

Contested Governance Between Politics and Professionalism in Taiwan¹

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[**Abstract:** This essay critically examines the evolution of the environmental impact assessment (EIA) in Taiwan. The 'American-style' EIA was originally introduced in Taiwan as an economic policy-making instrument. During the 1980s, grassroots environmental protests rose. The state first met the popular opposition by denying their professional status, and then sought a more peaceful resolution by upgrading the EIA. In 1994, owing to the combined effects of more accountable parliamentary and environmentalists' lobbying, the EIA was finally codified. Democratization also made the codified EIA more powerful and professional, as environmentalists preferred. The latter part of this essay examines the actual practice of the EIA since 1995, with special attention to some controversial cases. The current EIA failed the proclaimed standard of "science and objectivity," as politics lurked in the disguise of professionalism].

Post-war capitalism in Taiwan has brought about wealth as well as pollution. Beneath the dazzling façade of economic development, environmental degradation has been the unavoidable price (Chi 1994, Edmonds 1996). In the past, people were more willing to trade quality of life for material benefits. However, since the mid-1980s, popular grievance has gathered a certain momentum and grassroots environmental protests have mushroomed in every corner of Taiwan (Williams 1992, Tang and Tang 1999, Hsiao 1999a, Terao 2001, Ho 2001). Under the Kuomintang (KMT) authoritarian control, the pollution issue was suppressed, neglected, and trivialized. Hence, when the indigenous movement came into being, environmental problems were easily "politicized" and directly challenged the legitimacy of authoritarian rule (Tang and Tang 1997, Ho forthcoming).

Faced with popular pressure, the Taiwanese government has sought various ways to meet these challenges. In some cases, the state has chosen to suppress the protests by arresting and penalizing the core activists, by deploying an army of policemen that has stifled many environmental protests. On the other hand, by the late 1980s, the state sought to incorporate demands for enhanced participation. A ministry-level Environmental Protection Administration (EPA) was formed in 1987, and a series of environmental regulations were promulgated. Here, the state sought to reduce the probability of non-institutionalized protests by modernizing its environmental administration. Among

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the new measures introduced, the environmental impact assessment (EIA) law was designed to settle thorny disputes by scientific investigation. According to the fourth article of EIA law, EIA meant a comprehensive review,

through scientific, objective and comprehensive surveys, predictions, analyses and evaluations conducted in advance of project implementation to identify the potential impacts of development activities or government policies on the environment (including the living, natural and social environments), as well as the economy, culture and ecology of the Republic of China on Taiwan.

Thus, since its codification in 1994, all the major development projects had to pass the official EIA process before they could proceed. Clearly, the EIA was intended to re-channel construction controversies. With this environmental regulation, risky street politics had to give way to professional discussion among experts. Could this institution tame dangerous protest politics? This is the first question this essay tries to answer.

This article examines the Taiwanese EIA as a site of what Ulrich Beck (1992: 186) called "sub-politics." Sub-politics refers to those new political controversies where there is a blurring of the distinction between science and politics. For Beck, the emergence of sub-politics signifies the declining function of established political channels such as parliament, party politics, and the judicial system. The original unity of liberal democracy was fragmented into multiple arenas of sub-politics. This observation was mainly based on the Western experience. The rise of "new politics," such as gender, biotechnology, and the arms race, eroded the primacy of political democracy. As many spheres of daily life grew more uncertain, popular activism and dissent science expanded. In contemporary Taiwan, environmental problems are an important sub-political issue, too. Taiwanese sub-politics comes not as a result of eclipsing of a democratic regime, but is propelled by the dynamics of democratization. The dismantling of KMT authoritarianism opened a space for political participation of civil society. The contentious making of the Taiwanese EIA involved bureaucrats, politicians, professionals, and movement activists. In Taiwan, sub-politics were not fully detached from the overall political process. In this situation, political intervention frequently influenced the judgments involved in the EIA process.

This article is divided in several sessions. First, the article takes a critical look at the origin and long gestation of the EIA in Taiwan. It then proceeds to examine the real world of the EIA. Contrary to some claims, the "scientific" aspects of the EIA process did not "solve" disputes but became deeply mired in contestation. This article concludes with a normative discussion concerning the future of the EIA in Taiwan.

The EIA in Taiwan

The EIA in Taiwan has American origins. In 1969, the US federal government put forth the National Environmental Policy Act in which an EIA report was stipulated for every major federal project (Hays 1987: 279-81). Four years later, the US EIA system was formally introduced in a Taiwan governmental document. In 1979, the Department of Health (DH) had decided to import the EIA by practicing on an industrial park project in northern Taiwan (Yeh 1998: 5-6). At that time, there was still no organized pressure from the below for environmental concern, and environmental consciousness was not

widespread in Taiwan. Borrowing an environmental regulatory system was mainly an initiative by economic bureaucrats. According to the government, the first EIA served only as a reminder of the need to avoid difficulties in the construction process. The EIA was not a policy-making instrument, since the industrial park project had already been approved in advance of the EIA review.

