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Abstract

Practices of Indigenous Self-Determination in
Cultural and Digital Governance

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Across international and domestic legal frameworks, Indigenous self-determination has achieved normative recognition. In Taiwan, this recognition appears in constitutional interpretation, the Indigenous Peoples Basic Law, and through engagement with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Yet legal affirmation does not automatically translate into institutional transformation. The core question of my project is therefore whether Indigenous peoples really possess the right to self-determination, and how that right is negotiated and lived across shifting sites of governance. I ask: What does Indigenous self-determination look like in practice when it moves beyond doctrinal articulation into cultural institutions, and increasingly, digital infrastructures? How does sovereignty evolve as governance shifts from physical spaces, from museums to digital domains?

This inquiry is grounded in my positionality as a Pangcah/'Amis community member from Taiwan pursuing doctoral training in the United States. While Indigenous Data Sovereignty frameworks have gained momentum, Taiwan has only begun to engage with Indigenous governance in digital policy. My project situates Taiwan within global Indigenous conversations while also interrogating how its distinctive geopolitical condition reshapes prevailing assumptions about sovereignty and recognition.

Acknowledgements

I had always imagined that writing the acknowledgments would feel light and easy. In reality, it does not. In the same way, I had imagined that the final version of my dissertation would be perfect, but it is far from that. I would like to offer this note: this dissertation is one version of what I am able to give to the world with my limited time, energy, and, in this moment, what I lack the most, emotional capacity. There will be mistakes, and they are my responsibility. There is also certainly much more that could be added. I will leave that work to my future self, and to other scholars, advocates, and writers who are also on this path.

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By Margaret Yun-Pu Tu (Nikal Kabala'an)

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Chapter One: Where do I come from, and where am I going?

i. Na icowaay a tayni ato talacowa anini kako?

In the first chapter of this dissertation, I begin with this title in the Pangcah/Amis, *Na icowaay a tayni ato talacowa anini kako*¹? Coming from the Indigenous language and culture to which I belong, it means, “Where do I come from, and where am I going?” I use this section to share with readers why I want to write this dissertation and what first gave rise to this research journey.

This dissertation begins from the researcher’s positionality (Abbott et al. 2024; Kamlongera 2023; Stassart 2011) as an Indigenous person. The research questions emerged organically from lived experiences as a contemporary Indigenous individual. The initial motivation stemmed from **anger**—an anger born of the recurring incidents of cultural misappropriation in my life.

As a child, before learning the law, I could only feel this anger, powerless in the face of such violations. Later, as an adult trained in legal studies, I believed that laws and national or local policies—through the recognition of rights and the mechanisms meant to protect—could eventually put an end to these acts of misappropriation. Yet after stepping outside the university classroom and onto the front lines of government

¹ English translation is: Where do I come from, and where am I going?

institutions when I joined the Council of Indigenous Peoples (CIP) in Taiwan in 2017, I came to realize that the real challenge lies in implementing those rights. The path from law to practice is often obstructed, difficult, and painfully slow.

If laws and policies—at both the legislative and administrative levels—are already the result of repeated rounds of political negotiation, competing interests, and expert deliberation, then what we have are often already the “pragmatic ideals,” situated several steps away from the “ideal ideal.” However, the actual implementation and outcomes may be even further removed, depending on the dynamic interactions among multiple stakeholders, including Indigenous peoples, tribal communities, government authorities, and more. This process centers around people—those who truly hold decision-making power and the capacity to participate. And **people**, fundamentally, are not always rational actors; we are shaped by emotions. We must constantly navigate the tensions between bureaucratic tasks, social obligations, and limited resources. As such, the outcomes of these interactions are not linear or predetermined but unfold in an organic, contingent manner.

Having stepped away from the practical work in CIP and again returned to the university classroom as a researcher in 2020—this time through the journey of a Ph.D. program—I find myself increasingly captivated by, or perhaps more precisely, concerned with the following questions:

Research Question 1: In the context of cultural appropriation affecting Taiwan's Indigenous peoples, this research explores how Indigenous communities may assert their right to self-determination and engage in processes of decolonization. What are the "legal rights" and "mechanisms of protection" available, and how are they actually put into practice? This question can be further unpacked into the following sub-questions:

1. In the face of recurring incidents of cultural misappropriation, what rights do I, as an Indigenous person, truly possess to resist such violations?
2. More specifically, what does the notion of "rights" actually entail in this context?
3. What protection mechanisms currently exist to enforce or uphold these rights?

Once these foundational questions are addressed, I then return to ask:

Research Question 2: The intersection of Indigenous peoples and technology remains an emerging yet vital area of inquiry in the context of Taiwan. This study will specifically examine the implications of artificial intelligence (AI) and Indigenous data sovereignty (IDS), asking: How might Indigenous communities in Taiwan engage with, resist, or reshape technological systems, particularly AI, in ways that uphold self-determination and challenge ongoing structures of settler colonialism?

My Journey, Research Fields, and the Intended Audiences

This dissertation centers on the question: After confronting anger, what can I (as an Indigenous person) do? The researcher's positionality and reflexive inquiry form the core of my methodological approach, as discussed in Chapter Two. More importantly, I aim to conduct research through an explicitly Indigenous lens: **I am Indigenous, and I wish to use Indigenous methods.**

Unlike most dissertations produced within law schools, this project adopts Indigenous storytelling as a method (Mussi 2024; Lin 2025). Readers will encounter stories throughout this dissertation that unfold the lived experiences of Indigenous individuals and communities. Accordingly, this dissertation should not be approached with the expectation that it conforms to the model of a “traditional law dissertation.” Such an expectation would likely lead to disappointment. For me, this work is also an experiment: an attempt, however incomplete, to bring what I have learned into a partial and imperfect challenge to the conventions of Western academia. As an Indigenous woman from Taiwan in East Asia, I write in English from a position marked by displacement, articulating mixed and layered experiences while trying to draw near to academic practice.

Because of this methodological choice, this dissertation may also be understood

as a form of autoethnography (Uekusa 2025)—a gesture of resistance against long-standing academic traditions that treat Indigenous peoples as “research objects” (Tsai 2011; Wang 2011). Instead, this work seeks to enact Indigenous agency in research: We study ourselves and define ourselves.

The fundamental question “Who are we?” has long been subject to the interference of external powers. The categorization of Taiwan’s Indigenous peoples began under Japanese colonial rule, when anthropologists-imposed classifications that were later adopted and continued by the Chinese Nationalist Party (Kuomintang or KMT) government. For instance, the Pangcah people in Hualien, Taiwan, were named “Amis” despite self-identifying as Pangcah; the Cou people were called as Tsou; and the Tao people were Yami.

During the era of my great-grandparents, Japanese colonialism governed the territories. Traditional ways of life, language, and culture were gradually eroded, dismissed as “barbaric,” and replaced. Indigenous peoples were first seen as sub-human (in which case killings were considered the destruction of animals rather than murder), then as subjects of the emperor (many of our grandfathers were conscripted into the Takasago Volunteer Army during WWII), and eventually as Chinese after WWII and the KMT’s occupation.

Throughout these shifts, Indigenous peoples in Taiwan have experienced deeply

fractured senses of self, family, community, and nationhood—constantly shaped and reshaped by dominant external forces. In the era of democratic transition, political party turnover, and the rise of transitional justice under the Democratic Progressive Party (DPP), Indigenous peoples across generations still continue to ask the same existential question: **“Who am I?”**

The legal and cultural definitions of “Indigenous,” the criteria for Indigenous status recognition, and the negotiation between ancestry and cultural identification remain contested and unresolved. These questions are common themes in contemporary Indigenous literature in Taiwan (Chen 2023), and they also appear before the Constitutional Court in Taiwan—on issues such as Indigenous names and Pinpu Indigenous identity.

Through this dissertation, I hope to offer readers an account of how I—trained in law and shaped by my positionality as a Pangcah woman raised in urban Taiwan—came to conduct research on Taiwanese Indigenous issues while physically situated in the Pacific Northwest of North America. Doing Taiwanese Indigenous Studies in North America became, for me, a process of weaving together multiple relations (Perea 2021).

Rooted in legal scholarship, my work has grown in the conceptual soil of Indigenous self-determination and decolonization. Horizontally, I found connections

with the emerging field of Taiwan Studies in North America, particularly through the University of Washington's Taiwan Studies program (UW-TSP). Arriving during the early post-pandemic years (2021–2022), when campuses remained unusually quiet, I sought to establish a foothold in this new academic environment. Once grounded, I began to reach outward—both intellectually and physically.

My first steps across disciplinary boundaries were literal: the UW School of Law, where I studied, is located adjacent to the Burke Museum. From this proximity emerged an opportunity to co-curate and organize a dual exhibition on Taiwanese Indigenous cultural holdings and books (2022–2023), the *Kuroshio Odyssey: Maritime Memories, Culture, and Landscapes* (Davidson 2023). The opportunity to pass by, pause, converse, and eventually enter these spaces became one of the most meaningful aspects of studying abroad. These in-person encounters created connections—between people, between communities—that profoundly shaped my Ph.D. journey.

These experiences eventually led me to become involved in the American Indian Studies (AIS) program and the Center for American Indian and Indigenous Studies (CAIIS) at UW (2023–2026). My roles evolved—from student to teaching assistant, later to research assistant, and now teaching a new course developed from this dissertation. Looking back, each step has been part of a cumulative process:

learning and practicing what it means to be an Indigenous scholar from Taiwan—building bridges across law, museum curation, and teaching; and moving between the roles of student, curator, teacher, and researcher.

Throughout these experiences, I came to recognize that the recurring incidents of cultural appropriation—events that have persistently impacted my own well-being—have long been at the heart of my concerns. On a personal level, these are acts of harm directed at me as an Indigenous person. On a broader scale, they constitute **collective pain and intergenerational trauma** experienced by Indigenous peoples. Indeed, it is fair to say that this is a transregional, transnational phenomenon—a wound shared by Indigenous peoples across the world. And we, as Indigenous people in Taiwan, are already deeply wounded.

By saying deeply wounded, I mean the ongoing loss of what our ancestors were intimately bound to: the lands, mountains, oceans, and skies. I mean the severing of language and culture under the violence of colonialism and state power. I mean the uncountable lives that have been lost—and continue to be lost. These losses are not historical footnotes; they are still unfolding. If we are to believe that society is progressing, that humanity is moving toward “civilization,” and that “technology” may offer tools for justice, then—even in the face of devastating realities—we have to choose to believe. We must choose to believe that something else is possible.

With this journey as its context, I hope this dissertation will enter into conversation with the fields of Taiwan Studies and Indigenous Studies, as well as with those across the Pacific who care about Taiwan and Taiwan Indigenous Peoples. Above all, I hope it will speak to Taiwan Indigenous Peoples ourselves. This is also why I plan to later translate and rewrite this dissertation into Taiwanese Mandarin, a language more familiar to many of us.

Because the audiences I hope to engage are not limited to academics and because English is not my first language, I choose to write this dissertation in plain, accessible English. I also try to avoid overly complicated citation practices and academic style. Instead, I take a direct approach: to say one thing clearly, to make one argument at a time, and to do so as plainly and honestly as I can.

ii. Decolonial and Self-Determination Practices in Physical Spaces as a

Form of Resistance to Cultural Appropriation

I approach this dissertation through my researcher's positionality, seeking to understand how Indigenous decolonization and the right to self-determination are practiced across both physical institutions and virtual domains. I begin by reflecting on my own experience of "learning while doing"—situated in spaces where I have built relationships, such as the Burke Museum and the Tateuchi East Asia Library

(TEAL) at UW. These cultural institutions and teaching environments have become sites where I actively engage with the right to self-determination and rights to culture as an Indigenous person. From there, my research expands to include fieldwork and engagements conducted across Taiwan, the United States, and Canada:

A. Taiwan is the place where I was born, raised, and came into political and cultural consciousness. It is home to my Pangcah/Amis community and the place from which my research questions emerged. If academia often describes research environments as “pools,” then Taiwan, to me, is the “ocean” of this inquiry.

B. The United States, as my host country during graduate studies, has been both a site of knowledge acquisition and a formative ground for my theoretical development—through classroom experiences as a student, teaching assistant, and pre-doctoral instructor, and also through my work in museums and the conversations I’ve learned from with various people here.

C. Canada enters the research through proximity, geographically. This transborder context informs my understanding of Indigenous rights across the Indigenous Pacific Northwest.

Please understand this dissertation as a knowledge project shaped by both Taiwan and Indigenous Pacific Northwest epistemologies that I’ve learned.

iii. Dispossessed from Lands to Clouds: Why I also talk about Indigenous

Data Sovereignty?

The motivation behind this shift, from physical institutions to the virtual domain, lies in the growing recognition that contemporary Indigenous experiences of space are no longer confined to physical venues. Increasingly, our ways of engaging with, navigating, and making sense of the world are shaped by digital spaces. With the rapid advancement of technology, the influence of the virtual world on Indigenous peoples is only set to expand.

It is from this standpoint that I introduce a parallel line of inquiry in this dissertation: Indigenous Data Sovereignty (IDS or IDSov). As AI technologies accelerate, the datasets used to train these systems have become critical resources in global technological, political, and economic infrastructures. In this context, discussions around data sovereignty and broader forms of digital governance have re-emerged with new urgency.

Within this wave of digital governance discourse, IDS has gained increasing attention, for example, among Indigenous communities in Aotearoa New Zealand, Australia, Canada, and the United States. These communities have sparked robust discussions and scholarly engagement that not only re-examine dominant data

governance frameworks but also expose how Indigenous peoples are systematically marginalized within global data ecosystems. IDS thus calls for both critical awareness and meaningful action.

It is within this broader context that this dissertation seeks to initiate further dialogue on IDS in Taiwan. Taiwan Indigenous peoples, as part of the Austronesian language family, have increasingly been positioned, both rhetorically and diplomatically, as the “ancestral homeland of Austronesian peoples.” This framing has been strategically employed by the Taiwanese government and civil society organizations to foster ties with Pacific Island nations, such as Palau.

For example, in April 2025, following Canada’s federal election, Taiwan’s Ministry of Foreign Affairs issued a congratulatory statement emphasizing the shared values of democracy, freedom, and human rights between Taiwan and Canada. The ministry also highlighted the growing cooperation between the two countries across various sectors, including **trade, technology, public health, and Indigenous affairs**. Notably, in August 2024, Canada officially became a partner in the Global Cooperation and Training Framework (GCTF). When Indigenous affairs are now listed alongside key diplomatic areas like trade and technology, Taiwan, described as an “island of technological innovation” (科技之島), should not remain absent from international conversations on Indigenous data governance.

The question then becomes: **How can Indigenous peoples in Taiwan continue to speak out and assert our data sovereignty in an era when data and language models have become the new terrain of geopolitical and corporate competition?**

The concept of IDS is not concerned with the storage and use of Indigenous data. At its core, it raises the critical issue of who holds the authority to interpret Indigenous knowledge.

Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms that Indigenous peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge, and intellectual property. Today, that right must be understood as extending into **digital spaces**. The emergence of IDS highlights that **data is not just a resource**—it is a continuation of relationships, a foundation of identity, and a space for practicing **cultural self-determination**.

At the international level, discussions on IDS have gradually gained momentum. For example, the United Nations Permanent Forum on Indigenous Issues (UNPFII)—held annually at the UN Headquarters in New York from mid-April to early May—has in recent years begun to emphasize cultural rights and data sovereignty in digital spaces, identifying them as crucial components in the pursuit of Indigenous self-determination and decolonization.

Since its inception in 2002, UNPFII has convened 24 sessions to date. Every year, delegations from Taiwan’s Indigenous communities have actively participated, ensuring that Taiwan’s Indigenous peoples are never absent from this global platform. I, too, have joined this circle of international engagement in recent years—learning from the guidance of Taiwanese Indigenous elders and participating alongside them. In April last year (2025), I traveled with the Taiwan Indigenous peoples’ delegation to the Forum and attended a side event titled “*Advancements of Indigenous Peoples After Implementing UNDRIP*”, where I joined a conversation on IDS with speakers from Canada.

The session was organized by the British Columbia Native Women’s Association (BCNWA) and held within the United Nations headquarters in New York. During the question-and-answer session, I asked about IDS. In response, Victoria Prudent, President of the Métis National Council, affirmed the importance of transnational collaboration among Indigenous communities and emphasized the urgent need for deeper conversations on the intersection of AI and IDS—particularly regarding the sacredness of Indigenous knowledge and language, and how such content must not be arbitrarily used as data without consent. Kwiks Ti7na Gena Edwards, President of BCNWA and a member of the Ts’kw’aylaxw First Nation, also recognized the critical and time-sensitive nature of data sovereignty. She addressed the ongoing issue in which Indigenous peoples are frequently made into research

subjects—often without prior knowledge or consent—while non-Indigenous researchers reap the benefits of publishing that work. The convergence of AI and data sovereignty, she argued, presents a powerful opportunity for Indigenous peoples to assert self-determination.

I deeply resonated with their responses. Whether in Canada or Taiwan, Indigenous peoples around the world face similar challenges. Our ancestors were once subjected to intrusive scholarly scrutiny, used as tools for colonial categorization or military control, and dehumanized through state policies and governance. The persistent objectification and marginalization of Indigenous peoples demand an urgent and collective response. For our generation, the question is: **How do we reclaim our agency and assert our subjectivity?**

Moreover, as the Taiwanese government increasingly promotes Indigenous identity as a symbol of international collaboration, and as countries around the world develop **sovereign AI** strategies, Taiwan must not remain silent on the issue of IDS. When “Indigenous affairs” are elevated to the same level as diplomacy, trade, technology, and health, it becomes all the more imperative that Taiwan engage meaningfully in global IDS dialogues and ensure that its Indigenous peoples are not left behind in this new terrain of digital governance.

Chapter Two: Researcher's Positionality and Context

While most dissertations place the section on research methodologies in the first chapter, this dissertation, which places significant emphasis on researcher positionality, devotes an entire chapter to clarifying my own positionality, and how to introduce our “Peoples, Places, and Projects” that I learned from Dr. Jessica Bissett Perea’s articulation of “Indigelogical ways of doing” scholarship as a methodology for both the readers and myself.

