

# Politicizing Nature: The Maqaw National Park Controversy in Taiwan

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We have to live with the fact that different individuals and groups use different discourses to make sense of the same nature/s. These discourses do not reveal or hide the truths of nature but, rather create their own truths. Whose discourse is accepted as being truthful is a question of social struggle and power politics. (Noel Castree 2001, 12)

## Introduction

This article is about a forest and the people who live with it: the ancient cypress forest on Maqaw mountain in northern Taiwan and the indigenous Tayal people who live in the surrounding area. Although indigenous peoples' local, ecological knowledge, livelihoods, and wider rights have been taken seriously in the global environmental movement since the late 1980s, in Taiwan the two movements only joined forces in the late 1990s. This paper seeks to show how indigenous peoples' understandings of nature and their rights to use natural resources within Taiwan's conservation areas were brought into ecological politics in Taiwan at the turn of the 21<sup>st</sup> century. It describes and analyzes the Maqaw national park controversy, which unfolded between 1998 and 2003—a crucial period in Taiwan's democratic transition. This national park project was the first government project to involve indigenous peoples in natural resource management, and the controversy generated more public attention and debate than any other environmental issue in recent Taiwanese history (Lee 2004; Lin 2004; Walis • Nokan<sup>2</sup> 2003). This case also illuminates the different actors involved and interests at stake not only in forest management, but also in ecological politics and natural resource management in Taiwan more generally.

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<sup>1</sup> This article is informed by in-depth observation of the Maqaw controversy. In 2000, as a result of my earlier involvement and research with indigenous communities, I was invited to be a member of the Maqaw National Park Consultation Committee. Since 2002 I have also been involved with the Indigenous Traditional Territory Survey doing tribal mapping with Tayal communities.

<sup>2</sup> The two names separated by a dot is a special Tayal linguistic form for names that is used in Taiwan. The second name is the father of the first name.

In analyzing this case, this article draws on a political ecology approach<sup>3</sup> to illuminate the conflicting interests and different views of the meaning of the Maqaw cypress forest among conservationists, indigenous peoples, foresters, and the state agencies responsible for forest management and resources. While it traces the evolution of the campaign to save Taiwan's largest remaining cypress forest, it shows that within the campaign there were different social movements, namely the forest movement, the national park movement, and the indigenous peoples' movement, each of which reflects the different social positions and values of constituent actors. An analysis of how each of these movements engaged with the state in this struggle reveals the divisions and tensions between the different state agencies involved in forest management and how these divisions provoked public debate over the forest management and provided a catalyst for changes in policies.

## Situating the Actors

### *Taiwan's Cypress Forests, State Agencies and the Conservation Movement*

Due to its high mountains, magnificent forest coverage, and dramatic Eastern seaboard, the Portuguese sailors who navigated around the island in the 17<sup>th</sup> century called Taiwan the *Ilha Formosa*—beautiful island. With a total area of 36,000 square kilometers, it lies in the Pacific Ocean 160 kilometers from mainland China and is bisected by the Tropic of Cancer. Two-thirds of the island is ruggedly mountainous and lushly vegetated, and in these areas human habitation demands sophisticated living skills. Therefore, most of the human population of 23 million lives in the limited area of the western lowland plains. Relatively scarce natural resources combined with dense human population have made Taiwan's remaining cypress forests an arena of major ecological political controversy.

There are only six species of *Chaemycyparis*, cypress, in the world. Two of these, *C. formosensis* and *C. obtusa* var. *formosana*, are native to Taiwan. These majestic trees can grow up to 60 meters tall and 20 meters in circumference and are found at elevations of 1,800-2,500 meters in both pure and mixed stands. In terms of their great height and beauty, Taiwan's native cypresses resemble the better-known California redwoods. Taiwan's cypress forests are of great ecological significance, because they grow on the steep slopes of high misty mountains, which receive about 400 centimeters (157.48 inches) of rain per year. Hundreds of streams originate in those mountains, and the geomorphology is highly unstable. So the cypress forests help to modulate the mountain hydrology, hold the soil, and prevent floods and landslides (Chen 2005). These

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<sup>3</sup> See, for example, Bryant & Bailey 1997; Bierzack & Greenberg 2006; Castree 2001; Paulson & Gezon 2005; Tsing 2005.

functions are especially important given Taiwan's location within the typhoon belt.

