

The Story of Smangus Indigenous rights in Taiwan

Presentation by David Reid
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Acknowledgement of traditional owners

- This is Dja Dja Wurrung country
- This presentation is about the recognition of traditional territory

Self introduction

- Six years in Taiwan from 1999-2011
- Fluent speaker of Mandarin Chinese
- Research on Smangus case from 2007-2010
- Thesis for Master's in Taiwan Studies at NCCU, completed 2010
- Research assistant at Research Centre for Austronesian Peoples, Providence University, 2010-2011

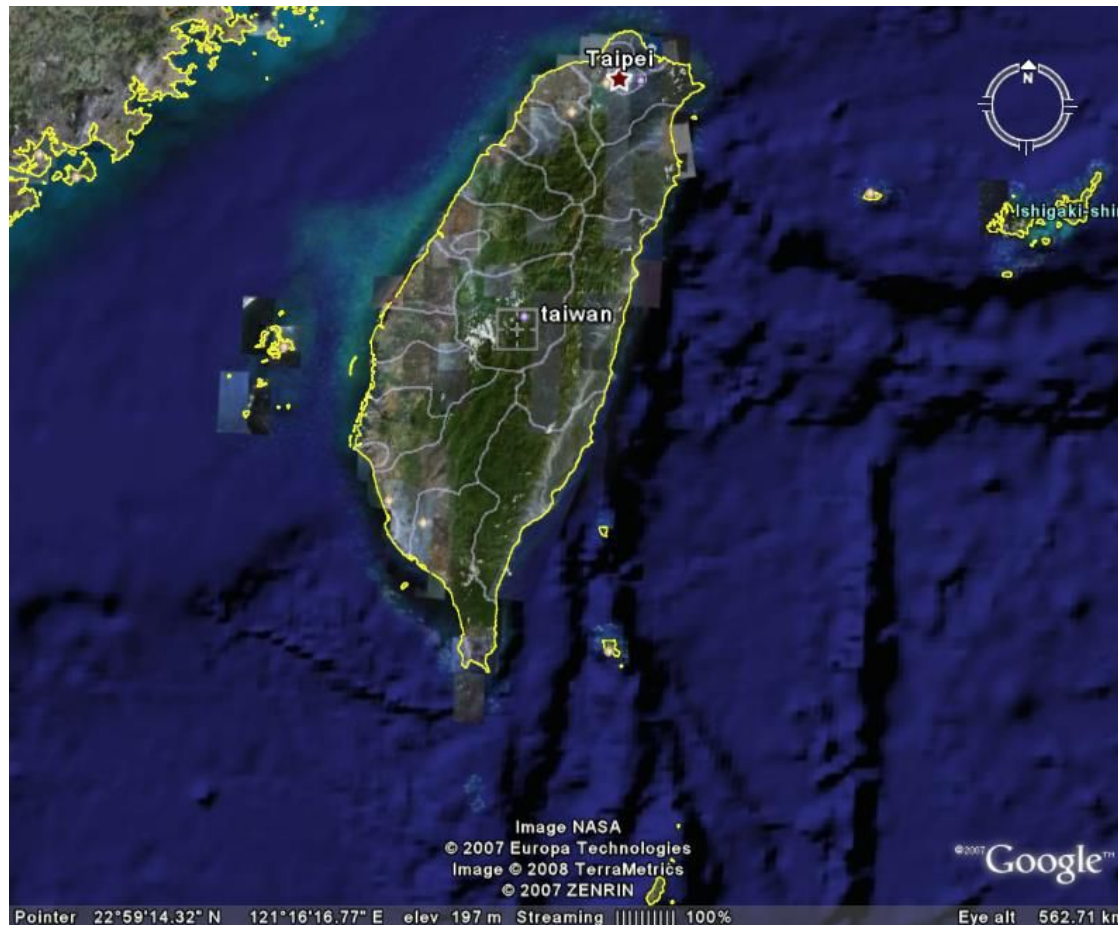
Outline of presentation

- 1. Introduction to Taiwan and its indigenous peoples
- 2. Indigenous rights in Taiwan
- 3. Smangus community
- 4. Smangus Beech Tree Incident
- 5. Lessons from Smangus

Geography of Taiwan

- Island of Taiwan is about half the size of Tasmania
- Current population is 23 million, about the same as Australia
- Taiwan straddles the Tropic of Cancer
- Highest mountain: Tongku Saveq, 3,952m
- Diverse range of microclimates
- High rainfall and typhoons

Map of Taiwan



Taiwan is at a crossroad of Asia. It has connections to Continental Asia (China), the Japanese archipelago, Southeast Asia (The Philippines) and the Pacific Ocean.

