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# ASEAN and Environmental Governance: Strategies of Regionalism in Southeast Asia

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*Lorraine Elliott*

## Introduction

Although environmental concerns were first inscribed on the agenda of the Association of Southeast Asian Nations (ASEAN) in 1977, studies of this regional institution have generally paid little attention to the environment in analyzing how the region functions as a “place where business gets done.”<sup>1</sup> Nor has the theoretical literature on the politics of Southeast Asian regionalism given much thought to how environmental governance fits within the often-competing conceptual frameworks that seek to explain regionalizing processes in this part of the world. This article has two purposes in light of these gaps. The first examines how and in what ways governments in Southeast Asia have come to “govern” environmental issues at a regional scale under the auspices of ASEAN. Governance is understood here as “systems of [authoritative] rule-making, political coordination and problem-solving.”<sup>2</sup> The article therefore begins with a brief overview of the environmental challenges that have impelled decision-makers in Southeast Asia towards regional cooperation before exploring the trajectory of that cooperation. The second purpose is to locate this dynamic of regional environmental governance in the context of conceptual debates about the political (rather than legal) topography of Southeast Asian regionalism.

This second purpose is pursued within a framework of three themes in the contemporary repertoire of Southeast Asia regionalism studies: the public space of formal governance arrangements, the inter-subjective space of identity building, and the private space of social practices. The first theme, which has become prominent in recent work on studies of European and Asian regionalism, is the comparative typology of institutional versus networked regionalism.<sup>3</sup> The second, inspired by a constructivist turn in the new regionalism literature, under-

1. Fry 2000, 123. For exceptions, see Contreras 2008; Koh 2007; Koh and Robinson 2002; and Yap 2006.
2. Rosenau 2002, 8.
3. See Hamieri and Jayasuriya 2011; Jayasuriya 2009; Katzenstein 1996; and Yeo 2010.

stands regionalism as more than an institutional process of multilateral policy coordination and the negotiation of competing stakeholder interests. Rather it focuses on the ways ASEAN member states articulate and solidify a regional identity through the political practice of what has become known as the “ASEAN way.” The third theme responds to efforts by scholars to find a place for social forces in their models of regionalism and descriptions of regional governance, either as already existing practices or as the “ought” of alternative or participatory regional trajectories.<sup>4</sup> These themes are tied together in the final section, which interrogates claims about multilevel governance and expectations of greater openness.

## Environmental Challenges

Southeast Asia faces a range of environmental challenges that are increasingly difficult to address effectively without some form of regional cooperation. This applies to problems that generate explicitly transboundary externalities such as air or marine pollution, and those so common and widely experienced that it makes sense to share policy experience and reduce transaction costs in dealing with them. Rural modes of production have become more intensive, commercialized, and industrialized, as well as more reliant on high levels of agrochemical use which, somewhat ironically, makes soils vulnerable to acidity and waterlogging and therefore less fertile and productive. Southeast Asia’s population is urbanizing, and urban lifestyles generally use more energy and resources—and create more pollution on a per capita basis—than rural lifestyles.<sup>5</sup> Growth in manufacturing capacity has often been in highly polluting industries that use “outdated technologies and operate under pollution control regimes that have little or no enforcement.”<sup>6</sup> Unsustainable development has left a legacy of environmental challenges for policy-makers.

In Southeast Asia, 56 million hectares of arable land are now severely affected by a decline in soil fertility. Deforestation rates remain above the global average (regional variation notwithstanding). Approximately 1.2 to 1.8 percent of forest cover is lost here annually, compared with a global rate of about 0.23 percent.<sup>7</sup> Biodiversity is under threat.<sup>8</sup> Coastal, mangrove, and coral reef ecosystems are increasingly endangered. The region’s wetlands, including those protected under the 1971 Ramsar Convention on Wetlands, have been damaged, often seriously, by logging, agricultural conversion, mining, oil exploration, and pollution. Many of the region’s fish stocks are close to exhaustion through overexploitation, illegal fishing, and technologically advanced commercial trawling activities in an overcapitalized industry. Freshwater fish stocks

4. Archarya 2003; Chandra 2009; and Frost 2008.

5. ASEAN Secretariat 2001, 22; ASEAN Secretariat 2006, 14; and ASEAN Secretariat 2009a, 14.

6. UNESCAP 2005; and ASEAN Secretariat 2006.

7. ASEAN Secretariat 2009a; and Asian Development Bank 2002.

8. IUCN 2009.

are in decline. Fish farming (aquaculture) has been pursued with such vigor that countries in the region now dominate world production. The environmental costs include “destruction of mangrove forests, conversion of wetland habitats, introduction of exotic species, increased use of chemicals . . . degradation of water quality, and discharge of nutrients and other wastes” as well as the loss of breeding grounds for wild fish stocks.<sup>9</sup> Demand for water is outstripping supply, as domestic and industrial requirements grow to compete with agriculture. Many of the region’s rivers are seriously polluted.<sup>10</sup> Air pollution is widespread. Many urban areas exceed the World Health Organization’s recommended safe limits of suspended particulates, sulfur dioxide, and nitrogen oxide, exposing many millions of people to pollution-related health vulnerabilities.<sup>11</sup>

