

# When Do Electoral Quotas Advance Indigenous Representation?: Evidence from the Taiwanese Legislature<sup>†</sup>

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**ABSTRACT** The Republic of China on Taiwan has long reserved legislative seats for its indigenous minorities, known collectively as *yuanzhumin*, providing an important avenue of influence in national politics for these historically marginalized peoples. In practice, however, these legislators have struggled to provide effective pan-indigenous representation. A key reason is that they are chosen via the personalistic single non-transferable vote electoral system, under which parties making pan-indigenous appeals have repeatedly failed to win any seats. Cooperation among indigenous legislators has been consistently hampered by socioeconomic, factional, tribal, constituency, and especially partisan divisions. At a few critical moments, *yuanzhumin* representatives have managed to overcome these divisions and use their collective bargaining power to win important changes to state policies. Nevertheless, the legislative achievements of the indigenous representatives as a whole have been relatively modest. The Taiwan case thus provides a cautionary tale for indigenous and other minority group representation: the mere creation of reserved seats, however well-intentioned, is not enough to ensure that collective group interests are well-articulated in representative institutions.

For over 40 years, the Republic of China (ROC) on Taiwan has reserved seats in its national legislature to represent the indigenous peoples on the island, collectively known in Chinese as *yuanzhumin* or ‘aborigines.’ Although only about 2% of Taiwan’s population today holds indigenous status, over 5% of the current legislature (6 of 113 seats) is chosen from 2 separate indigenous constituencies, providing a potentially important avenue of influence in national politics for these historically marginalized peoples.

Scholarship on Taiwan’s indigenous representatives is sparse, even among Chinese-language sources. As a consequence, despite rising scholarly interest in minority

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representation around the world, Taiwan's reserved seat system has at present not featured much in this developing research agenda.<sup>1</sup> That is unfortunate, because the Taiwan case is relevant to several open questions in this area, including how such seats get introduced in the first place (Krook & O'Brien, 2010), how details like eligibility to vote and to run as a candidate are determined in practice (Bird, 2014; Bird, Saalfeld, & Wüst, 2011; Reynolds, 2005), and what impact their existence has on the substantive representation of minority group interests (Bird, 2005; Dunning & Nilekani, 2013; Hughes, 2011; Kroeber, 2017; Krook & Zetterberg, 2014; Lublin, 2014). The Taiwan experience has not attracted much attention in the comparative study of indigenous politics, either, which has tended to give disproportionate weight to cases in the Anglosphere (e.g. Evans, 2014) and Latin America (e.g. Van Cott, 2010). Part of the reason is that, while political science in Taiwan is an active and growing discipline, it has to date neglected indigenous politics, despite rich and influential literatures on the island's indigenous peoples in other fields such as linguistics (e.g. Blust, 1984), anthropology and sociology (e.g. Blundell, 2000), and history (e.g. Andrade, 2008; Shepherd, 1993). Thus, new research on the Taiwan case has the potential to advance our comparative understanding of both minority representation and indigenous politics.

The existence of reserved seats for Taiwan's indigenous population rests on the same normative foundation used to justify special group representation in most multi-ethnic societies: because of their distinct interests, small numbers, and lack of politically relevant resources, underprivileged minorities will be effectively shut out of power unless seats are explicitly set aside for group members in representative bodies. The fact that the Taiwanese *yuanzhumin* are *indigenous* minorities, however, introduces an additional normative concern: indigenous peoples can lay claim to a set of rights that are neither recognized nor protected in other instruments for minority groups (Simon & Mona, 2015). In particular, due to their collective presence on a territory that pre-dates both immigration by settler populations and the establishment of the contemporary state, they possess inherent sovereignty (Wiessner, 2008; cf. Anaya, 2004, pp. 97–128; Lenzerini, 2006, pp. 166–176). As a consequence, as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) asserts, indigenous peoples should enjoy certain territorially based rights—access to communal hunting and fishing grounds, for instance, and freedom to maintain their own 'political, legal, economic, social and cultural institutions'—which they retain despite their subsequent incorporation into a larger settler-dominated nation-state (UN, 2007).

In practice, the efforts of states around the world to respond to the distinct normative claims of indigenous populations have tended to fall somewhere along an autonomy-representation continuum (cf. Kymlicka, 1995, pp. 142–143). At one end is the explicit acknowledgement of the inherent sovereignty and right to self-determination of indigenous 'nations' (or 'peoples' or 'tribes'), and the recognition of each group's right to manage its collective affairs in reserved territories without interference from state agents. At the other is the elision of indigenous group rights with those of other, non-indigenous minorities, all of whom are granted the same form of separate representation in state institutions.

Taiwan historically has been toward at the representation end of this continuum: reserved seats were introduced during the martial law era (1949–1987) as a symbolic acknowledgement of the distinctiveness of the indigenous population as a whole from the dominant Han Chinese. In practice, though, as with other parts of the Taiwanese polity before the 1990s, real power over issues of concern to *yuanzhumin* was exercised by an autocratic, highly

centralized and paternalistic Chinese Nationalist Party (*Kuomintang* or KMT) regime that paid them little heed. This pattern changed as Taiwan transitioned to full democracy in the 1990s: rising group consciousness among segments of the indigenous population led to demands for real group-based autonomy as well, and their representatives played a crucial role in securing meaningful concessions from the state, though this agenda remains far from complete.<sup>2</sup> Understanding the history of this process in Taiwan can tell us more about when and how electoral quotas might contribute to greater substantive, and not just symbolic, representation for indigenous peoples.

The recent comparative literature on quota seats and minority group representation, in turn, points us to an overlooked factor in most discussions of indigenous representation: the presence of one or more political parties that ‘clearly and authentically promote minority goals and interests’ (Lublin & Wright, 2013, p. 747). Reserving seats in the national legislature might appear to be the most effective way to guarantee representation for an indigenous minority like Taiwan’s *yuanzhumin*. But, as Lublin and Wright note, the reservation of *seats* for members of a minority does not guarantee the emergence of a separate *party* to represent their collective interests. In fact, minority group parties have often failed to win, or even to contest, elections for reserved seats. And in their absence, the reserved seats’ impact on both minority interests and national politics tends to be more narrowly targeted, less sustained, and less effective than it could be. By contrast, when a minority group is represented by a single unified party, the bargaining leverage of that group can be large. The singular electoral success of the indigenous Maori Party in New Zealand in the 2005 general election, for instance, gave its MPs considerable influence over government formation—influence that eventually led to a significant policy concession on foreshore and seabed rights by the National Party government (Wilson, 2016, pp. 100–102). Although Maori reserved seats have existed in New Zealand for more than a century, the presence of a separate party dedicated to the interests of the country’s indigenous minority has dramatically increased the collective influence this group has in New Zealand politics (Edwards, 2016), providing an inspiring example for other indigenous peoples around the world.

In light of the Maori Party success in the New Zealand case, two features of contemporary indigenous representation in Taiwan appear especially problematic. First, despite the overrepresentation of indigenous legislators in the Taiwanese legislature, no exclusively indigenous political party has ever succeeded in capturing any of the reserved seats. Instead, almost all of these seat-holders have been members of the KMT, of a KMT-allied splinter party, or independents—and pan-indigenous representation has suffered as a result. The consistent failure of indigenous parties to break through in the reserved seats in the manner of the Maori Party is puzzling and calls for an explanation.

Second, in the absence of an indigenous party, cooperation among the elected indigenous representatives has been irregular and hampered by socioeconomic, factional, tribal,<sup>3</sup> constituency, and above all partisan divisions. Indigenous legislators have tended not to collaborate across party lines on legislation that addresses pan-indigenous concerns, and as a consequence, the articulation and advancement of *yuanzhumin* interests in the legislature has been more narrowly targeted, less sustained, and less effective than it otherwise could be. The reserved seats as a whole provide significant potential bargaining leverage to Taiwan’s indigenous population—leverage that has at key moments led to important gains. Nevertheless, in recent years, indigenous legislators have been deeply divided by party and unable or unwilling to work together to exploit the institutional levers that in

theory are available to them. Thus, it is worth considering in more detail the reasons for this consistent failure of indigenous representatives to cooperate, as well.

