

# Civil Society and the Future of Environmental Governance in Asia



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## Abstract

This paper explores the role that civil society could play as a 'driver' of a new paradigm of ecologically sustainable and equitable development in Asia. It argues that the growth and effectiveness of civil society--and the processes of democratization which nourish it--is likely to be the most significant force in the emergence and implementation of such a paradigm. On the one hand, only civil society, both business and non-governmental organizations (NGOs), can build the political will for a new approach to development which sets social and environmental goals as part of the development process. On the other hand, the creative engagement of civil society will be crucial

in developing and implementing an effective model of environmental governance.

The paper is in three parts. Part I examines first the political and then the environmental landscape in Asia in the aftermath of the economic crisis. It suggests that Asia is at a 'fork in the road' and argues that the two 'critical uncertainties' are whether Asian countries will embrace more open or closed economic policies, and more authoritarian or democratic political cultures. With these two variables, we sketch four 10-20 year scenarios, each with different implications for the growth of civil society and effective environmental governance. In all scenarios, civil society presses for more environmental protection. However, in the scenario based on open economies and democracy, civil society drives the transformation of the development paradigm itself.

One of the reasons for expecting widespread civil society activism on the environment, especially if they are given more political space, is the extreme rate of ecological degradation and resource depletion in much of Asia. For three reasons, the rate of environmental degradation is likely to increase as a result of the crisis. First, the crisis has cut into government and business revenues, reducing resources for infrastructure projects and weakening attention to environmental standards. Second, the crisis has greatly increased poverty in Asia, stimulating migration from urban to rural areas. Lacking their own land, the new migrants are clearing forests or cultivating lands set aside for agro-industry or luxury uses, such as golf courses, or logging or hunting illegally. Moreover, the highly polluting small and medium size enterprise sector has grown rapidly as a result of the crisis and the loss of jobs in the higher value, larger firms.

Third, the policy overwhelmingly prescribed by economists is to return as quickly as possible to rapid growth by increasing exports and foreign direct investment. Many Asian exports are resource-intensive products such as timber or minerals and many manufacturing products are produced via highly polluting production processes. There are no international environmental standards either for traded goods and services or for investment. Striving to grow at any cost, Asian governments will be hard pressed to raise or even enforce current environmental standards.

Part II focuses on the character of civil society in Asia. The first section examines contested concepts of civil society and outlines three different formulations of its role: 1) opposing or limiting the power of the state; 2) assisting and trimming back the state by taking on social functions such as education; and 3) furthering democracy by demanding popular government accountability and promoting wide participation in governance. In Asia, civil society groups have taken on all three roles and are increasingly growing into the third role. However, governments often perceive the activities of civil society organizations only as oppositional.

The second section of Part II explores government constraints in undertaking effective environmental governance and suggests that civil society can help to overcome them. The four constraints are the lack of political will; fiscal constraints; the lack of technical and regulatory capacity; and competitive pressures of globalization, especially competition for foreign direct investment.

Civil society in Asia is emerging in the context of globalization of both economies and norms. In the third section, we argue that governments will increasingly face contradictory external pressures, viz, to be competitive in global markets yet raise their environmental and human rights standards. Moreover, Asian NGOs, who are already highly concerned about the social and environmental impacts of globalization, will be increasingly linked in with a 'global public policy network' which seeks a different, ethics-based approach to global market governance. As a result, there is likely to be increasing pressure on all governments to enact global standards and norms. Moreover, Asian governments will face growing internal pressures to embrace better social and environmental policies, and potentially to withdraw from globalization itself.

Part III explores functional roles for civil society, including to provide intellectual vision, advocacy, help to solve problems, and act as critics and watchdogs. We argue that the overarching question is how governments could-and should--mobilize the transformative potential of civil society. We sketch three, alternative governance models: 1) Community Partnership, based on cooperation between government and civil society in undertaking and implementing specific policies and projects; 2) Corporate Self-Regulation; based on encouraging companies to enhance their own environmental performance, in part via market incentives; and 3) Strategic Stakeholder Engagement, based on the concept that government, business and community groups are 'multiple agents' in governance. Rather than a dyadic, top-down or 'hands off' relationships, government aims to enhance and enable civil society groups to fulfill a range of functions, including proposing as well as implementing policy. While no one model is best in all cases, the Strategic Stakeholder Engagement model is the most fulsome and it is likely that Asian civil society groups will increasingly demand some form of it.

We conclude by suggesting that the path of ecologically sustainable development-whether in Asia, the West, or elsewhere--can best be nurtured by the inclusion of a broad range of stakeholders in governance. More research is needed to explore the design of institutions for effective, efficient and broadly representative inclusion, especially in particular locales. Finally, we suggest that the future of environmental governance in Asia will be determined at least in part by the evolution of civil society groups themselves. Their choices as to whether they embrace cooperation, opposition or critical engagement, as well as their policy targets, organizing strategies, analytical tools, and use of information technologies, will significantly affect their ability to influence environmental policy-and the future of Asia.

## **I. Economic Crisis and the Environment**

The financial and economic crises which swept East Asia from mid 1997 brought the region to something of a cross-roads in its policies for both development and environmental protection. In many countries, the crisis has also changed the balance of power between government, business and non-governmental organizations, that is, between the state and civil society.

To some analysts of Asian affairs, the crisis signaled the need -- and provided an opening - for a change of course in development strategy for Asian Newly Industrialized Economies (NIEs) and near NIEs. Central to this change is a new emphasis on the importance of 'good governance', not least to attract future foreign investment. A host of voices, spanning the IMF, multinational corporations, domestic business, NGOs, and individual citizens are calling for more transparent, accountable, efficient and capable government. The demand for better governance is taking place in the context of market-oriented policy reforms. If successfully implemented, these reforms will raise the economic profile of competitive businesses, both foreign and domestic, and generally increase the role of market forces in daily life.

This paper examines a variety of conceptual frameworks and institutional models for the engagement of civil society in environmental governance in Asia. Part I first examines the political and environmental landscape in the wake of the crisis. Part II explores the character of civil society in Asia and argues that civil society is itself a contested concept. Part III sketches six functional roles for civil society groups and develops three alternative models of environmental governance.

### **The Fork in the Road?**

The crisis has given new strength and impetus to civil society in many countries in South East Asia. The influence of civil society actors, such as non-governmental organizations (NGOs), has grown dramatically, even in the most important political and policy decisions. With the crisis came the delegitimation of politically repressive governments whose popular legitimacy derived largely from high-speed economic growth. The clearest example is perhaps seen in Indonesia. After 32 years of rule, President Suharto was driven from office, leaving behind a more plural and open political and social landscape. A more open politics is a positive trend in Indonesia, notwithstanding emergent concerns with law and order, including violent conflict in areas such as East Timor and Aceh.

Similarly, if less dramatically, the civil society of South Korea, Thailand and other countries has grown in the wake of the financial crisis. The increasing information demands of open markets, as well as the new opportunities and

competitive pressures in a globalized economy linked by information technology, will further strengthen civil society. In the future, both business and non-governmental organizations will seek a greater role in societal governance (Tay 1999b).

From this perspective, one fork at the cross-roads will lead countries of the region towards more open markets and a more influential civil society. The interaction of open markets and civil society will, in turn, put strong demands on Asian governments to improve internal governance. Reforms in governance will aim both to facilitate market transactions and to promote social goals. The environment will be a major beneficiary.

The other fork of the road for East Asia is quite different. For some, the crisis has meant the end of the so-called Asian Miracle. Reliant on open markets and export-led industrialization, the 'Asian model' touted by the World Bank was exemplified by the NIEs (Hong Kong, Singapore, South Korea, Taiwan) and second tier NIEs (Malaysia, Thailand, Indonesia, Philippines) (World Bank 1993). In the wake of the crisis, the 'Asian model' may no longer be seen as the best model to emulate, either for Asia or other developing countries.

Instead, the crisis has sparked increasing skepticism and concern about openness to trade, investment and capital, and to globalization in general. This doubt exists not just within the NIEs and near-NIEs but also in other countries, such as Viet Nam, that have opened up more slowly and now have seemingly good reason to postpone or curtail such opening. Throughout East Asia, there is a discernible rise in a narrow nationalism and a sympathetic sentiment towards autarchy, as first seen in the Malaysian experiment with capital controls (Mallet 1999, Tay 1999b). This is more than just a matter of economic policy.

On this path, there is also resistance to a greater role for civil society. Instead, the call for better governance is resisted or transmuted into a call for 'strong' government. Wary of the fate of the former Indonesian president, other Asian leaders may cling even closer to power and continue to deny demands for democracy and human rights championed by civil society (Tay 1999b).

The reluctance to open or (in other cases) the moves to partially close markets in some Asian countries is most often allied with relatively closed political systems. However, trends towards political closure also co-exist with economic openness. Indeed, the 'Asian way' has precisely espoused the value of relatively open markets and economies, combined with relatively closed political structures.

