Visiting Book*: Chinese Text Project. Available at: https://ctext.org/zh (Accessed: January 12 2017).

Huang, F. (1980) 'Problems of Han peole acquiring cultivated land in Taiwan in the Qing Dynasty', in Huang, F. and Cao, Y. (eds.) *Taiwan History Series*. Taipei: Jongwenbooks, pp. 193-220.

Huang, J. (2017) 'War and Higher Education in Taiwan 1945-1990', *Taiwan Sociological Association,* (34), pp. 126-167.

Huang, S. (2015) 'From ethnic justice to environmental discourse: the transfer of framwork of Tao anti-nuclear and abolition nuclear movement', *Thought and Words,* 53(2), pp. 7-48.

Huang, W.-L. (2012) 'Emergence and Legal Treatment of 'Flatland aboriginals' under Japanese Rule (1895-1937)', *Taiwan Historical Research,* 19(2), pp. 99-150.

Huang, Y. (1953) 'Hua Fan Liu She Zhi', *Nantou wen xian,* 2.

HUANG, Y.-H. (2015) *The program of Rural Community Reconstruction Case Study on Lingya Tribe Indigenous Peoples Area.* Master, National Pingtung University and Technology, Pintung.

Huang, Y.-k. (1975) 'Economy of swidden agriculture and paddy cultivation', *Humanity and Culture,* 6, pp. 37-42.

Huang, Y.-k. (1986) 'Two social types of indigenous people in Taiwan and their siginificance', in Ying-kuei, H. (ed.) *A collection of research essays on the society and culture of th eTaiwanese aborigines*. Taipei: Linking Publishing Company, pp. 3-46.

Huang, Y.-k. (1992) *Cultural practice and social life among the Bunun of Taketonpu.* Institute of Ethnology, Academia Sinica.

Hung, C.-C. (1981) *Taiwan under the Cheng family, 1662-1863 : sinicization after Dutch rule.* Georgetown University.

Hung, C.-H. (1994) 'Tawian mountain aborigines' Reserved Land policy', *Taiwan Indigenous Voice Bimonthly,* 3.

Hung, P.-Y. and Hsiao, H.-T. (2017) 'Political Technology of Apple: Territorial Politics and Economy of the Mountain Agriculture in Taiwan', *Taiwan Land Research,* 20(2), pp. 1-29.

Hunt, S. (2013) 'Ontologies of Indigeneity: the politics of embodying a concept', *Cultural geographies,* 21(1), pp. 27-32.

Hwu , S. S. (1996a) *A research on aborigine's collective movement of the aborigine's policy in the period of Japanese dominace.* Chung Yuan Christian University.

Hwu , S. S. (1996b) 'A research on aborigine's collective movement of the aborigine's policy in the period of Japanese dominace'.

Ishiyama, N. (2003) 'Environmental Justice and American Indian Tribal Sovereignty: Case Study of a Land–Use Conflict in Skull Valley, Utah', *Antipode,* 35(1), pp. 119-139.

Jackson, S. (1997) 'A DISTURBING STORY: The fiction of rationality in land use planning in Aboriginal Australia', *Australian Planner,* 34(4), pp. 221-226.

Jacobs, J. (2011) 'Review Essay: The History of Taiwan', *China Journal,* (65), pp. 195-203.

Jacobs, J. (2013) 'Whither Taiwanization? The Colonization, Democratization and Taiwanization of Taiwan', *Japanese Journal of Political Science,* 14(4), pp. 567-586.

Janca, A. and Bullen, C. (2003) 'The Aboriginal concept of time and its mental health implications', *Australasian Psychiatr,* 11(1_suppl), pp. s40.

Jazeel, T. (2014) 'Subaltern geographies: Geographical knowledge and postcolonial strategy', *SPECIAL ISSUE ON ADVANCING POSTCOLONIAL GEOGRAPHIES,* 35(1), pp. 88-103.

Jazeel, T. (2015) 'Between area and discipline: progress, knowl- edge production and the geographies of geography', *Progress in Human Geography,* (40), pp. 649-667.

Ji, Q. (2004) 'Detalils of the village trade system of Dutch - Dongning Politival Affaris', in Chen, Z. (ed.) *Taiwan Liteature Collectanea: Vol. 4*. Beijing: Jiuzhou Press.

Jian, S. (2002) *The Daily Registers of Zeelandia (De Dagregisters van het Kasteel Zeelandia) II.* Translated by: Jian, S.

Jian, S. (2006) *mintháw ya minshpút? (Be savage or be human?) Ritual system and ethnic boundary of the Tha.* Master, National Chengchi University.

Jiang, H. (2000) *Drifting for two thousand years: a family history of Ruvaneyeav.* Pingtung: Cultural Affairs Department of Pingtung County Governemnt.

Jiang, J.-J. (2011) *The Research of Taiwan Aboriginal's Ethnic Identity: The Case of Thao.* Master, National Chi Nan University.

Jiang, W. and Ji, S. (2011) 'Tribal Identity and Reconstruction of Indigenous Peoples under Urban Marginalization: A Case Study of New Sanying Tribe in New Taipei City', *Taiwan indigenous peoples study,* (10), pp. 125-155.

Jojola, T. (2008a) 'Indigenous Planning-An Emerging Context1', *Canadian Journal of Urban Research,* 17(1), pp. 37-47.

Jojola, T. (2013) 'Indigenos Planning: Towards a Seven Generations Model', in Walker, R., Jojola, T. and Natcher, D. (eds.) *Reclaiming Indigenous Planning*. Montreal & Kingston London Ithaca: McGill-Queen's University Press, pp. 457-472.

Jojola, T. (2017) 'Universities Can Empower the Next Generation of Architects, Planners, and Landscape Architects in Indigenous Design and Planning', *Planning Theory & Practice,* 18(4), pp. 664-666.

Jojola, T. S. (1998a) 'Indigenous Planning: Clans, Intertribal Confed- erations, and the History of the All Indian Pueblo Council', in Sandercock, L. (ed.) *Making The Invisible Visible: A Multicultural Planning History*. Berkeley: University of California Press, pp. 100-19.

Jojola, T. S. (1998b) 'Indigenous Planning: Clans, Intertribal Confederations, and the History of the All Indian Pueblo Council', in Sandercock, L. (ed.) *Making The Invisible Visible: A Multicultural Planning History*. Berkeley: University of California Press, pp. 100-19.

Jojola, T. S. (2008b) 'Indigenous Planning-An Emerging Context1', *Canadian Journal of Urban Research,* 17(1), pp. 37-47.

Ka, C. m. (2001) *Fantoujia: Chin Dynasty Taiwan Ethnic Politics and the land right to the Plains aborigines.* Institutie of Sociology: Academia Sinica.

Kan, P. (2006) 'Puyuma and Dutch East India Comapny's rule in East Tawian', *Taiwan wen shian,* 57(2).

Kang, P.-t. (2005) *The History of Taiwan Aborigines: Policy (Dutch, Spanish, Mingzheng period).* Nantou: Library of Taiwan Historica.

Kao, T.-I. (1994) 'Policy feasibility analysis on the implementation of autonomy for the Indigenous People in Taiwan', *Indigenous Culture Conference Poroceedings,* (Ministry of Culture).

Kawharu, M. (2010) 'Environment as a marae locale', in Selby, R., Moore, P., and Mulholland, M. (ed.) *Kaitiaki: Maori and the Environment*. Wellington: Huia, pp. 221-239.

Keenan, S. (2015) *Subversive Property: Law and the Production of Spaces of Belonging.* Oxon: Routledge.

King, K. A. (2011) *Kaandossiwin: How We Come to Know.* Halifax and Winnipeg: Fernwood Publishing.

King, T. 2005. The truth about stories : a native narrative / Thomas King. *Native narrative.* Minneapolis: Minneapolis : University of Minnesota Press.

Kovach, M. (2009) *Indigenous Methodologies: Characteristics, Conversations, and Contexts.* Toronto: University of Toronto Press.

Kuan, D.-W. (2011) 'National Land Planning, Indigenous Self-governance and the Realization of Indigenous Land Rights', *Taiwan Indigenous Studies Association,* 1(3), pp. 87-107.