I take up these questions in the rest of this article. Part of the reason for the lack of cooperation among indigenous representatives is the remarkable diversity among Taiwan's indigenous peoples, who remain divided by village, tribal affiliation, language, region, cultural customs, and degree of assimilation into the dominant Han society. Nevertheless, I argue, these differences are secondary to the impact of the single non-transferable vote (SNTV) electoral system used for the reserved seats, which has undermined effective pan-indigenous representation. By reproducing an arbitrary state-imposed distinction between 'highland' and 'lowland' *yuanzhumin* rather than reflecting other tribal, cultural, linguistic, or geographic constituencies, and by incentivizing candidates to emphasize personal rather than party or programmatic appeals in their campaigns, the electoral system has raised a high bar for new pan-indigenous parties—one that they have never come close to surmounting. The structure of the electoral system also inhibits cooperation among the individual winners in the indigenous constituencies, especially across party lines, since the legislators will have to compete against one another for votes in the next election. In addition, the use of two separate electoral tiers to elect legislators in Taiwan has resulted in two very different kinds of indigenous legislators: in addition to the 'traditional' politicians from the districts, 'elite' indigenous activists are occasionally elected via one of the party lists, and in general these legislators have had few personal or professional reasons to cooperate on a common agenda for Taiwan's *yuanzhumin*.

The overall consequence of these intra-indigenous divisions is that the policy achievements of indigenous legislators in Taiwan have been more modest, and less sustained, than a simple glance at their numbers might suggest. The Taiwan case thus provides a cautionary tale for efforts to enhance indigenous and other minority group representation: the mere creation of reserved seats, however well-intentioned, is not enough to ensure that group interests are well-articulated in representative institutions.

## The Origins and Evolution of Reserved Indigenous Seats in Taiwan

### *Who Counts as Indigenous?*

As of 2018, about 560,000 Taiwanese hold official indigenous status—roughly 2.4% of Taiwan's total population of 23.55 million (Council of Indigenous Peoples, 2018). Broadly speaking, the *yuanzhumin* are descendants of the Austronesian peoples who inhabited the island prior to the beginning of Han immigration from southeast China sometime in the early 1600s. Today's legal distinction between the minority indigenous and majority Han peoples of Taiwan was first codified during the Japanese colonial era (1895–1945), obscuring a long and complex history of interaction and intermarriage with settler populations reaching back to the beginning of the previous Qing dynasty (1683–1895) and even earlier (cf. Knapp, 1976). The Japanese colonial administration initially followed the previous Qing practice of distinguishing between unassimilated, or 'raw' (*shengfan*) indigenous peoples, and partially assimilated, or 'cooked' (*shoufan*) ones who had accepted Qing political jurisdiction and in some cases adopted Han customs and learned to speak Hoklo Taiwanese (Tavares, 2005; Barclay, 2018). By about 1915, however, most Japanese authorities abandoned efforts to record the latter category as differences between *shoufan* and Han Taiwanese continued to be blurred through

intermarriage and cultural change. As a consequence, a significant share of those of indigenous descent effectively ‘disappeared’ into the broader Taiwanese population during the Japanese era (Brown, 2004, pp. 54, 66–74). Official indigenous status was instead limited to the unassimilated communities of people who mostly inhabited high mountain regions known to the Japanese as the ‘barbarian areas’ (*banchi*) and the adjoining ‘lowland areas’ (*hirachi*) in the sparsely populated foothills and east coast of Taiwan, and who were fully subjugated under Japanese control relatively late in the colonial era, from about 1930 on (Simon, 2015).

The historical unit of indigenous political organization in these regions was the ‘tribe’ (in Chinese, *buluo*)—small, territorially based communities, typically with common ancestry, that lived at some remove from one another. As part of the imposition of state rule, however, the Japanese authorities also began to identify and name clusters of *buluo* which happened to share linguistic and cultural characteristics, introducing for the first time the idea that distinct indigenous *minzoku* (in Mandarin Chinese, *minzu*, variously translated as ‘nations,’ ‘peoples,’ or most confusingly, also as ‘tribes’) existed at a higher level of political aggregation (Wu, 2001). By the end of the Japanese colonial era in 1945, nine *minzoku* tribal groups had been identified; indigenous people living outside the *banchi* and *hirachi* areas were lumped into an amorphous ‘plains tribe’ (*heihozoku* in Japanese, *pingpuzu* in Mandarin) category that remained unrecognized (Sung, 2004, pp. 81–85; cf. Pan, 2000).<sup>4</sup> In parallel with the introduction of this anthropologically inspired classification scheme, the household registration and family based mutual-security system already in place through the rest of the island was gradually extended into even the remotest indigenous villages. As a consequence, even as indigenous communities became identified for the first time with larger ‘tribes’ or ‘nations,’ indigenous status also became tied to one’s place of residency, and the township-level distinction between *banchi* and *hirachi* indigenous communities became increasingly fixed (Simon, 2015).

When the Nationalist regime assumed control of Taiwan at the end of World War II, the new government renamed those with *minzoku* membership ‘mountain compatriots’ (*shanbao*), but retained the distinction between ‘highlanders’ (*shandi shanbao*) and ‘lowlanders’ (*pingdi shanbao*) based on place of official household residence.<sup>5</sup> The term *yuanzhumin* is of relatively recent origin, having first appeared in the ROC constitution only in amendments adopted in 1994. *Yuanzhuminzu*, or ‘indigenous peoples’—the ‘zu’ here indicating acknowledgement of multiple ‘nations’ or ‘peoples’ which each bear collective rights, rather than a single undifferentiated minority ‘people’ who hold distinct rights only as individuals—became the legal state name only with the passage in 2001 of the Indigenous Peoples Status Act (Haisul, 2010), though it was earlier quietly slipped into constitutional amendments that were adopted in 1997 (Shih, 1999). The Taiwanese state separately records each indigenous individual’s membership in a *zuqun*, or ‘tribal group,’ of which there are now officially 16, shown in Table 1. Since 1996, indigenous affairs, including community grants and management of traditional territories and formal reservation lands, have been handled at the *zuqun* level by the Council of Indigenous Peoples (*yuanzhuminzu weiyuanhui* or CIP), a cabinet-level agency that is part of the Executive Yuan, Taiwan’s executive branch. Even so, the Indigenous Peoples Status Act retained the quite arbitrary distinction between highlanders and lowlanders, rather than *zuqun* affiliation, as the legal indigenous identity categories. Thus, official status as a highlander or lowlander still dictates participation in elections and other official government business.

**Table 1.** Officially recognized indigenous peoples ('tribes') of Taiwan (membership as of February 2018)

Tribes	Chinese Name	Year Recognized*	Estimated Membership	Lowlander	Highlander
Amis/Pangcah	阿美族		208,931	207,756	1,175
Atayal/Tayal	泰雅族		89,823	1,827	87,996
Paiwan/Payuan	排灣族		100,437	20,814	79,623
Bunun	布農族		58,254	368	57,886
Puyuma/Pinuyumayan	卑南族		14,084	13,975	109
Rukai	魯凱族		13,301	2,594	10,707
Tsou	鄒族		6,639	15	6,624
Saisiyat	賽夏族		6,597	4,409	2,188
Yami/Tao	達悟族		4,598	11	4,587
Thao	邵族	2001	779	772	7
Kavalan/Kebalan	噶瑪蘭族	2002	1,461	1,459	2
Taroko/Truku	太魯閣族	2004	31,412	151	31,261
Sakizaya	撒奇萊雅族	2007	925	923	2
Seediq	賽德克族	2008	9,962	15	9,947
Hla'alua	拉阿魯哇族	2014	395	0	395
Kanakanavu	卡那卡那富族	2014	330	0	330
<i>Tribe Not Reported</i>			12,320	7,579	4,741
<b>Total</b>			<b>560,248</b>	<b>262,668</b>	<b>297,580</b>

