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**Author:** Lo, Yung-Ching  
**Title:** Accessing indigenous land rights through claims in Taroko Area, Eastern Taiwan  
**Issue Date:** 2013-04-17
Land is ‘Concrete’ while Money is not: ‘Development’ Scenarios in the Taroko Area since the 1980s

Taiwanese people call the eastern part of their island the ‘back mountains’, indicating areas of poor development (Hsia and Yorgason 2008). This idea has been widespread among both people and policymakers (Tseng, H.P. 2002: 90). Though the east is full of natural resources, and is particularly favorable for mining and forestry industries, poor infrastructure and low levels of development mean that the area was not ready for further exploitation. Consequently, many parts were left as pristine natural areas and have become famous for their natural landscapes and beautiful scenery. But the natural resources in the area remain targets for further exploitation. Thus, we see ongoing debates about whether these landscapes should be sacrificed for the sake of developing industry in the region or whether the natural beauty of the area should be preserved (Tseng, H.P. 2001; Chi 1999; 2001; 2002; 2003; Chi and Hsiao 2005).

Many studies have provided detailed analyses of the political and economic processes relating to conflicts between the environment and the economy, like the ones arising from the setting up of cement and power plant industries. In this chapter, I will call on these analyses and studies in order to illustrate how indigenous people have reacted to these processes. This will help us to understand various development scenarios and examine how indigenous people claim their environmental, human and land rights amid the growing number of ‘development’ projects being initiated by the State and corporations.

7.1 Five petitions heard by members of the Control Yuan

On 22 December 1995, three members of the Control Yuan came to visit Shoulin township government to collect data and investigate issues of conflict between local people and local authorities. According to the Republic of China’s Constitution and its Additional Articles, the Control Yuan has the power of ‘impeachment, censure and audit. In addition, it may take corrective measures against government organizations. Members of the Control Yuan may accept people’s petitions, inspect central and local governments, make investigations, and su-
pervise examinations’. These three members of the Control Yuan were warmly welcomed by the locals and received four petitions from the Taroko indigenous people. These four cases all concerned indigenous land conflicts. The first petition accused the Asia Cement Company of taking indigenous land illegally; specifically, of faking deeds that resulted in indigenous people losing their lands in Fushih village. The second petition concerned a request for land title registration from the original land users that was later rejected by the township government. This petition claimed that people who had never cultivated the land, rather than the original land users, were granted land rights. It turned out that most of these people were officers or political representatives in positions of power.

The third petition concerned an application procedure on land # 664-88-91 in Hoping village (和平村) where a base for a big cement industry project was planned. People complained that the land was only registered in the name of privileged individuals and not in the names of the original cultivators or users. The fourth petition concerned a piece of land that a cement mining company had abandoned in Pratan village (三棧) (Hao yu gong cheng gu wen gong si, 1991). By law, the land was earmarked for redistribution among indigenous people who lacked land for subsistence purposes.

These four cases concerned three villages inside the Shoulin Township where the cement industry had established itself and, in the process, had stirred up land conflicts. In fact, indigenous people had already fought for land more than a decade before the three Control Yuan members came to hear the petitions. Indigenous people were eager to find answers to their land conflicts and grabbed every chance to ask for help. However, the investigations by these three members did not bring any resolutions. With regard to the first petition, the Control Yuan members suggested that the Shoulin Township should carry out an investigation in order to establish whether any mistakes had been made in the process of cancelling the cultivation rights on the land. The indigenous people were disappointed to receive a solution that involved the ‘wrong’ doer investigating the ‘wrong’ doing. For the second and the third petition, the Control Yuan members thought that the procedures relating to land title registration for indigenous reservation lands had not yet been finalized and therefore there was no evidence of stolen lands. The land rights in the fourth petition were the subject of a court case and so the members could not express any ideas about the hearing. They did state, however, that if the judge ruled that the land should be taken back from the Asia Cement Company, then the township government could redistribute the land fairly and ensure that it did not fall into the hands of privileged elites.

In addition to these petitions concerning indigenous affairs, a member of the Control Yuan was asked to investigate a project in which the Taiwan Cement Company in Hualien City had extended its production capacity by adding more machines but had failed to carry out the required environmental impact assessment. The case was later taken to a local court where a judge would rule on whether adding machines in this way had, in fact, been illegal. This case attracted a great deal of attention from the media and local people. There were environmental demonstrations and protests to stop the expansion of cement
production that would result in greater pollution in Hualien City. These protests turned out to be the biggest demonstrations that had ever taken place in eastern Taiwan. However, the judge was to deliver a decision that would disappoint local people. His ruling stated that even though the Taiwan Cement Company had admitted to spending 5 million NTD on ‘negotiations’ with local people in the hope of gaining their approval for the adding of cement machines, it appears that this money never actually reached the people who were in charge of the decision making. For this reason, it could not be seen as a bribe. The cement company boss was acquitted. By the time the judge made the decision, a Control Yuan member who heard the case also believed the case should be dismissed.

All five of the cases examined by Control Yuan members led to demonstrations against state institutions and to local people questioning what was ‘legal’ and what went against administrative procedures. However, local people remained realistic and did not rest all their hopes for justice on the shoulders of these four Control Yuan members, even though this institution is constitutionally designed to aid the Justice Yuan in delivering administrative justice. Significantly, local people were working together to find grassroots solutions to these issues.

These five well-publicized cases signaled the start of an era – between the 1980s and the 1990s – in which the east of Taiwan, including the Taroko area, became the stage for development with a backdrop of national industry, natural environment and indigenous land rights. By examining these five cases, I hope to analyze how different people and institutions conceptualized and implemented their ideas of development.

7.2 Scenario 1: Development from top to bottom

Taiwan Cement Company in Hualien City
The Taiwan Cement Company was established with the support of the Nationalist Government in 1946. This was at a time when the Japanese had just left Taiwan, leaving behind a number of Japanese initiated cement companies.\(^{21}\) The

\(^{21}\) After taking over Taiwan following Japanese occupation, in April 1946 the Kuomintang government established the cement industry supervisory committee, and took over the control of Kaohsiung Plant belonging to Asano Cement Co. Ltd. (formerly the Kaohsiung Cement Plant of Taiwan Cement), Taiwan Huacheng Cement Co. Ltd. (Suao Cement Plant of Taiwan Cement), Southern Cement Co. Ltd. (formerly the Chutung Plant of Taiwan Cement), and Taiwan Cement Pipes Co. Ltd. (Taiwan Cement’s production plant in Taipei). The Taiwan Cement Co. was established on 1 May of the same year. The company was run, with joint capital, by the former Resource Council of the Ministry of Economic Affairs and Taiwan Provincial Government. On the 1st of January 1951, the company was converted into a limited company. In 1952, the Resource Council was abolished, and the company was run jointly by the Ministry and the provincial government. In 1953, the policy of ‘land to the tiller’ was launched. 11 November 1954, the company was privatized and bought the three cement plants in Kaohsiung, Suao and Chutung, as well as two cement production plants in Taipei and Kushan. In September 1962, in answer to the government’s call for ‘capital securitization’, Taiwan Cement became the first company to go public on the stock market. It has been 50 years since the privatization of Taiwan Cement. Over this half a century, Taiwan Cement has been involved in major constructions and development at a time when Taiwan was growing strongly.
company was later transferred to private owners, mainly the Koo family who had cooperated with the Japanese government in Taiwan in the commercial and industrial sectors (Sun and Ho et al. 2007). The Koo family were big landlords that owned a lot of real estate. The nationalist government wanted to reduce the amount of land they owned and transfer it to other sectors, for example by using the ‘37.5% Rent Reduction Contract’ land reform policy to promote industrial investment in the agricultural sector (Shieh 2006). The government bought up most of the land and leased it for a period time. It then granted rights to real cultivators in order to stimulate agriculture support and to help peasant families. However, the government also gave stocks to landlords, which were equal to the price of the land taken by government, in exchange for the then nationalized cement company. It was a method of transferring agricultural capital in order to help industrial sectors. The cement industry was defined by the Nationalist government as a national priority, necessary for society and for national military defense purposes. Thus, we see the emergence of a principle policy to protect and help the industry that continues today. The Taiwan Cement Company grew incrementally into a large corporation running cement and related businesses both inside and outside Taiwan. It has always been a highly profitable company in Taiwan. The leaders of the company are seen as important initiators and decision makers in policymaking and implementation. The Koo family’s corporations have good relationships with the authorities.