Kuan, D.-W. (2013) 'Indigenous Ecological Knowledge and Watershed Governance-A Case Study of the Human-river Relations in Mrqwang, Taiwan', *Journal of Geographical Science,* (70), pp. 69-105.

Kuan, D.-w. (2014) 'Challenges for the Realization of Indigenous Land Rights in Contemporary Taiwan: A Regional Study of Indigenous Reserved Land Trade between Indigenous and Non-indigenous People', *Jouranl of Archaeology and Anthropology,* (80), pp. p7-51.

Kuan, D.-W. (2015) 'Indigenous Ecological Knowledge and Contemporary Disaster Management

A Case Study on the Tayal Communities' Experience in the Watershed of Shih-Men Reservoir', *Journal of geographical science,* (76 期), pp. 頁 97-132.

Kuan, D.-W. (2016) 'Indigenous Peoples and National Land Planning: An Indigenous Ecological Perspective', *Taiwan indigenous peoples study,* (4), pp. 43-61.

Kuan, D.-W. (2017a) 'From apology, reconciliation to realization of justice: on the possibility of implementing the land rights of indigenous peoples through the national land plan', *Taiwan Indigenous Law Review,* 1(2), pp. 5-20.

Kuan, D.-W. (2017b) 'traditional territory: a key issue for the development of indigenous people', *Taiwan Indigenous Studies Review,* (22), pp. 45-76.

Kuan, D.-W. and Lin, Y.-R. (2008) 'What Tradition? Whose Territory?: A Critical Review to the Indigenous Traditional Territory Survey and the Translation of Spatial Knowledge in Marqwang Case, Taiwan', *Archaeology and Anthropology,* (69), pp. 109-141.

Lai, L. (2015) 'A Community-based Promoting Indigenous Tribes Tourism Industry of the Process and Outcome: Tribal Promoter's Perspective', *Social Policy & Social Work,* 19(1), pp. 45-90.

Lai, Z. (1997a) 'A Comparative Analysis of the Content and Attributes of the Comprehensive Land Planning Law (Draft)', (20), pp. 317-346.

Lai, Z. 'Discussion on land planning and sustainable management strategy—based on the concept of growth management', *Taiwan Sustainable Development Seminar*, Taipei: School of Law and Business, Chung Hsing University.

Lan, D. (1732) *Shui Sha Lian Travel*. Available at: http://nrch.culture.tw/twpedia.aspx?id=28892.

Lane, M. and Hibbard, M. (2005a) 'Doing it for themselves: transformative planning by indigenous peoples', *Journal of Planning Education and Research,* 25(2), pp. 172-184.

Lane, M. B. (2005) 'The role of planning in achieving indigenous land justice and community goals'.

Lane, M. B. and Hibbard, M. (2005b) 'Doing it for themselves - Transformative planning by indigenous peoples', *Journal of Planning Education and Research,* 25(2), pp. 172-184.

Lane, M. B. and Williams, L. J. (2008) 'Color blind - Indigenous peoples and regional environmental management', *Journal of Planning Education and Research,* 28(1), pp. 38-49.

Lau, U. and Seedat, M. (2015) 'The Community Story, Relationality and Process: Bridging Tools for Researching Local Knowledge in a Peri-urban Township', *J. Community Appl. Soc. Psychol.,* 25, pp. 369-383.

Lee, Yi-Yuan, Shi, L., Chu, H.-Y., Shiao, S.-H. and Yu, G.-H. (1983) 'The Evaluation Report o f the Indigenous Policy'.

Lee, E. (2016) 'Protected areas, country and value: The nature-culture tyranny of the IUCN's protected area guidelines for indigenous Australians', *Antipode,* 48(2), pp. 355-374.

Lee, Y.-J., Lan, I.-C. and Juang, H.-H. (2005) 'Global Shifts, Developmental State and the Town-Rural Planning Revisited in Taiwan - A gGeographic Enquiry and Governance Crisis for the Adaptation of Urban Entrepreneurialism', *Journal of geographical science,* 40, pp. pp.69-97.

LeGendre, C. (1874) *Is Aboriginal Formosa A Part Of The Chinese Empire?* (Accessed: 24 April 2017).

Li, G.-Z. (2016) 'How many trees were cut down during the great logging era in Taiwan?', *Gen-Zheng Li*. Available at: https://leekc-95kh.blogspot.com/2016/07/blog-post.html 2017].

Li, J. (2003) 'A brief discussion on the Constitutional Rights of Indigneous Peoples - some preliminary thoughts', *Taiwan Law Journal,* (47), pp. 115-125.

Li, K.-M. (1981) 'Review and protespect of Taiwan's pineaplle business', *Bankd of Taiwan Quarterly,* 32(1), pp. 233-261.

Li, P. J.-k. (2010) 'The treasure of Taiwan: The great diversity of Formosan languages', *Science Monthly,* 481, pp. 70-75.

Li, W. (2001) *The Mountain Forest of the Empire: A Study on the History of Taiwan's Mountain Forest Policy during the Japanese Occupation.* Doctoral Dissertation, National Taiwan University, Taipei.

Li, W.-L. (1997) 'The Undertaking of Arranging Forest-lands and the Conformation of land Ownership in Eastern Taiwan (1910-1925)', *East Taiwan Study,* 2, pp. 169-195.

Li, Y. (1957) 'Thao 's economic life', *Journal of Archaeology and Anthropology,* 9/10, pp. 52-99.

Li, Y. (1983) *Research and Evaluation Report on Mountain Administrative Policy*, Taipei: Civil Affairs Department.

Liang, W. (2000) *The changes in the land distribution system of aborigines and national laws of Taiwan.* Master, National Taiwan University.

Liang, Y.-w. (2003) 'A Study on Taiwan's Post-War .Political-Economical Transformation and National Land Development'.
Liao, L. and Huang, J. (2009) 'The Change of Han People's Traditional Tomb-Building Techniques and Cultural Significance in Taiwan', *Journal of Culture Resources,* (5).
Liao, S. (1984a) *Atayal Culture: tribal migration and expansion.* Taipei: Shih Hsin University.
Liao, W. (1984b) *Discussion in social and economic structural changes of Taiwanese mountain aborigines.* Master, National Taiwan University.
Liao, Y. (1981) *The economic impact of the Transfer of the mountain reserves ownership for mountain aborigines*, Nantou: Department of Agriculture and Forestry of Taiwan Provinc.
Liao, Y.-H. and Chu, W.-W. (2015) 'A Middle-of-the-Road Land Reform: How Taiwan Implemented "Land-to-the-Tillers" Program', *Taiwan: A Radical Quarterly in Social Studies,* (98), pp. 69-145.
Lin, D.-w. K. Y.-r. (2008) 'What Tradition? Whose Territory?: A Critical Review to the Indigenous Traditional Territory Survey and the Translation of Spatial Knowledge in Marqwang Case, Taiwan', *考古人類學刊,* (69 期), pp. 頁 109-141.
Lin, J. (2016) *'xin zhi diming' Katratipulr tribal history.* Taitung: Taitung County Indigenous People Cultural Development Association.
Lin, J. L. (1996) *Discuss the Taiwanese aborigines' land ruling policy and decree.* Master, National Taiwan University, Taipei.
Lin, Q. (1997a) *Evolution in Property Rights of Taiwanese Aboriginal Land 1624-1945.* PhD, Soochow University.
Lin, Q.-M. (2001) 'The Evolution and Influence of Aboriginal Land Policies in Different Periods in Taiwan', *Journal of Taiwan Land Research,* 2, pp. 23-40.
Lin, S. (1995a) *land developement and settlement development in th emiddle section of Huadong rift valley (1800-1945).* Master, National Taiwan Normal University.
Lin, S. (1999) 'Government Organizations and the Political Space of Indigenous Peoples', *Shanhai Culture Bimonthly,* (20), pp. 16-38.
Lin, S. (2000) *THe Constitutional Significiance of the First Naitons - Taiwan Indigenous Movement.* Taipei: Avanguard.
Lin, S.-C. (1995b) 'The contents and the value of historical data of the domiciliary register during Japanese ruling period : Yu-Li and Chin-Shang as examples', *geogerphical research,* (23).

