

The Chance for Environmental Justice for the Indigenous Dao?

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Introduction

In recent years, Taiwan's indigenous population has been coping with profound environmental injustice. This is mostly caused by human intervention in nature driven by economic interests. Environmental changes emerge due to resource exploitation and large scale projects. Industrial and infrastructural developments had far-reaching consequences for people affected. Their fundamental rights were not protected nor are the indigenous integrated in decision-making processes or have the chance for self-determination.

Taiwan's indigenous peoples primarily live in the remote mountain areas and on the Eastern coast. These regions were and still are rich in natural resources. With the Japanese colonization and the interest in natural resources, exploitation emerged and has intensified ever since the decades of martial law. As the indigenous live in the affected areas, they had to face these interventions on their land. Due to weather conditions, human activity, and the trigger of industrialization, the environment began to change and people have to adapt to these circumstances and in some cases they were forced to migrate to other safer areas.

This paper elaborates the connection between human intervention in nature, environmental change and injustice, and the impacts on indigenous peoples' economic and social structures. The example of the Dao illustrate the vulnerability of indigenous peoples to environmental changes and highlight the importance of environmental justice in case of human intervention on their territories. On Orchid Island, the Dao's homeland, environmental injustice took place with the establishment of a nuclear waste dump site without the islander's approval. Furthermore, environmental change was evocated by over-harvesting the fishing grounds. The indigenous Dao's application of modern tools to catch fish together with the interest of outsider fishing boats led to a depletion of the fish stocks.

Indigenous Peoples in Taiwan

When talking about indigenous peoples it is essential to look at the definition of the term. Besides 'indigenous', other commonly used terms are 'natives', 'first nations', 'tribal people', and 'aboriginals'. Depending on the context of the region, none of these terms need necessarily have a negative connotation. 'Aboriginal' is the general name of Australian's and

also Taiwan's native population. The literal translation of the Chinese word 'Yuanzhumin'¹ is aboriginal peoples. Only in recent decades (1990s) has the demand to change aboriginal to indigenous peoples become an issue and it was then to be realized by the government when it renamed the Council of Aboriginal Peoples in Council of Indigenous Peoples (CIP). Nevertheless, the name aboriginal is not considered as a negative or discriminatory term among scholars in Taiwan. In this article, the term indigenous is used due to the reason that the informants rather prefer such nomenclature. Actually, the indigenous interview partners did not care too much about terminology, but they preferred to be called by their traditional name, which means in many cases 'human being' and this is how they want to be considered, as human beings and not classified in any regard or due to their ethnicity.

The first working definition of indigenous peoples was developed by Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the United Nations Working Groups on Indigenous Populations (UNWIP) in 1986 (Anaya, 1996:5). The International Labor Organization's (ILO) Indigenous and Tribal Peoples Convention 169 (1989) is the nowadays standardized and universal definition. It characterizes indigenous and tribal peoples in article 1 as:

(a) tribal peoples in independent countries whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Jose Cobo (UN Doc. E/CN.4/Sub.2/1986/Add.4) and ILO 169 both emphasize that indigenous people's identity and cultural practices are fundamentally based on the soil and the land of their ancestors. The profound spiritual connection to their land is reflected in their traditional customs and distinguishes them from others. Indigenous peoples are designated as the most vulnerable group with respect to the abuse of their human rights that took place during the times of imperialism and worldwide colonization until today (Iceland Human Rights Center, 2011; Bullard, 1999:32).

