

# **Environmental Debates over Taiping Island's Road Expansion Project and the Political Logic behind the Spratly Initiative**

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Several reasons explain the Taiwanese's approval over the construction of an airstrip on Taiping Island—the need to defend Taiwan's territorial sovereignty, to develop maritime resources, and to advance geopolitical, political and diplomatic interests. These reasons should also allow many to see President Chen Shui-bian's visit to Taiping Island in a more positive light. A large number of Taiwanese environmental groups and experts, however, argued that such development would be detrimental to Taiping Island's ecological environment. Some scholars even criticized President Chen's Spratly Initiative, which prioritizes environmental protection and ecological preservation over sovereignty issue and resource over-extraction, and they viewed his recent visit as an act solely to boost presidential popularity.

These debates foreshadow the following questions: would the construction of the airstrip on Taiping Island cause irreparable environmental and ecological damages? Should our government conduct environmental impact assessment first? These questions need to be discussed along with the Spratly Initiative, which no doubt will create a significant impact on Taiwan's future policy orientation regarding South China Sea, as well as its energy development, regional cooperation and ecological preservation.

## **Ecological debate over the construction of Taiping Island Airstrip**

In late 2005, media coverage and subsequent confirmation by the former Vice Minister of National Defense Shou-yeh Huo of an airstrip construction project on Taiping Island created a huge uproar among Taiwan's environmental and ecological communities. While environmental groups resisted government attempt to remove forests and other flora to build an airstrip, scholars argued that such construction would cause massive loss of sediments, which would in turn erode the airstrip and lead to safety concern. Additionally, conventional response to such problem, such as eliminate-wave reefs, would only cause further sediment erosion. Other scholars pointed out that the location of the tip of the airstrip is the most important breeding ground for Taiping Island's precious green turtles. With the longest and widest beach, this location is visited by about 40 to 60% of green turtles, so the completion

of airstrip would destroy these turtles' breeding ground. In other words, the airstrip could result in the disappearance of earth's most important green turtle reserve. Thus, the construction project was greatly opposed by the environmental and ecological groups, which criticized the government for not conducting an environmental impact assessment before initiating the project. In response to their strong opposition and demand to suspend the project, the Legislative Yuan put the airstrip construction budget on hold. On August 2007, government announced the usage of preparatory budget for the airstrip construction project; to meet the December deadline, the project recommenced within a month. Three months later, Minister of National Defense Tien-yu Lee visited the nearly completed construction project. He stressed the need for Taiwan to catch up with its South Sea neighbors that have been building similar infrastructure on their islands and even stated, "if Taiwan does not do it [build the airstrip] now, Taiwan will regret later." In response to the ecological concerns raised by others, Minister Lee stressed that the project will not disrupt the ecological balance of the island: "Taiping Island will continue to be the pearl of the South Sea."

Meanwhile, Ministry of National Defense and Coast Guard Administration refuted the criticism regarding environmental damage. They argued that the airstrip was an expansion of a road that had existed on the island before, and according to Taiwan's regulations, an expansion does not require environmental impact assessment. Taking ecological preservation into account, the airstrip would be built with minimal environmental impact—the entire area of construction consists of only 11% of the island, so majority of the trees were to be preserved. The spokesperson of National Defense Ministry also explained the ministry's commitment to environmental preservation: first of all, several procedures were used to minimize the disruption of forest and sea turtle habitat, and construction wastes were all transported back to Taiwan for further processing. Officially, the government announced the establishment of Taiping Island Green Turtle Refuge on March 2007, while Ministry of National Defense established an "Environmental protection and preservation" fund, which will be used to increase vegetation rate and prevent the loss of seashore and forestry.

Should the airstrip project be exempt, as Ministry of National Defense had decided, from environmental impact assessment? Are the ministry's explanations valid and reasonable? Answers can be found in "Environmental Impact Assessment Act," "Military Secrets and National Defense Environmental Impact Assessment Act," "Standards for determining specific items and scope of environmental impact

assessments for development activities” and related regulations.

### **Taiwan’s Environmental Regulations**

According to Article 5 of *Environmental Impact Assessment Act*, “Environmental impact assessments shall be conducted for...the development of a road, railway, mass rapid transit system, harbor or airport,” and the determination of assessment should be based on “standards for determining specific items and scope of environmental impact assessments for development activities.” Article 25 states: “The central competent authority in conjunction with the Ministry of National Defense shall separately determine the environmental impact assessment process for those development activities that involves military secrets or emergency national defense construction projects.” Article 26 further states: “The central competent authority shall separately determine the environmental impact assessment process for government policy for which there is concern of environmental impact.” Based on these regulations, construction of roads and airports are seen as “governmental policy.”

