ENVIRONMENTAL GOVERNANCE IN THE GREATER MEKONG SUB-REGION

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Abstract

This paper takes a political ecology perspective to explore regional environmental governance. It is a background paper for the Mekong Regional Environmental Governance (MREG) project of the Resource Policy Support Initiative (REPSI). It assumes that ideal environmental governance processes would enable actors to understand different sustainability orientations, and would provide more equitable and informed debating, negotiating, decision-making, and implementation. "Desirable and possible" features of such an environmental governance regime are proposed. Eight Greater Mekong case studies illustrate contemporary processes and the role of various actors operating within the overall institutional framework. It is argued that unless existing institutions become more flexible and adaptive, the desirable governance features will remain theoretically possible, but unattained.

1. Introduction

> *In the wake of the 1992 Rio Earth Summit, how have political leaders sought to reconcile the quest for economic development with the new world-wide concern about environmental conservation? Do policy changes denote real political change or mere rhetoric designed to placate Western aid donors? How have non-State groups reacted to environmental change and government policies in a post-Rio world?*
>
> Bryant and Parnwell, 1996: 4

This paper is motivated by a belief in the importance of these political questions in the context of the Greater Mekong Sub-region (GMS). The GMS is the political and geographic area bounded by the nation-states of Thailand, Laos, Vietnam, Cambodia, and Myanmar, plus Yunnan Province in China. Within the GMS there are many environment and development challenges. Decisions are made daily which, directly or indirectly, impact upon natural resource "use," "the environment," and "development." Who has influence, via what processes?

Some issues may be transborder, others region-wide, and still others may involve many regional actors. This paper uses the term ***"regional"*** to encompass any issue involving at least one of these characteristics.

Research in the Mekong Regional Environmental Governance (MREG)[2] project attempts to understand how GMS actors deal with regional environmental matters such as water use, flooding, pollution, land use, forest use, timber trade, non-timber forest products trade, fisheries, biodiversity conservation, ecosystem health, infrastructure development, impact assessment, access to natural resources, and access to information.[3] These all fall within the realm of ***environmental governance***. This term refers to the manner in which debate is held, decisions are made and authority exercised over an area's environment and natural resources (Ribot, 1999; Seymour and Faraday, 2000), whether effectual/ineffectual, formal/informal, or intentional/unintentional. As in other parts of the world, in the GMS this is politically-charged, as there are many intertwined and contested topics associated with issues such as rights, gender, culture and ethnicity.

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[2] REPSI has an uplands focus to its activities; however, to encourage the participation of a wider range of institutional actors in a dialogue about regional environmental governance it was necessary to broaden the geographic scope of the MREG project—a component of REPSI—to encompass the Greater Mekong Sub-region.

[3] It is also acknowledged that there are other regional environmental issues such as climate change, and other specific regional issues such as labor migration, trafficking of women and children, drugs, health etc… that are very important. However these are not a focus of the MREG project or this paper.

2. Governance

Everybody, it seems, is now interested in governance. In the English language the word has been around since the 14th century. After a lengthy period of being rather unfashionable, it experienced a renaissance in the latter part of the 20th century. However, it is now used in several different ways. A reasonable view is that governance *"has become something of a catch-all to describe the ways in which the activities of a multitude of actors, including governments, non-government organisations (NGOs) and international organisations, increasingly overlap. It describes a complex tapestry of competing authority claims"* (Mehta, Leach et al., 1999: 18). People often distinguish between local/national/regional/global politics and governance, but this does not match the reality of the tapestry. Domains are not always clear-cut and may regularly overlap and/or be contested (Rosenau, 1992). This is certainly true of environmental governance in the GMS where many issues seem to be somewhere in the *"messy middle"* (Mehta, Leach et al., 1999: 18).

Beneath this catch-all view there are various other concepts, focusing on administrative, government, or systemic governance. For example, a minimalist interpretation of governance refers to efficient administrative systems that are open and accountable to constituents, members, supporters, business partners, and/or shareholders. In this sense, governance is a direct concern of all groups/organisations, whether they be government, public service, private sector, NGOs, other civil society groups, etc… all of whom can seek high administrative standards.

Governance is defined by the Asian Development Bank (ADB) as *"the manner in which power is exercised in the management of a country's economic and social resources for development"*[4] (ADB, 1998: 16; ADB, 1999: 3). For the ADB, governance is primarily focused on the government activity of its Developing Member Countries (DMCs). ADB's documentation (ADB, 1998: 17; ADB, 1999: 7-12) promotes pillars of "good" governance, increasingly used in the governance discourse:

- *accountability*, the extent public officials are answerable for government behaviour;
- *participation*, the extent people are involved in policy-making/development process;
- *predictability*, the extent a rule-based decision-making system operates; and
- *transparency*, the extent information on public sector decision-making, policies, actions and performance is available to people.

However, many see governance as broader than just government authority, the latter usually defined along the lines of *"formal institutional structure and location of authoritative decision-making in the modern State"* (Leftwich, 1995: 428). This broader definition includes the wider field of internal, external, civil, political and economic power. At the regional/global levels this can be thought of as follows:

> *…government in international politics may be defined as explicit and binding collective decision at the system level. Treaties, international courts, organisations such as the World Trade Organisation with the capacity to impose penalties on States for non-compliance, and the Security Council of the United Nations are all examples of government. Governance, in contrast, may be defined as the creation and maintenance of order and the resolution of joint problems in the absence of such binding decision structures.*
>
> Dryzek, 2000: 120

My interest is in this broader conception, as it currently or could apply to environmental governance. Many actors are now claiming a specific interest or expertise in governance policies and processes.[5] For example, the United Nations Development Program (UNDP) has a government-oriented governance

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[4] Such a definition is of course challenged by those who (i) would like to see the environment/natural resources/ecosystems included in the purview, (ii) don't agree with everything being classified as a resource, (iii) don't agree that the sole purpose of government is to pursue development.

[5] The actors calling for others to adopt good governance are also quite reasonably the subject of scrutiny. Do they exemplify high standards of accountability and transparency? Do their own processes live up to the high standards they expect of others? This has been a particularly poignant aspect of GMS environmental governance debates. Some powerful actors, most notably public multilateral financial institutions (World Bank and ADB), regional inter-government organisations and national governments, have been severely criticised for being unaccountable, non-transparent and non-participatory.

program; ADB has a DMC government-oriented governance policy and associated GMS activities; and some international NGOs also have explicit programs, such as the World Resources Institute's (WRI) Institutions and Governance Program. Moreover, the so-called pillars are embedded wholly or in part in some constitutions (e.g., Thailand's new 1997 constitution), policy statements and international declarations, and—long before any of the previously-mentioned—in the norms of numerous local communities.

Civil society actors, from all parts of the world including the GMS, have been calling on authorities to adhere to particular norms of "good" governance in their institutional operation. In Europe this momentum has most notably led to the development of the Aarhus Convention, hailed by United Nations leader Kofi Annan in 2001 as the most advanced regional environmental governance instrument in the international community of nations (UNECE, 2001).

The next section outlines the approach to this paper. A subsequent section on the analytical framework elaborates features of a desirable environmental governance regime.

3. Approach

In this paper I assume that the main purpose of environmental governance should be to aid the pursuit of ecologically sustainable development (ESD), here defined broadly as:

- enhancing individual and collective well-being and welfare by following a path of economic development that safeguards the welfare of future generations
- providing for equity within and between generations
- protecting biological diversity and maintaining essential ecological processes and life-support systems (NSESD, 1992)

I argue that very different ***sustainability beliefs and orientations*** exist. Yet governance processes need to function despite these differences. I also acknowledge that actors (see Box) are constrained or enabled by their associated ***politics and powers***—usefully examined from a political ecology perspective. An understanding of ideologies, sustainability attitudes and political factors makes actors' positions in governance forums far more comprehensible.

Theoretical underpinnings: This paper talks about "actors" and "institutional frameworks." Actors are the people and organisations operating within the overall institutional framework, constrained and enabled by *institutions*—defined broadly as *"persistent, reasonably predictable, arrangements, laws, processes, customs or organisations structuring aspects of the political, social, cultural, or economic transactions and relationships in a society; although by definition persistent, institutions constantly evolve"* (Dovers, 2001). When analysing regional environmental governance we examine the interplay between actors/agents and the institutional framework/structure, the latter being simply the sum of all institutions. Structuration theory (Giddens, 1979; Giddens, 1984; Baaz, 1999) concept of reflexivity hold that actors, whether knowingly or not, are influenced by the institutional framework. They may be constrained, daunted and presented with opportunities; however, they also force the institutional framework itself to evolve. This evolution includes possibilities for enhancing environmental governance.

I maintain that an ideal environmental governance process would enable all involved to understand the different sustainability orientations, and would provide more equitable and informed debating, negotiating, decision-making and implementation. To achieve this, I list ***desirable and possible features of environmental governance***. But I recognise that whilst an ideal process is one thing, existing institutional frameworks are another, and these will largely shape the nature of the governance process. Unless institutions demonstrate ***adaptive attributes***, the desirable features may remain theoretically possible, but unattained.

Relevant global and regional context is summarised and presented in this paper. A number of ***case studies*** illustrate how regional environmental governance issues are being tackled in the GMS. Each of the following are explored:

1. *Regional NGO formation*
2. *Asia-Pacific preparation for World Summit on Sustainable Development*
3. *World Commission on Dams, including the South-East Asia element*
4. *Mekong river basin water utilisation negotiations*
5. *Regional environment and governance initiatives of Asian Development Bank*
6. *Cambodian Tonle Sap-Great Lake (TS-GL) sustainable multiple use.* A national example focused on the institutional responses to Cambodian-driven pressures on TS-GL; indicative of the type of issues faced in the region.
7. *Cambodian Governance Action Plan (GAP).* Another national example showing how regional governance reform agendas, promoted by powerful actors, can play out at the national level, and become involved in environment and natural resources issues.
8. *Lancang Jiang dam building.* This final example concerns dam building in China's Yunnan Province. It serves as a reminder that the regional/transborder nature of ecosystems requires regional/transborder political co-operation.

