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Title: Accessing indigenous land rights through claims in Taroko Area, Eastern Taiwan

Issue Date: 2013-04-17

Appendix 1

The Indigenous Peoples Basic Law

Presidential Decree

February 5, 2005

Presidential decree Hua-tsung-yi-tzu-no. 09400017741

The Indigenous Peoples Basic Law is hereby enacted and promulgated.

President: Shui-bian Chen

Premier: Chang-ting Hsieh

Article 1

This Law is enacted for the purposes of protecting the fundamental rights of indigenous peoples, promoting their subsistence and development and building inter-ethnic relations based on co-existence and prosperity.

Definitions:

- 1 Indigenous peoples: refer to the traditional peoples who have inhabited in Taiwan and are subject to the state's jurisdiction, including Amis tribe, Atayal tribe, Paiwan tribe, Bunun tribe, Puyuma tribe, Rukai tribe, Tsou tribe, Saisiyat tribe, Yami tribe, Tsao tribe, Kavalan tribe, Taroko tribe and any other tribes who regard themselves as indigenous peoples and obtain the approval of the central indigenous authority upon application.
- 2 Indigenous person: refers to any individual who is a member of any of indigenous peoples.
- 3 Indigenous peoples' regions: refer to areas approved by the Executive Yuan upon application made by the central indigenous authority where indigenous peoples have traditionally inhabited, featuring indigenous history and cultural characteristics.
- 4 Tribe: refers to a group of indigenous persons who form a community by living together in specific areas of the indigenous peoples' regions and following the traditional norms with the approval of the central indigenous authority.
- 5 Indigenous land: refers to the traditional territories and reservation land of indigenous peoples.

Article 3

For the purpose of reviewing and coordinating matters related to this Law, the Executive Yuan shall establish a promotion committee which shall be called by the Premier.

Two thirds of the afore-mentioned promotion committee members shall comprise members of indigenous tribes in accordance with their respective proportions. The organization bylaws of the committee shall be made by the Executive Yuan.

Article 4

The government shall guarantee the equal status and development of self-governance of indigenous peoples and implement indigenous peoples' autonomy in accordance with the will of indigenous peoples. The relevant issues shall be stipulated by laws.

Article 5

The state shall provide sufficient resources and allocate abundant annual budget to assist indigenous peoples in developing autonomy.

Unless otherwise provided under this Law or other laws related to autonomy, the power of autonomy and finance in regions of autonomy shall be subject to the Local Institution Law, the Act Governing the Allocation of Government Revenues and Expenditures and other statutes governing county (city).

Article 6

In the event that any dispute concerning the power of autonomy arises between the government and indigenous peoples, the Office of the President shall call a consultation meeting to resolve such dispute.

Article 7

The government shall protect indigenous peoples' rights to education by upholding the principles of versatility, equality, and reverence in accordance with the will of indigenous peoples. The relevant issues shall be stipulated by laws.

Article 8

Governments of municipal cities and counties where indigenous peoples' regions are located shall establish specialized units in charge of indigenous affairs. Other county (city) governments may establish specialized units or have specialized personnel in charge of indigenous affairs.

Article 9

The government shall establish special unit responsible for indigenous language researches and indigenous language proficiency evaluation system in order to actively engage in the promotion of indigenous language development.

The government shall provide preferential measures for indigenous peoples or hold special civil service examinations designed for indigenous peoples where under the relevant laws and regulations may require beneficiaries or candidates to pass the afore-mentioned evaluation or have proficiency in indigenous language.

The development of indigenous language shall be stipulated by law.

Article 10

The government shall keep and maintain indigenous cultures, give guidance to the cultural industry and incubate professional talent.

Article 11

The government shall restore the traditional names of indigenous tribes, rivers and mountains in indigenous peoples' regions in accordance with the will of indigenous peoples.

Article 12

The government shall protect indigenous peoples' rights and access to broadcast and media, establish indigenous peoples' cultural affairs foundation and formulate plans to establish indigenous-language broadcast media and institutions exclusively for indigenous peoples.

Issues related to the establishment of the afore-mentioned foundation shall be stipulated by laws.

