

The Ideas and Ideals of First Nations and Their Applications in Taiwan: A Critical Evaluation*

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Abstract

Indigenous movements in Taiwan since the 1980s have centered on land and resource issues, as shown in waves of land claim movements. These movements, however, have resulted in little achievements as indigenous land and resource rights continue to be dominated by state agencies and regulations, especially in areas such as national parks, national forests, and mining fields. In the late 1990s, the Council of Indigenous Peoples, the National Park Agency, and some concerned scholars began to introduce Canadian indigenous experiences into Taiwanese society. Indigenous communities and the government alike increasingly consider Canadian First Nations experiences, in issues such as land claims, co-management of national parks, and self-government, as models to learn from. Using mainly the proposed Magau National Park debates as well as Taroko National Park's Cultural Consulting Committee experience as examples, this paper will explore the aforementioned issues so as to examine the limits of applying the "Canadian model" in Taiwan.

Keywords: First Nations, Nisga'a, New Partnership, Magau National Park, Taroko National Park, Co-management

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Introduction

The indigenous Taiwanese's movements to reclaim their traditional homeland, to have more influence in government decision-making processes, and to possibly move toward self-government received a boost in 2000 with the election of president Chen Shui-Bian into office. During his election campaign, President Chen delivered a "new partnership" speech in which he promised to reconcile the long troubled Han-Indigenous Taiwanese relationship. It would involve the new government's respecting indigenous people's natural rights to and the recovery of their traditional homelands. To reassure indigenous people of his commitment, an official "re-affirming the new partnership" (between the new government, and indigenous Taiwanese) ceremony was held on October 19, 2002, two-and-a-half years into his presidency. With this new set of principles, the government started to work on new program of reconciliation, which includes: draft an indigenous self-government act, fund research on indigenous mapping in order to study the traditional territory of the indigenous peoples, and draft a revised national park act to allow indigenous participation in national park management. This new government agenda was aimed to empower indigenous peoples and to help them recover their long lost homeland.

In working toward indigenous empowerment, the indigenous Taiwanese have built up regular international exchange and cooperation since the 1990s, in particular by organizing delegation to the UN Working Group on Indigenous Populations annual meetings. However, it is the Canadian experiences that were most attracted to the indigenous people both at the government and the non-government level. This is evident first in the Council of Indigenous Peoples' repeatedly sending official delegations to Canada both to attend the

Assembly of First Nations' annual meetings, and to visit indigenous communities to learn from their experiences (Pu, 2004). In addition, at the recommendation of both indigenous communities and some concerned scholars, the government invited two indigenous Canadians to Taiwan in 2001 and again another two in 2002 to share their experiences in self-government and co-management of national parks.

While neither the indigenous Taiwanese nor the government has picked up the name "First Nations" after the Canadian indigenous people (as a matter of fact, the Chinese name for indigenous people—Yuan Zhu Min—already stands for something like First Nations, as it literally translates as "the original inhabitants"), the Canadian First Nations' recent experiences in reclaiming traditional territories, in obtaining self-government status, and in co-management of national parks/natural reserves have inspired them a great deal [the term did inspired a scholar to title her book on indigenous Taiwanese issues "First Nations" (Lin, 2000)]. This is especially true with the ongoing British Columbia (BC) treaty process and its first concrete product—the Nisga'a Nation's final agreement with self-government status. As such, indigenous Taiwanese in recent years have pushed for the following projects and demands: mapping of traditional territories, co-management of natural resources especially in national parks, and finally, self-government.

Nevertheless, with only some progress in mapping of traditional territories, the other two demands have met serious difficulties and caused serious internal conflicts among indigenous groups themselves, as well as external resistance. In response to this situation, there are at least two sets of research questions to be asked: 1) Are the recent Canadian First Nations experiences (especially that of the BC First Nations) really worth Taiwanese indigenous people learning from? 2) Even if the Canadian First Nations experience is a successful one, is it

suitable for Taiwanese indigenous people to pursue a similar path? What socio-economic- political conditions, both within the First Nations and within the entire country of Canada, underlie Canadian First Nations' pursuit of greater autonomy? Are they comparable to the Taiwanese context? What must the Taiwanese indigenous people overcome to achieve the goals that the First Nations of Canada have already achieved?

