Taiwan’s Indigenized Constitution:
What Place for Aboriginal Formosa?

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Abstract:

Since the beginning of President Chen Shui-bian’s second term in 2004, there has been great controversy about plans to rewrite or revise the national constitution and what that new constitution should include. Although it is largely seen as a declaration of Taiwanese sovereignty, one important area of constitutional reform concerns human rights for the 450,000 Aboriginal people of Austronesian descent on the island and their communities. In the summer of 2004, a series of public consultations were held at the Indigenous Peoples Council in Taipei to debate how indigenous rights should be incorporated into the new constitution. After a long process of debate in Taiwan as well as studies of similar cases in Canada, Latin America, New Zealand and elsewhere, a series of clauses on indigenous rights were drafted and submitted for deliberation at higher levels. These included demands on such issues as return of traditional lands, regional autonomy, and increased representation in the central government.

This paper, based on participation in those consultations, analysis of other policy documents, and a community study with the Truku (formerly Atayal) tribe, looks at the meaning of these political changes for aboriginal Formosa. To provide a more global framework, it also analyzes these constitutional debates in light of recent anthropological discussions on indigeneity, human rights, and collective identity. What might Formosan indigenous communities gain from expanded recognition of their collective rights in a revised constitution? What does state acceptance of these demands mean in Taiwan’s contemporary political context? How might the experiences of indigenous Taiwan offer important lessons for indigenous peoples in other parts of the world?
Taiwan’s Indigenized Constitution: What Place for Aboriginal Formosa?¹

In Taiwan’s 2004 presidential and legislative elections, one of the most controversial electoral platforms was President Chen Shui-bian’s promise to revise the nation’s constitution. China and other members of the international community reacted strongly against the possibility of constitutional change, with China even warning that changing the Constitution could bring China and Taiwan to the brink of war (Laliberté 2005). Since the constitution has been revised several times since it was first promulgated in China in 1947, however, one can only surmise that China distrusts Chen and suspects that he will use constitutional reforms to officially declare the “independence” of Taiwan.

A study of the new constitution, however, shows that the proposed revisions do not merely constitute an assertion of Taiwanese sovereignty, which in any case has been clear in the constitution since the revisions of 1992 (Laliberte 2005). More importantly, perhaps, is that the proposed revisions reflect Taiwan’s deepened democratization and the nation’s acceptance of evolving

¹ The research for this paper was conducted in Taiwan in the summer of 2004, and made possible by a grant from the Canadian Social Science and Humanities Research Council. Many thanks to the Indigenous Peoples Council of Taiwan for inviting me to participate in the constitutional discussion.
international standards in human rights, including the demands of indigenous peoples as expressed in such documents as the Draft Declaration on Indigenous Rights (UNHCHR 1994) ILO Convention 169 (ILO 1989) and Agenda 21 of the UN Conference on Environment and Development. Proposed amendments to the constitution would include collective rights for indigenous peoples, making Taiwan one of the most progressive countries in the world in that respect.

In the summer of 2004, just three months after the incumbent DPP president Chen Shui-bian was re-elected to a second term, a series of public consultations were held at the Indigenous Peoples Council in Taipei to debate how indigenous rights should be incorporated into the new constitution. The discussions themselves were based on Chen’s electoral promises, in which he said that Taiwan’s relationship with its indigenous peoples should be a “quasi-nation to nation relation” (準國與國關係). After a long process of debate about the situation in Taiwan as well as studies of similar cases in Canada, Latin America, New Zealand and elsewhere, a series of clauses on indigenous rights were drafted and submitted for deliberation at higher levels. These included
demands on such issues as return of traditional lands, regional autonomy, and increased representation in the central government. The challenge for Taiwanese policy makers is to understand the extent to which these emerging international norms may apply to Taiwan.

In Taiwan, as internationally, the very intellectual foundation of indigenous rights is hotly contested. Even in Canada, some academic and policy actors have called for a liberal understanding of indigenous rights, through which indigenous rights are protected like those of other minority groups through affirmative action program intended to assimilate them into society at large (Flanagan 2000). Through such documents as the ILO Convention 169, the UN Draft Declaration on Indigenous Peoples, the Rio Convention on Biodiversity, as well as legal decisions made in Canada and elsewhere, however, an international consensus has begun to form around the idea that indigenous peoples have inherent rights due to their early residence and special relationship to the land.