Article 13

The government shall protect indigenous peoples' traditional biological diversity knowledge and intellectual creations, and promote the development thereof. The related issues shall be provided for by the laws.

Article 14

The government shall formulate economic policies for indigenous peoples and give guidance on conservation and utilization of natural resources for the purpose of developing indigenous economy in accordance with the will of indigenous peoples and characteristics of environmental resources.

Article 15

The government shall generously allocate budget for indigenous peoples and supervise utilities providers to actively improve transportation, post, telecommunication, irrigation works, tourism and other public construction in indigenous peoples' region.

For the purpose of implementing the affairs as set out in the preceding paragraph, the government may establish construction funds of indigenous peoples' regions. The fund's utilization procedure shall be stipulated by laws.

Article 16

The government shall formulate indigenous housing policies, give guidance to indigenous persons to construct, purchase or lease dwellings, and actively promote the tribal renewal project.

Article 17

The government shall protect indigenous peoples' employment rights, provide vocational trainings which are suitable for the conditions and characteristics of indigenous society, give guidance to indigenous persons to obtain professional qualifications and technician certificates, build complete indigenous employment service network to protect their employment opportunities and fair remuneration and promotion.

The protection of indigenous peoples' employment rights shall be provided for bylaws.

Article 18

The government shall establish indigenous peoples' development fund for developing indigenous peoples' economy and assisting indigenous businesses. The sources of the fund shall include budget allocated by the central government in accordance with the budget procedure, compensations made to indigenous peoples' land, reparation, revenues, funds distributed in accordance with other relevant laws and regulations as well as other revenues.

Article 19

Indigenous persons may undertake the following non-profit seeking activities in indigenous peoples' regions:

- 1 Hunting wild animals.
- 2 Collecting wild plants and fungus.
- 3 Collecting minerals, rocks and soils.
- 4 Utilizing water resources.

The above activities can only be conducted for traditional culture, ritual or self-consumption.

Article 20

The government recognizes indigenous peoples' rights to land and natural resources.

The government shall establish indigenous peoples' land investigation and management committee to investigate and manage indigenous peoples' land. The organization and other related matters of the committee shall be stipulated by law. The restoration, acquisition, disposal, plan, management and utilization of the land and sea area owned or occupied by indigenous peoples or indigenous persons shall be regulated by laws.

Article 21

The government or private party shall consult indigenous peoples and obtain their consent or participation, and share with indigenous peoples benefits generated from land development, resource utilization, ecology conservation and academic researches in indigenous people's regions.

In the event that the government, laws or regulations impose restrictions on indigenous peoples' utilization of their land and natural resources, the government shall first consult with indigenous peoples or indigenous persons and obtain their consent.

A fixed proportion of revenues generated in accordance with the preceding two paragraphs shall be allocated to the indigenous peoples' development fund to serve as returns or compensations.

Article 22

The government shall obtain consent from the locally affected indigenous peoples and formulate a common management mechanism before establishing national parks, national scenery, forest district, ecological protection zone, recreation zone and other resource management institutions. The regulations shall be made by the central relevant authority jointly with the central indigenous affairs authority.

Article 23

The government shall respect indigenous peoples' rights to choose their life style, customs, clothing, modes of social and economic institutions, methods of resource utilization and types of land ownership and management.

Article 24

The government shall formulate public health and medical policies for indigenous peoples in accordance with the characteristics of indigenous peoples, incorporate indigenous peoples' regions into the national medical network, implement indigenous peoples' health care, establish comprehensive and long-term health care, emergency care and evacuation system, and protect indigenous peoples' health and physical safety.

The government shall respect the traditional medicine and health methods of indigenous peoples and undertake researches and promotions.

Article 25

The government shall establish a natural disaster prevention and relief system in indigenous peoples' regions and natural disaster prevention priority zones to protect physical and property safety of indigenous peoples.

Article 26

The government shall actively implement social welfare for indigenous peoples, undertake planning to establish indigenous peoples' social security system and give special protection to the rights of indigenous children as well as women and mentally or physically disabled indigenous persons.

The government may provide subsidies for those indigenous persons who lack resources to participate in the social insurance scheme or use medical and welfare resources.

