

Transboundary Environmental Governance in Southeast Asia: Issues, societal context and institutional Responses

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Strategic Location of Southeast Asia

- In the context of Global Political Security
- In the context of Global Environmental Security

SE Asia and Political Security

- Considered as both a breeding and a training ground for various terrorist groups
- Its own people are exposed to the risk of the political fall-out of a Western-centered anti-terrorist strategy encountering, and in the process labeling the local political movements for autonomy and sovereignty as also agents of terror

SE Asia and Global Environmental Security

- High levels of biodiversity, yet high rate of species extinction
- In mapping up a global strategy, the blame is again heaped upon the peoples of Southeast Asia
 - Inability of its political elites to implement conservation laws
 - Rent-seeking practices of its economic elites in raiding the environment
 - Lifestyles of its middle class and cultural practices of its marginalized communities that contribute to environmental destruction

SE Asia in the hot seat

- Southeast Asia now as being imagined in the context of a globalized world
- Its resources and its people are painted as drivers of both:
 - The emergence of the various political and environmental crises
 - The formulation of a solution to these crises

The Challenge

- How regional groups, from the formal channels such as the ASEAN to the more civil-society type of regional interactions, create a common Southeast Asian agenda and course of action
- How a region that contains complex political-economies and a rich array of cultural and historical experiences address issues that cross political boundaries

I will focus on

- Various environmental issues that confront Southeast Asia as a region, particularly those that are transboundary in character
- The societal contexts within which such issues emerge, taking into consideration the diversity among and between countries in the region
- The various institutional mechanisms by which the region has responded to the issues within the limits of the social context in which these emerge, and the challenges and prospects which such mechanisms face

Transboundary Issues

Transboundary Environmental Governance Issues in SE Asia

- Haze and transboundary pollution
- Water governance in the Mekong sub-region
- South China Sea
- Trade of environmental resources

Causes of Haze and Transboundary Pollution

- Annual forest fires caused by land clearing for large-scale commercial oil palm plantations mainly in Indonesia, particularly in Sumatra, Kalimantan, Sulawesi and Papua
- Natural factors, such as the El Nino phenomenon, could exacerbate the effects of fires as it did in the 1997-98 episodes
- However, it is the lack of political will, even active complicity and tacit approval by policy makers which have constrained the meaningful implementation of fire prevention policies

Effects of Haze and Transboundary Pollution

- Biodiversity depletion in Southeast Asia
- Risks to health and productivity in the region, particularly Indonesia, Malaysia, Singapore and Thailand, and to a lesser extent Myanmar and Vietnam, are equally significant
- Extent of Damage
 - The 1997-98 episode alone affected about 20 million people and has caused damage ranging from US\$4.5 billion to US\$9.3 billion
 - An equally disastrous, albeit shorter, episode occurred in October 6-7, 2006, where 1,496 fire hotspots were sighted in Sumatra and 2,075 in Kalimantan, with Central Kalimantan becoming the worst affected area

Water Governance in the Mekong

- Conflict between
 - Livelihood needs of local communities
 - Large-scale resource and infrastructure development projects usually promoted by States with transnational connections, and with transnational markets on the other
- This conflict unfolds in a resource that is also ecologically challenged
- All of the options which downstream states and communities face are constrained by the choices and prerogatives of upper stream counterparts
 - The flood pulse, level of sedimentation, and quality of water that flows downstream are affected by infrastructural projects upstream

South China Sea

- The coastal ecosystems of Southeast Asia are in a state of severe degradation
 - 11% of its coral reefs have totally collapsed
 - 48% have been rendered critical and 80% are endangered
 - about 70% of Mangrove cover is lost
 - 20 to 60% of seagrass beds have also suffered substantial damages
- Transboundary implications
 - Seagrass beds are strongly interdependent with coral reef ecosystems in one country, which in turn affect the stock of fish that may move across the waters towards regular fishing grounds based in other countries
- Increasing marine traffic due to trade also poses transboundary risks in the form of oil spill and pollution; ships may bring with them ballast water contaminated with alien organisms which may be unloaded in open sea or when they dock in other countries