The region also faces the challenges of climate change. Of the ten countries in the world most imperiled by climate change (in terms of the number of people likely to be affected), four are in Southeast Asia: Vietnam, Indonesia, Thailand, and the Philippines. The Intergovernmental Panel on Climate Change reports a worrying litany of likely climate change impacts for the region.<sup>12</sup> In its report on the economics of climate change in Southeast Asia, the Asian Development Bank concludes that the region is “likely to suffer more from climate change than the rest of the world,” and that “the potential economic cost of inaction is huge.”<sup>13</sup> Although per capita contributions to greenhouse gas emissions remain comparatively low in Southeast Asia, the growth in emissions places pressure on governments to address problems of mitigation as well as adaptation.

## Models of Southeast Asian Regionalism

The literature on Southeast Asian regionalism has burgeoned in the last two decades, much of it informed by or in conversation with the theoretical literature on “new regionalism.”<sup>14</sup> This has been intent on understanding the politics of government-driven regionalizing processes articulated through ASEAN. Nevertheless, regionalism is more than just the practice of institutionalizing cooperation among states and providing structures for policy coordination.<sup>15</sup> According to the identity-based accounts of regional cooperation that characterize the new regionalism literature, regions also function as collective, intersubjective identities. This interpretive aspect of a region is embedded in “how political actors perceive and interpret the idea of a region and the notion of ‘regionness’”<sup>16</sup> as well as in an emergent perception of a collective identity—the “we-feeling”<sup>17</sup> or

9. UNEP 2001, 28; and UNESCAP 2006.

10. ASEAN Secretariat 2009a, 31–38.

11. Cohen et al, cited in UNEP 2007, 52.

12. For more see IPCC 2007.

13. Asian Development Bank 2009, xxvi.

14. See Acharya 2009; Ba 2009, Haacke 2003; Hettne and Söderbaum 2000; Jayasuriya 2009; Jetschke and Rüländ 2008; Mansfield and Milner 1999; and Morada 2008.

15. For more see, for example, Balsiger and VanDeveer 2010.

16. Hettne 2005, 544.

17. See Nischalke 2000, 93.



"we-ness."<sup>18</sup> Two factors are important in this process: collective action norms and the socialization of identity. Ideas, values, and norms acquire importance because they shape agendas and define the policy context within which actors identify their interests. But they do more than this; "norms not only prescribe behaviour . . . they also define and constitute [regional] identities."<sup>19</sup> They do so to the extent that they inculcate a commitment to common values, practices, and patterns of behavior. This relationship between norms and identity, on the one hand, and interests on the other, is complex. States' interests and their willingness to comply with norms and obligations are not just exogenously driven by rationalist-strategic concerns such as relative gains in power and wealth. Through a process of socialization and learning, national interests come to be understood as best met and protected through collective action and compliance with the norms that reflect and sustain regional community.

In the ASEAN context, the historically embedded behavioral norms for collective action codified in the agreements that give the association its legal identity and personality are not especially Southeast Asian in content.<sup>20</sup> The values of respect for sovereignty, non-interference in the internal affairs of other states, peaceful settlements of disputes, and the renunciation of the threat or use of force are the standard norms of the Westphalian state-system. Member states claim that the norms at the core of the ASEAN way—consultation, consensus, non-confrontation, private and personal diplomacy, and non-interference—are the social structures of Southeast Asian village life brought to the realm of the regional and multilateral. This allows them to claim a common and shared sociocultural history as the basis for their region-building initiatives.

This sociological approach to understanding regions and regionalism has been complemented by a political economy model rooted in efforts to explain and conceptualize differences between Asian and European styles of regional cooperation. Scholars of regionalism have often looked to Southeast Asia to show that interstate cooperation does not have to follow a European model of formal constitutionalism to be successful in generating transnational governance arrangements across a range of issue areas. Rather than the "top-down, governmentally driven and formally institutionalized connections"<sup>21</sup> of European regionalism, early studies characterized Asian regionalism as an "inclusive . . . [and] network-style"<sup>22</sup> form of integration in which "social forces . . . create multiple political connections [and] intricate network structures."<sup>23</sup> The key forces within this form of networked regionalism were assumed to be "corporations, financial institutions, and other nonstate actors,"<sup>24</sup> supplier networks, and producer alliances. Yet this political economy model, which drew on

18. Khong 1997.

19. Acharya 2001: 24.

20. Those key agreements are the 1976 Treaty of Amity and Cooperation (TAC) (see article 2) and 2007 ASEAN Charter (also article 2).

