



Since 1984, there have been people claiming to rectify the term ‘shanbao’ to ‘indigenous peoples’. On December 29, 1984, a group of indigenous intellectuals established the very first indigenous rights advocacy group and named it ‘Association for Advancing Taiwan Indigenous People’s Rights’. With the term ‘indigenous people’, which was selected and decided by indigenous people themselves, this term came up with the hope to get rid of the stigma and made the request to the mainstream society to recognize the fact that indigenous peoples are the original owners of this land and they refuse to be colonized anymore. After that, The Declaration on the Rights of Taiwan Indigenous People was issued in 1987 to proclaim indigenous peoples’ status and rights.

A highly converged consensus on the claim for the rectification of name among the indigenous society has become the core demand of the indigenous constitutional amendment movement. On April 15, 1991, indigenous peoples raised their first protest demonstration for name rectification while the National Assembly was in the process of amending the Constitution for the first time. At that time, indigenous peoples strongly demonstrated their collective willpower on demanding to rectify their name to be referred to as the original owners of Taiwan. Unfortunately, the first constitutional amendment did not respond to the demand on name rectification and maintained the term ‘shanbao’. In May 1992, when the Constitution was amended for the second time, indigenous peoples initiated a rally again, but the demand for name rectification still failed.



In 1991, while the National Assembly was in the process of amending the Constitution for the first time, representatives of ‘Association for Advancing Taiwan Indigenous People’s Rights’ made their petition at the Jhongshan Building. (Photographed by Hsieh San-tai)



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Marching forward resolutely in the rain in 1992.



## II. The Day of Rectification as the Indigenous Peoples' Day

The name rectification movement of indigenous people aroused a strong sense of self-identification among the indigenous society. On March 8, 1994, the working group on constitutional amendment of the Democratic Progressive Party (DPP) came to the decision to include indigenous people's name rectification and self-governance in their constitutional amendment motion list. On April 10, the then-president Lee Teng-hui attended the Conference on Indigenous Cultures in Pingtung, held by the Council for Cultural Affairs of Executive Yuan. Lee used the term 'Indigenous People' in his remarks for the first time as the head of state. The then-president Lee's act actuated KMT's constitutional amendment planning team to include the replacement of 'shanbao' with indigenous people in its constitutional amendment draft on April 14. On June 23, the Association for Advancing Taiwan Indigenous Peoples' Rights and other 36 organizations gathered more than 3,000 people from different regions of Taiwan and supporters from various fields to participate in the rally to call for the inclusion of indigenous people's rights to name rectification, land and self-governance in the Constitution. On July 1, the



On June 23, indigenous rights advocacy groups rallied to call for the inclusion of indigenous people's rights to name rectification, land and self-governance in the Constitution. Over 3,000 people from various indigenous groups marched from the Legislative Yuan to the Presidential Office.



On July 1, the then-president Lee met with the representatives of the indigenous movement and upheld the indigenous name rectification movement.

then-president Lee took the initiative to meet with the representatives of the indigenous constitutional amendment movement and made specific commitment to rectify ‘Shanbao’ to ‘Indigenous People’ into the Constitution.

With the effort made by the indigenous constitutional amendment movement and the support from the general public, the Additional Articles of the Constitution of the Republic of China finished its Third Reading in the National Assembly on July 28, 1994. This amendment has approved Article 9 (7) which provided that “*the State shall accord to the indigenous people in the free area legal protection of their status and the right to political participation. It shall also provide assistance and encouragement for their education, cultural preservation, social welfare and business undertakings.*” The Additional Articles of the Constitution of the Republic of China were announced by the president and came into force on August 1 in 1994. This amendment responded to the demand that indigenous peoples had been pursuing for a decade. The term ‘shanbao’ had been used for more than 40 years long, and was finally replaced with ‘indigenous people’. Afterward, when the Constitution was amended for the fourth time in 1997, the term with the indication of collective rights, a plural form ‘indigenous peoples’ was applied into the Constitution.

To commemorate this history, in the 2944<sup>th</sup> cabinet meeting of the Executive Yuan held on June 15, 2005, the draft of the Implementation Regulations on Memorial Days and Holidays was passed and it stipulates **August 1 as the Indigenous Peoples’ Day**. On July 31 the same year, the first celebration event for the Indigenous Peoples’ Day was held in the Xinzhuang Gymnasium. The then-president Chen Shui-bian attended the event and officially made the announcement that Indigenous Peoples’ Day shall be observed on August 1 every year. Chen also mentioned in his remarks, “*to rectify ‘shanbao’ to ‘indigenous peoples’ is not only for the people living on this land to recognize the proper status of indigenous peoples in the history of Taiwan, but also to return the dignity to indigenous peoples. The memorial days and holidays are with the solemn significance to pass down the tradition and make our history progressive. The reason to establish August 1 as the Indigenous Peoples’ Day is that we realized the great significance of the name rectification of indigenous peoples to the normalization development of this country.*”

### III. The Significance of Indigenous Peoples' Day

Three significant implications could be drawn from the embeddedness of 'indigenous peoples' into the Constitution as the Indigenous Peoples' Day.

First, the term 'indigenous peoples' was the manifestation of self-determination. It was not a term given by others. To use a self-determined term is to construct the collective subjectivity and symbolize the reconstruction of self-esteem, the pursuit of proper social status, and the resolute will to break away from colonization. The term 'indigenous peoples' also emphasizes the original connection with Taiwan thus to honor indigenous peoples as the original owners of this island and their particular status in Taiwan.



Marching into the National Assembly at Yangmingshan for the constitutional amendment in 1997, the indigenous groups unified as one for their rights and made the request to replace 'indigenous people' with a plural form 'indigenous peoples' to indicate collective rights.

Second, to review the process of indigenous peoples' name rectification movement, indigenous peoples were not only struggling for the right to self-determination on their names, but also the core inherent rights to self-governance and land. In a short word, indigenous peoples had built their own way of living, social regulations and governance on this island prior to the contact of outsiders. In other words, indigenous peoples indeed have inherent sovereignty toward their living territories. Though this sovereignty reflected on indigenous peoples' holistic and exclusive ruling power within their living territories, indigenous peoples were treated as a subject when outsiders came along. It means that indigenous peoples were only an ones being described, determined and dominated. Gradually, indigenous peoples became an invaded object, and even on this day, indigenous peoples have fallen to be in need of protection. From the name rectification movement to the Indigenous Peoples' Day, it symbolizes that indigenous peoples have become a legal entity in the context of national and international laws. As to the national laws, indigenous peoples have the right of equality provided by the Constitution, and the collective rights to self-governance, land, languages and cultures provided by the Indigenous Peoples Basic Law which was enacted in 2005. As to the international laws, indigenous peoples, whether as a collective entity or individual ones, have all the rights provided by international human rights law and the rights to self-determination, self-governance, land, property, cultures and compensation declared by the 2007 UN Declaration on the Rights of Indigenous Peoples.

Last but not least, the Indigenous Peoples' Day reminds us that Taiwan has a long and established history of more than six thousand years. And ever since the beginning, indigenous peoples already existed on this island, and has built their diverse and unique cultures. Therefore, the Indigenous Peoples' Day is not only to commemorate the process of the name rectification but to review thousands of years of history in Taiwan and the long-term contribution of indigenous peoples to this land. It also praise that this island is a state with multi-ethnic groups that coexist and share common prosperity. May all the citizens respect and appreciate the beauty of indigenous peoples' cultures.