Some challenges and opportunities for further debate are presented, and a brief conclusion completes the paper[6].

4. Analytical framework

An analytical framework guides the case study analysis (Figure 1). It is based on the following questions: What are the sustainability orientations of the main actors and how do these explain their positions in key debates? What insights does a political ecology, power analysis perspective provide? Does the example contain any of the "desirable and possible" features of a regional environmental governance regime? Is there enough institutional flexibility to allow actors to embrace these desirable and possible features?

[6] Limitations to this paper include that each case study has its own complex story and the analysis of each is far from comprehensive. Also, over-generalisations are unavoidable when experiences are based only on certain processes, individuals, and parts of organisations.

Figure 1	Analytical framework
Themes	**Analytical reference points**
Sustainability orientation	*Different beliefs regarding:* Threats to ecosystems Substitutability of natural capital Primacy of economic growth Faith in ecological modernisation Relationship between wealth, well-being, ecosystem impacts Equity Inter-generational equity Intrinsic rights of nature Aesthetics Validity of entrenched cultural practices *Approaches displayed by various actors:* Zero sustainability Weak sustainability Trade-offs accepted Ecosystems priority
Politics and powers	Political ecology perspective *Forms of power:* Resources-related power Strategic (location-related) power Innate power of individuals Dominant discourse power
Regional environmental governance	*Desirable and possible features:* Access to information, transparency Accountability and political responsibility Application of the subsidiarity principle Acceptance of pluralism Deliberative, discursive forums Regional agreements and/or rules
Adaptiveness of institutions	*Adaptive attributes:* Purposeful Persistent Information-rich Inclusive Flexible Independent Co-ordinated

4.1 Sustainability Beliefs and Orientation

Understanding the different views on sustainability is critical to understanding the motivations of many GMS actors in highly political regional processes. It is first worth recalling that ***sustainable development***, as popularised by the Brundtland Report (WCED, 1987), called for the *integration* of economic development with better care of the environment. This relatively vague definition made the environmental cause far more acceptable to the majority of governments and the business sector. This popularity has been well expressed as follows:

> *In so far as environmental change has become an important preoccupation of our times, "sustainable development" has become the leitmotif of the environment and development literature. With its promise to set all environmental problems right (thereby averting a feared ecological Armageddon), it is*

> *not surprising that this concept has been embraced by policy-makers, business leaders, grassroots activists and scholars alike with, at times, almost religious fervour.*
>
> Bryant and Parnwell, 1996: 1[7]

The internationally negotiated response to the concerns of the Brundtland Report were encapsulated in the Rio Declaration signed at the 1992 Earth Summit and the subsequently elaborated "blue print for sustainable development" articulated in Agenda 21 (UN, 1993). However, a range of more diverse—and to some, extreme—responses have been suggested as necessary (Dodds, 1995; Dobson, 1996; Dryzek, 1997). For example, a more radical perspective presumes that:

> *If sustainable development is to be achieved, then the necessary fundamental changes in and modifications of agriculture, energy, forestry and other physical and industrial systems cannot stand alone. Alongside these changes must be a corresponding shift in attitudes and values—in the social, economic, political and moral aspects of human life. Development for a sustainable future must be as much about shifting values as it is about shifting practices.*
>
> Cooper and Palmer, 1992: 185

Scrutiny of the different meanings ascribed to terms such as sustainability has been intense, leading to greater clarification of the vast array of perspectives. A summary of discourse diversity (Woodhill, 1999: 141-142) pointed out fundamental differences of opinion. Building on Woodhill's work—and highly relevant to the GMS—it would seem the major areas where differences become apparent include:

- ***Threats to ecosystems*** Is human environmental impact leading to changes of such magnitude that ecosystems will collapse? If you believe so, applying the uncertainty principle[8] becomes particularly important. There are often disputes about the extent of ecosystem damage by human intervention, and the extent of ecosystem resilience.
- ***Substitutability of natural capital*** Should natural capital be valued in financial/economic terms, and if so, how? To what extent is natural capital currently being consumed, wasted or converted? To what extent should we allow natural capital to be converted to financial capital for wealth creation?
- ***Primacy of economic growth*** To what extent should countries focus on economic growth? How valid is the "grow now, clean up later" philosophy? What is *not* taken into account in economic growth measurement (i.e., externalised)? Can ever-expanding economies be sustained in a world with clearly finite natural resources and absorptive capacity? (Arrow, Bolin et al., 1995).
- ***Faith in ecological modernisation*** What policy priority is given to the concept of ecological modernisation (Janicke, 1985; Christoff, 1996)? This involves restructuring capitalist political economies through environment policies, which encourage businesses to adapt to cleaner, more energy-efficient, less wasteful, recycling-oriented production.
- ***Relationship between wealth, well-being and ecosystem impacts*** To what extent are human well-being and happiness functions of material wealth, and to what extent is a preoccupation with material wealth accumulation socially and environmentally destructive? What are the implications for natural resource use on different conceptions of well-being? The answer to a question of "how much is enough?" can relate directly to demand for natural resources.
- ***Equity*** What are the relationships between poverty and environmental degradation and the pursuit of market-orientated economic opportunity? Which groups in society are most responsible for environmental degradation—directly and indirectly? Which countries and groups are the main consumers? What are the imbalances in gross and per capita resource use between and within societies? What are the impacts on different members of societies of various sustainable development approaches?
- ***Inter-generational equity*** What should be bequeathed to future generations, in terms of natural resources and environmental quality?

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[7] Many national efforts were driven by the international momentum that followed the Brundtland Report. The core goals of ESD outlined in the Approach section of this paper, and the associated strategy from which it was drawn, are just one example.

[8] The uncertainty principle refers to Principle 15 of the 1992 Rio Declaration, which argues that, in order to protect the environment *"where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."*

- ***Intrinsic rights of nature*** What moral obligations do humans have to protect other species whilst ensuring human survival? What about whilst pursuing human wealth?
- ***Aesthetics*** In a world which has many people pursuing increased access to natural resources, can aesthetic values be prioritised ahead of human needs?
- ***Validity of entrenched cultural practices*** How have philosophical and religious beliefs shaped environmentally degrading cultural practices, and who has the right to challenge those assumptions?

Among GMS actors a wide range of sustainability orientations seem evident. The following simplified categorisation is intended to complement the broad and deep array of beliefs listed above:

- ***Zero sustainability:*** where short-term financial reward is paramount in decision-making.
- ***Weak sustainability:*** where economic concerns still dominate, but social and environmental issues are acknowledged, with some priority given to ameliorating social and environmental impacts.
- ***Trade-offs accepted:*** where high priority is given to each of economic, social and environmental issues. There is an attempt at a balanced approach where trade-offs are accepted as inevitable, valid and necessary. Economy, society and environment are still largely conceptualised as separate spheres.
- ***Ecosystems priority:*** where a more sophisticated, integrated ecosystems (humans and the environment) approach. It is recognised that the economy is only a subset of society as there are many important aspects of society that do not involve economic activity. Moreover, as human society is completely controlled by global-local ecology it is recognised as essential to integrate ecological considerations into all social and economic planning. Other key features of this "strong sustainability" approach may—but not always—include attaching more weight to: equity considerations, respecting biodiversity values, respecting human rights, explicitly acknowledging cultural and spiritual values, use of the precautionary principle, etc.

4.2 Political Ecology and Forms of Power

A political ecology perspective aims to *"think in terms of the role of various actors in relation to a politicised environment characterised by unequal power relations"* (Bryant and Bailey, 1997: 188). This type of analysis is relevant to this paper as the political nature of environmental governance is unquestioned. Politics and power are critical forces in environmental change and natural resource exploitation. There is widespread recognition of complex power inequalities in the politics of environment, whether globally (Mehta, Leach et al., 1999), throughout the Third World (Bryant and Bailey, 1997), or within South-East Asia (Hirsch, 1995; Parnwell and Bryant, 1996; Rigg, 1997; Hirsch and Warren, 1998). As power is an elusive concept, breaking it down into four forms may aid our understanding of how it relates to environmental governance[9]:

- ***Resources-related power:*** the extent of resources available to further a particular cause, including: human, intellectual, financial, and physical force. For example, the ADB is quite powerful in this sense because of the financial resources that it commands.
- ***Strategic (location-related) power:*** being high up in the hierarchy, or holding a strategic position gives an actor particular leverage or opportunity. The Mekong governments and the Association of South-East Asian Nations (ASEAN) are examples of institutions that have this type of power.
- ***Innate power of individuals:*** exceptional qualities that permit an actor to influence many others. Examples are prominent individual leaders who engender trust, inspire commitment, and have wide credibility.
- ***Dominant discourse power:*** this is where actors or institutions align themselves with popular concepts, those which tend to have the moral high-ground such as "good governance" and sustainable development. Once captured, the alignment is maintained by *"disallowing or marginalising alternatives"* (Shore and Wright, 1997). Discourse dominance is highly sought after and particularly relevant in the GMS.

[9] The first three are drawn directly from Galtung (1980). All seem particularly relevant in the GMS context.

4.3 Desirable and Possible Features of an Environmental Governance Regime

Earlier in the paper I expressed interest in the broad conception of environmental governance. At a regional level, in the absence of *"binding decision structures"* (Dryzek, 2000), the pillars may be "good," but are they good enough? Do they miss anything significant? The following paragraphs make a case for desirable and possible features of a just regional environmental governance regime. This includes support for the pillars, but adds some extra features.