The rights of indigenous peoples have been globally recognized with the Universal Declaration for the Rights of Indigenous Peoples (UNDRIP) in 2007 and after 30 years of negotiation. The Declaration stands beside the ILO 169 convention as the most relevant human rights documents for indigenous peoples, which in spite of holding considerable moral authority as a declaration, is not legally binding. The UNDRIP contains 46 articles, including 6 articles that refer to the protection of indigenous land and natural environment. Article 7 emphasizes that the state shall prevent and redress "any action which has the aim or effect of

¹ In this article, Pinyin is used for the Chinese transcription.

dispossessing them of their lands, territories or resources”. If interventions on indigenous land were conducted, the UNDRIP stresses in article 28:

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

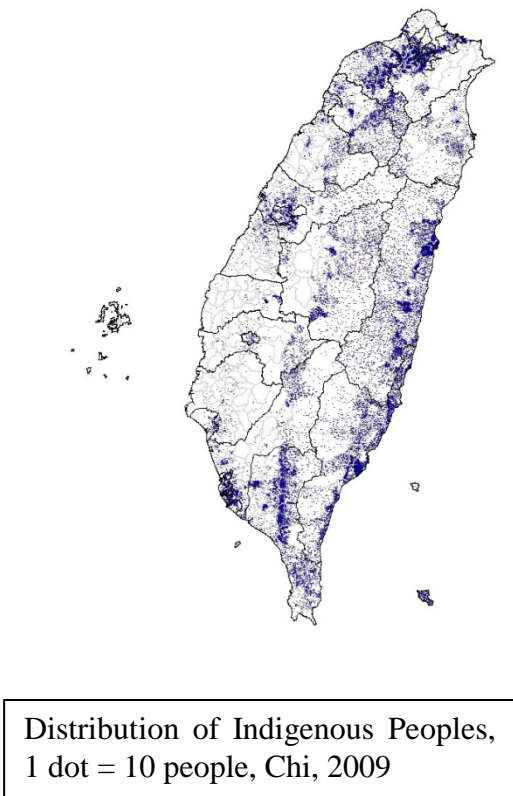
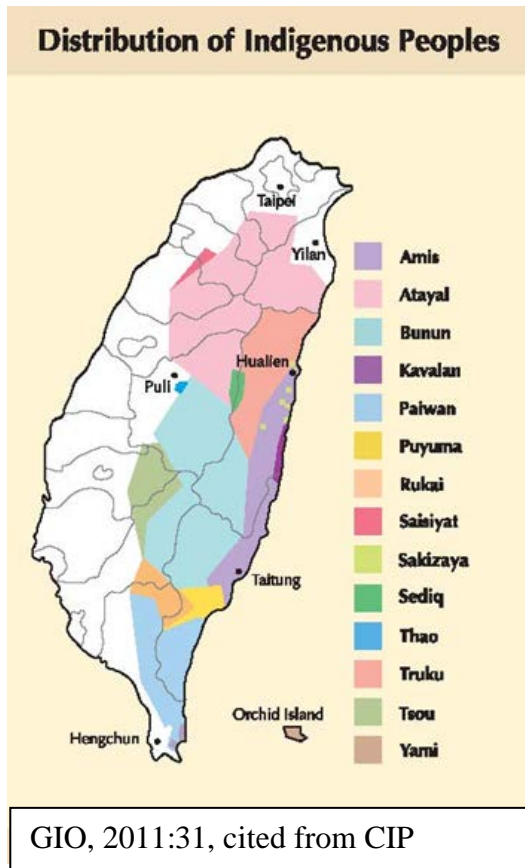
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Even though Taiwan is neither a member of the UN nor of the ILO, it has still acknowledged international declarations and covenants, which were ratified to assure equal civil, political, economic, social and cultural rights (ICPCR & ICCPR) to all Taiwanese citizens. Since 2005, the protection of Taiwan’s multiculturalism regarding its ethnic composition has adhered in the constitutional amendments (RoC constitution, add. amendment, art. 10). Furthermore, it emphasizes that the “environmental and ecological protection shall be given equal consideration with economic and technological development”. And, “the State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by law” (ibid.).