In 1983, the DH proposed the first EIA law draft, but bowing to economic bureaucrats' opposition, the legislative effort was delayed. Nevertheless, two years later, the government put forward a "Plan for Promoting the EIA". Fourteen important development plans over the next five years were chosen as EIA pilot cases in a probationary period (DH 1985). These pilot cases were mainly planned by state agencies or state-owned enterprises. The purpose of these EIAs was to train qualified bureaucrats, while environmental concerns were secondary. Among the 14 pilot cases, many would encounter popular resistance. These included a Taichung power plant, a Mucha incinerator, a Shenao power plant, and the second landfill yard in Taipei City. In the cases of a new central expressway and a Chungte industrial park, scholar reviewers criticized the development projects on the grounds of ecological cost. Because of the professional opposition, these two controversial cases were then shelved.

Beginning in the late 1980s, the top-down EIA promotion encountered certain difficulties. There were several reasons for this. First, people from the grassroots began to break their long silence and voiced their discontent. In an unpublished official document, one official complained that people tended to be "irrational and emotional" and doubted the value of public participation in the EIA (EPA 1989a: 13). Second, economic officials began to worry about possible construction delays and no longer promoted the EIA as eagerly as before. In one meeting in 1988, many economic agencies voiced criticism of the EIA process. Some demanded to conduct their own EIAs, and others opposed the scheduled legislation (EPA 1989b). Third, until the expiration of the 5-year probation, the EIA was still legally ambiguous. Only in 1990 did the Executive Yuan allow the EPA to propose the second EIA law draft. In order to avoid a legal interregnum, the government proposed a "Follow-up Plan for Promoting the EIA" in 1991. In all of this it was clear that new environmental protests in Taiwan tempered the government's support for the EIA, and responsible officials were afraid that an enforced EIA procedure could be usurped as a protest weapon.

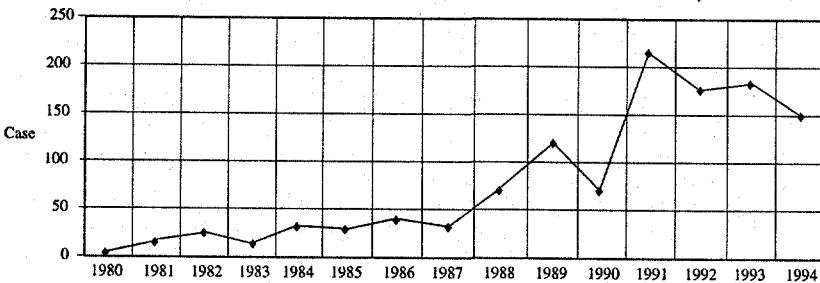
The Legislative Process of the EIA

Toward the end of 1990, an EIA draft bill was finally introduced to the Legislative Yuan. But it took four years to complete the legislative process, becoming law in December 1994. Starting with the 1985 project, nearly a decade had been spent on the codification of the EIA. How can we explain this conspicuous delay? First, as noted above, aggressive environmentalism dampened official support for the EIA. The late 1980s and the early 1990s witnessed the greatest peak of anti-pollution protests (see Figure 1). Widespread environmental protests caused many incidents of industrial breakdown, and business threatened to stage an investment strike. During this period, officials began to voice harsher tones on popular contentions, and the state began to crack

down on “radical” environmentalism (Hsiao 1996: 14). The confrontational atmosphere was at its worst during the premiership of Hau Pei-tsun (1990-1992). This situation was not conducive for the EIA’s legislative passage. After Hau, the state softened its harsh stance toward environmentalism, and the Legislative Yuan began to seriously review the EIA draft. During this period, the state also reversed its futile attempts to suppress environmentalism. Instead, some officials found the EIA to be a useful institution which could assimilate participation from the grassroots.

A second reason in explaining the delay concerns the undemocratic nature of Legislative Yuan prior to 1993, only a portion of the seats in this body were open for periodic elections, while the majority were under the firm control of the KMT. Democratization brought forward an increasing demand for a meaningful parliament. The KMT finally agreed to conduct a fully-franchised election at the end of 1992 (Chu 1992: 46). Therefore, the new parliament formed the following year was the first truly representative one of the post-war years. The coming of electoral democracy made easier the political representation of environmental interests, and the EIA draft certainly benefited. Besides, the opposition at the time, the Democratic Progressive Party (DPP), scored a major electoral victory by winning more than one third of seats in 1992. Co-operating with a strengthened DPP, environmentalists found it easier to conduct parliamentary lobbying for the EIA.