Looking at Asia's 10-20 year future in the wake of the crisis, therefore, suggests a matrix of four possible scenarios in which the 'critical uncertainties' of open/closed economies and democratic/authoritarian political systems unfold in different ways. In such a matrix, economic and political regimes are in dynamic interplay to portend different paths: 1) open/authoritarian; 2) closed/authoritarian; 3) closed/democratic, and 4) open/ democratic. Impacts on society and the environment differ in each scenario.

In a scenario characterized by an open economy and a relatively authoritarian political system, governments will seek rapid economic recovery and a return to old ways in government's relations to society and to business. The development path will likely continue with policies that put growth before environmental protection, rather than genuinely seeking the balance of sustainable development.

In the second scenario characterized by a relatively closed economy and a controlled polity, environmental impacts are much the same or even worse. Without open markets, the likelihood of inefficient production and black market transactions is even greater. The benefits of growth, moreover, will accrue to a few winners in a system that combines access to environmental resources with political power (Tay 1998a).

Whether the economy is open or closed, a politically controlling state is thus likely to engender high levels of environmental degradation. Even without political access, however, civil society is likely to make its influence felt. In the face of deteriorating environmental conditions, depletion of resources, and escalating health and other ill-effects, government neglect is likely to strengthen discontent at the local level. Escalating environmental degradation and deteriorating 'environmental security' may thus be a source of civil and political conflict, (Homer Dixon 1999, Barber 1997). Governments may also find themselves subject to external pressures, stemming from consumer-led demands in developed and more environmentally conscious societies. In short, if the state in either of these scenarios chooses to ignore environmental problems, civil society, both within nationally and internationally, will likely be one of the key drivers to make them pay.

Future development paths based on relatively democratic governance-whether or not economies are open-are likely to

have very different impacts on the environment. Via political access, civil society is likely to press for cleaner, healthier and more equitable economic policies. . With a relatively closed economy, however, states and their natural environments may forego the benefits of foreign trade and investment, including newer, cleaner and more efficient technology and the benefits of economies of scale in production. With an open economy, on the other hand, consumer demands and per capita income are likely to grow more rapidly, triggering or exacerbating environmental stress. The dramatic rise in personal car ownership and the attendant problems of urban air pollution and traffic congestion are emblematic of this shift.

In the fourth 'open/democratic' scenario, the deepening of democracy may drive, therefore, not just regional economic recovery but a transformation in East Asia's development policies. A new paradigm would aim not simply to re-start the old, pre-crisis patterns of growth but to transform them towards the path of more sustainable and equitable development. On the one hand, economic openness will require and enable efficient production in order to compete globally for both export markets and foreign investment. On the other hand, the greater role of civil society could restrain government from self-serving policy excesses and encourage policies which promote the goals-economic, environmental and social, of other groups in society. With greater efficiency, equity and participation in policy-making, a better environment may well be one of the dividends (Tay 1998a, World Bank 1998).

It is not certain which of these scenarios will emerge in Asia over the long term. Perhaps all of them will emerge in different places, at least in the short term. With the intervention and surveillance of the international community and the IMF, the path towards open markets and some form of greater democracy seems most likely at present. However, in almost all societies, there continue to be countervailing forces. Accordingly, more economic reforms have been promised than carried out in most of the crisis-hit countries. With political change too, there is no guarantee that democratic forces will prevail in the medium to long term.

It is also likely that responses in various Asian countries will increasingly differ. While Asian countries clearly differed in their economic and political characteristics prior to the crisis, their responses and policies in the face of the crisis have sharpened their differences. In the Association of South East Asian Nations (ASEAN), for example, the differences between the older and more developed member states (Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand) and the newer members (Vietnam, Laos, Myanmar and Cambodia) have grown sharply in both economics and politics.

The ability of civil society to drive constructive changes in environmental governance would be enhanced, obviously, in a more democratic political regime. Even under conditions of political repression, however, the deterioration of basic eco-systems and the and the depletion of natural resources upon which many depend for their livelihood is likely to stir civil society protest and action. Civil society, in short, is likely to be a key variable in any scenario. The central questions revolve around whether it will be allowed to participate in charting Asia's future and what particular role or function it will play.

## **Environmental Impacts of the Crisis**

Widespread, serious and highly visible before the crisis, the rate of environmental deterioration in East Asia is likely to increase as a result of the crisis. There are three reasons. First, the crisis is likely to reduce funds available for environmental protection and infrastructure and to weaken regulatory agencies and efforts to ensure compliance. Second, the crisis is likely to stimulate a resurgence of environmental problems associated with poverty. Third, there are likely to be negative environmental impacts from the economic policy responses to the crisis, especially attempts to restart 'business-as-usual' economic growth.

### **Decreased Funds and Weakened Regulation**

In the wake of the crisis, government revenues have decreased for almost all purposes, including the protection or improvement of the environment. Moreover, attention to environmental protection has declined, along with the wherewithal to meet environmental standards. This applies not only to governments but also to corporations and other producers, as well as to the members of the public that may otherwise be concerned with environmental issues. Prior to the crisis, in response to growing public concern and external pressure, the East Asian NIEs moved to strengthen their environmental laws and regulation,. Over the past ten years, substantial investments were made to improve pollution control. Infrastructure investment in water supply and sanitation and, to a lesser extent, in mass transit systems brought environmental benefits. There were also signs of more effective regulation over industrial activity, with a strong record in some countries, such as Singapore and improvements in some others, including Taiwan and Malaysia. The Asian Development Bank predicted that air and water quality would improve in the higher income

countries of the region.

In the short to medium term, the region will likely see a slow down in the provision of such infrastructure (although some economic prescriptions now suggest the need to stimulate internal demand by, among other things, proceeding with infrastructure projects). Investment in improved and less polluting technology is also likely to be cut back. This is especially the case because most such technology has remained proprietary, despite the preferential terms of access envisaged for developing countries in international environmental agreements, including the Montreal Protocol on the Reduction of Ozone Depleting Substances and the Biodiversity and Climate Change Conventions.

There are similar concerns about whether environmental regulation and regulatory agencies will be weakened. The common wisdom is that the crisis is to be blamed, at least in part, on Asia's weakness in the governance of public sector, financial institutions and industry. As a result, the regulatory reach of government is being weakened, with likely effects on environmental compliance.

Environmental regulation and, especially, enforcement was weak in Asia even before the economic crisis. The reasons generally stem from a lack of funding and weak, overstretched and often corrupt administrative and judicial system. The traditional command-and-control regulatory approaches to the environment are notoriously costly and often difficult to implement effectively. The crisis may therefore worsen an already poor situation. In this context, the image of half-built, abandoned light rail tracks in some Asian capitals is not only a portrait of stalled ambition but a surrender to the continuation of heavy vehicular traffic jams, with attendant pollution costs.

### **The Environmental Dimensions of Increasing Poverty**

The crisis has vastly reduced economic welfare for many individuals and thrust a considerable percentage into poverty. The crisis has thus had and will likely to continue to have profound social, psychological, and health, as well as economic impacts on the people of Asia. Moreover, the decline in economic circumstances will have direct and indirect environmental impacts.

Prior to the crisis, the Asian Miracle displayed a number of negative social and human impacts, including an increasing disparity in the distribution of income and wealth between elites and the masses. Large companies, both domestic and foreign, drove rapid growth in export-oriented manufacturing, often bringing new technology and better-paid jobs. In many Asian countries, however, a domestic sector of medium to smaller enterprises also grew rapidly. These small and medium size firms tend to be technology-poor and not competitive internationally. They tend to pay low wages, be highly polluting, and intensive in their use of natural resource inputs.

The lower level jobs and informal sector in Asia are most often associated with poor environmental and health standards. Largely, firms and individuals in these sectors have been unable to conform to higher environmental standards, especially as demanded by Western or international communities (Vossenaar and Jha 1996). If the crisis leads to the loss of higher- and middle-level jobs and an increase in either lower-level jobs or the informal sector, this is likely to have a negative environmental (and human) impact.

Another discernible pre-crisis trend was the migration of people from rural areas to the cities, where they were often confined to low-level employment or the informal sector, and lived in shanty-towns (Rigg, 1997). In the aftermath of the crisis, the reverse trend has become evident-urban poor are returning to the countryside. While urban poverty has attendant problems, the reversal of this phenomena is no solution. The push factors that initially triggered migration to cities, especially landlessness, are still extant. When the urban poor go back to the countryside, they do not return to their own land because they do not have any. Moreover, after a generation or more in the cities, the number of these landless urban dwellers has swelled. Consequently, those who return to the countryside have to find new lands to cultivate.