21. Pempel 2006, 240–1.

22. Katzenstein 1996, 125.

23. Katzenstein 1996, 146.

24. Pempel 2006, 240.

Northeast Asia for its empirical claims, had an uneasy fit with regionalism in Southeast Asia, where states dominated regional governance arrangements.<sup>25</sup> The interest in networks and flatter forms of governance has found its most recent expression in ideas about regulatory regionalism. This seeks to overturn an “overemphasis on formal regional institutions”<sup>26</sup> in the contemporary literature on Southeast Asian regionalism by examining moves from vertical and top-down forms of regional governance to more horizontal, networked structures. This change, which is described as both rudimentary and fuzzy, involves “forms of regional regulation [that] rely more on the active participation of national agencies in the practices of regulation than on formal international treaties.”<sup>27</sup> This is akin to the kinds of transgovernmental networks that, according to scholars such as Slaughter and Raustiala, constitute an essential component of regional and international orders that make practical cooperation possible, facilitate policy convergence, and build capacity in weak states.<sup>28</sup>

An overlapping but more explicitly normative approach to multilevel forms of regional governance in Southeast Asia anticipates a “genuine transnational regionalism” (or “participatory regionalism”) that includes social movements that “challenge state dominance and present alternative policy perspectives and approaches.”<sup>29</sup> The logic of this broader form of regionalism is usually tied to expectations of more effective policy-making and to a “deeper basis for regional socialization.”<sup>30</sup> A more robust version argues not just for participation but for an alternative form of regionalism that is committed to transparency, accountability, and rights-based accounts of political ownership.<sup>31</sup> This demands that regional governance, including regional environmental governance, should be *people-centered*, not just *people-oriented*. ASEAN member states have generally struggled with opening up to participatory demands. ASEAN’s own Eminent Persons Group (EPG) recommended that people should be empowered, that ASEAN should engage with civil society, and that regional architecture should be more “open, transparent and inclusive”<sup>32</sup> if it were to “shed its image of being an elitist organization comprising exclusively diplomats and government officials.”<sup>33</sup> The EPG’s call for a *people-centered* organization did not make it into the final version of the ASEAN Charter, which refers only to the importance of promoting a *people-oriented* ASEAN.

These three broad and at times overlapping approaches to conceptualizing regionalism in Southeast Asia suggest a useful if somewhat complex framework for analyzing environmental governance under the auspices of ASEAN. The

25. See Tay and Lim 2009.

26. Jayasuriya 2003, 199.

27. Jayasuriya 2009, 337.

28. Slaughter 2004; and Raustiala 2002.

29. Acharya 2001, 12–13.

30. Acharya 2003, 377.

31. Daño no date.

32. ASEAN 2006, 26.

33. ASEAN 2006, 6.

starting point is the public space of formal governance arrangements and the authoritative rules adopted to address environmental cooperation and coordination issues. The sociological approach to regionalism suggests that these rules should also be interrogated in the context of forms of identity-building expressed through behavioral and procedural norms. The expectation that regionalism in Southeast Asia either has or will increasingly take on network forms of regulation encourages attention to how and why this has played out with respect to environmental governance. Finally, the normative focus on social forces generates questions about whether a move from more statist and hierarchical forms of regionalism to supposedly “flatter” forms of regional governance have been accompanied by, facilitated, or indeed even responded to demands for more democratic or participatory forms of regionalism.

### **Environmental Regionalism: Governance in Practice**

As suggested above, an investigation of environmental regionalism starts with actual rules and rule systems. Environmental issues were first inscribed on the ASEAN agenda in 1977, after the then-five member states adopted the Treaty of Amity and Cooperation (TAC). Since 1981, formal decision-making on the environment has been the ambit of the ASEAN Ministerial Meeting on the Environment (AMME). Responsibility for developing policy recommendations and for promoting regional cooperation falls to the ASEAN Senior Officials on the Environment (ASOEN) and its subsidiary working groups.

Environmental cooperation is an important challenge for regionalism in Southeast Asia for two reasons, one environmental and one political. First, as the ASEAN secretariat itself has observed, “any drastic and irreversible reduction in the region’s resources or degradation of its environment will . . . have far-reaching implications for the region’s ecosystem and quality of life.”<sup>34</sup> Coordinated regional responses therefore hold out the promise of mutual benefit for member states through more effective use of scarce expertise, knowledge, and capacity, and through ecologically as well as economically sustainable resource use. The *political* importance of environmental cooperation has become caught up in the complexities of constructing (or imagining) a regional identity and in disputes over the relevance of ASEAN’s normative attachment to the principle of non-interference. Multilateral efforts on environmental challenges in Southeast Asia have been closely linked to the evolution of ASEAN and to the determination of member states to present themselves as a coherent and authoritative regional unit, rather than simply a subregion of the Asian Pacific. The influence of the behavioral and procedural norms of the ASEAN way means that environmental cooperation in Southeast Asia has been characterized by soft institutionalism, a preference for non-binding agreements, a reliance on national institutions rather than a regional bureaucracy, and a general reluctance to interfere in,

34. ASEAN Secretariat 1994, 33.

or to direct in any authoritative way, the environmental practices of member states.