- ***Access to information*** and ***transparency*** are widely held as being essential features of any "good" environmental governance regime. Similarly, openness and ***accountability*** to constituents is always put forward as important. To these points can be added ***political responsibility***. Many actors do not formally represent a constituency; that is, they have no formal mandate. However, they may have defined a constituency to whom they feel responsible. Representing is quite different to feeling politically responsible to a constituency—an important distinction, and particularly relevant to the GMS.
- ***Subsidiarity*** refers to the devolving of authority to the most *appropriate* level or jurisdiction. This is important in regional environmental governance. It may involve devolution "up" to national or regional scale decision-making forums, "down" via decentralisation to sub-national authorities, councils, etc., or "across" to new authorities within the same sphere of government. Determining the most appropriate level can be controversial, especially if it is being suggested that authority should be transferred. Such concerns can be over-stated as in many cases of devolution "concurrency" applies, meaning that authority and responsibility remain shared.
- Given the diversity of people and beliefs in the GMS, a rights-based case is also made for ensuring this ***pluralism*** is reflected in regional environmental governance. If it is, different *"systems of thought and action"* (Lohmann, 1995: 212) need to be acknowledged. The range of "stakeholders" would be enabled and welcomed in order to have genuine "public involvement."
- If there is agreement that there are many different stakeholders and forms of knowledge, and vast uncertainty about ecosystem and social processes, then a case for more ***deliberative forums*** is able to be argued. By this is meant giving actors an equal opportunity to participate in effective debate and learn about matters of common interest. Citizens' rights to be heard have been long enshrined in Article 19 of the United Nations International Covenant on Civil and Political Rights (UN, 1966). Deliberative forums provide an opportunity for this right to be exercised and for pluralism to be respected and embraced. In ideal-type deliberative processes, participants are open to changing their opinions through persuasion; rather than as a result of straight interest-based bargaining, coercion, manipulation, manufactured consent, or deception. Such processes are also characterised by respect, sharing of information and allowing all actors to freely able to participate and capably communicate their views (Dryzek, 2000: 1). This is not a new concept; deliberation was a foundation of ancient Greek politics, and has featured in history through the writings of people such as John Stuart Mill, and many others (much) more recently (Rawls, 1993; Habermas, 1996; Elster, 1998). Deliberative processes can and should include critical discourse analysis. If characterised by a more critical edge, in particular if there is freedom to criticise established power structures, these may be are referred to as ***discursive*** democracy (Dryzek, 2000). An element of critical thinking should be central to deliberative processes, which in turn are an integral feature of any system of governance claiming intellectually humility.
- And yes, embedding these desirable and possible features in various regional governance arrangements may require new ***regional agreements and/or rules***.

Attributes of adaptive institutions

Sustainability policy requires reflection involving variability, large areas, long timeframes, ecological limits, irreversibility, complexity, risk, uncertainty, non-market values, cumulative impacts, new moral dimensions, and systemic causes (Dovers, 2001). Dovers argues that sustainability policy-making encounters these features *"more often and more often in combination,"* which is problematically unique. To deal with these challenges he suggests institutions must be:

- ***Purposeful:*** where there is clarity about roles and responsibilities, and periodic reassessment of mandates and the prioritisation of activities.

- ***Persistent:*** where an institution is maintained—albeit in some evolving form—over time, which is unlikely unless there is a degree of political support. Persistence of public institutions is more likely if there is some statutory underpinning. There are three separate and important dimensions to this: existence of enabling legislation or an Agreement (with a capital A); the extent to which this provides powers; a separate issue is the extent to which these powers are able or chosen to be used. Obviously, persistence is also likely to be enhanced if an institution is seen as credible and communicative.
- ***Inclusive:*** where an institution encourages diverse stakeholder representation and involvement via participatory processes that are clear, genuine, predictable and maintained over time, but recognising that "participation" is a highly complex matter.
- ***Information-rich:*** where an institution uses and/or generates and widely shares the best possible information.
- ***Flexible:*** where institutions are willing and able to try new ideas, approaches and adjust to new circumstances. This is a characteristic of an institution committed to learning and adapting.

For our purposes, we can add another two highly desirable attributes:

- ***Independent:*** whilst not pretending any institution should necessarily be completely independent (and hence potentially unaccountable), an institution does need independence from day-to-day political pressures on its mandate or resources.
- ***Co-ordinated:*** where an institution maintains effective linkages with organisations and processes in relevant policy and management areas. This is important because no single institution can deal with all issues and therefore there is a need to work collaboratively.

5. Global context

Having clarified the general approach and the analytical framework, the next task is to consider the global context.

GMS regional environmental governance does not happen in total isolation from the rest of the world. This section discusses globalisation and neo-liberalism, growth of civil society, and new forms of regional/transborder interactions, which provide a backdrop to contemporary GMS events. A synopsis of international agreements is also presented to set the scene for the discussion of GMS environmental governance processes.

5.1 Pervasive Globalisation and Dominant Neo-liberalism

Globalisation (see Box) has been described as *"the intensification of world-wide social relations which link distant localities in such a way that local happenings are shaped by events many miles away and* vice versa*"* (Giddens, 1992: 64). It has become a pervasive feature of the modern world order and of the GMS.

Globalisation

- new tools, meaning increased interconnection of people via improved communication, such as World Wide Web
- new markets, meaning increased interconnection of people via global markets and 24 hour market mechanisms
- new rules, such as multilateral agreements, on subjects like Trade-Related aspects of Intellectual Property rights (TRIPS)
- new actors, such as the World Trade Organisation (WTO), developing and enforcing "global" rules (or, more correctly, rules which apply to members, which includes most States).

The significance of globalisation is that individuals, communities, and nations are more interconnected than ever before. However, to focus solely on the economic aspects of globalisation diminishes the importance of other aspects of global interconnectedness such as communications, non-economic international law, etc.. Nevertheless, it is true that the most influential aspects of globalisation are economic. Indeed, some observers define globalisation as "the globalised economy." For example,

"globalisation appears to be understood as a continuous process of increasing crossborder economic flows, both financial and real, leading, according to some, to greater economic interdependence among formerly distinct national economies."

Reinicke, 1998: 6

There has been a huge increase in Direct Foreign Investment (DFI) *stock* and *flows,* which far outstrip corresponding increases in economic output and trade. Between 1985 and 1990 world-wide DFI flows rose at an average of 31 percent per annum, almost triple global trade and output (Reinicke, 1998: 18-19). For example, DFI in Thailand for 1995-97 (before the Asian financial crisis) was 10 times greater than 1985-87 (UNDP, UNEP et al., 2000: 304). Even more stunning has been the growth in international financial flows, specifically portfolio flows (cross-border buying and selling of shares and bonds), which have resulted in spectacular increases in the traffic through foreign exchange markets. In the 15 years up to the mid-1990s, cross-border equity trading increased from less than 5 percent to 20 to 25 percent of all transactions (Reinicke, 1998: 31).[10] Interdependence between many countries has increased; however, GMS countries, particularly Thailand and Vietnam, demonstrated in the 1997 financial crisis that the flipside of economic interdependence can be extreme vulnerability to external shocks when mobile capital is withdrawn.

Largely driven by economic globalisation, most nation-states are developing more outward-looking, market-driven economies. Domestic investment is so cherished that *"the main fear of any State is disinvestment and capital flight"* (Dryzek, 2000: 139). Related to this, social and economic life is increasingly determined by the functioning of markets rather than by the decisions of government (Beck, 1992; Korten, 1995; Dryzek, 1996; Beck, 1997). Also tangled up in the globalisation phenomenon is the significant shift in power from some States to other major economic players, including other States, multinational or transnational corporations (TNCs), and new rule-makers, such as the WTO. A recent report prepared for the Copenhagen +5 review of the 1995 UN World Summit for Social Development summarised 1998/1999 UNDP data, and expressed its amazement and concern at the extent of concentration of corporate power (WCC, 2000). The report claimed that *"just 100 TNCs, based in the highly industrialised countries are the driving force behind economic globalisation"* with 70 percent of all trade now taking place within and among TNCs, who also generate 80 percent of DFI, whilst employing only 3 percent of the global workforce.

Policies that promote the dominant role of market mechanisms in shaping social and economic life are referred to as "neo-liberal" or "economic rationalist" (Pusey, 1991; Teeple, 1995). Neo-liberalism is dominant, however an over-focus on "marketisation" is being increasingly challenged by a wide range of critics (UN, 1998; UN, 1999). There are legitimate concerns about increasing concentration of incomes, resources and wealth in particular people, countries and corporations. Moreover, many local communities see more costs than benefits as traditional lifestyles and enterprises that are already changing are sometimes being rapidly obliterated. There are significant instances, most blatantly at the WTO, where decision-making has been elitist and non-transparent. Moreover, the aforementioned power-shifts away from many States are understandably resented and resisted as they seem to threaten often hard and recently won sovereignty. This last point is of particular relevance to the GMS, as relatively young States like Laos, Vietnam, and Cambodia, are extremely reticent about any moves that may weaken national capacity for self-determination.

An early example of the backlash to economic globalisation in the 1990s was the forced shelving of the Multilateral Agreement on Investment (MAI). Opponents, including many governments and civil society groups, feared the MAI would further erode national sovereignty and have disastrous impacts on the world's poorest peoples and the global environment[11]. Subsequently, there have been many high-profile protests at various forums[12]. Observers differ in their views of these protests (see Box), ranging from a

[10] It should be noted that there is a sharp North-South divide in much of this activity.

[11] Ironically in one way, the defeat of the MAI was largely due to the globalisation of communications (albeit via the still somewhat elitist World Wide Web technology).