By 1980, the supplies of raw materials for cement production were running out in the western part of Taiwan, so the mining authorities planned to invite cement companies, mainly in the west (see map below), to transfer their production capacity to the east. This policy of ‘Going East’ was advocated strongly by the then President Li Deng-Hue, who hoped that big industrial companies would stay in Taiwan and not cross the Taiwan Strait to mainland China where they were offering lower costs for industrial investment (Huang, Min-hui 1991). Keeping these companies in Taiwan was a priority for national security, even though many companies had already gone ‘illegally’ or ‘secretly’ to China. In fact, a number of cement companies had already gone to nearby countries like the Philippines and Vietnam. It appears that after many assessments, these cement companies had felt it was better to move abroad than to move to the east of Taiwan. Among these companies, only Taiwan Cement would stay in the east and proposed, with the support of the nation, the establishment of the biggest cement industrial district with the biggest production in the world. This was at a time when cement had been defined as a top polluting industry and the least welcome industry in Taiwan. Everybody assumed that Taiwan Cement was sure

Taiwan Cement was a witness to the ‘Taiwan Experience’ that resulted from the changes in society and the rapid development of the economy. The paid-in capital increased from 270 million NTD at privatization to more than 32.4 billion NTD (100 times of growth) today. The production grew from an initial 500,000 tons to more than 10 million tons (a growth of more than 20 times). Annual sales amplified from 24 million NTD to 24.6 billion NTD (a growth of more than 100 times). It is truly an example for privatization of government-owned businesses. Electronic document: www.taiwance-ment.com/english/#About_1_1_3 (last accessed 22 June 2011).
it could profit from remaining in the country, otherwise it would have followed the other companies seeking lower costs and bigger profits abroad.

The Taiwan Cement Company implemented its ‘going east’ policy in two ways: one was to extend the production capacity of the factory already established in downtown Hualien; the second way was to propose a project to establish a world class cement district in the Taroko indigenous area. In this section I would like to explore how the extension plan for Hualien City not only raised critical environmental issues for the people living downtown, but also issues that local people considered to be human rights sensitive and as having an impact on the land rights of the rural indigenous people. Through this case, I also gained insight into how people in urban areas helped and cooperated with indigenous people in the Taroko area to express their environmental and land rights and how they were propelled to employ different strategies. While the state and the company were set to make profits, the urban civilians were faced with a polluted environment and the indigenous people lost their lands.

In 1992, the Taiwan Cement Co. hoped to extend its production capacity from 200,000 tons to 1.5 million tons a year. Taiwan Cement initially filed the project with the Hualien County Government and then sent it to the Provincial Construction Department for preliminary review. Later, the company was required to produce Environmental Impact Assessment Reports because the Construction Department believed that the project was intended to add more factories. However, this plan was soon changed when the project was reviewed by the industry’s higher authority in central government, which decided that the Taiwan Cement project was only about renewing machinery and, therefore, no further environmental impact assessment was necessary. Thus, Taiwan Cement started the construction of a new kiln factory in 1994 with the approval of central government (Chi 1999). This construction soon raised questions and doubts from both local government and the citizens of Hualien. Hualien County Council ruled that the construction should stop because it believed that Hualien County Government had not followed due process and had cheated the citizens of Hualien in order to create an easy route for the company. Meanwhile, a number of local NGOs initiated the ‘Love Hualien Self Rescue Association’ in order to protest and demonstrate against the Taiwan Cement Project. ‘It is an unbearable fact that we have an extensive cement project in our lovely county’. ‘Everyone who lives in Hualien should write a letter to the authorities to stop the project’. Slogans and actions like these seemed to work and stimulated a collective campaign expressing people’s opposition to the project. In fact, the series of protests organized by the NGOs and local people were so successful that the mayor promised to stop any new construction. However, the Taiwan Cement Company filed a petition stating that the construction should be continued because the whole process was supported not only by the law, but also had the approval of central government. The mayor reversed his decision and allowed the company to carry on with the construction on the condition that the company provided an environmental impact assessment. This reversal led NGOs to accuse the mayor of not obeying the law. The conflict came to a climax during the
summer of 1995. The media broke the news that the cement company was bribing authorities in order to quiet the noise about stopping the construction. Local prosecutors investigated the issue and arrested a number of people in the Taiwan Cement Company. Some high profile local officials had taken bribe money. Later the Ministry of Economic Affairs called a meeting of a number of government authorities to negotiate the Taiwan Cement Company project. This meeting was a public signal that the highest authority was in charge of the renewal project. However, opposition from NGOs and the Love Hualien Self Rescue Association continued unabated. Protests took place not only in Hualien, but also in the capital Taipei in order to raise national awareness of the issue. These protests gave rise to Alliance Fighting against the Taiwan Cement Company. This alliance was joined by a number of members of the Legislative Yuan. The Taiwan Cement Company was so depressed by the relentless opposition in the project to bring the world’s largest industrial cement district to Hoping village. He made it be known that ceasing construction in Hualien would mean a loss of investment amounting to 80 billion NTD. Some leading actors in the commercial and industrial sectors established a financial and economic forum for supporters of the project in order to lobby the government to implement its policy and to stop all the irrational protests. These industrial leaders commented that the environmental assessment and related restrictions on industrial development were now creating a situation where companies would have no choice other than to leave Taiwan. President Li received a petition from these industrial representatives asking for government help to ‘go east.’ Meanwhile, the head of the Taiwan Cement Company admitted in court that he had used a 50 million NTD fund to subdue the opposition to their project. On 26 November 1995, as many as 5000 people (from the population of 300,000) gathered in Hualien City to protest against the project (Taiwan Environment 1993). The local governments were unable to respond to any of the claims made by local people, but could only obey the central government’s orders. In the Spring of 1996, construction finally restarted on condition that Taiwan Cement provide three reports regarding their plans to protect air quality, prevent water pollution and to dispose of waste material. Ultimately, local people had failed to stop the project. The court also ruled that the accusation that the Taiwan Cement Company had engaged in bribery could not be substantiated. In September 1997, construction was completed and the factory started its trial operations. Before long, however, the equipment for collecting dust was out of order and pollution and dust in the urban area became a serious issue. All the local government could do was to impose fines again and again.