As the discussion here shows, in contrast to the informal networked regionalism assumed to characterize early forms of regional interaction in Asia, ASEAN member states moved quickly to institutionalize environmental cooperation in Southeast Asia as part of their efforts to give concrete form to a regional "ASEAN" identity. Influences from above and, slowly and unevenly, pressures from below have, however, forced slow changes on the way ASEAN members respond to and seek to govern environmental challenges. Since the late 1980s, the regional political salience of environmental degradation has increased against a global background of major international environmental conferences and negotiations (starting with the 1972 UN Conference on the Human Environment) and in response to a burgeoning environmental conscience among donor countries and agencies. Local grassroots environmental activism and growing regional networks of NGOs also started to put pressure on governments and regional institutions to respond effectively to environmental challenges. In response, the rule systems of environmental cooperation expanded from soft-law declarations and resolutions to include plans of action, issue-specific programs, and two binding multilateral environmental agreements. In turn, these changes brought into question ASEAN's dominant political norms and practices. But when networked-based policy coordination and harmonization do become a feature of the policy terrain, it is as much under the ownership and authorship of ASEAN as it is a spontaneous outcome of private transnational actors.

### *Phase I: Environmental Assets and Regional Resilience*

Environmental issues did not feature in ASEAN's founding Bangkok Declaration in 1967. This is hardly surprising: transboundary environmental challenges were barely even part of the international multilateral agenda at the time, and ASEAN's primary purpose was to build security among the five founding member states through commitments to regional solidarity, good neighborliness, and regional resilience based on strong national identities. However, both the Bangkok Declaration and the TAC anticipated flexible forms of widening cooperation in "economic, social, technical, scientific and administrative fields . . . and all other matters of common interest."<sup>35</sup> While member states acknowledged that they had *common* environmental problems, their interests in addressing environmental degradation arose from their economic concerns about underdevelopment and the political importance of domestic economic progress and national resilience. In this first phase, and contrary to assumptions about the centrality to Asian regionalism of informal and bottom-up networked arrangements, decision-making on the environment and (soft) governance arrangements developed from the top-down, steered by ASEAN member states.

35. ASEAN 1976, article 4.

ASEAN adopted its first regional policies on the environment in 1978 in the form of a subregional environment program (ASEP I). This first phase of cooperation focused primarily on conservation, mirroring much of the international agenda at the time. In keeping with their commitment to non-interference norms and determination to maintain individual state authority over national resources and development policy, the ASEAN countries stressed the importance of national laws and policy-making as the basis of regional cooperation. In keeping with procedural voluntarism, they generally avoided legally binding agreements. In keeping with ASEAN's informalism, AMME declarations on environmental cooperation were confined mainly to agreement on general principles and broad guidelines. The very clear purpose of this first phase of cooperation was informed by the goals of the Bangkok Declaration and the TAC—to maintain the “continuous availability of natural resources” in order to overcome poverty and improve quality of life. Environmental protection was secondary to development.<sup>36</sup> Environmental concerns were to be pursued only “as far as practicable.”<sup>37</sup>

The first signs of a change in this approach came in 1984 when the six member states agreed to establish a regional network of ASEAN national heritage parks and nature reserves, albeit under the managerial auspices of individual governments.<sup>38</sup> A year later the ASEAN Declaration on Heritage Parks and Reserves was augmented by the legally binding Agreement on the Conservation of Nature and Natural Resources, which established that member states had a legal obligation to minimize cross-boundary environmental impacts. It anticipated a regional conservation strategy and set out principles for sharing resources and avoiding transboundary environmental effects such as pollution. The agreement signaled a new phase of cooperation by which rules were established to define what member states should or should not do with respect to the environment and in which they agreed to “give as full consideration to ecological factors as to economic and social ones.”<sup>39</sup>

### *Phase II: Responsibility and Stewardship*

While the first phase of cooperation focused on the politics of national resilience and the political economy of environmental assets, the second phase, which began in the mid-1980s, was a process of normative development. Much more attention was paid to the transnational environmental challenges facing member states and to their responsibilities to address them. ASEAN's expansion to include all ten countries in Southeast Asia brought with it new demands and challenges, particularly for the newer and least developed members, for whom capacity building in sustainable development and environmental management

36. AMME 1981.

37. AMME 1981.

38. As at November 2011, there were 30 ASEAN Heritage Parks.

39. ASEAN 1985.

was and remains a key issue.<sup>40</sup> However this expansion also delivered the opportunity to engage all countries in the region in more robust institutional frameworks involving commitments to environmental protection, mitigation, and adaptation.