The indigenous peoples of Taiwan have inhabited the island for at least 12,000–15,000 years and were the first settlers (GIO, 2011:29; Tryon, 1995:35). Only the Dao, coming from the Batan Islands, Northern Philippines, populated Orchid Island (Lanyu)² around 800 years ago. All Taiwanese indigenous groups belong to the Austronesian Malayo-Polynesian language group (Teng, 2004:104) that is spread from Madagascar in the West up to Easter Island in the East. Anthropologists and human migration studies experts suggest that the settling of the Pacific Ocean and parts of Southeast Asia took place via Taiwan (Bellwood et al., 1995:21). Today, 14 different officially acknowledged indigenous groups live in Taiwan, with a population of 512,700, or two percent of the Taiwanese society (GIO, 2011:30). They originally lived in the mountainous and coastal areas; hence, they were divided into mountain and lowland tribes (Teng, 2004:131). However, only the Dao³ claim a whole island as their homeland.

² An older expression for Orchid Island is Botel Tobago (not used anymore). “Ponso no Dao” is the Dao’s name for the island and means “homeland of human beings.”

³ Dao means “human being” and is the way they refer to themselves. The Dao are also known under the transcription Dao or Tau. Yami/Yamei is an old term for the Dao and dates back to the time of Japanese colonialism. Around 3,900 Dao (GIO, 2011:35) live on Orchid Island.



Land Expropriation on Orchid Island

The indigenous Dao of Orchid Island have had to deal with environmental injustice and deterioration of the environment, as the peripheral location and isolation of their homeland from Taiwan became of great interest for the government. The appropriation of land on Orchid Island was to be used to store nuclear waste and solved the government's problem of finding a convenient storage site.

In the 1970s, the government decided to establish a nuclear waste dumpsite on the Dao's land. In the beginning, relevant institutions (the Atomic Energy Commission and Taipower (Taiwan Power Company)) did not inform the Dao as to why Orchid Island had suddenly become of such interest. In the late 1970s, some representatives came to the island with the intention of requisitioning land. The Dao were told that this land was needed for the construction of a fish-canning factory (Chi, 2001; Informant Y, 2008). The government's stated intention was to help the locals acquire jobs and to give them opportunities to earn money. The factory was promoted as an inalienable source of income that may bring better technologies and increased infrastructure to the island. In the course of this motivation, a new harbor was built that was believed to be for military purposes. Later on, however, this construction was supposed to ship out the cans of fish. As the factory site was finalized, people became suspicious, as there were no windows or doors in the newly constructed building (Informant Y, 2008). Environmentalists and Dao people heard rumors that the

government was creating a nuclear waste dumpsite on Orchid Island. Further research and the publication of an article in the Daily News in 1980 confirmed the rumor as a fact and made the undertaking official. An officer from the Atomic Energy Commission justified the project as follows (Chen et al., 1993; Informant Y, 2008): firstly, to ship nuclear waste to Orchid Island was safe and convenient. Ships were able to dock near the storage area. Secondly, the geographical isolation of this area was perfect because no people lived within a radius of five miles. Thirdly, the waste was there for intermediate storage only; the final disposal would be the Bashi Channel, a deep-sea trench between Taiwan and the Philippines⁴. Furthermore, the population on Orchid Island was very small, with only 2,600 persons living there at the time. Another reason, unmentioned but obvious, was that the whole island was inhabited by indigenous peoples. This meant it was politically safer than most other choices. The Dao were not familiar with the matter and technology of nuclear power and its toxic waste production and, therefore, they were unprepared to reject it (Chen et al., 1993; Enn, 2012a:164). From 1982 to 1996, 100,000 barrels of nuclear waste were brought to Orchid Island. Owing to the establishment of the nuclear dumpsite, the islanders enjoyed an improved infrastructure and new technologies, such as electricity (as the storage site needed power to work) and modern communication media. Anthropologist Chi (2001:136) describes the governmental praxis toward the indigenous Dao as follows:

These wastes, particularly toxic wastes and nuclear wastes destroy the local environment and affect the people's health and quality of life. Indigenous communities worldwide, along with other marginalized groups, are most affected by these 'social bads'. This is because their remote location and political-economic weakness make them ideal candidates for the 'least resistance path'.