Due to the excellent quality of Taiwanese cypress timber and the great height of the trees, they have an extremely high commercial value. The Japanese, who colonized and occupied Taiwan between 1895 and 1945, first systematically exploited their commercial potential. In 1910, the Japanese began an extensive survey of Taiwan's forests and two years later began intensive logging in the three major forests most accessible for cypress logging and transportation: Alishan, Taipingshan, and Bashenshan (see Fig. 1). In 1945, political control of Taiwan shifted from the Japanese to the Chinese and intensified when Chiang Kai-Shek, his Kuomintang party (KMT), and the nationalist army fled to Taiwan from the mainland in 1949. The KMT government accelerated commercial logging and took over the Forestry Bureau, the main state forest management agency, which at that time was run by the Taiwan provincial government. In 1999, the Legislative Yuan transferred the Forestry Bureau to the full control of the cabinet-level Council of Agriculture, though the Bureau continued to be the primary state forest government unit.

—Insert Fig. 1 (Map) here—

However, the Forestry Bureau was not the only state agency involved in forests under the KMT. From the late 1950s, a significant amount of government logging work was turned over to the Veterans Affairs Commission (VAC). This was established in 1959 as a cabinet-level government department with responsibility for the well-being of veterans from Chiang Kai-Shek's war with Mao. These men had left their families and villages behind on the mainland, where they could never return, and had no social or economic networks in Taiwan to support them. The Forest Development Division of the VAC was set up to provide them with jobs and benefits. This marked the beginning of the most intensive period of logging cypress trees in Taiwan's history: for nearly 25 years, approximately 70 percent of the total revenue of Taiwan's timber industry came from logging cypress forests. In addition to providing jobs and benefits for veterans, the timber industry was seen as playing a key role in national development and accelerating Taiwan's modernization. By the late 1970s, Taiwan's economy had shifted from primary dependence on agriculture and natural resource exploitation to export-oriented manufacturing. Praised as one of the four "Asian Dragons," Taiwan's economy was booming. This economic shift was accompanied by moves toward democratization of the political landscape, the emergence of the nature conservation movement, and the growth of ecological literacy.

In the late 1970s and early 1980s, critical of the relentless pursuit of economic growth, some ecological scholars who had been trained in the U.S. introduced the concept of protected areas in the form of national parks into Taiwan (Lin 2004). The first national park, Kenting was

established in 1984, at a time when social movements were actively campaigning on environmental issues in the lead-up to the end of Martial Law in 1987 (Wu 1990). The National Parks Division and three other national parks, Yushan, Taroko, and Sheipa, were established in the next few years in mountainous areas covered with extensive forests where various indigenous peoples historically have lived. But these national parks were heavily influenced by the U.S. Yellowstone model of separating people from nature (Huang 2001). The main purpose of the parks was conservation of wildlife and the landscape, and the National Park Law totally prohibited hunting and gathering activities. It gave no recognition to indigenous peoples' hunting practices or the fact that the parks overlapped with their traditional hunting areas. Since local indigenous people depended on hunting and gathering in the forests for their survival, the prohibition of these activities posed a direct threat to their ability to continue to live in their traditional homelands.

From the late 1980s, ecological scholars and activists also started to focus more on issues of logging and to challenge state practices. As forest activist Lee Keng-Cheng points out (2005), there have been three waves of the forest movement in Taiwan. The first dates back to 1988, when a group of conservationists and social activists campaigned against the Forestry Bureau, protesting that its mission was outdated and should be changed. Arguing that the Bureau was only concerned with the commercial benefits of forests and thus disregarded their ecological value, conservationists successfully pressured the Bureau to abandon its policy of harvesting natural cypress forests. The second wave of protests was launched in 1991, when forest activists led by Chen Yu-Fong exposed the illegal logging of old-growth beech trees, which was being carried out by the COA as part of an experimental forestry project. After a series of protests and debates, the COA announced an executive order forbidding the logging of old-growth forest. This executive order then became the primary basis for conservation groups' protests against the VAC in 1998 at the start of the Maqaw controversy and the third wave of the forest movement.