[12] It is important to note that the protests have also been "internal" as well as external civil society action. The WTO Seattle meeting was a failure, in the words of UN Secretary-General Kofi Annan, not because of the *"popular myth"* of violent protests, but rather because governments—particularly those of the world's leading economic powers—could not agree on their priorities.

relatively mild acknowledgement that *"criticism of the (World) Bank and the (International Monetary) Fund (IMF) have been legitimised as never before"* (Vayrynen, 2000) through to a view that they have caused a serious legitimacy crisis among the main institutions of *"corporate-led globalisation"* (Bello, 2000).

Economic globalisation protests

- Seattle USA, November 1999 at the 3rd Ministerial Meeting of the WTO: protesters rejecting the non-democratic and non-transparency of WTO operations, and also the negative impacts flowing from the implementation of its free-market agenda
- Bangkok Thailand, February 2000 at the United Nations Conference on Trade and Development: protestors taking the opportunity to remind delegates and the global media of increasing inequalities in wealth distribution, worsening poverty etc…
- Washington DC USA, April 2000 and Prague Czechoslovakia, September 2000, at joint meetings of the International Monetary Fund and the World Bank: protestors challenging the agendas and approaches of these most powerful economic institutions
- Chiang Mai Thailand, May 2000, at the Annual Board of Governors' Meeting of the Asian Development Bank: protesting against a range of issues including the adequacy of project impact assessments, and the legitimacy of ADB imposing credit conditions on loans to governments etc..
- Melbourne Australia, September 2000, at the Asia-Pacific Summit of the World Economic Forum: protesting against the power of economic elites
- Göteborg, Sweden; Genoa, Italy…

There is now much talk of reforming the "global financial architecture." However, amongst reformers there is a fundamental divide between those who believe the principal icons of economic globalisation such as the IMF, WTO, World Bank, etc. should be dismantled, versus those who believe some disempowerment and adjustment of these organisations—including enhanced accountability to a broader constituency—would suffice. Alternative approaches put forward by anti-globalisation actors include considering how markets can be more controlled (i.e., to an extent re-regulated). Ironically, however, this would require collective action by governments—leading to further globalisation of politics (Willetts, 1997).

By definition, globalisation has had a significant impact on all GMS countries in a myriad of ways. GMS countries want to take advantage of perceived opportunities (e.g., China's long-running negotiations for full WTO membership) whilst reducing their vulnerability (e.g., to currency fluctuations causing capital to "flee"). There is consequently increasing recognition of the interdependencies among GMS countries that could deepen the links. The rise of the ASEAN+3 initiative (Association of South-East Asian Nations, plus South Korea, China, and Japan) is one consequence of this recognition, as is resurgent interest in various other forms of bi-, tri-, quadri-lateral etc. and GMS co-operation. All of these flow-on effects of globalisation and the neo-liberalism dominance/backlash have implications for regional environmental governance.

5.2 Growth in Civil Society

The role of civil society in regional environmental governance is often stated as being particularly important, but again, there are different perspectives. A Cambodian view is that the *"role of civil society is to advocate and influence (the wider) society and government to ensure that the progress of the country is serving the interests of the people"* (Boua, 1999). Another approach sees societies as composed of civic, government and market sectors in which—to avoid dysfunctionality—government should be accountable to the civic sector, and the market forced to comply with government-established rules (Korten, 1995). At least partly due to disillusionment with the performance of governments in managing communities' affairs, there has been a remarkable growth in many parts of the world of multi-faceted civil society movements. However, freedom of expression and political space varies dramatically within different States.
Others make the point that it is important to understand civil society as a modern aspect of new political landscapes, and not simply as a re-emergence of older communal systems of organising, governing, and expression (Giddens, 1994: 124-127; Woodhill, 1999). This makes particular sense at the regional scale

because: (i) in the absence of initial government action to curb negative impacts of market-led globalisation, civil society filled the vacuum; and (ii) globalisation and interconnectedness have provided increased opportunity for civil society actors, often constrained in national political arenas, to take advantage of the "new" political space in regional and international arenas.

The previous point is more in keeping with a narrower definition (Dryzek, 1996: 47), which sees civil society as active outside formal State political institutions, and usually in opposition to them. In this vein, a recent Thai critique argues that with the *"declining faith in 'democracy' as the route to better political future, and in parliamentary institutions as a mechanism for change, the idea of 'civil society' has been seized upon to play the same role—as the repository of hope"* the key features of which (again in a Thai context) are *"the vital role of the media, the catalytic role of NGOs, the increasing importance of both people's movements and umbrella organisations like the Assembly for the Poor…and the importance of the concept of rights"* (Phongpaichit, 1999: 12-13).

There are also people's movements in the GMS which are closely connected to the State, and which have, to a greater or lesser extent, a centrist ideology Although there is inevitably an element of reflexivity between the State and the grassroots members of these "mass organisations," these groups do not fit with the civil society definitions of either Dryzek, nor that of Phongpaichit.

The political space for civil society actors who do meet the Dryzek definition varies enormously between the GMS countries. Thailand's civil society has the most political freedom, which has developed significantly since the student uprisings of the mid 1970s. Cambodia also has a fledgling civil society, seemingly tolerated by the State since the 1993 UN-sponsored elections. Each has relatively unconstrained media actors. Political space for expression of views counter to government is much more constricted in Vietnam, Myanmar, Laos and China. This has significant implications for governance and the practical expression of deliberative ideals. Partly in response to this "lack of space" the agents of GMS civil society in regional and global forums are often regional and international NGOs, and as such their role in the GMS warrants exploration.

5.3 New Regionalisms

Whilst there have been previous waves of regional integration—in the GMS and elsewhere—new forms are evolving in a new world order. Given this, it is important to consider the phenomenon of "new regionalisms" which simply refers to the multi-dimensional phenomenon of the 1980s-1990s of action at the regional scale. It has been motivated by a number of factors, including wealth seeking, State security, State development; sometimes proactive and sometimes reactive to globalisation; sometimes led by the State, other times by the market, or by civil society; sometimes open, embracing the perceived opportunities of globalisation; other times closed, more concerned with defensive protectionism; sometimes formal, other times informal (Hettne and Soderbaum, 1998).

This paper begins to explore new "environmental" regionalisms in the GMS, which include formal top-down regionalisms involving inter-governmental organisations, but also the sometimes less formal bottom-up or "from-all-sides" initiatives involving many actors. The research into global regionalism (Hettne, Inotai et al., 1998-2001) provides useful source material for better understanding—with a view to enhancing—environmental governance in the GMS.

5.4 International Declarations, Agreements, Conventions

Further global context of relevance to GMS countries includes the series of international declarations, agreements or conventions that collectively comprise a part of an evolving international environmental governance. Figure 2 shows that transborder environmental governance is not restricted to the GMS—Espoo and Aarhus are a long way from the Mekong. Moreover, it shows a progressive merging of human rights and environmental agendas leading to clearer expression of the environmental rights of citizens for access to information, meaningful input to decision-making, and recourse to justice when it is perceived that rights have been violated.

Figure 2 Chronology of international declarations, agreements, conventions

1948	*UN Universal Declaration of Human Rights*
1972	*Stockholm Declaration* from the UN Conference on the Human Environment
1976	Entry into force of the UN *International Covenant on Civil and Political Rights*; and the UN *International Covenant on Economic, Social and Cultural Rights*
1986	*UN Declaration on the Right to Development*
1991-2003	*Espoo Convention on Environmental Impact Assessment in a Transboundary Context*, emanating from UNECE, negotiated in 1991, ratified in 1997 when signed by 16 countries. The Convention states that for specified activities that are likely to cause significant transboundary environmental impacts in other countries, the party of origin shall notify the affected parties (affected countries) as early as possible, hold public hearings, make an environmental impact assessment of the proposed activity, and discuss what can be done to reduce or mitigate the negative impacts. Applying the Convention (obviously) requires extensive co-operation between involved countries. A working group of the "Espoo members" is now developing a protocol for Strategic Environment Assessment, aiming for its adoption at a Ministerial conference scheduled for Ukraine in 2003
1992	*Rio Declaration on Environment and Development*, emanating from the UN conference in Rio de Janeiro, which has a series of principles of direct relevance to environmental governance in the GMS regional context. Extracts include: ❑ Principle 1, States must not cause damage to the environment of other States ❑ Principle 10, States shall facilitate and encourage public access to information, awareness of environment and development issues, and participation in decision-making by making information widely available. Access to judicial redress and remedy shall also be provided. ❑ Principle 13, States shall co-operate to develop further international law to deal with transborder liability for environmental damages. ❑ Principle 17, environmental impact assessment shall be undertaken as appropriate (no specific mention of transborder EIA). ❑ Principle 19, States shall provide information to and consult with other States on activities that may have significant adverse transboundary environmental effects.
1998-2001	*Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* which links sustainability principles, environmental rights and human rights. Entry into force, upon full endorsement by 16 parties, is expected in 2001. The Convention notably links government accountability with environmental protection. UN Secretary-General Kofi Annan claims *"Although regional in scope, the significance of the Aarhus Convention is global. It is by far the most impressive elaboration of principle 10 of the Rio Declaration….as such it is the most ambitious venture in the area of "environmental democracy" so far undertaken under the auspices of the United Nations."*
May 2000	*Malmo Declaration*, from Global Ministerial Environment Forum, noteworthy for the blunt way it acknowledges that the environment and natural resource base of the globe is continuing to deteriorate at an *"alarming rate"* and that there is also *"an alarming discrepancy between commitments and action"*. Sets the stage for the 2000 Rio+10 in South Africa, the Ministers calling for a review of Agenda 21 implementation, aiming to *"inject a new spirit of co-operation and urgency based on agreed actions in the common quest for sustainable development."*
September 2000	*Dublin Declaration on Access to Information* from a UNEP meeting welcomed the Aarhus Convention, but also the Inter-American Strategy for the Promotion of Public Participation in Decision-making for Sustainable Development by member States of the Organisation of American States. It also encouraged the ongoing African effort between

Kenya-Tanzania-Uganda developing an MoU for co-operation on environment management, and the development of a binding environment protocol by the Southern Africa development community.