History of Taiwan

- Dutch first colonisers in 1624
- Series of colonial regimes gradually gained control over Taiwan
- Japanese colony: 1895-1945
- ROC/KMT control: 1945 onwards
- End of Martial Law and beginning of democratic era in 1987

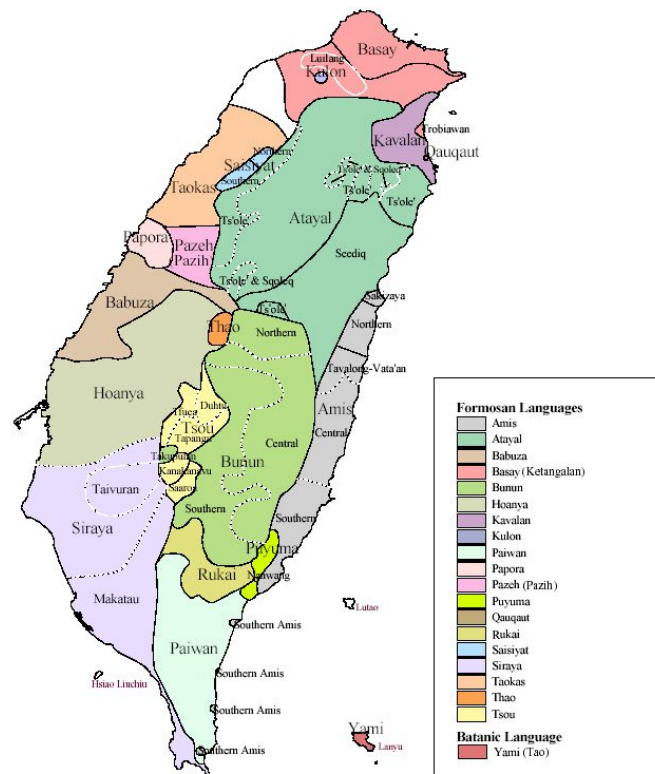
Indigenous peoples' history

- Human settlement on Taiwan dates back at least 30,000 years BP
- Arrival of Austronesian peoples ~6,500 years BP signalled beginning of Neolithic
- ~5,000 years BP migration out of Taiwan across Pacific and Indian Oceans
- 1624: Dutch colonisation marked beginning of loss of sovereignty
- 1930: Wushe Incident: one of the last major acts of resistance

Taiwan's indigenous peoples

- Austronesian languages
- 14 officially recognised ethno-linguistic groups, Pingpu groups campaigning for recognition
- 500,000 people, approximately 2% of Taiwan's population
- Suffer from economic and cultural marginalisation but cultural renaissance since end of Martial Law

Linguistic map of Formosan languages



Formosan Languages and Yami

Atayal people

- Ethno-linguistic group of ~80,000 people
- Traditionally live in mountainous areas of northern Taiwan
- Facial tattooing, headhunting and in-house burial were distinctive characteristics but no longer practiced
- Live in small clan based groups, patriarchal lineage, egalitarian
- Migration story – moved out of Central Taiwan about 250 years ago
- Belief in *gaga* (system of traditional law) and *utux* (spirits of the ancestors)

Atayal facial tattoo



Jian Yu-ying (簡玉英), 93 year old Atayal woman with facial tattoo from Tai'an in Miaoli County. 9 June 2009.

Harvesting millet



Icyeh Sulung harvesting millet at Smangus. 31 August 2010.

Indigenous rights in Taiwan

- Prior to the end of Martial Law there were virtually no indigenous rights
- End of Martial Law and democratization created space in which indigenous peoples could campaign for their rights
- 1990s – recognition in constitution, establishment of Council of Indigenous Peoples
- 2000s – specific legislation for indigenous rights
- “A huge amount of progress has been made in Taiwan in past two decades. However, there is still a gulf between expectations of indigenous peoples and pace of change in legislation and institutions.”

Indigenous Peoples' Basic Law

- Passed in January 2005
- Modelled on UNDRIP
- Aspirational and requires further legislation

Other relevant laws

- Forestry Act
- Wildlife Conservation Act
- These laws recognise rights, but don't grant autonomy

Smangus community

- Remote, electricity in 1979 (黑色部落), only accessible by road since 1995
- ~1,500 metres altitude, high rainfall
- About 150 residents
- Primary school, church, small shop plus accommodation, restaurant and facilities for ecotourism business
- Peaches are main agricultural crop

Location of Smangus



Smangus is located in the Jianshi District of Hsinchu County.