This paper looks at the evolving discourse on indigenous peoples in Taiwan, and at the place that they may have in the new constitution. What might
Formosan indigenous communities gain from expanded recognition of their collective rights in a revised constitution? What does state acceptance of these demands mean in Taiwan’s contemporary political context? How might the experiences of indigenous Taiwan offer important lessons for indigenous peoples in other parts of the world? First of all, however, it is important to put Formosan indigenous peoples’ relations with the modern nation-state in historical context.

A Place for Indigenous Formosans in the Taiwanese Nation

Like indigenous peoples in North America, the indigenous peoples of Taiwan came into the purvey of the modern nation-state as Europe colonized much of the globe and later as Japan extended its power in Asia.\textsuperscript{2} The indigenous peoples of the eastern and central Taiwan, known largely by Chinese Ch’ing Dynasty administrators before 1895 for their fierce head-hunting practices, were brought into the administrative reach of the modern nation-state only under Japanese administration from 1895 to 1945. The Japanese were the first to

\textsuperscript{2} Of course, the indigenous peoples of western Taiwan were incorporated into the area of the Dutch East Indian Company, whose areas in southwestern Taiwan later were taken over by Ch’ing Dynasty China. Those indigenous peoples for the most part intermarried with Han settlers from China. Their descendents are the present-day “Native Taiwanese.” See Brown 2004 and Shepherd 1993.
conduct comprehensive land and population surveys in indigenous areas, as well as to implement modern systems of social control including police stations, military outposts, schools and medical clinics. When the Republic of China came to Taiwan in 1945, the new Chinese state inherited this system of administration. With adaptations through time, especially further limitations on aboriginal use of land, these institutions have continued to the present day.

Taiwan now has a population of approximately 400,000 indigenous people belonging to twelve officially recognized tribes: the Amis, Atayal, Truku, Paiwan, Rukai, Bunun, Siasiat, Puyuma, Tsou, Sao, Ketagalan, and Tau. They are by no means “victims of progress” (Bodley 1982); rather they are proud survivors of domination by subsequent colonial states. Their languages are spoken in the villages; religious rituals, crafts, and other important elements of their cultures are still a part of daily life in those communities. They are, of course, faced with many challenges due to their increasingly close relations with the nation-state – specifically the Republic of China since 1945. Since democratization in the 1990s, they have been increasingly able to make demands of their own on the state (Allio
The constitution brought to Taiwan by the Republic of China in the 1940s was ill-suited to the situation in Taiwan; but apparently the ruling KMT was so concerned with taking back China that they scarcely noticed. The constitution, in fact, mentioned Tibet and Mongolia, but remained silent on indigenous rights.\(^3\)

Taiwan’s indigenous peoples were incorporated into the ROC constitution very belatedly – and only due to the activism of the indigenous social movement after the lifting of martial law in 1987. It was after President Lee Teng-hui’s election as Taiwan’s first democratically elected president in 1996 that the Indigenous People’s Council was founded, institutionalizing a new relationship between the ROC state and indigenous Formosa. Shortly afterwards, on June 16, 1997, indigenous people demonstrated in front of the National Assembly in Taipei demanding that indigenous rights be incorporated into the ROC constitution.

Article 10, among the many revisions passed on July 18 of that year, declared that:

\(^3\) While ignoring the needs of indigenous communities in Taiwan, the ROC state had long given generous funding to the Tibet and Mongolia Commission, in spite of the fact that they did not in fact govern those areas.
The State affirms cultural pluralism and shall actively preserve and foster the development of indigenous languages and cultures. The State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the indigenous peoples. The State shall also guarantee and provide assistance and encouragement for indigenous education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by law. The same protection and assistance shall be given to the people of the Penghu, Kinmen, and Matsu areas (Office of the President ROCa 2004).

These amendments also created a system in which aboriginal legislators were eventually guaranteed ten seats in the National Assembly. It is worth noting that these additional articles already used the collective term yuanzhu minzu, (indigenous peoples) which draws attention to collective rights, rather than the yuanzhu min (aboriginal people) that is concerned more with individual rights in a liberal framework. The inclusion of the Han inhabitants of Taiwan’s off-shore islands, however, shows that these additional articles are not based on international ideas of indigenous human rights as much as they are on identifying the rights of minority groups in Taiwan. Nonetheless, they provided a legal reference for further indigenous demands. The DPP, which emerged in the 1980s as an opposition party closely linked to social movements, was the first party to
pro-actively define a policy on indigenous rights.