This chapter also includes some literature review that traces key discussions on colonial Taiwan and explores the implications of modern narratives surrounding Taiwan as part of the Austronesian world. Through this broader contextualization, I aim to explain how my positionality has been shaped and informed. I attempt to engage with critical issues related to identity recognition and legal/official status, integrating these discussions with my methodological approach. In doing so, the chapter serves as a bridge, linking the introductory chapter with the next, which focuses on cultural misappropriation and the practices of decolonization and Indigenous self-determination in both physical (Chapter Three) and digital spaces (Chapter Four). Additionally, I believe this chapter contributes to the dissertation in several important ways, as introduced in the following sections.

To honor the foundational importance of Relations for Indigenous Peoples

In shaping the methodological orientation of this dissertation, I draw inspiration from Dr. Jessica Bissett Perea and her articulation of “Indigelogical ways of doing” scholarship. In “Introducing [Our] Peoples, Places, and Projects,” she reframes academic practice not as detached analysis, but as **relational accountability** grounded in community, place, and lived experience. Her approach challenges conventional disciplinary boundaries by foregrounding Indigenous presence, responsibility, and epistemology within scholarly work.

I have had the opportunity to engage closely with Jessica’s work not just as a reader, but through assisting in her teaching (I was her Teaching Assistant for the AIS 321/MUS 321 “Powwow Cultures” for a whole quarter in Spring 2025), which further shaped my understanding of Indigenous-centered methodological practice. This perspective resonates deeply with my own research trajectory. Rather than positioning Indigenous peoples solely as objects of legal or institutional analysis, this dissertation seeks to situate Indigenous communities—including my own—within networks of relationship, responsibility, and ongoing practice. In this sense, methodology itself becomes part of the project of Indigenous self-determination.

In articulating the centrality of relations for Indigenous peoples, I draw on

the formulation of Indigological ways of doing, in particular her call for intentional and iterative practices of introducing oneself. She argues that “practices of introducing oneself—in speaking and in writing—offer a way ... to consider how to collectively reverse long-standing disciplinary practices that obscure context” (Perea 2023, 255). For Indigenous scholars, such introductions are not merely biographical gestures; they are methodological interventions that foreground relational accountability.

Perea further explains that “sharing [our] Peoples or genealogy is ... the most valuable information [we] can give” (Perea 2023, 258). To speak one’s relations is to situate oneself within networks of responsibility. By “literally speaking/writing [our] relationalities,” she suggests, researchers work to dismantle myths of academic objectivity and the exclusionary structures that accompany them (Perea 2023, 258). In this way, relationality is not supplementary to scholarship; it is foundational to it.

Her notion of “densities of relationality” further provides a powerful analytic. Rather than reducing Indigenous presence to tokenized difference or damage-centered narratives, Perea proposes that amplifying densities of relationality offers a desire-based relational analytic and method (Perea 2023, 259). This framing resonates deeply with my own project. To honor relations is not

simply to acknowledge community ties; it is to recognize Indigenous self-determination as emerging through layered, intergenerational, and place-based constellations of being, knowing, and doing.

Accordingly, in the following sections of this chapter, I will devote space to introducing myself—my Peoples, Places, and Projects. I begin with my family genealogy, including my coming from a mixed background of Taiwan’s ethnic groups, among them the Indigenous Pangcah/Amis people. I will reflect on my parents and on how my engagement with “Taiwanese Indigenous peoples” did not primarily emerge from family transmission, but rather through language revitalization efforts, and later through academic research and professional work. It was through these paths that I gradually became more deeply involved and eventually came to find what I now understand as community. This chapter, therefore, carries within it densities of relationality and Indigenous storytelling. I understand this not as a departure from academic research, but as one possible form of practicing Indigenous self-determination within it.

To address the colonial context of Taiwan and the persistent underrepresentation of Indigenous communities for a future imagination

As an urban Indigenous person, born and raised in Taipei, Taiwan, I have

long lacked a full understanding of my own family history, community, and ancestral homeland. If I am to follow an autoethnographic approach, then this chapter becomes an opportunity help readers understand my past and present, and to articulate (or examine) the foundation of my **imagined futures**.

As Dr. Julian Reid argues, the subjugation of the Indigenous imagination has been central to the colonial project (Reid 2019, 16). Reclaiming imagination, therefore, is a political one, not merely an aesthetic gesture. Imagination may be “of much greater importance for the possible emancipation of peoples from colonial regimes of power than resilience” (Reid 2019, 20). If autoethnography allows me to trace my past and present, then imagination allows me to project a future not already scripted by colonial expectations. In this sense, imagination functions not as fantasy but as a method (Reid 2019, 27).

Indigenous research methodologies remind me that imagination is neither escapism nor abstraction. It is relational, land-based, and politically consequential. Within Indigenous epistemologies, imagination is not detached speculation about a distant future. It is grounded in histories of dispossession, in ongoing responsibilities to land and community, and in collective efforts to sustain life across generations. To imagine is therefore to intervene in structures that seek to define Indigenous peoples through disappearance. This refers to

Chapter Four, where I will discuss the data sovereignty policy for Taiwan Indigenous peoples after the enactment of Taiwan's Artificial Intelligence Basic Law in 2025. The current lack of such a policy by the government is an example of "disappearance". Therefore, our "imagination," and the imagination as a method for us, the Indigenous peoples, will become even more important in this chapter. What do we need? To compile and supplement the currently lacking policies. I believe this is one of the most urgent contributions we can make.

The practice of reclaiming narrative authority and projecting futures not already scripted by colonial governance. This understanding of imagination is foundational to Chapter Four's engagement with AI governance. Governance debates surrounding AI might presume particular visions of the future, such as data-driven societies, algorithmic objectivity, and technologically mediated decision-making. By foregrounding imagination as methodology, I approach AI governance as a legal or regulatory problem, as well as a contest over whose futures are being designed, whose knowledge systems are encoded, and whose relational worlds are rendered visible or invisible. In this sense, imagination becomes an analytic tool through which to interrogate digital infrastructures, data regimes, and emerging regulatory frameworks. It allows us to ask how AI should be governed, and what kinds of Indigenous futures remain possible (or foreclosed) within its architectures.

To circle back on the thoughts to use this Chapter to address the colonial context of Taiwan and the persistent underrepresentation of Indigenous communities for a future imagination, I want to reflect on how I have come to think and write the way I do: how both my academic training and my non-academic life experiences have shaped me. My arguments, thoughts, and perspectives—the knowledge I carry—are built upon others; they have a lineage.

In this sense, I want to offer readers the necessary context through which my work can be read. To a certain extent, it is the condition of colonial Taiwan that has estranged me, as an Indigenous person, from many of the deeper contexts of my own people. This chapter, therefore, is a gesture toward reclaiming those lost contexts: a response to that disconnection.

By telling my own story, I also hope to invite readers to reflect on their preconceived images of “Taiwanese Indigenous peoples” and how these images may differ from the reality of someone like me. If such a dissonance exists, then this chapter becomes essential. For too long, Indigenous peoples in Taiwan have been treated primarily as objects of research—defined, interpreted, and represented by others, resulting in generalized and often distorted impressions of who we are. Through this chapter, I hope to challenge and reframe some of those misrepresentations, offering a fuller, more self-defined narrative instead.

Unpacking the Austronesian Narrative: Tokenism and Instrumentalization of

Indigenous Peoples in Taiwan and the Pacific Ocean

I also aim to address another contemporary issue concerning Indigenous identity in Taiwan: the narrative of the Austronesian peoples. Many discussions within Taiwan Studies begin with Taiwan's **geopolitical positioning**, most notably, the question of whether Taiwan should be understood as part of the Asian continent or as an **island oriented toward the ocean**. I joined in person at the 4th World Congress on Taiwan Studies (the 4th WCTS) at the University of Washington in 2022 as a student facilitator. In the closing keynote session, Professor Robert Weller (Boston University) framed this question as central to how Taiwan is situated intellectually and politically (Oates, Hu, & Tu 2022). As I noted, moving from broader questions of Taiwan's political status to the identity of its peoples, Weller emphasized Taiwan's importance as a wholly unique site of study, one that resists reduction to continental or nationalist paradigms.

Similarly, in Professor Hsin-Huang Michael Hsiao's retrospective reflection on the 4th WCTS, he underscores Taiwan Studies as an evolving global field, shaped by transnational dialogue and comparative inquiry (Hsiao 2022). Taiwan, in this framing, is not merely an object of regional politics but a site

through which broader questions of democracy, civil society, and global interconnectedness can be examined. Yet within these geopolitical and institutional narratives, the positioning of Indigenous peoples— whose histories long precede the modern state—remains insufficiently foregrounded. If Taiwan is to be treated as a distinctive intellectual and political formation, it is equally necessary to consider how Indigenous presence and sovereignty reshape the very foundations of Taiwan Studies itself.

Building on these intellectual trajectories, scholars such as Niki J. P. Alsford (2024) have explored the significance of island narratives in shaping Taiwan’s cultural and political identity. In *Taiwan Lives: A Social and Political History*, Alsford traces how Taiwan’s historical development has been framed through stories of migration, encounter, and layered sovereignties. These narratives of islandness do more than describe geography; they structure how belonging, identity, and political authority are imagined across time.

Yet within these geopolitical, institutional, and narrative frameworks, the epistemic and historical presence of Indigenous peoples—whose histories long precede successive regimes of state formation—remains insufficiently foregrounded. If Taiwan is treated as a distinctive intellectual and political formation, it becomes equally necessary to ask how Indigenous relationalities and

sovereignities reshape the very foundations of Taiwan Studies itself. Attending to Indigenous self-determination thus does not move us away from Taiwan Studies; rather, it reframes its core questions by centering the peoples whose ancestral lands and knowledge systems undergird the island's past, present, and imagined futures.

In recent years, Taiwanese state actors have increasingly employed the phrase “Taiwan as the homeland of the Austronesian peoples” in political rhetoric, especially in diplomatic contexts. The term “Austronesian” is often deployed to build alliances with Pacific Island nations, distinguish Taiwan from China, and strengthen regional ties. It has also been used to reframe Taiwanese identity as ethnically and culturally distinct from the Chinese notion of “descendants of the Yellow Emperor²”, suggesting that the difference lies not only in politics or culture but also “in the blood.”

Beyond diplomacy and politics, the image of Indigenous peoples in Taiwan has long been used as a tool for tourism marketing, reinforcing the state's image as “culturally diverse.” This instrumentalization of Indigenous culture—as part of Taiwan's multicultural branding—can be traced back to the Japanese colonial period, and has persisted through the KMT era and into post-democratization Taiwan. Even today, it is common to see Indigenous peoples performing song and

² The original in Mandarin is 炎黃子孫.

dance during National Day celebrations and other official ceremonies.

This kind of “symbolic multiculturalism” (tokenism) and “instrumentalization” (tokenization) of Indigenous identity sets the stage for the discussion in Chapter Three, where I turn to the issue of cultural misappropriation. Tracing these logics offers a coherent narrative arc and a critical lens through which to understand how Indigenous identities in Taiwan continue to be shaped, represented, and appropriated.

i. Reflexive Methodologies and Researcher’s Positionality

I apply reflexive methodologies and highlight the importance of addressing researchers’ subjectivities and positionalities. Finlay (2002), as cited in Gani & Khan (2024, p. 3), argues that all non-reflexive research is considered lacking in legitimacy and validity due to its failure to acknowledge and address subjectivities. Acknowledging this gap through a positionality statement enhances the rigor and accuracy of the research by addressing biases, thereby strengthening the researcher’s credibility. In practice, reflexive approaches disrupt the power asymmetries in knowledge production by involving participants as co-developers of knowledge to achieve ethical and transformative research practices (Gani & Khan, 2024). Additionally, Abbott et al. (2024) introduce the concept of “4R:” (1)

Retrospection, (2) Representation, (3) Review, and (4) Reinterpretation as a critical self-transformation framework to foster researchers' collective reflexivity for challenging assumptions and enhancing agency. This reflexive autobiographical approach is particularly suited to examining Taiwan's language policies, as it centers the researcher's lived experience navigating Indigenous language use within state institutions.

Researcher positionality is crucial in reflexive methodologies as it acknowledges the influence of researcher's identity, background, and power dynamics in the research process. Abbott et al. (2024) underscored the importance of reflexivity in addressing the relational dynamics between researchers and participants. Their collective reflexive methodology encourages researchers to move beyond individual introspection, fostering shared understanding and co-creation of knowledge. Stassart et al.'s (2011) examination of reflexivity through audiovisual methodologies within a marginalized community highlights the integration of participatory approaches to enhance the authenticity of research outputs. In this sense, the application of reflexive methodologies not only mitigates power imbalances but also promotes critical self-awareness and ethical research practices.

ii. The Yuanzhuminzu: The Taiwan Indigenous Peoples

I am a member of the Pangcah/Amis (Its pronunciation is a-mei-zu in Taiwanese Mandarin) people, acknowledging my Indigenous Taiwanese heritage. I have recognized myself and am officially registered in Taiwan, as a Yuanzhuminzu (meaning “Taiwan Indigenous Peoples”).

Thousands of years ago, my Austronesian-speaking ancestors on the island of Taiwan were identified with a level of dependence on food production (Bellwood 2011). Starting in the late 16th century, Indigenous Taiwanese’s ways of living have been influenced by foreign rulings. Unlike Han people, the Indigenous peoples in Taiwan ethnically connect to the Austronesian family on the Pacific Ocean and beyond. Taiwan Indigenous peoples and the other Austronesian-speaking peoples share some similar perspectives on languages, cultures, epistemology, cosmology, and more.

Taiwan, often characterized as a predominantly Han society with over 95 percent of the population claiming Han ancestry, boasts a far more intricate heritage. The waves of Chinese immigrants arriving in the 17th century belonged to diverse subgroups with distinct languages and customs, resulting in a complex

cultural tapestry. Despite these differences, modern-day Taiwan reflects a multicultural society where distinctions have blurred through extensive intermarriage and the widespread use of Mandarin (Brown 2004; Lee 2019). This blending encompasses various Han subgroups, Indigenous Malayo-Polynesian peoples, and immigrants from across the globe, including recent arrivals from China and Southeast Asia, predominantly through marriage, with the current number of new immigrants surpassing 580,000.

Amidst this diversity, Taiwan has a burgeoning appreciation for the cultural legacies of the 16 officially recognized Austronesian-speaking peoples. In tandem with this cultural mosaic, Taiwan grapples with the complex issue of Indigenous recognition. The officially recognized Indigenous peoples constitute about 2.65% of the total population (however, this figure does not yet include an accurate count of the Pingpu Peoples).

Despite these distinctions, Taiwan is actively working towards a more inclusive society, evident in its representation of the 16 officially recognized groups at all levels of government. Efforts to foster understanding and appreciation for the cultural legacies of Indigenous communities' underscore Taiwan's commitment to inclusivity and cultural preservation.

Understanding contemporary Indigenous self-determination in Taiwan requires tracing the layered history of colonial education policies imposed by

successive regimes. Education was not a neutral institution; it functioned as a central mechanism of governance, assimilation, and knowledge restructuring.

Early Colonial Encounters: Missionary and Confucian Models

Between 1624 and 1895, Taiwan experienced multiple foreign regimes, including Dutch and Spanish colonial authorities, the Ming–Cheng administration, and the Qing dynasty. Educational policies toward Indigenous peoples shifted according to governing ideology. Under Dutch and Spanish rule, education was largely missionary-based, centered on Christian conversion and literacy training. Later, during the Ming–Cheng and Qing periods, *Confucian* models of education became dominant. Institutions such as *sia-hak* (社學), *ghi-hak* (義塾), *su-in* (書院), and *hak-dong* (學堂) were introduced, enabling limited Indigenous participation in imperial examination structures. In some cases, Indigenous students were incorporated into the Confucian bureaucratic system as *huan-siu-zai* (番秀才), symbolically integrating them into the Qing administrative order. Yet even within these shifts, education functioned as incorporation into external epistemologies rather than the recognition of Indigenous knowledge systems.

Japanese Colonial Rule: Education as Assimilation

Japanese colonization (1895–1945) marked a decisive transformation. As Paul Barclay observes, Taiwan’s Indigenous peoples were positioned as “Outcasts of Empire,” categorized as a distinct and governable population separate from Han Taiwanese (Barclay 2018). In the early colonial period, so-called “mountain Indigenous peoples” were excluded from full legal status and governed under exceptional regimes. Only after the Japanese state consolidated territorial control around 1915 did legal governance extend more systematically to Indigenous communities. Following the 1930 Musha Incident (霧社事件), colonial authorities intensified assimilation efforts.

Education became central to the *Riban* (理蕃政策) policy framework. Indigenous children attended specialized institutions such as *Indigenous Public Schools* (蕃人公學校) and *Indigenous Children’s Education Institutes* (蕃童教育所). The curriculum initially aimed to restructure Indigenous lifeways to facilitate resource extraction and territorial control. Over time, Japanese-language acquisition became the primary objective, thereby embedding obedience to imperial authority. During World War II, educational policy shifted again toward imperial nationalization, encouraging Indigenous participation in the war effort.

Education thus operated as a technology of colonial governance: disciplining language, identity, and political loyalty.

Nationalism and Assimilation

Following WWII, sovereignty over Taiwan was transferred to the Republic of China (ROC) government under the Chinese Nationalist Party, KMT. Mandarin was institutionalized as the national language, and other linguistic traditions—including Indigenous languages—were discouraged or actively suppressed.

Under Martial Law (1949–1987), state-sponsored Chinese nationalism framed Taiwanese identity as culturally and politically aligned with China. Only after the lifting of Martial Law did space open for contestation. As multiparty elections emerged, the KMT began adopting multicultural rhetoric as part of broader political recalibration.

The year 2000 marked a symbolic turning point. With the election of President Chen Shui-Bian, the relationship between the state and Indigenous peoples was publicly reframed as one of “partnership.” This rhetorical shift recognized Indigenous peoples as political actors and as part of Taiwan’s distinctiveness in relation to the People’s Republic of China.

Institutionally, Indigenous language classes were incorporated into primary

school curricula beginning in 2001. The Indigenous Peoples Basic Law (原住民族基本法) was enacted in 2005, providing a foundational legal framework for Indigenous rights.

Transitional Justice and Multicultural Education

Following the DPP's legislative and presidential victories in 2016, transitional justice initiatives expanded. The Ministry of Education's publication of the *Indigenous Education Yearbook of the Republic of China (1945–2018)* acknowledged that earlier educational policies were primarily assimilationist in orientation.

Over the past three decades, policy language has shifted toward multiculturalism, equality of opportunity, and Indigenous educational rights. Yet institutional design reveals structural constraints. The Education Act for Indigenous Peoples (原住民族教育法) introduced the concept of “Key Schools” (原住民族重點學校), defined as senior secondary or below institutions with significant Indigenous student populations.