Empowerment and grassroots movements

The Dao were never confronted with radioactivity before 1980. Regarding this, the knowledge about nuclear power and toxic waste was poor among the islanders. To teach the community about radioactivity, scholars and pastors of Orchid Island gathered information and introduced collective learning strategies to empower the Dao. Pictures were shown of disabled people following the nuclear accident in Chernobyl in 1986. The Dao were also taught about the atomic bombs in Hiroshima and Nagasaki and their tremendous consequences for the people. The Dao learned that nuclear waste is poisonous and very dangerous for people's health and the ecological system, once it is not safely stored. In 1988, one year after the lifting of martial law, the first big street gatherings and protests against the nuclear dumpsite were held in Taipei and Orchid Island. This was the beginning of the Dao's empowerment to aim environmental justice. The demonstrations in Taipei were useful or even necessary since they captured media attention and made the case known to the Taiwanese public (Chi 2001:145). The Presbyterian Church (PTC) played a crucial role in the empowerment process. It became a center of political activity and was a frequent and harsh

⁴ Since 1993, ocean disposal of nuclear waste has been banned with the UN London and Basel Convention. In this case, international policies made the nuclear waste remain on Orchid Island.

critic of government policies causing harm to the native people. The PCT provided financial and organizational resources and mobilized people from remote native villages to take part in the protests (Limond 2002:22).

The strong national and international pressure on Taiwan's newly embarked democratic path and the Dao's strong activism finally became a success of cessation in regard of the delivery of nuclear waste barrels to Orchid Island in 1996. As a result of their empowerment, the Dao managed to obtain monetary compensation. Furthermore, the islanders are provided with free education, electricity, health insurance, and financial assistance to cover the transportation costs for patients who need to be transferred to Taiwan for better treatment of serious medical conditions (Informant Z, 2007; Loa, 2012b).

Environmental Deterioration on Orchid Island

Besides the nuclear dumpsite, the Dao also have to deal with another environmental issue, which is the rapid depletion and deterioration of the fish stock around the island. Traditionally, the Dao's main sources of nutrition were fish and vegetables from their gardens such as sweet potatoes. The most important season for fishing was and still is the flying fish season from April to June when the flying fish migrate in large numbers northward on the Kuroshio Current. The fishing itself required a lot of traditional guidelines that were based on their animism and local ecological knowledge (Tang, Tang 2009:4). The Dao society was regulated by traditional laws in the form of social taboos held to be enforced by the evil spirit Anito (bid.; Informant Z, 2007). Anito is the bad spirit in the Dao's animism and responsible for all kinds of negativity, such as illness, death, and misfortune. In the Dao's empowerment movement and their struggle against the nuclear dumpsite on their island, the term Anito was adapted for toxic waste as there was no word for radioactivity in their traditional language (Chi, 2001; Enn, 2012b:153). The Dao's belief was essential in their everyday life and dominated their actions and decisions also in regard to their nutrition and food gathering. With the increased influences from outside and the arrival of modernity on Orchid Island, social structures started to transform. Traditional values and norms began to lose their importance. Christian missionaries, again in particular the Presbyterian Church were successful in altering the Dao from believers in animism to Christianity. Christianity did not replace the spiritual belief entirely but, as a Dao explained, formed a symbiosis between the two.

Christianity changed some negative conceptions in our traditional beliefs. For instance, when we got sick it was always because of Anito, the bad spirit. If Anito takes possession of you, you will get sick and sometimes you die. If a person gets sick we need to take them to the forest and leave them alone, because Anito will otherwise also affect the healthy person too. This superstition disappeared. Today, we know that when a person is sick we can heal him or her and it is not Anito's fault. The church taught us this. Nowadays, people don't need to die alone in the forest anymore (Informant Z, 2007).