_The 2000 DPP White Paper on Indigenous Rights_

With its roots in the democratic social movements, it is not surprising that the DPP has been supportive of the demands of indigenous peoples.\(^4\) When Chen Shui-bian was mayor of Taipei, for example, he established the Taipei Municipal Aboriginal Affairs Council, the first institution set up explicitly to serve the needs of aboriginal people. He also renamed a major boulevard in front of the Presidential Building Ketagalan Boulevard in honor of the indigenous peoples who once inhabited the Taipei Basin.\(^5\)

On September 10, 1999, as part of his electoral campaign, Chen Shui-bian signed a “New Partnership between Indigenous Peoples and the Taiwan Government” on Orchid Island. In that document, he used the legal term natural rights (自然主權) in recognizing that indigenous peoples were the original owners of Taiwan and have rights that precede the arrival of the state on Formosa. These include the right to high level autonomy (see Office of the President ROC

\(^4\) For an overview, see Shih 2005.
\(^5\) The street’s original name was Jie Shou, meaning “Long Life to Chiang Kai-shek.”
2004b). These electoral promises were further refined and discussed in the 2000 DPP White Paper on Aboriginal Policy (DPP 2000). As a policy white paper, it merely highlighted the guiding principles of the party’s platform. In many ways it was a “wish list” of ideals, written for the purposes of a political campaign rather than for concrete administration. It does, however, reflect how aboriginal people and/or indigenous peoples are incorporated into DPP discourse; and it has been subsequently used by indigenous activists lobbying for expanded indigenous rights.

The very first paragraph of the document outlines the DPP’s historiography of Taiwan: “Ever since the KMT government moved to Taiwan, policy planning aimed at Taiwan’s indigenous peoples, in addition to continuing the ‘Administering Barbarians Policy’ from the period of Japanese Rule, has made evident its feeling of superiority of Greater Chinese Chauvinism.”

Throughout the document, the KMT is depicted as just one more colonial power in Taiwan, following subsequent regimes by the Spanish, the Dutch, Koxinga, the
Ch’ing Dynasty, and Japan.

The White Paper is progressive in many aspects, including explicit recognition that indigenous peoples have been harmed primarily by loss of territory and involuntary incorporation into the global capitalist system. This theme, reiterated throughout the White Paper, shows that the DPP frames aboriginal poverty in terms of destitution, or loss of their original means of subsistence. The problem is that indigenous lands have been lost to colonial powers, including institutions originally founded by the KMT state such as the Forestry Bureau. The preferred solution is to return indigenous lands to rural communities.

Even after the end of martial law, when social movements pressured the government to better protect indigenous interests, the problem remained a lack of “mutual inter-subjectivity” (互為主體), leading to marginalization of indigenous peoples and damage to their social systems. The white paper thus proposes policies related to, in the following order: sovereignty; rights to participation in

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For a discussion of different types of poverty, including destitution as defined here, see Sachs 1990.
policy-making, administration and politics; rights to subsistence (生存) and
development, land rights, social welfare rights, education and cultural rights, and
women’s rights. In each of these sections, indigenous subjectivity is central to the
argument, as the policies should come from the indigenous communities
themselves rather than being imposed from outside. The proposed solution is a
“new partnership” between the Taiwanese state and indigenous peoples.

Clearly written within a decolonization framework, the central concept in
the White Paper is inherent sovereignty (宗主權). With all of its discussion of
indigenous sovereignty and self-determination in terms of land rights and
economic development, however, the main problem still comes down to Taiwan’s
sovereignty from China. The White Paper clearly asserts, “Amidst Taiwan’s
struggle between unification and independence, we must establish a relationship
of common destiny with the indigenous peoples. The promotion and declaration
of sovereignty is the only way to declare Taiwan’s national status to international
society” (italics added). It states further that “The promotion and declaration of

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8 台灣在統獨爭議中，必須與原住民族建立生死與共的生命共同體關係，宗主權的
主張與宣示，視為一向國際社會宣告台灣國家定位確立的路徑。
sovereignty is the only possibility of breaking of relations with China; it is even through this that international recognition of legal status and qualifications can be gained” (italics added). The policy is even based on “the recognition that Taiwan is a multi-ethnic, independent state.” The 2000 DPP White Paper was thus framed within the discourse of Taiwanese independence.