It is clear that the local government was weak and unable to stop a highly polluting industrial project supported by the central government. Indeed, this is the first scenario I would like to highlight as a top to down method used to em-

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22 On 14 October 1995, the Ministry of Economics hosted a meeting to ‘Renew the plan for Taiwan Cement’ for all the authorities concerned.
bed cement and related industries into indigenous areas. In fact, the Taiwanese constitution is written in such a way that the counties are weak (Chang, Ji-Wen 2003).23 Local government has little power in relation to national industrial policy and pollution control. That said, there were a number of cases at this time involving other counties that show that the local government was able to negotiate an outcome on pollution control between national policy and industrial profit seekers. For example, a case in Yi-Lan County in the north of Hualien County whose mayor, Dr. Chen Ding Nan (陳定南), insisted that the Taiwan Cement Company commission an environmental impact assessment and only signed a contract with the company on the condition that pollution was controlled and profits were shared. Yi-Lan County also stipulated a special rule called ‘Control Methods and Rules Concerning New Cement Factories (Chang, Ji-wen 2003)’ in order to ensure that cement companies fall under the control of local government. This example showed that local county government could have a say on environmental matters and profit sharing in the processes involved in setting up highly polluting industries. Yi-Lan County acted more forcefully than Hualien County, insisting on local benefits. Yi-Lan County had a mayor from the Democratic Progressive Party (DPP), and Hualien County’s mayor was a member of the ruling party. Yi-Lan County fought for the indigenous area in its county despite the institutional and legal limitations. Hualien County, however, felt compelled to obey the decisions made by central government, even though many of its citizens were pushing for a local perspective on the project.

Industrial mining and landscape conservation were issues subject to constant debate. In the Yi-Lan case cited above, we see the difficulties the cement giants faced in choosing a location for their expansion. Yi-Lan County was now out of the question, as were other urban areas. The company decided against relocating to China. The final option was a move to the indigenous area where, in theory, there were less people with less loud public voices and, moreover, land was much cheaper. The head of the company added pressure to the situation by announcing that if the extension planned for Hualien City did not go ahead, the

23 The Yi-Lan County case highlighted the limits on the autonomy of county government, and the fact that a ruling on a county’s desire to control industrial pollution from industries was not supported by any laws at that time.

24 The concept of a ‘Convention of Environmental Protection’ adopted by the Yi-Lan County originates from examples in Japan where local governments signed conventions with companies on the prevention of pollution. The earliest cases in Japan can be traced to the signing in 1962 of a Memorandum on the Convention of Environmental Protection between Shimane county government and a number of paper and textiles companies. The signed Memorandum rules that the process to construct the factories should follow administrative procedures and ordinances related to building of equipment and dealing with waste water. If pollution occurs, compensation should be paid according to the standards the governments have set. However, the case that really showed the effectiveness of the Convention of Environmental Protection was the memorandum signed between the Yokohama City Office and a power plant that set out rules on the prevention of pollution. This convention was later adopted as a model all over Japan; hence, it is now called the Yokohama Model (see Yi-Lan County Office; see also Chang, Ji-wen 2003 ‘On Basic Problems of Administrative Contracts relating to Environmental Protection’ in www.iolaw.org.cn/showarticle.asp?id=543 2003-12-18 10:08:10.
company would withdraw the 80 billion NTD investments it was making in the indigenous village of Hoping and it would seek to shift its operations to mainland China. This threat was enough to exert pressure on central government, which then promoted the project in Hualien City and expressed its hopes that the Hoping Cement Industrial District would proceed and bring more profits for the company and central government.

7.3 Scenario 2: Taking indigenous lands legally for the national project

Cement companies were not confronted by indigenous people’s environmental claims until the late 1990s. Prior to that, they had faced land rights issues relating to indigenous communities where cement production was embedded. The most renowned company is the Asia Cement Company, whose board members include top officials from central government. As mentioned in Chapter 6, establishing cement factories resulted in the loss of cultivation and ownership rights on indigenous reservation lands. The Asia Cement Company established itself in Shoulin Township in the 1970s, at a time when environmental concerns were much less of a priority than the drive to develop the economy. The company was welcomed by the township and the government created convenient paths for the company to rent indigenous lands that were already being cultivated by indigenous people. If the deeds handed over by the township government were issued in accordance with the Indigenous Reserve Land Procedure, then the expropriation and the cancelling of the cultivation rights would be clear and complete, i.e. the indigenous people would understand clearly that they would lose their land after taking the expropriation money. It should also be clear that the money taken was not meant as rent for the indigenous people from the company, but rather it was a private expropriation relating to the plants and the housing complexes built on the land for the companies’ staff and laborers. The cement companies should only pay rent to the government, which actually owned the land once the indigenous people had given up their cultivation rights. The money the indigenous people received was to compensate their superficies and cancel their legal rights. It is important to note that the Asia Cement Company was welcomed by the township government and given priority because the township government understood that it would provide income for the area that would ameliorate the township’s problematic financial situation.

7.3.1 Chong-Der Industry District

Renting lands for mining in indigenous areas was much cheaper than renting in urban areas. Furthermore, the Indigenous Reserve Land Procedure had actually created space for non-indigenous people and corporations to mine. In fact, the scenario of indigenous people giving up their cultivation rights in return for expropriation money, and the land being handed over to the state and then rented out to corporations, was a popular way to access cheap land for the min-
ing industry. This scenario was also adopted by another giant corporation, the Wang’s Formosa Plastic Group, which wanted a share of the highly profitable cement industry market in the early 1980s when the central government planned Chong-Der village as a mining district.\(^{25}\) The Wang corporation was so eager to start its investment in the east that it began to secretly ‘buy’ land from indigenous people. So far, the only explanation for why Wang kept these purchases secret is that the corporation was not allowed to buy land from indigenous people because it actually belonged to state. The money Wang paid to indigenous people was private expropriation for the loss of plants and ownership (Economics Daily News 1981).\(^{26}\) Consequently, this meant that Wang had not actually obtained the land. He had no legal deeds for the land, but rather had only obtained a private contract or a memorandum between the corporation and the indigenous people who were only tenants of the township land. It appears that at the time of purchase a number of Wang shareholders worried that they would not own the real estate even though they had paid the money to the land owners. They suggested that Mr. Wang should not proceed with the purchase. Wang, however, was acting under the impression that the Asia Cement Company had followed the same processes to obtain their land with explicit permission, so there was no reason the Wang Corporation could not do the same. In fact, cen-

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\(^{25}\) In 1984, The Executive Yuan passed the East Area Multi-Development Project that would transform the villages of Sinchen, Pratan and Chongder and Hoping into a mining district.