Article 11 of the Act mandates that funding for Indigenous education must not fall below 1.9 percent of the central education authority's budget, with incremental increases required annually. This funding has enabled the development

of Indigenous Arts Programs (原住民族藝能班) in secondary schools and the expansion of Indigenous Experimental Education (實驗教育), particularly at the K–12 level. However, Indigenous Experimental Education remains limited in scope and is primarily concentrated at pre tertiary levels.

Higher Education and Legal Education Gaps

In higher education, institutionalization has been slower. Indigenous Special Programs (原住民專班) began in 2003, initially in tourism and agriculture fields. Expansion occurred in 2012 across additional universities, primarily in tourism, communication, cultural industries, and media arts. Legal education remains particularly limited. Only a small number of programs specifically address Indigenous legal training, including:

- National Dong Hwa University’s Indigenous-focused undergraduate law program (est. 2017)
- Fu Jen University’s Indigenous In-Service Master’s Program in Financial & Economic Law (est. 2016)
- Indigenous Intellectual Property courses at Soochow University
- The ILAND Master’s Program in Land and Environmental Planning at National Chengchi University

National Dong Hwa University's College of Indigenous Studies remains the only standalone Indigenous Studies college in Taiwan. Although twelve Indigenous Education and Research Centers and numerous Indigenous Student Resource Centers now exist, Indigenous epistemologies remain peripheral within mainstream legal education. Colonial education policies in Taiwan did not just transmit knowledge; they restructured Indigenous epistemologies, languages, and pathways to authority. From missionary schooling to Confucian assimilation, from Japanese imperial discipline to ROC-era nationalism, education functioned as a central mechanism through which sovereignty was enacted upon Indigenous bodies and futures.

iii. The Colonial History is also Part of My Family's History

I came from a family with diverse ethnicities, cultures, and languages, including Taiwanese Indigenous peoples (the Pangcah/Amis and the Sakizaya peoples), Hakka, Hoklo, and the so-called Mainlanders who moved to Taiwan with the Kuomintang during the Chinese Civil War during 1945-49.

On my father's side, my great-grandfather was Mr. Kabalan'an (Pangcah/Amis) or 坂田 (during the Japanese colonization); his surname changed to Tu (杜) after the Chinese Nationalists came to Taiwan. He was Sakizaya and married into Pangcah. He was one of the *Tomok* (頭目; tou mu), and the Kabala'an family was in a good

relationship with the Japanese. My family lived in the Lidaw village (里漏社; 里漏部落) in Hualien. My grandmother is from the Tseng (曾) family from Hakka community in nowadays Nanzhuang Township, Miaoli. My father recalled when he was little; that they visited his mother's relatives in Nanzhuang. They all spoke in the Hakka. But when my grandmother and grandfather spoke at home, they used Japanese.

My father was born in 1956 in Hualien City. He moved to Taipei when he was 18-year-old a first generation college student, and he has managed to stay in the capitol city and build a family. I was born in 1990 in Taipei. My indigenous name, "Nikal," was given when I was a teenager. My family member did not provide the name, but a "mamu" (Pangcah language meaning "elder woman") in my "Pangcah language class" in a Christian Church in the Taipei City. The mamu took her three grandchildren to the class. When we gathered in the Church on the first Sunday (though I am not a Christian, I just go there to learn Pangcah), mamu found my sister, and I did not have a Pangcah name. She named me "Nikal."

Later, I married and became a mother of two daughters. I took my elder one back to Hualien and asked my grandfather to name her. He named her the Pangcah name of his mother. Later, I named my second one a Pangcah woman's name.

I began to practice living with the name Nikal, a name that entered my life later than all the others, yet one that carries profound meaning for me. But the story of these names is not mine alone. The shifts in my family's names reflect a larger history

of colonization experienced by Taiwan Indigenous Peoples: from our ancestors' names to Japanese names, to Han names, and now, to the reclaiming of an Indigenous name. Through this story, I hope to speak to how our living cultures have undergone transformations across generations, each shaped by colonial encounters, and each also tied to the slow, ongoing resurgence of Indigenous self-determination.

Chapter Three: Resisting Cultural Misappropriations

I frame the resistance to cultural misappropriations through the active application of verbing Indigenous self-determination and decolonization, transforming these theoretical frameworks into lived, political, and relational practices. This includes sharing my own practices and reflections.

i. The Pain of Cultural Misappropriation

In Taiwan, to talk about cultural misappropriation among Indigenous peoples, it must be situated within a longer colonial and settler history (just like what my family has been through) in which Indigenous peoples have repeatedly been governed, classified, displayed, and translated through external regimes of knowledge. With this context, misappropriation is part of a broader structure in which Indigenous presence is often rendered legible to the public through simplified forms. As I have argued in my article I wrote in Taiwanese Mandarin, titled can be translated as *“When Indigenous Clothing Becomes a Prop in Campus Performances: What Appears as ‘Cultural Display’ to You Is a Violent Reopening of My Wounds”* (當原民服裝成為校園演出的道具？你眼裡的「文化展演」，是對我傷口的踩踏), published in the *Plain Law Movement* (法律白話文運動) in 2023, when Indigenous clothing is used in school performances, international pageants, or public multicultural events, it is frequently presented as a

harmless act of cultural display or national celebration. For Indigenous communities, such performances may reproduce older relations of dispossession by turning living cultural forms into visual shorthand for diversity, while severing them from the communities, protocols, and histories that give them meaning. This is a problem of representation and also of power (Nikal 2023).

Cases of miswearing Indigenous traditional outfits have repeatedly taken place. A 2022 public statement “*One Island, One Destiny Must Also Include Indigenous Peoples: Reject Cultural Appropriation and Respect Indigenous Cultural Subjectivity*” (【聲明】同島一命，也要看見原民－拒絕文化挪用，尊重文化主體性) issued by the “Indigenous Youth Front” (原住民族青年陣線), a youth collective composed of Indigenous youth and students concerned with Indigenous issues, offers a powerful example of how state sponsored cultural performance can reproduce harm rather than recognition (Indigenous Youth Front 2022).

The Indigenous Youth Front statement (2022) was responding to the Taiwan Presidential Office’s 2022 New Year flag-raising ceremony. The statement criticized a performance segment that featured performers wearing what were presented as Pangcah/Amis men’s clothing, but were in fact inaccurate costumes rented from a theatrical costume company, accompanied by the stereotypical song

“Kao Shan Ching” (高山青). They further argued that this was not an isolated mistake, but part of a longer pattern in which government-led events repeatedly misinterpret Indigenous cultures, misrepresent Indigenous outfits, and reproduce reductive ethnic stereotypes under the language of national unity and multicultural celebration.

This statement situated the incident within a broader genealogy of state misrepresentation, linking it to earlier diplomatic and national events in which Indigenous peoples were symbolically displayed yet excluded from meaningful decision-making over how their cultures were represented. On this basis, the Indigenous Youth Front called for a formal public apology from the Presidential Office, an end to the commercial circulation of inaccurate Indigenous costumes, the creation of consultation mechanisms with Indigenous peoples for public performances involving Indigenous cultural elements, and the broader institutionalization of ethnic mainstreaming and cultural sensitivity within government. Their intervention is significant because it reframes cultural appropriation as a structural problem of representation, consent, and Indigenous cultural authority.

Yet, a few months later, another controversy over cultural appropriation in an overseas official setting in June 2022. The incident occurred at an opening tea

reception for a Mandarin-language program jointly hosted by the Taipei Economic and Cultural Office (TECO) in San Francisco and a local public library, where an opening performance was presented as a “Paiwan Indigenous dance.” The report from Taiwan Indigenous Television (TITV) News noted that the performance paired enthusiastic choreography with the 2017 Taipei Summer Universiade theme song and costumes that drew immediate criticism from viewers in Taiwan, many of whom regarded the performance as culturally inappropriate and difficult to comprehend as a meaningful representation of Paiwan Indigenous culture (Sawawan & Hsu 2022). Significantly, even the original singer-songwriter Utjung Tjakivalid (舞炯恩), a Paiwan musician from Taiwan, commented publicly to criticize the incident, observing that the Ministry of Foreign Affairs seemed once again to be creating trouble. The TITV report explicitly linked the controversy to a similar error in the Taiwan Ministry of Foreign Affairs’ 2013 International Youth Ambassador program, suggesting that nearly a decade later, the same pattern of misrepresentation persisted (Sawawan & Hsu 2022). It further quoted Indigenous scholar, the Associate Professor Tunkan Tansikian (陳張培倫) of National Dong Hwa University, who argued that agencies and institutions that frequently engage with Indigenous cultural performances should receive clearer guidance, and that the Council of Indigenous Peoples (CIP) should take a more active role in establishing principles and consultation procedures so that public performances can represent

Taiwan Indigenous cultures accurately and respectfully (Sawawan & Hsu 2022).

Read in this way, the incident underscores that cultural appropriation in official diplomatic contexts is a recurring institutional failure that distorts public understandings of Indigenous cultures while revealing the absence of adequate consultation and review mechanisms.

In fact, similar incidents occur far more frequently than public news reporting suggests. Many never attract significant media attention, and some are not reported at all, even though they continue to take place across a wide range of settings. The problem is cultural exchange, as such, and also emerges when Indigenous cultural forms are extracted from our relational worlds and made available for outside use without adequate knowledge, accountability, or community authorization.

When Indigenous culture becomes something to be worn, performed, translated, or displayed by others, Indigenous peoples themselves are displaced from the position of interpretive authority. Misappropriation thus operates through visible acts of borrowing, and a deeper process of decontextualization: cultural expressions are made intelligible to dominant audiences precisely by being detached from Indigenous systems of meaning!

I wanted to use another case to explain more. A recent Facebook post in

December 2025 by the Indigenous page *Houshan Buluoke* (後山部落客) illustrates this dynamic. Rejecting the recurring characterization of Pangcah/Amis women as “princesses,” the post insists that “we Pangcah/Amis have no princesses and no princes,” and warns that when a term is repeatedly mistranslated, “an entire cultural system” begins to shift. The post argues that substituting the Pangcah word “kaying” with “princess” does not simply make Indigenous culture more accessible to outsiders; rather, it inserts entirely foreign assumptions about royalty, bloodline, hierarchy, and ceremonial order into Pangcah social life (Houshan Buluoke 2025).

Over time, these substitutions encourage the public to imagine Indigenous culture through fantasy categories that never existed in the first place, while the original meanings of Indigenous terms are obscured or forgotten. This example is important because it demonstrates that cultural misappropriation is not limited to the misuse of material objects. It also takes place through language, translation, and interpretation. “Naming is never neutral.” (Houshan Buluoke 2025) Once Indigenous concepts are persistently replaced with non-Indigenous analogues that are more familiar or appealing to dominant society, the result is epistemic substitution. Indigenous people are compelled to confront a version of their culture that has been made legible through someone else’s conceptual vocabulary. The trauma of misappropriation emerges through outsiders’ misrecognition as well as

through the gradual public circulation of an externally manufactured version of Indigenous reality.

I resonate strongly with the broader literature on cultural appropriation. Cruz, Seo, and Scaraboto co-authored the article “*Between Cultural Appreciation and Cultural Appropriation: Self-Authorizing the Consumption of Cultural Difference,*” published in 2024. This article argues that the consumption of cultural difference is often justified through the discourse of “cultural appreciation,” which frames borrowing as learning, exchange, and openness, while the discourse of “cultural appropriation” foregrounds the unequal power relations through which such borrowing may become distortion, decontextualization, and domination.

Their analysis further shows that consumers often seek to preserve their ability to enjoy other cultures by reframing their actions as respectful or well-intentioned, rather than confronting the structural inequalities that make some cultures disproportionately available for outside use. In this framework, the difference between appreciation and appropriation cannot be determined solely by subjective intent. It must be analyzed in relation to power, positionality, and the broader social conditions under which cultural elements are detached and recirculated (Cruz, Seo, and Scaraboto 2024, 962–65).

This insight is especially helpful in the Taiwanese Indigenous context, where misappropriation is frequently defended under the guise of admiration, inclusion, or cultural promotion. Non-Indigenous actors may claim that wearing Indigenous attire, performing Indigenous dance, or repurposing Indigenous symbols is a way of honoring Indigenous cultures or introducing them to wider audiences. Yet such claims often leave unanswered the most important questions: Who invited this use? Who benefits from it? Who bears the burden of correcting public misunderstanding? And why are Indigenous cultural expressions so often mobilized for the purposes of education, diplomacy, tourism, or national branding, while Indigenous communities themselves are not granted equivalent control over the terms of representation? What is presented as celebration may therefore function, from an Indigenous perspective, as another instance in which cultural value is extracted while Indigenous authority is bypassed (Cruz, Seo, and Scaraboto 2024, 963–66; Nikal 2023).

I can no longer remember how many times, when I was younger, my people and I found ourselves arguing with non-Indigenous people online, reporting images or videos that appropriated our cultures, only to end up emotionally and physically drained, angry, and feeling that our time had been wasted, because similar incidents would simply happen again and again. The trauma produced by this process is cumulative. It is not just the pain of a single misused garment or mistranslated

word. It is the repeated experience of watching one's culture made public in forms that are no longer accountable to the community from which they come. It is the exhaustion of having to explain, again and again, that these or that are inaccurate. Our culture is not a costume, not a fantasy, not a generic symbol of diversity; and that correction itself is often dismissed as oversensitivity. I found this post by *Houshan Buluoke* (2025) articulates this temporal dimension powerfully when it suggests: "that the pain of distortion is not just what it does today, but what it will do ten years from now, when the altered culture may have become more familiar to the public than the original meaning itself" (不是今天造成的痛，而是十年後文化會變得不像自己).

For this reason, cultural misappropriation should also be understood as a problem of Indigenous self-determination. As I have argued in the *Plain Law Movement* article (2023), international and domestic legal frameworks increasingly recognize that Indigenous peoples possess collective rights in relation to their cultural heritage, traditional knowledge, and cultural expressions. These protections matter because they offer a legal response to misuse, and also because they affirm a deeper normative principle: Indigenous culture is not a free-floating repository of symbols available for unrestricted consumption. It is part of the collective life of Indigenous peoples and is therefore inseparable from questions of governance, continuity, and authority.

Accordingly, the pain of cultural misappropriation among Taiwan Indigenous Peoples is best understood as structural rather than incidental. It emerges where colonial histories, multicultural display, market logics, and epistemic inequality converge. It is experienced when Indigenous attire becomes “national costume,” when Indigenous language is translated into fantasy, and when all of these acts are excused in the name of appreciation. To take this pain seriously, I think, is to recognize that culture is relational, historical, and political. For Taiwan Indigenous Peoples, cultural misappropriation is more than simply a matter of inaccuracy. It constitutes a continuing form of symbolic and epistemic violence through which Indigenous cultural expressions are detached from our social, historical, and political contexts and reinserted into dominant frameworks of representation. Therefore, it is whether a particular cultural expression is used “correctly,” who holds the authority under what conditions it may circulate, and whose interpretation becomes recognizable as legitimate.

ii. Legal Basis in Self-Determination in Indigenous Culture

1. The Taiwan Indigenous Basic Law & the United Nations Declaration on

the Rights of Indigenous Peoples

The contemporary legal framework for Indigenous rights in Taiwan can be understood through two fundamental sources: the international normative standard articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and Taiwan's domestic effort to institutionalize Indigenous rights through the Indigenous Peoples Basic Law (hereinafter "Basic Law"). These two frameworks provide both the language and the legal architecture for understanding Indigenous rights as discretionary state benefits and collective rights grounded in self-determination, cultural continuity, land-based relations, and political participation.

UNDRIP, adopted by the UN General Assembly on September 13, 2007, is widely regarded by the United Nations as the most comprehensive international instrument on the rights of Indigenous Peoples and as a universal framework of minimum standards for their survival, dignity, and well-being. The Declaration's core intervention lies in its recognition of Indigenous peoples as collective political subjects rather than merely vulnerable minorities in need of protection. In particular, Article 3 recognizes Indigenous peoples' right to self-determination, while Article 4 affirms their right to autonomy or self-government in matters relating to their internal and local affairs. Article 5 further protects their right to maintain and strengthen their

distinct political, legal, economic, social, and cultural institutions while also participating fully in the life of the state if they so choose. As the UN's legal summary explains, these provisions are central to the Declaration's recognition of indispensable collective rights.

The UNDRIP links self-determination to culture, language, land, and consent. The Declaration prohibits forced assimilation and destruction of culture, protects Indigenous peoples' rights to practice and revitalize their traditions, and affirms their right to maintain, control, protect, and develop cultural heritage, traditional knowledge, and cultural expressions. It also safeguards Indigenous languages and educational systems, recognizes Indigenous peoples' rights to lands, territories, and resources traditionally owned or used, and requires states to consult and cooperate in good faith in order to obtain free, prior, and informed consent for measures that may affect them. In this sense, UNDRIP recognizes culture as cultural survival, territorial relations, and participatory authority as integral components of Indigenous self-determination.

Although Taiwan is not a UN member state, UNDRIP still provides an important normative benchmark for evaluating Taiwan's Indigenous rights regime. Taiwan's Indigenous rights movement emerged in the 1980s alongside

democratization struggles, and this mobilization contributed to the establishment of the Council of Indigenous Peoples in 1996. A major legal milestone followed in 2005, when Taiwan amended the Additional Articles of the Constitution to explicitly recognize the status and cultural development of Indigenous peoples and, in the same year, enacted the Basic Law. In my earlier writing on Indigenous rights in Taiwan, I described the Basic Law as a cornerstone statute because it consolidated a broad set of Indigenous claims into a single legal framework spanning culture, language, education, economic development, land, natural resources, health, media, and political participation (Tu 2024).

The Basic Law opens with a rights-protective purpose clause. Article 1 states that the law is enacted to protect the fundamental rights of Indigenous peoples, promote their subsistence and development, and build inter-ethnic relations based on coexistence and prosperity. Article 4 then goes further by providing that the government shall guarantee the equal status and development of self-governance of Indigenous peoples and implement Indigenous autonomy in accordance with their will. Article 5 requires the state to provide sufficient resources and annual budgets to assist Indigenous peoples in developing autonomy, while Article 6 establishes a consultation mechanism for disputes concerning autonomous power. These provisions

show that the Basic Law does not confine itself to cultural preservation; on its face, it also embraces a political vision of Indigenous autonomy.