Lin, S.-Q. (1995c) *Land development and settlement development in the Middle section of East rift valley.* Master, National Taiwan Normal University, Taipei.
Lin, S.-U. (2004) 'The Educational Concept and Fulfillment of kaTipuL Palakuwan', *East Taiwan Study,* 9, pp. 143-180.
Lin, S.-Y. (2007) *De-/Reconstructing the Land Policies for Indigenous Peoples in Taiwan.* PhD, National Taiwan University, Taipei.
Lin, W. (2011) "Deed owner, land owner?' Land Property Rights and Litigation Culture in Qing Taiwan', *Taiwan Historical Research,* 18(2), pp. 1-52.
Lin, W. (2014) 'Opening Up the Mountains and Pacifying Aboriginal Peoples in Late Qing Taiwan: A New Study-Plus an Analysis of Continuity and Change in 19th Century Taiwanese History', *Sinology Studies,* 32(2), pp. 139-174.
Lin, X. (1998) *The Local Society and the State under the Camphor Industry ——A Case Study of Nanzhuang Area.* Master, National Taiwan University, Taipei.
Lin, Y. (1969) 'Tiawnese aborigines' argiculture', *Bank of Taiwan quarterly publication,* 20(4).
Lin, Y. (1971) 'Taiwanese aborigines' economic structure', *Bank of Taiwan quarterly publication,* 22(2).
Lin, Y. (2015) 'The ecological wisdom of Atayal migration and distribution', *Hsinchu Litrature,* (60), pp. 44-51.
Lin, Y.-J. (1997b) 'Land Investigation and the Pattern of Land Ownership in Eastern Taiwan during the Late Ching Rule', *East Taiwan Study,* 2, pp. 131-168.
Lin, Y.-R. (2006) 'Cultural Construction of Natures: Contesting "Forest" Metaphors of Proposed Maqaw National Park', (37 期), pp. 頁 7-23.
Liu, C. (1997) *Taiwan aboriginal cutlure and art.* Lionart.
Liu, H., Chen, R. and Li, Y. (2001) *Am I Pingpu people DIY.* Indigenous Peoples Cultural Foundation.
Liu, J.-W. (1951) *History of Taiwn sun moon lake.* 出版者不詳.
Liu, Z. (1962) *Nantou County chronicles - development chapter*.
Liu, Z. (1992) 'Zou Kan Fan Di Shu', in *Taiwan Puli Local Chronicles*. pp. 61-93 [Online]. Version. Available at: https://tm.ncl.edu.tw/article?u=006_001_0000304885.
Liu, Z. (2019) *History of Taiwan's Sun Moon Lake.*
Lloyd, K., Wright, S., Suchet-Pearson, S., Burarrwanga, L. and Country, B. (2012) 'Reframing Development through Collaboration: towards a relational ontology of

connection in Bawaka, North East Arnhem Land', *Third World Quarterly,* 33(6), pp. 1075-1094.

Louis, R. P. (2007) 'Can You Hear us Now? Voices from the Margin: Using Indigenous Methodologies in Geographic Research', *Geographical Research,* 45, pp. 130–139.

Low, N. (1999) *Global ethics and environment / edited by Nicholas Low.* London ; New York : Routledge, 1999.

Low, N. and Sturup, S. (2017) 'Being and planning, world formation and authenticity in Heideggerian analysis', *Planning Theory,* 17(7), pp. 313-331.

Lu, D.-J., Council of Agriculture Executive Yuan, School of Forestry, R.C., Natioinal Taiwan University (2005) *Applying Community Participation and Common Property in Wildlife Resources Management*.

Lu, D.-J., Chen, L.-L., Taiban, S., Chueh, H.-C., Pei, K. J.-C., Wang, C.-F. and Tsai, B.-W. (2010) 'The Challenges and Opportunities to Implement Co-managed Mechanism of Natural Protected Area in Taiwan', *Taiwan indigenous peoples study,* 3(2).

Lu, D.-J., Wu, W.-C., Pei, J.-C. and Taiban, S. (2006) 'Establishment of the Links Among Community-based Conservation, Indigenous Hunting and Wildlife Management', *geographical science,* (46), pp. 1-29.

Luo, D. (1983) *Taitung County History II.* Taipei: Cheng Wen Publishing.

Luo, Y. (2012) 'On the Types of Disputes on Aboriginal Reservations and the Civilian Understanding of Judicial Resolutions: An Example from Truku Region', *Cultural Studies Quarterly,* (132), pp. 88-101.

Magazine, C. (1994) *Introspect Taiwan.* CommonWealth Magazine.

Manuel, G. (2019) *The Fourth World : an Indian reality / George Manuel and Michael Posluns ; foreword by Vine Deloria, Jr. ; introduction by Glen Sean Coulthard ; afterword by Doreen Manuel.* Minneapolis, Minnesota ; London : University of Minnesota Press, 2019.

Manuel, G. and Posluns, M. (2019) *The Fourth World : an Indian reality.* Minneapolis, Minnesota ; London : University of Minnesota Press, 2019.

Mao, G. (1997) 'Discussion on the process and utilisation of aboriginal conserved land in Taiwan', *Land Economics Annual Publication,* 3.

MAO, G.-G. (1998) 'Planning for indigenous people's reserved land of resource allocation and development utilization in taiwan'.

Mao, L., Jian, S. and Bai, H. (1999) *Everyone comes to write village history: public participattory community history village establishment project - sunmoon village*: Cultural Construction Committee of the Executive Yuan.

Masami, K. (2014) *Zonglizhan yu Taiwan: Riben zhimindi de bengkui [Total war and Taiwan: the collapse of the Japanese colony]* Translated by: Lin, S. Taipei: NTU.

Matunga, H. (2013) 'Theorizing Indigneous Planning', in Walker, R., Jojola, T. and Natcher, D. (eds.) *Reclaiming Indigenous Planning*. Montreal & Kingston • London • Ithaca: McGill-Queen's University Press, pp. 3-32.

Matunga, H. (2017) 'A Revolutionary Pedagogy of/for Indigenous Planning', *Planning Theory & Practice,* 18(4), pp. 640-644.

Meng, X.-H. (1988) *Reclamation and Development of Eastern Taiwan 1874-1945.* Master, Naitonal Tawian Normal University, Taipei.

Mertens, D. M. (2007) 'Transformative Paradigm : Mixed Methods and Social Justice', *ournal of Mixed Methods Research,* 1.

MG, S. (2006) 'The possibility of difference: Rethinking co-management', *Human Organization,* (65), pp. 168-180.

Michael Hibbard, M. B. L. a. K. R. (2008) 'The Split Personality of Planning Indigenous Peoples and Planning for Land and Resource Management', *Journal of Planning Literature,* 23(2), pp. 136-151.

Mignolo, W. D. (2010) 'Epistemic Disobedience, Independent Thought and Decolonial Freedom', *Theory, Culture & Society,* 26(7-8), pp. 159-181.

Mika, C. T. H. (2015) 'The Thing's Revelation: Some Thoughts on Māori Philosophical Research', *Waikato Journal of Education,* (20), pp. 55-62.

Millette, D. (2011) 'Land Use Planning on Aboriginal Lands - Towards a New Model for Planning on Reserve Lands', *Canadian Journal of Urban Research,* 20(2), pp. 20-35.

Millum, J., Mamotte, N., Koen, J., Essack, Z. and Jimenez-Santos, E. (2008) *Ethics of Research Involving Indigenous Peoples and Vulnerable Populations*, AucklandISBN 92-9226-032-4).

Miraftab, F. (2009) 'INSURGENT PLANNING: SITUATING RADICAL PLANNING IN THE GLOBAL SOUTH', *Planning Theory,* 8(1), pp. 32-50.

Mona, A. (2009) 'Climate change, ecological sustainability and the social and cultural development of indigenous people: reflections on the Morakot typhoon disaster', *Taiwan indigenous peoples study,* (6), pp. 27-54.