By this time, although there had been an increase in ecological literacy in Taiwan, it was being driven by ecological scholars and NGOs rather than the government. The forest movement had greater impact on the wider society than on either the forest industry or the state authorities that controlled access to forest resources. Despite the fact that only two large forests were left, many of those involved in relevant state agencies and the industry still viewed cypress forests simply as a source of high-value timber.

### ***Indigenous Peoples and Forest, Indigenous Rights and Livelihoods***

Taiwan is home to more than fourteen ethno-linguistic groups of Austronesian-speaking

indigenous peoples<sup>4</sup> who make up about 2.5 percent of today's population. Some scholars suggest that Taiwan was the earliest known home of the Austronesian peoples before they began migrating out across the Indian and Pacific oceans (e.g., Blundell 2009). Between the 17<sup>th</sup> and 19<sup>th</sup> centuries, the western plains in Taiwan were taken and governed first by the Dutch, then by an exiled government of the Ming Dynasty, and finally by the Ching Dynasty, which also governed China at that time. Nevertheless, Taiwan's eastern plains and central mountains remained largely under the control of indigenous peoples until the period of Japanese colonization between 1895 and 1945.

In 1910, when the Japanese colonial government started its forest survey, it also began a five-year military campaign to conquer the island's indigenous peoples. In 1925, the Japanese Government Forestry Survey Project classified a large area of the forests previously used by indigenous peoples as state forest. At the same time, to facilitate access to natural resources and political control, many indigenous peoples were confined to planned "Reserved Lands" comprising small and fragmentary land parcels in the mountains, or forced to move to lowland areas and change their livelihoods from migratory subsistence agriculture and hunting-gathering to settled agricultural production. Indigenous resistance to these policies resulted in numerous bloody battles with the Japanese military, but their resistance was largely unsuccessful. It was through this process of colonization that land used by different indigenous peoples<sup>5</sup> came under the governance of an emerging modern state. In 1945, when the KMT government replaced the Japanese colonial government, it retained the Reserved Lands Policy and the prerogative of exploiting Taiwan's forest resources. The indigenous intelligentsia still asserted their right to self-determination, but in the early years of KMT rule, many were arrested and executed by the KMT government. As a result, before the 1980s there were few opportunities for effective or sustained protest.

With the weakening of the KMT's legitimacy in the early 1980s and the transition to democracy after 1987, Taiwan's indigenous peoples connected with the international indigenous movement and drew on the new international rights standards—especially the International Labor Organization's 1989 Convention 169 on Indigenous and Tribal Peoples. They held numerous demonstrations and protests over land rights, autonomy, and self-definition. They also protested the prohibition on hunting in national parks on the grounds that it had devastated indigenous livelihoods. They called for the recognition of hunting as a key part of their culture and an

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<sup>4</sup> Austronesian peoples share the same language family and live across Oceania and Southeast Asia.

<sup>5</sup> As Tsing (1993) emphasizes, like indigenous forest practices in Borneo, in Taiwan, indigenous peoples' notions of territory were historically based on use-rights rather than a sharply bounded notion of ownership linked to private property.

important rights issue, which provoked considerable debate in relation to conservation and animal rights among scholars and NGOs (Lin 2010). One significant achievement came in 1994 when the National Assembly replaced “mountain peoples” with “indigenous peoples” in the Constitution. Another breakthrough came in 1996 when the KMT government created the Council for Indigenous Peoples’ Affairs. However this was a token gesture as the KMT’s policy toward indigenous peoples was largely devoid of any recognition of indigenous rights. Thus, issues like “land claims” and “traditional territory” were very difficult to discuss until the end of the 1990s when indigenous rights issues gained the support of the Democratic Progressive Party (DPP).

## **The Case of the Maqaw National Park Controversy (1998-2003)**

### ***The start of the controversy***

The Maqaw controversy began in 1998 when forest activist Lai Chun-biao discovered that the Veterans Affairs Commission was illegally logging cypress trees on Chi-lan Mountain under the pretense of clearing fallen trees. This activity clearly exceeded the bounds of the COA’s 1991 executive order prohibiting logging in mature forests. Lai was quick to report this infringement, and more than ten concerned conservation groups joined together to form the National Alliance to Save the Chi-lan Cypress Forest (NASCF). Through media reports, letters, petitions, and marches, the Alliance sought to publicize their demand that the government protect Taiwan’s old-growth cypress forest. Chen Yu-Fong (1999), for example, wrote more than ten articles in various newspapers urging people from all social backgrounds to express their concern for Taiwan’s largest remaining cypress forest. These efforts achieved some initial success in June 1999, when the COA announced a temporary suspension on the clearing of fallen trees.