In terms of its “imagined community” (Anderson 1983), the Taiwanese nation envisioned in the White Paper is one composed of indigenous peoples and so-called “New Taiwanese.” The first section on sovereignty explains that the vast majority of Taiwanese are actually métis, descendents of aboriginal women and migrant men from China. They are thus “new Taiwanese created by the intermarriage, métissage, assimilation and incorporation of ‘Tang Mountain fathers and non-Tang Mountain mothers.’” The nationalist ideology of the White Paper thus included a partnership of indigenous peoples and Native Taiwanese,

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9 宗主權的主張與宣示，是切斷與中國關係唯一可能，甚至可由此取得國際認定的合法地位與資格。
10 台灣是多民族的獨立國家。
11 This definition of “New Taiwanese” is very different from the better known use of the term to refer to Mainlanders who identity with Taiwan, as was used in Ma Ying-jeou’s campaign for Taipei mayor in 1998 (see Corcuff 2002: 186-189).
12 「唐山過台灣，沒有唐山母」所造成的雜交，混血，同化，融合的新台灣人。
yet implicitly excludes the Mainlanders who are associated with a KMT colonial regime.

By making them the “poster children” of Taiwanese Independence, the White Paper thus tries to incorporate indigenous peoples into a national imagination not of their own making. This is the underlying rationale and interest of the DPP in creating a progressive policy for indigenous peoples. The DPP’s instrumental support of indigenous peoples was clearly evident in 2000, when the White Paper was published. After Chen won the election, he began his inauguration ceremony with aboriginal singers and dancers, followed by Hakka and Holo music. He invited an aboriginal pop singer to sing the ROC National Anthem. To Chen’s credit, the relationship of the Taiwanese state to indigenous peoples has been more than just singing and dancing. In the summer of 2004, indigenous leaders and academics, wearing suits ties rather than indigenous costume, met over several months in Taipei to discuss the institutional framework for a new partnership between Taiwan and indigenous Formosa.¹³

¹³ I was in Taiwan on an exploratory mission for a research project on economic development in the Truku tribe of Hualien, and was invited to participate in these weekly discussions. Most of the
**Indigenous Issues and Taiwan Independence**

These consultations at the Indigenous Peoples Council, in principle open to any interested parties, brought together high-ranking officials of the IPC, government officials working with indigenous people, social activists, and both indigenous and non-indigenous scholars. The agenda included such topics as 1) why indigenous peoples should be included in the constitution; 2) why indigenous peoples have inherent rights; 3) the meaning of indigenous peoples’ natural rights; 4) the legitimacy of indigenous self-determination; 5) why indigenous peoples’ want autonomy; 6) the organization of indigenous autonomy in unitary/federal systems; 7) the organization of indigenous representation and effective political participation; 8) the relationship between traditional territory and land, natural resource, fishing and hunting rights; 9) indigenous judicial rights and customary law; 10) including indigenous financial administrative rights into the constitution; 11) quasi-nation-to-nation relations in the perspective of nationalities’ treaties; and 12) constitutional problems of an aboriginal clause in the constitution (Shih discussions are now available on the WWW and are cited here accordingly.)
2004).

Each session began with a scholar or activist presenting a position paper on the week’s topic. On this basis, the group was able to discuss the inclusion of indigenous rights in the constitution from a number of perspectives including the evolution of natural rights and inherent rights in western political thought, the Canadian example of the Assembly of First Nations, the necessity of indigenous rights for effective sustainable development, the history of the colonization of indigenous lands in Formosa, and the achievements of the international indigenous rights movement. Throughout the sessions, Canada was held up as a model for what Formosan indigenous peoples could hope for in a new constitution, especially since Canada’s 1982 constitution was the first to specifically incorporate collective indigenous rights at that level (Shih 2004).

Without a doubt, the sessions were the official culmination of a long dialogue between indigenous and Taiwan Independence Movement activists.\(^{14}\)

One of the most outspoken participants, in fact, was Tamkiang University

\(^{14}\) For some of the publications that have come out of this dialogue, see Shih, Hsu and Bu-hsing (2002), as well as Hsu, Shih and Bu-hsing (2001). For a discussion on the constitutional meaning of the Taiwanese indigenous peoples’ movement, see Lin 2000.
professor Shih Cheng-feng, who has long militated for Taiwan independence.