The Basic Law contains a cultural and linguistic dimension that parallels important parts of UNDRIP. It requires the government to promote Indigenous language development, preserve Indigenous cultures, restore traditional names of tribes, rivers, and mountains, protect Indigenous access to media, and safeguard traditional knowledge and intellectual creations. These provisions reflect a legislative understanding that culture is part of the substantive content of Indigenous existence and continuity. That orientation is reinforced by later legislative developments, including the Indigenous Languages Development Act and legal protection for traditional intellectual cultural expressions of the Indigenous Peoples in Taiwan (Tu 2024), which I will especially discuss in the next section.

Yet, the Basic Law also illustrates a persistent tension between normative recognition and institutional realization. As I argued in my article in the *Taiwan Human Rights Hub*, Taiwan has made notable progress in legislative and policy terms, but implementation remains uneven, especially in the areas of self-governance, land, natural resources, and meaningful decision-making power (Tu 2024). The law provides for Indigenous autonomy, but autonomous regions and effective self-

government remain underdeveloped in practice. Likewise, although the law recognizes Indigenous claims to land and resources, conflicts over development, conservation, and jurisdiction continue to reveal the fragility of those rights when state institutions retain ultimate control over territory and administrative procedure. In this respect, Taiwan's framework reflects a familiar pattern in Indigenous rights law: recognition is relatively easier to declare than to operationalize.

This gap is particularly visible when Taiwan's domestic framework is measured against UNDRIP's deeper normative commitments. UNDRIP frames self-determination as a collective right through which Indigenous peoples freely determine their political status and pursue their economic, social, and cultural development. By contrast, Taiwan's Basic Law affirms autonomy in principle but leaves many of the key institutional mechanisms to future legislation, administrative interpretation, or state-controlled implementation. The result is that Indigenous self-governance remains formally recognized yet structurally constrained. The same can be said of consent: although the Basic Law includes robust language on consultation and consent, actual disputes often turn on how the state defines Indigenous land, who counts as the appropriate decision-maker, and what degree of Indigenous objection is legally effective. The legal promise is therefore significant, but incomplete.

Taiwan Indigenous peoples' rights framework is promising and unfinished.

The central legal and political question remains whether these commitments will be implemented in ways that genuinely shift authority toward Indigenous peoples ourselves. That unresolved question is what makes the relationship between formal legal recognition and the broader problem of Indigenous self-determination in cultural and digital governance, which I discuss in this Chapter and the next.

2. **Protection Act for the Traditional Intellectual Creations of Indigenous**

Peoples in Taiwan

Taiwan's **Protection Act for the Traditional Intellectual Creations of Indigenous Peoples** (hereinafter "**Protection Act**") represents one of the most distinctive legislative developments in Taiwan's Indigenous rights framework because it attempts to move beyond general recognition of cultural rights and toward a concrete legal regime for the protection of Indigenous cultural expressions. The Act was promulgated in 2007 and later amended in 2015.

My connection to this **Protection Act** is also personal and professional. In 2015–16, I was pursuing an LL.M. in Intellectual Property Law and Policy at the University of Washington School of Law. At that time, as I was searching for a thesis

topic, I sought to identify an issue that could bring intellectual property law into conversation with Indigenous Studies. That effort led me to study the Protection Act in depth. After graduating in the summer of 2016 and returning to Taiwan, I joined the CIP in 2017 and became directly involved in a project dedicated to the Traditional Intellectual Creations of Indigenous Peoples. For me, therefore, this Act is also tied to my own academic formation and to my practical engagement with the institutional work surrounding Indigenous cultural rights in Taiwan.

According to Article 1, its purpose is to protect the traditional intellectual creations of Indigenous peoples and to promote the cultural development of Indigenous peoples. It was enacted pursuant to Article 13 of the Indigenous Peoples Basic Law, which requires the government to protect Indigenous peoples' traditional biological diversity knowledge and intellectual creations (Protection Act 2007, art. 1; Indigenous Peoples Basic Law art. 13). This Protection Act should be understood as a statutory implementation of an earlier commitment already embedded in the Basic Law. Article 13 of the Basic Law does not itself establish a detailed protection mechanism. It declares that Indigenous traditional knowledge and intellectual creations should be protected and that the relevant issues are to be provided by law. The Protection Act therefore operationalizes that commitment by creating a **sui generis** legal framework tailored to Indigenous cultural expressions rather than

relying solely on conventional copyright or trademark doctrines. As I noted in my earlier overview of Indigenous rights in Taiwan in the Taiwan Human Rights Hub (2024), the Protection Act forms part of a broader legislative trajectory in which Taiwan has increasingly recognized Indigenous cultural rights through specialized laws and policies, even while cultural misuse and uneven implementation remain persistent problems.

The Act defines the protected subject matter broadly. Article 3 includes traditional religious ceremonies, music, dance, songs, sculptures, weaving, patterns, clothing, folk crafts, and other expressions of the cultural achievements of Indigenous peoples. It further requires that such creations be recognized and registered with the competent authority in order to receive legal protection. Once recognized, the relevant Indigenous group, tribe, or, in some circumstances, the Indigenous peoples as a whole, may obtain the **exclusive right to use** the intellectual creation. The Act also recognizes both moral and property dimensions of these rights, including the right to publicly release the work, to indicate the name of the exclusive user, and to prohibit distortion, mutilation, modification, or other alteration of the work's content, form, or name in ways that damage its reputation. It additionally provides that the rights are not assignable, may not be mortgaged, and are protected permanently (Protection Act 2007, arts. 3–4, 7, 10).

This structure is especially important because it departs from standard intellectual property frameworks in several respects. As Taiwanese Scholar Chu-Cheng Huang (黃居正) explains, conventional copyright law is poorly suited to Indigenous traditional cultural expressions because such expressions often do not fit the assumptions on which modern intellectual property law is built, including identifiable individual authorship, originality in the copyright sense, and limited duration of protection. Many Indigenous cultural expressions are collectively held, transmitted across generations, and remain living cultural practices rather than time-limited creations attributable to a single author. For this reason, Huang characterizes the Act as a **sui generis** regime that recognizes songs, dance, weaving, dyeing, ceremonies, and other cultural forms as community resources entitled to the tribal unit rather than to individuals (Huang 2014, 1–4).

Huang further emphasizes that one of the Act's most significant features is its collective logic. The rights protected under the Act are not simply private rights borrowed from existing intellectual property law and placed in an Indigenous setting. Rather, they are collective rights parallel to ordinary civil-law intellectual property, and they are exercised on behalf of specific ethnic groups, tribes, or the Indigenous peoples as a whole. This collective character matters because it attempts to legally recognize Indigenous cultural expressions as **community resources** rather than as

public-domain materials freely available for extraction by outsiders. In this respect, the Act is not only about cultural preservation but also about cultural authority: it seeks to ensure that control over the use, representation, and licensing of Indigenous cultural expressions remains with Indigenous collectivities themselves (Huang 2014, 4–5).

At the same time, the Act is not without complexity or controversy. Huang notes that its practical implementation depends on processes of recognition, representation, and internal decision-making that are themselves difficult because many Indigenous communities in Taiwan have undergone long histories of colonial disruption, missionary intervention, and state restructuring. In practice, determining who may legitimately apply for protection, who may speak for a tribe or subgroup, and how customary authority should be translated into administrative procedure can be highly contested. His discussion of the demonstrative application program shows that implementation of the Act often required communities to reconstruct or reactivate internal political and cultural processes in order to identify the appropriate holders of rights and the appropriate modes of representation (Huang 2014, 6–8).

A second line of critique comes from Chih-Chieh Yang, who situates Taiwan's law comparatively and argues that the Taiwanese model largely adopts an

ownership-oriented approach to protecting Indigenous traditional cultural expressions. Yang notes that the Act creates a registration-based system under which tribes or Indigenous collectivities may obtain exclusive rights to use traditional intellectual creations, thereby moving these cultural forms away from the public domain and into a protected rights structure. While he acknowledges the law's protective ambition, he questions whether such a strong ownership model is always the most appropriate mechanism. In particular, he warns that overly expansive rights protection may constrain future creative activity, shrink the public domain, and create tensions with broader concerns about access to knowledge and cultural transmission (Yang 2010, 62–64).

Yang therefore contrasts Taiwan's model with what he terms an **authentication model**, under which the law would focus less on granting exclusive property-like rights and more on distinguishing authentic Indigenous cultural products from false or misleading imitations. His concern is that a strong ownership regime may inadvertently impede cultural circulation or create new limitations on creative and communicative practices, whereas an authentication system could better protect Indigenous peoples against misrepresentation and unfair commercialization while leaving more room for fair use and cultural exchange. Although one need not accept Yang's normative conclusion in full, his analysis is useful because it highlights a core

tension within the law: whether the primary goal is to create exclusive legal control, to prevent distortion and exploitation, to support Indigenous economic benefit, or some combination of all three (Yang 2010, 82–84).

Even so, from the perspective of Indigenous self-determination, the importance of the Protection Act lies precisely in its refusal to leave Indigenous traditional cultural expressions entirely to the logic of the public domain. Taiwan's Indigenous cultural expressions have long been subject to unauthorized adaptation, commercialization, and public display. In that context, a purely open-access approach risks reproducing the old asymmetry in which Indigenous communities are expected to watch their songs, clothing, symbols, and rituals circulate freely while outsiders continue to control their terms of use and profit from their visibility. The Act can therefore be read as an effort to shift the default presumption away from unrestricted external use and toward Indigenous authority, consent, and benefit-sharing.

This becomes especially clear in Article 10, which grants the right to prohibit distortion, mutilation, modification, or other changes to the content, form, or name of protected expressions, and in Article 13, which allows licensing arrangements to be determined by agreement among the interested parties. Together with Article 14, which requires income derived from protected creations to be used for mutual funds

benefiting the relevant Indigenous group or for the broader development fund of Indigenous peoples, the statute suggests that cultural expressions are not merely symbolic heritage but resources tied to collective dignity, governance, and future development (Protection Act 2007, arts. 10, 13–14).

The Protection Act's effectiveness depends on implementation, and here the gap between legislative promise and practical realization remains significant. As my Taiwan Human Rights Hub essay noted, even as Taiwan has enacted laws intended to protect and promote Indigenous cultures, cultural misuse and misappropriation continue to occur in public life. The existence of a legal protection regime does not automatically prevent state institutions, commercial actors, or the broader public from reproducing distorted or unauthorized representations of Indigenous cultures. In that respect, the Protection Act is both an important legal milestone and a reminder of the limits of law alone. It creates a structure for recognition and protection, but its broader significance depends on whether public institutions and non-Indigenous actors are willing to treat Indigenous peoples not merely as sources of culture, but as rights-bearing collectivities with authority over cultural meaning itself (Tu 2024).

The Protection Act in Taiwan addresses Indigenous traditional knowledge and cultural expressions as a domain of collective Indigenous rights. That shift is

conceptually significant. I link cultural expression to self-determination, representation, and governance, and it provides part of the legal foundation for arguing that Indigenous peoples' authority must extend beyond land and political participation into the control of how their knowledge, symbols, and cultural forms are carried into public and institutional life.

3. Institutional Authorities and Digital Platform Resources

In addition to statutory protection, the institutional architecture surrounding Indigenous cultural rights in Taiwan also relies on dedicated administrative authorities and digital platform resources. One important example is the **Indigenous Traditional Intellectual Creations Protection Information System** established under the CIP. The platform provides legal information and serves as an administrative interface for implementing the Protection Act. Its publicly available functions include legal and regulatory searches, exclusive-rights searches, case statistics, Q&A materials, application-related resources, model licensing agreements, and searchable databases organized by Indigenous nation, category of cultural expression, procedural stage, and date (Council of Indigenous Peoples). The site further states that its purpose is to protect Indigenous rights and to assist in planning licensing and exclusive licensing models for traditional intellectual creations, so that the legislative spirit of the

Protection Act may be realized in practice (Council of Indigenous Peoples).

This platform is a resource to learn Indigenous Traditional Intellectual Creations Protection applications in Taiwan. Also, to make searches, find licensing materials and implementation guidance. All organized and made legible to both Indigenous communities and non- Indigenous users. This is an attempt at legal recognition mediated through a digital platform that helps translate collective cultural rights into searchable records, procedural categories, and licensing tools. That development is institutionally important, but it also raises a broader question central to this dissertation: once Indigenous cultural expressions are entered into searchable state-managed systems, how can visibility, accessibility, and protection be balanced in ways that do not undermine Indigenous authority over meaning and use?

A related institutional resource can be found in the **National Cultural Heritage Database** maintained by the Bureau of Cultural Heritage under the Taiwan Ministry of Culture. The database includes a dedicated **Indigenous Cultural Heritage** section and an **Indigenous Cultural Heritage Search** interface, alongside related materials on laws, audiovisual records, investigation and maintenance, and revitalization resources (Bureau of Cultural Heritage). Search results visible through the Indigenous heritage portal indicate that the system catalogs registered Indigenous

cultural heritage items by category, such as rituals, festivals, and folk customs, and identifies relevant preserving communities and authorities, for example listing the Pangcah/Amis Fakong community's *ilisin* (a Pangcah major annual summer signature; similarly to the Powwow in the Native peoples' context) as a registered folk custom under the jurisdiction of Hualien County Government (Bureau of Cultural Heritage). The site's legal materials also indicate that competent authorities may subsidize Indigenous peoples, tribes, or traditional organizations in conducting cultural heritage investigation, collection, organization, research, promotion, preservation, maintenance, and transmission (Bureau of Cultural Heritages).

These two platforms reveal that responsibility for Indigenous cultural governance in Taiwan is institutionally dispersed. The CIP plays a leading role in administering the protection of traditional intellectual creations, while the Bureau of Cultural Heritage manages a parallel infrastructure for the registration, categorization, and preservation of Indigenous cultural heritage. These systems provide important resources for protection, documentation, and public access. At the same time, they also demonstrate that Indigenous culture is increasingly mediated through searchable databases, administrative classifications, and state platform design. For that reason, platform resources are part of the contemporary governance structure through which Indigenous cultural authority is recognized, organized, and potentially constrained.

4. Cases of Infringement: The Kiwit Community, Taiwan, 2025

One of the most interesting infringement disputes under the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples concerns the Kiwit Tribal Community (奇美部落) of the Pangcah/Amis people and its registered rights in the *Pawali-Ciopihay* warrior dance (Pai 2024; Indigenous Peoples Cultural Foundation 2025; Central News Agency 2025). The controversy originated in 2018, when the CIP (here, the same authority functioned both as the competent authority and as the defendant accused of infringement) used the Kiwit community's warrior dance at the opening ceremony of the Austronesian Forum without obtaining prior authorization from the community (Bai 2024; Central News Agency 2025).

The Kiwit community argued that the performance used its registered traditional intellectual creation without consent and presented it in a manner inconsistent with tribal norms, taboos, and cultural protocols, thereby harming the community's reputation and cultural dignity (Pai 2024). The community consequently brought a state compensation claim seeking NT\$3 million in damages (Pai 2024; Indigenous Peoples Cultural Foundation 2025).

In August 2024, reporting on the second-instance ruling, the court in Taiwan treated the use as a form of "fair use," reasoning that the performance served a

legitimate public purpose in an important international cultural and diplomatic event and did not amount to malicious or intentional violation of tribal taboos (Pai 2024). At the same time, the report emphasized the community's objection that the dance had been performed incorrectly and outside its proper ritual context. According to the community's position, *Pawali* should only be performed on serious ceremonial occasions such as *ilisin* and according to specific rules governing who may lead the song and who may dance (Pai 2024).

The dispute remained unresolved in 2025. In June 2025, the Supreme Court in Taiwan dismissed the community's appeal, leaving the lower court's reasoning intact (Indigenous Peoples Cultural Foundation 2025; Central News Agency 2025). CIP defended the judgment through the language of balancing rights protection and the public interest in cultural development, while also acknowledging that the current Act's fair-use provisions remain underdeveloped compared with the Copyright Act and may require further revision (Central News Agency 2025). Indigenous media, by contrast, described the case as deeply troubling for the Kiwit community, whose representatives argued that if unauthorized use of a registered cultural expression can still be so easily justified as fair use, then the practical force of the so-called exclusive right becomes dangerously thin (Indigenous Peoples Cultural Foundation 2025).

What makes the Kiwit case especially important is that it illustrates a central tension within Taiwan's protection regime. On paper, the Act recognizes exclusive rights over registered Indigenous traditional cultural expressions. In practice, however, the Kiwit litigation shows that these rights can be narrowed substantially through judicial reliance on a broad notion of fair use modeled on copyright law (Pai 2024; Central News Agency 2025). As I argued in my earlier commentary on the second-instance decision, the core issue is not simply whether the state had a generally legitimate diplomatic or educational purpose, but whether the legal framework is capable of taking Indigenous cultural protocols seriously on their own terms (Pai 2024). The case, therefore, exposes a larger structural problem: even where Indigenous communities have gone through the process of registration and formal recognition, the state and the courts may still interpret Indigenous cultural expressions through external legal frameworks that insufficiently account for the relational, ceremonial, and community-governed nature of those expressions. The Kiwit case reveals a test of whether Taiwan's Indigenous cultural rights regime can genuinely protect Indigenous authority over use, context, and meaning.

iii. My Practices and Teachings

The previous sections of this chapter have shown how cultural misappropriation persists through law, institutions, public performance, and uneven implementation. For this final section of the chapter, I want to turn to a different but related question: how might Indigenous self-determination and decolonization be practiced? One of the central purposes of this dissertation is to ask what it means to transform these theoretical frameworks into lived and institutional practices.

Resisting cultural misappropriation requires more than critique. It requires turning Indigenous self-determination and decolonization into verbs: into ways of curating, teaching, collaborating, and reshaping the conditions under which Indigenous knowledge and cultural representation circulate. This section therefore shifts from doctrinal and institutional analysis to reflexive practice. I do so not to move away from theory, but to show how theory becomes meaningful through action. The two cases discussed here reflect my own efforts to put these commitments into practice. The first is the 2023 dual exhibition at the Burke Museum and the Tateuchi East Asia Library, through which I explore how museums and libraries function as institutional sites where Indigenous cultural representation, interpretive authority, and knowledge stewardship are constantly negotiated. The second case is my Spring 2026 course, *Indigenous Taiwan and Pacific Connections: Law, Culture, and Literature*. In discussing this course, I reflect on pedagogy as another site of Indigenous self-

determination and decolonial practice. Course design, for me, is about structuring relationships, framing knowledge, determining whose voices are centered, and creating conditions under which students learn to encounter Indigenous law, culture, and literature not as objects of distant observation, but as living fields of relation, responsibility, and critique. These two examples show that my response to cultural misappropriation is not limited to identifying its harms. It also lies in actively building alternative practices of representation, interpretation, and teaching.

