

BEYOND MAJORITY RULE: INDIGENOUS PERSPECTIVES ON TAIWAN'S LEGISLATIVE CONTROVERSIES

Monday 1 July 2024, by [CHUANG Yu-Chen](#), [Taiwan Indigenous Youth Public Participation Association](#) (Date first published: 20 June 2024).

Recently, conflicts erupted in Taiwan's Legislative Yuan over the amendments proposing legislative power expansion, which involved unconstitutional controversies. Many citizens and NGO groups spontaneously gathered outside the Legislative Yuan to participate in the protests, now known as the Bluebird Movement. The purpose was to denounce the legislative process, which violated procedural justice and lacked substantive deliberation. Among those who spoke out were several Indigenous rights advocacy groups in Taiwan.

Many people ask about the relationship between the Indigenous peoples and the current legislative amendments. Taiwanese Indigenous peoples are seeking a [quasi-national partnership with the government](#) and are also members of Taiwan's civil society. When the expansion of legislative power allows for the investigation of people, private companies, NGOs, etc., Indigenous peoples could also potentially suffer rights violations. Moreover, in this controversial amendment led by the Blue and White parties, we regretfully see the involvement of Indigenous legislators. As a civic group advocating for Indigenous peoples' rights, we have several demands for the Indigenous legislators in this movement:

First, we call on Indigenous legislators to uphold substantial deliberation and democratic communication to prevent Indigenous rights legislation from becoming the victim of majority violence. The voting disputes during the review of this legislative power expansion bill should serve as a warning to Indigenous legislators. If parliamentary procedures persist as hasty majority decisions over the next four years—lacking substantial discussion and failing to consolidate proposals from different parties and individual legislators to find common ground—the effort to institutionalise Indigenous rights may face a standstill.

Second, we believe Indigenous legislators should actively cooperate across party lines to form a critical minority and break free from party control. The current composition of the Legislative Yuan appears to create a political landscape where [no single party holds a majority](#): Kuomintang (KMT) with 52 seats, Democratic Progressive Party (DPP) with 51 seats, Taiwan People's Party (TPP) with eight seats, and two independents. However, categorising solely based on political party backgrounds not only ignores the political subjectivity of Indigenous legislators but also overlooks the constitutional significance of ensuring Indigenous legislative seats. If Indigenous legislators can actively cooperate in organising a cross-partisan parliamentary group, the six Indigenous seats could effectively form a critical minority and create a new political environment favourable for advancing Indigenous legislation. This is not an unrealistic idea; in 1999, the Legislative Yuan formed a cross-party "Indigenous Representatives Coalition," which operated steadily for several years and was indispensable in passing the [Indigenous Peoples Basic Law](#). The current composition of the parliament presents an excellent opportunity for Indigenous legislators to become a critical minority

again.

Lastly, we call on Indigenous legislators to prioritise being Indigenous peoples first, legislators second, and party members last. The relationship between Indigenous peoples and the ROC government should be an equal and “quasi-state to state” partnership, where Indigenous legislators, as representatives of their communities, must always prioritise the subjectivity of Indigenous peoples. Besides defending Indigenous rights, Indigenous legislators should also adhere to the spirit of democracy and constitutional governance and should not disregard the most basic procedural rules. As a minority, Indigenous peoples have never been able to claim rights through majority voting games; instead, deliberation and discussion are the most essential tools in the minority’s fight for rights. When Blue Camp Indigenous legislators abandon deliberation and opt for zero-sum voting, it might imply that future legislation involving Indigenous rights could also allow the majority rule to prevail, thereby depriving Indigenous peoples of the tools to fight for our rights. We urge Indigenous legislators to reconnect with their Indigenous subjectivity and demonstrate their influence to safeguard democracy and Indigenous sovereignty.

Challenges in Indigenous Political Participation: Electoral Systems and Party Dependencies

While we believe that Indigenous legislators should represent the rights and interests of Indigenous peoples rather than being subservient to party politics, achieving this goal remains challenging within Taiwan’s current electoral system.