\(^{26}\) A news report described the fights among shareholders and the head of the Formosa Plastic Group, Mr Wang. The fights were on the issue of buying lands from indigenous people in order to proceed with the construction of a cement factory in Chong-der village. Some shareholders suspected that the buying of indigenous reservation lands was not legal so the money that Mr. Wang had paid to the indigenous people could not be returned. These shareholders believed that the loss of the money should not be included in the company’s accounts in the balance book-keeping of the company. They argued that the loss should be paid for by Mr Wang and not the shareholders. In the shareholders meeting, there were serious arguments and Mr Wang insisted that he had purchased the indigenous reservation lands for the development of the company and not for his own private reasons. Mr Wang insisted that purchase was legal because he thought the reservation lands had been granted to the indigenous people for agriculture. Having been granted rights to cultivation for 10 years, the indigenous people would automatically be granted ownership of the reservation land. Mr Wang mentioned that he believed he was buying lands that had been granted full ownership rights, but that later he discovered that the township office had not granted ownership to those sellers who had taken his money. He said he had no idea about whether the land he intended to buy would be converted into industry lands, but he thought it would be cheaper to buy at this stage because he believed there would be less risk of losing money than if he bought property that had already been converted into industrial lands. Mr Wang decided to run the risk of buying in advance, even though it was illegal. One of the shareholders in the meeting insisted that Mr Wang’s reasons were unacceptable and that the shareholders should refuse to share the loss. One of Mr Wang’s legal consultants said that even though the purchase appeared to be illegal, according to article 246 of the Civil Code: ‘If the presentation of a contract is impossible, it is void. However, if the impossibility can be removed and if the parties, at the time when the contract was constituted, intended to have it performed after the removal of the impossibility, the contract is still valid. If the contract is subject to a suspenseful condition or to a time of commencement, and if the impossibility has been removed prior to the fulfilment of the condition or the deadline, the contract is valid.’ So even though the purchase was not illegal at that time, Mr Wang’s desire (wishful thinking?) to obtain the legal rights to the reservation lands he had bought from the indigenous people in Chong-der village was quite clear. (See Economics Daily News 1981-04-03 page: 7).
Central government had provided a budget of about 360 million NTD in order to take over and cancel cultivation and ownership rights from indigenous people and to clear the land for the proposed industrial district so that it could lease it to those corporations who wanted to invest. In simple terms, the government would buy and take indigenous land for corporations. According to this central government policy, Wang did not have to spend his money on accessing land. Local rumors suggested that Wang paid the money in a bid to jump the queue and gain priority in terms of renting the land from the township. If the government really wanted to buy the land to provide an industrial district, the government would buy the land from Wang so that Wang's corporation would profit first from selling the land. For this to happen, Wang first had to make sure that the town hall would rent the land to his corporation. Local gossip had it that the Wang Corporation already had a promising agreement with the township government leaders. The agreement meant there was no need for bribery. Besides, the township government had never said 'no' to cement companies in the past.

In fact, Wang had such great expectations regarding the costs and profits for his cement factory that he thought his future production costs would only be half that of what could normally be expected. This price undercut other players in the cement industry. Legislator Huang, Shin-Chieh (黃信介), who had previously worked in the cement industry, said the price had always been controlled by the alliances built in the cement industry that balance the production and price (Fan 1993). Wang was accused of being naïve for thinking he could enter the market with a liberal spirit and not be confronted with many obstacles. Ultimately, Wang's deal failed because it was decided to establish the Taroko National Park and the indigenous village of Chong-Der was located within this area. Wang lost the money he had spent ‘buying’ the land. The central government's decision to set up a national park was an effort to demonstrate that Taiwan was willing to conserve its nature, under international pressure for conservation and, in particular, the US Pelly Amendment.

This conjunction between industry and natural conservation left central government with a dilemma because large corporations and local rent seekers had made considerable investments in the plans for an industrial district. As previously stated, ultimately the government decided to include Chong-der village inside the Taroko National Park.

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27 Since 1971, the US has stipulated the Pelly Amendment as a legal basis for imposing economic sanctions on those countries who violate the International Whaling Commission (IWC) or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In 1993, the US used the Pelly Amendment to impose sanctions on Taiwan, which it accused of trading in rhino horns and tiger penises.
7.3.2 Hydropower plant projects inside Taroko National Park

With respect to the conflicts between economic development and landscape conservation, the Chong-Der Cement Industrial District project was a significant case as Tseng’s study has shown (Tseng, 2002). On 22 July 1983, the Interior Minister, Lin, Yang Kang (林洋港) and the Minister of Economic Affairs, Chao, Yao-Dung (趙耀東) went together to visit Chong-Der village, the site of the planned project to build a cement industrial district. The purpose of their visit was to assess the project’s impact on the environment and the landscape inside the planned Taroko National Park. There was a debate between these two ministers regarding whether the development of the industrial district was more important than the conservation of the area. The Interior Minister said he was going to support the industrial project for three reasons: 1) Taiwan had limited space but a high population density, so resources are always scarce. Therefore, it was not possible to set up a national park to the same standards as, say, the US where there were plenty of both resources and vacant lands; 2) all the dealings with government must take into account the rights of the citizens; thus, the government must also take into account any potential losses for those who had been granted mining rights. 3) With the development of modern mining technology, mining companies could avoid damage to the landscape and so it is possible to follow a policy of both industrial development and conservation (ibid).

This idea to meet the needs of both sides was popular with citizens in Hualien County, and a poll in 1984 showed that 44.8% of the population was hoping to achieve this kind of consensus. In the same poll, only 12.3% of the population put more emphasis on the conservation of landscapes than on the mining industry. This opinion was also emphasized by the then Minister of Economic affairs, Chao, Yao Dung (趙耀東). Later it turned out that the pro conservation policy for Taroko National Park was chosen by the Prime Minister Yu, Koa-Hua (俞國華), who also determined that the Wang Corporation’s cement industry district project should come to an end.

Sociologist Michael Hsiao described this dilemma as ‘schizophrenia’ (Hsiao 2001); whether to emphasize environmental concerns and conservation, or focus on industry to bring economic growth. The Taiwanese government was also faced with a choice between the environment and the economy. A project initiated by the National Taiwan Power Corporation to build dams for generating electricity that exceeded the actual need of the local population in the east is another example. Surplus electricity was to be sent to the west of Taiwan where demand was high. Rumor had it that the extra power was actually to supply Wang’s planned development in Chong-Der village. There appears to have been cooperation between private companies and government in order to see the construction of a dam for another of Wang corporations, the Formosa Petrochemical Corporation, in the west of Taiwan. A hydro power plant was planned for

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28 The building of these petrochemical factories is considered by many scholars to correlate with dam construction by the central government in order to provide water to the Formosa Petro-
the LiWu (Tatsukili) River inside the planned Taroko National Park. In fact, from 1974 onwards, the Taiwan Power Company had already invested about one billion NTD (total investment would be 50 billion) on the construction of roads accessing the dam areas because central government had granted permission for the power plant project to go ahead.

At the moment when the government decided to back the plan for a National Park (Huang, Yueh-wen, 1999), this power plant project was made the subject of another review that gave local people and local authorities a chance to put forward their arguments for and against the project. Once again there was a dichotomy – landscape or industry. While there was debate about these issues, there were no strong opinions expressed by indigenous governments or people, probably because the land included in the project did not legally belong to indigenous people but to the Bureau of Forestry or the future National Park administration. Some indigenous people still insisted on zoning in order to maintain hunting areas and protect the hunting rights of indigenous people inside the park, but this idea was quickly rejected by the Prime Minister Wu, Po-shung (吳伯雄), who insisted on the enforcement of the Wild Life Act. The project to extend the hydro power plant was later stopped for conservation reasons. In fact, there were still Japanese built water power plants working generating extra power to be sent to the west in the same watershed. These old dams and power generators continued to work, so they maintained the status quo of the existing power plants in the Taroko National Park on condition that no new plants were built (Taroko National Park Headquarters 2007). Thus, the state was establishing national parks but did not eliminate the damage or expel the polluters, especially big companies like Asia Cement, from mining areas (see the cover picture showing the cement mining landscape at the gate of Taroko National Park).

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29 Taroko National Park is the National Park in Taiwan. Taroko had been considered a candidate by the colonial Japanese government. But the establishment of a formal national park in the area was stopped in World War Two. In the 1960s, the Nationalist government also planned to set up the national park but there was no legislation to support the plan. In 1972, the National Park Law was passed and the Taroko National Park was the first candidate for national park status. In 1979, the Executive Yuan accepted a multi-development project for Taiwan (台灣地區綜合開發計畫) to promote the conservation of the area now inside the Taroko National Park regime. In 1982, the area was promoted further with a project to develop tourism (觀光資源開發計畫) and to conserve the area’s natural resources.