According to Stainton (2002), 91% of the Dao identify themselves as Christian. The transformation of social structures due to the adaption of the new belief and the abolition of taboos, the traditional rules governing the use of the coastal fishery have become ineffective. The common practices of cultural and environmental preservation changed with modernization. Moreover, modern technology such as the use of motorboats has taken place on Orchid Island. This together with the increasing consumer demands that is also attributed to the rising tourism sector on the island has resulted in rapid depletion of the fish stock (Tang, Tang, 2009:2). Additionally, Taiwanese and Japanese fishing boats had extensive rights to fish around Orchid Island. Inhabitants reported a decline of the fish stock and a decimation of biodiversity in the underwater environment (Limond, 2002:16). In the meantime, the government has set up a regulation that restricts offshore fishing by non-Dao fishermen due to a resource depletion danger. If there is a connection between the nuclear dumpsite, the overfishing and decline in the number of fish stock remains unclear. However, locals would rather seek the problem of that environmental change in the outsider's actions than in their own possibly unsustainable way of dealing with modernity.

They [perpetrators of the establishment of the nuclear waste dump site] damaged the ecological system. In the past outsiders caught a lot of fish, now the fish are fewer and fewer. We found deformed fish, maybe caused by radioactivity. The fish don't want to come close to the shore, they moved away from the seashore, around the whole island. The area is polluted and many people are not as healthy anymore as in the past. Illness and cancer increase (Informant Y, 2008).

Environmental Exploitation and its Consequences

Salick and Byg (2007:20) point out that the vulnerability of indigenous peoples is increasing due to environmental changes and exploitation as they depend on their agriculture, hunting, and fishing and, therefore, on an intact environment. In Taiwan, the indigenous peoples live mostly in remote areas and marginal regions, such as offshore Orchid Island. However, they are not in particular target groups of environmental injustice, but rather a clash of different interests and structural reasons as the indigenous live in economically attractive regions. Supporters of large scale projects that lead to a modification of the environment and ecosystems justify them with the need for economic growth, development of the region, and the positive effect on peoples' lives, such as in the increase in their living standard due to a better infrastructure.

The empowerment and democratization brought, on the one hand, comfortable trappings of modernity in the Dao's daily lives. Subsistence farming such as fishing was not essential any more, as compensation payments are received from the government. On the other hand, this prevents Orchid Island from developing a viable self-sufficient economy of its own (Limond 2002:30). Financial compensation must be considered critically, as it places the Dao in a complex situation of dependency (Enn 2012a:175, Limond 2002:31). Dao people say that even with all the improvement of their social status, the decades of repression of their culture and ethnic identity cannot be reversed. A serious problem the Dao have to face was the high

level of alcoholism in the past, when the structural discrimination during the period of martial law let the Dao's social and spiritual organization collapse (Informant A, 2011). The change from a traditional to a modern society came very fast for the Dao. The Dao had to assimilate and modernize, and they were not given the opportunity to contribute anything to these processes on their own terms. Even today, the issue of land rights for indigenous people is the source of considerable discussion, as their traditional lands are still being exploited for economic use.

The Dao and representatives from the Green Party Taiwan accuse the government and Taipower of being responsible for the increasing cancer rate on Orchid Island. Official figures show that the cancer rate on the island has risen since the nuclear waste facility was opened in 1982 (Loa, 2012a). So far, there has been no research establishing a firm connection between cancer and the nuclear waste on the island. Sociologist Tsai discovered that the Dao are afflicted with higher rates of mental disorders than the average national Taiwanese population. She emphasizes (2012) that: "the higher rate of mental disorders only appeared in recent decades among the middle-aged population, who are actually the first generation to receive a so-called 'modern education'". Anthropologists Huang and Liu (2011, 16-17) stress that: "If this [health condition] has a direct connection to the nuclear waste dumpsite remains unclear. However, Taiwan's indigenous people suffer more percentage-wise from physical and psychological health problems than the majority of the population. Experts infer this is due to the hopelessness felt from the degrading treatment of their ethnic identity and the abuse of their rights." Moreover, their survey shows that indigenous peoples in rural areas suffer more from tumors, liver and heart diseases, strokes, and mental diseases than indigenous in urban regions and the majority population. The death rate is also notably higher than the national average. The main cause of death in the rural indigenous areas is accidents, often caused by the high alcohol consumption, which has become epidemic in many indigenous communities.

