

**Construction of Hunting Regulations Based on the Indigenous
People as Subjects: Study on Extraordinary Appeal Case of
Wang Guang-Lu**

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Abstract

“The Indigenous Peoples Basic Law” enacted in 2005 is the important legal base to protect legal position and rights of the indigenous people. It regulates the indigenous people’s legal hunting of wild animals in the areas of the indigenous people. However, in the act, the respect for the indigenous people’s hunting right of wild animals is upon the framework of the Hans’ thinking instead of the indigenous people’s perspective. For the indigenous people, hunting is their lifestyle and it is not the activity only in worshipping rites. In addition, hunting is the interaction and dialogue with the nature and the preys in hunting are the precious gifts. We cannot predict the preys boastfully; otherwise, we will be cursed and will hunt nothing. However, according to regulation of Wildlife Conservation Act, the indigenous people are merely allowed to hunt in the periods of worshipping rites. Besides, before hunting, they should declare the hunting area, species and quantity of preys. Hunting tool must be self-made hunting rifles. In such management thought of the Hans, “hunting” is regarded as shopping in supermarket. Before shopping, we must declare and explain the place, items and quantity purchased. In addition, before hunting, they must make hunting rifles, as cooks who are required to manufacture the knives before cooking. When the indigenous people do not declare hunting in advance or when they possess excellent self-made hunting rifles, they will be conceived as criminals.

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For years, the indigenous people constantly call for “the return of motherland” and fight for “right of autonomy” on the reversed areas for the indigenous people. Core of the indigenous people’s appeal refers to traditional life which combines land and natural resources instead of charity and limited rights. Under the governance of the Hans, the indigenous people’s hunting culture and traditional hunting area system, tribal regulations, identification with land and respect for natural resources are almost collapsed. Right of autonomy for the indigenous people on reversed areas and construction of special law for the indigenous people’s hunting are the appropriate measures to manage traditional culture and hunting right of the indigenous people.

Keywords: self-made hunting rifle, standard rifle, the indigenous people, wild animals, hunting right, Wang Guang-Lu case