30 On 6 November 1994, the commission conference was headed by the Minister of the Interior, Wu Po Hshiung. The commission backed the plan to set up plan the Taroko National Park. The principle of ‘conservation above all’ was adopted, but the park plan also included 3000 more hectares of cement mining areas and indigenous reservation lands. As for the request from the local indigenous people for exclusive hunting areas, the commission used the Amendments to the Wild Animals Act (1994) in order to deny the claim.
As Tseng (2002) has observed:

Under the goal of the National Park, the execution of those development projects has been restricted. However, the aim of environmental protection through the Taroko National Park seemed incomplete, especially when the regional and national policies have collided with each other at the same time. Then we may conclude that at this moment, the projects of regional environmental protection have to give priority to the economic policies for national development.

### 7.4 Scenario 3: Periphery Indigenous Area for Polluting Industry

#### 7.4.1 Indigenous land rights vs. industrial development

The cement industry was seeking to profit from production on an island-wide scale. The plan to establish Taroko National Park appeared to prevent cement industries from encroaching into indigenous areas and the Chong-Der project and a number of other plans put forward by small-scale cement mining companies were rejected. However, when Wang’s Corporation was ‘buying’ lands in the village of Chong-Der, the Koo family’s Taiwan Cement Company was also ‘buying’ lands in the Hoping area where another industrial district especially for cement was being planned (Legislative Yuan 1999:1889). In retrospect, we can see this as evidence that there was an implicit recognition among investors in these industries to specialize or monopolize in different areas (Taiwan Cement in Hoping village and Wang in Chong-Der village), with a view to future profits. Wang lost his battle in Chong-Der, but Taiwan Cement was still buying and renting lands in Hoping village with the aim of creating the world’s largest cement company. In fact, before the policy of ‘going east’ was advocated by the central government, many investors had smelled the possibility of profits that the future cement industry in the east would bring. On 24 May 1986, the central government decided on a national project to help prolong the cement industry in order to cope with a future shortage of cement resources in the west.\(^{31}\) The national project clearly intended to transfer the cement industry to the east. From this time onwards, many people began to enter villages and a ‘black’ land market developed that adopted methods of cancelling the cultivation and ownership rights of indigenous reservation lands in order to form a ‘hot’ market that, in fact, was not allowed by law. These speculators were actually expecting to receive an extra 40% more expropriation or compensation money for land and to compensate surface damage. Those who were able to ‘buy’ indigenous reservation lands first would profit first if the land, originally designed for indigenous people

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\(^{31}\) The Executive Yuan passed the ‘Project on the Longitudinal Development of Cement Industry’ (水泥工業長期發展方案) to cope with the lack of cement sources in the west of Taiwan and promote the ‘going east’ policy for cement industry.
to use for agriculture, was promoted to more valuable industrial land. Thus, we see the promotion of an investment strategy to buy indigenous lands in the east where cement industrial areas were planned. The trading of indigenous reservation lands was basically illegal, but local governments turned a blind eye as they wanted to invite capital to invest in the exploration of the natural resources in indigenous areas. Mining was particularly encouraged. While the law was trying to pave the way for indigenous people themselves to invest in mining, the reality was that they simply did not have enough capital or knowledge to start a mining project. Consequently, it was non-indigenous people and capitalists arriving on indigenous land to mine. The government was so eager to promote mining activities that mining law was even more powerful than the Indigenous Reservation Land Procedure. If a mining company obtained the leasehold from the relevant authorities, the owners of the land would have no further rights or claim on the land. This phenomenon was so popular in indigenous areas that many indigenous people worried that the Reservation Land Procedure was no longer able to protect indigenous people’s land rights and, in fact, helped capitalists to profit even more. At this time we see many similar issues and land conflicts raised by various indigenous peoples and groups and eventually they came together to form the ‘Returning My Land Alliances of the Taiwan Indigenous Peoples’ (台灣原住民族還我土地運動聯盟) in 1988. The movement started primarily in the west of the country where land conflicts had already been more serious than in the east. The movement started at the time the Chong-Der cement project was rejected by the government. The movement was promoted by some Presbyterian pastors who began to worry about the loss of indigenous land (Economics Daily News 1988).

32 Chapter 3 of the Mining Act, concerning the access to lands for mining, had been amended in 1959 to say that mining rights grantees could use the lands of other owners under certain conditions. Concerning the access to land usufruct, one article stipulates that the right to land usufruct could be granted when necessary. As a result of the amendments to these two articles in 1959, we see the possibility of land owners or occupiers losing their land rights to miners without any conditions. In article 65 of the Mining Act, if the land has been designated as suitable for mining, then the miners can make a contract with the land owners. If contracts are not able to be negotiated, then either side can request the authority to judge on the negotiation. This article was further supported by a new amendment in 1978 stating that if either the land owners or the miners could not accept the negotiation by authority, either side could bring a case in court; meanwhile, the miners could start to use the lands for mining provided that they had set aside a budget for compensation in the event that the case was accepted.

33 In 1960, the then Mountain Reservation Lands Procedure of Taiwan Province contained an article ruling that legal private or public run mining, agricultural, fishery or herding companies or corporations could be allowed to access reservation lands on the condition that the management plans were accepted and acknowledged by the provincial government. When the reservation lands were not used by indigenous people, the province office could lease them to non-indigenous investors.

34 On 15 April 1988, many indigenous people joined the ‘Return my lands’ movement. In the east, indigenous people focused on the project of Chong-der and Wan-long Industry District to check whether investors would actually fulfill their agreement to provide a compensation package. An indigenous legislator Mr Li, Tien-Shen expressed that the ‘Return my lands’ movement was being promoted by Presbyterian pastors and representatives from all levels of local and central parliaments. The movement focused on the problem of the misuse or misappropriation of reservation lands (see Economics Daily News (經濟日報) in 15 April 1988).
peared to raise little local response. Many speculators from inside and outside the indigenous areas were still expecting profits because they had invested in the process by obtaining or buying indigenous lands.

When Wang's project was rejected by the government, members of the local Shoulin Township Representative Council immediately submitted a petition to the central government to find other places to locate the cement industry district in Shoulin Township. In fact, these members of Representative Council were from Hoping village which was thought to be the best possible location for the cement industry in Shoulin Township (Sinotech Engineering Consultants, Ltd. 1984: 0-2~0-4). A report said that Hoping village scored as the best candidate for the cement industry because it would save on transportation costs. The mining area could be combined with the industrial areas where land was relatively cheap and where population numbers were low. The area required for the cement industry was about 400 hectares. Thus, the cement industry would also concentrate itself in this village in order to limit the environmental impact. At that time, the cement industry in Taiwan was spending about 8.7 billion NTD per year on medical costs; however, if it was moved to the east, to Hoping, it would spend only about 2 million NTD per year (Liu, Yan-zheng 1995: 75). Locating to Hoping was also seen as a way to control the impact of pollution in a concentrated area, resulting in the least cost to society (Lee, Chou-han 1998: 93). The project in Hoping was assessed to be so profitable that it soon gained support from central government, which was coming under pressure on environmental issues as well as economic adjustments at that time. The concentration of the cement industry in Hoping would address both of these issues. Thus, even though it was inside the coastal conservation area and near the Taroko National Park, the project was approved in the Six-Year Planning for the National Construction Projects in 1991 (Huang, Yue-wen 1999a; 1999b). Construction began in the industrial district in 1994 but there was strong resistance from environmental organizations. The Hoping Industry District was set up in an effort to concentrate the national cement industry. The pollution would be concentrated only in this small indigenous village which was thought to be acceptable by local politicians, who hoped for industrial development.