By 1995, there was growing recognition that cooperation on functional issues such as the environment was as important as that on economic and security issues. Resolutions and agreements began to speak of eco-efficiency and the need for a “widely held ethic of [environmental] stewardship.”<sup>41</sup> Policy recommendations called for environmental concerns to be integrated with economic ones. There was even some low-level dissatisfaction with ASEAN way model of soft institutionalism. The 1987 Jakarta Resolution on Sustainable Development suggested that the member states’ common goals would be “best served by the establishment of a regional body on the environment of sufficient stature”<sup>42</sup> to undertake tasks such as making policy recommendations and monitoring environmental quality, although no such body was or has yet been established. The 1995 Cooperation Plan on Transboundary Pollution declared that Southeast Asia constituted a single ecosystem. Despite being ecologically rather dubious, this claim served two political purposes. First, it gave further support to environment ministers’ demands for joint action and for the institutionalization of transboundary responsibility. Second, as a statement about regional identity, it strengthened the image of one Southeast Asia, joined not only by a common history and culture but now also by a common, shared ecosystem. Environmental issues were now being articulated as closely entwined with the very nature of ASEAN regionalism.

A new ASEAN Strategic Plan on the Environment (ASPE) was adopted in 1994, two years after the third ASEAN subregional environment program had run its course. This plan was much more explicit than earlier ones in calling for institutional development, harmonization of goals and policy measures, and operational and technical cooperation including joint action. The first ASEAN Year of the Environment was declared in 1995, and two years later, the secretariat released the first ASEAN State of the Environment Report. ASEAN’s agenda of environmental concerns was also expanding. Pollution issues became much more prominent in discussions, and rule systems became (in comparative terms at least) more interventionist. Environment ministers agreed to develop minimum regional standards for ambient air and river water quality; they established an urban air pollution monitoring and control program and a contingency plan for the control and mitigation of marine pollution. The most prominent pollution initiatives were in response to “the haze”—transboundary particulate-laden smoke originating from Indonesian land-clearing and peat fires—which caused sufficient economic damage in Indonesia and in neighbor-

40. New member states joined ASEAN as follows: Brunei Darussalam January 1984; Viet Nam July 1995; Lao PDR and Burma July 1997; and Cambodia in April 1999.

41. See AMME 1997, Jakarta Declaration.

42. AMME 1987.

ing countries to raise questions about whether ASEAN really could deal with difficult environmental issues that had regional or transboundary causes and consequences.

By the late 1990s, claims about the success of ASEAN in checking intramural disputes had given way to concerns about institutional and normative adequacy in the face of a range of new challenges, including environmental ones. Coinciding with the Asian financial crisis, the coup in Cambodia, and growing violence in East Timor, the haze contributed to a flurry of attention to the ASEAN way. Commentators began to question whether the institution had much of a future. Indeed, the language of crisis became a leitmotif of the ASEAN literature. The Secretary-General was open about how the association's "visible unwillingness or inability to take timely and concrete co-operative steps . . . to tackle the problem of the haze" was a major factor in questions about its "methods, effectiveness and relevance."<sup>43</sup> Others spoke of a "prevailing sense of despair" within the association,<sup>44</sup> a "clear failure of regional cooperation"<sup>45</sup> and the apparent "fragility of . . . regional prospects."<sup>46</sup> The concern was not just the weakness of regional policy initiatives. It was also whether ASEAN structures of cooperation had become slow and unwieldy in the face of environmental challenges and whether, by discouraging open criticism of member states and their environmental practices, they were creating barriers to dealing with the kinds of interdependencies and crisis situations associated with environmental degradation and resource decline.

The transition to a third phase of environmental regionalism in Southeast Asia was driven in large measure by these broader concerns. It proceeded in step with ASEAN's efforts at a more clearly articulated and more formal mode of community-building. This included ASEAN Vision 2020 (adopted in 1997); the 2003 Bali Concord II; the November 2007 ASEAN Charter; and the Blueprint for the ASEAN Socio-Cultural Community (ASSC) 2009–2015 endorsed by the ASEAN Leaders at the 14th ASEAN Summit in March 2009.