Article 27

The government shall actively promote savings and cooperative businesses by indigenous peoples, give guidance to the management thereof, and grant them with preferential tax measures.

Article 28

The government shall provide protection and assistance for indigenous persons living outside indigenous peoples' regions in respect of their health, accommo-

ation, finance, education, caring, employment, medical care and adaptation to the society.

Article 29

In order to protect the dignity and fundamental human rights of indigenous peoples, the government shall provide for a separate chapter devoted to indigenous peoples' human rights in the national human rights legislations.

Article 30

The government shall respect tribal languages, traditional customs, cultures and values of indigenous peoples in dealing with indigenous affairs, making laws or implementing judicial and administration remedial procedures, notarization, mediation, arbitration or any other similar procedure for the purpose of protecting the lawful rights of indigenous peoples. In the event that an indigenous person does not understand the Chinese language, an interpreter who speaks the tribal language shall be provided.

For the purpose of protecting indigenous peoples' rights and access to the judiciary, indigenous peoples' court or tribunal may be established.

Article 31

The government may not store toxic materials in indigenous peoples' regions in contrary to the will of indigenous peoples.

Article 32

The government may not forcefully evict indigenous persons from their land, except in the case of imminent and obvious danger.

Indigenous persons shall be properly accommodated and compensated for losses suffered as a result of forced eviction as set out in the preceding paragraph.

Article 33

The government shall actively promote exchanges and cooperation between indigenous peoples and international indigenous peoples and ethnic minorities in economical, social, political, cultural, religious, academic and ecological issues.

Article 34

The relevant authority shall amend, make or repeal relevant regulations in accordance with the principles of this law within three years from its effectiveness.

Article 35

This law takes effect upon promulgation.

Appendix 2

Indigenous Peoples Reservation Land Development Management Procedure

Executive Yuan March 26, 1990 Ordinance no. Tai-(79)-nei-tzu-ti-05901 Executive Yuan March 18, 1998 Amendment ordinance Tai-(87)-nei-tzu-ti-11303

Article I ■ General Provisions

Section 1

Said procedure is promulgated pursuant to Section 37 of the Mountain Slope Conservation & Utilization Law and Section 17 paragraph 2 of the Agrarian Development Law.

Section 2

The term indigenous peoples central authority refers to the Ministry of Interiors; provincial (municipality) authority, the provincial (municipality) government; county (city) authority, the local county (city) government. The Council of Agriculture of Executive Yuan and the central authority concerned will administer jointly all agrarian matters.

The executing authority of said procedure is the village (town/city/ district) administration office.

Section 3

The indigenous people's reservation land herein refers to the mountain land originally reserved by the indigenous peoples administration office and reservation land legally delineated and annexed for indigenous peoples to safeguard their livelihood.

Section 4

The indigenous peoples herein refer to mountain indigenous peoples and plain-land indigenous peoples. The status recognition of the indigenous peoples stated in the foregoing paragraph is as determined by the Council of Indigenous Peoples, Executive Yuan.

Section 5

The general registration of indigenous people's reservation land is conducted by local registration authorities as per assignment of the provincial (municipality) Indigenous affairs department. Said land is under the ownership of the Republic of China and its administration authority is Council of Indigenous Peoples, Executive Yuan. Said land should be properly identified as indigenous people's reservation land in the "remarks" column of the land registration book.

The provincial (municipality) Indigenous affairs department together with the original land administration authority should assign the local registration office to transfer the administration authority for public land duly reg-

istered and delineated or annexed as indigenous peoples reservation land to Council of Indigenous Peoples, as well as identify said land as indigenous peoples reservation land under the same procedure as aforementioned.

Section 6

The village (town/city/district) administration office of the locality where reservation land is located should organize a reservation land rights evaluation committee to handle the following matters:

- Investigation and mediation of indigenous people's reservation land right disputes.
- Evaluation of indigenous peoples reservation land allocation, repossession, deed title transfer, compensation-free usage, or public school utilization applications.
- Negotiation of indigenous people's reservation land reallocation compensation.
- Evaluation of indigenous people's reservation land lease applications.