7.4.2 Environmental rights versus industrial development

The decision by central government to set up the cement industry in Hoping soon caused discontent among environmental NGOs, including the Taiwan Environment Protection Union (Hualien Branch). These NGOs engaged in a struggle with legislators to fight against the cement industry that was encroaching on both the urban and the remote indigenous areas of Hualien. The environmental protestors were proposing alternative options for industrial development. They disclosed information to suggest that the cement industry project was just a Trojan horse for other projects, including the building of coal-fired power plants which were not mentioned in the original project. The special industrial harbor in Hoping was also close to important ecological conservation areas. The cement industry also needed other materials like clay that could be excavated in adjunct villages. This, too,
would have an environmental impact. The issue that was of the greatest concern to the environmental alliance was the planned levels of cement production. The targets also included potential exports to Southeast Asian countries. The planned profits and production capacity of Taiwan Cement were sacrificing indigenous land rights and would have serious environmental consequences.

In 1990, a severe typhoon caused a big landslide in the Taroko village of Tongmen (銅門), and more than 20 people lost their lives (Ceng 1998). The landslide and the damage were taken as a sign of too much destruction in the upstream part of the watershed. For the environmentalists, it was a clear example of how an industrial-scale taking of natural resources would bring catastrophe. The Environment Protection Union Hualien Branch initiated public hearings in the villages that were going to be affected by the cement industry. But these actions could not change the decisions already made by central government, especially since the President was advocating a policy of going east. In August 1990, officials from the Bureau of Industry and the Ministry of Economic Affairs had a meeting with local representatives. They arranged a meeting to discuss the environmental impact assessment that had been carried out in order to obtain consensus from the local people. However, critics said the meeting had not be sufficiently announced and did not give enough people a chance to express their concerns about the establishing of the cement industry in Hoping village (see a report by the Eastern Taiwan Students Alliance 1990). As with the example of the urban cement extension discussed in previous sections, the county government and the mayor would not speak out against the central policy. Thus, they failed to negotiate the processes of setting up an industrial district with due attention to the environmental consequences. Local politicians were so keen on welcoming the industry that opposing opinions were silenced with threats of expropriation or promises of compensation money. The central role played by power and policy elites in this situation cannot be neglected. Even public opinion inside the village was controlled in order to show a welcoming attitude to the cement companies. The money promised for compensation or for expropriation increased and for the local indigenous people it was a huge amount. Indeed, the compensation money that the local indigenous people could obtain for the loss of their reservation lands was sufficient to buy a house in the city of Hualien. It is an amount that the indigenous people did not dare to imagine, especially since they believed their reservation land was far cheaper than the normal price for real estate in the liberal land market. Inevitably, the indigenous people were attracted by the compensation and this once-in-a-lifetime opportunity to receive such a large amount of money. They did not care so much about the reallocation plan that would, in effect, move them into a polluted area in the cement and power plant industrial district. They gave up their support for the environmental NGOs fighting against these industrial developments. In fact, the only protests raised were those to ask for compensation rights for those locals who had sold their lands to profit seekers prior to the whole project. Some profit seekers even took land from the indigenous people for very low payments while waiting for compensation money that was thought to be much bigger than the money actually
paid for the land. Some locals considered this to be illegal. These land ‘thieves’ used the law to obtain lands that originally did not belong to them.

7.4.3 Indigenous land rights versus money

Some local people were very concerned about the environmental impact that would be brought by the cement industry. But the major focus of the environmental activists was the project to expand Taiwan Cement in the Hualien area. Anti-cement voices in local indigenous villages seemed to be silenced. When the Taiwan Environment Protection Union Hualien Branch was showing an environmental movie to explain the negative impact of the cement industry in Hoping to the local indigenous people, they were threatened by an indigenous township Representative Council member, who urged the union not to show the movie anymore. This Township Representative Council member was later accused by local people of buying reservation lands while hoping to get profitable expropriation money from the government. In fact, he was not the only one who was accused of taking reservation lands. The chief of the township was also accused of taking land in the name of his relatives who had no connection to the land. What worried local people most was that some indigenous people had not completed the registration processes proving ownership of the reservation lands. Thus, they would not receive expropriation money. As a Presbyterian pastor said, at that time what people worried about most was the amount of expropriation money on offer because many people had invested a great deal to obtain the lands. A former chief of the township has said that the county Representative Council member living in Hoping was expecting compensation of more than 100 million NTD. It is no surprise that she would give her support to the cement industrial district if she was going to be a ‘millionaire’ overnight. It seems clear that the governor of the township and a number of local politicians promoted the setting up of a cement industrial district because they would profit immediately and receive millions. Local officers, on the other hand, welcomed the industry because it would apparently provide some 3000-4000 jobs for local people. In order to counter the lack of local consensus, the township conducted a public poll that showed that there were only a few non-indigenous inhabitants – Han people – who were opposing the cement industry. Their prime reason was that those Han people could not receive the full expropriation money because they were not able to be registered as reservation land owners (United Daily News 1993:3). Most of the inhabitants would receive expropriation money that amounted to, on average, 4.5 million.\(^{35}\) For most of the families, 4.5 million was an overwhelming amount of money that was very attractive to them. This was a time when poverty was rife in the area. Young people were leaving for the urban areas because agriculture no longer held any promise and things became so dire that young women and even children turned to prostitution in the indigenous

\(^{35}\) The total compensation money was 1,956,757,044 NTD and the average money every family could receive was 4.29 million. This equated to 1.15 million per capita.
areas. Indigenous parents ‘sold’ their children to brothels in cities. If land could be transferred into money that could save people’s lives, it was hard to reject the seductions and temptations of such large amounts. As pastor Kau said, the industry was so welcomed that the protests against the government were concerned only with increasing the expropriation payments and not with pollution issues (United Daily News 1993:3). In 1993, the expropriation money was distributed among the villagers and soon the village was ‘awash with money’. The money was so powerful that the environmental concerns being put forward by NGOs and some indigenous people based on their experiences with the Asia Cement Co., were no longer considered relevant. As an indigenous leader who was making alliances among various indigenous villages said, ‘See! We were defeated by money again!’ It was also a time when the protests against the expansion of cement factories in the Hualien city were defeated by the national industry policy promoted by central government and the big companies. The little group of protesters consisting of students and some indigenous intellectuals soon lost its energy. In July 1993, the Bureau of Industry issued an order to take the lands needed to implement the extension policy.

People always tell two stories to show how the village was ‘awash’ with huge amounts of money.

**Story 1**
The people who received the compensation money were so rich that they carried around large packets of cash that they did not know how to put in a bank. They used large notes to buy little things. There was one man who used a 1000 dollar bill to buy a pack of betel nuts worth only 50 dollars. When the sales girl was looking for change to give to him, he just said ‘keep the change’ and left.

**Story 2**
The people were so rich that they carried around large packets of cash, which attracted many car salesmen to bring their Mercedes or BMWs to the little village to sell to these tycoons. These tycoons would pay in cash. But they would soon destroy their brand new expensive cars because they would also be drinking too much to drive well (Economic Dairy 1988: 7).

These were the two stories most often told in adjunct villages among indigenous people expressing sarcasm about those indigenous people who spent their expropriation money in a matter of days.