Many will seek to survive by clearing forest or taking lands previously set aside for agro-industry or luxury elite uses, such as golf courses. Others may turn to illegal hunting of endangered species of flora and fauna or to illegal logging. Such activities may be understandable where starvation is the alternative. The environmental impacts, however, may be considerable, especially where the landless use fire to clear land or drive out animals; a cheap and quick method that is polluting and often illegal. The situation is compounded when such land takings are unauthorized and give no secure title to occupants. In such cases, the landless face strong short-term imperatives to clear and use land, but none to maintain and sustain it over the longer term.

### **Negative Environmental Impacts from Policy Responses**

Current and future policy responses to the crisis may lead to negative environmental impacts. This may be intentional, if the environment is seen as a luxury concern that can no longer be afforded in the crisis; or unintentional, given that policy responses are driven by economic agencies, with little or no knowledge of environmental concerns and costs.

The environmental impacts from policy responses are hard to predict. One major reason is that economic policy prescriptions differ among different economists and agencies. While there has also been a notable change in the tenor of the IMF and World Bank since the earlier days of the crisis, three general edicts remain operative. The first is the prescription for countries to export themselves out of the crisis. The second is the mandate to attract foreign direct investment. The third, and most general, is the aim to re-start the economy and return to high growth rates. Such prescriptions trigger the concern of environmentalists that Asia's growth, or in this case, its recovery will be at high environmental cost.

This is especially so in the case of trade. Many of the exports in the region (e.g. oil, timber, minerals) are extractive or otherwise high in natural resource input. Many are also highly polluting in their production processes, especially given lower standards in regulations and weak systems to enforce such regulations. The international trade system in the WTO does not assist in this regard. It has pointedly and repeatedly set aside environmental conditions imposed by importing countries in favor of unfettered free trade. Regional organizations such as APEC and ASEAN/AFTA have yet to conjoin their agendas for trade and investment with their environmental undertakings and may not have the political will to do so (Zarsky 1998; Tay 1996).

As for investment, no international rules currently govern international investment. Such rules could potentially provide a framework for all governments in which to define and enforce the environmental responsibilities of foreign investors (Zarsky 1999b). Currently, it is up to the national governments in the region to screen foreign investment for environmental impacts. Most countries have laws or policies to do so and to undertake environmental impact assessments before deciding on foreign investment. But their track record has been mixed, and exceptions or absences were notable even before the crisis. The political will to raise environmental performance may be even weaker now, given increased hunger for FDI and investor concerns about the competitiveness and stability of the region. .

Finally, blind to environmental (and social) costs, most economists see the task at hand as simply the need to re-start stalled economic engines under business-as-usual social and environmental policies. If the progress of the Asian Miracle provided any consolation to environmentalists, it was that greater affluence would eventually propel higher environmental standards. According to the hypothesized 'inverted U pattern of pollution', environmental degradation first rises and then falls with growth in per capita income, with the turnaround point coming around \$5000 (Grossman and Krueger 1994). If the hypothesis is true, then continued rapid growth would eventually drive Asians to demand- and be able to afford-more environmental protection. With the drop in the per capita income of most countries, it would seem that the region is being driven through another round of the lower end of the inverted U, when growth coincides with high levels of pollution. With the crisis, the search for environmentally sustainable development seems like a game of snakes and ladders: the Asian economies have been brought back to the bottom of the inverted U-shaped snake.

The tendency for the environment to be sacrificed in the plans for recovery and re-starting growth cannot be underestimated. This is despite some early reports from countries in the region which suggest that the environmental damage of the crisis has not been as bad as originally feared.

On the other hand, the crisis has triggered hope for better environmental protection in the future. In large part, this hope is premised on the emerging importance of civil society, both a more competitive and efficient business sector and a greater voice for a myriad of community, religious, advocacy, professional and other non-governmental organizations. A significant increase in the role of NGOs vis a vis the state may especially bode well for the environment. Within more open systems of governance, NGOs may be able to better identify and articulate environmental and social concerns, as well as to build the political will needed to enact and implement new policies.

## **II. The Character of Civil Society in Asia**

Presuming that Asian countries continue to move down the path towards democratization, civil society groups will in the future play a larger constructive role in political life. They may be especially central to the project of developing new and stronger forms of environmental governance. Indeed, the central impact of civil society may be to build the political will to drive significant policy reform.

To understand and anticipate the potential role of civil society in environmental governance, two key questions must be examined, both of which we grapple with in this section. First, what is the character of environment-oriented civil society groups in Asia? What does the concept of 'civil society' mean and what values, philosophies and issues animate it? Moreover, civil society in Asia is emerging in the context of globalization, both of economies and social norms. How will globalization and 'international civil society' shape-and be shaped by-Asian NGOs?

The second key question is whether and how Asian governments will respond to the transformative potential of civil society, especially in relation to environmental (and social) governance. Given crisis-engendered fiscal constraints, as well as the turn towards greater openness to market forces, the logic of involving civil society in governance has become compelling. Government response will be shaped by a variety of cultural, political economic forces and pressures, both internal and external.

### **A Contested Concept**

After a century of neglect,<sup>1</sup> the contemporary discussion of civil society was revived in the struggles against authoritarian socialist states in Eastern Europe and, to a lesser extent, military dictatorships in Latin America (Tismaneanu 1992, Pelcynski 1988). Although it is an elastic term that differed in nuance from one cultural context to another, 'civil society' emerged as a 'shining emblem' of resistance (Hann and Dunn 1996). In Eastern Europe, civil society was primarily a code word to demand rights which the Western liberal democracies already have, as well as to delegitimize non-liberal regimes.<sup>2</sup> In this conception, civil society opposes the state or, at least, seeks to impose limits to an authoritarian and seemingly omnipotent state apparatus.

But this is not the only interpretation. Indeed, civil society is a contested concept. Its meaning has become entangled with different political debates, such as the differences between Asia and the West; the defense of the welfare state against neo-conservative anti-statism; rights-orientated liberalism against communitarianism; and elite versus participatory democracy ((Cohen and Arato 1997). These debates have added to and sometimes deviated from the East European idea of a civil society opposed to the state. Broadly speaking, two additional, emerging conceptions of civil society can be discerned.

The first views civil society as a means to assist and trim back the state. The argument is that, as civil society grows, it should unburden the state of social and cultural duties such as the protection and promotion of religion, arts, families, and education. It helps buttress neo-conservative notions that reject the social welfare model of democracy and argue that the state should do less. 'Civil society' becomes an argument for a minimal state and civil society itself is largely equated with the emergence and values of a middle-class, bourgeois community (Etzioni 1995, Walzer 1995).

There is another, quite different strand of the concept of civil society which emphasizes the role of civil society in furthering democracy and keeping democratic culture vibrant. Proponents of this view -- of which de Tocqueville was perhaps the first major theorist-- consider civil society to be the lifeblood of political culture, essential to the socialization of the citizen (De Toqueville, Whitehead 1997). A lively civil society is the best safeguard for a stable democracy and the prevention of domination by any one group over the others. It is also what best brings the individual rights-holders together for common cause. This 'democratic' civil society does not seek primarily to oppose or assist the state. Rather, the role of civil society is to make the state more democratically accountable to the citizenry and to better enable the widest possible participation in governance.

Present proponents of this democratic concept of civil society reject the notion that civil society should be equated with or dominated by the bourgeois middle-class. They call for civil society to be a pluralist entity, with fully representative participation that cuts across race, ethnicity, religion, age, gender and economic status. The three concepts outlined -- a civil society opposed to the state; a civil society assisting a minimal state; and a pluralist civil society demanding an accountable state - are not merely academic conceptions. The discourse of civil society has been contested and shaped by different political agendas. The way we define civil society affects our expectations of what it means to be in favor of or opposed to nurturing it (Tay 1998).

In Asia, civil society is very much a received concept. There are, of course, native, indigenous ideas that correspond to the broad idea of community representation, self-organization and action. After all, society long preceded the state in pre-colonial Asia. Each society and sub-group has its banjar, kampung, kapitan or other unit of community (Reid 1988). Yet, the place of civil society on the agenda stems less from indigenous antecedents than from intellectual fashion.

Accordingly, there has been a growing literature on civil society in Asia. Riker (1995) characterizes state-civil society relations as emerging in three differing waves. First, by the mid 1980s, civil society groups were seen by elites as



having a complementary role in promoting development, especially in enabling the process of privatization. The main tasks given to civil society in this minimal 'assist the state' concept were to promote production and market activities, deliver services to communities and groups beyond the reach of the state, and foster participation in the (state-driven) development process.

Towards the start of the 1990s, a second wave of civil society development emerged, one characterized as an autonomous and countervailing power to the state. Drawing from Western liberal thought, NGOs and civil society more generally began to play a greater role in calling Asian governments to account for a wide range of policies, including the environment, poverty alleviation, women's rights and human rights. Some also began to challenge development policies.