While it is not possible to thoroughly respond to all of the aforementioned questions in a short paper, this paper is guided by these questions and will try to deal with them to the author's best. As such, this paper will first briefly examine the history of Canadian First Nations' struggle to reclaim their land and rights, particularly those in BC. The reason for focusing on BC First Nations is because among all the Canadian provinces, BC First Nations' historical and political experiences are closest to that of Taiwanese indigenous groups in their history of colonization and their lack of a formal treaty with the settler society. Secondly, this paper will present the findings of the author's field research, conducted in 2003, to learn how indigenous Taroko people reacted to the new national park co-management scheme—a concept borrowed from Canadian experience. The paper will conclude with a discussion about how and to what extent the Canadian First Nations experiences should be leaned in Taiwan. By critically reviewing the Canadian First Nations experiences and their applications in Taiwan, the author only wishes to offer second thoughts on some indigenous groups' assertive pursue of self government in recent years. It is not the intension of the author to offer specific recommendations on which movement paths to take, as the author believes that they should be decided by indigenous groups themselves.

Canada's First Nations

Since the 1980s, the aboriginal people of Canada have started to call themselves "First Nations." According to Flanagan (2000), the term first appeared in late April 1980 at a "First Nations' Constitutional Conference" organized by the National Indian Brotherhood in Ottawa. The term was invented both to unite aboriginal people throughout Canada, and, more importantly, to make a political statement declaring that "we were here first" which will morally legitimize indigenous Canadians pursuing their various rights.

Before the European settlers came to the west of the Rocky Mountains in the mid 19th century, what is now called British Columbia nourished many indigenous people with its abundant natural resources, particularly fish, shellfish, animals, and forests. Because of this, the indigenous peoples there lived a relatively affluent life and developed highly sophisticated ceremonial and material culture (of which, the potlash ceremony and totem poles are most famous). White people first came to this region in the late 18th century; they were mainly people of the following two categories: explorers from the sea, and hunters and merchants who came to hunt/trap and trade for fur, especially sea otter fur. In the early 19th century, sea otter fur became a favored dress that was associated with nobility. Thus, the fur trade largely involves commodities from three geographical areas: a fur trade ship came to the West Coast of Canada, and acquired furs from local indigenous peoples; the ship then sailed to China, sold the furs, and acquired silk and tea, then sailed to London or the East Coast of North America to acquire commodities for trading with the indigenous people when the ships returned to the West Coast of Canada again. Originally, the commodities to be traded with the indigenous people included various industrial products, especially the musket, but increasingly alcohol became the

most important trading goods, which also caused serious alcoholism problem among the indigenous communities (Harris, 1997).

The explorers and traders of this period brought with them various infectious diseases, especially small pox, which had serious effects on the indigenous communities that lacked immunity against this disease. The long term effects of these infectious diseases include depopulation and breakdown of their socio-cultural system. However, because these groups of people were interested only in trading and exploration, not permanent colonization or settlement, the indigenous people in most part were able to preserve the rights to their traditional territory.

However, since the mid-19th century, white people began to settle permanently in this area; they cut down the forests in order to build their houses and to start their agriculture way of life. Consequently, the traditional homeland of the indigenous people began to be taken away piece by piece by the settlers. Between 1850 and 1854, the Hudson's Bay Company, representing the British Crown, negotiated fourteen treaties with nations on Vancouver Island. The so-called Douglas Treaty involved the Crown's obtaining indigenous homeland in exchange for blankets. The treaties affirmed indigenous people's rights to land at least indirectly; as such, indigenous groups in other parts of British Columbia were eager to sign similar treaty with the Crown in order that they can better assure their control of traditional homeland. Unfortunately, their wishes were blown in the wind. The settler government was not interested in signing land treaties with the indigenous people; instead, it was more interested in setting restrictions on how indigenous people can use their land, and thereby managed to legitimize their obtaining indigenous land gradually. As such, by the late 19th century, the indigenous people of BC already lost most of their traditional homeland to the settlers, and they were barely able to survive on the

very restricted “Indian Reserve” areas (Tennant, 1990).