\*For tribal groups recognized by ROC after Japanese era

### *The Electorates for Reserved Indigenous Seats: Highland and Lowland Constituencies*

Among the peculiar features of the definition of *yuanzhumin* is the category's geographic, rather than tribal or national, basis—one that is rooted, moreover, in Japanese colonial-era administrative practices. When it assumed control of Taiwan in 1945, the Nationalist regime retained not only the previous classification scheme for indigenous individuals, but also the administrative boundaries and special status of traditional indigenous areas, shown in Figure 1. These jurisdictions—mostly townships (*xiang*), but also a handful of towns (*zhen*) and cities (*shi*), as shown in Table 2—were renamed 'self-governing' (*zizhi*) territories, but despite the name, they were fully integrated into the standard administrative hierarchy of the island as sub-units within counties, with no separate sovereignty or special privileges. The selection of township heads (*xiangzhang*) and councilors (*mindai-biao*) in these jurisdictions takes place in the same way as in other townships: through direct popular election by all adult residents, whether indigenous or not. Because indigenous voters continue to be a majority in many highland townships, an indigenous candidate usually will win the township head election, although this was not required by law until 1999 (Haisul, 2010, p. 26). In lowland townships, with their larger non-indigenous population, no such rule has ever existed, so Han candidates have often won these races and continue to do so today. Thus, the special autonomy implied by a township's 'self-governing' status has in practice meant little for the indigenous communities there, particularly those in lowland areas who are outnumbered by non-indigenous residents.

In addition to the granting of 'self-governing' status to indigenous-majority areas, the Nationalist regime also recognized the distinctiveness of the indigenous population in

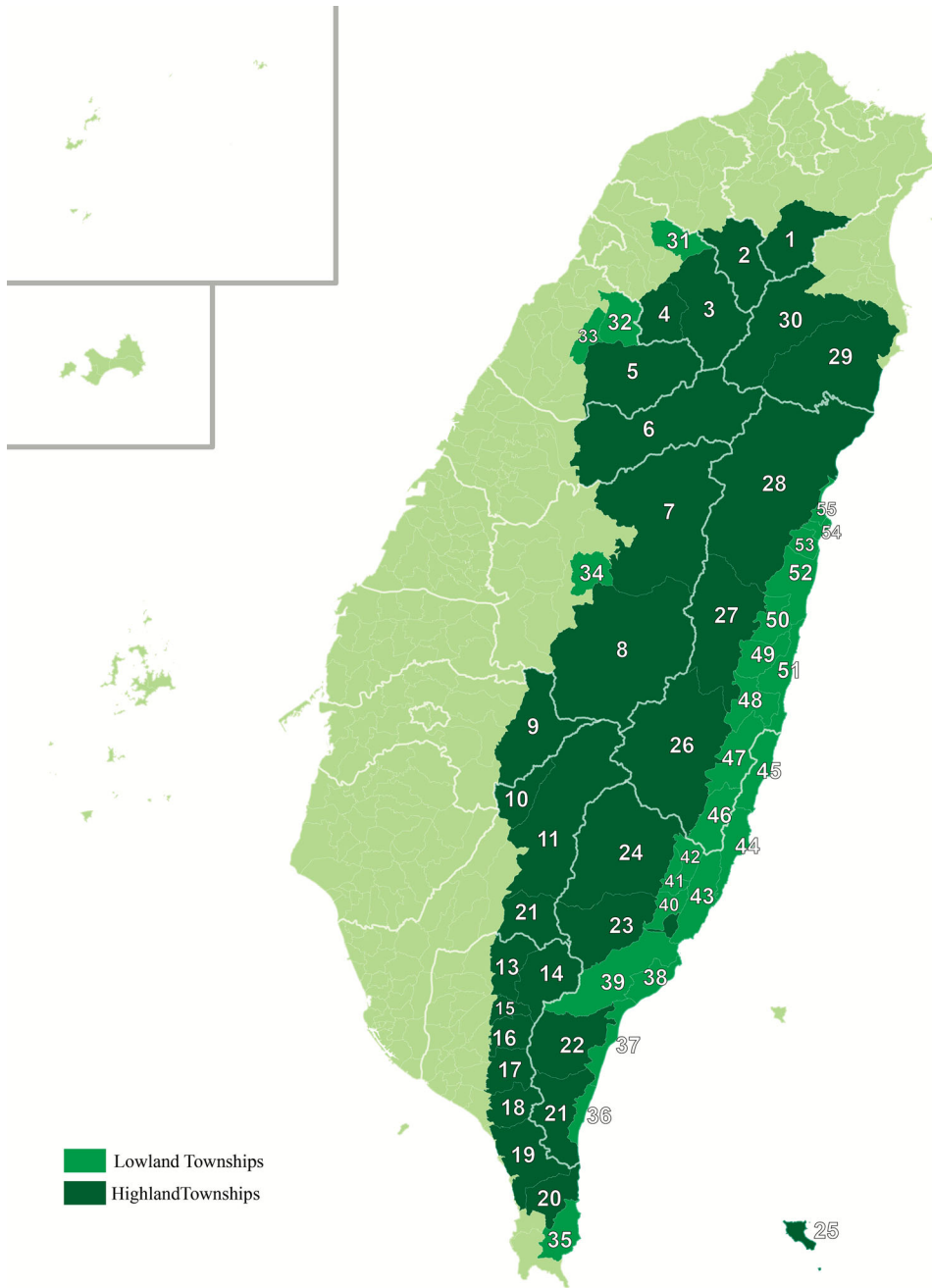


Figure 1. Indigenous townships, towns, cities, and districts in Taiwan

Table 2. 'Self-governing' indigenous townships and areas

County/City	Highlands		Lowlands	
New Taipei City	(1) Wulai District	烏來區		
Taoyuan City	(2) Fuxing District	復興區		
Hsinchu County	(3) Jianshi Township	尖石鄉	(31) Guanxi Town	關西鎮
	(4) Wufeng Township	五峰鄉		
Miaoli County	(5) Tai'an Township	泰安鄉	(32) Nanzhuang Township	南庄鄉
			(33) Shitan Township	獅潭鄉
Taichung City	(6) Heping District	和平區		
Nantou County	(7) Ren'ai Township	仁愛鄉	(34) Yuchi Township	魚池鄉
	(8) Xinyi Township	信義鄉		
Chiayi County	(9) Alishan Township	阿里山鄉		
Kaohsiung City	(10) Taoyuan District	桃源區		
	(11) Namaxia District	那瑪夏區		
	(12) Maolin District	茂林區		
Pingtung County	(13) Sandimen Township	三地門鄉	(35) Manzhou Township	滿州鄉
	(14) Wutai Township	霧台鄉		
	(15) Majia Township	瑪家鄉		
	(16) Taiwu Township	泰武鄉		
	(17) Laiyi Township	來義鄉		
	(18) Chunri Township	春日鄉		
	(19) Shizi Township	獅子鄉		
	(20) Mudan Township	牡丹鄉		
Taitung County	(21) Daren Township	達仁鄉	(36) Dawu Township	大武鄉
	(22) Jinfeng Township	金峰鄉	(37) Taimali Township	太麻里鄉
	(23) Yanping Township	延平鄉	(38) Taitung City	台東市
	(24) Haiduan Township	海端鄉	(39) Beinan Township	卑南鄉
	(25) Lanyu Township	蘭嶼鄉	(40) Luye Township	鹿野鄉
			(41) Guanshan Town	關山鎮
			(42) Chishang Township	池上鄉
			(43) Donghe Township	東河鄉
			(44) Chenggong Town	成功鎮
			(45) Changbin Township	長濱鄉
Hualien County	(26) Zhuoxi Township	卓溪鄉	(46) Fuli Township	富里鄉
	(27) Wanrong Township	萬榮鄉	(47) Yuli Town	玉里鎮
	(28) Xiulin Township	秀林鄉	(48) Ruisui Township	瑞穗鄉
			(49) Guangfu Township	光復鄉
			(50) Fenglin Town	鳳林鎮
			(51) Fengbin Township	豐濱鄉
			(52) Shoufeng Township	壽豐鄉
			(53) Ji'an Township	吉安鄉
			(54) Hualien City	花蓮市
			(55) Xincheng Township	新城鄉
Yilan County	(29) Nan'ao Township	南澳鄉		
	(30) Datong Township	大同鄉		