Figure 1: Cases of Environmental Protest in Taiwan, 1980-1994



Source: Ho (2000: 269-315).

Lastly, despite the efforts of environmental officials to back the EIA bill, both the DH and the EPA were only junior partners in the cabinet, while other, more pro-business ministries, such as the Council of Economic Planning and Development and the Ministry of Economic Affairs (MOEA), were far more powerful (Tang and Tang 2000: 86). This situation changed to an extent when the former Director of the EPA, Chao Shao-kang, was elected into the Legislative Yuan in 1992. With Chao’s sponsorship, the EIA saw an earlier birth (*Independent Evening Post* 1 January 1992).

A New EIA: After four years of legislative review, the codified EIA stood in great contrast to the original draft proposal. The new EIA was stricter in environmental regulation, more comprehensive in scope, and had more stipulations concerning public par-

ticipation than did the draft. During the review process, the professor-led Taiwan Environmental Protection Union (TEPU) presented a "non-governmental" version of the EIA and worked intensively with DPP Legislators. Other Green groups, such as the Environmental Quality Protection Foundation and the New Environment Foundation, also publicized the urgent need to legislate the EIA. They were highly critical of the 1990 EIA draft, which was no more than a rubber stamp for construction projects, they opined (*Taiwan Huanching* [Taiwan Environment] 71, 1994: 11).

Table 1 compares the various EIA versions since 1985. Progressively, the EIAs were endowed with more power as a combined result of environmentalists' demands and the government's attempts to incorporate non-institutionalized protests.

Table 1: A Comparison of EIAs (1985-1994)

	Validity	Review Agency	Scope	Public Participation
Plan for Promoting EIA (1985)	Advisory	Environmental agency	Selected cases	None
Follow-up Plan for Promoting EIA (1991)	Advisory	Environmental agency and development agency	All stipulated cases	1. Explanatory meeting 2. Public opinion survey
EIA Law Draft of Executive Yuan (1990)	Advisory	Environmental agency and development agency	All stipulated cases	1. Explanatory meeting 2. On-site inspection 3. Public hearing meeting
EIA Law (1994)	Compulsory with veto power	Environmental agency	All stipulated cases Nuclear facilities and governmental policy	1. Explanatory meeting 2. On-site inspection 3. Scoping meeting 4. Public hearing meeting (With more procedural regulation than the 1990 draft)

Source: Adapted from Yeh (1998: 10).

There were four main changes in the 1994 law. First, from the very beginning, the government considered the EIA as advisory, without binding power. As a result of environmentalists' lobbying, the new law ruled against any development permit issued be-

fore the completion of EIA (article 14). The new EIA carried increased powers that meant that environmentally dubious projects could be prevented. The validity debate in the Legislative Yuan was heated, and, despite the MOEA's objection, a majority of Legislators favored a stricter EIA (*Independent Morning Post, China Times*, 10 December 1991).

Second, the EIAs of the past were mainly reviewed by development agencies, such as the MOEA, the Ministry of Transportation and Communications, the Atomic Energy Council (AEC), while the environmental agency did not play a significant role. However, many development projects were often proposed by these EIA-reviewing agencies themselves. In these situations, the screening and preventive function of the EIA was lost, and the review process was reduced to a formality. At that time, the development agencies claimed that the young EPA was not professionally qualified to deal with EIAs. For example, the AEC refused to transfer the EIA review authority to the EPA on the grounds of the claimed need for nuclear professional expertise (*China Times*, 20 July 1991). During the legislative process, more voices were supportive of the EPA. The TEPU also insisted on the transfer of authority from development agencies. Thus, the new EIA fell under the jurisdiction of the EPA.

Third, concerning the scope of the EIA, legislators sought to add items for evaluation. They were skeptical about the AEC's double mission to both promote and regulate the nuclear energy. Thus, the new EIA was written to include, "the exploitation of nuclear or other energies and the construction of radioactive waste storage or treatment facilities" (article 5, clause 10). On the other hand, since the government itself might be a source of environmental degradation, the new EIA also stipulated governmental policy should fall under review (article 26).

Fourth, the extent of public participation was also enhanced under the new EIA law. Now developers should hold a public hearing meeting (article 7), display the EIA report in public places and newspapers (article 8), invite local residents in the scoping meeting (article 10) and the on-site inspection (article 12).

In addition to these four main changes, the EIA law was significantly different from the previous draft in that no less than two-thirds of the EIA committee was to be experts-scholars (article 3). Originally, the TEPU also demanded that the committee members should be reviewed and approved by parliament. But in the end, they thought that professionalism, rather than political representation, should predominate in the EIA and this idea was dropped.² For the environmentalists, the only way to avoid ecologically unsound projects and the pro-business interference of the government would be pure professionalism. With this turn, the EIA changed from a reference-only meeting for the decision-makers into a compulsory regulation led by scientific professionals. During the legislative review, one KMT Legislator said, "the businesspersons still know nothing about the EIA. If they do, they would have been quite irritated" (Legislative Yuan 1995: 149).