Trade of Environmental Resources

- Southeast Asia is considered to be a major hub for environmental resource trade, mainly wildlife
- While some of this trade is legally sanctioned, the magnitude of such is basically underestimated, even as a big majority is illegal in nature
- Drivers:
 - The demand by Oriental traditional medicine for plant and animal products
 - The thriving pet industry in Southeast Asia
- This has calamitous effects on wildlife species in the region

Illegal Trade

- Enabled by the presence of high demand, and the porosity of the borders of and the weakness of law enforcement in the countries involved
- Aggravated by the presence of rent-seeking political and economic elites
- However, even local communities could be involved
 - This was evident during the 1997 economic crisis, when trade in forest products increased, and when dislocated urban workers returned to their local communities and engaged in illegal capture and trade of wildlife and other forest products
 - The decline in the demand for rare and endangered animals and plants, as brought about by the reduced purchasing power of the middle class which its traditional market has been compensated by the huge Chinese market which has not been as affected by the crisis

Legal Trade also causes damage!

- The depletion of forests and their biodiversity resources in Thailand and the Philippines, and the adverse implications they had on the livelihoods of local forest-based communities were consequences of legal forest extraction by state-approved concessions spurred by a lucrative export market for timber
- The opening of forest areas by legitimate logging operators also paved the way for the entry of a second wave of lowland migrant settlers which deployed unsustainable farming practices and prevented the natural regeneration of logged-over forest areas
- Weak, if not corrupted government monitoring have enabled even legal forest operators to engage in destructive and unregulated logging practices both within and outside their approved concession areas

Societal Context

Diverse Political Context in SE Asia

- Laos and Myanmar: ruled by single-party military led governments
- Cambodia and Vietnam: struggling to adopt democratic principles and juxtapose these with single-party regimes
- Brunei Darrusalam remains a sultanate
- Singapore and Malaysia: parliamentary democracies, albeit with stringent controls on political dissent
- Indonesia and the Philippines: have presidential types of government, and have fragile formal democracies that are products of people-led democratization movements
- Thailand is a constitutional monarchy with a healthy dose of military led-governments punctuating its modern political history
- Philippines, Indonesia and Thailand: have relatively active civil society
- Historically, except for Thailand, most of Southeast Asia have experienced direct colonial rule

Commonalities

- Modern states emerged as a product of the interaction between indigenous pre-colonial structures of governance with colonial forces
 - Some were more direct and penetrating
 - Others were more indirect, in which colonial forces came in not as direct impositions but as acquired influences from an increasingly globalizing world
- Environmental resources were positioned to become primary targets for exploitation as important inputs for state-building processes, which unfortunately were in the hands of the colonial elites and/or their native cohorts and later successors
 - Forests were logged and traded in the global markets to generate the needed money to finance investments for the public good as well as to meet private elite interests

Structural Consequences on Governance

- Colonial and/or elite-led exploitation of environmental resources, aside from having serious ecological consequences also have significant structural consequences
- These include:
 - Weak current processes and institutions for governance to a point in which governments are either unable to rein in private interests or are in fact colluding with them
 - Weak policies, weak implementation of policies that are only good in paper, or even wrong policies that are passed by a very interventionist State in control of these natural resources

Consequences on Local Communities

- Projects of states undermined local practices of relatively powerless and marginalized communities in the region
- Local practices which possessed legitimacy as a rational economic activity was delegitimized with the entry of state-defined practices
 - Traditional trade practices that existed among local communities in the Mekong which crossed borders prior to the development of modern state boundaries were eventually delegitimized when the state declared monopoly over forest-related trade
- Common property and communal practices were effectively delegitimized with the passage of privatization laws or when more powerful private interests were granted concession rights on communal lands