Some indigenous people believed that the reason why the money was used up so rapidly was because it was it violated the *gaya*; the promises made by the ancestors not to sell or let go of the lands. The money was seen as ‘dirty’ and so it had to be shared or spent as soon as possible. The money was from the land that used to support the people, so the money should be shared among the people. The money was from the soil that would become concrete and cement. It was interesting to see that indigenous people symbolized the money as a loss of *gaya*, but it is sad to see the loss of land and the life it supported. In fact, many indig-
enous people complained that the job opportunities that the government and the company had promised never materialized. Only a small number of indigenous people were employed by the company who were looking for more educated workers. Indeed, the company only hired around 100 employees in total. This fact frustrated many indigenous people greatly. They felt cheated by the government and the company. The image of development they brought was like a castle in the air. As a villager said to me, ‘money is not concrete at all in indigenous people's pockets. Land became concrete and brings treasure for big companies and governments. Indigenous people who lost their lands would be like an egg without shell that is without protection at all’.

With the construction of the Hoping cement district, designed to bring profits for the company, we can see that the area was almost completely under the control of the companies. A gasoline power plant was soon built and a special harbor was constructed for the export of cement. Many profit seekers were eager to rush into this area and huge amounts of capital was made available for investment. A power plant project developed according to a similar kind of scenario: local land rights were sacrificed to make space for profits. A court case (see case 1154, 2001) took place in which the accused was charged with avoiding an environmental impact assessment that was necessary for setting up a power plant.36 The building of the harbor was also accused of providing local politicians with the opportunity to earn large amounts of expropriation money and of failing to recognize small stakeholders who were living from ocean resources (Hsieh, M.S., 1997).

In Hoping’s case, indigenous reservation land rights were sacrificed for the priority given to the industry even though the reservation land procedure had been designed to help the indigenous people survive through agriculture. Ultimately, however, in the spirit of promoting industry, the government used money to acquire the land. The question of whether compensation could really substitute the loss the indigenous people have suffered is not easy to answer. Below I will outline the other costs of development that have been shouldered by indigenous people.

As Chi mentions, indigenous people were forced to bear all the costs of development, including the development of the national parks (Chi 2001, 2002). These costs manifested in the ban on mining, fishing, hunting and gathering wild flora; restrictions on the transformation of land surface; and restrictions on all construction works. To most indigenous people, the establishment of the national parks brought no benefit to their communities. On the contrary, their traditional economic and cultural activities have been seriously restricted and their lives have been made much more difficult. Chi (2002) and Wang refer to a number of examples that are often reported from the field: ‘one farmer was cited and fined 1,200

36 See the case 1154, 2001(90,)[154], 1154) by Taipei Local Criminal Court: in his summing up, the judge stated that he believed the reason why the Fubow power plant in the Hoping area was not built on schedule was that the local government resisted making a decision on the environmental impact assessment. So the reason to stop the building was out of the expectation of the buying plan. According to this information, it seems that the industry investors were certain that the environmental impact assessment would be approved.
NDT for trying to remove a big rock from his field with a powerful machine without prior approval. Another farmer complained that he wanted to remove a tree that stood in the middle of his field but the park administration did not allow him to do so. Many people felt very angry about the fact that they were not allowed to do anything about the monkeys and pigs that were constantly destroying their crops. We also found that indigenous people’s resentment of national parks was amplified by a feeling that the National Park administration discriminated against them. Take mining as an example, while many indigenous people have been fined for picking up only small quantities of precious stone in the park, many big mining companies still continue to operate inside the park. National park administrators argued that these companies had been mining before the setting up of the national park and that they had valid mining concessions from state authorities. Indigenous people responded to this by saying that they have been living there and undertaking all kinds of activities in the area for hundreds of years, well before the mining companies started their operations, and also before the national parks were established. Now these activities were forbidden.

7.5 Scenario 4: Local resistance by the township office in Pratan Village

In the cases where the state played a big role, we found that local governments and people were suppressed by a central government that insisted on making the economy a priority. Thus, environmental and land rights were sacrificed for the sake of industry. That said, people were not so frustrated that they lost all their energy to fight back and claim their rights.

The history of the village of Pratan demonstrates an indigenous social movement that was not just based on land rights, but that also involved the needs of a healthy environment. This makes it different from the cases in those indigenous areas we have discussed in previous sections. Pratan also suffered from the losses of reservation lands and from air, water and noise pollution caused by the cement and mining industries for more than 35 years. Pratan was like other villages in this township where there was a boom in the encroachment of non-indigenous capitalists. These capitalists were able to find ‘legal loopholes’ that actually gave the Taiwanese government, as well as Han Chinese individuals and corporations, access to indigenous land (Simon 2002). While the people in Hoping were still expecting a large amount of money to compensate them for their losses, the people of Pratan had already realized that the promises made by the cement and mining companies were hollow. The cement industry did not bring employment opportunities and development to the community; instead, it caused out-migration of young people. As Chang’s study concluded, the cement industry’s policy of going east had not brought positive development; it had actually only brought negative effects to the east (Zhang, Z. Y. et al. 1994: 124). The people of Pratan village had realized that the cement and mining industry had only delivered pollution and damage to the environment.
7.5.1 Indigenous Reservation Land Rights vs. industry in Pratan

As a man from Pratan said, 'The land here was indigenous reservation land; the leaseholds were in the hands of the township government. It is obvious that the leaseholds to the cement and mining companies were illegal deeds.' Like the case involving Asia Cement, the land rights for cultivation were just cancelled with the payments of small sums of money. This did nothing to resolve the land conflicts. Generally speaking, there were four types of land conflict caused by the leasing: one was the length of the lease term that both sides forgot to update and thus it seemed to be limitless; second was the failure to compensate the rights of the people who deserved the expropriation money; third was the occupying of extra land that was not included in the original lease; and fourth was that the mining authorities and township governments had not dealt adequately with the pollution and illegal lease problems. All four were common issues raised by local people and politicians during the time when the slogan 'going east' was strongly advocated. It was also a time when Hualien people were expressing their resistance to the extension of the cement industry in their area. In this period, 1988-89, indigenous people initiated and joined two waves of social movement demanding the 'return of my land' and organized large-scale demonstrations and protests in Taipei. These two waves of social movements had some effect in terms of compelling the government to consider giving back some land to indi-
ividual indigenous people (Yang, Lin-Hui 1996; Chang, Dai-Ping 2000; Wang, Ming-hui 2003). But to the disappointment of most of the activists, the government response paid only lip service and it gave no real attention to the claims of the indigenous people. The notion of ‘natural rights’ put forward by indigenous people was not understood and accepted by the government. The concept of ‘natural rights’ – that indigenous rights are based not on substantive or national laws, but on natural laws – appears to have been inspired by the international indigenous movements of, in particular 1993, when the UN proclaimed the year as the Year of Indigenous Peoples. Later, it was transformed into a ‘Decade for Indigenous Peoples’ to promote collective human rights. Indigenous activists argued strongly that indigenous societies had existed long before the state came into being, no matter whether it was a Japanese or Nationalist state. Whereas, the theory of natural rights seemed to have its origins in local indigenous society, especially in the Taroko area. Taroko was originally the place name used by outsiders, including the Qing Dynasty and the Japanese colonists, to indicate an area where many different communities lived largely devoid of government control. People in this area shared the experience of being treated as a special area with little direct control. What played a key role was the war between the Japanese army and the people inside the area. These war experiences made them feel strong as a group, or as a community or ethnic group (although within this group they differentiated themselves as sub tribes: Truku, Tgdaya and Tausai). An association named the ‘Taroko Development Association’ (太魯閣建設協會) brought together local people and politicians from different villages in the Taroko area to exchange ideas on autonomy and land right issues. They often discussed the idea of natural rights, especially in relation to land conflicts. The logic behind this concept runs as follows: indigenous people have not recognized the Han state, which had not asked for consent from the indigenous peoples to form the country. Furthermore, the Han state has frequently acted without adhering to the principles of justice and peace, especially with regard to the use of force to acquire land belonging to indigenous peoples. ‘Indigenous peoples were the first masters of this island, so they have a natural sovereignty over this island.’