6. Regional Context

Having provided some brief global context, the next task is to do the same for the GMS.

What are the different circumstances of GMS countries? Who are the actors involved in debates about regional environmental issues in the Mekong, or in debates and decision-making which directly or indirectly influence these issues? Can this complexity be made more coherent? To answer these questions, this section provides basic GMS country data and differences, identifies GMS actors and actor types, and describes regional organisations and initiatives.

6.1 GMS Basic Differences

Specific challenges associated with governance obviously need to be considered within the context of the politics within and between GMS countries—of which environment issues are just one part. GMS countries are diverse—within and among—and whilst aggregated statistics do not adequately reflect the cultural and political diversity of the region, nor the gender and environmental complexity, they do highlight some obvious similarities and differences.

Figure 3 provides indicators of social, economic, natural resource and environmental issues. Numerous points are evident. For example, the population of all GMS countries is expected to rise substantially between now and 2025. Obviously, this will further test the social fabric of each country, creating increased pressure for new employment and putting further strains on natural resources and the environment.

Human health and education need significant improvement. For example, death rates amongst young children remain high, with Cambodia the most extreme. Cambodian society is also worse off in terms of malnourished children and HIV/AIDS infected adults—although the politics of HIV/AIDS seems to have encouraged some countries, such as Myanmar, to significantly under-state the size of the problem. Literacy rates vary significantly between countries and between men and women—women in Laos and Cambodia have less education opportunity.

Whilst there is significant variation in the national GDP figures, with Thailand clearly way "in front," income distribution (as measured by the Gini coefficient) is also most extreme in Thailand. Whilst not shown, it is also recognised that Yunnan is one of the poorer Chinese provinces and therefore its GDP will be lower per capita than China overall. Extreme "poverty" (whilst a contested and subjective term) as derived from (albeit simplistic) GDP data, is most widespread in Vietnam and Laos. Cambodia, Laos, and Myanmar have significant trade deficits; Vietnam and Thailand are almost in balance; China has a significant trading surplus.

With the exception of Vietnam, official development assistance (ODA) and official aid (OA) increased significantly in nominal terms for GMS countries between 1985-87 and 1995-97—even in "ostracised" Myanmar. Cambodian reliance on ODA and OA is particularly extreme. ODA and OA to Cambodia in 1995-97 was 3.5 percent of GDP. In 1998, external assistance to Cambodia was US$404 million, of which technical assistance was US$231 million. This equated to 70 percent of the total value of domestic exports, mainly garments, for which 1998 was a good year. This was much more than services sector earnings, mainly tourism, for which 1998 was a very poor year (Godfrey, Sophal et al., 2000). In 2000 foreign aid accounted for more than 75 percent of the Cambodian government's US$620 million budget. ODA and OA is highest per capita in Laos (US$68) and Cambodia (US$45).

DFI is a critical feature of the new world order in the way it supports or weakens States, economies, and societies. Whilst there is no standard method of analysis, it can be seen that Cambodia and Vietnam (both 7 percent) had the highest DFI relative to GDP. Relative to national exports, DFI in Cambodia

(24 percent) was almost twice that in Vietnam (14 percent). Total external debt is another key factor; for the data period Myanmar and Thailand had the highest debt servicing commitments relative to exports (both 13 percent). But again, each line of data contains whole stories that a simple table cannot reveal. For example, the 1996 Thailand national debt of US$89 billion was composed of 80 percent private sector debt; moreover 50 percent was short-term debt. These factors, coupled with a huge increase in the current account deficit, were bleak preconditions for the subsequent crash (Bello, Cunningham et al., 1998).

The natural resource and environmental indicators also provide a glimpse of some other significant differences. The relative land scarcity in Vietnam and Laos[13] is apparent; as is the relative freshwater scarcity, energy consumption, and CO_2 emissions of Thailand and China.[14]

Thus, there are new social, economic and environmental interdependencies and vulnerabilities in a new era, and the nature of these varies between GMS countries. This has implications for environmental governance as State and other actors are wrestling with quite different national and cultural circumstances.

6.2 GMS Actors

In the GMS there is a plethora of actors jostling for space in the policy-making arena (Figure 4). They have very different interests and powers, diverse approaches, and varying degrees of influence. An understanding of them and the overall governance framework within which they operate is essential. Identifying and classifying helps to understand the range involved. However, the multi-faceted nature of particular groups defy simple designations. Nevertheless, an attempt has been made here to "order" the GMS actors into eight types.

States

State actors are of obvious importance in environmental governance. Many aspects of State action and influence are important, for instance constitutions, legislation, formal policies (such as, foreign relations, energy, employment, security, water, food, decentralisation), informal policies, cabinet/party/council decisions, individual decisions, etc. Many ministries, departments and the military can be influential actors (Brunner, Talbott et al., 1998; Brunner, Seymour et al., 1999; Anonymous, 2000).

[13] Land scarcity in gross area terms is a crude indicator, nevertheless widely used. It tells nothing of land fertility/productivity.
[14] Whilst there are pockets and periods of freshwater shortage in the south of China, the principal root of the problem is in the northern part of the country, hence the current propensity for engineering schemes proposing to re-route southern river flows to the north.

Figure 3 **Social, economic, natural resources & environmental indicators**

	Unit	Cambodia	China	Laos	Myanmar	Thailand	Vietnam
Social							
Population 1950	million	4.3	554.8	1.8	17.8	20.0	30.0
Population 2000	million	11.2	1,277.6	5.4	45.6	61.4	79.8
Population 2025	million	16.5	1,480.4	9.7	58.1	72.7	108.0
Population change 75-80	% ave ann	-1.8	1.5	1.2	2.1	2.4	2.2
Population change 75-80	% ave ann	2.2	0.9	2.6	1.2	0.9	1.6
Infant mortality 95-00	per 1000 live births	103	41	93	79	29	38
Under 5 mortality 95-00	per 1000 live births	167	47	122	114	38	43
Fertility rate 95-00	children per woman	4.6	1.8	5.8	2.4	1.7	2.6
Life expectancy at birth 00-05	female	55	72	55	62	72	70
Life expectancy at birth 00-05	male	51	68	52	59	66	65
Adult literacy rate 95	female	20	75	30	80	93	91
Adult literacy rate 95	male	57	91	62	89	97	95
Access to safe water 90-97	%	30	67	44	60	81	43
Access to sanitation 90-97	%	19	24	18	43	96	21
Children underweight 90-97	%	52	16	40	43	19	41
Adults with HIV/AIDS 97	%	2.40	0.06	0.04	1.79	2.23	0.22
Economic							
GDP gross 97	US$ billion	3.2	835.0	2.0	na	176.7	24.1
GDP per capita 97	US$	303	671	399	na	2,957	315
PPP GDP 97	$Int billion	13.5	3,837.8	6.4	na	405.6	125.3
PPP GDP per capita 97	$Int	1,288	3,085	1,255	na	6,790	1,641
GDP growth rate 88-97	% ave ann	4.2	8.2	6.4	na	6.8	6.9
Gini coefficient	Scale 0-100	na	42	30	na	46	36
Income of "richest" 20%	% of total income	na	47.5	40.2	na	52.7	44.0
Income share of "poorest" 20%	% of total income	na	5.5	9.6	na	5.6	7.8
Population in "poverty" 90-97	Year of data varies	36	6	46	na	13	51
Exports of goods & services 97	US$ million	896	207,251	417	1,439	72,415	11,485
Imports of goods & services 97	US$ million	1,252	166,754	715	2,415	72,437	13,465
ODA & OA 85-87	US$ million ave ann	166	1,140	156	373	91	1,696
ODA & OA 95-97	US$ million ave ann	465	2,751	331	465	775	933
ODA & OA 95-97	% of GDP	3.5	0.1	na	na	0.2	0.8
ODA & OA 95-97	Per capita	45	2	68	2	12	12
DFI 85-87	US$ million ave ann	na	1,949	0	-1	259	na
DFI 95-97	US$ million ave ann	216	40,088	94	98	2,716	1,567
Total external debt 85-87	US$ million ave ann	na	25,252	883	3,768	18,823	na
Total external debt 95-97	US$ million ave ann	2,088	131,201	2,249	5,343	89,040	24,437
Debt servicing 95-97	% of total exports	1	9	6	13	13	6
Natural resources & environment							
Land area	'000 square km	181	-	237	677	513	332

Cropland availability	ha per 1000 people	363	109	169	231	342	94
Renewable freshwater 00	'000 cubic m per cap.	10.8	2.2	35.0	19.3	3.4	4.6
Water use %	Dom/ind/agric	5/1/94	5/18/77	8/10/82	7/3/90	5/4/91	4/10/86
Commercial energy consumption	kg oil equivalents	na	833	na	296	1,339	515
Carbon dioxide emissions from fossil fuel burning & cement manufacturing	kg per cap.	49	2,729	69	168	3,471	501

Source: All data is taken from World Resources 2000-2001. Data from this source not available for Yunnan Province, therefore China data is included.