Mona, A., Huang, J. and Wang, H. (2017) *Editing and analysis of improtant judgments of indigenous peoples in Taiwan*: Council of Indigenous Peoples. Available at: https://www.apc.gov.tw/portal/docList.html?CID=4050D00B1C77EF47.

Moreton-Robinson, A. (2015) *The White Possessive: Property, Power, and Indigenous Sovereignty.* Minneapolis, MN; London: University of Minnesota Press.

Morris, R. C., Spivak, G. C., ProQuest and ProQuest, C. S. A. (2010) *Can the subaltern speak? [electronic resource] : reflections on the history of an idea / edited by Rosalind C. Morris.* New York: New York : Columbia University Press.

Morrison, T. H., Lane, M. B. and Hibbard, M. (2015) 'Planning, governance and rural futures in Australia and the USA: revisiting the case for rural regional planning', *Environmental Planning and Management,* 58(9), pp. 1601-1616.

Mouffe, C. (1999) 'Deliberative democracy or agonistic pluralism?', *Social Research,* 66(3), pp. 745–58.

Mouffe, C. (2005) *On the Political: Thinking in Action.* London: Routledge.

Murton, B. (2012) 'Being in the place world: toward a Ma ̄ori ‘ ‘geographical self’', *Cultural Geography,* 29(1), pp. 87-104.

Muyard, F. (2015) 'Comparativism and Taiwan studies: Analyzing Taiwan in/out of context, or Taiwan as an East Asian New World society', in Liao, S.-m.S.a.P.-h. (ed.) *Comparatizing Taiwan*. London AND NEW YORK: Routledge.

Nadasdy, P. (2003) *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon.* Vancouver: University of British Columbia Press.

Nadasdy, P. (2007) 'The Gift in the Animal: The Ontology of Hunting and Human-animal Sociality', *AMERICAN ETHNOLOGIST,* 34(1), pp. 25-43.

NAKAMURA, N. (2010) 'Indigenous Methodologies: Suggestions for Junior Researchers', *Geographical Research,* 48, pp. 97-103.

Nakamura, T. (2002) *The History of Taiwan in the Dutch Age, Volume 2 Society and Culture.* Translated by: Micha Wu, J.W.

Nash, C. (2002) 'Cultural geography: postcolonial cultural geographies', *Progress in Human Geography,* 26(2), pp. 219-230.

Nenozō Utsurikawa, N. M., Mabuchi Tōichi (2011(1935)) *The Formosan Native Tribes: A Genealogical and Classificatory Study.* Translated by: Yang, N. Taipei: Institute of Ethnology, Taihoku Imperial University.

Nietschmann, B. (1994) 'The Fourth World: Nations versus states', in Wood, G.J.D.a.W.B. (ed.) *Reordering the world: Geopolitical perspectives on the twenty-first century*. Boulder, Colorado: Westview Press, pp. 225-242.

Nogan, H. (2012) *The institutional exploitation and the transitions in the indigenous economical societies:The case study of mining activities of the Atayal rgayung tribe in Nan-Ao county.* Master, Fo Guang University.

Norman, F. (2003) *Analyzing Discourse: Textual Analysis for Social Research.* London: Routledge.

Noxolo, P. (2017a) 'Decolonial theory in a time of the re-colonisation of UK research', *Transactions - Institute of British Geographers (1965),* 42(3), pp. 342-344.

Noxolo, P. (2017b) 'Introduction: Decolonising geographical knowledge in a colonised and re-colonising postcolonial world', *Area (London 1969),* 49(3), pp. 317-319.

Office, E. L. D. (1961) *Development and Survey Planning Report on River Commons in Eastern Taiwan*.

Office, T. G.-G. (1943) 'Taiwan Government forty-fifth statistics book'.

Office, T. G. C. S. (2000(1919)) 'An investigation report on Indgineous customs : Amis and Puyuma', 2.

Pan, L. (1965) *Retrospect and Prospect of Land Reform in Taiwan.*

Pan, Y. (1996) *History of the Pingpu in Taiwan.* SMC Publishing.

Pan, Y. and Zhan, S. (1995) *Pingpu Research Papers.* Taipei: Institute of Taiwan History, Academia Sinica.

Patrick, L. (2017) 'Indigenist Planning', *Planning Theory & Practice,* 18(4), pp. 647-650.

Paul, P. (1996) 'Sovereignty, Law, and Difference in Australia: After the Mabo Case', *Alternatives: global, local, political,* 21(2), pp. 149-170.

Pei, J. (2010) 'Hunting knowledge and cutlrue of Rukai - the value of traditnoal ecological knowledge', *Taiwan indigenous peoples study,* (8), pp. 67-84.

Peoples, C. o. I. (2009) *2009 Results on the land surveys of traditional territory of indigenous peoples.* Taipei.

Pickering, K. (2004) 'Decolonizing Time Regimes: Lakota Conceptions of Work, Economy, and Society', *American Anthropologist,* 106(1), pp. 85-97.

Pløger, J. (2004) 'Strife: Urban planning and agonism', *Planning Theory,* 3(1), pp. 71-92.

Poicon, Y. (2005) *What is Inherent Rifht of Indigenous People*: Council of Indigenous Peoples.

Poiconu, Y. (2007) 'The United Nations Declaration on the Rights of Indigenous Peoples and the Protection of the Rights of Indigneous Peoples in Taiwan', *Taiwan indigenous peoples study,* (2), pp. 141-169.

Porter, J. B. a. L. (2012) 'Indigenous recognition in state- based planning systems: Understanding textual mediation in the contact zone', *Planning Theory,* 11(2), pp. 170-188.

Porter, L. (2004) 'Unlearning one's privilege: reflections on cross- cultural research with indigenous peoples in South-East Australia', *Planning Theory & Practice,* 5(1), pp. 104-109.

Porter, L. (2006) 'Planning in (post)colonial settings: challenges for theory and practice', *Planning Theory and Practice,* 7(4), pp. 383-396.

Porter, L. (2007) 'Planning in (post) colonial settings: Challenges for theory and practice', *Planning Theory and Practice,* 7(4), pp. 383-396.

Porter, L. (2010) *Unlearning the colonial cultures of planning.*

Porter, L. (2011) 'Informality, the Commons and the Paradoxes for Planning: Concepts and Debates for Informality and Planning', *Planning Theory & Practice,* 12(1), pp. 115-120.

Porter, L. (2013) 'Coexistence in cities: the challenge of indigenous urban planning', in Ryan Walker, T.J., and David Natcher (ed.) *Reclaiming indigenous planning*: McGill-Queen’s University Press.

Porter, L. (2014) 'Possessory politics and the conceit of procedure: Exposing the cost of rights under conditions of dispossession', *Planning Theory,* 13(4), pp. 387-406.

Porter, L. (2017a) 'Indigenous Planning: from Principles to Practice', *Planning Theory & Practice,* 18(4), pp. 639-640.

Porter, L. (2017b) 'What is the Work of Non-Indigenous People in the Service of a Decolonizing Agenda?', *Planning Theory & Practice,* 18(4), pp. 650-653.

Province, S. O. o. t. C. E. o. T. (1946) *Statistics Summary of Taiwan Province in the Past Fifty Years*.

Prusak, S. Y., Walker, R. and Innes, R. (2015) 'Toward Indigenous Planning? First Nation Community Planning in Saskatchewan, Canada', *Journal of Planning Education and Research,* 36(4), pp. 440-450.

Pu, Z. (2012) 'Transformation of the publicity of rivers: Humanistic reflection on the governance of the upper reaches of Zeng Wenxi', *Taiwan Indigenous Studies Review,* (12), pp. 93-128.

Pu, Z. (2017) 'The hunting ground is a man's body-a study on the traditional hunting and fishing culture of the Tsou', *Taiwan Indigenous Studies Review,* (21), pp. 1-42.

Quack, A. (1981) *Das Wort der Alten: Erzahlungen zur Geschichte der Puyuma von Katipol Taiwan (The Words of the Old Man: Legends in the History of the Development of the Puyuma Clan in Zhiben).* Translated by: Hong, S. Taipei: Academia Sincia special room of the Institute of Ethnology.