Bad health conditions may be of social factors or from environmental contamination caused by nuclear activity. Both of these aspects may be interrelated and should not be considered separately. However, Greenpeace has discovered unsafe conditions at the storage site. Radiation levels recorded on the perimeter of a storage trench indicate that radioactive materials may be leaking from stored drums. In addition, there appears to be a lack of adequate facilities for treatment of contaminated water, which is a serious shortcoming in a climate of typhoons and torrential rains (Enn, 2012a:164; Informant Z, 2007)

Environmental Changes and Justice Approaches

The consequences of environmental change create a demanding situation for the people affected. It may influence traditional costumes and cultural performances, as those have a crucial connection with the land of the ancestors. The key strategy to keep the negative influences of human intervention in nature to a minimum is to implement environmental justice strategies. The term environmental justice combines environment and justice, but includes also socio-economic aspects. Schlosberg (2004:518) argues that environmental justice can only be realized as long as the same political rights and equal distribution of

benefits are related to everyone. Social and economic inequality must be avoided. He further emphasizes that a lack of respect and recognition of different groups results in the exclusion of society, including political and institutional order. Recognition and equal distribution are preconditions regarding political, social, and environmental justice. Inclusion of all citizens is essential in democratic and participatory decision-making procedures. It is then both an element of and a precondition for social justice (Young, 1990:23). The environmental justice movement emerged in the late 1970s and the early 1980s from within communities of color and poor communities in the United States that have been inundated with air, water, and soil pollution (Pellow & Brulle, 2005:2). Schlosberg and Carruthers (2010:13-14) emphasize the connection between environmental injustice and environmental discrimination and racism. Chavis defines environmental discrimination as:

[...] racial discrimination in the siting of toxic waste dumps and polluting industries, unequal enforcement of environmental laws, and the exclusion of people of color from environmental decision-making (Chavis, 1999:3).

The international discussion about environmental justice became strong and important in the last three decades. Scholars stress that, in particular, marginalized groups have been proportionally more affected by environmental injustice (Pellow & Brulle, 2005:2, Schlosberg & Carruthers, 2010:14). Generally, this occurs mostly due to the exploitation of the environment and its resources. Indigenous peoples' land, when it is rich in natural resources, is very attractive for economic enterprises on a local, multinational, and international level. Moreover, as indigenous peoples often lack the same political, social, and civil rights as the majority population, they are less likely to be able to resist the exploitation of their territory (Bullard, 1999:32). To approach environmental justice the integration of the people affected in the decision-making process is essential, as well as the possibility for free participation and informed prior consent to the approval of any project affecting their territories and other resources. Furthermore, construction plans must be transparent, possible and feasible impacts must be openly communicated, and the negative and positive effects have to be distributed equally (Schlosberg 2004, 518-522; UNDRIP, Article 29:a).

The Council for Indigenous Peoples and the PCT offer support for alternative ways of income and industry, such as the establishment of ecotourism. Classes are given for different kinds of activities and occupations related to sustainable tourism, such as travel tour operator, diving instructor, cooking, handicraft production, hosting, and promotion of Dao traditional ecological knowledge. As the Dao continue to develop their own brand of ecotourism on the island, a positive result has been an increasing interest of tourists in traditional Dao culture and knowledge (Informant C, 2011). Cultural customs, such as the flying fish festival and boat launching ceremonies, are experiencing a revival due to the interest of tourists. In this sense, tourism might be seen as a way to revitalize the characteristics of Dao culture. What is even more important is that the Dao begin to develop an economy by themselves, with their participation and self-determination. As the pressure on Taiwan's government is still strong regarding the reparation of the caused environmental injustice on Orchid Island, the discussion emerged about removing the waste to another area in Taiwan. New research conforms to the surveys that were conducted in Pingdong, where the waste should be stored.

