

臺東卡大地布部落反遷葬歷程：  
協商與主體性的形構  
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## 臺東卡大地布部落反遷葬歷程： 協商與主體性的形構<sup>\*</sup>

### **The Process of Taitung Katratripulr Tribe's Objection to Grave-Relocation: The Formation and Structure of the Consultation and Its Subjectivity**

◎周柔含<sup>\*\*</sup>

Jou-Han Chou

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## 摘要

2010年8月臺東市公所推動觀光產業，整頓市容為由，要求第六、第十公墓的卡大地布（Katratripulr）、加路蘭（Kaur-ruan）兩部落居民限期遷葬。2012年9月及10月部落族人走上街頭抗爭，最終於2013年3月向高雄最高法院提出行政訴訟，控告臺東縣政府及臺東市公所行政疏失違法。本案於2015年3月正式達成和解，2018年3月族人將先人迎靈回到「卡大地布先祖追思文化園區」。這是全國首例原住民族植存專區，值得成為原鄉部落的典範。

本研究重點係以記錄歷經六年（2012/09-2018/03）反遷葬歷程為重，從抗爭事本說明反遷葬背景與走上街頭之過程；並從對簿公堂說明雙方如何協商、協商破局、和解、遷葬過程。其次，對未完成土地變更之追思園區未來發展，依《國土計畫法》提出可能建議。最終結論，從原民運動、國家政策、傳統領域等社會文化面向，指出本案問題癥結點在於《原基法》位階不明，導致原住民族轉型正義難以實踐；並從這場抗爭的協商過程反思原住民族主體性的形構。

**關鍵字：**卡大地布、反遷葬、環保自然葬、追思文化園區

## Abstract

In August 2010, to promote the tourism industry and rectify the city's appearance, the Taitung City Office requested the relocation of cemeteries Nos. 6 and 10, which involved two tribes, Katratripulr and Kaurruan, within a fixed period. In September and October 2012, people from the two tribes held street protests and eventually filed an administrative lawsuit in the Kaohsiung Branch of the Taiwan High Court accusing the Taitung County Government and the City Office of administrative negligence and illegality. The case reached a formal agreement in March, 2015 and the residents welcomed their ancestral souls back to the Katratripulr Ancestor Memorial Culture Park in March 2018. This is the country's first eco-friendly soil burial zone worthy of becoming a model for indigenous tribes.

The focus of this study is to record the six years (2012/09-2018/03) of the anti-grave-relocation process, explain the background of anti-relocation and the process of street protests from the perspective of judicial struggle, and illustrate the process of courtroom to demonstrate how the two parties negotiated to break the situation, reconciled, and relocated the graves. In accordance with the "Land Planning Law," this study proposes possible suggestions for the future development of Memorial Parks that have not completed land-change procedures. Finally, from the perspective of social and cultural aspects such as the aboriginal movement, national policies, and traditional

fields, the study's conclusion reveals that the key point of this case lies in the unclear position of the "Basic Law of the Indigenous Peoples," which makes it difficult to practice the justice of aboriginal transformation and further reflects on the formation and structure of aborigines' subjectivity from the negotiation process.

**Keywords:** Katratripulr, anti-grave-relocation, eco-friendly soil burial, the Memorial Culture Park.