

Part IV: Improving Environmental Governance in Asia

A Synthesis of Nine Country Studies

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1. Introduction

Environmental Governance is about how societies deal with environmental problems. It is concerned with the interactions among formal and informal institutions and the actors within society that influence how environmental problems are identified and framed. It is also related to how environmental issues reach the political agenda, how policies are formulated, and how programmes are implemented.

The processes and structures of environmental governance in Asia are rapidly changing. At the domestic level, new environmental laws, programmes and institutions are being established. At the sub-regional and regional levels also, environmental networks and cooperative schemes are beginning to be formed or the existing ones strengthened. These rapidly evolving governance systems are influencing greatly how environmental problems are addressed in the region. It is thus critically important to examine the nature of environmental governance in the region.

The main purpose of the Environmental Governance (EG) project of IGES is to address and analyse major issues of environmental governance and to propose concrete policy recommendations relevant to the Asian region. According to the project plan adopted for a period of three years, several national and sub-regional environmental governance systems were to be selected and examined in a cross-sectoral and comparative manner. Areas to be examined with regard to national environmental governance systems included: how decisions are made; who makes them; how decisions are implemented; what kind of information is available and from what source; how processes are reviewed; how these are influenced by internal and external forces; how systems are evaluated; and if they can be adapted to respond to newly emerging problems and challenges.

Countries initially selected for detailed study of national environmental governance systems were China, India, Thailand, and Japan. Based on the analytic framework developed by Dr. Miranda Schreurs of the University of Maryland, U.S.A., country studies were conducted in collaboration with competent research institutes and researchers from the four countries, utilizing a common methodology and format for analysis and comparison. The outcome of the four country studies were discussed and disseminated at an international workshop organized by IGES in March 1999. Later in the same year, country reports were prepared for five more countries of Asia, namely Bangladesh, Indonesia, Malaysia, the Philippines, and the Republic of Korea (South Korea), similarly in cooperation with research institutes in those countries. The results of these additional

country studies, along with the presentations made on some cross-sectoral issues such as “trade and environment” and “environmental security” were discussed at an international symposium organized jointly by IGES and Sophia University in February 2000, in which more than 300 people participated, representing a wide cross-section of public as well as private sector organizations and individuals interested in the subject matter.

This paper attempts to summarize the main outcomes of these country studies, and to present our preliminary findings and conclusions, including some policy recommendations for improving environmental governance in Asian countries.

2. Recent Trends

Many countries of Asia began to put environmental problems on their policy agenda in the late 1960s and early 70s. During the period, however, most of the environmental problems remained unsolved because environmental laws, policies and institutions, often modeled after or imported straight from the industrialized countries, did not work satisfactorily for these countries with different natural conditions, historical and socio-cultural backgrounds, political and economic systems, and at different stages of economic development. Therefore, later on, it became necessary for most of the Asian governments to review existing environmental policies. Consequently, environmental laws and policies were revised, reformed and strengthened again in the 1990s, and many positive trends have since emerged.

Beginning in the late 1980s to early 90s, the framework or umbrella laws for environmental policy enacted in the 1970s were revised or replaced by new laws in China, Indonesia, Malaysia, South Korea, and Japan. Their main purpose was to strengthen the implementation and enforcement of environmental laws and policies, to adopt a wide range of new policy measures and instruments, and to respond to the newly emerging global environmental issues such as depletion of the ozone layer, climate change, and transboundary movements of hazardous wastes.

On the other hand, the Asian economic crisis since 1997 threw cold water on growing environmental awareness in Asian countries. For example, the Thai government has inevitably cut its budget for environmental infrastructure in the wake of its currency crisis. Public attention in Indonesia focused on how to get out of the severe economic and political crisis; as a result, environmental issues were not addressed vigorously. There are indications, however, that some other economies of Asia were relatively unaffected by, or are already coming out of, the crisis situation. Even for those countries still in critical conditions, it remains to be seen how

long-lasting an impact they will have on the generally continuing trend toward heightened awareness among policy makers as well as the public about the importance of environmental issues, and consequently about the need for improved environmental governance and to promote international cooperation at all levels.

3. Major Actors

(1) Central Governments

Environmental policies were initiated by the central government in most of the Asian countries studied, except for Japan and India. So far, it can be said that central governments have played, and continue to play, a key role in environmental governance in Asian countries. Within the structure of central governments, however, environmental policy still tends to be separate or isolated from the mainstream policies of economic planning and industrial/agricultural development. In addition to the ministry of environment, many governmental ministries and agencies are responsible for environmental issues under their respective jurisdiction. As a consequence, the overlapping or duplication of policies and efforts can often be found in a number of policy domains related to environmental governance.

(2) Local Governments

Functions of local governments are defined within the constitutional system in each country. In the Asian region, local governments in Japan and India have played comparatively greater roles in dealing with environmental problems. After democratization in the Philippines, South Korea and Thailand, the local governments began to pay more attention to environmental problems. It is worth noting here that the governors of major provinces and capital cities are elected by public vote in all of these countries.

(3) Environmental NGOs

One of the newly emerging environmental actors in Asian countries is environmental NGOs. The definition of environmental NGOs and the relationship between the government and environmental NGOs are different in each country. Once environmental NGOs were not formally recognized, but rather regarded as strong opponents of government policies. Environmental NGOs themselves chiefly acted as a watchdog for government policies and institutions.