Radcliffe, S. A. (2017a) 'Decolonising geographical knowledges', *Transactions - Institute of British Geographers (1965),* 42(3), pp. 329-333.

Radcliffe, S. A. (2017b) 'Geography and indigeneity I: Indigeneity, coloniality and knowledge.', *Progress in Human Geography,* 41(2), pp. 220-229.

Radcliffe, S. A. (2017c) 'Geography and indigeneity II: Critical geographies of indigenous bodily politics', *Progress in Human Geography,* 42(3), pp. 436-445.

Radcliffe, S. A. (2019) 'Geography and indigeneity III: Co-articulation of colonialism and capitalism in indigeneity's economies', *Progress in Human Geography,* 44(2), pp. 374-388.

Raffles, H. (2002) 'Intimate knowledge', *International Social Science Journal,* 54(173), pp. 325-335.

Ramón, G. (2007) 'THE EPISTEMIC DECOLONIAL TURN : Beyond political-economy paradigms', *Cultural Studies,* 21(2-3), pp. 221-223.

Rannila, P. and Loivaranta, T. (2014) 'Planning as Dramaturgy: Agonistic Approaches to Spatial Enactment', *INTERNATIONAL JOURNAL OF URBAN AND REGIONAL RESEARCH,* 39(4), pp. 788-806.

Rawls, J. 1971. A theory of justice [electronic resource]. Cambridge, MA: Belknap Press of Harvard University Press.

Renfrew, C. (2009) 'Where Bacteria and Languages Concur', *Science,* 323(5913), pp. 467-468.

Richmond, L. (2013) 'Incorporating indigenous rights and environmental justice into fishery management: Comparing policy challenges and potentials from Alaska and Hawaii', *Environmental Management,* 52(5), pp. 1071-1084.

Rifkin, J. (1991) *Biosphere Politics: A New Consciousness for a New Century.* New York: Crown Publishers.

Rodrik, D. G., Gene; Norman, Victor (1995) 'Getting Interventions Right: How South Korea and Taiwan Grew Rich', *Economic Policy,* 10(20), pp. 55-107.

Rose, D. B. and Commission, A. H. (1996) *Nourishing Terrains: Australian Aboriginal Views of Landscape and Wilderness.* Australian Heritage Commission.

Ross, A., Sherman, K. P., Snodgrass, J., Delcore, H. D. and Sherman, R. (2011) *Indigenous Peoples and the Collaborative Stewardship of Nature: Knowledge Binds and Institutional Conflicts.* ResearchGate.

Ross, H., Grant, C., Robinson, C. J., Izurieta, A., Smyth, D. and Rist, P. (2012) 'Co-management and Indigenous protected areas in Australia: Achievements and ways forward'.

ROSTOW, W. W. (1959) 'THE STAGES OF ECONOMIC GROWTH', *The Economic History Review, New Series,* 12(1), pp. 1-16.

Ruan, C. (1964) 'Agriculture of the Atayal in Nan-ao', *Journal of the Institute of Ethnology,* 17, pp. 123-200.

Ryser, R. C. (1996) *Fourth World geopolitics, coexistence and the new international political order.* Union Institute.

Said, E. W. (2014) *Orientalism / Edward W. Said.* 25th anniversary edition. with a new preface by the author. edn.: New York : Knopf Doubleday Publishing Group, 2014.

Sandercock, L. (1998a) *Making the Invisible Visible: A Multicultural Planning History. : University of California Press.* Berkeley: University of California Press.

Sandercock, L. 1998b. Towards cosmopolis : planning for multicultural cities / Leonie Sandercock ; images by Peter Lysiottis. Chichester: John Wiley.

Sandercock, L. 2003. Cosmopolis II : mongrel cities in the 21st century / Leonie Sandercock ; images by Peter Lyssiotis. London ; New York: Continuum.

Sandercock, L. (2004) 'Commentary: indigenous planning and the burden of colonialism', *Planning Theory & Practice,* 5(1), pp. 118-124.

Sandercock, L. and Attili, G. (2013) 'The Past as Present: Film as a Community Planning Intervention in Native/Non-Native Relations in British Columbia, Canada', in Ryan Walker, T.J., and David Natcher (ed.) *Reclaiming Indigenous planning*: McGill-Queen’s University Press.

Sandercock, L. and Kliger, B. (1998) 'MULTICULTURALISM AND THE PLANNING SYSTEM: Part Two', *Australian Planner,* 35(4), pp. 223-227.

Santos, B. S. (2016(2014)) *Epistemologies of the South - Justice against Epistemicide* London, New York: Routledge. Available at: http://unescochair-cbrsr.org/pdf/resource/Epistemologies_of_the_South.pdf.

Schröder, D. and Quack, A. (2009) *The ceremony of head hunting of Katripular Puyuma : a document.* Translated by: Ethnology, A.S.s.I.o. Taipei: Academia Sinica's Institute of Ethnology.

Semali, L. and Kincheloe, J. L. (1999) *What is indigenous knowledge? : voices from the academy / edited by Ladislaus M. Semali, Joe L. Kincheloe.* New York : Falmer Press, 1999.

Sen, A. K. (2000) *Development as Freedom.*

Seton, K. (1999) *Fourth World Nations in the Era of Globalisation: An Introduction to Contemporary theorizing Posed by Indigenous Nations*: CWIS. Available at: https://nointervention.com/archive/pubs/CWIS/fworld.html (Accessed: 6.12 2019).

Shapcott, C. (1989) 'ENVIRONMENTAL IMPACT ASSESSMENT AND RESOURCE MANAGEMENT, A HAIDA CASE STUDY: IMPLICATIONS FOR NATIVE PEOPLE OF THE NORTH', *Canadian Journal of Native Studies,* 9(1), pp. 55-83.

Shaw, W. S., Herman, R. D. K. and Dobbs, G. R. (2006) 'ENCOUNTERING INDIGENEITY: RE- IMAGINING AND DECOLONIZING GEOGRAPHY', *Geografiska Annaler: Series B, Human Geography,* 88(3), pp. 267-276.

Shen, B. (1892) *Fujian Taiwan Memorial to the throne*. Available at: https://ctext.org/zh (Accessed: 26 April 2017).

Shen, Z. (1993) *The Netherworld World View among Song Dynasty Folks.* Shinning Culture Publishing Co.

Shepherd, J. R. (1993) *Statecraft and political economy on the Taiwan frontier, 1600-1800 [electronic resource] / John Robert Shepherd.* Stanford, Calif.: Stanford, Calif. : Stanford University Press.

Shi, T. (1990) 'Causes of ‘aborgines do not understand farming’ in Taiwan in the Qing Dynasty : example in Shinchu county area', *Bulletin of the Institute of Ethnology Academia Sinica,* 69, pp. 67-92.

Shi, T.-F. 'Tripical cutivation and regional development in Eastern Taiwan during the Japanese occupation period', *A hundred years review and symposium in Taiwan history study*, Taipei: Institute of Taiwan history, Academia Sinica, 7-9.

Shi, T.-F. (2001a) *County History Event.* Taitung: Taitung County Governemnt Cultural Bureau.

Shi, Z. (2001b) 'Indigenous People's Autonomy and the Future of Taiwan', in Shikai Xu, Z.S., Buxing Dali (ed.) *Human Rights and Autonomy of Indigenous Peoples*.

Shi, Z. (2016) 'When the Territorial Law Encounters Indigenous Rights', *Taiwan Indigenous Studies Association,* 6(4), pp. 181-206.

Shih, C.-F. (2000) 'Taiwan's Laws and Indigenous People—The Efforts of the Broad Aboriginal Movement', *Taiwanese national identity*. Taipei: Avanguard.

Shih, S. (2004) *The impact of tradition sacrifice spatial for Urban Land Readjustment to Thao tribe in Sun Moon Lake.* Master, Tamkang University.

Shirong, X. 'A political and economic analysis of the land loss of the aborigines of Taiwan in history', *Aboriginal Land and Culture*: Chinese Institute of Land and Economic.