1. Co-curating the Burke Museum & Tateuchi East Asia Library Dual

Exhibition in 2023

One of the ways I sought to turn Indigenous self-determination and decolonization into practice was through the “2023 Kuroshio Odyssey: Maritime Memories, Culture, and Landscapes dual exhibition at the Burke Museum and the Tateuchi East Asia Library (TEAL)” at the University of Washington. This exhibition emerged from a “Research Family” funded by the Center for American Indian & Indigenous Studies (CAIIS) at the University of Washington. With the support of the Burke Museum and the encouragement of Professor Holly Barker, my co-curator, Dr. Jiun-Yu Liu, and I served as the principal curators of the project, working in collaboration with our partners from the Indigenous Peoples Cultural Development Center (IPCDC) in

Taiwan, Zuzule Demalalade from the Paiwan community, and Tien-Li Schneider from Aotearoa New Zealand.

The exhibition was dedicated to showcasing the cultural and natural landscapes of eastern Taiwan, highlighting Taiwan Indigenous holdings at the Burke Museum through a combination of display, interpretive labels, books, photographs, workshops, and an online co-exhibition (Tu & Liu 2023, 4–5). This project was a multipart exhibition that brought together Taiwanese Indigenous art, cultural holdings, writing, and cultural workshops across the Burke Museum, TEAL, and the IPCDC in Taiwan (Davidson 2023).

For me, however, the significance of this project extended beyond collaboration or outreach. It was also an opportunity to intervene in the politics of representation by asking how Taiwan Indigenous cultural materials held overseas might be interpreted, contextualized, and re-narrated from an Indigenous standpoint rather than solely through inherited museum classifications, donor-centered descriptions, or institutional habits of display. In my own reflective writing on the exhibition, I described the project as an “inside out” account shaped by my experience as a mixed-background Taiwan Indigenous person from the Pangcah/Amis community, a doctoral researcher working across Indigenous Studies, Taiwan Studies, and Law, and one of the curators attempting to make space for an Indigenous voice within institutional settings in

Seattle (Kabala'an 2023a). I approached it as a practice of relational accountability grounded in the concepts of **decolonization** and **Indigenous self-determination**.

This approach mattered because museums and libraries are not just sites of cultural or knowledge preservation. They are institutional spaces in which authority over cultural meaning is constantly negotiated. As I wrote in "Storytelling Behind the Overseas Taiwan Indigenous Collections: Material Cultures as a Means to Connect with International Indigenous Communities," published on *Taiwan Insight*, in relation to overseas Taiwan Indigenous collections, these holdings are never just objects. They carry histories of colonial encounter, collection, circulation, and displacement, while also creating possibilities for new forms of Indigenous connection across borders (Kabala'an 2023b). The Burke Museum exhibition therefore became a site where I could ask what these holdings are, how they came to be there, whose voices have historically framed their meanings, and what it would mean to reconnect them to contemporary Indigenous struggles over naming, interpretation, and cultural continuity.

At the Burke Museum, this practice took shape through interpretive labels that did more than provide descriptive information. According to the project report, the mini-exhibition sought to introduce the beauty of eastern Taiwan Indigenous cultures to Seattle audiences while also advancing the Burke Museum's ongoing efforts toward

decolonization, including the reevaluation of narratives, more inclusive presentation of collections, and collaboration with originating communities (Tu & Liu 2023, 4). I explicitly designed that the label texts were created from an Indigenous Taiwanese perspective and incorporated the concepts of decolonization and Indigenous self-determination (Tu & Liu 2023, 4). In my own reflection essay, I further explained that these labels became spaces through which I could address misidentification, colonial naming practices, and contemporary Indigenous concerns, including cultural tourism, cultural industries, and cultural misappropriation. In this way, the labels refused the separation between “historical artifact” and “living Indigenous reality” (Kabala’an 2023a).

Public coverage of the exhibition also captured an important part of this curatorial intention. In an interview with *The Daily*, I explained that, as a Taiwan Indigenous person and a UW doctoral candidate, I approached the exhibition as “a vehicle to tell the story of the contemporary struggle of the Indigenous people,” especially through the frameworks of self-determination and decolonization. I also emphasized that the exhibition was an invitation for visitors to appreciate the beauty of the collections and to learn more about Taiwan Indigenous peoples, our communities, and our connections to Indigenous communities around the world (Davidson 2023).

The exhibition's importance also lay in the fact that it altered the representational framing of Taiwan Indigenous materials at the Burke Museum. Through my co-curator Dr. Jiun-Yu Liu's remarks, this was the first exhibition at the Burke devoted entirely to Taiwan Indigenous peoples, rather than incorporating Taiwan Indigenous materials into broader comparative presentations of Indigenous cultures (Davidson 2023). That point matters because it reflects a shift in institutional visibility: Taiwan Indigenous cultures were no longer subsumed into a generalized ethnographic category, but made visible as the central subject of the exhibition itself. This was a small but meaningful act of representational repositioning.

The TEAL component extended this work into the library as a parallel curatorial space. According to the project report, the library display was organized as an exploratory journey through books and photographs that would help visitors understand Taiwan Indigenous cultures, collective rights, colonial histories, material cultures, and natural landscapes (Tu & Liu 2023, 5). More specifically, the display brought together works on Indigenous cultures and collective rights, the colonial history of Taiwan, identity formation, maps, museums, landscape, archaeology, and material cultures such as clothing, music, pots, and jars (Tu & Liu 2023, 5). In my own account, I described moving back and forth between the sea of books and the sea of cultural holdings as a way of thinking through indigeneity, positionality, and self-

identity (Kabala'an 2023a). The library thus became more than a supplementary display site. It became a space where bibliography itself functioned as curatorial method. The books were part of the exhibition's argument: they provided visitors with the legal, historical, political, and cultural frameworks needed to move beyond visual appreciation toward a deeper engagement with Taiwan Indigenous realities.

This connection between the museum and the library was also highlighted in *The Daily*. The article noted that the TEAL display was intended to create a bridge between the museum collection and the books that informed the research behind it. After viewing the holdings at the Burke, visitors were invited to continue to the third floor of Gowen Hall at UW, where people could encounter books and photographs that added another layer of comprehension. The photographs we curated to display illuminated the natural landscapes reflected in the artworks, while the books opened a path for those wishing to immerse themselves more deeply in the stories and struggles of Indigenous communities in Taiwan (Davidson 2023).

A further dimension of the project involved transnational Indigenous collaboration. The report notes that the IPCDC online co-exhibition, curated by guest curators Zuzule Demalalade and Lili Schneider, corresponded with the onsite exhibitions and expanded the experience through digital content (Tu & Liu 2023, 5).

The IPCDC collaborators contributed cultural workshops, including beadwork important to Paiwan communities, and how QR codes in the Burke display linked visitors to digital holdings and additional cultural explanations (Davidson 2023). This mattered to me because it demonstrated that overseas collections need not remain locked within the interpretive horizon of a single institution. They can become points of connection among Indigenous curators, artists, and knowledge keepers across locations. The exhibition was not only about the display of cultural holdings. We also design it to build relationships across museums, libraries, and digital spaces.

The dual exhibition allowed me to enact a practice that was simultaneously curatorial, pedagogical, and political. It was curatorial in the sense that it involved selecting, arranging, and framing materials; pedagogical in the sense that it invited visitors to learn across museums and libraries; and political in the sense that it challenged dominant assumptions about who gets to interpret Indigenous cultural materials held in institutional collections. This is why I see the exhibition as one of my practical responses to cultural misappropriation. Rather than only criticizing misrepresentation after it occurs, I wanted to help build a different representational environment, one in which Taiwan Indigenous holdings could be approached through Indigenous self-determination, decolonial interpretation, and transnational Indigenous dialogue.

Finally, this case also clarified the broader argument of this dissertation. Museums and libraries have long functioned as institutional sites where Indigenous cultural representation and knowledge stewardship are negotiated. Within these spaces, self-determination manifests through struggles over interpretive authority, access to knowledge, and the ability to reconnect collections to living communities. Yet as these materials are increasingly digitized, catalogued, and transformed into searchable data, the governance questions that once appeared tied primarily to physical institutions now extend into digital infrastructures and artificial intelligence systems. The Burke–TEAL dual exhibition was not about a moment of display in 2023. It also became a way for me to think across museum decolonization, library curation, digital mediation, and Indigenous futures.

2. Spring Quarter Course in 2026: Title: Indigenous Taiwan and Pacific

Connections: Law, Culture, and Literature

A second way I sought to turn Indigenous self-determination and decolonization into practice was through pedagogy. In Spring Quarter 2026, I designed and taught the course *Indigenous Taiwan and Pacific Connections: Law, Culture, and Literature* at UW. My course focused on exploring the Indigenous peoples of Taiwan through

law, culture, and literature, including music, fiction, and poetry, while also placing Taiwan in conversation with Oceania and the United States. Its core themes included language revitalization, land rights, storytelling as resistance, legal struggles, and the comparative study of Indigenous experiences across different settler and colonial contexts (Tu 2026 course syllabus).

For me, this course was not simply an opportunity to transmit knowledge about Indigenous Taiwan. It was also a deliberate pedagogical intervention into how Indigenous issues are usually framed within university classrooms. Too often, Indigenous peoples are taught as bounded objects of area studies, anthropology, or legal exception. In designing this course, I wanted instead to present Indigenous Taiwan as a living site of law, political struggle, literary creativity, and relational knowledge. The course was therefore structured to move across multiple registers: from legal frameworks such as UNDRIP and Taiwan's Indigenous rights regime, to literary expression and storytelling, to museums, material culture, language revitalization, and contemporary debates over data sovereignty and artificial intelligence. In this sense, the course itself was an enactment of the dissertation's broader argument that Indigenous self-determination cannot be confined to a single domain. It must be understood across law, culture, representation, education, and knowledge governance.

The syllabus makes clear that the course was designed around several interconnected learning goals. Students were expected to situate the historical and contemporary experiences of Indigenous peoples in Taiwan within a broader Pacific context, analyze the intersections of law, culture, and literature in struggles over rights, identity, and sovereignty, compare Indigenous legal and cultural frameworks across Taiwan, Oceania, and the United States, and interpret literary and cultural texts as expressions of resistance, survival, and political engagement. Just as importantly, students were asked to demonstrate their learning not only through writing, but also through performance or a curated exhibition that meaningfully integrated course themes (Tu 2026 course syllabus).

This emphasis on curation and performance was intentional. I did not want students to encounter Indigenous knowledge solely through abstraction or textual analysis. Instead, I wanted them to grapple with the responsibilities that come with interpretation, representation, and public presentation. For that reason, the course incorporated an experiential engagement with Taiwan Indigenous material cultural holdings at the Burke Museum beginning in Week 2, and the final project required students to synthesize their learning through a collaborative curatorial project. The quarter then culminated in performance, exhibition, and final curatorial presentations,

including a closing discussion on what it means to curate across Indigenous contexts (Tu 2026 course syllabus).

The structure of the course also reflected my commitment to relational and community-based pedagogy. The syllabus brought students into contact not only with readings, but also with guest lecturers, Taiwan Indigenous delegates participating in the United Nations Permanent Forum on Indigenous Issues, cultural learning activities, and Indigenous and Pacific community perspectives. Week 2 centered museums, positionality, and cultural interpretation through the Burke Museum and assigned my own reflective essays on overseas Taiwan Indigenous collections. Week 3 moved into law, sovereignty, and Indigenous advocacy, connecting international legal instruments such as UNDRIP to localized frameworks in Taiwan. Later weeks addressed literature as resistance, cultural survival and language revitalization, Indigenous representation, constitutional politics, and AI and Indigenous data sovereignty. In this way, the course was designed to show that Indigenous Taiwan cannot be understood through a single disciplinary lens, and that meaningful learning requires moving between institutional, textual, material, and relational forms of knowledge (Tu 2026 course syllabus).

Pedagogically, this design was also a response to cultural misappropriation. If misappropriation often depends on shallow recognition, extractive display, and decontextualized consumption, then teaching can become one site for cultivating a different kind of encounter. I wanted students to understand that Indigenous culture is not a collection of symbols available for admiration at a distance. It is embedded in legal claims, community relationships, linguistic practices, colonial histories, and ongoing struggles over authority and survival. By asking students to move from reading, to embodied and material engagement, to collaborative interpretation, the course sought to resist the flattening tendencies through which Indigenous cultures are often consumed in higher education settings. Pedagogy became one of my practical responses to cultural misappropriation: not just by correcting misinformation, but by building a classroom structure in which respectful, accountable, and critically grounded forms of engagement could emerge.

The course also reflected my belief that Indigenous self-determination should shape not only what is taught, but how teaching is organized. This is why the syllabus paid close attention to accessibility, accommodation, and student well-being. I do not structure this course around a heavy volume of reading assignments. Instead, I invite Indigenous community partners into the classroom to speak directly with students, including, for example, Indigenous UN delegates from Taiwan. I also bring in friends

and colleagues who are Indigenous scholars, many of whom are either nearing the completion of their doctoral studies or have only recently earned their PhDs. I want to foreground these voices. Indigenous knowledge and its transmission have never been based primarily on written texts alone. Yet in modern academic contexts, writing has often been privileged, as though only what is documented in text can be recognized as legitimate knowledge. But must this be so? I hope my students will reflect on how learning through dialogue, presence, and careful observation, through what they witness and hear for themselves, can carry a weight equal to textual knowledge, and may at times communicate even more. It was part of a broader pedagogical idea: students needed to understand that knowledge about Indigenous peoples is never innocent when it is detached from community accountability, historical context, and relational responsibility. Teaching, like curation, required building structures that challenge careless consumption and encourage more ethical forms of interpretation (Tu 2026 course syllabus).

Ultimately, this course was one of the clearest expressions of what I mean by turning theory into verbs. Indigenous self-determination and decolonization were not present only as concepts assigned in readings. They were practiced through the design of the classroom, the sequencing of topics, the use of the museum as a site of learning, the inclusion of Indigenous and Pacific interlocutors, and the insistence that students

become responsible interpreters rather than passive receivers of information. For me, then, teaching this course was not separate from the work of this dissertation. It was one way of living its argument.

iv. Cultural Misappropriation and Indigenous Self-Determination

This chapter has argued that Indigenous self-determination can be understood as a legal entitlement and also practiced, contested, and constrained through cultural representation, institutional interpretation, and the governance of knowledge. From the trauma of cultural misappropriation, to the normative promises of UNDRIP and Taiwan Indigenous rights laws, to the partial protections and unresolved tensions surrounding traditional intellectual creations. I want to use this chapter to tell the stories that the struggle over Indigenous rights is inseparable from the struggle over who has the authority to name, interpret, display, teach, and circulate Indigenous cultures. The final section has further demonstrated that we, Indigenous people, have our own agency. It is lived in curatorial practice, in classrooms, in institutional collaborations, and in the everyday labor of creating spaces where Indigenous peoples can speak for ourselves rather than be spoken for by others.

To speak of decolonization is to ask how Indigenous peoples can exercise meaningful authority over the conditions through which our cultures, knowledges, and

futures are governed. How does Indigenous self-determination operate when culture itself becomes data? If this chapter has shown that Indigenous struggles over representation, interpretation, and authority already extend far beyond formal law, the next chapter examines how those struggles are reconfigured in digital infrastructures and AI systems.

Chapter Four: Indigenous Data Sovereignty in the Context of Taiwan

i. Transition to the Virtual Domain

It is widely recognized that AI increasingly shapes everyday life, and that these systems operate on the basis of massive datasets used to train their models. Taiwan has yet to develop formal national policies intertwined with Indigenous peoples' rights, AI, and data. Applications and developments, including AI-assisted Indigenous language revitalization initiatives, reveal potential for AI to function as a cultural ally if designed in accountable and community-centered ways (Tu 2025d).

Indigenous Data Sovereignty (IDS) refers to “the right of a nation to govern the collection, ownership, and application of its own data,” grounded in tribes' inherent authority over their lands, peoples, and resources (Native Nations Institute). The concept of IDS remains emergent in Taiwan (Dear Han People Podcast 2026), and as of Spring 2026, there is no Indigenous-specific policy framework addressing it. When Indigenous communities in Taiwan are increasingly affected by the spread of misinformation, including content that circulates fabricated quotations or manipulated narratives falsely attributed to Indigenous peoples. Civil society organizations such as the Taiwan FactCheck Center have documented instances in which such content reinforces long-standing colonial stereotypes (Tu 2025a). These incidents underscore

the vulnerability of Indigenous narratives in digital spaces and highlight the urgent need for Indigenous data governance and narrative sovereignty in the age of generative AI.

The more troubling aspect is the proliferation of AI-generated images, videos, and textual narratives that attempt to depict the appearance, identities, cultural expressions of Taiwan Indigenous peoples. For example, in very recent February 2026, during the Lunar New Year holiday, a series of AI-generated political messages circulated on social media, especially on *Threads*, triggered widespread concern regarding Indigenous representation in Taiwan (Liberty Times, 2026a&b). Another recent but separate incident in December 2025, Taiwanese music producer Chen Zi-Hong launched an AI-generated “virtual Indigenous girl,” which quickly drew criticism from Indigenous commentators and youth-led platforms for perpetuating cultural appropriation and digital misrepresentation (Liberty Times, 2025). Details of these two examples will be discussed in the case studies below. These representations often bear little resemblance to authentic cultures. Such misrepresentations constitute cultural appropriation, misuse, and amplified harm: they can be produced at scale, disseminated rapidly online, and consumed without context, thereby reinforcing stereotypes and distorting public understanding (Tu 2025b). When Taiwan Indigenous communities are actively working to challenge and dismantle long-standing

stereotypes, these technologies risk intensifying the very structures we seek to undo. Instead of enabling self-representation, AI-generated outputs reproduce and amplify colonial imaginaries, further undermining our efforts to reclaim narrative authority.

These are issues that can be understood through old questions about **ethics, consent, and accountability** that we are already familiar with as Indigenous peoples, but in a new, troubling way when they occur **generatively**: Where do the data underlying these “Indigenous-like” images, videos, and narratives come from? What sources of cultural knowledge, visual archives, or community materials have been extracted, repurposed, or algorithmically recombined to produce these outputs?