The temporary suspension, however, upset a group of forestry experts, mainly scholars teaching and researching in universities and employees at experimental forestry stations. These scholars adhered to the conventional idea that forests must be managed actively over a long period of time and believed clearing fallen trees to be an important measure for stimulating forest regeneration. Their response prompted the VAC to attack the conservationist scholars led by Chen Yu-Fong and the NASCF as “romantics” and radicals who were devoid of the spirit of scientific research and ignored the fact that the use of natural resources is an essential part of obtaining material benefit. Forces opposing the NASCF (forest movement) formed their own alliance and sought the support of members of other government departments, such as the Council of Agriculture. From 1998 members of these two camps engaged in intense theoretical debates in a variety of academic settings. But in these heated debates between “forest cutters” and “preservationists,” as they called each other, neither was able to change the other’s views.

Simply put, the “forest cutters” used the rationale that commercial forest management techniques were necessary to secure economic benefits. In their view, sustainable forest management involved technical and economic considerations in an alternating cycle of deforestation and reforestation. They were unconcerned about the ecological impacts of clearing fallen trees. In contrast, the “preservationists” claimed that long-term scientific forest management policies were only concerned with economic development and neglected the ecological status of species other than trees. In their view, such policies neglected the immeasurable, noneconomic value of nature. They argued that the forest had an intrinsic value, linked to local cultures and national identities. For example, in one of his articles, Chen Yu-Fong argued that only by walking in an ancient forest could one know what it means to be a spiritually adept and upstanding Taiwanese person. On the issue of clearing fallen trees, the preservationists were interested in cypress forest ecosystems, and so they were against clearing fallen trees, which has a major ecological impact. Moreover, they argued it is difficult to scientifically measure the significance of this impact in short time periods.

At this stage in the controversy, we can clearly see that opposing images of “forest” were emerging in the perspectives and arguments of different forest actors. Basically, one side was articulating what had been the dominant view of forests in Taiwan, which stresses economic profit for people from timber production. The other side was emphasizing the ecological value of forests. They were not merely interested in red and yellow cypress trees, but the living human and non-human community that lives in a state of interdependence with these trees. One of the great achievements of the environmental movement in Taiwan over the past 20 years is that it has gradually brought about a new form of consciousness. In the above description, we can see a microcosm of the type of intense debate from which this consciousness has emerged.

### ***The proposal to establish a national park***

This ideological conflict led to uncertainty about the fate of the cypress forest on Chi-lan Mountain and pushed the NASCF towards a new strategy. As a result, the movement to reconsider forestry policies in Taiwan took an important turn. From early 1999 it gradually shifted toward the goal of establishing a national park to protect the Chi-lan forest permanently. The NASCF hoped that with the planning of a national park, authority for managing Chi-lan mountain cypress forest would pass from the VAC to the National Park Division (NPD), which favored ecological forest management practices. The NASCF’s argument was that the VAC’s power over forest resources arose historically from an authoritarian appropriation, and its forest management approach had nothing to do with conservation but was solely concerned with generating income to support the welfare of retired soldiers. It simply did not have the necessary professional expertise to protect Taiwan’s

largest remaining old-growth cypress forest.

By proposing a national park to protect the Chi-lan forest, the NASCF publicly exposed internal divisions relating to forest management inside the central government. The legal responsibility for managing forest resources was split between the Forestry Bureau (under the COA), the NPD (under the Department of the Interior), and the VAC. In the case of Chi-lan Mountain, the VAC had rights to manage the forest, though the Forestry Bureau legally owned the property. But dating back to the 1980s, different working beliefs predominated in each institution. As a result of the different orientations of the involved agencies, the ensuing public debate raised the following questions: Is it possible to create an integrated governmental framework to manage the national forests? How can different government agencies be coordinated so as to achieve conservation of forest resources, particularly the precious cypress forest? These issues all became subject to intense public debate. At the same time, by throwing into question the VAC's professional qualifications for managing the cypress forest ecologically and seeking an alliance with the NPD, the NASCF accelerated a power struggle between these discordant state agencies.