The aforementioned reservation land rights evaluation committee should be composed of four-fifths indigenous peoples. Organization guidelines are as determined by Council of Indigenous Peoples.

The indigenous people's reservation land applications should be submitted to the Indigenous Peoples Reservation Land Rights Evaluation Committee for evaluation. Village (town/city/district) administration offices should submit applications to the committee for evaluation within one month after acceptance; and the committee should complete evaluation within a month and present an evaluation report. In case report is late, then the village (town/city/district) administration office concerned should submit application to the higher government authority concerned for approbation.

The village (town/city/district) administration office should submit the indigenous Peoples Reservation Land Rights Evaluation Committee findings, other than those provided in clause 1 of paragraph 1, to the higher government authority concerned for approbation.

Article II ■ Land Administration

Section 7

Council of Indigenous Peoples together with the relevant authorities concerned should assist the aborigines in establishing the indigenous people's reservation land cultivation rights, land surface rights, as well as lease rights and ownership rights.

Section 8

The indigenous peoples should request the services of Council of Indigenous Peoples in applying for the cultivation rights registration with the land administration authority for the following indigenous people's reservation land:

- Land that the indigenous peoples has opened and cultivated prior to the enactment of said procedure.

- Land that the government zoning plan designated as pastoral land and breeding land, or the Urban Planning Act has designated as agricultural zone, conservation zone farm, and arid land.

Section 9

Indigenous peoples should request the services of Council of Indigenous Peoples in applying for the land surface rights registration with the land administration authority for the following indigenous people's reservation land:

- Land that the indigenous peoples has leased for forestation and completed forestation work prior to the enactment of said procedure.
- Indigenous peoples have forestation skills and the government allocated a forestation land, designated by the zoning plan or urban planning program as the forest land of conservation zone.

Article II ■ School Education

Section 10

Size of cultivation rights or land surface rights grants for applications according to the preceding two provisions should be based on the number of indigenous peoples in a household and should not exceed the following standards:

- For land designated as pastoral land or breeding land in the zoning plan, land grant per person is 0.6 hectare for farmland or 1 hectare for other purposes; combination of farm and other purposes land, the average ratio of the two standards; for forest land, 1.5 hectare.
- For land designated as agricultural zone, conservation zone farm, and arid land in the Urban Planning Act, land grant per person is 0.6 hectare for farmland or 1 hectare for arid land; combination of farm and arid land, the average ratio of the two standards; for conservation zone forest land, 1.5 hectare.
- Land grant established on the foregoing provisions is not subject to change with household population increase or decrease. Maximum land grant area per household is 20 hectares; however, land terrain limitations will allow an additional area of 10% (maximum).

Section 11

The village (town/city/district) should recover, within the prescribed deadline, the land area exceeding the foregoing measurement standards in the indigenous peoples reservation land cultivation right or land surface rights granted to aborigines. If land was used for farming, recovery should be affected after the harvest season and before the commencement of the next planting season.

Section 12

The indigenous peoples should limit land surface rights establishment within the base of his/her existing house of residence in the reservation land; area of said land shall be based on the area of the building and its appertaining facilities.

In adaptation to living requirements, indigenous peoples should apply for a land surface right on reservation land needed for the legally permitted building construction.

Maximum area of the land stated in foregoing two paragraphs is 0.1 hectare per household.

Indigenous peoples together with Council of Indigenous Peoples should register the land surface rights mentioned in paragraphs 1 and 2 with the local registry office concerned.

Section 13

Indigenous peoples intending to engage in industrial/commercial business should submit a business plan to the village (town/city/district) administration office for the evaluation of the Indigenous Peoples Reservation land Evaluation Committee and approval of the municipality or county (city) government authorities concerned. Land lease should comply with the legal provisions concerning building construction on indigenous peoples land; maximum lease period is nine years, upon its expiration, contract should be renewed for continued lease.

The aforementioned business plan should not obstruct environmental resource conservation, national land preservation, or cause pollution.