Clearly, the environmentalists had scored a major victory in the EIA legislation. The new EIA law fortified by professionalism followed their wishes exactly. As Tang and Tang (2000: 93-94) commented, democratization made possible better environ-

mental governance by empowering the environmental groups. But why did environmentalists in Taiwan endeavor to strengthen the EIA regulation? To answer this question, we have to examine the anti-construction struggle prior to 1994.

Anti-Construction Struggles Prior to 1994: Prior to the passage of the full legislation, the EIA existed only as a result of administrative decrees. There were no clearly stipulated procedures or scope for EIA. Thus, at the beginning, those who mobilized against certain development projects paid no attention to the EIA. During the anti-Dupont movement in Lukang (1986-1987) for example, the government once decreed that no construction should begin before the EIA review (Reardon-Anderson 1992: 40-53). But the opposition simply overlooked the EIA and targeted their protest at other governmental agencies other than the DH, which was responsible for the EIA at the time (*Central Daily*, 1 July 1986).

The early EIAs did not have prescribed procedures for public participation, and therefore, they were often criticized as a "black-box operation." In some cases, the EIAs had been passed long ago, before the rise of local resistance. In a dam controversy in southern Taiwan, residents were angered to find that the EIA process had been completed without their knowledge or participation (*Independent Morning Post*, 9 December 1990). The same situation happened in the Hsiangshan reclamation development project. In 1992, the Provincial Government declared the completion of its EIA review. At that time, even the media and local municipal officials were kept in ignorance of the EIA (Lee 1998: 61).

In other environmental controversies, the opposition did make an effort to participate in the official EIA. In the case of the fourth nuclear power plant, the pro-environment Taipei County Government argued with the AEC and successfully won five seats of committee membership. In the end, the overbearing AEC deprived these five anti-nuclear reviewers the right to take part in the final decision (*China Evening Post*, 8 June 1991). This unhappy incident confirmed the environmentalists' suspicions about the AEC and strengthened their resolution to transfer jurisdiction of the EIA to the EPA.

In the late 1980s, there were at least two cases in which local residents wrestled for the right to be present during EIA sessions. In the case of the fifth naphtha cracker project in Kaoshiung City, anti-construction activists tried to make a farce of the official EIA. At a meeting, they raised prepared protest signs, and spread pesticide for the reviewers to experience air pollution directly (*United Daily News*, 23 April and 31 August 1988). In the case of the sixth naphtha cracker project in Ilan County,³ local opposition participated twice and eagerly voiced grievances. But within four months, the EPA concluded its review and gave this contested plan a green light (*Liberty Times*, 19 August 1988). Needless to say, these actions did not shake the government's resolution to sponsor these projects.

In these cases, the EIAs were not a decisive battlefield to weigh the pros and the cons of the projects. The environmentalists' struggle went on, despite EIA approvals. However, academic opponents of such environmentally controversial and sensitive projects opined that they could successfully argue against such projects using their sci-

entific expertise. If this were possible, then the EIA would become a powerful weapon for environmentalists. This view was prevalent among the TEPU, which was led by college professors. Thus, from 1987, environmentalists published many "non-governmental" versions of EIAs to emphasize potential ecological harm (see Table 2). In these they criticized the official EIAs as mere formalities, or "shooting first, then drawing the target." (Shih 1991).

Table 2: Non-Governmental EIAs (1987-1994)

Year	Development Project	Reviewer
1987	The Sixth Naphtha Cracker Project by Formosa Plastics Group (Ilan)	National Taiwan University professors with Ilan County Government
1988	The Fifth Naphtha Cracker Project by Chinese Petroleum Company	Greenpeace Workshop
1988	The Sixth Naphtha Cracker Project by Formosa Plastics Group (Taoyuan)	TEPU professors
1990	Taiwan Engineer Plastics Company	TEPU professors with Kaoshiung County Government
1991	The Fourth Nuclear Power Plant by Taiwan Power Company	TEPU professors with Taipei County Government
1991	The Pali Sewage Plant by Taiwan Provincial Government	TEPU professors
1992	The Suao Power Plant by Taiwan Power Company	TEPU professors with Ilan County Government

Source: various newspaper and magazine reports

Of course, these EIAs did not have binding power, but rather served as extension of protest tactics. At first, these EIAs certainly have effect in damaging the credibility of developers. The Formosa Plastics Group once placed a full-page advertisement to "clear-up the misunderstanding" of the TEPU scholars (*Commercial Times*, 18 July 1988: 18). In this context, the environmentalists were eager for an early codification of the EIA. In 1994, their wish came to fruition. From then, there were fewer "non-governmental EIAs," for the opponents had won the right to speak in the official EIAs.