Shizeu, F. (1997) *Lifan: Riben Zhili Taiwan de jice [Savage Administration: plans for the Japanese Administration of Taiwan].* Taipei: Wenyingtang.

Shizue, F. 'Taiwan Aboriginal Land Policy', *The Rights of the Indigenous Peoples*, Taipei. Taipei: NTU College of Law, 34-43.

Sletto, B. (2009) '"Indigenous people don't have boundaries': reborderings, fire management, and productions of authenticities in indigenous landscapes', *cultural geographies,* (16), pp. 253-277.

Smith, A. (2004) 'A Maori Sense of Place? - Taranaki Waiata Tangi and Feelings for Place', *New Zealand Geographer,* 60(1), pp. 12-17.

Smith, D. E. (1999a) *Writing the soical: critique, theory, and investigations.* Toronto: University of Toronto Press.

Smith, D. E. (2005) *Institutional Ethnography: A Sociology for People.* Lanham, MD: AltaMira Press.

Smith, L. T. 1999b. Decolonizing methodologies : research and indigenous peoples / Linda Tuhiwai Smith. London: Zed.

Smith, L. T. (2012) *Decolonizing methodologies : research and indigenous peoples / Linda Tuhiwai Smith.* Second edition. edn.: London, England ; New York, New York : Zed Books, 2012.

Smith, L. T. (2012[1999]) *Decolonizing methodologies : research and indigenous peoples / Linda Tuhiwai Smith.* Second edition. edn.: London, England ; New York, New York : Zed Books, 2012.

Song, L.-S. (1965) 'the ‘palaqwan system’ of Nanwang village of Puyuma', *Journal of Archaeology and Anthropology,* 25/26.
Song, L.-S. (1998) *History of the Puyuma.* National History Museum Taiwna Archives.
Spicer, E. H. (1992) 'The nations of a state', *Boundary 2,* 19(3), pp. 26-48.
Spivak, G. C. (1985) 'Subaltern Studies: deconstructing historiography', in Spivak, R.G.a.G.C. (ed.) *Subaltern Studies IV: Writings on South Asian History and Society*: Oxford University Press, New Delhi., pp. 330-363.
Stanger-Ross, J. (2008) 'Municipal Colonialism in Vancouver: City Planning and the Conflict over Indian Reserves, 1928–1950s', *The Canadian Historical Review,* 89(4), pp. 541-580.
Steinhauer, E. (2002) 'Thoughts on an Indigenous Research Methodology', *Canadian Journal of Native Education,* 26(2), pp. 69-81.
Stewart-Harawira, M. (2005) *The New Imperial Order: Indigenous Responses to Globalization.* Wellington: Huia Publishers.
Stewart-Harawira, M. (2012) 'Returning the Sacred: Indigenous Ontologies in Perilous Times', in L. Williams, R.R.A.M. (ed.) *Radical Human Ecology: Intercultural and Indigenous Approaches*. UK: Ashgate, pp. 73-88.
Struve, L. A. (1998) *The Southern Ming, 1644–1662.* Cambridge University Press.
Su, S.-b. (2002) *The Birth of Modern Urban Space in Taipei.* PhD, National Taiwan University, Taipei.
Suchet, S. (2002) "Totally Wild"? Colonising discourses, indigenous knowledges and managing wildlife', *Australian Geographer,* 33(2), pp. 141-157.
Sun, T.-C. (2008) 'From “Savages” to “Han Chinese”:An Literature Review of Interinfluence of Indigenous Language and Chinese Language', *Taiwan Journal of Indigenous Studies,* 1(4), pp. 175-196.
Sun, Y. (1988) 'Taiwan’s Regional Space Policy', *Taiwan: A Radical Quarterly in Social Studies,* 1(2/3), pp. 33-96.
Sundberg, J. (2013) 'Decolonizing posthumanist geographies', *cultural geographies,* 21(1), pp. 33-47.
Sung, S.-C. (2011) 'Why Do We Need Money? A Case Study on Capitalization of a Tayal Community'.
Sweet, E. L. and Chakars, M. (2010) 'Identity, Culture, Land, and Language: Stories of Insurgent Planning in the Republic of Buryatia, Russia', *Journal of Planning Education and Research,* 30(2), pp. 198-209.

Tadao, Y. (2014) *Riben Diguo zhuyi xia zhi Taiwan [Taiwan under Japanese imperialism].* Translated by: Lin, M.

Tadasu, M. (2018) *'Fan land' rule and 'mountain land' administration: the loclisation of Tawian's Aboriginal Society.* Translated by: Junyu, Z.: National Taiwan University.

Tai, Z. (2002a) *Aboriginal people of Taiwan: Puyuma.* Taipei: Taiyuan.

Tai, Z.-y. (2002b) *Aboriginal people of Taiwan: Puyuma.* Taipei: Taiyuan.

TAIBAN, S. (1987) 'from consciousness to resistance: the practical significance of national movement after political reform', *indigenous people - the cry of the oppressed*. Taipei: Taiwan Indigenous Peoples Rights Promotion Association.

Tang, L. *A mpa of the eatern gold inning route during the Dutch period*. Available at: https://thcts.sinica.edu.tw/themes/ra06.php (Accessed: April 1 2018).

Tang, M. (1996[1958]) 'The Religion of the Thao in Sun Moon Lake', in Chen, C. (ed.) *Sun Moon Lake Thao Investigation Report*, pp. 99-124.

Tauli-Corpuz, V. (1993) 'An indigenous peoples' perspective on environment and development', *IWGIA Newsletter,* (1), pp. 3-17.

Taylor, C. and Gutmann, A. (1994) *Multiculturalism : examining the politics of recognition / Charles Taylor ... [and others] ; edited and introduced by Amy Gutmann.* Princeton, N.J. : Princeton University Press, 1994.

Thomas, H. (1995) "Race', public policy and planning in Britain', *Planning Perspectives,* (10), pp. 123-148.

Thompson, L. G. (1964) 'The Earliest Chinese Eyewitness Accounts of the Formosan Aborigines', *Monumenta Serica,* 23(1), pp. 163-204.

Tian, Z. (2002) *Taiwan's Indigenous People: Thao.* Taipei: Taiyuan Press.

Todd, Z. (2014) 'Fish pluralities: Human–animal relations and sites of engagement in Paulatuuq, Arctic Canada', *Etudes/Inuit/Studies,* 38(1-2), pp. 217–238.

Todd, Z. (2016) 'An Indigenous Feminist's Take On TheOntological Turn: 'Ontology' Is Just AnotherWord For Colonialism', *Journal of Historical Sociology,* 29(1), pp. 4-22.

Tsai, B.-W. and Lo, Y.-C. (2013) 'The Spatial Knowledge of Indigenous People in Mountainous Environments: A Case Study of Three Taiwanese Indigenous Tribes', *Geographical Review,* 103(3), pp. 390-408.

Tsai, C. (2015) 'Tourism Development Beyond Indigenous Peoples in Eastern Taiwan', *Taiwan: A radical quarterly in social studies,* (98), pp. 219-237.

Tsai, Y.-Y. (2017) 'Becoming Thao', *Taiwanese Journal of Sociology,* (62), pp. 113-175.

Tully, J. (1995) *Strange Multiplicity: Constitutionalism in an Age of Diversity.* Cambridge: Cambridge University Press.

Tully, J. (2004) 'Recognition and dialogue: the emergence of a new field', *Critical Review of International Social and Political Philosophy,* 7(3), pp. 84-106.

Tully, J. (2012[2000]) 'The struggles of Indigenous peoples for and of freedom', in Tully, J. (ed.) *Public Philosophy in a New Key*: Cambridge University Press, pp. 257-288.

Turner, S. (2002) 'Texts and the institutions of municipal government: The power of texts in the public process of land development', *Cultures, Organizations and Societies,* 7(2), pp. 297-325.

Ugarte, M. (2014) 'Ethics, Discourse, or Rights? A Discussion about a Decolonizing Project in Planning', *Journal of Planning Literature,* 29(4), pp. 403-414.