Against this backdrop, this chapter offers a preliminary comparative analysis of international developments in Canada, Australia, Aotearoa New Zealand, and the United States. By examining emerging principles, institutional gaps, and governance experiments across these contexts, I identify both cautionary lessons and generative possibilities for Taiwan. I argue that Taiwan stands at a critical juncture: **as it advances its national AI strategies and digital infrastructure, it must act proactively to embed Indigenous rights, epistemologies, and participatory mechanisms for the Indigenous communities ourselves to be able to participate, form, and practice in our technological future.**

The intention of this chapter, therefore, is to spark discussion and invite critical engagement from policymakers, researchers, and most importantly, the Indigenous community, to imagine and think about a governance framework that reflects the futures of Taiwan Indigenous peoples ourselves seek to build one grounded in relational accountability and collective authority for us to practice our Indigenous self-determination rights on the virtual domain.

ii. Current status of AI Applications on Indigenous peoples' languages in

Taiwan

Although Taiwan has not yet formulated a national policy that meaningfully integrates Indigenous perspectives into data or AI governance, developments have already emerged. These developments are language revitalization initiatives in collaboration with academic institutions and research; for example, the Taiwan Ministry of Digital Affairs promotes the development of a “sovereign AI corpus,” incorporating Indigenous languages, according to the Taiwan Indigenous Television (TITV) (Aras & Chang 2025). We can also see that the Indigenous Languages Research and Development Foundation (ILRDF) established an AI-Labs³ website

³ The website is: <http://ai-labs.ilrdf.org.tw/>

(hereinafter the “ILRDF AI-Labs”).

1. Indigenous Languages Research and Development Foundation’s AI Labs

In December 2025, the ILRDF hosted the “MINANAM: Technology × Language” Indigenous Language AI Showcase, presenting a series of AI tools designed specifically to support Indigenous language preservation and everyday use (ILRDF 2025). The showcased system included three core functions: (1) Indigenous language speech recognition, (2) speech synthesis, and (3) bidirectional translation between Indigenous languages and Taiwanese Mandarin. These tools are intended to facilitate applications such as real-time subtitles, language learning, and public communication, thereby lowering barriers to language use and expanding the presence of Indigenous languages in digital and public domains. Importantly, based on the introduction of ILRDF, the development of these systems was grounded in collaborative efforts involving language data collection, technical research, and cross-sector partnerships. As emphasized during the event, such initiatives demonstrate how AI can move beyond being a purely technical system and instead become a meaningful instrument for cultural transmission and linguistic resurgence.

Under the broader policy framework of the Indigenous Languages Development Act and recent state-led language revitalization initiatives, language digitalization has

increasingly been recognized as a critical component of both language preservation and everyday use (ILRDF 2024). According to the ILRDF AI-Labs website, a series of exploratory projects aimed at establishing a digital infrastructure for Indigenous languages in Taiwan through AI. Within this context, AI has been mobilized as a technical means to accelerate the development of digital language resources. Since 2023, ILRDF has advanced an Indigenous language AI translation project designed to create foundational systems for speech recognition, speech synthesis, and basic machine translation. To date, the project has developed functionalities covering sixteen Indigenous nations and forty-two language varieties, while also constructing preliminary machine-readable linguistic databases for selected languages, including Pangcah/Amis, Seediq, and Truku.

These systems are intended to support applications in language education, cultural transmission, and everyday communication, thereby expanding the presence of Indigenous languages within digital environments. The development of these systems relies on a combination of pre-existing linguistic resources, such as online dictionaries and language learning platforms, and newly collected datasets, including speech corpora, synthesized voice data, and parallel translation corpora. Notably, the project incorporates licensed materials such as Indigenous-language Bible texts and audio recordings, alongside contributions from language teachers, community organizations,

and cultural institutions.

The resulting datasets, models, and code are made available for academic and research use through a licensing framework, reflecting an effort to foster broader collaboration in Indigenous language AI applications. At the level of technical design, the system includes automatic speech recognition (ASR), which converts spoken Indigenous languages into text; text-to-speech (TTS), which generates natural-sounding audio from written text; and a bidirectional translation system between Indigenous languages and Mandarin Taiwanese. These tools are envisioned to support language learning, documentation, and practical uses such as subtitles, broadcasting, and digital communication.

The project acknowledges current limitations, particularly in translation accuracy, and frames its outputs as preliminary. It is not yet a fully reliable linguistic tool. This case demonstrates the productive possibilities of AI when applied to Indigenous language revitalization. However, it also brings into focus critical questions at the heart of IDS. The creation of machine-readable linguistic databases and the open licensing of datasets raise important issues regarding data ownership, governance, and long-term control. While the project reflects significant efforts toward collaboration and community engagement, it also underscores the need for more clearly defined

governance frameworks to ensure that Indigenous communities retain authority over how their languages, knowledge systems, and cultural materials are digitized, accessed, and used within AI infrastructures. Such issues that remain insufficiently addressed within current policy and legal frameworks in Taiwan.

Still, in contrast to the risks of misrepresentation and extraction cases mentioned in the above section 4.1, the ILRDF AI-Labs in Taiwan have the potential to support Indigenous languages revitalization when developed through community-centered approaches. Depending on governance structures, design processes, and the extent to which Indigenous communities are involved in shaping technological development, AI can have a good impact.

2. AI as a Cultural Ally: Grounding Development in Indigenous Data

Sovereignty

A related development further illustrates AI's potential to support Indigenous language use in everyday contexts. A recent initiative in Taiwan introduced an AI-powered nursing assistant capable of communicating in multiple languages, including 18 Indigenous languages of Taiwan (AILabs 2025). While primarily designed to improve accessibility in healthcare settings, the inclusion of Indigenous languages

highlights an important shift: Indigenous languages are increasingly being integrated into applied AI systems beyond educational or preservation contexts. From an Indigenous perspective, such developments carry both promise and complexity. On one hand, the incorporation of Indigenous languages into healthcare technologies may enhance linguistic accessibility, reduce communication barriers, and affirm the presence of Indigenous languages within essential public services. This aligns with broader efforts to normalize Indigenous language use in contemporary life rather than confining it to symbolic or heritage domains. On the other hand, similar to the ILRDF AI-Labs, this deployment of such systems also raises questions regarding data governance, consent, and ownership as mentioned above. The ability of AI systems to “speak” Indigenous languages depends on the availability of linguistic data. Yet, it remains unclear how such data are sourced, who authorizes their use, and whether Indigenous communities retain control over how their languages are represented and operationalized within technological infrastructures. This development, therefore, reinforces a broader argument of this chapter: while AI holds significant potential to function as a cultural ally, its development must be grounded in IDS. Without clear governance frameworks, even well-intentioned applications risk reproducing asymmetries in control over language and representation.

Non-Indigenous, but community-driven, initiatives also take place. For example,

Mozilla’s Common Voice project has collected over sixty hours of volunteer-contributed voice data in eight Taiwanese Indigenous languages, contributing to the development of more inclusive speech recognition systems (Mozilla Foundation 2024). Such efforts also suggest that AI can serve as a cultural ally if governed responsibly, collaboratively, and with community consent (Tu 2025b).

Yet these initiatives remain fragmented and lack integration into national digital policy. Scholars and Indigenous advocates have also raised concerns about forms of “digital colonization,” whereby data is extracted from Indigenous communities without informed consent, equitable benefit-sharing, or governance participation (Carroll et al. 2020; Tu 2025c). These critiques emphasize that Indigenous inclusion in AI governance is a matter of representational equity, and it also concerns the structural question of who defines data use, technological design, and the future trajectories of digital society.

Recent events such as RightsCon Taipei 2025 further illustrate this emerging awareness. Panels led by Indigenous leaders and technologists articulated frameworks for digital sovereignty, data justice, and climate resilience (Cultural Survival 2025). These conversations signal a growing civil society movement toward Indigenous self-determination in digital spaces. However, despite Taiwan’s ambitious national AI

strategies and legislative initiatives, Indigenous governance structures remain absent from formal AI policymaking processes.

This asymmetry between rapid technological advancement and the absence of Indigenous governance integration constitutes a critical policy gap. As Taiwan continues to position itself as a global leader in semiconductors and artificial intelligence, it has yet to institutionalize mechanisms that embed Indigenous rights, data sovereignty principles, or participatory governance models into its digital infrastructure. International frameworks such as OCAP, CARE, and Indigenous-led governance models in Canada and Aotearoa New Zealand offer important reference points. The challenge for Taiwan is not simply to adopt these models, but to co-develop contextually grounded approaches through meaningful consultation and sustained institutional reform.

iii. The AI-generated Indigenous Peoples?

1. AI-Generated Indigenous Identities

In February 2026, a series of incidents involving AI-generated political messages raised urgent concerns about Indigenous representation in Taiwan's digital sphere.

Multiple social media accounts began circulating templated statements framed as “I

am from X Indigenous nation, and I support Y political candidate,” often accompanied by AI-generated images depicting individuals in mismatched or inaccurately rendered Indigenous attire. These posts appeared in large quantities and bore signs of automated or coordinated production.

Taiwan’s Democratic Progressive Party (DPP) legislator Saidhai·Tahovecahe (伍麗華; Wu, Li-Hua) publicly criticized the phenomenon, warning that when AI systems are trained on datasets already saturated with historical prejudice, the result is the automation of discrimination and the replication of error (Wu 2026). She further noted that Taiwan Indigenous digital archives are comparatively limited in volume, rendering Indigenous representation especially vulnerable to distortion through mass AI content generation. According to Saidhai, the insertion of fabricated Indigenous voices into digital circulation risks establishing erroneous data loops that may be reabsorbed into future training datasets.

Earlier generations of Indigenous rights advocates, Iban Nokan (2026), responding to the same controversy, framed the issue as extending beyond misinformation. He argued that the central question is not merely technical but sovereign: Who has the authority to speak on behalf of Indigenous peoples? When algorithmic systems generate Indigenous identities, political positions, and cultural

symbols without community governance or consent, the matter shifts from media literacy to cultural self-determination. AI systems do not simply “learn”; they amplify, rank, and normalize particular narratives within platform infrastructures. In this sense, algorithmic representation becomes a site of interpretive authority.

The controversy was subsequently covered by *Liberty Times* (2026a; 2026b), which reported concerns that AI-generated content had been deployed as part of coordinated influence operations. Wu proposed three layers of digital defense: (1) legal reforms to strengthen the Artificial Intelligence Basic Law’s provisions on content labeling and fact verification; (2) platform-level obligations to watermark AI-generated materials and rapidly remove coordinated bot activity; and (3) public education in AI literacy and media discernment. In a follow-up interview, she described the phenomenon as a “digital Trojan horse,” warning that deepfake technologies could fabricate Indigenous influencers or leaders to manipulate public discourse (Liberty Times 2026b).

The political interpretations surrounding these events may be debated, but the structural implications are clear. In an environment where Indigenous data is scarce, and platform algorithms reward repetition and virality, AI-generated representations can quickly accumulate epistemic weight. Errors do not merely circulate; they

sediment. What is at stake is electoral manipulation and also narrative sovereignty.

When algorithmic systems can mass-produce Indigenous identity claims, the boundary between self-representation and externally generated representation becomes increasingly unstable.

This case illustrates a broader governance gap in Taiwan. The Artificial Intelligence Basic Law was passed in late 2025, yet, no formal mechanism currently ensures Indigenous participation in AI regulatory design, nor does the law establish collective data governance rights for Indigenous communities. The February 2026 controversy therefore functions as a timely case study of IDS in practice: it reveals how digital governance and geopolitical anxieties are in the lived experience of Indigenous peoples.

2. AI Imagines “Indigeneity”: Virtual Singer Heya

In December 2025, Taiwanese music producer Chen Zi-Hong launched an AI-generated “virtual Indigenous girl” singer named *Heya*. Marketed as an 18-year-old Indigenous Taiwanese artist, the character debuted with a music video produced using generative AI technologies. Almost immediately, Indigenous commentators and youth-led platforms began raising concerns about cultural appropriation and digital misrepresentation.

A Facebook post published by the Indigenous youth collective “Dear Han People” criticized the project as a “cheap cultural collage” produced through algorithmic hallucination rather than genuine cultural knowledge. The post argued that the visual elements in the music video did not correspond to any specific Indigenous nation in Taiwan and instead resembled “a hybrid illusion generated from global data scraping” (Dear Han People 2025). The critique emphasized that Indigenous cultures were being treated as an aesthetic style rather than as living communities capable of consent, consultation, and collaboration. In this framing, AI reproduced a colonial logic in which Indigenous identity became an extractable dataset.

The controversy quickly reached mainstream media. Reporting by *Liberty Times* noted that audiences questioned whether the project constituted cultural appropriation and asked “which Indigenous nation” the character was meant to represent (Chen 2025). In response, Chen Zi-Hong explained that the character was intentionally designed without affiliation to any specific Indigenous group, following advice not to use particular tribal patterns or motifs (Chen 2025). This attempt at “neutrality,” however, did not resolve the underlying critique: the absence of specificity did not eliminate appropriation; it instead reinforced the idea that Indigeneity could be generalized into a symbolic aesthetic.

Coverage by SETN similarly framed Heya as a technological breakthrough and positioned the character as a cultural innovator who merges AI, environmental themes, and social justice narratives (SETN 2025). Yet this celebratory framing coexisted with Indigenous critiques that questioned who benefits from AI-generated Indigenous imagery and who remains excluded from the governance of such representations.

The debate also extended into Indigenous-led podcast spaces. In the Episode 47: “*Data Sovereignty in Action*” of the podcast “Dear Han People,” Indigenous youth hosts and guest Lin Wei discussed the Heya controversy explicitly in relation to IDS. The episode emphasized that AI systems are trained on vast datasets that often include Indigenous cultural materials without consent, benefit-sharing, or governance participation (Dear Han People Podcast 2026). The hosts argued that when AI-generated figures claim to “represent” Indigenous peoples, the issue is not merely artistic license but data governance: who controls the training data, who authorizes its use, and who retains narrative sovereignty?

This intervention reframes the Heya case from a question of “cultural sensitivity” to one of structural inequality within AI systems. The concern is not that technology should not be used, but that technological innovation continues to operate within

asymmetrical power structures that privilege industrial creativity over Indigenous self-determination.

The Heya case illustrates how AI governance gaps manifest not only in regulatory texts but in everyday cultural production. When AI-generated Indigeneity circulates without Indigenous governance structures, the result is a form of algorithmic representation detached from relational accountability. In this sense, Heya becomes an example of what might be described as digital colonial imagination: a sociotechnical imaginary in which Indigenous identity is aestheticized, optimized, and monetized, while Indigenous communities themselves remain peripheral to decision-making processes. Rather than asking whether AI should “include” Indigenous culture, the more pressing question becomes whether Indigenous peoples retain authority over how their knowledge systems, symbols, and stories are encoded into machine-learning infrastructures. The controversy surrounding Heya demonstrates that without formal mechanisms embedding Indigenous participation in AI governance, technological creativity can easily replicate older colonial patterns under the guise of innovation.

iv. Comparative Lessons from Settler Democracies: Institutionalizing

Indigenous Data Sovereignty in AI Governance

Over the past decade, scholarship and practice surrounding IDS have evolved from community-specific data governance protocols to internationally recognized principles and, more recently, to algorithm-level interventions in artificial intelligence systems. Early articulations such as the First Nations Principles of OCAP (Ownership, Control, Access, and Possession) codified collective jurisdiction over data within First Nations governance structures in Canada (First Nations Information Governance Centre 2014). Building upon this foundation, the CARE Principles (Collective Benefit, Authority to Control, Responsibility, and Ethics) were articulated through the Research Data Alliance’s International Indigenous Data Sovereignty Interest Group and later positioned as a necessary complement to FAIR data standards (Research Data Alliance International Indigenous Data Sovereignty Interest Group 2019; Carroll et al. 2020). These frameworks signal a shift from individual privacy models toward collective rights-based data governance.

1. Canada: Between Industrial Strategy and Constitutional Obligation

Canada illustrates a dual-track trajectory. On one track, the Pan-Canadian Artificial Intelligence Strategy emphasizes commercialization, talent development,

and global competitiveness, with limited reference to Indigenous data governance. On the other, Indigenous data sovereignty has been institutionalized through OCAP, federally supported training programs, and Indigenous-led research infrastructures. More recently, Canada's AI Strategy for the Federal Public Service (2025–2027) has explicitly referenced Indigenous Data Sovereignty and required algorithmic impact assessments attentive to OCAP and CARE obligations.

Crucially, Indigenous data governance in Canada is not merely policy-driven; it is constitutionally anchored. Section 35 of the Constitution Act, 1982 recognizes and affirms existing Aboriginal and treaty rights. The Assembly of First Nations has argued that legislative initiatives such as Bill C-27 (the Artificial Intelligence and Data Act) trigger the Crown's legally enforceable duty to consult, as articulated in *Haida Nation v. British Columbia*. Thus, Indigenous claims to data control can be framed as contemporary manifestations of constitutionally protected self-governance. The tension in Canada lies not in the absence of frameworks, but in aligning industrial AI ambitions with legally grounded Indigenous authority.

2. Australia: Soft Law and the Limits of Enforceability

Australia presents a different configuration. Its AI Ethics Principles (2019) and Artificial Intelligence Action Plan (2021) emphasize inclusivity and fairness but do

not explicitly articulate Indigenous data sovereignty rights. Indigenous networks such as Maia Māori Wānanga (2017) and the Indigenous Data Network have pushed for stronger governance safeguards, contributing to the Framework for Governance of Indigenous Data (2024). This framework commits public agencies to partnership, capacity-building, transparency, and inclusive systems.

Yet these instruments largely operate as soft law. They provide guidance without statutory enforceability. This creates a structural limitation: absent legislative incorporation, Indigenous communities lack a clear cause of action if these principles are disregarded. Furthermore, Australia's intellectual property regime does not adequately recognize collective, intergenerational Indigenous Cultural and Intellectual Property (ICIP), leaving generative AI systems free to reproduce traditional knowledge without meaningful consent or benefit-sharing. Australia thus demonstrates how normative recognition without binding legal mechanisms can constrain the transformative potential of IDS frameworks.

3. Aotearoa New Zealand: Treaty-Based Digital Governance

Aotearoa New Zealand offers perhaps the most structurally integrated model, grounded in Te Tiriti o Waitangi. Unlike stakeholder-based inclusion elsewhere, Māori are recognized as treaty partners. The Algorithm Charter for Aotearoa New

Zealand operationalizes this relationship by requiring public-sector agencies to demonstrate partnership with Māori in algorithm development and procurement. In 2025, New Zealand’s national AI strategy further acknowledged the protection of mātauranga Māori and committed to iwi- and hapū-led consultation (Ministry of Business, Innovation & Employment 2025).