The fact that NASCF was replaced by another more locally based alliance at the forefront of the movement to save the Chi-lan forest initially did little to change the conflicts inside the state. During 1999, the "Alliance for the Chi-lan Mountain National Park (ACMNP)" was launched by Tien Chiu-Chin.<sup>6</sup> She was a local DPP politician and environmentalist with stronger local networks than the NASCF, including with local Tayal communities in the Chi-lan mountain area who claimed that Chi-lan Mountain should be called by its Tayal name, Maqaw Mountain, and that the area belonged to their traditional territory. They were opposed to a national park established by Han people that would exclude their traditional use rights and culture. The voices of these indigenous people injected a new element into the movement. Although ACMNP promoted the establishment of a national park, its argument was not limited to pointing out the inadequacy of the government's forest management concepts and policy implementation. The group aggressively promoted a new image of how the forest should be conceived, arguing that the Maqaw cypress forest was much more than just a "natural resource" under the jurisdiction of the VAC and the Forestry Bureau: it was "primitive," "precious," "world-class," and "representative of Taiwan."

In an effort to garner overseas' support for the campaign, ACMNP presented the case at an international environmental conference in Okinawa, Japan in 2000. Before that, it also helped organize a big march in Taipei, mobilizing conservation groups, scholars, activists, and local

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<sup>6</sup> Tien Chiu-chin was based in Yilan County, close to the Maqaw cypress forest. She was elected as a legislator in 2004 and re-elected in 2008. Her husband served as the Commissioner of Yilan County from 1997 to 2005.



communities behind demands for a national park and that the VAC relinquish authority over managing Taiwan's forests. This march gained the political support of the DPP's presidential candidate Chen Shui-bian, who promised to establish the park if he won the 2000 elections. It also put the ACMNP in direct opposition to the "tree-cutters" represented by the VAC. Each camp sought support from the academic community and lobbied government agencies. In response to the park project, the "tree cutters" aggressively proposed a new plan to the COA: the "Chi-lan Mountain Forest Ecosystem Operation and Management Plan." The crux of this plan was that "forests must be operated" and that work clearing fallen trees should be allowed to resume for experimental research purposes. The COA approved this plan in 2000 just before the change of government, and work to clear fallen trees was resumed in 2001.

### *Indigenous Co-management*

In 2000, when Chen Shui-bian won a victory in the presidential election, the change of administration brought new developments to the movement to protect the cypress forest. In addition to promising to establish a national park in the Chi-lan area, during his election campaign Chen Shui-bian had announced a "New Partnership Policy" with indigenous peoples. The policy proposal had seven goals: 1) recognize the natural rights of indigenous peoples in Taiwan; 2) promote the autonomy of indigenous peoples; 3) sign land treaties with indigenous peoples; 4) recover the traditional names of indigenous communities and living places; 5) recognize the traditional territories of indigenous peoples; 6) allow traditional uses of natural resources and indigenous peoples' autonomous development; and, 7) achieve equal representation of indigenous peoples in parliament. Chen's commitment also included making the Council of Indigenous People a cabinet level department and strengthening its role. These promises soon shifted the park proposal and wider debates about forest management in a new direction.

When the new administration took office, it asked the Research, Development and Evaluation Commission and the Construction and Planning Agency to organize a panel of experts and scholars to evaluate and develop a plan for a new national park. However, the new framework the administration announced in October 2000 clearly represented the conservative faction within state forestry agencies, assigning shared responsibility for establishing the new national park to the Research, Development and Evaluation Commission, the Forestry Bureau, and the Veterans Affairs Commission. Moreover, the planning process had not involved the cabinet level Council of Indigenous Peoples, and there had been little communication with indigenous people in the townships around the proposed park area. As a result, this expert plan failed to gain the support of the ACMNP and Tayal activists, who aimed to establish a mode of national park management based on the participation of indigenous people.