Links between the constitutional sessions and the Taiwan Independence Movement were further evident in the fact that the constitution under discussion was an outgrowth of the “Republic of Taiwan (ROT) Constitution” first drafted by Hsu Shi-kai (許世楷) in 1993 and a subsequent version by Huang Chao-tang (黃昭堂) in 1998. The drafts of these and other proposed versions of the Republic of Taiwan constitution were even distributed as background materials. It is thus important to look at the Taiwan Independence Movement as one of the philosophical currents that has inspired the indigenous rights movement.

Illustrating well the role of indigenous peoples in the philosophy of the Taiwan Independence Movement, the 1993 Draft Republic of Taiwan Constitution even began with the preamble:

Our Malay-Polynesian ancestors, in the past lived in the wilderness of Taiwan in freedom and peace. Our Han ancestors, in order to escape bad governance, war, chaos and famine in China; in search of freedom, peace and a better life, migrated to Taiwan. But we Taiwanese often saw our freedom, peace, and lives trampled upon by foreign powers. We have thus decided to gather our forces to protect our own freedom, peace and live; we unite together to establish an independent Republic
Clause 3 of this constitutional draft defined the citizens of Taiwan as belonging to four distinct “cultural” groups categorized according to language and time of migration to Taiwan. These are the “Malay-Polynesian language family, the Fulao language family, the Hakka language family, and the Beijing language family” (Hsu 1993). Although the linguistic categorization of these groups lacks anthropological basis, it is important as a founding document in the ideology of Taiwan as constituted by four ethnic groups. It is important to note that the natural rights of indigenous peoples were not mentioned in this draft constitution, which defined rights in the liberal tradition of individual rights.

Through the 1990s and early 2000s, international organizations and many countries, including Taiwan, began paying more attention to the natural rights of indigenous peoples and the ways in which their rights had been

\[15\] 我們的馬來玻里尼西亞語系祖先，過去在台灣的原野自由、和平地生活著。我們的漢語系祖先，為了逃避中國的惡政、戰亂與飢餓；追求自由、和平與較好的生活，移住來台灣。但是，我們台灣人的自由、和平與生活，仍時常受到外來政權的蹂躪。因而，我們決意以自己的力量，來維護自己的自由、和平與生活；因此，我們結合，以創設獨立的台灣共和國。

\[16\] 第 3 條: 台灣共和國的國民，由於語言以及移住時期等的不同，可以分為馬來玻里尼西亞語系、福佬語系、客家語系、北京語系，四文化集團。
neglected in the process of decolonization. Due to the pressure of indigenous social movements, the formation of the Indigenous Peoples’ Council, and ongoing dialogue between indigenous scholars and the Taiwan Independence Movement, those rights were eventually incorporated into Chen Shui-bian’s campaign promises, the 2000 DPP White Paper and in 2004 into the proposed constitutional revisions. The consensus emerged that Formosan indigenous peoples in the past four centuries have seen their lands taken away without their permission by Chinese settlers in the Ch’ing Dynasty, by the Japanese imperial government and by the Republic of China on Taiwan. Because the indigenous peoples had already been living on Taiwan for over 6000 years, they have a natural right to the land, which includes self-determination.

Largely due to indigenous input, the proposed indigenous clauses in the proposed new constitution thus begin with explicit recognition of the natural rights of indigenous peoples and their desire for self-determination, with autonomy for each tribe. This autonomy extends to the use of traditional lands, economic development, language, traditional knowledge, customary law, and other
expression of collective cultural rights. By far the most explicit recognition of
indigenous sovereignty, however, is the provision that Taiwan should have two
vice-presidents and one of them should be an aboriginal individual (Shih 2004,
included here as Appendix 1).

After the talks were concluded, President Chen Shui-bian was thus able
to announce to Rukai leaders in Pingtung that the government was mapping
traditional indigenous territory and planning on incorporating indigenous rights
into the constitution on the basis of “nations within a nation” (國中有國) (Kuo
2004). If put into place, these principles articulate strongly with the legal
principles enshrined in the UN Draft Declaration on the Rights of Indigenous
Peoples:

Indigenous people have the right of self-determination. By virtue of that
right they freely determine their political status and freely pursue their
economic, social and cultural development (Article 3 of the Draft
Declaration on the Rights of Indigenous Peoples)

Closing Observations

More cynical observers, including opponents of the Taiwan
Independence Movement, may object that Taiwan’s concern with indigenous
rights in its early stages was largely instrumental as an ideological tool to justify their own rise to power. That ideology, expressed in only rather rudimentary form in early Taiwan Independence Movement documents, however, led Taiwanese independence supporters to engage in a real dialogue with indigenous peoples. Since Taiwan's indigenous peoples constitute only 2% of the island's population and tend at any rate to vote for “pro-unification” pan-blue parties (Wang 2005: ??), however, there is little electoral advantage to be gained from the propositions raised in those dialogues. Some of the proposed constitutional clauses, especially territorial autonomy and a guaranteed place for an indigenous vice-president, are even likely to alienate non-indigenous voters unfamiliar with the legal arguments for indigenous rights.