Notes: Year 2000 and 2025 population figures based on projections from 1990 base data. GDP = gross domestic product; PPP = purchasing power parity, $Int = international dollar values obtained through special conversion factors (the PPP factor) to equalise the purchasing powers of different currencies. The PPP factor is defined as the number of units of a country's currency required to buy the same amounts of goods and services in the domestic market as US$1 would buy in the United States; Gini coefficient measures the inequality in income distribution in the population (0=perfectly equal, 100=perfectly unequal); ODA = official development assistance; OA = official aid; DFI = direct foreign investment

Figure 4 GMS actors

STATES

Mekong governments Cambodia, Laos, Myanmar, Thailand, Vietnam, Yunnan Province of China

Mekong public sector agencies and militaries

Regional inter-government organisations Asia-Pacific Economic Co-operation (APEC), Association of South-East Asian Nations (ASEAN) also ASEAN+3 (incl. South Korea, China, Japan), Mekong River Commission (MRC), Ministerial Forums, such as ADB-hosted Greater Mekong Sub-region Economic Co-operation annual meetings, ESCAP Environment Ministers' 5 yearly meetings, Asia-Europe Meetings (ASEM)

Non-Mekong governments Japan, China, United States of America, South Korea, Singapore, Sweden, etc.

GRASSROOTS

People about 240 million people live in the GMS

People's movements may be facilitated or supported by NGOs (e.g., People's Forum Chiang Mai, May 2000)

Mass organisations may have strong links to the State (e.g., Lao Women's Union, irrigation user groups, the *wat* or the church, etc.)

NGOs

Sub-national NGOs Assembly for the Poor (Thailand), Northern Development Foundation (Thailand), Cambodian NGO Forum—and their members, which may be other NGOs or grassroots peoples' movements.

Regional NGOs Focus on the Global South (FOCUS), Asia-Pacific Forum for Women Law & Development (APWLD), Towards Ecological Recovery and Regional Alliance (TERRA)

International NGOs The Oxfams, World Wildlife Fund (WWF), IUCN; plus, philanthropists such as Ford Foundation, Rockefeller Brothers Fund, Rockefeller Foundation, etc.; plus development assistance subsidiaries of non-Mekong political parties such as the German Green Party's Heinrich Boll Foundations; plus Church groups, such as World Vision

MEDIA

Mainstream media, independent media, email networks, etc.

BUSINESS

Local/national business—either private or private/public, transnational corporations (TNCs) and other international business, consultants, private financiers, also the deal arrangers and insurers.

MULTILATERALS and BILATERALS

United Nations "family" UN Economic and Social Commission for Asia and the Pacific (ESCAP), United Nations Development Program (UNDP), United Nations Commission on Trade and Development (UNCTAD), United Nations Environment Program (UNEP), United Nations Education, Scientific and Cultural Organisation (UNESCO), Food and Agriculture Organisation (FAO) etc.

Multilateral public financiers, donor groups, trade regulators Asian Development Bank (ADB); World Bank "family"—International Bank for Reconstruction and Development (IBRD), International Development Association (IDA), International Finance Corporation (IFC), Multilateral Investment Guarantee Agency (MIGA), International Centre for Settlement of Investment Disputes (ICSID); the International Monetary Fund (IMF); associated Donor Consultative Groups (DCGs) which may also include bilateral and NGO members; World Trade Organisation (WTO).

Bilateral public financiers "Aid" organisations from Japan (JICA), United States of America (USAID), Sweden (SIDA), Denmark (DANIDA & DANCED), Australia (AusAID), Germany (GTZ), etc., and also major financiers such as Japan Bank for International Co-operation (JBIC) and their respective export credit guarantee agencies.

POLICY RESEARCH INSTITUTES

Cambodia Development Resource Institute (CDRI), Centre for Biodiversity and Indigenous Knowledge (CBIK, Yunnan), Environment Research Institute (ERI, Laos), National Economic Research Institute (NERI, Laos), Thailand Development Resource Institute (TDRI), Stockholm Environment Institute (SEI), Viet Nam Environment and Sustainable Development Centre (VNESDC), Yunnan Academy of Social Sciences (YASS), World Resources Institute (WRI), etc.

UNIVERSITIES

Cantho (Viet Nam), Chiang Mai (Thailand), Sydney (Australian Mekong Resource Centre), Göteborg (Sweden), etc.

RESEARCH and/or ADVOCACY NETWORKS

Asia Resource Tenure Network (ARTN), Development Analysis Network (DAN), Greater Mekong Sub-region Academic Research Network (GMSARN), International Centre for Research on Agroforestry (ICRAF), International Mekong Research Network (IMRN), Oxfam Mekong Initiative (OMI), European Assoc. of South-East Asian Studies (EUROSEAS), Resource Policy Support Initiative (REPSI); plus aforementioned APWLD, FOCUS, TERRA etc.

In terms of regional inter-government organisations, there are different combinations of Mekong governments (and some others) involved in various forms of bilateral, multilateral, and regional arrangements. These regional arrangements include the Asia-Pacific Economic Co-operation (APEC), ASEAN, Ministerial Forums and the Mekong River Commission (MRC). However, the bilateral arrangements are particularly critical. Non-Mekong governments also obviously influence the people and environment of the Mekong through their foreign policies and their participation in bilateral and multilateral donation, investment, institutional strengthening, and capacity building.

Grassroots

"Peoples' movements" are often called grassroots groups. Of the 240 million people in the GMS there are, of course: men, women, old, young, ethnic minorities and majorities, rich, poor, urban, and rural. Not surprisingly, the peoples' movements emerging and seeking governance roles also reflect this cultural and ethnic diversity (see Figure 4). Many have been catalysed by a particular issue (e.g. land rights, fishing rights, etc.). Some are sustained over time as they continue to provide a forum for expressing, debating, or organising the views of members/supporters. There are also other forms of grassroots actors—"mass organisations"—more closely linked to the State, which have been referred to in the previous discussion on civil society.

NGOs

NGOs can be broadly divided into three types—local (principally operating within a particular country or loosely definable area), regional, and international. However, these cannot be clearly demarcated. The umbrella term "NGO" does not express the complexity of function, origins, funding, motivation, priorities, and agendas of actors lumped into this category (see Figure 4 for examples).

Media

The media in the GMS plays an important role. Whether controlled or independent, informed or uninformed, sensationalist, shallow or analytical, it cannot be ignored. The discussion groups and information networks of the World Wide Web, although still only available to a relatively few people, are an important and strengthening buttress against a shrinking pool of mainstream media owners.

Business

Business is another central and key actor in the GMS. As with some of the other groups, there are various sub-groups within this broad category. These include local businesses; State actors in business, whether governments, military, or politicians; consultants; the previously mentioned TNCs; private financiers (the commercial banking sector); deal arrangers and insurers (often multilateral public financiers and their credit guarantee arms).[15]

Multilaterals and bilaterals

The ultimate caucus of non-Mekong (and Mekong) governments is theoretically the UN—although the real extent of its powers remains debatable. In addition to peak councils, it has influence via the "UN family of organisations." However, there are many other multilaterals, including the World Bank "family," IMF, WTO, and the ADB. Bilaterals include embassy and individual aid agency personnel from various countries, in addition to other unique organisations such as the Japan Bank for International

[15] This is the subject of current database search and analysis being conducted by the World Resources Institute using Capital DATA ProjectWare. The work is yet to be completed; however, preliminary analysis is confirming the significant facilitating role in the region of the multilateral public finance institutions.

Co-operation (JBIC).[16] Of course, there are often conditions attached to multilateral and bilateral assistance for trade, environment, humanitarian, ideological, or other political purposes. State-to-State leverage can also be exercised directly via bilateral exchanges or indirectly via the shareholdings, voting blocs and subsequent policies within multilateral public financiers and others such as the WTO.

Policy research institutes

Another important group are policy research institutes, such as the Thailand Development Research Institute, Cambodia Development Resource Institute, Yunnan Academy of Social Sciences, etc. In the Mekong these are more influential in some places than others (e.g., more in Thailand, less in Laos) for a variety of reasons, such as different capacity and political operating space. An ideal type has: (i) independence from political parties, governments or ideologies; (ii) commitment to quality, neutrality and objectivity[17]; (iii) a goal of informing policy choice, rather than of advocating[18], and (iv) responsiveness to the agenda of policymakers but paying particular attention to medium- and long-term research issues (Myers, 1997: 178). With regard to independence there is a delicate balance between being close enough to policy-makers to be heard, yet far enough away so as not to be co-opted or otherwise diminished by them.

Universities, research and/or advocacy networks

Universities, research and/or advocacy networks also play important roles, although their influence on decision-making varies greatly between GMS countries. There are universities located inside and outside the region which have a GMS-focus. There are also networks of research organisations participating in joint research efforts aiming to better understand various GMS issues. And there are various organisations operating as either or both research and advocacy networks.

6.3 Regional Chronology of Organisations and Initiatives

Figure 5 provides further regional context of direct relevance to environmental governance. It quickly sketches the evolution of various regional organisations, initiatives and processes, especially those discussed in the next section. More importantly, it shows how things have evolved. Initially (in the 1940s, 1950s, 1960s) regional organisations were usually inter-government bodies. After the conflict-related hiatus in regional co-operation in the late 1960s and 1970s, things again started to move in the late 1980s. Regional NGO formation, an optimistic planning phase by ADB, an expanded ASEAN, and a revamped Mekong river co-operation were all features of the 1990s. By the late 1990s, environment and governance agendas were merging. 2000+ will potentially see a clarification of roles and niches of different actors, many with different views on desirable GMS development trajectories.

[16] JBIC was formed in 1999 by the merging of the Export-Import Bank of Japan (JEXIM) and Japan's Overseas Economic Co-operation Fund (OECF). JBICs $29 billion budget at the time of its formation exceeded that of the World Bank, making it (at least temporarily) the largest source of public financing in the world.

[17] However, Myers' characterisation of 'objectivity' reminds us that objectivity can be elusive as all actors are imbued with biases.

[18] A failure to advocate can also be considered a weakness.