EIA-Institutionalized Protests: the Case of Pinnan Industrial Park: The codified EIA in Taiwan was strict in terms of environmental governance. With a veto power, environmentalists have targeted the EIA process as a strategic site for opposing development projects. Since 1994, many controversial projects, such as the Pinnan industrial park (1994), the Hwenhwen dam (1996), the Kuanhsi industrial zone (1996), a Bayer

chemical plant (1996), and the Haitu power plant (1997), were highly publicized in that their EIAs involved dramatic conflicts. Residents and environmentalists opposed to projects criticized the developers' EIAs; the latter also mobilized their supporters to offset opposition lobbying. On the other hand, the EIA law transferred review authority to the EPA, and thus opened a space for increased public participation. The EPA was more familiar to Green groups than to other economic actors. As one environmentalist commented, "We went to the EPA quite often, and knew many officials."⁴

Among EIA controversies, the Pinnan project deserves special attention. Beginning in 1993, Tuntex Petrochemicals Inc. and the Yieh Loong Group planned to build an industrial complex with naphtha crackers, an integrated steel mill, and a harbor on the southeastern coast of Taiwan. At first, conservation groups were suspicious that this project would damage the ecologically sensitive Chiku lagoon, which is one of the habitats of the precious blackface spoonbill. Then, later, local fishermen and oystermen joined the opposition camp to defend their livelihoods. The investment of the Pinnan project was to be 470 billion NT dollars (roughly 18.8 billion US dollars at that time) and was certainly the largest case under EIA review at the time (*Taiwan Lihpao Daily*, 1 October 1994).

During the review period (1995-99), the opposition sought to delay final passage.⁵ This strategy of postponement worked during the first stage of the EIA. At that time, Tunex and Yieh Loong enjoyed backing from local politicians and were eager to see the project approved. Prior to the EIA completion, the MOEA had already stated its unconditional support for the Pinnan project, and in June 1996, the MOEA even vowed to begin the construction process within half a year (*Economic Daily*, 23 June 1996). In order to counter this, the opposition successfully persuaded and lobbied reviewers to accept the idea of a second stage for the review process. The second stage of the EIA began in early 1998, with ten subjects under consideration, including lagoon preservation, acid rain, emission of carbon dioxide, blackface spoonbill conservation, and so on. Clearly, the environmentalists had won a major victory by inserting their concerns into the EIA review agenda. With the addition of these items, the Pinnan project underwent the strictest EIA review ever in Taiwan. As Su Huan-chi, DPP Legislator then and anti-Pinnan leader characterized it, "the Pinnan EIA is a test of endurance. Environmentalists must have patience to play the game continuously."

How could resource-poor environmentalists delay the Pinnan project in despite of concerted promotion from business and politicians? Here, the opposition adopted a two-pronged tactic by employing scientific arguments and simultaneously mobilizing grassroots supporters. First, scholars played an important role in the EIA review meetings. With sufficient credentials and professional expertise, they were able to challenge the EIA report and demand more thorough investigation before actual construction. Professor Hsieh Chih-cheng of National Taiwan University was the key person. He made a careful study of the EIA report in order to find any faulty statements, as if he were doing his "homework."⁶ Thus, the convinced EIA committee kept demanding that the developers present more updated data. In certain points, the environmentalists succeeded in downsizing the scale of development, therefore reducing the ecological im-

pect. The Chiku lagoon was a significant example. The conservation groups did their best to promote the value of this coastal marsh. Now the area has become a famous site for ecotour, bird watching, and oyster dining. With these social pressures, environmentalists found it easier to convince EIA reviewers. As a consequence, the lagoon development ratio was reduced from its original 100% usage to no more than 5% (*Industrial and Commercial Times*, 10 July 1998).

In addition to professional participation, mass politics was also important. With the presence of angry crowds in EIA meetings, the opposition could effectively speak louder. When interviewed, Professor Hsieh thought such mass participation sometimes disturbed professional arguments, he agreed that it functioned to boost morale. Su held a more favorable view of the mass mobilization. He characterized the professional participation as "civilized struggle" (*Untou*), while the mass strategy as "armed struggle" (*Wutou*). For Su, both tactics were complementary and vital for demonstrating the worries of local residents. In various explanatory meetings, on-site inspections, public hearings, and review meetings after January 1995, large crowds of local opponents took part. According to journalist's reports, there were ten incidents in which violent physical conflicts with the pro-Pinnan groups resulted. Certainly, violence could not be persuasive for the EIA reviewers. But with the media's attention as well, the EPA had to postpone final approval of the Pinnan project for four years. In December 1999, the EPA held two review meetings without informing the opponents of the project. Even so, the Pinnan EIA was only granted final approval with "the adoption of a number of provisos, twenty-seven conditions, and eight supplements."⁷