Section 14

Indigenous people's religious building or facility construction should have the approval of the religious authorities concerned. A construction plan should be submitted to the village (town/city/district) administration office for the evaluation of the Indigenous Peoples Reservation land Evaluation Committee and approval of municipality or county (city) authorities. Upon approval, free usage of land is granted and said building/facility may be constructed on indigenous peoples land in accordance with legal provisions. Maximum lease period is nine years, upon its expiration; contract should be renewed for continued lease. Land area used for said purpose should not exceed 0.3 hectares.

Section 15

Indigenous peoples land grants for cultivation rights, land surface rights, lease rights, or gratis land use rights is non-transferable or non-leasable, except to Indigenous heir or chosen successor, another indigenous member of the original beneficiary household, or indigenous peoples within three-degree kinship.

Indigenous peoples intending to expand business area or facilitate farming operations in the aforementioned aborigine reservation land should apply for land usage conversion with the municipality or county (city) authorities concerned. Right amendment registration follows approval.

Section 16

Indigenous peoples violating the provisions in paragraph 1 of the preceding section is subject to land repossession by village (town/city/district) administration office and the following penalties:

- Court petition for the cancellation of cultivation right or land surface right registration or
- Termination of lease or gratis usage grant

Section 17

Cultivation or land surface rights obtained through said procedure inherited and personally operation or employed for private use for a period of five years after registration, and condition has been verified factual, may be converted to land ownership registration upon the personal application of the cultivation or land surface rights holder with the presence of the authorized clerk of Council of Indigenous Peoples. Application should be filed at the local land registry office.

Purpose and usage of said land has been converted pursuant to the urban planning or non urban land zoning conversion plan prior to the land ownership transfer application shall not affect the cultivation or land surface rights holder's entitlement for land ownership transfer.

Section 18

Upon acquiring ownership of a reservation land, said ownership may only be transferred to another aborigine, except for land legally defined for a particular purpose. The aforementioned legally defined purpose refers to the land the government requires pursuant to national economic policies or public enterprise endeavors.

Section 19

In the event of the demise of the cultivation, land surface, lease or gratis usage rights holder, and upon the absence of an heir, or inability to personally cultivate, relocation or career transfer of the heir making him/her incapable of inheriting, then upon the resolution of the Indigenous Peoples Reservation Land Rights Evaluation Committee, the village (town/city/district) administration office execute repossession proceedings.

A court appeal should be filed for the cancellation of the aforementioned cultivation or land surface right registration. However, if right has expired, then the municipality or county (city) government authority concerned is authorized to cancel said right registration.

Section 20

A repossessed aborigine reservation land should be reallocated to another local aborigine within thirty days after the official announcement of the village (town/city/district) administration office under the following order of priority:

- Indigenous peoples whose land allocation area is insufficient and has traditional relation with the particular land concerned.
- Individuals who have not received any land allocation.
- Individuals allocated with smaller land allocation. Indigenous peoples who transferred or subleased aborigine reservation land illegally are not eligible for allocation application.

The village (town/city/district) administration office should require the owner of the improvements on the repossessed aborigine reservation land,

as stated in paragraph 1, to harvest or remove said improvements within a given deadline; failure to harvest or remove improvements after said deadline shall place said matters under the discretion of the village (town/city/district) administration office.

Should the aforementioned improvement be legitimate crop or building, then upon the valuation of the village (town/city/district) administration office, the new land grant holder should compensate the previous holder for said improvements and assume ownership.

Article III ■ Land Development, Usage and Conservation

Section 21

Council of Indigenous Peoples, provincial (municipal) Indigenous affairs department, or county (city) government should plan the development, usage, and conservation of the indigenous peoples reservation land located within its area of jurisdiction, based on development conditions and land usage characteristics. The aforementioned development, usage, and conservation plans should be implemented under a cooperative, common, or assigned arrangement.

Section 22

Government authorities concerned should implement aborigine reservation land rezoning or community reintegration as provided by law.

Section 23

In the event that special government purposes shall require the use of public aborigine reservation land, the authorities concerned (which requires the use of land) should prepare a land use plan and submit plan for the evaluation and opinion of the Indigenous Peoples Reservation Land Rights Evaluation Committee and approval of the higher authorities concerned. Legitimate usage, lease, or acquisition should follow. However public production land usage is limited to the village (town/city/district) administration office requirements; land for agricultural experimental practice is limited to agricultural labs or schools.