In some countries, the second wave of civil society has fostered new arrangements and forms of political organization within existing political parties. New, cross-cutting alliances have emerged among different sectors of civil society such as students, the media, the middle class and even business interests. A stark example was seen in the push for democratic reforms in Thailand in the aftermath of the May 1992 protests. Even in the region's most politically stable countries such as Japan, the growth of civil society is likely to significantly change the functions of government, business and civil society (Yamamoto 1999).

The third wave of civil society evolution in Asia is a reaction by governments to moderate growing pressures from civil society groups and to incorporate them as an instrument of state. Observers have noted the trend for governments in Asia to place legal controls on NGO activities and to try to co-opt and demobilize the more political, policy advocacy groups.

The three waves identified by Riker correspond somewhat to the different conceptions of civil society earlier outlined. The first wave follows from the minimal 'assist the state' concept of civil society. The third wave, in which states try to co-opt or control civil society, grows out of the 'oppose-the-state' concept. The second wave is a little murkier. The character of civil society in the second wave has elements of both the 'oppose the state' concept and the notion of civil society as a pluralist platform for democracy and accountability.

There is, of course, a difference between opposing the state and demanding that governments be publicly accountable. However, the line between them can get fuzzy. Certainly, in the minds of many governments unaccustomed to being questioned--and perhaps to civil society groups unaccustomed to questioning--the difference is often not felt. To those in power, a demand for public accountability is often viewed as a confrontation which can only lead to an erosion of their power. Indeed, sometimes it does.

Present and unfolding developments since the advent of the economic crisis in 1997 have revitalized interest in civil society. In South East Asia, where the changes have been dramatic, especially in Thailand, Indonesia and Malaysia, some observers see vindication of their thesis that a democratic, pluralist and politically effective civil society will take root in the region. Others are concerned with the failure of governance and a rising tide of anarchy, especially in Indonesia. They are less sanguine about the strength and capacity of emerging democrats to govern effectively and therefore to deal with possible back-lash.

### **Civil Society Roles in Environmental Governance**

Since the 1980s, an increasing environmental consciousness has emerged among the people of East Asia (Lee and So 1999). This consciousness stems in part from the ever-more-apparent environmental degradation and resource depletion which has accompanied rapid economic growth; and in part from the increasing political space occupied by NGOs, local community groups, and other civil society groups, especially advocates for those hardest hit by ecological decline such as small farmers, fishers, the rural and urban poor, and indigenous groups. Business leaders as well have voiced greater awareness, sometimes via their interaction with consumer or diplomatic demands from rich Western countries.

The central question for governments in Asia is--or should be--how to harness the transformative potential of this growing popular consciousness and burgeoning civil society towards greatly improving environmental performance. In essence, this means creatively bringing business and NGOs squarely into the task of environmental governance.

Shifting to a development path which greatly reduces the energy, materials, pollution and waste intensity of urban-industrial growth will require significant investment in reshaping the structure of environmental governance. Policies will need to be developed which give the right market signals to innovators, entrepreneurs, managers, consumers, and

families. Rules and regulations will need to be established and enforced. Information about environmental performance and ecological health will need to be created and strategically disseminated. Trade-offs between economic, environmental and social goals will need to be debated and fairly resolved. Investment for large-scale infrastructure projects for transport, energy, water sanitation, waste management will need to be mobilized and projects implemented.

These are roles for government. Capable, credible, fair and efficient government is a the bedrock of effective environmental governance. "For all the importance of NGOs and other representatives of civil society, for all the potential value of development partnerships with business and the private sector," argues Carol Bellamy, Executive Director of UNICEF, "we must never lose sight of the fact that it is governments that remain the primary actors in...development" (Bellamy 1999).

Governments face constraints, however, in Asia as elsewhere. In Asia, governments face four obstacles to significantly 'raising the game' on environmental performance: 1) the lack of political will; 2) fiscal constraints; 3) the lack of technical and regulatory capacity;. and 4) the competitive pressures of globalization, especially competition for foreign direct investment. As briefly outlined earlier, these constraints have been exacerbated by the crisis.

Business and civil society could play central roles in overcoming these obstacles. In the context of market-oriented, democratic (or democratizing) societies, public opinion and popular demand play a large role in shaping public policy. An effectively mobilized and articulate citizenry is central to the task of building and sustaining strong, capable, publicly accountable governments with the political will to meet the sustainability challenge. Environmental quality and public health are issues in which most people feel themselves to be stakeholders. Concern for children in the strong family-centered societies of Asia is an especially potent mobilizing force. In China, for example, the story is that Premier Jiang Zemin himself ordered improvements in Beijing's air quality after his grandchild was sent home from school gasping. In Japan, civil society as a whole emerged largely to demand protection against local industrial pollution (Yamatomo 1999).

Popular demand for better environmental performance is likely to be increasingly framed both in the language of efficiency and of human rights. The first - the pursuit of efficiency - is largely accepted as legitimate in Asia, though it is often cast aside if it entails the disruption of state or other elite monopolies. The second - human rights - remains controversial.

While many Asian countries use the language of human rights, there remain gaps in practice. Moreover, in the years prior to the crisis, many Asian states argued against Western impositions of human rights in favor of 'Asian values'. They argued that the definition of human rights in Asia had to differ from universal norms because of Asia's unique history, culture and stage of development. Many Asian analysts suspected such arguments to be self-serving figleaves by authoritarian governments (Tay 1997, Bell and Bauer 1999). The Asian values argument is now largely discredited and the language of human rights is increasingly likely to civil society demands for environmental protection (Sachs 1995; Boyle and Anderson, 1996).

Human rights need not be viewed as being encompassed wholly by civil and political rights. Rather, they include all human rights in full recognition of their indivisible and interdependent nature. After all., Asian leaders have pressed for years the notion that the most important human rights are economic rights-the right to food and housing and to development itself. The right to health and to clean air and water can be seen as an extension of economic rights. Moreover, there is an increasing clamor in the international community for the articulation and embrace of a charter of Environmental Rights (Earth Council 1999).

In addition to building popular support and political will, the mobilization of business, community and other civil society organizations can also help to overcome fiscal constraints. Government revenues have dropped in the post-crisis era and in many cases, have been reallocated away from environmental projects. Business and non-governmental organizations (NGOs) can fulfill a variety of functions that would either otherwise fall to government or that governments simply cannot accomplish (see Part III). Involving community groups in 'collaborative governance' can be both cost effective and highly welfare-improving (see Douglass and Ling 1999).

Business and NGOs are also potentially key players in designing, monitoring and enforcing the regulation of industry. Even if their capacity and will to regulate was greatly enhanced, governments cannot adequately monitor thousands of companies and other agents to ensure regulatory compliance. Moreover, local community groups who live 'at the mineface' are often much better informed than government that a problem exists. Effectively mobilizing community monitoring capacities and using them to spur better industry performance is central to effective environmental

governance.

The fourth constraint on government capacity to govern stems from globalization. Competition for foreign investment and trade can act as a force of gravity dragging down environmental commitments. Even if governments do not lower standards in order to attract FDI, they often do not enforce standards and are wary of raising them. Only international collective action can overcome this 'stuck in the mud' problem (Zarsky 1997). International NGOs (INGOs) and coalitions between INGOs and local groups are important players in the push to change the character of globalization by incorporating environmental and social standards into the governance of the global economy.

### **Globalization and Social Norms**

The environmental and social impacts of globalization are at the heart of the concerns of many Asian and international NGOs. In the wake of the crisis, critiques of globalization have grown stronger. Even in the heyday of the Asian miracle, doubts were voiced about social and cultural aspects of globalization. Many Asian leaders and intellectuals advocated globalization for the economy but regional or national particularities for culture and society. They posited a world of convergence in economics but of essential (and essentialized) differences in social norms, such as human rights and environmental protection, as well as culture and politics. Beyond Asia, environmental NGOs, labor, and other advocacy groups throughout the world have raised concerns about adverse costs of globalization. In the West, many focus on the outflow of jobs from the more developed and more expensive economies to cheaper centers of production in Asia and elsewhere. Others voice concern about the accompanying social and cultural costs in environmental pollution and degradation, or the lack of protection of human and labor rights, and the exploitation of vulnerable sectors of the populace, such as undocumented migrant workers, women and children. In this analysis, globalization threatens a 'race to the bottom' in social and environmental standards.

In the debate over globalization, one focal point is the relationship between international trade and the environment. The US has tried, unsuccessfully, to close its markets to goods that harmed species it wanted to protect, such as canned tuna caught in ways that resulted in the accidental killing of dolphins, and shrimp imports captured in ways that killed sea turtles. In human rights, the Asian values debate has generated controversy, especially in relation to did Western sanctions against China and Myanmar. Some predict the triumph of Western liberal democracy in Asia; others see a 'clash of civilizations'. Some view the choices starkly between the McWorld of convergence and the Jihad of radical difference. These debates about convergence and difference have not been resolved by the crisis. They have instead become more complicated.