Figure 5 **Regional chronology of organisations and initiatives**

1947	Formation of ECAFE, later renamed Economic and Social Commission for Asia and the Pacific (ESCAP)
1957	Formation of Mekong Committee
1966+	Formation of Asian Development Bank (ADB)
1967	Formation of Association of South-East Asian Nations (ASEAN 5), founding members being Indonesia, Malaysia, Philippines, Singapore, Thailand
1986	Formation of the Asia-Pacific Forum on Women Law and Development (APWLD)
1991	Formation of Towards Ecological Recovery and Regional Alliance (TERRA), a regional off-shoot from Thailand's Project for Ecological Recovery (PER) which had formed in 1986.
1992-2018	ASEAN agreement to establish ASEAN Free Trade Area which commits ASEAN members to progressive tariff reduction program, aiming to eliminate tariffs by 2018.
1992+	Commencement of ADB program of co-operation between GMS countries
1993	Cambodia elections - rapid increase in international interest in Tonle Sap-Great Lake
1995	Mekong River Agreement and formation of Mekong River Commission—members being Thailand, Cambodia, Laos, Vietnam), formation of Focus on the Global South (FOCUS)
1995-2001	1st ADB policy on governance 1995, subsequent diagnostics completed 1999-2001 for Thailand, Cambodia, Vietnam and Laos
	1st ADB regional TA project on specific environment issues approved 1995, subsequent projects completed relating to information, monitoring, strategic frameworks, transborder issues, wetlands, etc.
1995	Completion of the 1st dam in the series planned for construction by China on the Upper Mekong (Lancang-Jiang)
1996+	ASEAN Mekong Basin Development Co-operation agreement signed.
1997	First collaborative work undertaken by a regional network of policy research institutes known as the Development Analysis Network (DAN); also launch of the International Mekong Research Network (IMRN)—an email network operated from Canberra.
1997-2001	World Commission on Dams
1998-2020	ASEAN agreement to establish ASEAN Investment Area which aims to open nearly all industries of ASEAN countries to all investors by 2020, on same terms as national investors.
1999	ASEAN 10 created with the accession of Cambodia (Vietnam joined in 1995, Laos and Myanmar 1997)
1999-2005	MRC co-ordinated Mekong River Water Utilisation Agreement process commencement
2000+	Increasing activities by ASEAN 10+3 (including South Korea, China and Japan)
2000+	ESCAP GMS Business Forum 2000+ (in partnership with ADB), Decade of GMS Development Co-operation 2000-2009 and planning for Asia-Pacific preparations for World Summit on Sustainable Development
2000+	ESCAP GMS Business Forum 2000+ (in partnership with ADB) and commencement of Decade of GMS Development Co-operation 2000-2009
2001	Completion of Cambodia's 1st Governance Action Plan

7. Regional Case Studies

There are a large number of contemporary environmental governance processes in the GMS. This paper is not a stocktaking exercise, and only a few have been selected for analysis. As will become apparent, many Mekong actors are involved in several of these processes, but play quite different roles in each. Following some background, I briefly consider each using the thematic analytical approach outlined in Figure 1.

7.1 Regional NGO Formation

Background

The first "case study" is the formation, from the late 1980s, of three regional NGOs:

- Asia-Pacific Forum for Women Law and Development (APWLD);
- Focus on the Global South (FOCUS); and
- Towards Ecological Recovery and Regional Alliance (TERRA).

These NGOs were catalysed by a sense of disenfranchisement, threats to local livelihoods, and the realisation of the importance and usefulness of the regional scale. Key actors in the formation process were particular leaders of local NGOs. Other actors include peoples' movements, local NGOs, activists, and international funders.

Each of these organisations is very different, but they all aim to provide effective facilitation, co-ordination, and/or representation of diverse civil society interests in national, regional, and international forums.

APWLD formed in 1986. It is committed to *"enabling women to use law as an instrument of social change for equality, justice and development"* by working in partnership with women's groups, human rights groups and development NGOs in the Asia-Pacific promoting the status of women. APWLD has six taskforces, including Women and Environment, formed in 1999. Taskforces assemble each year to assess the situation and identify priority initiatives, implemented with the support of the Chiang Mai-based secretariat. An example activity is the current analysis of the impacts on women of trade liberalisation and particularly WTO's Agreement on Agriculture. The research may yield reliable information about the links between economic drivers, production incentives, resultant land and water use and/or degradation, and altered—perhaps increased—demands for the labour of women. This would be directly relevant to GMS environment and development debates.

FOCUS is another relatively new organisation that engages in research, analysis, advocacy and grassroots capacity building on critical issues in north-south relations. FOCUS and its programs were conceptualised during 1993 by its two co-founders, Kamal Malhotra and Walden Bello, and tested in a series of informal international consultations with academics, NGOs, and peoples' movements. The organisation commenced operations in January 1995 and now has headquarters in Thailand and offices in Singapore, India and Philippines. Four themes underpin their work: economic and financial liberalisation; security and conflict; State-market-civil society interactions; and culture and globalisation. These themes are central to the two program areas: regional and national micro-macro linkages, and global and regional paradigms.

TERRA describes itself as *"the sister organisation of Project for Ecological Recovery (PER), registered together as the Foundation for Ecological Recovery. PER established in 1986, works to support the local communities in Thailand in protecting rivers, forests, land and livelihoods. In 1991, TERRA was established to focus on issues concerning the natural environment and local communities throughout the Mekong Region."*[19] The Bangkok-based group *"works to support the network of NGOs and people's organisations in Burma, Cambodia, Laos,*

[19] TERRA operates throughout the GMS, with the exception of Yunnan Province, China.

Thailand and Vietnam, encouraging exchange and alliance-building, and drawing on the experience of development and environment issues in Thailand" (TERRA, 2001).

Sustainability orientation
The environmental agenda of TERRA is inseparable from its views on social justice, rights, development, sustainability, and the role of civil society in the debate about these issues. TERRA explicitly criticises neo-liberal dominance and associated conceptions of what is good or bad economic development. It is publicly critical of any development paradigm that accepts winners, losers and compromises as an inevitable outcome of economic pursuits. TERRA literature consistently promotes approaches to environment and development decision-making that are grounded in a respect for indigenous rights and knowledge. Neither APWLD or FOCUS have positions quite as clear as TERRA's on sustainability, but both support rights-based, gendered approaches to development and reject the primacy of economic growth as the principal indicator of human progress.

Politics and powers
APWLD, FOCUS and TERRA have no formal powers. Moreover, whilst the constituencies to whom they feel responsible are huge, they are small organisations. However, they do have political influence. For FOCUS and TERRA this is obtained via the dissemination of hard hitting critiques in the mass media. For this to persist, they must maintain their credibility. FOCUS's highest-profile critique exposed the lack of any substantive underpinning to modern Thailand's "miracle economy" (Bello, Cunningham et al., 1998).[20] More recently they have kept up a constant flow of strategic feature articles in the press (especially via the Bangkok Post in Thailand), underpinned by a steady stream of analyses written in straightforward language. Similarly, TERRA produce topical analyses, principally via their flagship *Watershed* magazine, but also in the mainstream media. The speed with which both FOCUS and TERRA respond to issues and "hit the print button" is admired by both their friends and foes. APWLD, FOCUS and TERRA are all also very actively engaged in political awareness training, and developing activists and strategic activism throughout the region.

All have limited resources. For example, APWLD and FOCUS both have budgets of less than US$1 million. All three have less than 20 staff. However, each has a robust intellectual base via staff, boards, or supporters, giving them substantial resources-related power. None has structural power, in the sense of having formally elevated positions in any regional hierarchy, but their relative flexibility does give them strategic power. APWLD has a training, development, and lobbying focus, and is more answerable to its member national organisations. In order to maintain in-country access to members it must be politically cautious within the region, whilst maintaining an active campaigning role in global forums. FOCUS and TERRA have more freedom and certainly fewer political operating constraints than most other regional actors. In a sense this gives them substantial power, as combined with their efficient use of the media, they can reach wherever they perceive they will have most relevance and potential impact. For example, both have recently targeted the legitimacy of the Bretton Woods institutions—the World Bank and IMF—and the ideologically-associated ADB. All three have leaders that are respected as committed activists. These leaders exemplify the innate power of some individuals which is a crucial ingredient to their organisations' prominence and impact.

Each organisation also recognises the power of the dominant discourse and is committed to challenging or supporting particular ideologies often embedded in language. Contesting discourse is recognised as an important advocacy role. For APWLD many injustices for women are embedded in language which is best analysed via a gender framework. FOCUS has specifically targeted dominant conceptions of economic advancement, wealth, and poverty. TERRA has deconstructed the dominant discourses surrounding many subjects including civil society, public participation, and sustainable development.

Governance
In relation to regional governance, the regional NGOs clearly play an important role in consistently pushing for more accountability, access to information, and transparency in decision-making. Several

[20] Whilst published in 1998, the arguments stemmed from evidence observed by the authors prior to the 1997 Asian financial crisis, which hit Thailand particularly hard.

GMS governments reject the legitimacy of this advocacy role; however, other actors such as UN agencies, the ADB, and the World Bank, have significantly modified their procedures, at least partly due to regional NGO pressure.

The accountability of these NGOs is also challenged by various actors. How do they respond? Those involved in FOCUS (board, staff, funders, etc.) prefer to deal with questions of political responsibility, which to them is more relevant than asking *"what is their mandate?"* or *"to whom are they responsible?"* FOCUS (and TERRA) are not bound—or empowered—by an external mandate. In the absence of these more formal legitimacy mechanisms, each has to clearly define their position. For example, FOCUS's commitment to addressing the marginalisation of large numbers of people throughout "the South" has defined their constituency; however, they do not claim to "represent" these diverse peoples, as they recognise they have no such mandate. Similarly, TERRA is careful not to claim to represent the people they feel responsible for.