### *Phase III: Formalism and Community*

This third phase of environmental cooperation, which began around the year 2000, has been marked less by normative developments than by the institutionalization of ambitious environmental goals and objectives. These have been incorporated into the various ASEAN-wide plans and vision statements adopted by member states in their political efforts to transform the identity of ASEAN and Southeast Asia into a "community" of states and peoples. In other words, governance and identity-building continued to go hand in hand. Governments called on the region's "rich cultural traditions" to engender a "public sense of

43. Cited in Ahmad and Ghoshal 1999, 760.

44. Ahmad and Ghoshal 1999, 760.

45. Leifer 1999, 37.

46. Breslin, Higgott, and Rosamond 2002, 5.

stewardship towards protecting [the] environment."<sup>47</sup> ASEAN Vision 2020 anticipated a "clean and green ASEAN with fully established mechanisms for sustainable development to ensure the protection of the region's environment, the sustainability of its natural resources and the high quality of life of its peoples,"<sup>48</sup> a commitment reproduced in the 2007 ASEAN Charter. The 1998 Hanoi Plan of Action (HNPA), adopted to implement ASEAN Vision 2020, included a series of measures to protect the environment and promote sustainable development, goals that were subsequently incorporated into the Strategic Plan of Action on the Environment (SPAEE) 1999–2004. Both the HNPA and the SPAEE called for stronger harmonized environmental standards and anticipated regional centers and action plans on protection of coastal zones, water conservation, and the protection of marine environments from land- and sea-based activities. The HNPA was followed by the 2004 Vientiane Action Programme (VAP) which proclaimed environmental sustainability and sustainable natural resource management as one of four "strategic thrusts" for the ASEAN Socio-Cultural Community (ASCC). The VAP has since been superseded by the Community Roadmap and the Blueprint for the ASCC, which identify eleven environmental areas of regional importance, designating a lead country and ASEAN agency for each.<sup>49</sup>

In the Declaration on Environmental Sustainability adopted in 2007, member states committed to intensify regional efforts on a wide agenda that included environmental sustainability, pollution prevention, water quality, habitat management, species protection, alternative energy, and the conservation of natural resources. Quite a bit of the rule-making effort in this third phase translated into actual project activity, although not always into outcomes. This has included a framework for regional criteria and indicators for the sustainable management of natural tropical forests, a regional coordination program for the protection and management of the coastal and marine environment, a long-term strategic plan for water resource management, a Framework for Environmentally Sustainable Cities and a Peatland Management Strategy. ASEAN member states also began negotiations for their second binding environmental agreement—on transboundary haze pollution—which was adopted in June 2002 and entered into force in late 2003.<sup>50</sup>

The most notable feature of this third phase of ASEAN's efforts to strengthen regional environmental governance and its authority over it has not been efforts to strengthen internal cohesion or efforts to project an external voice on key issues such as climate change, but the ways in which regulatory structures and policy transfer have begun to change within the association. This brings us back to questions about the nature and role of networks and their potential to contribute to a widening terrain of participation.

47. AMME, 2000.

48. ASEAN Secretariat, 2002, 2.

49. See ASEAN Secretariat 2009b; 2009c.

50. See ASEAN Secretariat 2009a: chapter 9.



## Multilevel Governance

The concept of multilevel governance captures the idea of decision-making within a common governance arrangement dispersed across multiple jurisdictions or sites of authority, above, below, and in some cases alongside states.<sup>51</sup> Those sites of authority include “non-hierarchical forms of policy-making such as dynamic networks which involve public authorities as well as private actors.”<sup>52</sup> At the same time, not all forms of multilevel governance involve displacement of the state. The state still retains a leading role in vertical forms of multilevel governance, in comparison with horizontal forms of multilevel governance, in which responsibilities shift towards non-governmental actors.<sup>53</sup> Yet even this does not capture the complexity of changing governance. The kinds of transgovernmental network arrangements introduced earlier in this article constitute a move to less vertical forms of governance, even when decision-making continues to be steered primarily by states. In effect, this form of multilevel governance offers a complement rather than an alternative to “intergovernmental relations in a regulatory framework.”<sup>54</sup>

The latest phase of environmental governance in ASEAN has been characterized by a growing emphasis on regional networks arrangements to coordinate the development and implementation of environmental policy and regulatory tasks. Chandra suggests this reflects the realization by member states of their “limited ability to cope with extensive challenges” such as environmental ones.<sup>55</sup> These networks provide an almost model example of the form of regulatory regionalism introduced above: domestic regulatory agencies connecting through network arrangements with their counterparts in other countries to reinforce efforts to harmonize standards and policy, driven primarily by technical and policy expertise.<sup>56</sup> These are, in effect, regional (and regionalized) forms of what would otherwise be recognized as global public policy networks, encompassing knowledge networks, coordination networks, and even compliance networks.

Networked forms of regionalism are often assumed to “substitute for formal rule-based regional institutions.”<sup>57</sup> But in the ASEAN context, member states have *instigated* these arrangements to enhance their authority and the quality of formal rules. ASEAN policy-makers have made explicit strategic and political claims for the advantages of transgovernmental network arrangements. Networks, they claim, will bring fluidity to the policy-making process by help-

51. Jordan 2001; Zürn, Wälti, and Enderlein 2010.

52. Hooghe and Marks in Kohler-Koch and Rittberger 2006, 34.

53. von Homeyer and Knoblauch 2008, 4.