Taiwan by reserving seats for *shanbao* representatives in elected assemblies across the island. Central government bodies including the Legislative Yuan (LY) and National Assembly (NA) remained mostly off-limits to direct elections until the transition to democracy in the 1990s, but at lower levels, *shanbao* representatives chosen by highland and lowland electorates were introduced quite early on: in 1950 to popularly elected councils



in counties with indigenous townships, and in 1951 in indirect elections to the Taiwan Provincial Assembly. These representatives provided little more than a token indigenous presence in local government, but they did create a strong precedent for the future: if *shanbao* should be guaranteed representation in county and provincial bodies, then why not at higher levels, too? Thus, in 1972 when the ROC on Taiwan held so-called ‘supplementary elections’ (*zengxuan buxuan*) for the LY to replace the increasing numbers of permanent legislators who were becoming incapacitated and dying, one of the 36 new seats was reserved for a *shanbao* representative, to be elected by the entire indigenous electorate on the island.<sup>6</sup>

With the introduction of a second *shanbao* seat in supplementary elections in 1980, the highland–lowland dichotomy was replicated in the LY. As Table 3 shows, these separate districts have survived multiple reforms of Taiwan’s political institutions, including the introduction of additional indigenous seats in 1989, the beginning of fully contested legislative elections in 1992, the increase in legislative seats in 1998, and the halving of the size of the legislature and change in the electoral system in 2008. Today, of the six reserved *yuanzhumin* seats in the LY, three continue to be elected by highlanders and the other three by lowlanders using the SNTV system. More by accident than design, the size of the electorate has remained similar in both: in the 2016 elections, there were about 200,000 eligible voters in the highland constituency, and about 187,000 in the lowland.<sup>7</sup>

It is worth reiterating here that the formal names are misleading: today, *both highland and lowland constituencies function as separate nation-wide districts* and are not limited to their respective townships. That is, no matter where indigenous voters’ household registrations presently are located in Taiwan—in their family’s original township, in a different township, or even in Taipei—all highlanders cast a ballot for a single candidate in the island-wide highland constituency, and lowlanders in the lowland constituency.<sup>8</sup>

**Table 3.** Reserved indigenous seats in the LY as share of all contested seats, by election

Election year	Seats in reserved indigenous constituencies		Total contested seats	Indigenous share of seats (%)	Indigenous reserved seats by party affiliation
1972	1		36	2.78	1 KMT
1975	1		37	2.70	1 KMT
	Highland	Lowland			
1980	1	1	70	2.86	2 KMT
1983	1	1	71	2.82	2 KMT
1986	1	1	73	2.74	2 KMT
1989	2	2	101	3.96	4 KMT
1992	3	3	161	3.73	5 KMT; 1 Ind
1995	3	3	164	3.66	6 KMT
1998	4	4	225	3.56	6 KMT; 2 Ind
2001	4	4	225	3.56	4 KMT; 2 PFP; 2 Ind
2004	4	4	225	3.56	4 KMT; 2 PFP; 1 DPP; 1 Ind
2008	3	3	113	5.31	4 KMT; 1 PFP; 1 Ind
2012	3	3	113	5.31	4 KMT; 1 PFP; 1 Ind
2016	3	3	113	5.31	4 KMT; 1 DPP; 1 Ind

Note: KMT = Kuomintang/Chinese Nationalist Party (中國國民黨); Ind = Independent; DPP = Democratic Progressive Party (民主進步黨); PFP = People First Party (親民黨).

One consequence of this arrangement is that candidates for office have to appeal to an electorate that is widely dispersed and not easily identified (cf. Allio, 1999, pp. 44–45). In 2016, for instance, 35% of all highland votes were cast outside highland townships, and 52% of lowland votes were cast outside lowland townships.<sup>9</sup> The special indigenous districts create some logistical complications for election administration, as well.<sup>10</sup> Each polling place in Taiwan must have on hand separate ballots for *yuanzhumin* voters, even if only a few are registered in the precinct.<sup>11</sup> This requirement applies even to the islands of Matsu and Kinmen, ROC-controlled territories just offshore of mainland China, and the Penghu Archipelago in the Taiwan Strait—jurisdictions that have almost no indigenous presence. Nevertheless, some votes are cast even in these islands: official returns from the 2016 legislative election in Matsu, for example, record a total of 34 votes in the highland constituency election, and 17 in the lowland (Central Election Commission, 2018).<sup>12</sup>

For better or worse, this system also divides the recognized tribal groups, as the group's membership can be split between the two constituencies. For instance, the Saisiyat people in the north-western hills of Taiwan historically lived in lands that later were divided between Wufeng Township in Hsinchu County and Nanzhuang Township in Miaoli County. Because Wufeng was classified as lowland and Nanzhuang as highland, Saisiyat members whose ancestral households were registered there are considered to be lowlanders, while those registered in adjacent Nanzhuang Township are highlanders. Thus, different members of the Saisiyat vote in different constituencies, diluting the group's collective influence on election outcomes in either district (Haisul, 2010, p. 27).<sup>13</sup>

These features make the current indigenous electoral system appear quite archaic: it is based on a residential classification that is now more than 70 years old, does not reflect subsequent migration around the island, and corresponds poorly to the current patterns of residency, tribal group membership, linguistic ability, and cultural assimilation. For example, a hypothetical life-long resident of Taipei whose paternal grandfather was registered by the Japanese as a highlander would still vote in the highland constituency, even though he might never have set foot in a highland township or retain any linguistic or cultural connection to his official tribal group. Likewise, long-time neighbors in Hualien, a city on Taiwan's east coast with a large indigenous population, might vote in separate constituencies because one is classified as a highlander while the other is a lowlander.<sup>14</sup>

## **Who Wins Reserved Seats?**

### *The Rising Competition for Reserved Indigenous Seats*

Since the introduction of the first reserved indigenous seat in the LY in 1972, Taiwan's party system has evolved from a dominant party system to a fully competitive one. The KMT gradually lost seat and vote share through the 1980s and 1990s, and while it survived in power through the transition to democracy, won the first direct presidential election in 1996, and maintained a majority in the legislature until 2001, it no longer enjoyed electoral advantages so great that many of its candidates could stand unopposed. By the early 2000s, Taiwan's party system had consolidated into two coalitions, or 'camps' in the local political parlance, which are divided by their positions on cross-Strait relations with the People's Republic of China (PRC)—an alignment that has continued through to the present day (Fell, 2016). On one side are the KMT and its splinter parties, the People First Party (PFP) and New Party, collectively known as the Pan-Blue camp, which have historically

avored closer ties with the PRC and the retention of the Republic of China's symbolic links to its mainland Chinese past. On the other are the Democratic Progressive Party (DPP) and the smaller Taiwan Solidarity Union, replaced in the legislature in the most recent election by the New Power Party (NPP), which have been wary of increasing exchanges with the PRC and have tended to support efforts to 'Taiwanize' the ROC regime and jettison remaining symbolic ties to the mainland. Today, the party system in the legislature remains fundamentally divided into these two rival coalitions centered around the KMT and DPP, and both local and national elections are fiercely contested and typically feature a two-way race between the major parties' nominees.

Electoral politics in the indigenous districts has been slower to change, but they, too have nevertheless become the site of more competitive races since the transition to democracy. Up until the early 1990s, the KMT nomination was decisive in these districts: ruling party support, rather than tribal group affiliation or effective advocacy for indigenous communities, was the key to winning, and every single representative from 1972 to 1992 had its endorsement. But this pattern began to change starting with the 1992 legislative elections, the first in which all members of the LY were chosen by Taiwanese voters. The importance of the KMT nomination declined, and other factors became more influential. Most indigenous legislators elected in the democratic era have been from one of the three largest tribal groups: the Amis in the lowland district and the Atayal and Paiwan in the highland. Geography has also played an important role in determining the winners: the candidates with the strongest electoral performance have tended to be from the vote-rich townships of Hualien and Taitung Counties on Taiwan's east coast, where a quarter to half or more of the population is indigenous, and the mountainous central county of Nantou. Candidates from other areas have occasionally broken through, but they have struggled to sustain this success over multiple election cycles. The fact that voters outside the core indigenous townships are widely dispersed across the island makes it difficult for candidates from there to build a lasting electoral base (Allio, 1999; Haisul, 2010, pp. 172, 347–357).