As seen in the Pinnan case, the new EIA law had the effect of redirecting environmental protests in Taiwan. In the past, the policy decision-making process shut out civil associations, and the latter could only employ street politics to voice its grievances. Now, the EIA law provided room for both intra-institutional and wider public participation. For the anti-Pinnan groups, they obtained the right to speak their minds in public meetings. The EIA process also allowed Green groups in Taiwan to exercise new pressures. Staging an environmental protest was initially a demonstration of might, and the number of participants largely determined its impact. With the EIA, might had to give way to right. The anti-construction groups had the obligation of presenting a set of professional arguments. In the Pinnan struggle, opponents set up a division of labor in studying the EIA reports. In the review subject of water supply, for instance, they sought assistance from more than ten scholars and experts in southern Taiwan.⁸ Clearly, EIA regulations strengthened the tendency for the blurring of the distinction between science and politics. In this new stage of "scientific politics," Taiwanese environmentalism followed the direction characterized by Beck (1995: 62) as, "Protest must speak the language of a science that serves as much to bring about the hazards protested against as it serves the cause of protest itself."

From the broad perspective of the nascent political transition in Taiwan, democratization certainly upgraded the status of environmental citizenship. The legislation for the EIA incorporated many demands by environmental groups. In practice, the EIA also allowed a broader scope for public participation. In the Pinnan case, it took four years

to complete the EIA review process. In comparison, previous cases of similar in scale – the fifth and the sixth naphtha cracker projects for example – required no more than four months. At that time, the MOEA even criticized the EPA for delays in EIA reviews (*Liberty Daily*, 8 June 1988). Apparently, new democratic accountability eased economic bureaucrats' impatience, at least to an extent. Citing the case of the EIA in Taiwan, scholars argued that democratization brought about a more responsive government for environmental interests (Tang and Tang 2000).

Nevertheless, as the Pinnan case demonstrated, the EIA in Taiwan remained fraught with controversy. During the legislative process, environmentalists worried about insufficient professionalism, which might turn the EIA into a rubber stamp for all sorts of ecologically unsound projects. *Dirigisme* was a common trait in past Taiwanese economic development. If the EIA could not be operated in an autonomous manner, then it would become a mighty scientific endorsement to silence dissent. As stated above, the EIA draft law was modified under the principle of scientific professionalism to prevent it from falling under possible "administrative guidance". Still, politics abounds in the EIA process after 1994. The following section analyses the reason for this entanglement.

The EIA in Controversies Between Politics and Professionalism

Aside from environmentalists, the EPA and scholar-experts also supported professionalism in the EIA. The EIA law demanded that no less than two-thirds of the review committee be made up of scholar-experts. Thus, the EPA's first EIA review committee (in 1995) was selected according to individual expertise such as geology, public health, biology, and so on. There were some implicit assumptions concerning professional knowledge in the EIA.

First, professional knowledge was taken as free of all ideological content. During the review session, even committee members were restrained from expressing her or his opinions. Professor Chen Chi-lung once compared the EIA review to an oral defense for an academic dissertation. He said, "When the developing firms asked my advice to revise the EIA report, I would not tell them."⁹ The former Director of the EPA Chang Lung-shen rejected the environmentalists' proposals to nominate their suggested reviewers. Chang justified his decision by characterizing environmentalists as extremely biased and argued that the EPA should only nominate "neutral and just" experts (*Mingshen Daily*, 14 July 1995). Two other EPA reviewers held similar beliefs, criticizing environmentalists as "too radical,"¹⁰ and as having "always insisted on zero development."¹¹

Secondly, professionalism stresses the value of objectivity. Empirical evidence, logic, reasoning, and scientific theory were the impartiality guarantee above other interests. As one EPA reviewer commented, "the EIA looks for data and decides upon it. Scientists make their judgments based on data, while others rely on sense and intuition."¹² Thus, scholar-experts tended to judge local opinions by survey results provided by developers rather than through the activities of protestors. As one reviewer emphatically stated, "Public opinion is emotional and could be manipulated. Which is

correct, the majority of opinion or our scientific theory? Are average people sufficiently qualified to know their interests and human health?"¹³

Thus, by the EIA's rules of the game, only professional pronouncements mattered, while the large majority of laypersons were effectively deprived of the right to speak for themselves. Thus, during the EIA sessions, only professionals' speeches, such as those of college professors, gathered the attention and respect of reviewers. Oftentimes, the evidence provided by the layperson was not treated seriously. One anti-Pinnan activist had unpleasant experiences with those EIA reviewers. As she said grudgingly, "Basically, most of environmentalists are looked down upon by the reviewers. They often ask whether your data are professional or not." Another Green activist who fought against the Haitu power plant stated his comparable opinion, "The government should have all kinds of professionals and they are able to detect some serious problems in the EIA report."¹⁴ In all likelihood, his bird observation data was taken lightly in the EIA.