Consequences on Local Modes of Production

- In the Mekong, traditional fishing practices by local communities in Cambodia which mainly relied on wild-capture fishery were displaced and rendered unsustainable with the establishment of commercial fishery ventures, which are in the form of aquaculture now in the hands of outsiders
- The expansion of built environments, including the growing spread of urban centers radiating towards the fringes of the forest, and the sequestration of forest lands by private timber concessionaires and for other infrastructure projects such as the building of roads and dams, have effectively reduced the areas available to local forest-dwellers to cultivate and altered the sustainability of their production systems

Context for State-Environment Interactions in SE Asia

- Highly interventionist and centralized but weak state adopting command and control strategies over its environmental resources
- Mismatch between organizational capacity and functional jurisdiction of control has seriously undermined effective environmental governance and has led to the unraveling of State initiatives
- State, as an institution, gradually yielding to more active participation of the private sector and to civil society organizations in the development process
- Occurred in tandem with the emergence of democratization movements promoting political and economic reform

Emerging Social Trends

- Region characterized by dynamic political, cultural and economic transformations
- Civil societies emerge, even as new economic classes expand
- With the advent of the information technology, access to information is being democratized, even as governments lose total monopoly over communication
- Presence of opportunity for more bilateral and multilateral interactions not only among states, but more significantly among civil society actors
- However, while these have provided opportunity for the widening of the political space for civil society actors and the private sector, it has also led to new wave of “colonization,” in which civil society has become “externalized,” even as transnational economic interests have gained more influence

Effects of “Externalization”

- Positive impacts in terms of providing capital and intellectual support for local environmental management projects
 - The presence of an expatriate NGO community has facilitated the opening of spaces for more participatory and innovative environmental resource management approaches in countries in which local NGOs are either absent or could have otherwise faced state rest
- Negative impacts in terms of the increasing presence of predatory private initiatives
 - The case of hydropower development in the Mekong, in which rent-seeking transnational interests in hydropower generation, in collusion with domestic players, are able to influence national policy decision-makers to adopt less efficient strategies compared to other sources of energy such as natural gas

Effects on Knowledge Systems

- External constructs dominate the formulation of strategies and policies, and the generation of knowledge about environmental resources and processes
 - Irrigation technology in the Mekong sub-region has been deployed by national governments aided by foreign consultants, in which local knowledge and practices have been sidelined by a dependence on modern infrastructures and scientific knowledge
 - The flood pulse, which the Mekong communities have long adjusted to harmoniously as part of the seasonality of their production cycles, have now been depicted as a “disaster” instead of a natural part of the cycle of nature, and therefore have to be controlled and managed by infrastructural interventions
 - The promotion of more modern technologies for fish production in the Mekong is actively supported by states and by foreign consultants to the detriment of local wild capture fishers

Institutional Responses

Institutional Responses

- The dominant institutional responses which emerge in Southeast Asia to address the transboundary issues involved formal mechanisms mediated by regional bodies such as the Association of Southeast Asian Nation (ASEAN) and the Mekong River Commission (MRC)
- These bodies theoretically provide the opportunity for member countries to collectively address environmental problems and issues which affect all or some of them
- These bodies exist as a tacit recognition of the fact that mutually beneficial agreements can be forged to address those issues
- However, evidence strongly points out to the presence of structural limitations which beset these bodies and seriously undermine their abilities to fully address transboundary issues

Limits to ASEAN: The Case of Haze

- ASEAN adopted a Regional Agreement on Transboundary Haze Pollution on June 2002 which came into force on November 25, 2003 after six countries ratified it
- Surprisingly, the main party to the issue, Indonesia, from which the fires causing the haze originate, has not ratified the agreement up to this day
- Indonesia expects Malaysia and Singapore to assist not only in its anti-illegal logging campaigns, but also in other issues such as anti-corruption and extradition
- While this posturing may be a realistic stance for a country protecting its own interests and seeking to maximize concessions to its advantage, it nevertheless fails to consider the following:
 - Indonesia is solely responsible for its failure to implement its own laws on forest burning and illegal logging
 - It is also solely responsible for the enabling environment which it has provided for land conversion to lucrative oil palm ventures, thereby leading to massive clearing of land through deliberate burning