In conclusion, therefore, it seems more likely that the interface between Taiwan Independence advocates in the Chen administration and indigenous intellectuals has actually given indigenous peoples a chance to influence policy. The acceptance of such basic legal principles as indigenous natural rights that precede any state on Taiwan is the product of the work of Taiwan’s indigenous
rights activists. It was, however, only possible due to the end of KMT rule, because the old KMT had an ideology that Taiwan is essentially Chinese, and that human rights are best protected as individual rights in the liberal political tradition. Before KMT Lee Teng-hui became president, at least, indigenous peoples had virtually no political voice in Taiwan.

In conclusion, indigenous activists in Taiwan are sometimes called “urban hunters” and for good reasons. Like hunters, who must often wait patiently for the prey to enter their hunting territory, the activists who have entered into dialogue with the Taiwan Independence Movement and the Chen administration have taken advantage of conjunctural circumstances to achieve their goals. For now, the prey is in sight, but the hunt has not ended. The unpredictable course of events in Taiwan and beyond will determine if the hunters can ultimately bring back the spoils of the hunt to share with their communities.
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Shih Cheng-feng (施政鋒), Hsu, Shih-kai (許世楷), and Bu-hsing Dali (布興大立). 從和解到自治：台灣原住民族歷史重建. 台北：前衛.

Appendix 1: Indigenous Peoples' Council, “Special Clause for Indigenous Peoples in Taiwan's New Constitution”

原住民族委員會『台灣新憲原住民族專章』

總綱
第一條 台灣為多元民族國家，各民族基於平等原則組成民有、民治、民享之民主共和國。

第章 原住民族
第條 國家承認原住民族之自然主權，並尊重其自決意願。
第條 各原住民族有依其意願與程序，決定組織與代表以行使自治權，並參與於其利益相關之國家機關之權利。
第條 各原住民族成立自治區，實行民族自治。

原住民族自治制度，由總統與各原住民族簽署自治協約，經立法院追認後行之。
自治區之自治事項如下：
一、自治組織。
二、民族外交。
三、環境管理。
四、公共工程。
五、身分認定。
六、交通水利。
七、社會福利。
八、傳統領域土地。
九、原住民族習慣法。
十、傳統智慧創作。
十一、漁、獵、農、牧。
十二、⋯⋯（其他項目）
非經自治區居民公民投票同意，中央不得立法限制自治區之自治事項及權限；中央法規法令抵觸自治區為辦理自治事項訂定之自治法規者，無效。

第條 各原住民族傳統領有或所使用之土地、水域、動植物群及其他自然資源，屬原住民族，並有決定其管理組織與發展策略之權利。

國家之任何措施，明顯影響各原住民族傳統領有或所使用之土地、水域、動植物群及其他自然資源者，應得相關原住民族自由意志及充分資訊下之協商同意後為之，並應予參與實施或為適當補償。

第條 各原住民族語言亦為該族自治區域內之公務語言。
第條 各原住民族之傳統知識或智慧財產權應受保障。
第條 本章以外之國民權利義務與社會制度，應兼顧各原住民族特殊需求，適用於各原住民族之成員。
第條 司法機關於原住民相關案件之審理，應採求並尊重各原住民族習慣法，必要時應設原住民族法院。
第條 原住民族立法委員之選舉以各族為選區，其席次分配由各原住民族協商定之。
第條 凡各原住民族文化上之其他集體權利及固有權利，不妨害社會秩序、公共利
益者，均受憲法之保障。
第 條 以上各條列舉之原住民族集體權利，除為防止妨礙他人自由、避免緊急危難
所必要者外，不得以法律限制之。
第 條 國家應採取有效制度並提供訴訟救濟，以確保各原住民族集體權利之落實。
總統
第 條 副總統為備位元首，設二名，其一應由原住民族成員出任，但總統為原住民
族成員時，不在此限。
Source: Shih 2004
[http://mail.tku.edu.tw/cfshih/seminar/20040722/20040722.htm, last accessed
March 12, 2005].