Utsurikawa, N., Miyamoto, N. and Tōichi, M. (2011(1935)) *The Formosan Native Tribes: A Genealogical and Classificatory Study.* Translated by: Yang, N. Taipei: Institute of Ethnology, Taihoku Imperial University.

Vadjunec, J. M., Schmink, M. and Greiner, A. L. (2011) 'New Amazonian geographies: emerging identities and landscapes', *Cultural Geography,* 28(1), pp. 1-20.

Van Maanen, J. (1988) 'Tales of the Field: On Writing Ethnography'.

Viswanathan, L. (2017) 'Settler-Indigenous Relationships as Liminal Spaces in Planning Education and

Practice', *Planning Theory & Practice,* 18(4), pp. 644-647.

Wainwright, J. and Bryan, J. (2009) 'Cartography, territory, property: postcolonial reflections on indigenous counter-mapping in Nicaragua and Belize', *Cultural geographies,* (16), pp. 153-178.

Walby, K. (2013) 'Institutional ethnography and data analysis: making sense of data dialogues', *International Journal of Social Research Methodolog,* 16(2), pp. 141-154.

Walker, N. B. a. R. (2018) 'Indigenous planning and municipal governance: Lessons from the transformative frontier', *Canadian public administration,* 61(1), pp. 130-134.

Walker, P. O. (2004) 'Decolonizing conflict resolution: Addressing the ontological violence of west- ernization', *American Indian Quarterly,* 28, pp. 527-549.

Walker, R. (2017) 'Supporting Indigenous Planning in the City', *Planning Theory & Practice,* 18(4), pp. 653-656.

Walker, R., Moore, J. and Linklater, M. (2012) 'More than stakeholders, voices, and tables: Towards co-production of urban aboriginal policy in Manitoba'.

Walker, R. C. a. e. o. c., Jojola, T. S. a. e. o. c. and Natcher, D. C. a. e. o. c. (2013) *Reclaiming Indigenous planning.*

Wang, B. (2014) *'Bryophyllum pinnatum' : the theory and practice of community creation in Taiwan.*

Wang, H. (1995) *Research on the Funeral Space in Taiwan and Fujian.* Ministry of the Interior.

Wang, I.-s. (1980) 'Cultural Contact and the Migration of Taiwan's Aborigines: A historical perspective', in Knapp, R.G. (ed.) *China's Island Frontier: studies in the historical geography of Taiwan*. Honolulu: University Press of Hawaii.

Wang, L. *Ming Zheng till area distribution map*. Taipei: Academia Sinica Institute of Taiwan History. Available at: http://thcts.ascc.net/themes/rb01.php (Accessed: 27 April 2019).

Wang, L.-J. (2005) 'Economic Discourse in Cultural Policy: From Elite Culture to Cultural Economy', *Cultural Studies,* (1), pp. 169-195.

Wang, M. (1998) 'Space Strategies for Indigenous Peoples-Sharing and Shared Taiwan - An Inner Researcher's Thoughts on the Field of Indigenous Peoples', *Taiwan Aboriginal Culture and Education Development*. Taipei, pp. 205-245.

Wang, T. (2013) 'Taking Note of Indigenous Peoples' Laws in Legal Science and State Law', *National Chengchi University Law Review,* (124), pp. 1-46.

Wang, T., Yang, Z., Lin, J., Li, Y., Zheng, C. and Pan, M. (2003) *The Research on the Establishment of Aboriginal Courts in Taiwan*: Council of Indigenous Peoples.

Wang, T.-y. (2009) *Brief Accounts of the Island Barbarians.* Translated by: Ji, S.: Zhonghua Book Company.

Wang, Y. (1996) 'Taiwan's Land System and Land Policy before liberation', *Taiwan Economic History,* 10(Bank of Taiwan Economic Research Office).

Wang, Y. (2015) 'Aboriginal Preschool Education Passes Down Ethnic Traditions in an Innovative Way', *Yuan Jiao Jie*, pp. 12-19.

Wang, Y. (2018) 'Tribal Public Juristic Persons Derived from the Practical and Theoretical Development of Public Juristic Persons', *The Graduate Institute for Legal Sciences of NCKU,* (35), pp. 1-33.

Wang, Y.-t. (2002) *Worshiping 'gonma' - the ethnologicla significance of internarriage and heir in Thao faimly.* Master, National Chenchi University.

Wang, Y.-Z. (1764) *Reconstruction of Fengshan COunty Chronicles*: Chinese Text Project (Accessed: April 15 2018).

Watene, K. and Yap, M. (2015) 'Culture and sustainable development: indigenous contributions', *Global Ethics,* 11(1), pp. 51-55.

Watson, V. (2003) 'Conflicting rationalities: implications for planning theory and ethics', *Planning Theory & Practice,* 4(4), pp. 395-407.

Wei, H.-l. (1986) 'Tribal organisations and authoritative institutions of Taiwan's aboriginal Soceity', in Huang, Y.-k. (ed.) *A collection of research essays on the society and culture of the Taiwanese aborigines*. Taipei: Linking Publishing Company.

Wen, F. (1998) 'The Transformation of Landownership System in Taiwan', *Tunghai University Law Review,* (10), pp. 299-309.

Weng, J. (2000) ''Landdag', 'Pacht', and 'crown land' - notes on the study of Taiwan early history (1)', *Taiwan Literature,* 51(3).

Wensing, E. and Porter, L. (2015) 'Unsettling planning's paradigms: towards a just accommodation of Indigenous rights and interests in Australian urban planning?', *Australian Planner,* 53(2), pp. 91-102.

Widmer, R. J. (2010) 'The Rise, Fall, and Transformation of Native American Cultures in the Southeastern United States', *Reviews in Anthropology,* 39(2), pp. 108-126.

Wills Jr, J. E. (1999) 'The Seventeenth-Century Transformation: Taiwan under the Dutch and the Cheng Regime', in Rubinstein, M.A. (ed.) *Taiwan: A New History*. New York.

Wilmer, F. (1993) *The indigenous voice in world politics.* Newbury Park, California: Sage Publications, Inc.

Wilson, N. J. and Inkster, J. (2018) 'Respecting water: Indigenous water governance, ontologies, and the politics of kinship on the ground', *Environment and Planning E: Nature and Space,* 1(4), pp. 516-538.

Wilson, S. (2008) *Research is ceremony: Indigenous research methods.* Fernwood Publishing.

Wong, T.-h. (2017) 'Review of 'War and Higher Education in Taiwan 1945-1990'', *Taiwan Sociological Association,* 34, pp. 169-175.

Wu, J. (2014) 'A Preliminary Study on the Approaches of Taiwan Aborigines to Practice Autonomy and Development Rights in the National Land and Space Planning System', *Taiwan Indigenous Studies Review,* (15), pp. 55-73.

Wu, S. (2000) *A Study of The Changes of Taiwan Aborigines'Land Ownership Right Institution -- from Commonly Owned to Privately Owned since 1895.* PhD, National Chengchi University.

Wu, T. (1993) *Taiwan's agricualtural history: the history of the poineers in Taiwan.* Independence Evening Post.

Xanthaki, A. (2000) 'Collective rights: the case of indigenous peoples', *Amicus Curiae,* 25, pp. 7-11.

Xiao, Q. (1995) *Taiwan New Thinking: 'guo min zhu yi '.* Taipei: Eliete.

Xiao, S. and Xiao, H. (2003) 'What is a national park? ~Talking about the sustainable development policy reform from the dispute of Makao National Park', *Watch Taiwan,* 5(1), pp. 44-49.

Xie, Q. (1995) *A Historical Analysis of the Community Development Movement in Taiwan after the Second World War.* PhD, Natioinal Taiwan University, Taipei.

Xie, R. and Wu, H. (2017) 'Discuss the traditional knowledge and habits of indigneous peoples form the viewpoint of ecofeminism', *Humanities Journal of Taitung University,* 7(1), pp. 73-98.

Xie, S. (1987) 'The Establishment of the Theory of the Generation and Development of Indigenous Movements: A Preliminary Study of North America and Taiwan as Examples', *Bulletin of the Institute of Ethnology, Academia Sinica,* (64), pp. 139-177.