While the indigenous groups were unable to openly resist settlers’ colonization, they did not passively accept their fate either. Right from the beginning of the settlers’ colonial domination, they expressed their anger through various kinds of actions and activities such as petitions and protests. They traveled thousands of kilometers to Ottawa, and for the Nisga’a, even to the heart of the British Empire—London, to petition to the federal government and to the Queen, but all their actions failed to cause any response.

Among many petition documents, the 1910 Memorial to Sir Wilfrid Laurier, then prime minister of Canada, expressed vividly indigenous people’s grievances. In the summer of 1910, at the occasion of Canadian Prime Minister Laurier’s visit to BC, a group of BC interior chiefs submitted a petition to him both to express their anger about their miserable living condition and to request the government to acknowledge their land rights by signing a land treaty with them. In this petition, they described how they had been living on the land since time immemorial, and even thought the white people came to their land without their invitation, “[W]e were friendly and helped these whites also....” However, the white people kept expanding their land holding by taking away indigenous homeland. Moreover,

Their government or chiefs have taken every advantage of our friendliness, weakness and ignorance to impose on us in every way ... They treat us as subjects without any agreement to that effect, and force their laws on us without our consent and irrespective of whether they are good for us or not. They laugh at our chiefs and brush them aside ... They treat us as less than children and allow us ‘no say’ in anything. They say the Indians know nothing, and own nothing, yet their power and wealth has come from our belongings (Memorial to Sir Wilfrid Laurier, 1910).

In the end, the indigenous peoples were restricted to very limited “reserves” that barely able to support their livelihood, not to mention cultural continuity. As such, they predicted that

[E]xcept we can get fair play we can see we will go to the wall, and most of us be reduced to beggary or to continuous wage slavery ... the depletion of salmon by over-fishing of the whites, and other matters affecting us (Memorial to Sir Wilfrid Laurier, 1910).

They also presented their requests clearly:

We demand that our land question be settled, and ask that treaties be made between the government and each of our tribes, in the same manner as accomplished with the Indian tribes of the other provinces of Canada, and in the neighboring parts of the United States ... Now we sincerely hope you will carefully consider everything we have herewith brought before you and that you will recognize the disadvantages we labor under, and the darkness of the outlook for us if these questions are not speedily settled (Memorial to Sir Wilfrid Laurier, 1910).

These words expressed clearly the miserable condition of the indigenous people in BC, and served as vivid evidence of the colonial domination in that historical period. It is worth noting that as early as 1910, the indigenous people of BC already have what we now call “sustainable thinking” by expressing their concern about white settlers’ over-fishing. Notwithstanding the indigenous groups petition, the “civilized” white government was not moved at all; on the contrary, the Canadian government made it illegal for all indigenous people to engage in any land claim activities, such law was to last for several decades until the 1970s. The history of the Nisga’a land claim is one of the best examples of indigenous people’s fight for their land rights. We now turn to their story.

In 1971, the federal government of Canada officially announced its policy of multiculturalism. The policy recognized the ethnic and socio-cultural reality of pluralism in Canada, and abandoned earlier attempts to assimilate immigrants. Under the new multicultural policy, indigenous rights movements started to take a new turn; many indigenous groups took their cases to the court, and some were able to win government recognition of their land and resource rights. Many court rulings set precedence for indigenous groups to follow suit in land claim activities.

In *Calder v. Attorney-General of British Columbia* in 1973, Nisga'a tribal council went to the court hoping to make clear that their rights to traditional territories have never been extinguished, and that they will continue to exercise that right. Their claim was rejected in BC Supreme Court, and their appealed to the federal Supreme Court. Surprisingly, among seven Supreme Court judges, one declined to vote due to procedural concern, and the other six voted unanimously in favor of Nisga'a Nation's having land rights *in the past*. Three of the judges made their ruling based on the Royal Proclamation of 1763 that recognizes indigenous land rights; they thought the Proclamation should cover BC indigenous people. The other three judges decided that the Royal Proclamation has nothing to do with Nisga'a land rights. It is because that before the white people went to BC, the Nisga'a was already an organized society, their people have lived in their traditional territories for a long time, and therefore they should have rights to their land. However, in another issue—whether the Nisga'a continues to have land rights *in present time*—the six judges voted 3:3 and were unable to overrule BC Supreme Court ruling. The Nisga'a Nation's contemporary land rights could therefore not be established. However, the ruling was still a big victory for the Nisga'a and other indigenous groups. After all, the Supreme Court decided that they did have rights to