In the West, a new triumphalism has emerged, especially as regards the Asian values debate in human rights and democracy. The U.S. has emerged from the Cold War and the crisis not only as the sole superpower in military and strategic matters, but also the primary source of economic, political and cultural influence--a 'hyperpower' without rival. US hegemony is associated with the urging of free and open markets and the promotion of democracy, human rights and (to a lesser degree) environmental protection. Critics have pointed to a new arrogance in U.S. foreign policy, at times exacerbated by inexperience and incompetence in strategic leadership in a unipolar world (Zarsky 2000). To some, it may seem like a repeat of the Western euphoria after the Cold War.

Yet differences between Asia and the West can be better understood and made less controversial, areas of convergence can be better recognized and built upon. Otherwise, the thin fabric of community and consensus in the Asia-Pacific can be torn. Indeed, consensus about the benefits of globalization itself can be shaken. Much depends on how processes of globalization are shaped and governed, which in turn, may depend largely on the emergence of what some have called 'international civil society' and others see as 'Western interference'.

The international community is based on the idea that all states are sovereign and equal. No state has the right to compel another and each state is free to order its internal, domestic affairs. However, newer trends have eroded this concept of sovereignty. With globalization, increased interdependence has increased the need for international cooperation and supervision. The nation-state has not disappeared but the nature of its sovereignty has changed. The ability of nation-states to govern unilaterally has diminished. Global law has arisen in tandem with globalization, which intrudes into arenas traditionally belonging to a state's domestic jurisdiction. In the economic sphere, global law, for example, limits the range of actions that a state can take against private investors and increases the rights such non-state actors hold in relation to the state. In international trade, the WTO regime binds states to observe the key principles of national treatment and non-discrimination, thus limiting what states can do unilaterally to promote domestic economic and commercial interests.

Many developing countries consider such global market rules to be inherently unfair to the WTO's poorest members.

International rule-making on human rights and environment is often even more controversial, since it explicitly challenges the anarchic concept of national sovereignty and targets the internal norms and policies of states. Global concerns to conserve biodiversity and control climate change, for example, have propelled the concept that rainforests within national territorial boundaries are a global heritage not only of all peoples but of all generations. Given their colonial histories, as well as the continuing imbalance of global power, many developing country governments have resisted these aspects of global law as intrusions on their sovereignty.

Both human rights and international environmental law are strongly associated with NGOs. Environmental NGOs such as Greenpeace and the Worldwide Fund for Nature have become household names in Asia and elsewhere, along with Amnesty International and Human Rights Watch. A host of NGOs have organized around specific human rights or environmental issue-areas such as humanitarian emergencies, the women's movement, the anti-nuclear movement, and the campaign against land mines. Such NGO movements have become increasingly strong and acknowledged sources of influence in the international sphere, with established roles in various UN fora.

But while NGOs may be the core of an 'international civil society', a newer phenomenon seems to be emerging with globalization. This is the rise of 'global public policy networks' which include not only NGOs but also networks of scholars, religious and other voluntary organizations, research institutes, media, international bureaucrats, and government officials (Reinecke 2000). Often built around a specific policy goal, such as stopping big dams or reversing desertification, such networks intensively utilize information technology to create their own 'world wide web'. They counterpose the concept of 'globalization from above' spurred by the movement of capital with 'globalization from below', by which networks of citizens effectively organize themselves for common cause across borders.

These tensions in institutions, policies and conceptions of international order ignited at the 1999 World Trade Organization (WTO) Ministerial Meeting, held in Seattle. The mass and partially violent demonstrations against the WTO meeting displayed a frustration with an approach to the governance of globalization that the demonstrators perceived as undemocratic, environmentally disastrous, and bad for their individual economic prospects. Through their intensive use of the Internet, protestors from many sectors and many countries developed a sophisticated common critique and common language.

The future role of civil society in Asia will take shape in this context of a growing global movement which rejects 'actually existing globalization' (Dorman 2000). A host of groups and sectors from around the world is seeking new, ethically-based approaches to global (and national) governance. This has two major implications for the potential role of Asian civil society in environmental governance.

First, it suggests that the evolution of environmental and social norms in Asia, both at the popular and NGO level, will be determined by external as well as internal forces. Coalitions of local and international NGOs will increasingly work together, targeting not only environmental degradation but what the UNDP calls the 'grotesque gap' between winners and losers (UNDP 1999). In the future, civil society in Asia is likely to call for more government accountability on issues of environment and human rights, as well as for a new approach to development which promotes equity. There will be an on-going debate between Asian civil society groups seeking to withdraw from and those seeking to expand and reform the processes of globalization.

It is also likely that trans-Pacific environmental partnerships and NGO coalitions will blossom in the next decade based not only on ethics but ecological self-interest. In March, 1999, a new report found that airborne chemicals from Asia—carbon monoxide, radon, aerosols, hydrocarbons, and other chemicals—were reaching the West Coast of the United States. "The air that people breathe in Seattle today may contain chemicals that spewed from a factory in China last week," reported the New York Times (New York Times 1999). Rising concern and activism in the U.S. is likely to give rise to both new governmental and civil society action.

The second implication of the increasing globalization of economies and social norms is that governments in Asia will feel increasingly pressed by contradictory external forces. On the one hand, they will be pressured not to raise industry environment standards for fear of losing foreign investment and trade competitiveness. On the other hand, they will be forced to accept higher standards set by North American or European states as conditions of market entry, or demanded by Western consumers via free markets. Contentious environmental issues will continue to be on the agenda for global and regional trade diplomacy and NGOs will press hard to have their voices heard.

In many states in Asia, the primary reaction to international civil society and global public policy networks has often been denial. However, this will be increasingly difficult as such networks gain influence. Moreover, denial is counterproductive. Rather than interfering with state objectives, international civil society can be a resource for peace

and development, helping the state deal with the negative consequences of globalization and the present economic crisis. Indeed, NGOs, both domestic and international, can help states deal with the contradictory pressures of globalization and find innovative ways to raise environmental and social standards while promoting economic development.

What is needed is more dialogue between states and international civil society. To make such dialogue constructive, it is not only states but also civil society groups who must change. In Asia, indigenous civil society and NGO networks will need to be strengthened and assisted both to enhance their work at home and to enable their participation in global networks. If global public policy networks are to claim legitimacy, they cannot reflect only the interests of one or a narrow group of nations and cultures, typically rich and Western. Rather, they must truly incorporate citizens and groups from all countries, finding common cause beyond borders. The participation of East Asians in such networks is likely to blossom in the next decade.

### **III. Environmental Governance and Civil Society: Functions and Models**

Civil society groups, from both business and NGO sectors, can play a wide variety of functional roles in governance, including environmental governance. To some degree, the functional roles of civil society differ depending on the overarching governance model. In a 'command and control' approach, for example, government is the primary instigator, designer, and enforcer of environmental regulation. In other models, citizen groups and market incentives are key agents in raising, designing, monitoring and enforcing environmental standards. This section first describes six broad functions that civil society groups can play in environmental governance and then outlines three, alternative governance models.

#### **Six Broad Functions**

Civil society groups can fulfill six broad functional roles in environmental governance.

1) Intellectual and visionary: Public policy thinktanks, as well as academic and journalistic writers, seek to define development paradigms and objectives and to design and promote policy agendas. This independent source of creative intellectual input and visionary thinking provides an important channel for the development of strategic rather than reactive approaches to development challenges (Edwards and Hulme 1992).

2) Advocacy: Many groups are constituted around specific issues of social concern such as gender equality, labor rights, indigenous people, environment, public health, consumer rights, resource-dependent communities, etc; These groups, which have mushroomed dramatically in Asia in the last decade, help to bring issues to the public spotlight and to change social norms. This function of civil society groups has been the subject of considerable controversy and attention (Broad and Cavanagh 1993). A number of recent studies of the phenomenon suggest that it is form of an 'environmental politics' (Hirsch and Warren 1998; Parnwell and Bryan 1996).

3) Problem solving: A variety of professional associations, as well as community and advocacy groups, provide technical support and work with governments and businesses to develop solutions to specific environmental and social problems. In Thailand, for example, the overseas Thai engineers which helped the government write and implement its first environmental laws;

4) Service provision: Many NGOs, including religious and social service groups, provide direct services to the poor and other needy groups. Such services go beyond distribution of food and other basic needs to encompass capacity-building 'empowerment' activities, including the creation of community-based municipal public goods such as clean water, sewer services, and garbage collection. In large coastal urban areas, for example, the involvement of communities in water and sewerage services can help to reduce marine pollution (Zarsky and Hunter 1999). In this capacity, NGOs often implement policies and programs designed and promoted by government. This is an important function especially where countries attempt decentralization in response to environmental issues. In such cases, there is very often a lack of local authority and resources to deal with environment problems. (Webster 1995)

5) Critics and watchdogs: NGOs, journalists, and others can serve to monitor the activities of both government and industry. There is substantial evidence that community group pressure is an important determinant of firm-level environmental performance in Asia (New Ideas in Pollution Regulation 1999).