In order to avoid this situation, environmentalists often forwarded their materials to like-minded college professors. Then, professors could serve as a kind of advocate for Green groups. With the same academic credentials, these professors stood on an equal footing with EIA reviewers. Thus, Professor Hsieh played an important role in the Pinnan EIA, not only because he spent a lot of time in reading materials, but also because of his respected academic position.

In sum, EIA professionalism, as desired by the environmentalists, was itself sometimes used to discredit the claims of environmentalists. Here, scientific criteria served to exclude the general public. In this situation, if Green activists failed to meet the supposed scientific criterion, they still retained the option of politicizing the issue. Sometimes, legislators and other elected officials took part in the EIA review sessions and championed the cause of the local opponents. The EPA itself was answerable to the Legislative Yuan, and therefore it could not deny the participation of the interested politicians. Su Huan-chi, the anti-Pinnan Legislator, was a notable example here. Every time Su joined the EIA review meetings, the EPA would include his speech time in the agenda. "When there is a serious disagreement in the meeting, the EIA chairperson would always ask Su for his opinion. But, when the environmentalists asked for chance to speak, they would often be neglected by the chairperson," remarked one activist.¹⁵ Thus, when their claims were rejected by EIA professionals for their lack of expertise, they could still call on political friends who had sufficient power to influence the EIA review. On the other hand, political pressure was also useful for obtaining vital information. Despite legally enumerated rights to public information, EPA officials would sometimes deny environmentalists access to information on the grounds that they were not directly involved. Such a situation happened in the Hsiangshan reclamation development project. At that time, the government refused to give a copy of the EIA report to the concerned Green groups. Finally, Lin Shen-chung, then an anti-Hsiangshan activist and Director of the DPP local headquarters, used his political position to obtain the EIA report.¹⁶ This case showed that using political connections might be an option if environmentalists were barred from access to EIA information.

However, the environmentalists were not the only ones to exert their political in-

fluence. Business people, top officials, and politicians also tried to pressure the EPA to approve development projects under their patronage. These moneyed interests were often stronger in political resources than the environmentalists. In recent years, these controversies were made public and severely damaged the EPA's reputation. The Kuanhsi industrial park project was one which embroiled the EIA in controversy. Environmentalists rose in opposition because they rejected the idea of relocating factories to this hill area. At that time, President Lee Teng-hui had openly expressed his support for the project several times. One of the EIA reviewers, Professor Chen Hsin-hsiung, happened to be born in the Kuanhsi area. Professor Chen knew the potential harm to his homeland and articulated his opposition in a review meeting. However, several days before final passage of Kuanshi industrial park project, the EPA Director Chang told him privately: "The pressure from the above is very high. If the Kuanhsi project is not approved in the due time, the Director might lose his position." As a result, Professor Chen refused to attend the following meeting and finally resigned from his EIA reviewer position.¹⁷

Such a situation also occurred in the Haitu power plant project. This case was significant in that two KMT and two DPP politicians took part in the investment. During the EIA review period, one of the KMT Legislators showed up in every meeting in order to push for an earlier approval. According to one anti-Haitu activist, that politician openly criticized opponent legislators for "pandering to the local voters," and justified his behavior as "caring for the business."¹⁸ Likewise, one of the DPP shareholders mobilized his supporters to exert pressure on the EPA. With these political interventions, the Haitu EIA turned out to be tortuous. In August 1998, the EPA held an EIA meeting to decide on the future of the Haitu project. Among the 13 review committee members, seven were against approval and five were for it, with one invalid vote. All of the journalists who were present saw the result and this piece of news made its way to the headlines in that evening's reports (*China Evening Post*, *United Evening Post*, 8 August 1998). After the session, however, four shareholding politicians held secret discussions with the EPA Director. Several hours later, the EPA came out with a new explanation of the voting to the effect that the rejection was only procedurally valid, but not substantive. Despite mounting protests from environmental groups, the EPA stood its ground firmly and the Haitu project was granted approval just three months later (*United Daily*, 5 November 1998).

In these widely attended development controversies, Pinnan, Hsiangshan, Kuanhsi, and Haitu, EIA approvals were all granted by the EPA in spite of environmentalists' resistance. After the codification of EIA law, the government proved to be pro-business as usual. The environmentalists believed that their opposition was rational and based on professional knowledge. If necessary, they would not refrain from using political connections to further their goals. It happened that their grounds for opposing development were often dismissed for lack of professional credentials. And in a contest of political might, the environmentalists were not likely to win due to their lack of resources. In sum, politics and professionalism are entangled in the current EIA process in Taiwan. In this regard, the EIA as it practiced in Taiwan fails in its proclaimed principle of being

"scientific, objective and comprehensive." Even after the conclusion of the EIA process, opposition struggles continue. Still, the EIA had the unintended consequence of structuring protest activity according to a review agenda. Anti-construction protests became more predictable and could be easily localized. In the end, the codified EIA did not necessarily lead to the peaceful resolution of conflict. Contrary to official expectations, the EIA has reallocated the locus of conflict and become politicized as a result.