After intense mediation between the new administration and the conservationist/Tayal alliance, a new task force, the Chi-lan Mountain National Park Consultation Committee, was formed under the leadership of the Deputy Chief of the Ministry of the Interior, Li Yi-yang, in late 2000. The Council of Indigenous Peoples' Affairs was involved for the first time, as were ACMNP along with other indigenous representatives and conservation groups, government officials, and scholars. The task force's remit was to make recommendations on how to design and organize the new national park in a way that integrated the new president's promises to both ecological NGOs and indigenous peoples. Thus, the direction of the movement took yet another turn: a new national park framework was proposed to involve indigenous participation in the management of natural resources. At the first formal meeting, on the insistence of indigenous representatives and in order to symbolize the new president's dual commitments, the committee was renamed the Maqaw National Park Consultation Committee. However, although the Committee was formed and the VAC had been sidelined, the difficult task of dealing with complex ideological conflicts regarding the cypress forest was far from over, and the Committee became the site of intense debate.

By Christmas 2000, after months of discussions, pro-national park Tayal activists and conservation groups had reconciled their disagreements about the form the new national park should take. They called a press conference, urging society at large to protect the ancient cypress forest on Maqaw Mountain. They talked about how Taiwanese cypresses resemble Christmas trees, but some are a thousand years old and are much more meaningful for indigenous people and their traditional customs. More importantly, they proposed a new framework for managing national parks, which involved cooperation between the government and indigenous people. Their proposal introduced concepts of tribal revitalization and development into the movement to protect the old-growth cypress forest. Additionally, reflecting growing global interest in biodiversity conservation, they stressed indigenous people's deep cultural understandings of nature and the crucial role local indigenous people can play in putting conservation into practice. In sum, they were suggesting a new model of natural resource management related to the development of tribal industry. However, actually achieving this goal is not a simple task and raises difficult questions, such as: Who has the right to manage Taiwan's forests? How should they be managed? Is it possible to simultaneously adhere to the principles of ecology and create economic opportunities for indigenous people?

At the end of 2000, some of these questions were addressed at a public hearing entitled, "Do Indigenous People Approve of Maqaw National Park?" It was organized by two indigenous legislators linked to the defeated KMT,<sup>7</sup> Tsai Chung-han and Gao Yang-sheng, and was attended

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<sup>7</sup> In 2000 the People First Party split from the KMT, but it still supports unification with China in contrast to

by other indigenous legislators, as well as local leaders and representatives from the townships surrounding the proposed national park. But this hearing also revealed local indigenous politicians' deep mistrust and suspicion of the measures proposed for managing the new national park. The Committee had tried hard to include indigenous representatives from across the spectrum in the initial discussions, but it had yet to embark on extensive consultations, and the mistrust expressed was informed by the much longer history of the state's treatment of indigenous peoples. From the early years of Japanese colonization onwards, the centralized state apparatus, the commercial development of forests, the indigenous reservation system, and the strict control of protected areas have all excluded indigenous peoples from access to ancestral forests. As a result, relations between the national agencies responsible for protecting mountain forest regions (the Forestry Bureau, the VAC, the national park agencies, and other government agencies) and indigenous peoples have always been extremely tense. What is more, indigenous cultures have been deeply affected by wider state practices and social changes—not least the clientelist strategies of the KMT. So, visions of the co-management of national parks often seem insignificant in comparison to actual assistance in meeting the practical needs of everyday life—and these realities complicate current development-conservation dilemmas in Taiwan's mountain regions.

It was in this context, that indigenous community mapping was brought to the forefront. One prominent indigenous rights activist Taiban Sasala argued,

...a long-term, open and democratic discussion and policy making process is necessary for the government to actually restore the indigenous peoples' natural rights. In the history of conservation and administration in Taiwan, there are no previous examples of co-management systems. If proper time is not taken for local residents and officials to learn and adapt, one can imagine what the results will be. In my opinion, before consensus is reached about the hierarchy, organization, and model of the co-management system, why not let the indigenous tribes that live in the vicinity of Chi-lan Mountain draw indigenous community mapping. (Taiban Sasala, 2001.)

Taiban Sasala went on to stress that this type of map is not merely a piece of paper which depicts terrain, it is an important tool for indigenous people both to communicate with their own people and enter into negotiations with a democratic society.

