



TAIWAN FOUNDATION  
for DEMOCRACY

財團法人臺灣民主基金會

## Unraveling the Double Oppression of Indigenous Societies in Taiwan and Paraguay: The Rights to Land and Self-Government of Indigenous Peoples

**Speaker:** Mr. Jeroen van Bekhoven,  
Dissertation Fellow, Taiwan Foundation for Democracy;  
PhD Candidate, College of Law, National Taiwan University

**Date:** Monday, November 27, 2017

**Time:** 14:00 – 16:00

**Venue:** Room 1502, Tsai Lecture Hall, College of Law, National Taiwan University  
No. 1, Sec. 4, Roosevelt Road, Taipei

**Moderator:** Dr. Wen-Chen Chang, Professor, College of Law, National Taiwan University

**Discussant:** Dr. Donatien Huei-Tung Chang, Assistant Professor, Department of Law,  
National Taipei University  
Dr. Chien-Chih Lin, Assistant Research Professor, Institutum  
Iurisprudentiae, Academia Sinica

**Co-Host:** Policy and Law Center for Environmental Sustainability of the College of Law,  
National Taiwan University



### Agenda:

14:00 – 14:05 Opening remarks by Dr. Wen-Chen Chang

14:05 – 14:45 Presentation by Mr. Jeroen van Bekhoven

14:45 – 15:00 Comments by Dr. Donatien Huei-Tung Chang

15:00 – 15:15 Comments by Dr. Chien-Chih Lin

15:15 – 16:00 Open discussion

※ Please note that this event will be conducted in English.

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In the last two decades, the world has seen some radical changes. One of the most important developments has been the shift from an authoritarian regime to a democratic government in many States. Democracy is closely linked to the protection of human rights. It therefore can be assumed that when a State makes a democratic transition, this improves the human rights situation. But it seems that the relationship between democracy and human rights is far more complex: in many democratizing States, serious human rights violations have continued.

Especially indigenous peoples are still among the poorest and most marginalized groups.

My research explains that the main reason for this is that in States with a colonial and authoritarian past, indigenous peoples are at the same time dominated by the colonial legacy and the coercion of the authoritarian regime. As indigenous peoples, they remain in a subjected position because of an ongoing colonial order; as citizens of an authoritarian regime, they are politically oppressed. They suffer a “double oppression”. So, to guarantee indigenous peoples’ rights, I argue that States ideally make a “double transition” from authoritarianism to democracy; and also from colonialism to decolonization.

This theoretical framework is used to analyze indigenous peoples’ rights to land and self-government in Taiwan and Paraguay. My research shows that in both States, indigenous peoples have played an important role in the democratic transition. Also, through democratic reforms, their political rights and freedoms have increased. So, they have been able to push forward claims for rights to land and self-government. But so far, there has not been a deep change in the relationship between the government of Taiwan and Paraguay and the indigenous peoples. Both the Taiwanese and the Paraguayan government maintain supreme powers over the indigenous population. These powers are supported by a flawed and poorly enforced legal framework. As a result, most indigenous peoples’ lands have not been returned or are still being taken away, and efforts to give indigenous peoples self-government have failed.

But law is only one element of the system of “double oppression” that subjects indigenous peoples. Law’s content, functioning, and enforcement depend to a large degree on other factors. Only if these factors are also addressed, the “double oppression” of indigenous peoples in Taiwan and Paraguay can be unraveled. So, there are still many challenges, but indigenous peoples in Taiwan and Paraguay have shown to be determined to defend their rights.

—by Mr. Jeroen van Bekhoven

### **Speaker Biography**

Jeroen van Bekhoven received his BA and MA degree in International Law at Utrecht University, the Netherlands. After his work for the Dutch Council of State, he did an internship at an indigenous peoples’ rights NGO in Paraguay. He then decided to pursue his Ph.D. degree at National Taiwan University. He has presented his research at conferences in Taiwan, Thailand, and Germany, and has published in NTU Law Review and Asia Pacific Law Review. His research interests include indigenous peoples’ rights, human rights law, constitutional law, and environmental law.

### **RSVP**

**Please RSVP by Thursday, November 23, 2017**

**Date: Monday, November 27, 2017**

**Time: 14:00 pm– 16:00 pm**

**Venue: Room 1502, Tsai Lecture Hall, College of Law, National Taiwan University  
No. 1, Sec. 4, Roosevelt Road, Taipei**

Mr./Ms./Dr. \_\_\_\_\_ Title \_\_\_\_\_

Organization \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Will attend     Unable to attend

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