6) Financial support: While it is still relatively young, philanthropy in Asia is growing (Yamamoto 1995). Philanthropic foundations and individuals provide resources for independent thinktanks and other NGO activities, often stemming

from their own visionary leanings and interest in solving problems. Philanthropic foundations also sometimes provide funds for government and business activity.

Many NGOs undertake multiple functions, while others have a strong identity as serving one particular function. Some are national or regional and may have links or indeed be chapters or representatives of Western-based, international environmental NGOs (e.g. WWF-Indonesia). Others remain mainly local movements ( Kalland and Persoon 1998). Moreover, a range of underlying values and philosophies guides environmental NGOs. In some cases, Asian perceptions of nature have a considerable influence on environmentalism ( Bruun and Kalland 1995).

Additionally, some environmental NGOs and movements trace their roots to political movements, such as anti-colonialism, Marxism or feminism. Some developed from a concern about the poor and the need for environmental justice. Environmental movements in India, the Philippines and Thailand in particular tend to focus on what have been called the environmental problems of poverty: the lack of access by the poor to environmental resources or their suffering from the direct impact of pollution (Lee and So 1999).

Other environmental NGOs and movements in Asia, in contrast, have their origins and sources of support from the an emerging middle class. Like their Western environmental counterparts, such environmental NGOs and movements espouse post materialist concerns about overconsumption and the quality of life, as well as health and environmental impacts of industrialization. Typically, such concerns are the focus of environmental movements in Japan, Taiwan, South Korea, and other more developed economies in Asia (Lee and So 1999; Eder 1996).

Their different origins and sources of support tend to influence the functions and strategies that various environmental NGOs undertake. In Thailand and the Philippines, which have clearer self-identities as democracies, a thick web of NGOs is sprouting, with independent think tanks and NGOs taking on one or (most often) more of the functions outlined above.

In the Philippines, civil society groups are described either as 'people's or 'non-governmental' organizations to describe their different relationships to local communities. This self-description suggests that NGOs wish to go beyond a membership based in urban, middle-class elites and reach out more at the grass roots level. This is especially necessary given the expanse and stretch of the Philippines as an archipelagic state and parallels the devolution of many governmental functions to the local or baranguay level since the fall of the martial law regime of President Ferdinand Marcos (Silliman and Noble 1998, Solidarity 1989).

Yet another important feature of civil society organizations in the Philippines is their extraordinary ability to form broad coalitions, networks and umbrella groups. This affords them greater legitimacy, opportunities to share resources and a platform to exchange opinions among each other. These factors in turn allow NGOs within these coalitions to gain better access to government decision-making processes. Those who wish to deliver services to supplement the action (or inaction) of government also have access to a broad array of partners and resources. In so doing, NGOs begin to appreciate the benefits from cooperating with government when the occasion arises. Moreover, they are able to develop more sophisticated negotiation techniques which aim to seek settlements agreeable to all major stakeholders, rather than 'total victory' over the state or business (Noble 1998)

In Thailand, too, environmental NGOs have been on the rise. In many cases, NGOs have arisen out of rural development and environmental issues such as local access to and ownership of forests (Nicro 1996; Poffenberger 1990). However, urban and largely middle class groups concerned with the environment have also mushroomed. In the main, these civil society groups have not been welcomed by the government (Lohmann 1995). Recently, the Thai government of Prime Minister Chuan has made an attempt to accommodate NGO input and effort. This is necessary given the rising democratic ethos in the society and the government's democratic self-image.

While civil society groups have great potential to assist Asia's economic recovery and to enhance the future of environmental protection, it is not certain that this potential will be allowed to develop. The response of Asian governments to civil society has been uneven and at times uncertain. In many cases, governments have not welcomed civil society as a partner but have been suspicious of it and have sought to control or co-opt civil society actors. Independent national think tanks that wish to advocate public policy for the environment or contend for intellectual leadership on these issues are still rare in some countries in East Asia, such as China, Indo-China, Malaysia and Singapore. In part, this is because they are kept under control by wary governments (Ooi and Koh 1999).

However, times may be changing. In Singapore, there is a recognized role for NGOs to work in environmental education and to help provide services to supplement government action. (Mekani and Stengel 1995). Indonesia too

has witnessed a growth of environmental civil society organizations and NGOs. Before the crisis, NGOs tended to grow up around particular issues, such as opposition to dams, or for conservation. (Hirsch and Warren 1998). However, as a result of the political and economic crisis in Indonesia, local environmental struggles have often been linked to broader politics.

Not all observers are optimistic about the possibility of an independent civil society developing under authoritarian regimes in Asia. (Hewison 1996, Murphy 1996). Nevertheless, a growing web of national and also regional civil society organizations and NGOs can clearly be discerned. One example is the ASEAN-Institutes of Strategic and International Studies (ASEAN-ISIS), a network of largely independent think-tanks in ASEAN. For more than 15 years, this group has played a 'track-two' role in discussing international policy, especially in security and economic relations, exploring new policies and possibilities, as well as giving input into official policy circles. They have had a good measure of success; for example, the ASEAN-ISIS helped develop the ASEAN Regional Forum for security in the Asia-Pacific (Yamamoto 1995).

It is possible that, in future, similar regional networks of NGOs and civil society organizations may evolve for environmental issues, especially in response transboundary to environmental problems. The Indonesia fires, for example, which caused widespread smoke and haze pollution in South East Asia, propelled Indonesian and regional NGOs to come together to advocate policy action by ASEAN (Tay 1999). Three Models of State-Civil Society Relationships

The euphoria and the contest over civil society in Asia has often led to confusion in the terms of the debate. It has also bred rigidity in conceiving of actual and potential relationships between the state and civil society.

For example, if the oppositional idea of civil society is rigidly held, then the idea of joint civil society-state projects and policy-development must be read to mean that participating civil society actors have been co-opted or otherwise compromised by the state. Blindly followed, the oppositional idea of civil society demands political contestation and refuses cooperation. On the other hand, if one ascribes rigidly to the 'assist the state' idea of civil society, true partnership and cooperation are also impossible, although for the opposite reasons. In this formulation, civil society can and must be only a handmaiden to state-directed policy, taking on only the tasks that the state assigns to it and no longer wishes to fulfill. In this mindset, there is no role for civil society in policy formulation or advocacy.

To move beyond single and narrow formulations, it is useful to think in terms of a variety of models of state-civil society relations. One model is not inherently better in all circumstances. Rather, the optimal model will shift depending on the particular context or objective, even within the same society and with the same civil society actors. The critical difference would be that the choice of model be dictated by context and policy goal, rather than ideology and habit.

The central idea implicit in the demands of civil society for a greater political voice is the concept that people who are impacted by decisions -either by government or business-are 'stakeholders' and have both the right and the need to shape those decisions. In the burgeoning corporate accountability movement, for example, the concept of being responsible to a broad range of company stakeholders, including workers and the local community, is supplementing a more narrow traditional focus on the financial bottom line. The idea is that stakeholder involvement strengthens the long run performance of a company, including its profitability (Svendson 1998).

The stakeholder idea has been especially relevant to broad civil society demands for greater participation in environmental decisions. Along with social and economic welfare, environmental quality and public health are issues of concern to all members of a society. They are universal issues in which all are stakeholders, even future generations. The poor often have the largest stake in environmental improvement, since they suffer the brunt of pollution and resource degradation. Mobilizing popular concern in order to chart an economically viable, socially just and ecologically sustainable development path-for themselves, for their families, for the people for whom they are advocates, for their societies--is a fundamental goal of many Asian NGOs. In their myriad forms, these NGOs constitute the 'voice of the community' as a stakeholder in both government and business decisions.

Another key stakeholder sector is business. Small and medium firms, multinational corporations and domestic big business, industry associations, chambers of commerce, and others have especial concerns about environmental governance. As a whole, business tends to prefer stability and predictability in policymaking, including on the environment. Transnational companies find it useful for standards to be similar in different countries in which they operate and often adopt uniform internal company-wide standards. Some business groups have embraced the principle of 'social responsibility' which entails a 'triple bottom line', viz, financial, environmental and social. Others

fear that raising the bar for environmental performance will disadvantage them in the marketplace. In either case, business is major stakeholder in government decisions, as well as NGO activities.