Nevertheless, even as individual races have become intensely competitive, these districts as a whole have continued to be bastions of support for the KMT and its nominal ally, the PFP. The legislator Chen Ying, who was elected in the lowland district in 2004 and again in 2016, is the only DPP member ever to have won an indigenous constituency seat.<sup>15</sup> As the traditional party of the Hoklo (Taiwanese-speaking) ethnic majority, the DPP has long been viewed with suspicion by many indigenous voters who, fairly or not, tend to associate some of the party's Taiwanese nationalist rhetoric with the long history of exploitation by Han Taiwanese. By contrast, the Chinese mainlander core of the KMT has claimed a historical role as protector of indigenous communities against Hoklo ethnic chauvinism, and significant intermarriage between retired KMT (primarily mainlander) soldiers and *yuanzhumin* women has contributed to a strong familial connection to the party in many indigenous communities (Harrison, 2001; Simon, 2010, p. 732).

Another important source of Pan-Blue (KMT and PFP) success in indigenous townships is the continued practice of clientelism, overlaid and reinforced through traditional community structures of authority. As a mass-based party organized along Leninist lines, the KMT put considerable effort during the authoritarian period into building a dense set of local networks that fed into the party's hierarchical structure all across Taiwan. While the direct, targeted exchange of public benefits and favors for political support has gradually declined in prevalence and effectiveness across most of Taiwan (C.S. Wang, 2016), the legacy of clientelism and the party and factional capacity needed to sustain it has persisted to a much

greater degree in indigenous-majority townships. KMT party membership still includes a quarter of the adult population or more in some indigenous villages, and party members still hold most key positions of authority (Lu, 2014, p. 18). In addition, traditional community (*buluo*), family, or lineage ('house') authority remains strong and tends to buttress support for the KMT's nominees (Ku, 2008). Both party and *buluo* influences are reinforced in many cases by outright vote-buying: there is ample evidence that successful candidates for the reserved seats regularly engage in some form of material exchange with voters, even as this practice has faded away elsewhere on the island (e.g. Allio, 1999, p. 45; Haisul, 2010, p. 395; Lu, 2014, p. 31; Simon, 2010, pp. 733–736; Walis, 2016).<sup>16</sup>

### *Personalized Competition for Reserved Seats*

A key reason for the persistence of clientelism is the SNTV electoral system, abolished in the rest of the LY's geographic districts before the 2008 election but still used for the reserved indigenous seats.<sup>17</sup> The effects of SNTV on party systems are well-documented (e.g. Cox, 1997, pp. 238–250; Grofman, Lee, Winckler, & Woodall, 1999; Hsieh, 1996): voters cannot support a slate but instead must choose only one of the multiple candidates running in their district, which pits all contestants, even co-partisans, against one another in the competition for re-election. In Taiwan, as elsewhere, this system has created strong incentives for candidates to cultivate a 'personal vote' by distinguishing themselves from one another—even if their ideological positions and policy goals are virtually identical—and to build up vertically integrated factions of office-holders and other officials whose first loyalty is to a group of individuals rather than to a party (Hsieh, 1996; cf. Tsai, 2005).

The consequences of this 'personalization' effect show up in a variety of ways in the indigenous constituencies. The distribution of grants to *yuanzhumin* villages, over which indigenous legislators have some influence, tend to go disproportionately to legislators' own vote bases and areas that are electorally competitive—even when these are not the areas with the greatest needs, or even the areas where most of their fellow tribal group members live (Luor & Chen, 2009). Legislators' electoral support in turns tends to be concentrated in places where they have personal ties rather than where party or tribal organizations are strongest (Pao, 2011). And election outcomes do not turn on pan-indigenous programmatic appeals but instead on carefully nurtured connections with local vote brokers: by and large, activism in support of a broad pro-indigenous agenda does not help legislators win re-election (Simon, 2010, pp. 736–737).

This personalization of the vote has also helped KMT legislators maintain their grip on these seats, even as that party's electoral machine has eroded elsewhere on the island. The DPP's more identity-based campaign appeals and the party's historical unpopularity within most indigenous communities have meant that, to date, it remains a minor player for the reserved seats. Instead, the main challenge to the KMT there has come from independents and the PFP. The PFP was founded by the former KMT member James Soong on the heels of his independent campaign for president in the 2000 election, which he narrowly lost to Chen Shui-bian of the DPP. Soong had previously served as general secretary of the KMT and provincial governor of Taiwan, and in these positions, he devoted considerable attention to building his own personal network in indigenous communities through patronage and favors. After the handover of power in 2000, he was able to convert some of his personal popularity into votes for the PFP, which did particularly well in the indigenous constituencies, winning both a highland and lowland seat in 2001. The party has since faded in

the rest of Taiwan, but it has retained disproportionate support among indigenous voters (Simon, 2010, p. 732): the PFP's sole remaining district legislator in the 2012–2016 legislative term was the indigenous representative Lin Cheng-er, and in the last two terms the independent indigenous legislator Kao Chin Su-mei has caucused with the party.

### *The Failure of Pan-Indigenous Parties in Reserved Constituencies*

Given the overrepresentation of indigenous legislators relative to the officially recognized *yuanzhumin* population, the array of common interests and grievances shared by indigenous voters, and the weakness of the DPP in these constituencies, it is striking that no pan-indigenous party has ever managed to achieve any electoral success in races for the LY, or indeed at any other level of the political system. This failure is not for lack of trying. The first and most prominent attempt was the creation of the Indigenous People's Party (*Zhongguo Taiwan yuanzhumin dang*, or IPP) in the late 1980s. The party was founded by leading figures in the nascent indigenous social movement, many of whom were well-educated social activists who also held academic positions. They had few links to local village and tribal politics, however, so the IPP ultimately had little appeal in campaigns for the reserved seats: activist candidates ran with its endorsement in 1989, 1995, 1998, and 2001, but none came close to winning (Iwan, 2005, p. 134). More recently, indigenous activists have tried again to create a pan-indigenous political party, founding the Taiwan First Nations Party (*Taiwan diyi minzu dang*, or FNP) in December 2012. In the 2014 local elections, the party's candidates had modest success, winning a county council seat in Nantou, a district head in Kaohsiung, and a town representative seat in Taitung County's Chengkung Town (Simon, 2017). But in the 2016 legislative election, the FNP candidate for the lowland constituency, Lin Kuang-I, won less than 1% of the vote, and the party was unable to recruit a candidate to run in the highland constituency at all.

In addition to the reserved district seats, indigenous legislators are also sometimes elected to party list seats. About 30% of the seats in the LY are filled by parties via a separate electoral tier chosen through closed-list proportional representation (PR).<sup>18</sup> The DPP has typically placed at least one indigenous candidate in a favored position on its party list, including Bayan Dalu (1996–2002), Chen Hsiu-hui (2005–2008), and Kolas Yotaka (2016–present).<sup>19</sup> In addition, the newly founded NPP, which made its debut in the legislature after the 2016 election, ranked the activist Kawlo Iyun Pacidal second on the party list, ensuring her a seat as well. Thus, in the current LY (2016–2020), indigenous legislators hold a higher share (8/113 or 7.1%) of seats than ever before: six district representatives and two (one DPP, one NPP) from party lists.