Still on ASEAN and HAZE

- While ratification would provide added significance, the Haze agreement itself offers very little in terms of compliance regulation
- There are no sanctions for States that do not comply, no compulsory dispute resolution mechanism, and no recourse to international courts or arbitration tribunals
- These are reflections of the deep-seated ASEAN ideology of non-intervention and non-confrontation
- The agreement stipulates that conflicts and disputes will be settled “amicably by consultation or negotiation,” even as no specific provision is given about the recourse of an aggrieved party should such consultation or negotiation fail

Another Case: The Mekong River Commission

- MRC is challenged in enforcing compliance of member countries in the Mekong to harmonize their national policies according to the agreements forged
- MRC is competent as a technical body, as evidenced by its impressive technical information data base about the Mekong, but it is politically challenged
- However, the Mekong Agreement crafted in 1995 is weakly drafted
 - It encourages rather than commands
 - It lacks the legal 'teeth' to enforce any of its provisions,
 - Though sustainable development is its noble intention, it is incapable of translating this intention into real substantive achievements

Emergence of Parallel Venues

- State-centered negotiations are limited by the diplomatic obligations of member countries to be polite to their neighbors, particularly given more currency through the ASEAN way of non-confrontation
- Parallel venues have emerged in which non-state actors have been involved in the discussion of relevant issues, including transboundary environmental issues
- This developed together with the growing presence of the civil society community of the region
- Also created an opening for the involvement of scientists and technical policy analysts to be involved in formal but parallel discussions on a regional scale
- Some of the venues include:
 - ASEAN Regional Forum (ARF)
 - ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS)

Problem and Opportunity of Parallel Venues

- They remain as venues that produce only non-binding statements
- These venues have also exposed the independence of non-governmental actors to the possible risks of being compromised by their close affinity to governmental parties
- Nevertheless, such venues could also serve as:
 - A pressure point for governmental actors towards favorable outcomes
 - A catalyst either for the formation of consensus, for the identification of constraints that need to be addressed, and for the unraveling of problematic positions that may now be revealed for public scrutiny and criticism
 - Seen in the example of how IIAS (based in Singapore) was able to engage Indonesia in Haze discussions which would never have happened within Indonesia

Role of Regional Science Communities

- The scientific community can be harnessed to provide technical information drawn from biophysical and social scientific research conducted by scientists to support policy making
- Networks of scientists, otherwise termed as “epistemic communities” exist to provide this type of support
 - For example, working through the CGIAR Water Challenge Program, the Mekong Program on Water, Environment and Resilience (M-POWER) based in Chiang Mai, Thailand build capacity for institutional, political and policy analysis of water governance issues in mainland Southeast Asia by:
 - sponsoring action research and direct engagements of an international network of research fellows and scientists
 - conducting meetings and dialogues at different levels, from the local community level to the regional level at MRC, to.

Barriers in Linking Science to Policy

- Barriers are derived from institutional inertia and could manifest as structural limits imposed by bureaucratic rigidity and state ideology
- Seen in the difficulty by which documents and data can be procured, and in the manner by which scientists are engaged only in “safe” and non-controversial issues
- A strong history of elite domination within countries in Southeast Asia, and the growing presence of transnational economic interests in the region, also enable mechanisms which serve the agenda of control and domination of knowledge by these power elites
 - Accommodating alternative voices which are not as threatening to key interests
 - Deploying dominant views which cement the synergy between elite actors and science-based policy decision to steal thunder from any legitimate challenge coming from opposing voices, and project a safe scenario that would justify what appears as a beneficial policy to achieve socially desirable goals using scientific data

Role of Civil Society

- The limits imposed on ASEAN and MRC, as the more formal venues, and on ARF and its like-minded forums, to meaningfully address the transboundary concerns, in turn, create a space for environmental social movements to occupy, even as these also give them reason to exist
- The region is now hosting a plethora of regional NGOs, some of which are home-grown as distinguished from the expatriate NGO community of middle-class, Western and conservationist progeny (i.e. WWF, IUCN, and TRAFFIC)
- NGOs such as the Asia-Pacific Women’s Legal Defense (APWLD), Towards Ecological Recovery and Regional Alliance (TERRA) and Focus on the Global South (FOCUS), all of which are based in Thailand but with region-wide operations, emerged as the local regional response to the need to offer a concerted civil society voice amidst the challenges brought about by more regional integration and globalization