The key issue is what model of environmental governance will best carry forward a new 'sustainable development' paradigm which promotes cleaner industrial production and integrates environmental and social concerns into economic policymaking. The traditional model of environmental governance puts government, usually national government, in the role of regulator and enforcer (as well as financier and often operator of public goods). Whether in the U.S. or China, the government has traditionally been understood to engage in dyadic relationships--regulator and regulated, provider and consumer--with both industry and the wider community. In this command-and-control model, government's role is to directly wield sticks and provide carrots and to be the 'good parent' in providing public goods.

While it has achieved some success in raising environmental performance in the U.S. and elsewhere, the traditional model is being re-examined because it is expensive and rigid (Ruckelshaus 1998). On the regulatory front, the command-and-control model requires that substantial resources be devoted to enforcement. Moreover, there is no incentive for business to exceed standards. On the public goods front, government services are subject to problems of corruption, capture by sectoral interests, and political determination of prices.

In East Asia, the command-and-control model has not been very effective. While a spate of environmental legislation bloomed in the early 1990s, enforcement has languished, in part due to lack of funds (as well as political will). As providers of public goods, national governments have been constrained by ineffective tax systems, priorities for other kinds of spending (especially military), and corruption--and, more recently, by financial crisis. Moreover, many East Asian countries lack strong traditions of law.

With stakeholders seeking to play a greater role, what governments should, and in many cases are, asking is how to best harness stakeholders to the task of raising industrial and urban environmental performance. There are three, potentially overlapping, models.

### **Community Partnership**

A Community Partnership model of governance rests on partnerships with NGOs and business in the undertaking of specific projects and implementation of specific policies and programs. NGOs, for example, might work collaboratively with government or take charge of a host of urban improvement/management projects, including water and waste management, slum redesign and improvement, urban reforestation and creation of parks, etc. (Douglas and Ooi 1999). NGOs can also spearhead environmental education programs, develop school and workplace environmental trainings, etc.

In this model, the role of government vis-à-vis stakeholders is to mobilize and coordinate business and community efforts. Government may also help to finance projects or help to leverage private funds. The emphasis is on the service provision and problem solving roles of NGOs.

Public-private partnerships between governments and business are a specific form of the community service model. Governments act as organizers and coordinators, bringing together various private interests to undertake socially beneficial projects such as the development of clean energy sources or power plants (e.g. natural gas, clean coal, renewables). The government could help to leverage private sector financing through innovative methods such as technology risk guarantees for technologies which are not commercially proven. <sup>4</sup>

The Community Partnership model has three benefits. . First, by using volunteer and low paid community labor, governments can greatly stretch scarce revenues. Second, by providing opportunities for people to engage with and improve their own communities, they can encourage a greater sense of civic engagement. There is substantial evidence that strong civic association is an important component of good governance, which in turn positively impacts economic growth. Third, the government's mobilization of business promotes projects which otherwise would have languished or which would have drained the public purse.

In this model, government retains in central role as regulator and enforcer and continues to structure its relationships with business and community groups bilaterally (and typically top-down). . This is an advantage for those governments who are wary of the potential for social disruption or political challenge which might stem from a wider role for NGOs. In this sense, it could work as a transition model. Over the longer term, it is likely that groups and individuals who work in close partnership with government will seek not only to implement but also to design policy.



## Corporate Self-Regulation

The Corporate Self-Regulation model is based on two ideas. First, that companies will respond to consumer demands for better environmental performance regardless of government regulation; and second, that companies know better than governments how to improve their environmental performance. There is also a related notion that large, transnational corporations, especially from the OECD, have superior technology and management. Encouraging them to invest in Asia is thus a strategy for environmental improvement (UNCTAD 1999).

In this model, governments provide not an ever denser thicket of command-and-control style regulation but broad frameworks and guidelines, as well as open markets. It is a 'hands off' approach to regulation wherein private ordering is given much more play. Not only is business given a greater role in governance but the relationship of the community to business is influential. In the absence of formal government regulation, communities take on the task of 'informal regulation' (New Issues in Pollution Regulation 1999).

The most widely used form of corporate self-regulation in Asia is ISO, 14,001, which sets environmental management standards for firms. ISO 14,001 sets process but not performance standards. Companies commit themselves to auditing and monitoring their environmental impacts, as well as complying with domestic laws. Proof that they are doing both enables companies to be certified, which in turn, eases or even gains entry for company products to a number of OECD markets. The hope is that the audits will uncover opportunities to save money by reducing wastes and improving energy and materials efficiency. The gains in eco-efficiency will spur companies to make production improvements.

There is as yet little evidence as to the efficacy of the ISO approach. Environmentalists have typically been wary or downright cynical, suggesting that ISO means that the fox is guarding the hen house. A survey of US manufacturers, consultants and regulatory agencies found widespread concern on two fronts. First, that ISO 14,001 certification provides no guarantee of an actual and continuous improvement in reducing environmental impact; and second, that certification could become more of a paper chase than an effective tool to promote managerial innovation (Marcus and Willing 1997).

For Asian-based manufacturers, the concerns are quite the opposite. There is suspicion that ISO standards are set by industrialized countries to provide a non-tariff barrier to trade, using a green excuse for protectionist intention. In this view, ISO 14001 could become primarily a hurdle to be overcome in order to gain access to OECD markets. The sentiment is more strongly felt because of the differential impact that the same standards impose on the bulk of firms in Asia, which tend to be smaller enterprises, with limited access to technology, finance and know-how to change their methods of production to meet the new standards (Voseenaar and Jha 1996, Tay 1997a, UNCTAD 1999).

A second method of corporate self-regulation is the 'codes of conduct' approach. Largely in response to strong community and/or international criticism, many U.S. and some European transnational corporations (TNCs) have adopted codes of conduct which spells out their social responsibility (UNCTAD 1999). Public criticism damages the reputation, standing and 'moral capital' of TNCs, weakening their maneuverability and threatening market share. Some of the most heavily targeted companies include big oil multinationals like Shell, criticized for its role in Brent Spar and Nigeria, and Unocal, criticized for supporting the military regime in Myanmar/Burma (Schwartz and Gibb 1999, Wallace 1997). High visibility consumer-oriented companies like Reebok, Levi-Strauss, Intel and Hewlett-Packard have also joined the codes of conduct bandwagon. Intel joined in response to intense community criticism of the environmental impacts of its production expansion plans in the U.S. Southwest (SWAPO 1995).

Other groups which have generated codes of conduct include international organizations such as OECD, business support groups such as the World Business Council for Sustainable Development, and other social interest groups, such as consumer, environmental, and church organizations.

According to one comprehensive survey, codes of conduct tend to focus more on social than environmental issues, in part because they are more easy to specify than environmental issues (SCOPE 1999). Some have argued that such corporate initiatives might be an increasingly important way to enforce human rights (Cassel 1996, Gibney and Emrick 1996). Nonetheless, environmental issues are becoming more common.

Do voluntary codes of conduct work? There is little information either about whether codes target the most significant environmental (or social) issues or whether TNCs comply with their own codes. One study underway is examining codes of conduct and the need for policy innovation to enhance social accountability in the context of the U.S. oil and high tech industries (California Global Corporate Accountability Project 1999).

According to a European study, the likelihood of compliance depends on the specificity of the issues in the codes and the inclusion of compliance mechanisms. The study found that most codes state very general commitments and do not have compliance mechanisms, suggesting that compliance is low. "Firms might design codes for other purposes than for the sake of their own ethical behavior and corporate responsibility," the authors explain. "It is highly conceivable that codes adopted by firms are in essence meant to influence other societal actors: regulators, customers, communities, suppliers and contractors, competitors or shareholders" (SCOPE 1999, p. 5). Indeed, the authors find that codes of conduct "are drawn up to anticipate or prevent mandatory regulation" (ibid p. 6).

Regardless of whether they comply with particular codes, the fact that TNCs feel themselves to be under public scrutiny may well help to improve their environmental and social performance. Some NGOs have taken their concerns directly to shareholders and have won resolutions which require changes in company practice. Many companies will mobilize a process of change immediately upon the filing of a resolution, even if it does not ultimately succeed. One longtime analyst describes the coming of a 'triple bottom line', wherein companies will reckon not only their financial but also their environmental and social performance (Elkington 1998). It is doubtful, however, that companies will do so unless they are required to by governments. Without policies such as mandatory information disclosure, claims of social responsibility will not be monitor-able and thus credible. As a result, codes of conduct may have a short shelf life.

If the jury is out on whether codes of conduct significantly improve company performance, there is substantial evidence that direct community pressure can improve firm-level environmental performance. A number of studies conducted by the World Bank demonstrate that communities can strongly influence firms to clean up (New Issues in Pollution Regulation 1999). This process of 'informal regulation' might take a variety of forms, including agreements between citizen groups and companies, discussions between community leaders and managers, or public protest. The World Bank studies also found strong correlations between income and education levels and firm level environmental performance (Dasgupta et al 1997).