54. Peters and Pierre cited in Hooghe and Marks 2003, 235.

55. Chandra 2009, 4.

56. Jayasuriya 2009, 340.

57. Aggarwal and Koo 2007, 362. John Ravenhill suggests that Katzenstein overstates the influence of Japanese production networks and overseas Chinese networks as the defining characteristic of Asian regionalism (2007, 391–2).

ing to streamline the policy agenda, thereby improving the use of “knowledge and information, building . . . capacities and enhancing communication.”<sup>58</sup> Networks are expected to enhance exchange among senior officials, regional experts and stakeholders, and to support peer-to-peer consultation and learning.<sup>59</sup> This pursuit of new and more effective mechanisms to strengthen ASEAN environmental governance processes also has a specific political purpose that is linked to region-building and region-strengthening efforts. Member states have come to value networks because of their potential to enhance recognition at the international level of research findings from within the region<sup>60</sup> and to enable “ASEAN to be more independent of international ‘consultants’ and external advice.”<sup>61</sup>

ASEAN’s most active knowledge networks have been established in the forestry issue area. The Regional Knowledge Network on Forest Law Enforcement and Governance and the Regional Knowledge Network on Forests and Climate Change are managed by the ASEAN secretariat and involve experts from leading research institutions, as well senior officials from ASEAN member states. They focus on improving opportunities for member states to share their knowledge and experiences, to provide expertise and analysis, and to enhance effective coordination and decision-making.

Networks of this kind have become more than just mechanisms for knowledge exchange and policy coordination. The ASEAN Forest Clearinghouse Mechanism (CHM), which was launched in 2004, has evolved from a tool for data and information gathering to a platform that “extends the management of knowledge to the management of networks and learning.”<sup>62</sup> Schwaab and Goehler even raise the possibility that the CHM could become a “‘soft’ monitoring tool.”<sup>63</sup> In a “new modality of cooperation,”<sup>64</sup> member states have instituted a formal peer-consultation process to review the forestry policies and practices of individual countries.<sup>65</sup> While this seems to signal a relaxing of ASEAN’s strongly embedded normative commitment to sovereignty and non-interference, member states are clear that these processes should be non-adversarial and based on mutual trust. The development of enforcement and compliance networks is perhaps most active and advanced in the ASEAN Wildlife Enforcement Network (ASEAN-WEN), established in 2005 to support the Regional Action Plan on Trade in Wild Fauna and Flora 2005–10. ASEAN-WEN, which has provided a model for national WENs within the region and regional WENs elsewhere, is tasked to “deliver . . . effective coordination and informa-

58. Fawzia 2008, 2.

59. See Tanaka, 2009; and Azmi, 2009.

60. Fawzia 2008, 2.

61. Thang 2009, 6. Koh and Robinson 2002 explicitly link networks to institution building in ASEAN.

62. Schwaab and Goehler 2009, 43.

63. Schwaab and Goehler 2009, 47.

64. Azmi 2009, 60.

65. Two such reviews have thus far been conducted (Brunei Darussalam and the Philippines).

tion sharing” among police, customs and environment agencies and officers at national and regional levels to enhance their capacity to combat the “organised trans-boundary criminal activities of wildlife trafficking and trade.”<sup>66</sup>

This more conscious network-building effort in the public, transgovernmental space has been accompanied by a slow and more structured engagement with NGOs in what Grugel (drawing on the work of Cornwall and Miraftab) refers to as “invited spaces.”<sup>67</sup> Non-governmental actors of various kinds take up elite-sponsored invitations to participate in hybrid networks of formal and informal public-private partnerships that are designed to support ASEAN’s regional policy-making and regional action programs. This apparent willingness to work more closely with NGOs in a formally structured way is new, despite claims that member states have “always welcomed and encouraged the participation of Civil Society Organisations [CSOs] in its regional programs and activities.”<sup>68</sup> In the context of regulatory or networked forms of regional environmental governance, NGO efforts have become increasingly important in supporting ASEAN programs and facilitating other mechanisms for dialogue, cross-border cooperation and sometimes even regulation and standard-setting. The ASEAN Centre for Biodiversity, established in 2005 as a successor to the ASEAN Regional Centre for Biodiversity Conservation, has actively sought partnerships not just with the private sector and international institutions, but also with civil society to enhance effective programs and knowledge management in pursuit of its goal of fair and equitable sharing of benefits arising from the use of biodiversity.<sup>69</sup> The institutional strengthening of ASEAN-WEN has been highly reliant on the efforts and contributions not just of USAID as a funding partner but also on the wildlife NGOs TRAFFIC, the FREELAND Foundation, and Wildlife Alliance.