Unreasonable and outdated electoral district divisions result in high costs for Indigenous legislators to run for office, leading to a heavy reliance on the resources of major political parties, which risks undermining their agency in advocating for Indigenous rights in the Legislative Yuan. In Taiwan, six parliamentary seats are designated for Indigenous legislators. Only Indigenous individuals are eligible to run for or vote in these seats. Because Indigenous peoples are dispersed across Taiwan, the electoral districts for these seats almost cover the entire country, similar to the districts for presidential elections.

Furthermore, the six Indigenous seats are divided into three seats each for [highland and lowland Indigenous groups](#) based on outdated criteria. This distinction between highland and lowland Indigenous groups has nothing to do with ethnic groups or the county where one’s current household is registered. Instead, it’s based on the geographic and administrative divisions of assimilated and non-assimilated areas during the Japanese colonial period. We have inherited the identities registered by the Japanese rules from our ancestors, and this classification continues to define our electoral districts in contemporary Taiwan. This inappropriate division even results in situations where members of the same ethnic groups are split, with some classified as highland Indigenous people and others as lowland Indigenous people.

This electoral system creates a severe invisible barrier—that is, the extremely high cost of electoral campaigning, which includes transportation expenses for travelling across Taiwan, promotional materials, media exposure, etc. This cost means that candidates not nominated by one of Taiwan’s two major political parties, the KMT or the DPP, have had little chance of being elected. In fact, in the long course of history, before the year 2000, candidates who were not from the KMT (or had never been part of the KMT) simply could not win elections.

Moreover, being elected as an Indigenous legislator marks another set of challenges. Currently, six of the 113 seats in Taiwan’s legislature are reserved for Indigenous legislators, a ratio that seems to be higher than the proportion of the Indigenous population. However, all bills require the collective vote of all members. Indigenous concerns can easily be marginalised because the 107 non-

Indigenous legislators are not subject to electoral pressure from Indigenous voters, who cannot vote for them.

In the legislative procedures of Taiwan's Legislative Yuan, a critical step is "[cross-party caucus negotiations](#)." According to Article 33 of the Organic Law of the Legislative Yuan, a political party that secures at least three seats and is among the top five parties can form a caucus. Cross-party caucus negotiations serve as a mechanism to ensure that smaller minority parties can fully participate in the legislative process, preventing it from falling into zero-sum voting and intensifying polarisation. While the six Indigenous legislators could form a caucus, their dependence on major political parties for election success complicates the situation. Once in the Legislative Yuan, it becomes challenging for them to escape party influences. In legislative procedures, Indigenous legislators' proposals also need the support of a majority of non-indigenous legislators, forcing them to align with major parties.

Additionally, each party caucus enforces "mobilisation rules." For example, if a party caucus decides that all its members must vote against a bill and someone deviates, they might face penalties from the caucus or even expulsion from the party. This high level of enforcement makes it difficult for Indigenous legislators to transcend party boundaries and engage in cross-party collaboration.

In the current procedural disputes surrounding the legislative power expansion bill, the majority coalition formed by KMT and TPP has employed forced voting and bypassed the previous rules of the Legislative Yuan, which were intended to respect the majority's opinion while not ignoring minority voices. If, over the next four years, legislative bills are no longer subject to substantive review but only to voting contests, it is entirely foreseeable that bills related to Indigenous rights may face a significant risk of stagnation.

Although the current electoral and legislative system places significant restrictions on Indigenous legislators, there remains a glimmer of hope. During this term of office in the Legislative Yuan, where no party holds a majority, the six Indigenous seats offer a significant opportunity for cross-party collaboration, making them a vital minority sought after by major parties. As members of the Indigenous peoples and also part of Taiwan's civic society, we advocate for adhering to substantive deliberations and democratic communication to prevent Indigenous rights legislation from becoming the next victim of majority aggression. Additionally, we call for reforms to the electoral system for Indigenous legislators, ensuring that the Indigenous communities have the right to meaningful political participation and equal dialogues.

Taiwan Indigenous Youth Public Participation Association aims to encourage Taiwanese Indigenous youths to engage in public participation and political discussions, build cross-community consensus, and embark on the path of Indigenous self-governance and independence together.

This article was published as part of a special issue on ['Bluebird Movement: Legislative Reform Protests in Taiwan'](#).

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