The Waitangi Tribunal’s Wai 262 report provides an additional legal foundation, affirming the Crown’s obligation to protect Māori knowledge systems (Wai 262). Māori scholars (Brown et al. 2024) have extended these treaty principles to algorithmic governance through frameworks of Māori Algorithmic Sovereignty, linking bias detection, model auditing, and cloud infrastructure to cultural authority. While implementation gaps remain, particularly regarding funding and institutional capacity, the legal architecture in New Zealand embeds Indigenous authority more deeply than in many comparable jurisdictions.

4. United States: Fragmented Recognition and Tribal Sovereignty

The United States presents a fragmented landscape. Federal AI initiatives, including the National Artificial Intelligence Initiative Act (2020), the Blueprint for an AI Bill of Rights (2022), and Executive Order 14110 (2023), acknowledge algorithmic discrimination but do not establish nation-to-nation consultation mandates

with Tribal Nations. This omission is significant given the unique constitutional status of tribes as domestic sovereign nations under federal Indian law.

Indigenous advocacy networks, including the U.S. Indigenous Data Sovereignty Network, have mobilized around CARE-aligned governance protections and tribal jurisdiction over training data. Federal agencies have also issued Indigenous Knowledge Guidance (2022), encouraging integration of Indigenous knowledge into policymaking. Nevertheless, these measures remain advisory and sector-specific. Without a formalized nation-to-nation framework within AI regulation, Indigenous engagement remains peripheral to core federal AI governance structures.

v. In the End, Everything Goes Back to Relationality

At a time when generative AI has already produced cases I discussed above that continue to infringe upon Indigenous rights and threaten the survival of Indigenous cultures, AI development risks proceeding along purely industrial and technocratic trajectories, leaving Indigenous rights, perspectives, and epistemologies external to the emerging digital state. Under such conditions, how might we imagine Taiwan Indigenous futures in our data and AI governance? I learned from two Indigenous scholars, Maggie Walter and Michele Suina (2019), and their work on Indigenous data sovereignty captures the urgency and stakes of the issues discussed here: “**Indigenous**

self-determination relies on data self-determination.” (p.236). This statement also speaks directly to the central argument of this dissertation: when examining practices of Indigenous self-determination, data self-determination must be recognized as a core dimension.

From the policy experiences of the countries I compared above, I read a diversity of pathways for institutionalizing IDS within AI governance. Canada demonstrates the constitutionalization of data rights; Australia highlights the limitations of soft-law approaches; Aotearoa New Zealand exemplifies treaty-anchored co-governance; and the United States reveals the fragmentation that results when recognition of Indigenous sovereignty is decoupled from binding regulatory mandates.

This comparative lesson is not for us to simply copy or replicate other national policy models. I think, on the other hand, it is for us to recognize that meaningful Indigenous data and AI governance requires structural designs, whether through constitutional recognition, statutory mandates, enforceable consultation duties, institutionalized co-governance mechanisms, or other approaches. What matters is that it can be applied to Taiwan Indigenous peoples’ contexts, which leads to future research and works within the Indigenous communities in building upon our data governance.

In late March of this year (2026), I traveled to Banff, Alberta, to participate in *Radical Interdisciplinarity: Indigenous Knowledges*, a three-day symposium hosted by the Canadian Institute for Advanced Research (CIFAR). The gathering brought together approximately fifty Indigenous scholars from across Asia, Africa, North America, Latin America, Europe, and Oceania. I was the only participant from an Indigenous community in Taiwan.

One of the three main themes of the symposium was IDS. Across multiple roundtable sessions, participants were invited to distill their key insights and questions onto sticky notes, which were then assembled into large thematic walls. On the final day, after reviewing these collective reflections, we returned to newly formed small groups to share what we had learned. As I looked across the walls and returned to my table, I found myself saying: everything here is about *relationality* and *relations*. Everything should begin by asking: What connections do we have, and what communities do we belong to?

I made this comment because the language of *relationality* and *relations* appeared repeatedly across the discussions. It seemed to me that this was not incidental, but foundational. It reflected a shared way in which contemporary Indigenous scholars approach political, cultural, and methodological questions. For that reason, I came to

believe that IDS must also be approached through relations and Indigenous relationality.

In Taiwan, the word “relationship” often carries negative connotations. It can suggest favoritism, insider access, or hidden support, implying that success comes not through one’s own efforts but through “having connections.” Yet Indigenous relationality carries an entirely different meaning. It refers to an ethical and political framework grounded in responsibility, reciprocity, accountability, and connection.

When I shared this view at the symposium, the scholar seated beside me immediately responded that he was one of the co-authors of an article precisely on this subject and that he strongly agreed. He was Matt Wildcat, who, together with Daniel Voth, later elaborated the concept in their article “Indigenous Relationality: Definitions and Methods” (Wildcat and Voth 2023). After the symposium, I read their work. What I found especially useful was their identification of three dimensions of Indigenous relationality.

First, they describe a global level of Indigenous relationality, through which different Indigenous peoples may recognize shared orientations toward life despite differences in language, geography, and history. Their examples from northern Canada and northern Australia show that many Indigenous communities emphasize

proper relationships among people, land, institutions, and the more-than-human world, rather than beginning from extractive or purely self-interested logics. This resonates strongly with my own understanding of Pangcah/Amis cultural knowledge and values.

Second, Wildcat and Voth emphasize that relationality must also be understood within specific linguistic, territorial, and epistemic traditions. They discuss *wahkohtowin* in Cree and Métis contexts, a term often translated simply as kinship or relations, but which more accurately describes an ethical framework governing responsibility, reciprocity, and standards of conduct among humans, nature, and the spiritual world (Wildcat and Voth 2023). Importantly, this is not a boundless or abstract celebration of “connection.” It includes limits, obligations, and norms.

Third, they identify what they call *inter-Indigenous relationality*: the forms of relation that emerge when different Indigenous peoples interact within shared spaces. This does not flatten difference into a generic pan-Indigenous identity. Rather, it describes how distinct peoples may, while retaining their own traditions, develop new ways of coexisting, negotiating, hosting, and governing together. This dimension is especially significant for urban Indigenous spaces, inter-Indigenous collaboration, and shared governance.

For me, what matters most in this framework is that Indigenous relationality is not merely a claim that “relationships matter.” It is an analytic and ethical framework that links global Indigenous experiences, nation-specific knowledge traditions, and inter-Indigenous encounter, while requiring researchers and institutions to confront power, boundaries, conflict, and accountability. In my view, this speaks directly to the core of IDS.

The U.S. Indigenous Data Sovereignty and Governance Summit in 2024 described IDS as recognizing Indigenous peoples’ inherent rights to access, use, and steward data necessary for effective governance, and to govern those data according to their own values, principles, and practices (U.S. Indigenous Data Sovereignty and Governance Summit 2024). These formulations make clear that IDS concerns the authority of Indigenous peoples to decide how data about them is collected, maintained, interpreted, shared, and used. Such data may include population data, health data, language data, cultural data, land data, traditional knowledge, or digital information associated with the community. The crucial question is not only *who owns the data*, but *who has the right to decide what happens to it*. From an Indigenous perspective, that authority must belong to Indigenous peoples themselves.

Another story from the symposium further deepened my thinking. On the first

day, another table companion, Nick Reo (Bimose Mitigowaaking), spoke about a teaching from his Anishinaabe community: there are certain stories that may only be told in winter. These are simply referred to as “winter stories.” As soon as he mentioned this, a Māori scholar from Aotearoa New Zealand, Kapua O’Connor, responded that his community also has traditions of winter stories. What struck me most was not the identical content of these stories, but the shared relational structure surrounding them. These stories are not merely narratives. They are told under particular seasonal, social, and ethical conditions. They belong to a mode of transmission shaped by winter, by gathering, by elder guidance, and by the presence of those who are in the right relation to receive them.

As a mixed Pangcah/'Amis person who grew up in an urban environment, and who continues to learn how to become Pangcah/'Amis in a deeper sense, I did not grow up with that kind of seasonal intimacy to story. My grandparents’ and parents’ generations were already shaped by colonial histories and assimilation policies that distanced them from ancestral lands, language, and ways of life. Yet sitting at that table, listening to Nick and Kapua, I felt something profoundly important: across both the northern and southern hemispheres, Indigenous peoples continue to understand that certain forms of knowledge can only be transmitted within proper relations. Some teachings are seasonal. Some are sacred. Some are not meant to be known by

everyone. Some require time, place, kinship, and responsibility.

This, to me, is why IDS cannot be reduced to a technical question of data storage, open access, or machine learning capacity. If we are serious about the stewardship, interpretation, and transmission of Indigenous knowledge, language, and culture, then we cannot assume that large language models trained on mass-scraped data can ethically or adequately hold these relations. The issue returns us to relation itself.

It is because certain people are connected—through kinship, social life, political identity, or territorial coexistence—that they care for these knowledges and feel responsible for carrying them forward. If we return to the example of winter stories, those who gather around the fire are not there by accident. They are there because those stories matter to them, and because they are in relation to the story, the teller, the season, and the community.

For Indigenous peoples, colonialism and assimilation have long produced forms of dispossession not only of land and language, but also of control over knowledge. For generations, Indigenous peoples have been denied the ability to govern the ways their knowledges, languages, and cultural practices are maintained, interpreted, and transmitted. In the present era of transitional justice, as many Indigenous youth seek to rebuild relations with land, water, language, ancestors, and collective memory, IDS

becomes not optional but necessary. It is, at its core, about the right to regain control over ourselves.

Relations and Indigenous relationality offer not only a moral language but also a methodological one. They offer a way of addressing the power, boundaries, conflicts, and accountability issues raised by contemporary generative AI and its large-scale extraction of Indigenous data.

This is why the harms of AI-generated Indigenous representation in Taiwan must be taken seriously. When the problem lies in the input—such as knowledge, language, or cultural materials taken without authorization from a particular Indigenous community—or in the output, where AI generates something that looks vaguely “Indigenous” but is not culturally grounded or authentic, the damage is not merely symbolic. It is political, epistemic, and cultural. Taiwan has already seen such cases Heya or the AI-generated fake Indigenous images and narratives circulating online.

If Taiwan had a robust IDS policy framework and meaningful AI accountability mechanisms, could some of these harms have been reduced? If we were to take Indigenous relationality seriously in the stewardship, transmission, and development of Indigenous knowledge and cultural life, might we be better positioned to realize the ideal of a truly multicultural Taiwan?

I want to conclude by returning to my learning in the Burke Museum, which I shared in Chapter Three. The Burke has positioned itself as a site of decolonization through curatorial transformation, collections stewardship, and public education. I learned from one of the Burke's permanent displays a phrase that has stayed with me ever since: *Culture is living*. Culture breathes. Culture feels. Culture is not something that can be generated in a few seconds by AI. AI is not human, and it has never truly entered into relation with a people, a land, or a community. If one lacks understanding of culture, if one does not genuinely care for Taiwan Indigenous peoples, then some knowledges, some languages, and some songs cannot simply be reached through synthetic images or hallucinated cultural outputs. They require time. They require relation. They require responsibility. That, perhaps, is where the future of IDS must begin.

Chapter Five Discussion: Starting from Indigenous Cultural Rights to the Indigenous Self-Determination in Data

This dissertation began with a question that was at once personal, legal, and political: how is Indigenous self-determination practiced across different governance spaces? I have approached this question as a legal scholar, and most importantly, as an Indigenous person, a pre-doctoral instructor, a co-curator, and a learner situated within multiple institutional and community relationships. I don't treat Indigenous self-determination as a fixed concept or legal basis; my dissertation has examined how it is practiced and reshaped across cultural institutions, legal frameworks, educational spaces, and emerging digital domains.

My argument is that Indigenous self-determination can be practiced form as it moves across sites of governance. In museums and libraries, self-determination appears through questions of representation, interpretation, access, stewardship, and curatorial authority. In legal and administrative institutions, it appears through the gap between rights recognition and the actual implementation of those rights. In digital and AI governance, it appears through urgent questions about data, language, cultural knowledge, algorithmic representation, and Indigenous authority over knowledge transmission.

This chapter returns to the research questions and discusses their broader implications. I argue that the future of Indigenous self-determination in Taiwan must be understood through two connected movements. The first is the movement from legal recognition toward lived practice. The second is the movement from cultural rights toward IDS. These movements show that Indigenous self-determination cannot be fulfilled only through formal rights, symbolic multicultural recognition. It should be practiced through institutions, relationships, protocols, and community authorities.

i. Legal Recognition and Lived Practice are both Crucial

The first part of this dissertation asks how Taiwan Indigenous peoples may assert the right to self-determination and engage in decolonial practice in response to cultural appropriation, misrepresentation, and structural inequality. This question emerged from lived experience. The initial motivation for this research came from anger: anger at repeated incidents of cultural misappropriation, anger at the casual misuse of Indigenous names, songs, clothing, stories, and symbols, and anger at the feeling that Indigenous peoples were repeatedly expected to explain why such acts were harmful.

Before I studied law, this anger was difficult to translate into institutional language. I could feel the harm, but I did not yet have the legal vocabulary to name it.

Later, after receiving legal training, I came to believe that laws, policies, and formal rights mechanisms could offer protection. I believed that once Indigenous rights were recognized in legal frameworks, cultural misappropriation and misrepresentation could eventually be addressed. However, my experience working at the CIP in Taiwan back in 2017 complicated this belief. Entering government institutions taught me that the real challenge does not lie only in the creation of laws and policies. It lies in the implementation of rights. The path from law to practice is often obstructed, uneven, and painfully slow. Legal recognition may create the language of rights, but it does not necessarily transform institutional power, redistribute resources, or guarantee meaningful Indigenous participation in decision-making processes.

Taiwan has developed an important legal framework for the protection of Indigenous cultural rights. Relevant laws include the Indigenous Peoples Basic Law (原住民族基本法), the Indigenous Education Act (原住民族教育法), the Indigenous Languages Development Act (原住民族語言發展法), the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples (原住民族傳統智慧創作保護條例), the regulations governing traditional intellectual creations (原住民族傳統智慧創作保護實施辦法), and measures related to Indigenous cultural heritage (原住民族文化資產處理辦法). In addition, Constitutional Court Interpretation No. 803

affirmed that Indigenous hunting practices, when connected to cultural transmission, are an important part of Indigenous cultural rights protected under the Constitution.

These legal developments are significant. They show that Indigenous cultural rights are no longer completely absent from Taiwan's legal system. However, the existence of these laws does not mean that Indigenous self-determination has been fully realized. Rights may be recognized in statutory language while remaining fragile in practice. Implementation depends on administrative will, budgetary priorities, institutional design, public understanding, and the actual participation of Indigenous communities.

This gap between law and practice is one of the central concerns of this dissertation. Laws and policies are often the result of repeated political negotiation, bureaucratic compromise, expert deliberation, and competing institutional interests. They may already represent what I call "pragmatic ideals," rather than the "ideal ideal." Yet even these pragmatic ideals can become further diluted when they move into implementation. The outcome depends on the interactions among Indigenous communities, government agencies, cultural institutions, educators, legal professionals, and the broader public.

These interactions are not linear or predictable because they are carried out by people. People are shaped by emotions, responsibilities, institutional pressures, limited resources, social obligations, and uneven power relations. Indigenous self-determination cannot be understood only as a legal status or policy goal. I think it should also be understood as a relational and institutional practice. It is produced, limited, and negotiated through the everyday work of people who decide whether rights will remain symbolic or become meaningful.

ii. Cultural Rights, Access, and the Limits of Self-Governance

The legal recognition of Indigenous cultural rights in Taiwan has created several important mechanisms of protection. These include cultural equality measures, Indigenous education, Indigenous language revitalization, access to Indigenous media and cultural resources, cultural heritage preservation, international cultural cooperation, and protection for traditional intellectual creations. However, each of these areas also reveals the limits of government-centered governance.

First, cultural equality remains incomplete. After the 2019 amendment to the Indigenous Education Act, Taiwan began promoting “Indigenous education for all,” (全民原教) with the aim of helping the broader public understand Indigenous histories, cultures, and rights. I understand this is an important development because

Indigenous issues should not be treated as relevant only to Indigenous students or communities. They are part of the social, historical, and political fabric of Taiwan; and many of the Indigenous scholars I personally know of are doing their best in promoting this.

Yet discriminatory incidents against Indigenous peoples continue to occur in universities, schools, online spaces, and public discourse. For example, in 2023, several incidents within educational settings revealed the persistence of discriminatory attitudes toward Indigenous peoples. At National Taiwan University, controversies arose during the Student Association's "Freedom of Speech Month," particularly in relation to debates over affirmative action policies for Indigenous students. In the same institution, campaign statements by candidates for the Department of Economics student association included language widely criticized as discriminatory toward Indigenous communities. Similarly, at Taichung First Senior High School, a booth name used during a school fair drew public concern for its offensive implications toward Indigenous peoples. These incidents suggest that, even as equality measures are promoted through education, their impact remains limited. Indigenous Student Resource Centers across Taiwan continue to face long-standing shortages of personnel and institutional support, which constrains their ability to provide sustained assistance to Indigenous students. Discriminatory discourse is also

evident in digital environments. On social media platforms, derogatory comments targeting Indigenous peoples continue to circulate. For instance, in 2025, a video featuring Taiwanese professional baseball player Namoh Iyang, an Pangcah/Amis athlete, attracted comments that reflected deeply entrenched racial prejudice and dehumanizing attitudes toward Indigenous peoples. While such statements need not be reproduced in full, their presence underscores the persistence of structural and everyday racism in contemporary Taiwanese society. These examples indicate that Taiwan still has a considerable distance to travel in achieving substantive cultural equality. Efforts toward equality cannot be limited to incorporating Indigenous content into examinations or presenting Indigenous cultures as abstract knowledge within classroom settings. They must focus on fostering a deeper societal understanding of the historical and cultural contexts of diverse ethnic groups, and on cultivating respect for difference, dignity, and coexistence.

Second, cultural access remains uneven. Taiwan has Indigenous media platforms, including Indigenous television and radio, and these institutions play a crucial role in making Indigenous languages, news, cultural programming, and social issues more accessible. However, Taiwan Indigenous communities are actually linguistically and culturally diverse. The existence of sixteen officially recognized Indigenous peoples, more than forty Indigenous languages and dialects, and still-unrecognized

communities means that cultural access requires significant and sustained investment.