traditional territory, and half of the judges agreed that their rights continue to exist in present day. These rulings, along with Canada's socio-cultural environment favoring multiculturalism, would be instrumental in indigenous groups' other court actions that followed. Indeed, because of the ruling, the BC government understood that their previous policy of not negotiating land issues with the indigenous groups was problematic and unpractical; indigenous land claims have to be dealt with seriously (Tennant, 1990).

In another case, *Delgamuukw v. British Columbia* (1997), the Supreme Court of Canada overruled the district court's ruling, indicating that indigenous testimony with their oral history has not been seriously taken into account. Chief judge Lamer said that

Ultimately, it is through negotiated settlement, with good faith and give and take on all sides, reinforced by judgments of this court, that we will achieve ... a basic purpose of S.35(1) [of the constitution]. Let us face it, we are all here to stay (Castellano, 1999: 102).

With rulings such as the aforementioned, the federal government as well as provincial governments came to realize that the best way to deal with indigenous land rights issues is through out-of-court negotiations.

The BC Treaty Commission was thus set up to negotiate land treaty with BC first nations. In 1998, after eight years of steady progress among the federal government, the BC government, and the Nisga'a Nation, the first modern day treaty was finalized. In the final agreements, the Canadian and BC government agree to pay Nisga'a's National 190 million dollars over 15 years in order to settle Nisga'a Nation's land claim. In addition, the Nisga'a Nation acquired self-governing rights including right to taxation. As well, over the past two decades, some indigenous groups in Canada have signed land treaty and/or self-government regulations with the Canadian government, with many more in

the process. Others have developed “co-management” scheme in natural reserves and national parks. Many indigenous groups have come to realize that protected areas in their traditional homeland do not necessarily lead to negative effects on their rights to autonomy, self-government, economic activities, and cultural tradition; they could have some beneficial consequences for them. On the other hand, indigenous self-government has become the future of many indigenous groups, with the often praised “successful story” such as Champagne and Aishihik, Nunavut, and the Nisga’a. Their stories have traveled thousands of kilometers to Taiwan.

Learning from the Canadian Experiences

In addition to cultural-identity issues, indigenous movements in Taiwan since the 1980s have centered on land issues, as shown in waves of land claim movements. These movements, however, have resulted in little achievements as indigenous land and resource rights continue to be dominated by state agencies and regulations, especially in such areas as national parks, national forests, and mining activities. It was only since 2000, when the new DPP government was elected into office, and President Chen Shuei-Bian announced his commitment to ethnic reconciliation between the dominant Han people and indigenous Taiwanese, that the relationship between indigenous Taiwanese and the Han majority started to enter a new phase.

Among many indigenous land claim and resource rights issues, the conflict between National Parks and indigenous communities has attracted repeated attention both within indigenous and non-indigenous groups. Since the mid 1980, the government has set up five National Parks on the island of Taiwan. Of which, three are located at the traditional homeland of the

indigenous communities. However, not only were indigenous groups not consulted with about this matter, their livelihood and cultural activities have since been restricted under National Park Regulations. As such, indigenous groups have staged waves of protests to demand changes in government's national park policy and administration. However, it was a fight between environmental groups and the Veterans Affairs Commission (VAC) that triggered major changes in the people-park relationship.

In the late 1990s, environmental groups in Taipei and Yi-Lan County charged the VAC's forest development department (since conveniently renamed the "forest conservation department") with mismanagement of the precious old growth cypress forests in Chilan mountain area, while the VAC firmly denied the charge. To attract public attention and support, environmental groups organized a series of "spend a night for the forest" activities, which proved very successful. Environmental groups pressed the government to establish a new Chilan National Park to protect the precious forests and to effectively end VAC's right to manage the forests.