Commentators have pointed to the importance of civil society engagement for robust regional environmental governance structures and processes. Badenoch argues, for example, that “improved institutional structures that can better deal with multiple interests and complex human-environment interactions, along with refined governance practices to enhance the breadth and depth of stakeholder involvement, will contribute to more sustainable and equitable environmental outcomes.”<sup>70</sup> While these expectations have increasingly become part of the lexicon of local grassroots movements and organizations, ASEAN has responded only slowly to demands for participatory regionalism. Commitments were made as early as 1986 to build relationships with non-governmental organizations. By 1994, member states were emphasizing the need to “broaden the participatory process in the area of the environment,”<sup>71</sup>

66. ASEAN Secretariat, 2005.

67. Grugel 2004. See also Miraftab 2004.

68. ASEAN Secretariat 2009a, 14.

69. See, for example, ASEAN Centre for Biodiversity 2011, 2.

70. Badenoch 2002, 2.

71. AMME 1994.

and by 1997 they had adopted the language of “empowering” individuals and communities.<sup>72</sup> But until the early 2000s, few NGOs or civil society organizations (CSOs) saw much opportunity for or advantage of engagement with the ASEAN structure rather than with individual governments.<sup>73</sup> Civil society groups were not formally welcomed at the ASEAN Summit until 2005. The first-ever official CSO forum on the environment was held in Kuala Lumpur in 2007. This meeting was convened with formal recognition from ASEAN and ASOEN. The intention was that the forum would be formally established under its interim secretariat—the Southeast Asian Civil Society Environment Alliance—which would then seek accreditation with ASEAN and change its name to the ASEAN Civil Society Environment Alliance. This has not yet happened, and there are doubts whether these kinds of initiatives, which remain akin to “invited spaces,” are sufficient to meet the expectations of a more participatory regionalism.<sup>74</sup> While NGOs have been selectively brought into more multilevel governance arrangements, regional environmental structures under ASEAN have generally failed to offer effective channels of communication for or democratic representation of a wider range of stakeholders, including civil society groups and local communities.

## Conclusion

This article began with two purposes: to shed light on the ways in which ASEAN member states have come to govern environmental issues at a regional level, and to locate those dynamics in conceptual debates about the nature of regionalism in Southeast Asia. Those purposes were overlaid with a framework that focused on formal governance arrangements (the public space), the nature of identity and community building (the inter-subjective space), and efforts to accommodate actors beyond the state (the private, or at least public-private space).

As the analysis and discussion shows, regional cooperation on environmental challenges within ASEAN has been primarily driven by elites—or “manipulated and constructed from above.”<sup>75</sup> For much of ASEAN’s environmental history, vertical modes of governance—those reflecting a “downward flow of authority originating . . . among national states and their bureaucracies”—have been much more prominent than horizontal modes.<sup>76</sup> In this context, the regionalization of environmental governance proceeded from declarations and principles with minimal standards, to functional approaches and project-based cooperation, through to efforts to establish and implement regional policy initiatives through increasingly complex regulatory structures. The form and func-

72. AMME 1997, para. 7

73. See Tay and Lim 2009.

74. See Chandra 2009, 12.

75. Kivimäki 2001, 17.

76. Rosenau 2002, 80.

tion of multilateral environmental cooperation still remains, in considerable measure, a product of the ASEAN way. This is a complex relationship: the behavioral and procedural norms that underpin the claims that member states make for and about a regional identity have informed their multilateral responses to environmental challenges, but those responses and norms have also been vulnerable to environmental challenges and issues of capacity and effectiveness. In response, environmental governance has become more “regionalized,” more cross-sectoral, and marginally more multilayered, though not so much as to inscribe the kinds of networked regionalism built on private actors and social forces. The growth in transgovernmental networks and the opening up of invited spaces has been in part a practical function of the need to enhance endogenous regulatory capacity as a technocratic strategy for managing regional environmental risk. But it has also been a strategy for the legitimization of community building under the direction of member states.

This partial flattening of environmental governance and the inclusion of NGOs in some transgovernmental arrangements still raises questions about whether networked forms of governance are necessarily more open and transparent. One of the central claims made of networks is that they are (or at least can be) more “accountable and inclusive than existing international institutions.”<sup>77</sup> The counter-argument is that, depending on their form and actor constellation, transnational networks run the risk of privileging technocrats and experts, that they can replicate or mask power relationships of various kinds (including those that blunt the voices of the vulnerable and marginalized), and that they can distort policy objectives. This is also the case when, as is the situation within ASEAN, “‘invited spaces’ have been transplanted onto [existing] institutional landscapes.”<sup>78</sup> The extent of space for civil society engagement and a trajectory towards to a more normatively robust participatory regionalism is clouded with a high degree of uncertainty (in part because it is a relatively recent phenomenon) and warrants further attention in the realm of environmental governance.

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77. Slaughter 2000, 179.

78. Cornwall 2004, 2.

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