Mode of NGO Action

- Even as the transboundary issues require trans-national cooperation among involved countries, the actual behavioral changes and transformation in modes of engaging the environment and its resources are all local in character
 - Asking a local Indonesian farmer not to burn the forest
 - Influencing local wildlife trappers in Laos and Myanmar to shift to other forms of livelihood
 - Enabling local wild-capture fishers in Cambodia to acquire legal standing to fight for their rights
 - Organizing coastal communities in Vietnam, Malaysia and the Philippines to manage their mangroves and coral reefs bordering the South China Sea
- It is in this wide range of local action that civil society actors find more meaningful relevance

Actual examples of local action

- Already, and in partnership with local government units, local communities in Laos, working in partnerships with their counterparts in Yunnan, China, have forged direct legal trade and technical agreements not only to curb illegal trade but also to provide alternative livelihoods
- In Indonesia, local NGOs are implementing projects in fire-prone areas, and have deployed social support activities to the direct victims of fires
- Local and provincial officials in Riau and Kalimantan, two of the more fire-prone areas in Indonesia, are also implementing fire prevention and control projects on their own

More Regional Examples

- The ASEAN People's Assembly (APA) that began in 2000, which is sponsored by the ASEAN-ISIS and is conducted annually
 - Among other goals, it promotes mutual understanding and tolerance for the diversity of culture, religion, ethnicity, social values, political structures and processes, and other elements of ASEAN's diversity among broader sectors of the ASEAN population
 - The environment is one area of discussion
- Indochina Biodiversity forum which was initiated by the World Wildlife Fund (WWF) in 1997
 - The forum was formed to provide venue to facilitate dialogues and partnerships among local actors towards the protection of biodiversity and to increase the stability in border areas

Threats to NGO Action

- NGO-directed processes are encountering problems of weak technical capacity of local organizations
- There is also a perception by the state that joint conservation efforts between local actors and transnational groups might erode national sovereignty, thereby leading to the state's lukewarm support, if not direct hostility and suspicion towards multi-stakeholder and transnational efforts and partnerships
- Internally, the NGO community is also threatened by the ideological battle between conservation purists and social development reformers
- NGOs are also politically endangered in many countries, with their advocacies being considered as radical voices that compromise national security and social harmony

Threats of Globalization

- While being linked to a larger domain provide the local communities the possibility for upward and progressive integration, seen in the influx of development and technical assistance, such can also spell difficulties in the form of imperatives to which one could now be held hostage
- Local farming practices and even the choice of crops would no longer be an autonomous decision of local actors, but could now be an imposition from outside forces which one would find difficulty to escape from or resist

Summary of Points...

- I attempted to present the complexity of transboundary environmental issues that confront Southeast Asia, not only in their very nature, but in the societal context within which they emerge and against which institutional responses are framed
- The diverse political, cultural, economic and historical experiences of the countries that comprise Southeast Asia require an equally diverse set of institutional responses
- It is apparent that no single response could provide a solution to the problem
- I showed that several venues for discussions and action exist, from the more formal venues of the ASEAN and MRC, to the parallel venues of the ARF and ISIS, to the various civil society based domains which nurture environmental movements

...Summary of Points

- Institutional responses came in various forms—from formal agreements, to science-policy partnerships, to the holding of multi-stakeholder platforms for dialogue such as regional seminars and workshops, and local community action by NGOs and local governments
- While these responses and their domains for emergence are also constrained by their own structural limitations, what this illustrates is the dynamism by which various layers of interventions emerge
- One can be tempted to see these limitations as disabling constraints
- Others, however, can see in this complexity the opportunity for addressing challenges by drawing on the strengths of the various institutional domains and the diversity of voices which they allow and enable

Thank You!