Xu, F.-Q. (1999) *Taiwan Folk Traditional Funeral Festival.*

Yan, A. (1997) 'Discussion on the managmenet issue and countermeasures of indigenous reserved land in Taiwan', *Symposium on Indigenous Land and Culture*, pp. 1-1-1-35.

Yan, A. (1998) *Reserach on the changes of the land system of the indigneous people in Taiwan - general chapter*, Taipei: The Concil of Indigneous People.

Yan, A. and Yang, G. (2004a) *Land tenure and economic development of the aborigine groups.* Taipei: Daoxiang.

Yan, A. and Yang, G. (2004b) *Yuanzhu minzu tudi zhidu yu jingji fazhan[Land tenure and economic development of the aborigine groups].* Taipei: Daoxiang.

Yan, Q. and Lei, S. (1993) *The origin of Taiwan's land registration system and the review of land registration i nthe early period of Recovery*: Ministry of Interior.

Yanaihara, T. (1987) *Taiwan under Japanese imperialism.* Translated by: Xianwen, Z. Taipei: Pamir Bookstroe.

Yang, M.-H. (2008) *Traditional Territories of Taiwanese Indigenous Peoples under New Partnership Agreement:A Research based on Taiwanese Indigenous People's Point of View.* Master, National Dong Hwa University.

Yang, M.-t. (2016) 'Going Back into a Future of Simplicity: Taiwan Aborigines' Sustainable Utilization of Natural Resources', in Slovic, C.-j.C.a.S. (ed.) *Ecocriticism in Taiwan: Identity, Environment and the Arts*. London: Lexington Books, pp. 3-15.

Yanow, D. (2007) 'Interpretation in policy analysis: On methods and practice', *Critical Policy Analysis,* 1(1), pp. 110-122.

Yao, Y. (1957) 'Puli She Jilue (Puli tribe record), Dongcha Jilue (Taiwan record)', *Taiwan Literture,* 7.

Yap, K.-H. (2013) 'The Impact of Collective Relocation Policy on Social Networks of Indigenous People: The Case of Nitaka Gun', 64(1), pp. 22.

Yap, K.-H. (2016) 'Divide and Rule: Divide and Rule: Social Networks and Collective Relocations of Bunun and Pan-Atayal Tribes, 1931~1945', *Taiwan Historical Research,* 23(4), pp. 123-172.

Yap, K.-h. (2017) 'From Mountains to Foothills: Social Networks and Collective Relocations of Paiwan and Rukai Tribes', *Taitung Historical Journal,* 24(1), pp. 125-170.

Ye, G. (2010) *Administrative regions of Taiwean 1684-1945*. Available at: https://mapstalk.blogspot.com/2010/02/1684-1945.html (Accessed: August 2016).

YE, R. (2017) *Colonisation and Aboriginal Land Tenure: Taiwan during the Qing Period (1684-1895) and the Japanese Period (1895-1945).* PhD, Victoria University, Wellington.

Yen, A. 'Review on the management problems and countermeasures of aboriginal conserved land in Taiwan', *Indigneous land and culture symposium*, Taipei: Chinese Land and Economic institute, 1-1~1-38.

Yiftachel, O. (1996) 'The internal frontier: territorial control and ethnic relations in Israel', *Reg. Studies,* (30), pp. 493-508.

Yiftachel, O. (1998) 'Planning and Social Control: Exploring the Dark Side', *Journal of planning Literature,* 12(4).

Yiftachel, O. and Fenster, T. (1997) 'Frontiers, planning and indigenous peoples - Introduction', *Progress in Planning,* 47, pp. 253-259.

Yiftachel, O., Fenster, T., Nel, E. L., Mini, S., Alexander, I., Fondahl, G. A. and Gotlieb, Y. (1997) *Progress in Planning. Progress in Plunning*, p. 251-336.

Yin, Z. (1989) *Research on the Development History of Taiwan.* Taipei: Linking Publishing.

Ying Li, P. D., Reports, N.P. (2002) *The construction of indigenous knowledge system : a case study of Puyuma*.

Ying-Kuei, H. (2001) 'History of Taitung County Bunun'.

You, M. (2013) 'The significance of internaitonal review of National Human Rights Reports', *new Century Think Tank Forum,* (61), pp. 100-103.

Young, I. M. 1990. Justice and the politics of difference / Iris Marion Young. Princeton, N.J.: Princeton University Press.

Young, I. M. (1995) 'Together in Difference: Transforming the Eogic of Group Political Conflict', in Kymlicka, W. (ed.) *The Rights ofMinority Cultures*. Oxford: OUR.

Yu, K.-H. (2002) *Basic Ideas of "Community Renaissance" in Taiwan:A Local Cultural Movement in Responding to The Trend of Globalization.* Master, Taipei National University of the Arts.

Yu, Y.-h. (1697a) *Small Sea Travel Diaries*. Available at: https://ctext.org/zh (Accessed: April 26 2016).

Yu, Y.-h. (1697b) *Small Sea Travel Diaries 裨海紀遊* (Accessed: April 26 2016).

Yuan, C.-j. 'Agriculture', *Material Culture of the Vataan Ami: A Report on the Material Life of a Taiwan Native Tribe*, Taipei: Institute of Ethnology, Academia Sinica.

Zeng, J. (1998) *Footsteps of the ancestor - oral historiy of boulder born branch of Puyuma.* Taichung: MoringStar.

Zeng, J. (2006) 'Half a century of encounters and dialogues. I look back and look forward to the 50 years of association and testimony of the tribe accompanied by the Zhiben Catholic Church.', *The 50th Anniversary of Zhiben Parish, Anniversary of the Immaculate Conception of the Catholic Diocese of Hualien*. Taitung: katrtipular cultural development assiciation.

Zeng, W. (2002) 'The evolution of Taiwan's family property system', *THOUGHT AND WORDS JOURNAL,* 40(1), pp. 249-327.

Zhang, C. (2003) *Survey and Research on the Land in the Traditional Field of Indigenous Peoples*: National Taiwan University Geographic Environment Resources.

ZHANG, D.-P. (2000) 'The invisible land- the history, exposition, and action of aboriginal Land Movement in the case of Truku anti-Asia Cement'.

Zhang, H. (1996a) *Implementation Results and Evaluation Report of "Taiwan Indigenous People's Social Development Program"*: Taiwan Provincial Administration of Indigenous Peoples.

Zhang, H. (1996b) *"Taiwan Indigenous Social Development Program" Implementation Results Evaluation Report*: Taiwan Provincial Administration of aborigines.

Zhang, P. (1992) 'Discussion the solution thory within ethnic groups in Taiwan', *Police Sciences,* 20, pp. 398-421.

Zhang, S. (1981) 'A Study of the Land Ownership Patterns of Taiwan Han People in the Qing Dynasty', *Tunghai Journal of History,* (4), pp. 53-114.

Zhang, Y. 'Commercialisaiton, colonisation, and globalisation of hot springs,' *Cross-Strait hot spring academic seminar*.

Zhao, C., Jian, G., Zheng, H., Li, Y., Li, H., Lin, J. and Lin, G. (2002) *Zhiben River Basin.* Taitung County Government.

Zhaoying Su, J. C. (1999) *The track of the Community Development.* Tapieo: Ministry of Culture of Taiwan.

Zheng, Q.-X. (1993) *Immigration and settlement in the Taitung Plain.* Master, National Taiwan Normal University, Taipei.

Zheng, Q.-X. (1995) *Immigration and Settlement in the Taitung Plain. East Taiwan Series No.3*: East Taiwan Research Association.

Zhong, W. (1998) *Research on Promoting the Development of Tourism in Aboriginal Areas*: Council of Indigneous Peoples.

Zhou, Z. (1962[1717]) *Gazetteer of Zhuluo County*. Available at: https://ctext.org.

Zhou, Z. (1997) 'Global Economic Development and the Changes of Land Planning and Development System-Taiwan and the United Kingdom as examples', *Thought and Words,* 35(3), pp. 139-189.