While the fight between VAC and environmental groups continued, indigenous Atayal people began to express their own concerns. The so-called "Chilan" mountain, they declared, should be called "Magau" according to indigenous Atayal tradition, which denotes a tree species. While they disagreed with the VAC's way of managing the forests, they also opposed the idea of a new national park, as national parks had been associated with the oppression of indigenous livelihood and culture. As such, the Magau forests became a three-way fight.

To make the story short, the government subsequently organized a "Magau National Park Consulting Committee," which was composed of government officials, representatives from environmental groups, local Atayal people, and

university professors, with an aim to establish the new National Park while making sure indigenous Atayal people's rights and interests are guarded. With President Chen's new government coming to office in Spring 2000, ideas about indigenous rights have gained further legitimacy and official support, and a new style of an indigenous-involved—if not indigenous-controlled—National Park was on the consulting committee's agenda. In addition, in order to learn from Canada's national park/indigenous people co-management experiences, the National Park administrative office invited Canadian indigenous people to come to Taiwan for public speech and tour of indigenous areas in 2001 and again in 2002; these activities could also be seen as Taiwan government's intention to show indigenous people how indigenous Canadians are satisfied with the co-management arrangement.

However, not all Atayal people agreed with the idea of a co-managed national park in their homeland. Opponents of the National Park, led by local government officials, ex-officials and indigenous legislators, argued that the main reason behind Canada's "successful experience" of co-management is that the indigenous groups were able to reclaim the title of their homelands through treaty process. Therefore they requested that the government deal first with the "recovery of indigenous traditional homelands," as promised by President Chen, before any talk about Magau National Park and co-management continue. This opposing group's claim was quickly supported by most indigenous legislators, and the government-environmental groups' plan to set up the new Magau National Park has since been stalled.

While debates over the proposed Magau National Park continue, in Taroko National Park (TNP), the superintendent was eager to reconcile the long-troubled park/people relationship since its establishment in 1986. First, the park renamed a popular trail using a traditional Taroko place name—Sakadang

Trail. In 2001, the park organized a lecture series on Taroko culture, in which Taroko elders and prominent leaders were invited to serve as lecturers. Finally, in early 2002 TNP established a TNP Cultural Consulting Committee (TNPCCC). Among the 23 committee members are eight top national park officials, 12 Taroko people, one Ami person, and two university professors including the present author; the Taroko representatives insisted on having the majority in the committee.

The committee meets four times a year to discuss land, resources, and social, cultural, and economic issues related to Taroko people in and around the national park. In 2002, the committee discussed and decided on issues such as funding for a school improvement project, funding for organizing a dance group, and drafting a training program for Taroko cultural-ecological interpreters. However, issues such as funding for a committee member's cultural association, and the proposal for a farm road on a steep slope, were rejected on the grounds of avoiding personal favors and ecological concerns.

In 2003, this researcher conducted interviews to learn whether the committee has had an effect on the park-people relationship. The 23 interviewees included eight Taroko tribe committee members, four TNP officials, five Taroko students of the cultural-ecological interpreters training program, and six other Taroko people. The interviews with national park officials were done in the national park headquarters, and the interviews with Taroko people were done at their houses. Each interview lasted about one to two hours.

Most TNP officials were happy to see the committee in operation; as one put it, "I think the (park-people relationship) has significantly improved; we have formal channels of communication, and (the Taroko people) are able to express their grievances" (T1-1). However, one pointed out that some

committee members have their own personal interest, rather than trying to advance the interest of the whole tribe; he worried that these committee members may cause trouble in the future operation of the committee. Contrary to the more positive response of TNP officials, most Taroko people on the one hand gave credit to the committee, but on the other hand were not satisfied with the limited achievement of the committee. They expressed their concern about more pressing issues such as land and jobs, which the committee was not able to tackle. As one put it: “Having the committee is just like giving us a piece of candy” (B3-1). Another said: “I am very dissatisfied with the committee, TNP avoided the most important issues such as jobs and land, but without dealing with these issues, what good is the committee?” (A1-7) One was disappointed about the lack of discussion on co-management: “We never talked about co-management; TNP lacks sincerity” (A3-4).