The types of candidates nominated to the party list seats, however, have tended to be quite different from those elected to the reserved quota seats. While the typical district legislators have risen up through local political networks and remain decidedly 'traditional' in their outlook, the party list representatives have almost all been from the indigenous 'elite': they are political activists in indigenous social movements, and they have been the most consistent and forceful advocates for a pan-indigenous agenda. Bayan Dalur, for instance, took up the cause of Taroko (Truku) members fighting for the return of their land from the Asia Cement Company (Simon, 2007, p. 299) and was a leading voice for indigenous self-government in the 1990s (Stainton, 1999b, pp. 426–428). Chen Hsiu-hui pushed during her one term in the LY to increase the CIP's budget for textbook development—a serious issue because of the need to develop books in the dozens of

indigenous languages spoken around the island (Huang, 2014, p. 12). And in the current legislature, Kolas Yotaka of the DPP has worked closely with the Tsai administration to develop proposals for a new Indigenous Self-Government Act (White, 2017). Nevertheless, list representatives are much more constrained by their party ties than district legislators—if they defy their party when community and party interests diverge, they risk not being included on the party list for the next election. As a consequence, partisan loyalties tend to reinforce the pre-existing differences in backgrounds between these two types of legislators, further inhibiting cooperation on issues of common concern (M. H. Wang, 2016).

Overall, three features of elections for the reserved seats are particularly consequential for indigenous representation in Taiwan. First, electoral campaigns for the indigenous vote are quite separate from the other legislative districts. In recent years, and particularly after the new electoral system was used for the first time in 2008, Taiwan's party system as a whole has become more institutionalized and nationalized, with less deviation between voter support by party for legislative and executive offices (Cheng & Hsu, 2015; Wang & Cheng, 2016). By contrast, electoral competition in the indigenous districts does not turn on two-way blue–green (KMT vs. DPP) contests but instead typically pits multiple candidates from the Pan-Blue camp and independents against each other. And candidate success in these contests continues to depend more on personal characteristics and networks than party affiliation, ideology, or policy positions.

Second, the strong incentives to cultivate a personal vote under SNTV, along with the stark differences between local leaders and elite activists in electoral experience and political objectives, have contributed to the continued failure of any pan-indigenous party to win even a single reserved seat. These seats have instead been either under the grip of the KMT, or in more recent years, split between KMT, PFP, and independent legislators, most of whom are 'traditional' politicians who moved up from local politics to the national legislature and have few connections to elite indigenous activists.

Third, because of the intra-district competition fostered by the electoral system, the winners in each district are themselves rivals with one another, divided by tribal affiliation, faction, region, and above all, party. Cooperating to advance a broader pan-indigenous agenda does little to improve their own chances at re-election, whereas cultivating ties with village and township leaders and other vote brokers can make a big difference. As a consequence, indigenous district representatives have tended to avoid cross-party collaboration on legislation that addresses indigenous concerns, and the articulation and advancement of shared interests in the legislature has been more narrowly targeted, less sustained, and less effective than it otherwise could be.

## **The Representative Behavior of Indigenous Legislators**

### *The Invigoration of Indigenous Representation*

The independent influence of indigenous legislators on state policy emerged gradually as Taiwan transitioned out of the authoritarian era. In the 1980s and early 1990s, the most influential actors working on behalf of Taiwan's indigenous minority were not legislators but social activists, including the founders of the Alliance for Taiwanese Aborigines and the IPP (Chi, 2016, pp. 269–272; Iwan, 2005). The greatest success of this early social movement was in disseminating global discourses about indigenous peoples' rights to a widening circle of Taiwanese, from normative statements such as the UN's DRIP to new

scholarship on indigenous movements in Canada, New Zealand, and Latin America (Chi, 2016, p. 270). Indigenous activists and scholars advocated changes to state policies that would bring Taiwan more in line with practice elsewhere in the democratic world. This campaign culminated in the adoption of a constitutional amendment in 1994 that recognized *yuanzhumin* as the new collective term for the indigenous minority, and changes to state regulations were issued the next year that permitted the use of indigenous, non-Chinese names in official state business. Compared to the impact of their social movement counterparts, the indigenous legislators of this era look like passive creatures of the KMT party-state: they mostly stayed on the sidelines, content to remain a loyal part of the ruling party's patronage system (cf. Ku, 2005, pp. 109–111).

But then something changed. The 1995 legislative election reduced the KMT's majority to only three seats and left it dependent on the votes of the indigenous legislators. When the new legislature was seated, two of these, Walis Perin and Tsai Chung-han, defected without warning from the KMT and supported the DPP's nominee for speaker in exchange for a promise to elect Tsai deputy speaker, leading to a tie vote in the first round. The KMT speaker was seated only when one DPP member unexpectedly abstained in the second round. But the KMT also needed to win LY confirmation for the premier, Lien Chan, and that gave the indigenous legislators additional leverage. Activists had long pressed for the establishment of a new agency independent from the Ministry of Interior to oversee state indigenous policies, and Walis and Tsai threatened that all six indigenous KMT legislators would withhold their votes unless the ruling party delivered on this goal (Jacobs, 2012, pp. 102–105; Ku, 2005, pp. 113–115).<sup>20</sup> The KMT leadership quickly relented to the demand in order to get the premier confirmed, but proposed that a commission be created by executive order rather than legislative act. Tsai and Walis insisted that it instead be established via a new organic law, and that it be an independent, ministry-level body rather than a bureau within the Ministry of Interior. After several months of debate the final bill passed the legislature in November 1996, and the indigenous legislators got most of what they had asked for: the law moved indigenous affairs out of the purview of Interior and established for the first time a separate cabinet-level agency, eventually named the CIP, to be headed by an indigenous leader and to oversee state policy toward Taiwan's indigenous communities (Walis, 2016).

The creation of the CIP marked the first of a series of significant pieces of legislation that reordered the legal relationship of indigenous peoples with the state and generated significant improvements in their communities as well. These included the Indigenous Peoples Education Act (1998), which asserted a right to study indigenous languages, history, and culture in schools at all levels, and specified that at least 1.9% of the education budget be spent on indigenous instruction; the Indigenous Peoples Status Act (2001), which allowed people to register as *yuanzhumin* under their mother's name even if their father was Han<sup>21</sup>; the Indigenous Peoples Employment Rights Protection Act (2001), which introduced a hiring quota for indigenous employees at each level of government; and the Indigenous Peoples Basic Law (2005), which for the first time explicitly defined in law the collective rights enjoyed by each tribal group, including land use, hunting, and self-government, and established the legal framework for the creation of autonomous indigenous areas. Together, these acts represented significant progress in the struggle for indigenous rights and group autonomy (Simon, 2008; Walis, 2016). Although indigenous activists set the agenda for this period, it was the district legislators who held the crucial levers of power that ensured some of those demands would be met.

This power should not be overstated. It depended on a nearly even split in the seats in the LY that made the indigenous legislators the crucial swing voters, and it also required the tacit endorsement, or at least not opposition, from one of the two major political camps. The advancement of pan-indigenous priorities was also helped by the Chen Shui-bian administration's keen interest in coopting activists and crafting a 'New Partnership' between the Taiwanese state and its indigenous peoples—an interest that stemmed from a broader nationalist agenda to 'reimagine' Taiwan as a diverse and multi-cultural rather than Han Chinese society (Simon, 2010, pp. 230–233; Stainton, 1999a).

Nevertheless, even under these relatively favorable political conditions, in most cases, the final legislative product was far weaker than indigenous activists had pushed for (Simon, 2007, p. 236). In general, without the support of leaders in at least one of the major political camps, there is little that indigenous representatives have been able to do in practice to advance policy reforms. A good example is the fate of the Indigenous Peoples Self-Government Law (*yuanzhuminzu zizhiqu fa*), first drafted early in Chen Shui-bian's first term by the CIP with considerable input from indigenous activists. The Self-Government Law was intended to define in practical terms the rights, responsibilities, and scope of indigenous autonomous areas that were established in name by the Basic Law (Ericsson, 2004). But the Chen administration reduced the original 104 clauses in the bill to 15, rejecting the transformative vision of autonomous tribal reservations contained in the early drafts and dramatically weakening the authority that would be granted to these new areas (Simon, 2007, p. 235). The watered-down bill was then sent to the legislature in June 2003. Incredibly, 15 years later the Self-Government Act still has not passed; multiple drafts of the act have died there, in part because other parts of the executive branch, such as the Ministry of the Interior, oppose relinquishing control over broad swaths of Taiwan's territory to indigenous communities, and in part because of pressure from business interests (Hsiao, 2014; Jennings, 2015; Simon, 2007).

