

Justice for Aborigines no priority

Written by Salone Ishahavut and Mayaw Biho
Monday, 17 April 2017 12:31

In August last year, President Tsai Ing-wen (蔡英文) promised that a report revealing the facts behind nuclear waste storage on Orchid Island (蘭嶼, Lanyu) would be completed within six months. In October, the Cabinet formulated guidelines and at the end of that month, the Orchid Island nuclear waste fact-finding task force convened for the first time. This means that the report should be ready before the end of this month.

The fact-finding task force has only convened twice. After sending out requests for data from the relevant agencies, only the Atomic Energy Council provided any data — 87 documents showing that the waste was initially only to be stored temporarily on Orchid Island before “being dumped in the sea.”

Nothing is mentioned in the documents about the decisionmaking process or who took this decision. Taiwan Power Co, the Ministry of Economic Affairs, the Ministry of National Defense, the Vocational Assistance Commission for Retired Servicemen and other agencies refused to provide any material, and as a result the facts remain unclear and Tsai will fail to deliver on her promise.

The situation is the same at the Presidential Office’s Indigenous Historical Justice and Transitional Justice Commission: It has only convened twice. At the first meeting, commission members posed for photographs with the president and at the second meeting, they discussed the rules for allocating land to Aboriginal peoples and communities, which is closely connected to the fate of the nation’s indigenous peoples. The result was that “to respect the Legislative Yuan’s autonomy,” the legislature should be allowed to decide on the rules and the commission merely offered the meeting protocol as a reference for legislators.

Compare this with the Ill-gotten Party Assets Settlement Committee, which was established in August last year. The committee has held 17 meetings, organized four public hearings, issued five orders and frozen Chinese Nationalist Party (KMT) bank accounts twice, stopping it from paying its employees.

The Ill-gotten Party Assets Settlement Committee is moving with lightning speed while the Orchid Island nuclear waste fact-finding task force and the Indigenous Historical Justice and Transitional Justice Commission are moving at the speed of a snail.

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The reason is that the Ill-gotten Party Assets Settlement Committee has a secret weapon: investigative powers. The committee can request materials from agencies, organizations and individuals and the targets of the investigation cannot sidestep the request or refuse to provide the requested materials.

On the other hand, the task force and the commission do not have investigative powers and can only ask for explanations or request that agencies provide materials, which means that the targets of the investigation can ignore requests.

All three organizations are addressing transitional justice, so why are Aborigines treated differently?

On Aug. 3 last year, Tsai told singer Panai Kusui that “all materials are in government agencies and this is different from the information about ill-gotten party assets which is all in the hands of the KMT and when the government wants to start this process, it can start collecting all this information ... and the Presidential Office can instruct the Cabinet to investigate.”

More than half a year later, have they collected all the information? A comparison between these three organizations — all tasked with initiating transitional justice — shows that although all the information is in the government’s hands and although the Democratic Progressive Party (DPP) is in complete control of the government, these organizations will not be able to demand any information as long as they do not have investigative powers.

No matter how nicely they ask, they will get no information and no one will come around to offer any explanations. This makes one wonder if this talk about transitional justice is just bogus. How many more years must Aborigines wait? How many more years can the older generation of indigenous peoples wait?

On Ketagalan Boulevard, Tsai said: “The DPP has a very soft spot when it comes to dealing with Aborigines, so if achieving transitional justice for Aborigines really means amending the law, although the government does not have sufficient power, we have special investigation powers, and I do not rule out passing new legislation ... in other words, I will set up a

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Presidential Office committee chaired by the president. We will clarify everything, and we will prioritize issues that can be handled by current legislation. If that is not enough, we will consider new legislation as the next step.”

The experiment that has taken place over the past six months makes it abundantly clear that there will be no transitional justice without investigative powers.

Tsai should take the same attitude that she displayed when she offered her apology in August last year and prioritize an act for transitional justice for indigenous peoples that matches the Act Governing the Handling of Ill-gotten Properties by Political Parties and Their Affiliate Organizations (黨產處理條例) and establishes a committee for handling transitional justice for indigenous peoples with investigative powers similar to those of the Ill-gotten Party Assets Settlement Committee.

After 400 years, it is time to allow transitional justice for Aborigines a real chance of success.

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Translated by Perry Svensson

Source: [Taipei Times - Editorials 2017/04/17](#)