Indeed, as most Taroko people’s economic condition is very poor, they are more interested in land and economic issues rather than cultural ones, which the committee seems to have focused on. Complaints were raised about animals such as monkeys and pigs destroying their farm products, but they were banned from taking action because of National Park regulations. Job opportunities in the National Park were also the main concern of many interviewees, but they saw the committee not doing any good to help more Taroko people to get a job in the park: “The committee only receives some funding for cultural activities, but this is the least they (TNP) can do ... we are like beggars without any dignity” (A4-3).

Even though Taroko committee members have sat at the same table with TNP officials for several times, the members’ mistrust toward TNP still persists: “TNP are slowly acquiring land [meaning private land inside the park] ... It is a well-planned act aimed to drive all indigenous people out of the park, so that it

can manage the national park all by itself” (A3-4). Young Taroko people seemed to be less hostile toward TNP; as one argued, “People of our generation are more rational, and we are less resentful to TNP because there is more interaction. Also, TNP has become more respectful of the Taroko people” (C2-5).

Taroko representation on the committee has also been an often-mentioned issue. Most committee members were aware of the fact that some young people openly challenged the legitimacy of the Taroko representatives, and the issue was brought up at one committee meeting, but there was no agreement on how to design a better process to select the committee members. However, in line with the Taroko cultural tradition, a young man indicated that current members are mostly respected Taroko elders and community leaders; there should be no problem with them representing the Taroko people. On the contrary, others feel that the election system tends to be corrupt, and therefore should not be used in selecting Taroko representatives.

In sum, while the committee is generally viewed as a positive move toward reconciliation, most Taroko interviewees thought that the committee had failed to deal with the most important issues such as land, jobs, and economics. The younger generation seemed to have more trust in TNP’s goodwill, while the older generation, including a few committee members, seemed to lack such trust. To make things more complicated, the superintendent who organized the committee was forced to leave his job in late 2002 because of charges of mismanagement. The new superintendent seems to be less enthusiastic about reconciling the park-people relationship as evident in her not holding regular committee meetings. While the effect of this new development has yet to be researched, it shows how important it is to have the committee institutionalized throughout the legislative process.

Discussions and Conclusions

Is the Canadian “First Nations” model a good model for Taiwan’s indigenous groups to learn from? This is the main question this paper takes up with. From the above discussion, we found that Taiwanese indigenous groups have indeed taken fast steps to follow the path of Canadian First Nations. However, even with the least difficult task—co-management of national park, the indigenous groups as well as the government found that it was not easy to reach an agreement, both between the two parties and among indigenous communities themselves. The main reasons being that firstly, the indigenous groups are divided among themselves; secondly, there were debates over whether land claim and self-government should take priority over co-management. Behind the second reason was the general lack of trust between indigenous groups and the government due to past unpleasant experiences.

As for self-government issues, while the government and indigenous groups have been working very hard on this issue, including drafting indigenous self-government law, there has been little progress on it. (It is worth mentioning that since the Taroko People gained government recognition as an independent indigenous group in 2004, they have worked hard to pursue self-government.) It should be noted that it took the indigenous peoples of Canada over a century to get the gains they have today. Perhaps it is necessary for us to understand that after a long period of outside domination that resulted in rapid socio-cultural change and economic hardship for the indigenous groups, neither co-management nor self-government is panacea for all of indigenous people’s problems.

Furthermore, if we compare the Canadian First Nations experiences with

that of the Taiwanese indigenous groups, we found the following characteristics that exist in the Canadian society but not so much, or not at all in Taiwan:

1. A much longer history of the nation's commitment to multiculturalism. As mentioned earlier, Canadian society embraced multiculturalism in early 1970s, while Taiwanese society started to learn about multiculturalism only in the 1990s.
2. Also much longer history of indigenous groups' fighting for their land and culture rights, as has been discussed in this paper. Of course, this is not to fault the indigenous groups in Taiwan for not fighting for their rights earlier, as they had been under coercive Japanese colonial domination and KMT's martial law until very recently.
3. A court system, under the influence of multiculturalism, able to set precedence in favor of indigenous issues. (In contrast, major legal changes in Taiwan has to go through legislative amendments; recent Taiwanese political environment made it hard for such changes to take place.)
4. A country with huge land mass and is sparsely populated that the tension, especially in land ownership, between indigenous groups and the settler society is not so strong, particularly in more remote areas.
5. Indigenous groups have maintained clear and respected government body, mainly in the form of tribal councils, which are able to represent the whole group/tribe either on negotiation table or in other kinds of action. (On the contrary, most Taiwanese indigenous groups are seriously divided politically.)