Ideas such as these were regularly exchanged during this period when many indigenous people were feeling depressed about land and natural resource issues (Xie 1987). In fact, this was a period in Taiwan when all kinds of social movements were established. Many indigenous peoples were inspired and were looking for ways to express their resentment or discontent with the government during the 1980s and 1990s.

37 On 10 December 1993, demonstrations were held on the streets of Taipei. This was the third wave of the ‘Return my land’ movement. The protests demonstrated that: 1) the indigenous people were the earliest owners of Taiwan and so deserve natural sovereignty; 2) indigenous peoples have the right to not recognize the Han-dominated country, which has consistently put forward unfair and unjust procedures rather than enter into peaceful negotiations. Indigenous peoples have the right to object to the behaviour of the Han who used excessive force in order to incorporate indigenous land into the regime; 3) the problems between the indigenous peoples should be considered as problems between the nation and the invaded; and 4) the fact that indigenous peoples are still oppressed means that there is no real Republic.
7.5.2 Resistance using ‘township authority’

Indigenous people’s efforts to express their resistance to government or companies have always suffered from a lack of support from even the local township government. This was particularly true in situations when there were fights over money among local people. When conflicts resulted from governmental orders or plans, indigenous people could not afford to fight against the state and rent seekers, so indigenous governments usually obeyed orders from above rather than help indigenous people.

In 1992, there was a case in which the indigenous Wanlong Township Representative Council (萬榮鄉代表會) helped to expel polluting mining companies that stole land from indigenous people. The issue had already existed for more than 35 years, but one day some of the indigenous members of the township Representative Council asked the township office to start an investigation into how the mining companies were able to steal reservation land and bring so much noise and pollution to the village. The two companies were owned by non-indigenous people and, largely due to low profits from mining operations during that time, the mining companies were not obeying the rules for controlling the emission of polluting substances. Crucially, these two companies occupied land belonging to a Representative Council member. This person knew that his land had been occupied but he could not do anything about it until he had been elected. He found that the township office had the right to reject the extension of another term of mining lease. He discovered that the township had the right to punish the mining companies for occupying and stealing land from indigenous people. He also solicited support from other members in the Representative Council and the newly elected chief of the township office. This was the first successful case in which indigenous people were able to turn away the companies that had brought so much damage and pollution. This experience inspired members of the Shoulin Township Representative Council to start to fight against mining and cement companies that were causing damage to their local environment. Indeed, from 1996 onwards there was a series of protests directed by local Representative Council members in Shoulin Township fighting against the four companies located around the small village of Pratan. In fact, the protests had been initiated by a number of indigenous land owners whose lands were occupied by these mining companies. These land owners were led by a Representative Council member who also suffered from the occupation by the mining companies that had claimed land in 1996 (Huang, Xian-long 1996). Subsequently, the claim was supported by the township office, which started to investigate the areas for lease and the non-lease areas that belonged to indigenous people. This investigation soon led to the return of some pieces of land to indigenous people. It inspired more people to start similar actions. The Representative Council members were also connecting with higher level parliament members and even legislators and they invited environmental NGOs to help them support their case. There were disagreements on the standards and rules for pollution
control between the companies and the local people. A newspaper article stated that the Representative Council members had walked off the mining premises to show their anger to these state or privately owned companies (Keng-Sheng Daily 1998). This was also the time of the previously mentioned Tongmen landslide, which had resulted in many local people worrying that their own environments were also suffering from ecological degradation as a result of mining and logging operations by profit seekers. The climax of these protests came when local Representative Council members and local people united to expel these companies. The township office immediately rejected the extension of the mining concession and said that the factory would only be allowed on condition that it strictly adhered to the rules of pollution control. This case showed how the local township official used the Indigenous Reservation Land Procedure to support his demands. Leaders such as this official gained increasing support from local people who wanted their voices heard and to take actions for self-determination on many issues such as the co-management of natural resources with institutions such as the county government, the national park administration or the Bureau of Forestry.

7.6 Conclusion

Taiwan experienced rapid economic development in the 1970s and 1980s and it inspired an entire development discourse on the ‘Taiwanese miracle’ (Simon 2002). As Simon’s article ‘The Underside of a Miracle: Industrialization, Land, and Taiwan’s Indigenous Peoples’ has pointed out, this view overlooked three important facts that should be taken into account when examining the development in Taiwan. First: rapid development was made possible largely by an oppressive regime of martial law that quelled worker unrest. Second: development took place at immense social and environmental costs. And finally, those costs have been disproportionately borne by Taiwan’s indigenous peoples. Through the cases that I have presented above, it should be clear that many burdens were shouldered by the local indigenous people. They suffered from these development plans in terms of environmental degradation and lack of recognition of human rights. From the perspective of obtaining environmental justice, the ‘borrowing a golden hen to lay golden eggs’ (in the words of a Hualien County Council member) development scenario invited western companies to come to the east to invest for future profits; however, it did not bring a promising future for the local people at all. As for the cement industry, it did not bring jobs or a great deal of tangible or intangible profits as the companies and governments had promised. What it did bring was pollution and the loss of lands. What is more, these industries were protected, even when they polluted the environment and violated human rights.

In relation to land conflicts between the local indigenous land owners and the Asia Cement Company, I found an official document from the Ministry of
Interior defending the corporation and urging the county government consider extending the company’s mining lease (Ministry of the Interior 2005):

‘Asia Cement was set up with encouragement from the national policy of going east for cement industries. Asia Cement has existed from 1979 until now; a lot of investments have been made. The factory has brought much revenue and many job opportunities to citizens in the east. And the factory has obeyed all the relevant laws and rules. If the land lease contracts on the lands the factory are using expire, and if the leases are discontinued this would lead to a disruption of cement prices and supplements. Moreover, there would be a negative impact on the factory and the industry, not to mention that the company would require compensation from the government. Thus, the extension of the mining lease should be seriously considered (Ministry of Interior, 2005).

I think it would have been difficult for this case to make a difference to the indigenous people because most of the processes had been undertaken legally, although some administrative mistakes had occurred. As a result of these frustrating cases, many indigenous communities are in devastating situations having been flooded with money, capital, pollution, industry and mining. It is argued that negotiations not calculations are needed in relation to corporations and development in indigenous areas. The spirit of free, prior inform and sharing of profit is brought to help indigenous development in the article 21 of the Basic Law stipulating that:

The government or private party shall consult indigenous peoples and obtain their consent or participation, and share benefits with indigenous peoples generated from land development, resource utilization, ecology conservation and academic research in indigenous people’s regions. In the event that the government, laws or regulations impose restrictions on indigenous peoples’ utilization of their land and natural resources, the government shall first consult with indigenous peoples or indigenous individuals and obtain their consent. 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 compensation.

This article is vague in the sense of knowing who exactly should be asked for consent and granted the revenues; indeed, in recent times all we have seen is indigenous communities being disempowered rather than consulted.