

Taiwan's Indigenized Constitution: What Place for Aboriginal Formosa?*

Scott Simon**

*Associate Professor, Department of Sociology University of Ottawa
Ottawa, Ontario, Canada*

Abstract

Since the beginning of President Chen Shui-bian's second term in 2004, there has been great controversy about plans to rewrite or revise the national constitution and what that new constitution should include. Although it is largely seen as a declaration of Taiwanese sovereignty, one important area of constitutional reform concerns human rights for the over 400,000 Aboriginal people of Austronesian descent on the island and their communities. In the summer of 2004, a series of public consultations were held at the Indigenous Peoples Council in Taipei to debate how indigenous rights should be incorporated into the new constitution. After a long process of debate in Taiwan as well as studies of similar cases in Canada, Latin America, New Zealand and elsewhere, a series of clauses on indigenous rights were drafted and submitted for deliberation at higher levels. These included demands on such issues as return of traditional lands, regional autonomy, and increased representation in the central government. This article, based on participation in those consultations and analysis of other policy documents, written in the context of ongoing ethnographic research with the Taroko tribe, looks at the meaning of these political changes for aboriginal Formosa. To provide a more global framework, it also analyzes these constitutional debates in light of recent anthropological discussions on indigeneity, human rights, and collective identity. What might Formosan indigenous communities gain from expanded recognition of their collective rights in a revised constitution? What does state acceptance of these demands mean in Taiwan's contemporary political context?

Keywords: Taiwan, indigenous peoples, indigenous rights, constitutional revision

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** The author may be reached at E-mail: ssimon@uottawa.ca.