

原住民族土地權與挑戰：從當代保留地交易談起

官大偉

國立政治大學民族學系

台灣原住民族的還我土地運動在 1993 年提出「自然主權」的概念後，從早期要求政府歸還個別土地的主張，進入了重新調整國家和原住民族在土地權上之關係的訴求；在過去十幾年間，學界對於原住民族土地的研究興趣，也從保留地轉移到傳統領域、自然資源、生態知識等面向。這樣的轉變，顯示了我國對於原住民族土地權的思考進入了一個更全面、宏觀的架構，但另一方面，對於保留地在過去十幾年來發生之變化以及當前現況之瞭解的不足，也潛藏了政策設計缺乏實證參考、原住民族土地權難以落實的隱憂。為彌補上述不足，本文之研究以某山地原住民族鄉為案例，結合民族誌研究方法與地理資訊系統等工具，描述此地點中近年來保留地利用情況的變化、原漢保留地交易的機制，並進一步指出當前形塑原鄉土地發展的政經結構。最後，本文則從田野實證檢視原住民族土地相關政策與措施，對原住民族土地權的落實提出具體建議。

關鍵字：原住民族土地權、原住民保留地

Challenges for the Realization of Indigenous Land Rights in Contemporary Taiwan: A Case Study of Indigenous Reserved Land Trade between Indigenous and Non-indigenous People

Da-wei Kuan

Department of Ethnology, National Chengchi University, Taiwan

The purpose of this study is to reveal present situation of the trade of Indigenous Reserved Land between indigenous and non-indigenous people, and show how it challenges the realization of indigenous land rights in Taiwan. Taiwan indigenous peoples' "3rd Return My Land Movement" in 1993 shifted the goal from the requirement of increasing the amount of Indigenous Reserved Lands, the land parcels reserved for the "protection" of indigenous livelihood since Japanese colonial era, to the recognition of indigenous inherent sovereignty. It got certain response from the government after 2000, and inspired prosperous studies of indigenous traditional territories whose area are assumed far wider than current Indigenous Reserved Lands. It marks a millstone for indigenous land rights in Taiwan. However, on the other hand, the relatively declined concern of Indigenous Reserved Land in past decade led to ambiguous understanding toward present situation of Indigenous Reserved Lands under rapid changing circumstance. Adopting the method of ethnographic study and the tool of Geographical Information System, this study reviews the transition of land use in the researched area, describes the newly emerged broker mechanism, and analyzes the newly shaped subject dominating the land development in indigenous townships. In the end, based on the practical case study, this paper re-examines the indigenous land policies and makes suggestion to the realization of indigenous land rights in contemporary Taiwan.

Keywords: Indigenous Land Rights, Indigenous Reserved Land, Taiwan indigenous Peoples