Without long-term stable funding, trained language workers, cultural producers, archivists, and media professionals, many communities remain underrepresented.

The closure or interruption of Indigenous knowledge institutions further demonstrates the fragility of cultural access. When an institution such as the Taiwan Indigenous Peoples Resource Center (TIPRC) (臺灣原住民族圖書資訊中心) is unable to operate smoothly, the issue is not just administrative. It affects researchers, students, community members, and Indigenous knowledge workers who rely on such spaces for access to books and archives (including myself). Cultural access is also about whether Indigenous knowledge infrastructure is stable, supported, and accountable to the communities it serves.

Third, Indigenous cultural heritage governance remains shaped by government-centered procedures. The designation or registration of Indigenous cultural heritage may create important forms of recognition, but it does not automatically resolve questions of authority. When Indigenous cultural heritage is held by museums, designated by the national/local government, or protected under overlapping legal regimes, questions arise regarding repatriation, reproduction, interpretation, and community consent. If these questions are left only to negotiations between holding

institutions and Indigenous communities without clearer legal standards or support mechanisms, communities may be placed in structurally unequal positions.

Similarly, I found cultural landscapes and sites connected to major historical events of colonial violence should be understood as part of transitional justice. In 2021, the Ministry of Culture promulgated guidelines to subsidize spatial commemoration projects related to major historical and cultural events of Indigenous peoples (原住民重大歷史文化事件空間紀念補助作業要點). This helps people work on broader history of settler colonial violence, land dispossession, and state control over Indigenous peoples. Yet when the protection or commemoration of such sites depends primarily on applications submitted through local governments, Indigenous communities may not have direct or sufficient authority over how their own histories are preserved and represented. This reveals a continuing tension between state recognition and Indigenous self-determination.

Fourth, international cultural cooperation often remains government-led. Taiwan has increasingly pursued cultural cooperation with Indigenous and Austronesian-related institutions in places such as Japan, Palau, Malaysia, and the broader Pacific. For example, Taiwan has signed several memoranda of understanding on international cultural cooperation in recent years, including with the Upopoy National Ainu

Museum and Park in Hokkaido, Japan, the Belau National Museum in Palau, and the Sabah Museum in Malaysia. These agreements aim to deepen bilateral cooperation in areas such as cultural heritage. However, most of these initiatives remain government-led. Further efforts are needed to ensure that Indigenous representatives are not just got invited to attend passively, but that Indigenous peoples and tribal communities can participate actively and substantively. In addition, rather than concentrating international exchange opportunities in a small number of large-scale performances or exhibitions, I think more support should be provided for long-term international projects led by grassroots artists and cultural workers.

After the completion of the six-year Austronesian Forum project (南島民族論壇), which ran from 2020 to 2025, the Forum had fifteen official members, including Taiwan, Palau, the Marshall Islands, Tuvalu, the Solomon Islands, Kiribati, Nauru, New Zealand, the Philippines, Malaysia, Indonesia, Guam, Hawai‘i, Papua New Guinea, and the Commonwealth of the Northern Mariana Islands, with Belize participating as an observer. However, because the proposed budget for the second-stage medium- and long-term Austronesian Forum project, planned for 2026 to 2031, was completely removed by national legislators, the project cannot proceed. How the international connections built through the first phase will be sustained now becomes a test of both the government and Indigenous communities. These partnerships may

create valuable opportunities for cultural exchange, museum collaboration, and international visibility. Such exchanges must not reduce Indigenous peoples to symbolic participants in state diplomacy. Indigenous communities, artists, cultural workers, and knowledge holders should be active decision-makers in shaping the goals, methods, and outcomes of international cultural cooperation.

Finally, the protection of traditional intellectual creations remains an important but incomplete mechanism. The *sui generis* framework for protecting Indigenous traditional knowledge and cultural expressions is significant, especially because it recognizes that Indigenous cultural expressions do not always fit within conventional intellectual property categories. However, the system still faces challenges. Many Indigenous community members, artists, and cultural workers may not fully understand how authorization works, what requires permission, or how to avoid unintentionally violating the law. At the same time, non-Indigenous users of Indigenous cultural elements may also lack awareness of their responsibilities. They show that even when legal protections exist, Indigenous communities and national agencies may disagree about the meaning, scope, and enforcement of those protections.

In my perspective, the Taiwan Indigenous cultural rights framework should be understood as both meaningful yet incomplete. It provides important legal tools, but it does not fully resolve the deeper question of Indigenous authority. The central issue whether Indigenous peoples have the power, resources, and institutional standing to decide how their cultures, knowledges, histories, and futures are governed.

iii. My Course-Teaching, Curation, and Cultural Self-Determination in

Practice

Against the structural limitations outlined above, my dissertation does not remain only at the level of critique. I ask how Indigenous self-determination may be practiced within existing institutional spaces. In this section, I turn to discuss my teaching and curatorial work as one such site of practice.

The course I designed, *Indigenous Taiwan and Pacific Connections: Law, Culture, and Literature*, became an important space where I could work through the research questions of this dissertation in practice. Situated within the Burke Museum and in connection with the Tateuchi East Asia Library, the course was about creating a relational learning environment where Indigenous knowledge systems, cultural

practices, and legal questions could be engaged in ways that move beyond text-based instruction.

The design of the course reflected a deliberate methodological choice. I don't rely heavily on reading assignments, I invited guest speakers from Taiwan Indigenous communities, Pacific contexts, and Indigenous studies scholars. Some of these speakers were Indigenous community members and knowledge holders; others were researchers whose work engages deeply with Indigenous issues. This approach was grounded in the recognition that Indigenous knowledge is not always primarily textual. It is often transmitted through relationships, through listening and observation, through participation, and through accountability to those who carry that knowledge.

My classroom became a site of relational practice. Students were not positioned as recipients of information. They were invited to engage with knowledge through dialogue, presence, and responsibility. This pedagogical approach challenges dominant academic assumptions that prioritize written texts as the primary form of legitimate knowledge. Instead, it seeks to honor Indigenous ways of knowing in which knowledge emerges through interaction, lived experience, and relational engagement.

A key component of the course was the integration of museum-based learning. Students engaged directly with Taiwan Indigenous cultural holdings stored at the Burke Museum. These engagements were not structured as passive observation. Students were asked to research, interpret, and reflect on specific cultural holdings, considering their material composition, cultural significance, historical context, and connections to broader Indigenous lifeways and knowledge systems.

The range of cultural holdings explored by students included Pangcah/Amis rain capes and necklaces, Tao/Yami tatala and maritime elements, Atayal bamboo flutes and woven textiles, Paiwan nose flutes and pottery, and other cultural holdings associated with different Indigenous communities in Taiwan. Through these engagements, I invite my students began to understand that cultural holdings are not isolated “artifacts”. They are embedded within systems of meaning that connect land, sea, kinship, gender, labor, ceremony, cosmology, and so much more!

Several thematic insights emerged from these presentations. First, students emphasized the importance of contextualization. Cultural holdings such as the Pangcah/Amis rain capes, Atayal textiles, and Paiwan ceremonial items cannot be understood solely through their visual or material qualities. Their meanings are

produced through everyday practices, ecological relationships, social structures, and cultural values.

Second, students explored the relationship between material culture and knowledge systems. For example, discussions of Tao tatala boats highlighted not just technical craftsmanship, but about maritime knowledge, ceremonial practice, and the centrality of the ocean in Tao community life. Similarly, presentations on musical instruments such as Atayal bamboo flutes, Paiwan nose flutes, and Atayal mouth harps revealed the role of sound in ritual, communication, courtship, and relationships with spiritual worlds.

Third, the class engaged with questions of gender and labor, particularly in relation to weaving practices. Students examined how weaving has historically been associated with women's labor in many Indigenous communities, while also recognizing that contemporary cultural revitalization movements may reconfigure or expand these gendered roles. This opened a broader discussion about continuity, change, and the dynamic nature of cultural practice. To better understand contemporary Indigenous communities, I introduced the lens of Indigenous literature to explore how we might embrace non-binary concepts while engaging with traditional gendered divisions of labor. Through Indigenous queer literature, students

were invited to consider how Indigenous writers situate these questions and how they navigate evolving understandings of gender.

Fourth, and perhaps most importantly, students reflected critically on the museum as an institution. Discussions addressed how these cultural holdings came to be collected, cataloged, and displayed. This led to conversations about colonial histories of collection, the authority of museum knowledge, and the ways in which Indigenous voices may be marginalized or misrepresented within institutional records. Students were encouraged to question whose knowledge is represented, whose interpretations are privileged, and what forms of knowledge may be missing.

In the end, I hope my class can also address the contemporary afterlives of Indigenous cultural expression, particularly in relation to cultural appropriation. Students discussed how Indigenous songs, sounds, and visual elements have been reused or appropriated in contemporary media without proper acknowledgment or consent. These discussions helped distinguish between cultural appreciation, cultural transmission, and cultural appropriation, while highlighting the importance of ethical engagement.

I design these classroom experiences to demonstrate that teaching and curation can function as sites of Indigenous self-determination. By creating a learning

environment that centers relational engagement, contextual understanding, and critical reflection, I tried my best to let it become possible to move beyond abstract discussions of rights toward lived practices of cultural governance. This approach also reveals the limits of institutional spaces. The classroom and the museum remain structured environments, shaped by university systems, funding structures, and institutional histories. Practicing Indigenous self-determination within these spaces therefore requires ongoing negotiation. It involves working within institutions while also challenging their assumptions, expanding their frameworks, and creating openings for alternative ways of knowing and relating.

To me, teaching and curation are not separate from the broader questions of governance explored in this dissertation. They are part of it. They demonstrate that Indigenous self-determination is not just exercised through law and policy, but through everyday practices of knowledge production, cultural interpretation, and relational engagement.

iv. From Cultural Self-Determination to Data Self-Determination

While the previous sections have examined the limits and possibilities of Indigenous self-determination within cultural and legal governance, I would like to turn to its transformation within digital and technological domains. I argue that in the

context of artificial intelligence and data-driven systems, Indigenous self-determination should be extended and reconceptualized as Indigenous data self-determination.

This shift reflects an urgent political and epistemic condition. As generative AI systems increasingly produce cultural representations, languages, images, and narratives, they also reproduce longstanding patterns of extraction, misrepresentation, and dispossession. In Taiwan, as discussed earlier, AI-generated images and narratives that mimic Indigenous identity without cultural grounding have already begun to circulate. These cases demonstrate that the harms of AI are not hypothetical. They are already present.

At stake is not only accuracy, but authority. When Indigenous cultural elements (including language, songs, stories, visual forms, and knowledge systems) are extracted, recombined, and generated without consent, the issue is not simply that the output is incorrect or stereotypical. The deeper issue is that Indigenous peoples are excluded from governing how their knowledge is used, interpreted, and circulated. This represents a continuation of colonial relations, now operating through digital infrastructures.

Therefore, a meaningful Indigenous data governance requires structural design. Whether through constitutional recognition, statutory mandates, enforceable consultation processes, or institutionalized co-governance, what matters is that Indigenous communities have real authority (again, not just symbolic inclusion like I've discussed in the previous sections) over the systems that govern their data and knowledge. However, legal and institutional design alone is not sufficient. Through my participation in the 2026 CIFAR symposium, *Radical Interdisciplinarity: Indigenous Knowledges*, I came to understand that IDS must also be grounded in Indigenous relationality. Across discussions with Indigenous scholars from multiple regions, one concept repeatedly emerged: relationships. Participants consistently framed questions of knowledge, governance, and methodology through relations: relations to land, to community, to ancestors, to knowledge, and to each other! This insight reshaped how I understand data governance.

From my perspective, the Generative AI systems cannot recognize or uphold these relational protocols. They are built on large-scale data extraction, pattern recognition, and probabilistic generation. They do not know whether a story should be told in winter (like the case I discussed in Chapter Four). They do not *care* whether a song belongs to a particular family, community, or ceremonial context (like the cultural

holdings my students and I learn). They are not mindful of kinship, responsibility, or accountability. They are not in relation.

From the discussions above, I think the application of AI to Indigenous cultural knowledge raises fundamental ethical concerns. When data is treated as freely extractable and universally usable, relational obligations are erased. When outputs are generated without grounding in community knowledge, they risk producing representations that are culturally hollow, misleading, or harmful. The issue is bigger than misrepresentation. It is the disruption of the relationships through which knowledge is sustained.

IDS might offer a way to address these challenges, but only if it is understood relationally. It should ask who owns data, and who is responsible for it; it should consider access, and the appropriate restrictions. It should account for the social, cultural, and political relationships that give data meaning. It also should recognize that some knowledge should not be digitized, some should not be shared, and some requires ongoing relational accountability.

Chapter Six Conclusion: Reclaiming Self-Determination

My dissertation began, in Chapter One, by introducing the personal motivations, research questions, and critical concerns that animate this project. Chapter Two then used autoethnography to situate Taiwan Indigenous histories of colonization alongside my own family history, making visible my positionality as a researcher and grounding the dissertation in context, relationship, and relational accountability. In many ways, this dissertation remains an unfinished and imperfect work. Yet I also understand it as a dissertation that, at this particular moment, perhaps only I could have written. As in this age when digital tools make it increasingly easy to gather information, assemble theoretical frameworks, and produce dense bodies of citations, this dissertation takes a totally different path. I write this through experience, practice, and the relationships I have built across communities and institutions. My arguments are not easily reproducible because they emerge from my lived relations, embodied responsibilities, and most importantly, those ongoing commitments I am trying so hard to keep every day.

Chapter Three examines practices of Indigenous self-determination in physical and institutional spaces, particularly through museums, libraries, and cultural governance. Chapter Four turns to digital spaces, focusing on Indigenous Data

Sovereignty, artificial intelligence, and the governance of culture as data. Chapter Five brings these chapters into conversation, offering a broader discussion of how Indigenous self-determination moves across cultural, institutional, and digital domains. This final chapter therefore concludes the dissertation by returning to its central arguments and offering recommendations for future research, policy, and practice. I also don't want to treat this conclusion chapter as closure; I understand this chapter as a beginning of more dialogue and research. Also, a way to reflect on what this dissertation has made visible, while also pointing toward the limits that waits me when I have more capacity.

So, this dissertation set out to examine how Indigenous self-determination is practiced across cultural, legal, and digital domains in Taiwan. I don't see self-determination as a fixed principle, it has approached it as a dynamic and evolving process that is shaped by institutions, relationships, histories, and also, emerging technologies. I tried to explain that Indigenous self-determination cannot be fully understood through legal recognition alone. While Taiwan has developed an important legal framework for Indigenous rights, including cultural rights, language revitalization, and protection of traditional knowledge, the existence of these laws does not automatically translate into meaningful practice. The gap between law and implementation remains one of the most significant challenges. Rights may be

formally acknowledged while still being unevenly realized, constrained by institutional structures, resource limitations, and broader social attitudes.

To address this gap, I shifted the analytical focus from rights as recognition to self-determination as practice. Through an autoethnographic and relational approach, it has traced how self-determination is enacted in feasible contexts: in cultural institutions such as museums and libraries, in classrooms and pedagogical spaces, and increasingly, in digital environments shaped by artificial intelligence and data governance.

One of the key contributions of this dissertation is to demonstrate that these domains are not separate. Cultural governance, legal frameworks, and digital systems are interconnected. The ways in which Indigenous culture is represented in museums are linked to how it is protected under law; the ways in which knowledge is governed in legal systems are linked to how it is collected, processed, and reproduced in digital infrastructures. Understanding Indigenous self-determination therefore requires a multi-scalar approach that moves across these domains. Building on this insight, I proposed a conceptual shift from cultural self-determination to data self-determination. In the context of AI and data-driven technologies, the governance of data becomes a central site of power. As Indigenous cultural knowledge, languages,

and identities are increasingly incorporated into digital systems, the question is no longer only how culture is represented, but who has the authority to govern its digital life.

I also argue IDS provides an important framework for addressing these questions. However, it should be understood not just as a legal or policy mechanism, but as a relational framework. The incorporation of Indigenous relationality into the analysis of data governance represents a central theoretical contribution of this dissertation. By drawing on Indigenous scholarship and lived experience, this research has shown that relationality offers both an ethical and methodological framework for understanding governance. It foregrounds responsibility, reciprocity, accountability, and the conditions under which knowledge may be shared. It also insists on the importance of limits—recognizing that not all knowledge should be universally accessible or subject to technological extraction. This perspective, I think, is particularly important in the context of generative AI.

As AI systems increasingly generate cultural content, they raise fundamental questions about authority, authenticity, and accountability. The cases discussed in this dissertation demonstrate that AI can reproduce Indigenous identities and cultural forms without grounding in community knowledge or consent. Such representations

are not neutral. They can distort meaning, disrupt relationships, and undermine Indigenous authority over cultural expression. For Taiwan, these developments present both challenges and opportunities. Taiwan has positioned itself as a democratic and multicultural society, and it has taken important steps toward recognizing Indigenous rights. However, the integration of Indigenous perspectives into emerging areas such as AI governance remains limited. This dissertation suggests that future policy development must move beyond symbolic inclusion toward structural transformation. This includes strengthening Indigenous participation in decision-making processes, investing in Indigenous knowledge infrastructures, and developing governance frameworks that recognize Indigenous authority over data and knowledge systems.

I would like to point out my many limitations. As an autoethnographic and relational study, it is grounded in specific experiences, institutional contexts, and community engagements. It also means that the findings are not intended to be universally generalizable (please, don't generalize Indigenous peoples). Future research may build on this work by engaging with a wider range of Indigenous communities in Taiwan, examining specific policy implementations in greater detail, or exploring comparative frameworks across different national contexts.

Further research is needed to examine how IDS can be operationalized in practice.

Questions remain regarding institutional design, legal enforcement, technological implementation, and community governance. In particular, there is a need for collaborative research that works directly with Indigenous communities to develop data governance models that reflect their values, priorities, and protocols.

I hope this dissertation offers a framework for rethinking Indigenous self-determination in the contemporary moment. As Indigenous communities in Taiwan and beyond continue to navigate the intersections of colonial contexts and digital futures, the question is beyond simply how to participate in existing systems, but how to reshape them! This authority and accountability. It also requires the recognition that knowledge is not detached from the people who carry it.

To end this (for now), I would like to conclude that culture is living, and data is not neutral; knowledge is relational, so governance should also be relational. The future of Indigenous self-determination, therefore, lies in the ability to sustain these relationships across changing contexts.

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