Conclusion: The EIA and Deliberative Democracy

Political democratization in Taiwan liberated popular demands for a pollution-free environment. Environmentalism rose as a protest against authoritarian capitalism. EIA regulation was upgraded, extended, and codified to meet challenges from the below. Democratization also enabled environmentalists to revise the government's original EIA proposal. Beginning in 1995, the EPA was empowered to veto ecologically unsound projects. The new EIA law was strengthened in terms of public participation and professionalism. However, by closely studying some EIAs in practice, it has been shown that politics still predominated over professionalism. Much to the disappointment of environmentalists, the EIA has failed to act as a gatekeeper. Thus, political democratization in Taiwan opened only slightly the hitherto closed door for environmental interests. Even so, this opening was still far narrower than expected. To a certain extent, what Beck (1987: 101) called "ecological extension of democracy" was visible in Taiwan's recent development.

From a closed-door discussion amongst bureaucrats, in recent decades the EIA in Taiwan has progressed to become an open review. Still, the EIA's claim of professionalism is only nominal and subordinate to political demands. Many scholars have pointed out there are serious problems of a lack of confidence in the EIA. (Yeh 1998: 26; Hsiao 1999b) The current level of EIA professionalism still raises a significant barrier for the participation of civil society group. As Habermas (1975: 84) pointed out, this sort of scientism precludes the free discussion of the general public and encourages civil privatism. Such a tendency would not be favorable for the goal of ecological democracy.

To avoid this dangerous development, a deliberative model of democracy has been introduced in the environmental policy-making (Dryzek 1992; Barry 1996). Deliberative democracy bases its authority on the rational consensus resulting from a free discussion. Following this ideal, the EIA is transformed into a site of deliberative democracy, where scientists and people engage in a consensus-searching talk.

If this is possible, the EIA can become a more democratic forum, with meaningful participation from local residents and public interest groups. Political intervention from above, of course, should be minimized, lest the power should distort the goal of communication without restraint. Hopefully, with the further consolidation of democracy in Taiwan, greater accountability will restrain the power holders from tampering with the EIA. Also, the principle of professionalism should be refined. Professionalism should not be a demarcation dispute, where "outsiders" are deprived of their right to participate in the process. Scientific statements do not "tell" people what should be done, but rather functions as an important aid for decision making. In fact, EIA decision-making

involves a problem of "bounded rationality" (Hellström and Jacob 1966: 80). Such an approach to environmental management also emphasizes the value of community participation (Kapoor 2001). With these ideals, the EIA in Taiwan could become a key-stone for the development of ecological democracy.

Notes

1. The author is indebted to Kevin Hewison and Mark H. Wu for their useful comments on an earlier draft.
2. Interview with Professor Zheng Chinlong, National Taiwan University, 26 March 1999.
3. The Formosa Plastics Group proposed three sites for construction of the sixth naphtha cracker between 1986 and 1991. In temporal order, they were in Ilan County, Taoyuan County, and Yunlin County. Each proposed site met local opposition before the project was finalized in Yunlin.
4. Interview with Chen Man-li, director of the board of Homemakers' Union for Environmental Protection, 22 March 1999.
5. Interview with Su Huan-chi, DPP Legislator, 30 December 1998.
6. Interview with Professor Hsieh Chih-cheng, National Taiwan University, 1 February 1999.
7. See the website, <http://www.epa.gov.tw/english/offices/Pinnan.htm>, accessed 7 August 2002.
8. Interview with Cheng Hsiu-chuan, assistant general secretary of Taiwan Wetland Protection Union, 21 January 1999.
9. Interview with Professor Chen Chi-lung, National Taiwan University, 26 March 1999.
10. Interview with Professor Chang Shih-chiao, National Taiwan University, 12 December 1998.
11. Interview with Professor Lin Ruey-shiung, National Taiwan University, 12 January 1999.
12. Interview with Professor Wang Ying, National Taiwan Normal University, 14 January 1999.
13. See note 8.
14. Interview with Wu Chang-ku, chairperson of Taichung County Niumatou Cultural Association, 12 May 1999.
15. See note 8.
16. Interview with Lin Sheng-chung, chairperson of Taiwan Ecological Protection Union, 9 February 1999.
17. Interview with Professor Chen Hsin-hsiung, National Taiwan University, 24 December 1999.
18. Interview with Lin Hsueh-yuan, Secretary of Referendum on the Fourth Nuclear Power Plant Association, 22 January 1999.

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