Apparently, the people in this very poor region, a traditional domain of the indigenous Paiwan community, accept the storage in return to receive financial benefits. However, as the islanders strongly depend on the compensation, half of the Dao population has agreed to keep the storage site. Whether the migration of Dao people to Taiwan will increase due to environmental deterioration and if emigration of Orchid Island is the consequence of growing environmental concerns is not sure. Nevertheless, it is to be assumed that most migrants leave the island due to economic rather than environmental reasons.

Conclusion

As environmental injustice has already taken place in Orchid Island, it is difficult to realize environmental justice. Orchid Island has been exploited for decades and the people were left behind with deception by the government. Traditional structures of the Dao culture collapsed, such as their subsistence economy, and their self-determination was interdicted. The establishment of a nuclear waste storage site without the Dao's approval is a violation of their human rights. Nevertheless, the Dao were able to empower themselves through collective learning about the radioactivity and nuclear waste. They have developed empowerment strategies to fight against the environmental injustice and to demand the protection of their human rights. This grassroots movement and bottom up approach was successful regarding the government's implementation of compensation payments and other financial benefits. A top down approach was also initiated by the government in the form of affirmative action policies and the introduction of additional amendments in the constitution. In international human rights law the strong connection of indigenous peoples to their land is emphasized and only with the peoples' integration, participation, and agreement human intervention on their territory should take place. Although these implementations aim reparation and the respect of indigenous peoples' rights they keep the Dao in a trap of dependency. Moreover, owing the dumpsite for more than 30 years and enjoying the monetary compensation, the people never had the incentive to develop a self-sufficient economy in order to create jobs and income possibilities. This and other factors, such as the influence of Christianity and the depletion of fish stocks around the island led to a modification of the Dao's social and economic structures and may have a connection to the alcohol consumption and health conditions. So far, no study was conducted on the island to prove whether or not the radioactivity of the nuclear waste contaminates the environment. However, it has been researched that the Dao have to struggle with high mental diseases and cancer rates. If the government removes the storage site to another area in Taiwan, the Dao will face a decrease of their economic situation and social security.

The case of the Dao shows that environmental changes, by environmental deterioration and human intervention, take place in Taiwan and that the indigenous peoples are affected. The consequences and influences on their traditions are not compensable with financial payments. A recommendation to keep the negative impacts on people concerned by environmental change to a minimum is to implement environmental justice strategies, such as the creation of adequate facilities for income sources and economic and social security. Essential hereby is

the active participation of peoples concerned in decision making processes and the guaranty for self-determination.

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Appendix: Informants & Interview Partner

Informant A: (m) Sediq, Political Scientist, Assistant Professor at National Donghua University. Specialized in the political situation of indigenous peoples. Interview of 30 August 2011. The interview was conducted in English.

Informant C: (m) Taiwanese, Anthropologist, Professor at National Donghua University Hualien. Specialized in environmental issues and indigenous peoples. Interview of 1 September 2011. The interview was conducted in English.

Informant Y: (m) Dao, Presbyterian Pastor in Orchid Island. Activist in the anti-nuclear waste movement. Interview of 11 October 2008. The interview was conducted in Chinese.

Informant Z: (m) Dao, Presbyterian Pastor in Dongqing village, Orchid Island. Activist in the anti-nuclear waste movement, attended the UNWIP in Geneva in 1993. Interview of 29 September 2007. The interview was conducted in English.