Village of Smangus



Smangus village area. 1 December 2007.

Inside the village



Inside Smangus village. 1 December 2007.

Smangus mountain view



Smangus church



The Presbyterian Church is an important part of the Smangus Community. 1 December 2007.

Smangus school



The Smangus community classroom is constructed of timber, slate and concrete. The variety of materials reflects the different elements that Smangus has drawn on to build its community. 18 August 2009.

Video

- Smangus: A Year in the Clouds trailer
http://www.youtube.com/watch?v=mJO1IIT_EZA&fe
- This documentary was produced by Taiwan's PTS and released in June 2011

Yaya Qparung

- Yaya Qparung is a grove of ancient cypress trees about six kilometres from the village
- The oldest tree is ~2,500 years old
- Location of the trees revealed in 1991
- Hiking to the trees is the main tourism activity in Smangus

Mother tree



David and John Seed



David and John Seed at the grove of ancient trees in Smangus. 4 April 2011.

Father and son



Lahuy Icyeh (left) and Icyeh Sulung (right) at Smangus. 4 April 2011. 18 August 2009.

Tnunan Smangus

- The arrival of tourists in the 1990s caused conflict in the village
- This led to the establishment of a cooperative system to share the benefits of tourism
- The cooperative draws on Atayal culture as well as modern influences
- Tnunan is an Atayal word used to name the cooperative

Smangus economy

- 70-80% of income from tourism
- Other income from agriculture, mainly peaches
- Most people of working age stay in the village
- People are not allowed to buy and sell land

Smangus Beech Tree Incident

- September 2005: Typhoon Talim
- October 2005: Forestry Bureau removes wood, Smangus meeting to remove stump, three men subsequently charged with theft
- April 2007: District Court hearing, three men found guilty
- September 2007: High Court hearing, reduced fine and sentences
- December 2009: Supreme Court hearing, recognition of traditional territory
- February 2010: High Court hearing, three men found not guilty, Forestry Bureau didn't appeal

The beech tree



Photo from Smangus blog

David and the tree stump



David and the tree stump at Smangus. 1
December 2007.

Forestry Act

- Article 15: In forests located in the traditional territory of indigenous peoples, indigenous people may take forest products for their own living needs and customs.
- Article 52: Penalties for theft of forestry products
- Forestry Bureau: principle of “administration under law”

Smangus viewpoint

- The fallen tree was on their traditional territory
- A decision to take the wood was made at a community meeting and was in accordance with the *gaga*
- Three people charged, but Smangus community feels collective responsibility

Smangus conflict with state

- History of conflict with Forestry Bureau – bamboo and mushroom farming
- Both parties following their systems of law and trying to assert their rights and control over land
- Depth of feeling shown in encounters documented on Smangus blog

Video

- Interview with Icyeh Sulung, the chief of Smangus
- Recorded in December 2007 with assistance from Ben Goren and Hsin-han Wang

Court hearings

- Initial hearings in District and High Court showed lack of understanding of indigenous peoples culture
- These were partly redressed in Supreme Court and second hearing in High Court
- First time that indigenous peoples' traditional territory was recognised by a court in Taiwan

Video

- TITV Weekly report: Supreme Court Strikes Down Guilty Verdict
<http://www.youtube.com/watch?v=zcyw02rnP2s>

Conclusions about Smangus case

- Delayed justice
- Some recognition of traditional territory and customs by the court, honouring the spirit of the IPBL
- Demonstrated capacity of Smangus to manage land
- Need for changes in institutions and management practices not just laws

Lessons from Smangus

- Strong traditional culture and openness to new ideas
- Sound economic base gives self-reliance and de facto autonomy
- These both help support custodianship of traditional territory and maintaining the integrity of the environment
- Smangus and other indigenous peoples have the knowledge about how to create genuinely sustainable communities

More information

- David's thesis about Smangus – download pdf at <http://bit.ly/smangus-thesis>
- Book chapter – 'Nation vs Tradition: Indigenous Rights and Smangus' in Taiwan After Martial Law, NTU Press, 2012 (coming very soon!)
- Smangus: A Year in the Clouds documentary – <http://www.pts.org.tw/smangus/eng/Storyen.html>
- Smangus blog – <http://smangus.blogspot.com/>

More information (cont'd)

- Msgamil: Once Upon a Time (泰雅千年) ,short film, 2007 (first ever made in Atayal language)
- The Moment Run Through (走過千年) , documentary, 2009
- Smangus, by Lahuy Icyeh, 2011
- Austronesian Taiwan, edited by David Blundell, revised edition, 2009