In addition, the influence of indigenous legislators as a group waned perceptibly after 2008, when Ma Ying-jeou was elected president and the KMT captured a huge majority in the legislature. Without the need for indigenous legislators' votes to pass bills, the self-government movement stalled, despite repeated promises by President Ma to support a new draft law (Mo & Wang, 2013; Shih, 2013). Legislative activity on other indigenous issues declined as well: after a burst of legislation during the Chen Shui-bian era, no new laws on indigenous affairs were passed during President Ma's eight years in office. Action instead was limited to a handful of minor amendments to existing laws, most approved only late in Ma's second term.

The end of divided government in 2008 also brought with it a recentralization of policy-making in the Executive Yuan. Activist groups contended that the CIP under the Ma administration functioned less as an independent advocate for indigenous interests and more as the chief cheerleader for and defender of the government's policies (Lii, 2015). Among the significant policy flashpoints between the KMT government and activists during this period were the CIP's promotion of trade agreements with the PRC (Loa, 2014a), mainland Chinese tourism to indigenous communities (Ho, 2014; Loa, 2014b), and additional resort development on traditional indigenous lands (Lee, 2013). Indigenous constituency legislators, all of whom were part of the Pan-Blue camp at the time, kept a low profile in these disputes, even as social activists stepped up their criticism and street protests. Thus, at the end of the Ma era, the gap between 'elite' activists and 'traditional' indigenous district legislators appeared as wide as ever.



*Indigenous Representation During the Tsai Ing-wen Era*

The victory of Tsai Ing-wen of the DPP in the 2016 presidential election, as well as the election of a new DPP majority in the legislature, transformed the political climate of indigenous-state relations. One of President Tsai's early acts was to arrange an official apology on behalf of the ROC regime for 'historical injustices' perpetrated against the indigenous peoples of Taiwan, in which she promised to establish a 'transitional justice' commission to address concerns about violations of indigenous sovereignty and the return of authority over traditional lands to tribal communities (Ramzy, 2016). This apology has created new opportunities for activists to press for concessions on more controversial pan-indigenous priorities such as the Self-Government Law, hunting and fishing rights, and land management. But instead of banding together to advocate for a common set of priorities, as they did in 1996, the indigenous legislators have mostly continued to follow the leads of their respective parties, in keeping with a partisan divide that has long been apparent in the kinds of bills they propose (Pao, 2009), in the questions they ask on the floor of the legislature (Pao, 2013), and in the kinds of issues about which they make statements to the media. The reaction to Tsai's official apology is a good example: while the DPP's Chen and Kolas and the NPP's Kawlo attended the ceremony, the remaining indigenous legislators all stayed away, with the KMT legislator Sufin Siluko (Liao Kuo-tung) playing down the significance of the gesture and calling it a 'campaign move' that offered nothing of concrete benefit to indigenous communities (Yang, 2016).

Indeed, in the current term, the partisan divisions among indigenous legislators appear especially deep. Though he holds a reserved seat, the senior legislator Sufin has become the KMT party whip, a role that requires him to enforce internal discipline and negotiate on behalf of his party, makes him a leading critic of the Tsai government, and limits his ability to work across party lines with other indigenous legislators even if he wanted to (Shih & Chung, 2016). In general, he and the other KMT indigenous legislators Cheng Tien-tsai (Sra Kacaw) and Chien Tung-ming (Uliw Qaljupayare) have focused their public advocacy on continued violations by state authorities of traditional indigenous rights, a topic that allows them to cast the DPP government in a bad light. In December 2016, for instance, they called a press conference to defend a Bunun tribal member convicted of poaching and illegal possession of a firearm, and used the opportunity to criticize the Tsai administration, though the defendant had initially been arrested and prosecuted under the previous KMT government. Tellingly, the other indigenous legislators did not attend (Hsiao, 2016). The independent legislator Kao Chin Su-mei has a long history as one of the strongest Chinese nationalists in the legislature; true to form, she responded to President Tsai's proposed indigenous transitional justice commission by harshly criticizing it on the floor of the legislature, and she took administration officials to task for focusing only on the KMT martial law era and not including earlier Japanese colonial-era misdeeds against indigenous peoples in its purview. The DPP party list legislator Kolas, by contrast, has been the Tsai administration's closest ally on indigenous issues (M. H. Wang, 2016); she has worked with the government to develop its policy proposals, including yet another new draft of the elusive Self-Government Act (White, 2017). To date, the NPP legislator Kawlo has also been supportive of the DPP government on indigenous affairs, but as one of only two NPP party list members, she has also been careful not to stray too far from her party's core social-progressive and pro-independence positions.

It is easy to overlook just how damaging this disunity has been to pan-indigenous interests. The share of seats held by indigenous legislators has reached a new high in the current legislature: including the party list representatives, 8 of 113 legislators (7.1%) are now *yuanzhumin*. Were they to vote as a bloc, they would constitute the third-largest group in the legislature, ahead of both the NPP (five seats) and the PFP (three seats) caucuses. While the DPP enjoys a comfortable 12-seat majority now, an indigenous caucus could still wield considerable influence. One reason is that Taiwan's legislative organization law gives party caucuses, especially small ones, disproportionate influence over the legislative process through equal representation in the Cross-Party Negotiation Committee, a super-committee that decides the fate of most legislation reviewed by the LY. Any bills that pass this committee require unanimous consent of all the party caucus representatives—so, in theory, at least, a unified *yuanzhumin* caucus could leverage its vote in this committee to extract concessions on legislation of high priority to the indigenous minority as a whole, as members of small caucuses have frequently done in the past (Sheng & Huang, 2015).<sup>22</sup>

Nevertheless, the loyalty to party over community has to this point precluded any attempts by the indigenous legislators to form a separate caucus or even to meet regularly to discuss strategy or priorities. In short, as the former legislator Walis put it in an interview with this author, party is now the single greatest obstacle to pan-indigenous cooperation: the current indigenous legislators 'lack leadership' and 'are not unified' across the partisan divide no matter how compelling the issue might be. And without a consensus on what a pan-indigenous agenda in the legislature should include, the collective influence of the *yuanzhumin* legislators is less than the sum of their parts (Walis, 2016).

Overall, then, despite the notable successes at critical moments in the 1990s and 2000s, in recent years the possibility of effective indigenous representation offered by the existence of quota seats has fallen short of its potential. The absence of a pan-indigenous party and the partisan divides among the individual legislators have consistently hampered cooperation on common goals, and as a consequence, the benefits traceable to the work of indigenous representatives in the LY have been more narrowly targeted, less sustained, and less effective than they otherwise could be. Moreover, without a fundamental reform of the current reserved seat electoral system, this pattern is not likely to change.

## Conclusion

One common solution to the challenge of ensuring effective minority group representation in democracies is to reserve seats in legislatures or assemblies for members of these groups. In Taiwan, however, while setting aside special quota seats for indigenous minorities in this way has secured the presence of indigenous *members* in the legislature, it has not ensured the emergence of a separate *party* to represent these groups, nor has it guaranteed that the indigenous representatives will work together on issues of common concern. These issues are many: the indigenous peoples of Taiwan as a whole have long suffered from lower life expectancy, higher infant mortality rates, lower education levels, and higher unemployment than the general population, and they continue to struggle to preserve many languages and customs in danger of extinction. Indigenous communities remain embroiled at present in disputes with state agencies over the right to control what happens within their traditional territories, including hunting, natural resource exploitation, and resort development. And

the absence of a common pan-indigenous response to these grievances from their special elected representatives continues to hamper the search for a policy consensus.