In the 1990s, the national governments of Korea, Thailand and Indonesia gave an official status to environmental NGOs in their framework legislation. Under the Aquino administration, the constitution of the Philippines was amended, amongst others to allow representatives of environmental NGOs to be involved in the various processes of policy dialogue and decision making by the government. In contrast, due to political sensitivities and the low level of public awareness about environmental problems, few environmental NGOs existed in China, and organized civil protest movements against environmental problems have not yet emerged. The mass media in China, however, have begun to play an increasingly positive role in exposing cases of violation of environmental laws and regulations, providing environmental data and information to the public, and reporting on pollution episodes and accidents, and thus exerting significant influences on business behavior and governmental decision making.

(4) Industries

Most industrial enterprises in Asian countries have maintained passive attitudes toward environmental management. Large corporations that are well connected with various governmental sectors have planned and carried out many development projects, but rarely have returned their profits to local communities. Industries, particularly export-oriented industries, in South Korea and Thailand have been aware of the importance of environmental protection largely due to international influence, and initiated voluntary activities for environmental management such as obtaining the certification of ISO 14000 series of standards for environmental management. Large enterprises in China are required to establish environmental units or to designate executive officers responsible for environmental protection within each corporate structure.

The most serious problem in industrial sectors is the non-compliance with environmental regulations by small and medium-sized enterprises (SMEs). Town and Village Enterprises (TVEs) in China are exempted from environmental monitoring requirements and pollution charges. Although factories and other industrial facilities are required by law to treat their wastes on site in Thailand, the wastes are, in most cases, released directly into water bodies without any treatment. A large number of small-scale industrial facilities, including unorganized and household units, are not adequately addressed in India's current pollution abatement policy.

4. Processes

(1) Agenda Setting

Agenda setting for environmental policies in Asian countries has depended largely on the central governments' initiatives. At first, the most influential factor in environmental agenda setting was the pressure to raise awareness from the international community rather than domestic environmental movements or pollution damages. In fact, the 1972 UN Conference on the Human Environment (UNCHE) became a watershed for the governments of China, India and the ASEAN member countries to develop their environmental policies. Afterwards, when each country went through a period of rapid economic growth, pollution incidents and degradation of the natural environment led to new policy responses.

The civil society actors such as environmental NGOs and business corporations in Asian countries have partly gained opportunities to participate in the policy-making process in the field of environment. In the Philippines, South Korea and Thailand, national councils or forums for building consensus on environmental policies have been organized, which are comprised of representatives from both public and private sectors.

(2) Policy Instruments

Many Asian governments have introduced policy instruments such as environmental impact assessment (EIA) procedures and market-based instruments (MBIs), which had been adopted earlier in Western countries and worked effectively there. But rarely have Asian countries made innovative modifications or adjustments to the policy instruments introduced from other countries. These policy instruments have, in many cases, been transferred to Asian countries through international development assistance programmes and projects with environmental components. However, it needs to be carefully examined whether the more advanced policy responses transferred from Western countries work in the same way under existing conditions in Asian countries. In Bangladesh, for example, EIA procedures are now being practiced in large-scale projects carried out by foreign companies, but are yet to be applied widely to domestic projects.

(3) Policy Implementation

Even though the tempo of institutional development of environmental policies in Asian countries

has been faster than that of their economic growth when compared to the past records of Western nations, the ineffectiveness of environmental policies and institutions has become a serious problem. Strong initiatives of the central governments are often not accompanied by adequate reflections on the ground-level realities of policy implementation and failed in addressing the root causes of priority environmental problems of a specific locality. In other words, the policy-making process in these cases does not provide for adequate channels of communication between governmental and private sectors. Therefore, business enterprises had little incentives to respond to such environmental policies, and the public is not motivated to play an active part in the process of policy implementation.

Recently, some of the Asian governments began to plan and implement environmental programmes jointly with various social actors; viz. Water Pollution Control in the Huaihe River Basin in China, Samut Prakarn Water Waste Management Project in Thailand, and the PROKASIH (clean river) programme in Indonesia. These new types of environmental programmes are expected to be implemented successfully.

5. Policy Recommendations

Taking into consideration the summary of findings and conclusions of the country studies described above, some preliminary ideas for improving the environmental governance systems in Asian countries are suggested as follows:

- To establish a network of regional and sub-regional institutions to monitor and review the status of environmental policy development and implementation in Asian countries and to widely disseminate the information and data obtained through various channels, including mass media and the Internet.
- To undertake a comprehensive review of existing laws, policies and institutions related to environmental management in both public and private sectors, with a view to identifying and removing any gaps or inconsistencies among them, further integrating environmental considerations into economic and other sectoral development policies and processes, and thus consolidating the ground for an overall policy framework for building a sustainable society.
- To promote decentralization and devolution of powers to local governments in environmental policy-making and implementation, in particular by delegating more authority as well as resources and responsibilities for environmental protection to relatively larger units of local

government.

- To expand the membership and participation of environmental NGOs and other civil society organizations (CSOs) in national and local legislative or other policy-making bodies, and to involve representatives of affected local communities in the process of planning and implementation of regional/local development programmes and projects.
- To explore the possibilities for applying the concept of strategic environmental assessment (SEA) and management (SEM) in the field, while ensuring that the existing procedures for EIA are actually followed and opportunities for public participation in EIA processes are enhanced and utilized.
- To give special considerations to bringing small firms and factories into compliance with environmental regulations, without imposing severe costs to them.

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