To make things look more distressed, the "Canadian model," according to many Canadian First Nations, may not be working so well after all. On October 2004, for example, Chief Harvey Alphonse of the Cowichan Tribes in British Columbia met with United Nations officials to discuss about the lack of

progress in Treaty negotiations with the Canadian and BC Governments. He complains:

We have been in this Treaty process for 11 years and we see little commitment on the part of the Canadian and BC Governments to negotiate a Treaty and address our unique circumstances ... At the same time, they continue to alienate our territory by selling off what Crown land remains without our consent, denying our rights to fisheries, and not taking responsibility for the past actions which have threatened our people, our traditional beliefs, and our language. In our minds, this is paramount to ignoring our rights to access to our lands and resources, and to our Indigenous right to self-determination. Canada is a signatory to international covenants and agreements that protect these rights, and we believe they are in violation of these agreements (n. a., 2004: 6).

Taiaiake Alfred of the University of Victoria's Indigenous Governance program made a similar critique of the treaty process:

The emergent consensus of indigenous people involved with the British Columbia Treaty Commission (BCTC) is that the current process has failed ... the Treaty Commission process is at its core morally bankrupt and driven by the twin objectives of placating natural resource industry lobbies and the coercive imposition of the federal and provincial governments' shared assimilationist agenda. It is a coherent and general conclusion among indigenous people that the failed attempt to negotiate a structural recognition of their constitutional rights to land and self-government within the BCTC is proof that the federal and provincial governments have neither the determination or sincere desire to resolve the fundamental sources of racial and political conflict that exist in British Columbia (Alfred, 2001: 1).

As such, some scholars have suggested that rather than pursuing

indigenous sovereignty, it may be better for indigenous leaders to seek rights to self-determination within the existing Canadian federal framework (Stoett, 2005). If the “Canadian Model” is not really such an ideal model after all, leaning from the Canadian experiences could be a misguided track for indigenous groups as well as the government of Taiwan. This is particularly true as this research affirms that Canadian society and indigenous communities are better equipped to move toward reconciliation (but they still could not sort out their differences). Perhaps co-management of national parks is not the solution to a better park-indigenous people relationship in Taiwan. Perhaps self-government would not work for all indigenous groups in Taiwan, as Taiwan is such a densely populated area and most indigenous groups are already so heavily involved in the modern capitalist economic system. Perhaps, then, the government and indigenous groups may have to reevaluate the ideas and ideals of Canadian First Nations, and to seek out other more substantive and locally as well as socio-historically grounded paths toward reconciliation.

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加拿大「第一民族」的理念與理想以及他們 在台灣的應用——一個批判性的評估

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摘 要

1980年代開始興起的台灣原住民族運動主要關懷的議題包括土地與資源權，這展現在一波波的還我土地運動之上。然而，這些運動的成就非常有限，原住民的土地及資源權持續地在國家機構及國家規範的掌控之下，尤其是諸如國家公園、森林地、礦區等均未見原住民享有具體的土地及資源相關權利。自從1990年代末期以來，行政院原住民族委員會、營建署國家公園組、以及一些關懷的學者開始向台灣社會引介加拿大「第一民族」的經驗。許多原住民社群以及政府也逐漸認為加拿大的「第一民族」經驗是台灣原住民適合的學習模式，尤其是在還我土地、國家公園共同管理、以及原住民自治議題上。本文一方面探究加拿大原住民爭取權利的歷史發展，另一方面以馬告國家公園的爭議以及太魯閣國家公園文化諮詢委員會的短暫成立為例，來檢視台灣學習加拿大「第一民族」模式的意義與限制。

關鍵字：第一民族、尼斯加族、新伙伴關係、馬告國家公園、太魯閣國家公園、共同管理