Section 24

Indigenous peoples development or construction endeavors should be provided priority assistance to foster indigenous peoples reservation land mining, sand & gravel, tourism & amusement, as well as industrial resource or social welfare institution establishment, providing said pursuits should not obstruct national land preservation, environmental resource conservation, indigenous peoples livelihood, and indigenous peoples administration matters.

Indigenous peoples reservation land lease applications pursuant to the above development and construction should be accompanied by a development or construction plan, submitted to the respective village (town/city/ district) administration office for the evaluation of the Indigenous Peoples Reservation Land Rights Evaluation Committee and approval for the provincial

(municipal) authorities concerned. Then upon the approval of the industry authorities concerned and issuance of the relevant development or construction documents, lease right is granted to aborigine applicant. Maximum lease period is nine years; lease may be renewed upon expiration according to the original regulations and procedure.

The aforementioned development of construction plan should include the following documents:

- Progressive annual development or construction plan.
- Land use application layout; should be expressed in a 1/5000 scale relief map and cadastre.
- Land registration title.
- Indigenous peoples employment or retraining guidance plan.

A thirty-day announcement period from the village (town/city/district) administration office is required in the case of lease applications from state and private enterprises or enterprises without aborigine status (hereafter referred as non-aborigine) for development and construction. Upon the absence of an aborigine contender application during said period, the provisions in paragraph 2 apply.

Council of Indigenous Peoples should formulate guidance measures providing the indigenous peoples employment and retraining plans as provided in paragraph 3 of item 4.

Section 25

Lease renewal applied pursuant to the foregoing provision should be made with the original development or construction approving authorities and according to the development or construction application procedures. In the event the supporting documents for the renewal is the same as those submitted during the initial application should be attached to the application, then reference to the initial application documents should be stated on the application thus making it unnecessary to attach related documents. Application is exempted from the paragraph 4 requirement of the preceding provision.

Section 26

In the case of a land ownership right granted to an aborigine based on a development or construction application filed pursuant to Section 24, negotiated price should be submitted to the provincial (municipal) authorities for consent and investment participation. Investment rights transfers are limited to aborigines only.

A compensation price negotiation should be conducted with indigenous peoples possessing cultivation rights, land surface rights, or lease rights; upon compensation payment, the land management authority should notify the local land registry office for the cancellation of said cultivation right or land surface right registration.

Section 27

Under one of the following circumstances, indigenous peoples reservation land lease granted pursuant to the provisions stated in Sections 23 to 25

should be revoked and land repossessed; no compensation should be paid to facility investments made:

- Development or construction is not consistent with the development or construction plan and any plan amendment approval or development/construction deadline extension has been processed.
- User violated plan.
- Subletting or surrendering right to another
- Other conditions for lease termination provided in the lease agreement.

Section 28

A non-indigenous peoples already leasing indigenous peoples reservation land and continuing to engage in cultivation or to use said property prior to the enactment of said procedure could continue with said lease.

Lease renewal of land leased for cultivation, forestation but later converted for building land through a new urban plan, revised urban plan or non-urban land usage conversion, shall be limited to 0.03 hectares per household.

Non-indigenous people whose domicile is within a mountain village (town/city/district) should legally lease, for his/her housing base, aborigine reservation land for building purposes. Area of land should not exceed 0.03 hectares.

Section 29

The foregoing leased aborigine reservation land could not be sublet or transferred to another person. Violation of the foregoing provisions shall result in lease revocation and land repossession.

Section 30

Rental of indigenous people's reservation land is paid to the municipality or village (town/city/ district) treasury authority; and said funds are used for the management and economic development of the aborigine reservation land. Rental management and utilization plan is prepared by Council of Indigenous.

Article IV ■ Forest Produce Management

Section 31

Unless otherwise provided in said procedure, the natural forest produce matters of indigenous people's reservation land are determined by the forest produce settlement regulations.

Section 32

In an effort to foster indigenous people's reservation land development or business development budget preparation, aborigine reservation land logging plan proposals should be prepared by the village (town/city/district) and submitted the central forestry authorities for approval. Public bidding through the municipality or county (city) authorities concerned follows approbation.