[Indigenous community maps] are based on the life experiences of tribal elders and ecological knowledge. They warn the next generation about how to protect the environment and natural resources. Maps like these can help indigenous people to obtain the rights to manage more land and natural resources. This can help to ensure traditional tribal rights to resources. Even more

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the DPP, the Taiwan Independence Party, and the Taiwan Solidarity Union.

importantly, once indigenous community mapping of the resources on the land are completed, they can be used to protect the natural environment and plan social development projects. (Taiban Sasala, 2001.)

Taiban's discourse on indigenous community mapping was not solely related to debates about Maqaw National Park. Nonetheless, members of the Consultation Commission were quick to respond to the ideas he put forward. In August 2001, the Director of Taroko National Park, Yeh Shi-wen, organized a conference on indigenous community mapping. In the preface to the conference program, he wrote:

In recent years, indigenous ethnic groups have demanded to create relationships with governments based on partnership. These groups have also demanded to have rights to manage national parks. In the discussion of co-management with indigenous groups...indigenous community mapping is the most basic job. When indigenous peoples demand autonomy, they are talking about sovereignty over land, the right to manage land and the right to use land...Indigenous use of natural resources is dictated by ecological knowledge and traditional taboos and rules..." (Yeh Shi-wen, 2001).

Director Yeh's remarks not only showed his recognition of indigenous ecological knowledge and the importance of mapping, they also signified a major change in the National Park's attitude towards indigenous peoples.

After the initial opposition, the Maqaw Committee worked hard to promote indigenous involvement in the management of the proposed national park and to stimulate dialogue with indigenous people. Their efforts included a number of local seminars about how the new national park would promote ecotourism, and about co-management schemes in other places. In March 2001, for example, indigenous representatives Norma Kassy and Ron Chambers from the Yukon in Canada were invited to share their co-management experiences. In 2002, Parks Canada Aboriginal Affairs Secretariat Director Linda Simon and grassroots indigenous worker Elmer Derrick visited Taiwan. They provided a detailed introduction to methods and experiences in the co-management of parks by the First Nations of Canada and the Canadian government. In this way, the Consultative Committee attempted to create new space for dialogue between indigenous Taiwanese and the government. However, these efforts were insufficient to resolve the complex historical legacies of deep distrust and animosity characterizing relations between indigenous politicians and the state, or the divisions within indigenous communities.

In the summer of 2002, a new campaign emerged that challenged the views of the pro-park indigenous activists. This large-scale protest campaign to "oppose Maqaw to the death" was led by another indigenous legislator, Kaochin Su-mei, allied with KMT-linked indigenous

politicians and other social activist groups, and it attracted considerable support. Rather than just a co-managed national park, Kaochin proposed that Maqaw forest should be declared an indigenous autonomous area. She also accused the government of failing to communicate with the indigenous people living in the area surrounding the proposed national park and of failing to act on its promise to create legal guarantees for the rights of indigenous people. As a result of these protests and the social and political conflicts they revealed, in January of 2003, the Legislative Yuan<sup>8</sup> froze the budget of the Maqaw National Park Planning Commission. A resolution was attached stating that funding would only be restored after the National Park Law was amended and a new investigation of the natural resources in the surrounding area had been carried out with indigenous communities. The proposal for Maqaw National Park has thus far remained inactive.

### **Trends Since 2003**

So, what has been achieved in the controversy? Apparently, the proposed national park and the idea of co-management failed. Nevertheless, the ancient cypress forest on Maqaw Mountain has been protected. Moreover, the controversy set in motion new, wider trends related to indigenous peoples and ecological forest management.

First and foremost, the controversy publicized and generated increased understanding about indigenous peoples' demands for recognition, which gave momentum to the implementation of the legislative reform promised by President Chen's New Partnership Policy. In 2004, the Legislative Yuan passed an important amendment to the Forestry Law; the amended Article 15 states:

If the forest is located in the traditional territory of indigenous people, the indigenous people may take forest products according to their traditional customs. The harvesting area, variety, time, paid/unpaid, and other rules should be decided by the forestry agency along with the Council of Indigenous Peoples' Affairs.

This was the first time that the terms like "traditional territory" and "traditional customs" appeared in Taiwan's legal system. Prior to their inclusion in the forestry legislation, these concepts were political slogans used by indigenous activists.