Part of the reason for the lack of unity among indigenous representatives is the remarkable diversity among Taiwan's indigenous peoples, who remain divided not only by tribal affiliation but also by language, region, cultural customs, and degree of assimilation. But these differences are secondary to the impact of the electoral system used to select indigenous legislators, which has undermined effective pan-indigenous representation. By reproducing the arbitrary 'highland–lowland' distinction rather than reflecting more meaningful differences between indigenous tribal groups or territories, and by incentivizing candidates to emphasize personal rather than party or programmatic appeals, the electoral system has raised a high bar for new pan-indigenous parties—one that they have not come close to surmounting. The structure of the electoral system also inhibits cooperation among the winners, especially across party lines, since the legislators will have to compete against one another for votes in the next election. In addition, the dual tiers of seats produce two very different kinds of indigenous legislators, 'elite' activists from the party lists and 'traditional' politicians from the districts, who have in general had few personal or professional reasons to cooperate on a common agenda for Taiwan's indigenous peoples.

The overall consequence of these intra-indigenous divisions is that their collective overrepresentation in the Taiwanese legislature has been far less beneficial than one might expect. That does not mean that reserved seats have had no positive impact—on the contrary, as Taiwan democratized, these legislators became more active advocates for the island's indigenous population, and at critical moments they were able to use their collective bargaining power in the LY to achieve significant changes to state policy despite their internal divisions. Thus, the indigenous peoples of the island would undoubtedly be worse off without the quota seats. Nevertheless, the policy achievements of the indigenous representatives have been more modest, and less sustained, than a simple glance at their numbers in the legislature suggests. The Taiwan case thus provides a cautionary tale for efforts to enhance minority representation: the mere creation of reserved seats, however well-intentioned, is not enough to ensure that minority group interests are well-articulated in representative institutions.

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### **Supplemental data**

Supplemental data for this article can be accessed here. <https://doi.org/10.1080/17449057.2018.1453597>

### **Notes**

1. Recent exceptions include Lublin and Wright (2013), Lublin (2014), and Kroeber (2017).

2. In this way, the Taiwan case is consistent with Michael Murphey's (2008) argument that electoral politics should be viewed as 'part of a broader strategy for advancing indigenous self-determination' rather than a means of 'short-circuiting' it (p. 186).
3. 'Tribal' here refers to the 16 *zuqun*, or 'tribal groups,' currently recognized by the Taiwanese state. This level of social aggregation is also variously translated as 'nation,' 'people,' or 'ethnic group.' In the Taiwanese context, tribe can also refer to *buluo*, or indigenous community, a much smaller, village level of political organization. I elaborate on this distinction below.
4. Note that this unrecognized *pingpuzu* group is unrelated to the lowlander indigenous category, though both are often translated into English as 'plains aborigine.' The *pingpuzu* category potentially encompasses all individuals with indigenous ancestry who were not recorded as belonging to an official tribal group, and as a consequence do not hold indigenous status under current Taiwanese law (Sung, 2004).
5. Executive orders in 1954 and 1956 formally codified this practice (Haisul, 2010, pp. 48–49).
6. At the same time, two *shanbao* seats, one lowland and one highland, were introduced in the NA—the combined constitutional assembly and electoral college which until 1996 formally chose the president of the ROC. This number was increased to 6 in 1991, 8 in 1996, and 14 in 2005, shortly before the NA was abolished (Haisul, 2010, pp. 39–41).
7. Central Election Commission (CEC) elections database, at: <http://db.cec.gov.tw>.
8. Unlike the better-known Maori constituencies in New Zealand, which allow indigenous voters to choose which district—Maori or general electorate—to vote in, indigenous voters in Taiwan must vote in their designated constituency. The separate ballot applies only to legislative races, however; for executive offices such as the presidency, they receive the same ballot as everyone else.
9. Author's calculation, from CEC data.
10. Indigenous voters cast their ballots at the same polling station as everyone else in the precinct. Since voter rolls in Taiwan are generated from official household registries, a voter's status as highlander or lowlander will be indicated there as well, and each will receive a different ballot for the legislative race.
11. Ballots for all three legislative races are deposited in the same ballot box. To ensure voters receive the appropriate ballot and to prevent errors in the vote count, ballots are color-coded by district. In the 2016 legislative election, for instance, the highland *yuanzhumin* constituency ballot was blue, lowland was green, and regular (non-indigenous) was yellow.
12. To preserve some anonymity for these voters, the Central Election Commission recently introduced centralized polling stations in Kinmen and Matsu. Author interview with CEC Chairman Liu I-chou, March 2017.
13. This divide also applies to candidates. In the 2016 election, for instance, three Paiwan members ran: two in the highland constituency and one in the lowland.
14. For example, in the 2016 election, Hualien City recorded 934 votes cast in the highland constituency, and 3363 in the lowland.
15. Chen Ying's singular success as a DPP member is due in large part to the political network of her father, Chen Chien-nien. The elder Chen served as the chief executive of Taitung County from 1993 to 2001 while a member of the KMT, then chaired the CIP during the Chen Shui-bian administration. He threw the full support of his political allies behind his daughter's campaign in 2004, helping push her to victory but also contributing to his own political downfall: Chen Chien-nien was forced to resign from the CIP in 2005 after credible allegations of vote-buying on behalf of his daughter were levied against him (Mo, 2005).
16. In recent years two more indigenous legislators have faced legal trouble for being a bit too generous with their 'gifts and favors.' In 2013, Lin Cheng-er of the PFP was forced to step down after being convicted of vote-buying in the 2012 election, and Chien Tung-ming (Uliw Qaljupayare) of the KMT is facing similar charges after the 2016 election.
17. The reasons the indigenous districts were left untouched by the electoral reform are murky, but one credible explanation is that the incumbent legislators themselves privately preferred keeping the current system to any alternative, even as indigenous activist groups lobbied for dramatic changes. As the former legislator Walis noted in an interview with the author, the incumbents 'had *zhuangjiao* [vote-brokers] all around Taiwan. They didn't want to be committed to one district in only one part' of the island, and so opposed proposals to create single-member districts for the indigenous seats.
18. Since 2008, this tier has included 34 of 113 seats (30.1%). Voters cast two ballots, one for the district candidate and one for the party list. Prior to 2008, the party list seats were distributed in proportion to each party's vote share across all districts, and there was no separate party ballot.

19. The district legislator Chen Ying also was placed high on the DPP's PR list in 2008, sparing her a tough fight for re-election in the lowland district.
20. This threat was at least in part a bluff, as Walis was not confident the remaining legislators would actually have voted against the KMT's nominee for premier (Walis, 2016). Both rounds of voting for the LY Speaker were anonymous, and various accounts are in disagreement about which, or even how many, of the indigenous legislators actually defected. The most plausible story is that Tsai, Walis, and one other legislator—probably Chuan Wen-sheng—voted for the DPP candidate, while the rest either spoiled their ballots or supported the KMT nominee (Healy & Bodeen, 1996; cf. Iwan, 2005, p. 212; Jacobs, 2012, pp. 102–105; Ku, 2005, pp. 113–15; Simon, 2010, p. 731). The uncertainty over the details should not obscure the larger point: the threat of indigenous legislators defecting *en masse* from the KMT was credible enough to win ruling party backing for creation of the CIP.
21. One of the most prominent beneficiaries of this change is the legislator Kao Chin Su-mei. The daughter of a mainland Chinese father and an Atayal mother, she was able to register as *yuanzhumin* under this provision shortly after the law took effect in January 2001. She then ran in the December 2001 LY election for the mountain constituency, winning a seat by about 400 votes. She had already achieved some notoriety as a professional musician and actress, but had not previously acknowledged her indigenous ancestry (Yu, 2002).
22. The most relevant precedent here is probably the creation of a 'Non-Partisan Solidarity Union' (NPSU) caucus of independent legislators in 2004, which included the indigenous legislator Kao Chin Su-mei. The NPSU members then were able to demand individual concessions from the major parties in cross-party negotiations in exchange for their signatures on any agreement. Author's personal communication with Yeh Jiunn-rong, former minister in the Chen Shui-bian government, October 2015.

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