The final issue concerns the relationship between FDI and the environment. While environmentalists have warned of 'pollution havens' and a 'race to the bottom', market enthusiasts have trumpeted 'pollution havens' and a 'race to the top'. The idea is that, on average, TNCs from OECD countries utilize and transfer clean technology and have better management systems than local firms in developing and transition economies. Increasing FDI will thus help environmental standards and performance to converge towards OECD levels.

The effect, of course, varies considerably according to the industry involved. FDI stock in mining, and other resource industries is high and is therefore tends to be seen as being linked to pollution. However, there is some evidence that, in the manufacturing sector, TNCs have adopted higher environmental standards than have comparable domestic producers (UNCTAD 1999). For example, TNC manufacturing plants in Cote d'Ivoire, Mexico, Morocco and Venezuela were found to be significantly more energy efficient than their domestic counterparts (UNCTAD 1999, citing Eskeland and Harrison 1997).

A recent review of the statistical and case study evidence, however, paints a murky picture (Zarsky 1999a). While there are cases where FDI has helped to transfer cleaner technology (e.g. the Chinese energy sector) there are other cases where it has been the vehicle for widespread pollution and ecological destruction (e.g. mining in the Philippines). The review concluded that if FDI creates pollution halos, they are pretty small. Moreover, it argued that "There is no average, performance is context-dependent and other things are more important than [foreign vs domestic] ownership. If the goal is improvement in industry environmental performance, at both micro and macro levels, then what is needed is effective regulation utilising both governments and communities to monitor, reward and sanction firms" (ibid. p. 2).

Some Asian governments think that they can escape imperatives to develop effective environmental governance and infrastructure by encouraging 'clean' manufacturing like high-tech. While it may not belch out black smoke, the production of silicon chips and semiconductors is highly toxic, as well as water and energy intensive. A host of ever-changing chemicals used in production, essential to maintaining a competitive edge in a highly dynamic industry, bedevils regulatory oversight even in the U.S (Mazurek 1999).

### **Strategic Stakeholder Engagement**

The third model of environmental governance, Strategic Stakeholder Engagement, incorporates elements of the first two models but is based on a fundamentally different concept of the role of government. Rather than dyadic, top-down relationships, or a 'hands off' approach in favor of market forces, this model envisions government as one of three key

agents in the governance process. Business and community are the other two.

In this 'multiple agent' model, the government works in partnership with business and community on specific projects and programs, but it also seeks, provides avenues for, and listens to community input on policy design and broader development strategy. Moreover, the government plays two kinds of specific roles as a strategic 'enabler'. First, it seeks to enable communities to enhance their role in monitoring and improving the environmental performance of industry. The primary mechanism is the ability of communities to have access to reliable, user-friendly information about industry environmental (and social) performance. This means that companies need to collect the information in a standardized fashion-standards set by the government-and most important, they need to disclose it. The heart of a community -based monitoring system is (mandatory) information disclosure.

A disclosure-based approach to governance can work in tandem with corporate self-regulation, including ISO 14,001. Firms can retain a significant amount of managerial flexibility in how they move towards better performance. But they will have more incentive to do so. On the other hand, it can also strengthen government regulatory capacities: communities will be able to press firms towards compliance. A disclosure-based approach can also strengthen market-based approaches to governance, including product labeling. With credible information, consumers will be more likely to trust a 'green label'.

Second, in this model the government is a 'convenor'. It creates institutional interfaces which enable community and business groups to have ongoing conversations both with government and with each other to resolve differences and set performance goals. Collaborative governance, in short, is not just about partnerships on projects or service delivery but about an ongoing, round table process.

The roles of government as organizer, coordinator, regulator, and arbiter are not obviated in this model. However, the government seeks to engage directly with each of the two other key agents bilaterally, as well as to strategically engage the community sector to monitor and regulate industry (and government as well). The central policy emphasis is on transparency, accountability and the creation of institutions which allow broad debate and consensus about the fundamental goals of development.

One of the requirements in this model is for government to enhance the technical and intellectual capacities of NGOs and business (and indeed, for government itself) for collaborative governance. It will require an investment in education and training, including potential in mediation. It will also require a significant investment in information infrastructure--gathering, storing, disseminating, etc.

The stakeholder engagement model is gaining credence in many quarters, including the OECD. "All stakeholders in society...must participate both in the design and the implementation of cleaner production processes," the OECD advised in a recent study (OECD, 1996, p. 13). Its list, however, which included "businesses, industry associations, chambers of commerce, academia and the research community," fell short. Labor, community and other NGO groups must be part and parcel of the process.

One of the advantages of the Stakeholder Engagement Strategy is that it allows for a much wider and deeper range of information and intellectual input to be part of the policymaking and governance process. Intellectual competition, in turn, can help to develop more flexible, responsive and dynamic governance mechanisms. The ability to learn and change has a great premium in the dynamic age of globalization.

The strategic involvement of NGOs can be crucial not only in enhancing domestic environmental performance but in 'raising the bar' internationally. Likewise, their exclusion can render international environmental diplomacy barren. In the APEC context, for example, NGO advocacy and scientific groups were largely excluded from regional discussion of an environmental agenda. During the early 1990s, prospects of APEC environmental cooperation gathered steam, with three Environment Ministerials, including one sponsored by the Philippines. The effort lost momentum, however, in large part because it was driven by the West and remained in the realm of bureaucrats (Zarsky 1998). Without the political passions and visions which NGOs bring to inflame government action, environmental diplomacy tends to be choked by commercial and strategic interests. The Strategic Stakeholder Engagement model will need to extend towards the inclusion of community voices in regional and global fora.

#### **IV. Conclusion**

The prospects for a paradigm shift towards ecological sustainability in Asia-as indeed, in other parts of the world-rest largely on the emergence of effective environmental governance. Effective governance requires not only strong

technical and regulatory capacities within government but also the ability of government to engage strategically the two other key social agents, viz, business and the community.

In the old 'grow now pay later' paradigm, environmental and social objectives sat at the margins of economic policymaking-and advocates sat outside the corridors of power. Any new paradigm based on clean and equitable urban-industrial growth can take root only if it garners a deep and broad political and social commitment within Asian societies. Such a commitment can best be nurtured by a broad range of stakeholders. Both business and civil society - spanning from labor, environmental and community groups to professionals to policy-oriented thinktanks, advocates and critics -could provide a crucial driver for paradigm and policy change.

This paper has broadly sketched a variety of conceptual frameworks and institutional models for the engagement of civil society in environmental governance in Asia. The question of how best to do so is far from settled, even setting aside deep differences in ideology and interests. . Asia itself is not culturally homogenous and different concepts and models are likely to resonate in different countries. Moreover, indigenous concepts and models of civil society engagement are likely to emerge given the political space to do so.

Nonetheless, there is reason to expect that both NGOs and business in Asia will continue to press for a greater role in policymaking and that NGOs in particular will demand some form of a strategic stakeholder engagement model. In this model, the government seeks to include a wide set of community voices in the policymaking process. It also works in partnership with community and business to implement projects and programs. It also serves as a convenor, creating ongoing institutional interfaces between government, NGOs and business and providing arenas in which community and business groups can directly interact.

Far more research is required into the feasibility and design of such a model in particular locales in Asia, at the level of both national and urban metropolitan governance. Indeed, the question of devolution and the role of NGOs within urban governance is a research topic in its own right (Douglass and Ooi 1999). Moreover, much more research is required to determine what kinds of industry information are both useful and feasible to obtain, and what kind of standardization is most practical. It is likely, for example, that tracking and reporting will be more useful on a sectoral rather than across-the-board basis.

More research is also needed about the character and politics of civil society formations in Asia. Whether and how civil society, especially NGOs, will be a driver toward environmental improvement in Asia will depend at least in part on their own evolution. The choices they make in terms of strategic direction, coalition partners, targets for policy intervention, use of information technology., etc. could significantly affect their ability to influence environment policy-and to shape the future of Asia.

## **Endnotes**

1.Civil society was much discussed at the end of the 18th century, before disappearing into obscurity in the second half of the 19th century. Most scholars trace the term back to the work of Hobbes and Locke in England. Others suggest a starting point in the work of the Scottish Enlightenment and the work of Adam Ferguson. See Seligman 1992. For an overview of the history of the term, see Seligman, *ibid*, or Keane 1988.

2.A more 'radical' tendency that questioned the sufficiency of Western style democracy can be detected in the writings of activists such as Vaclav Havel. See Havel 1988.

3. For a proposal that the Global Environment Facility create such a mechanism see Nautilus Institute, 1999.

4. Kane 1995; Sierra Club 1999; International Rivers Network 1999; Public Citizen 1999, Dixit 1995; Project Underground 1998.

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