According to Article 5 of *Military Secrets and National Defense Environmental Impact Assessment Act*, “Environmental impact assessment process shall be conducted for development activities that involves military secrets or emergency national defense construction projects for which there is concern of environmental impact; once assessment is deemed required, process details shall be based on rules pertaining to environmental impact assessment and related laws.” Based upon Article 5, section 3 of “standards for determining specific items and scope of environmental impact assessments for development activities,” environmental impact assessment is necessary if a road is to be constructed in non-urban areas and the road consists of an expansion with width greater than single car lane and length greater than 10 kilometer. Since the airstrip on Taiping Island, which is about 1200 meters long, consists of an expansion of existing road for civilian use (only used by planes during emergency take-off and landing), this development activity fits the criteria listed in Article 5, section 3 and is thus exempt from environmental impact assessment. And as indicated above, the Ministry of National Defense has implemented measures aiming to minimize the impact that construction activities would have on Taiping Island’s environment. One cannot deny the effect that this development activity will have on Taiping Island’s flora and fauna, but how severe will the impact be? Is it possible to restore the environment in future? If possible, through what mechanisms and for how long? All those questions require further research. From the legal perspective, the Ministry of National Defense’s decision to bypass environmental

impact assessment is valid.

### **The Spratly Initiative and Environmental Protection**

In fact, President Chen urged surrounding countries to give priority to maritime ecological preservation and sustainable development. His proposal, the Spratly Initiative, contains detailed plans for the abovementioned objectives: 1) Due to the crisis of global warming, which would negatively affect Spratly Islands' environment, development activities in the South China Sea should emphasize ecological preservation, 2) Surrounding countries should cease plunging South China Sea's natural resources; rather, they should collaboratively come up with ways to transform the South China Sea to a maritime natural reserve, and 3) Taiwan will invite international ecologists and representatives of major environmental groups to visit Taiwan-held islands in the South China Sea, including Dongsha (Pratas) Islands, the Taiping Island and Chungzhou reefs, for survey and research purposes.

Taiwan's neighboring countries should have little problem with Plan 1 of the Spratly Initiative, as they share Taiwan's concern regarding environmental impact on the South China Sea and the need for international cooperation. Likewise, these countries would find Plan 3 reasonable, since there is no sovereignty issue regarding Dongsha Islands and Taiwan has been managing the islands and reefs effectively, these countries have no reasons to oppose Taiwan's call to invite international ecologists and representatives for research purposes. While Vietnam might oppose on the grounds that doing so would strengthen Taiwan's sovereign claim over the Spratly Islands, the nature of the activities and Taiwan's reputation as an effective overseer of the islands should reduce Vietnam's suspicion.

Plan 2, which involves the development of a South China Sea maritime reserve, would face more opposition. Ever since the energy crisis outbreak in 1973, the possibility that the Spratlys are surrounded by oil and natural gas deposits prompted several neighboring countries to aggressively claim territorial sovereignty. As these countries' concern over energy security and skyrocketed oil price surges, they will have little incentives to take oil, natural gas hydrate and other resource exploration off their priority list. These countries would prefer a more balanced approach, with energy exploration and ecological protection equally being emphasized.

### **Taiwan's Role in the South China Sea Environmental Protection: Opportunity to Participate and Contribute**

Taiwan has been excluded from previous regional initiatives, including the *ASEAN Declaration on South China Sea* (signed by China and the ASEAN members) on 2002, *Agreement on Joint Seismic Survey of the South China Sea* (signed by petroleum companies from China, Philippines and Vietnam) on 2005, and the ongoing *Regional Code of Conduct in the South China Sea*. Such exclusions prevent Taiwan from defending its own maritime rights, and thus exposing Taiwan to surrounding countries' exploitative activities. In order to create an alternative channel for Taiwan to participate in issues regarding the South China Sea and increase Taiwan's ability to defend its maritime rights, President Chen proposed the Spratly Initiative, a solution that is original, well-rounded (as it avoids the sensitive sovereignty issues) and well in touch with current environmental concerns. More observations are needed to assess surrounding countries' response to this initiative. Meanwhile, Taiwan should aim for more creative, mutually beneficial proposals that can be accepted by its neighbors; such proposal will greatly increase Taiwan's chance of playing a more significant role in the South China Sea maritime reserve as well as other regional projects.