Section 33

The foregoing logging plan should ensure continued productivity and should not obstruct national land preservation as a rule, as well as be consistent with the indigenous people's administration policies and land utilization plan.

Section 34

Under one of the following circumstances, application for indigenous people's reservation land nature forest produce acquisition may be submitted to the village (town/city/district) administration office for the approval of the municipality or county (city) authorities concerned:

- Construction materials required for the urgent rescue/restoration of disaster situation or reconstruction of mountain public facility.
- Gratis acquisition of byproducts or other materials for personal use within the area designated by the municipality or county (city) government granted to indigenous peoples.
- Bamboo materials needed for the fungus cultivation or handicraft production of indigenous peoples.
- Removal of wood obstructing forestation, land clearing, or operations at the average of 30 cubic meters per hectare of lumber or less.

Section 35

Loggers violating the foregoing provisions are subject to legal prosecution and confiscation of illegal lumber or logs; if confiscation is impossible then violators are liable to compensation.

Section 36

Cutting inspection documents for bamboo and wood inside the indigenous people's reservation land forestation area should comply with the forest product logging/acquisition inspection regulations.

Section 37

Bamboo and trees the village (town/city/district) administration office planted in the indigenous peoples reservation land belongs to the ownership of the village (town/city/district) administration office.

Section 38

Under one the following circumstances, the respective government authorities concerned should restrict logging operations for ecological resource preservation and national land preservation purposes:

- Sloping land or thin soil stratum where reforestation is difficult.
- Logging could result in soil erosion or affect public welfare.
- Site inspection revealed need for enhanced conservation efforts.
- Site is located in a catchment area, river source belt, coastal wash terrain, coastal windbreaker terrain, or sand dune region.
- Trees used as stool or culture plant.
- Trees under logging ban due to ecology, scenery, national monument, or relic preservation or other prohibition reasons.

Section 39

Indigenous peoples should be employed for the labor, except for technical manpower, needed in aborigine reservation land or public forest logging operations.

Section 40

The provincial (municipal) and county (city) government authorities should meet with the authorities concerned for indigenous peoples reservation land forestation for forestation guidance and incentive policy promulgation, however said guidance and incentive policymaking is under the jurisdiction of Council of Indigenous Peoples.

Article V ■ Addenda

Section 41

In the event indigenous peoples reservation land and land improvements which indigenous peoples may rightfully use is placed under use or logging (on reservation land) restriction due to government public construction requirements, then damages said aborigine incurred are due for compensation.

Section 42

An indigenous peoples legally acquiring ownership of indigenous peoples reservation land may apply for a mortgage loan in said land.

Section 43

Said procedure takes effect on date of enactment.

Appendix 3

A New Partnership between the Indigenous Peoples and the Government of Taiwan

(Chinese: 原住民族和台灣政府新的夥伴關係) is a treaty-like document signed in Ponso no Tao on 1999-09-10 by the representatives of the indigenous peoples of Taiwan and the then-presidential candidate Chen Shui-bian (who went on to win the 2000 presidential election for the Democratic Progressive Party).

- 1 The seven articles in the documents include:
- 2 Recognizing the inherent sovereignty of Taiwan's Indigenous Peoples
- 3 Promoting autonomy for Indigenous Peoples
- 4 Concluding a land treaty with Taiwan's Indigenous Peoples
- 5 Reinstating traditional names of Indigenous communities and natural landmarks
- 6 Recovering traditional territories of Indigenous communities and Peoples
- 7 Recovering use of traditional natural resources and furthering the development of self-determination
- 8 Providing legislative (parliamentary) representation for each Indigenous People

The document later became the official indigenous policy for the DPP Government. However, as the document was signed before Shui-bian Chen became the President; the efficacy of the document has been contested. On 2002-10-19, Chen, as the head of state and government, reaffirmed the new partnership between indigenous nations and the Government of Taiwan in a ceremony with indigenous tribal representatives.

http://en.wikipedia.org/wiki/A_New_Partnership_Between_the_Indigenous_Peoples_and_the_Government_of_Taiwan

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