Second, and even more importantly, in 2005 the Legislative Yuan passed the Indigenous Peoples' Basic Law, which was the first law that established a clear legal framework for indigenous rights in Taiwan. Crucially, Article 20 states: "The government recognizes indigenous peoples'

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<sup>8</sup> The Legislative Yuan is the national legislative body in Taiwan.

rights to land and natural resources.” Although the Forest Law Amendment and the Indigenous Basic Law provide some legal protection and entered legal discourse from 2004-2005 onwards, they still require further legal definition and deliberation (Kuan and Lin 2009). Nonetheless, they do enable indigenous peoples to pursue their specific demands and claims through judicial processes, which previously had been impossible, as the “Wind Fallen Beech Case” shows.

The wind-fallen beech incident occurred in Smangus, a Tayal community situated in the proposed Maqaw National Park area in 2005. After a community meeting, three members of the Smangus community collected some wood from a fallen beech tree that had previously been blown down in a typhoon. Later they were detained, charged with theft by the Forestry Bureau, and found guilty. The Smangus community authorities objected to these criminal charges and the sentence on the grounds that the three men had acted according to traditional practices of exploiting resources within their traditional territory, and they used the Indigenous Peoples’ Basic Law to appeal. In 2010 the plaintiffs were finally found not guilty by the High Court, ending a legal battle that took more than four years. This case made legal history and set an important legal precedent: it was the first case in which the Taiwanese courts gave a verdict on the grounds of traditional indigenous practices and use rights (see Reid 2011, forthcoming).

Additionally, some of the state agencies responsible for forest management have made some important changes. Has the Veterans Affairs Commission handed over its prerogatives of managing the forest resources to other government agencies? The answer is no. Has the Forestry Bureau reformed its policy and developed a more ecological and democratic way of managing forests? Yes, perhaps! The Bureau responded to some of the issues raised in the Maqaw controversy with a new initiative: the Community Forest Management Project. This is a nationwide project, which aims to reduce tensions with local communities; it highlights sustainable forest management by incorporating the goals of nature conservation and economic benefits of local people (Lu 2009). Additionally, the Council of Agriculture has promoted “social forestry” and included conserving indigenous cultures as a goal in the Central Mountain Range Conservation Axis project, which was endorsed in 2009 by the conference held by the Council for Economic Planning and Development.<sup>9</sup> In some cases these may be token gestures, but twelve years ago indigenous peoples would have been completely invisible, and such gestures do provide leverage for future mobilizations and negotiations.

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<sup>9</sup> This plan dates back to 1999. It was conceived as an ecological corridor for wildlife and involves creating additional protected areas to connect existing ones. The central mountain ridge area was chosen because it is the richest in biodiversity in Taiwan. Land protection is the first priority. See: <http://land.cepd.gov.tw/webdata.asp?ID=3&Tree=1>.

## Conclusions

Social movements are not merely a political phenomenon; they also play an important social and cultural role. The Maqaw National Park controversy changed public debates about forests and forest management in Taiwan and also had an important impact on policies. Within this controversy, we have seen that conservationists in the forest movement have written and spoken on behalf of entire forest communities and challenged dominant values based on economic profit. By doing so they also created public concern for Taiwan's native forests, changed prevailing attitudes, and raised ecological literacy across society. Moreover, their campaign opened up space for indigenous activists to publicly challenge the way Taiwan's national parks had excluded indigenous people and neglected their cultural knowledge and ancestral connections to the forests under state protection.

In this way, the Maqaw National Park controversy has brought attention to the co-management of natural resources by indigenous people and the government, which goes well beyond the specific case of the Maqaw cypress forest. It has compelled the government to take a more serious view of the relationship between indigenous people and mountain forests elsewhere in Taiwan. In this regard, it opened up space for future initiatives which recognize that these relationships go beyond indigenous people's current places of residence—which are based on reservation policies—and extend to the lands of their ancestors—which are rich with social and cultural significance, as well as important for indigenous peoples' livelihoods. At the same time, the controversy also publicized indigenous peoples' ecological knowledge and highlighted its value in relation to managing and conserving national forests—as well as its commercial value. Although the KMT regained power in 2008 and many legal and policy issues are still in the process of deliberation and contestation, regardless of which political party is in power, it will be very difficult to turn the clock back.

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