The regional NGOs have worked hard to create a political space in which to operate, at times providing/finding a regional opportunity for activism that does not exist within some Mekong countries. The formation of the regional NGOs has undeniably led to more inclusive deliberative[21] regional debates. For environmental governance this has been aided by the inherent regional nature of many issues, coupled with international support.

Institutions' adaptiveness

The adaptiveness of each of these institutions will inevitably be assessed periodically by supporters, critics, funders, and internal team members. Are these organisations going to persist? Whilst six to thirteen years may not be sufficient to claim longevity, for each the survival signs are strong. Internal politics have at times unsettled APWLD, but they currently seem to be in a new era of stability. A threat to FOCUS was too great a reliance on public profile and the input of the co-founders. However, an active recruitment period found new people and allowed others to step up into senior research, facilitation and advocacy roles. All three organisations have their persistence under-written via funder support. To reduce over-dependence on individual benefactors, each has created a relatively wide funding network.

Each organisation has different policies on engagement with other actors. APWLD's resources are committed to the activities of their various taskforces; hence any wider engagement (e.g., in international UN forums) must be weighed up against potential trade-offs at the grassroots level. FOCUS has a clear policy of critical engagement with other actors, for example through the government training programs they run for Laos and Vietnam government officials. TERRA's engagement policy is less clear. Supporting the development of regional activists, facilitating various advocacy campaigns, and judicious use of the media appear to be their main focus of activities. Reservations about wasting effort or of being co-opted limit the extent to which they actively seek a direct dialogue with others, such as regional inter-government organisations, the private sector, or multilateral banks. Fears of co-option are real and each NGO has the right to choose how it can most strategically engage. NGOs foregoing independence in order to co-operate with other actors may be making a bad trade-off by *"depleting oppositional civil society"* (Dryzek, 2000: 137). The trade-off can be particularly poor if the concession is made to a regional inter-government organisation that may be relatively weak anyway, and basically under the control of member States. World-wide many strong NGOs choose to remain *"passively exclusive"* (ibid., 138) which helps to retain more robust democratic debate in various political arenas.

Undeniably APWLD, and the higher profile FOCUS and TERRA, play an important and useful role in environment and development debates. Their independence allows them to operate outside the political pressures facing organisations with an externally-defined mandate. Some of the other organisations explored in this paper's case studies have much more cumbersome political restraints. In addition, each are playing a co-ordinating role, supporting many other activist groups.

[21] Dryzek, an advocate of critical debate, would say regional NGOs have thankfully contributed to *"more unruly and discursive"* policy-making processes, challenging various development paradigms and agendas.

7.2 Asia-Pacific Preparation for World Summit on Sustainable Development

Background

Another interesting regional environmental governance process is the Asia-Pacific preparations for the World Summit on Sustainable Development (WSSD), to be held in South Africa in 2002. These preparations are being facilitated by the Bangkok-based Economic and Social Commission for Asia and the Pacific (ESCAP)—the UN regional commission. Whilst ESCAP is the key organiser of this process, UNEP and the ADB are also playing a role as the organisations have committed to "pool resources in organising a series of sub-regional and regional consultative meetings with Governments and civil society organisations" (ESCAP, ADB et al., 2001). This discussion focuses on the role and capacities of ESCAP.

ESCAP is part of the Economic and Social Council of the UN. All GMS countries have signed an agreement to join ESCAP, which is the modern version of the Economic Commission for Asia and the Far East (ECAFE), established to assist in post-war reconstruction in 1947. ESCAP is just one of the UN regional commissions. ESCAP has approximately 200 professional and 340 supporting staff with an annual budget in 2000 of US$50 million, of which the regular budget (RB) accounts for US$32.5 million (65 percent), and the extra budgetary (XB) contribution for US$17.5 million (35 percent). The RB comes from the UN and is consumed by overheads associated with staff entitlements and normal operations, such as meetings and publications.[22] The remainder is donor funds, almost completely tied to specific projects, of which at last count there were about 300. In addition to the Office of the Executive Secretary, the organisation has nine divisions: program management, administration, trade and industry, development research and policy analysis, population and rural and urban development, environment and natural resources development,[23] social development, transport communications, tourism and infrastructure, and statistics.[24]

Sustainability orientation

In the late 1990s ESCAP promoted the integration of economic and environmental planning and practice in the region (ESCAP, 1999). It also led initiatives to highlight the benefits of strategic environmental planning (ESCAP, 1999; ESCAP, 2001). In the year 2000 ESCAP co-ordinated the 3rd Ministerial Conference on Environment and Development. Environmental co-operation in north-east Asia is another fledgling initiative supported by ESCAP.[25]

Despite these activities, most of ESCAP projects a weak sustainability orientation, which means that those at the stronger end of the spectrum denounce its efforts. Internally, ESCAP does little to integrate sustainability issues among its own programs. It tends to take a traditional, non-controversial and segmented approach. Thus the WSSD project—at least initially—seems restricted to the environment component of ESCAP's Environment and Natural Resources Development Division (ENRDD), with little indication of including other ESCAP sections (such as the Social Development Division) in the process. Defenders of this criticism argue that time is short and ESCAP's resources are limited. However, this defence is unconvincing to those who consider that ESCAP remains relatively well-resourced and—again, relatively inflexible.

Politics and powers

The membership of ESCAP is extremely wide, stretching from Iran to Australia. In addition there are four non-geographic members—France, The Netherlands, the United Kingdom, and the U.S. With such geographic and cultural breadth it is easy to see why many members have no sense of the common regional identity evident (at least rhetorically) in ASEAN, and being striven for in the ADB-facilitated GMS initiative and ASEAN+3. In recognition of this ESCAP has concentrated—as per its mandate—on

[22] The four working languages of ESCAP are Chinese, English, French and Russian.

[23] The ENRDD is allocated in 2000-2001 budget estimates to use US$5.4 million of the total divisional budgets of US$28.3 million

[24] ESCAP also has a Pacific Operations Centre based in Vanuatu; plus it is responsible for three regional institutes related to statistics (Tokyo), technology transfer (Delhi), and cropping (Bogor).

[25] China, North Korea, South Korea, Japan, Mongolia, and the Russian Federation are participating in the North East Asia Sub-regional Program of Environmental Co-operation. External support to the inititiative is being provided by the ESCAP secretariat, UNEP, UNDP, ADB, and the WB.

information production and dissemination, and dialogue facilitation, with members participating more or less vigorously depending upon their particular interests.

ESCAP has shown an historical commitment to GMS initiatives and institution building, rightfully claiming a significant role in the creation of ADB and MRC. ESCAP is currently attempting to broker and institutionalise GMS development co-operation through the Decade of GMS Development Co-operation, and the GMS Business Forum.

The Decade of GMS Development Co-operation 2000-2009 (Resolution 56/1 of the 56th session of ESCAP, 1-7 June 2000) aim is *"to draw the attention and encourage the support of the international community for the intensification of economic and social development in the sub-region"*. This resolution is interesting for several reasons. It specifically supports the statement of the 9th Conference of the GMS Economic Co-operation initiative and in particular *"the determination expressed by Ministers to redouble their initiatives to accelerate, strengthen and extend regional co-operation within the sub-region"* (ADB 2000). It also acknowledges and supports the efforts of the MRC, although this was only a late addition and negotiated after first having to explain to voting members who the MRC actually was and why its inclusion was relevant. It also paves the way for implementing GMS development programs through a more *"concerted and rational approach"* after first reviewing the range of existing development strategies. Although it does not specifically mention entities other than ADB and MRC, it is designed to bring together initiatives such as the Comprehensive Forum for the Development of Indochina[26] and the ASEAN Mekong Basin Development Co-operation.

The Decade of GMS initiative may or may not progress beyond its current humble beginnings. If it does become anything significant, it will probably be challenged by civil society groups who object to the development paradigms underpinning some of the GMS development schemes. There is no mention of the role of civil society groups in the development scheme review process, which is surprising. Perhaps this is expected to proceed according to ESCAP's rules about dealing with NGOs?[27] Would providing a more integral role for civil society be perceived by ESCAP as too open an acknowledgement that many groups appear disengaged from their State governments? Or would this be too radical an area for ESCAP?

The same resolution also specifically mentions the GMS Business Forum, which is focused on fostering and encouraging the role of the private sector. The forum first convened in October 2000. Hereon it is intended to be a regular process, which ESCAP is co-ordinating in partnership with ADB under ADB's GMS program section. Overall, it seems indicative of an attempt by Thailand and Japan to negotiate consensus task allocation between ESCAP, ASEAN, and the ADB, with the MRC thrown in at the last minute.

Governance

The WSSD Rio +10 response is another test for ESCAP. At this stage civil society is not being taken, consequently many civil society actors are attaching little importance to the role of ESCAP—and its UNEP and ADB partners—in the Asia-Pacific process.

ESCAP's mandate of servicing member governments makes it generally difficult to engage successfully with civil society. Coupled with a wish to avoid controversy, this will stifle debate about the limitations and paradoxes of the Rio Declaration, and the subsequent patchy implementation of Agenda 21. For the WSSD preparations to be inclusive and deliberative, ESCAP needs to fund and actively support participation by a wider spectrum of actors and thereby encourage broader debate. In the era of new regionalisms ESCAP is struggling to strategically evolve beyond information production and the facilitation of dialogue between member governments. Hence many civil society actors see only a very

[26] Japan's Comprehensive Forum for the Development of Indochina was established in 1993 during the Miyazawa government. The objective was to develop 'Indochina' countries by supporting infrastructure and human resources development. At first, targeted countries were Cambodia, Laos and Vietnam—later expanded to the GMS. This initiative is funding the GMS Business Forum.

[27] ESCAP Rules of Procedure, drawn up at ESCAP's 1st session, confirmed and adopted at the 2nd session, and amended at subsequent ESCAP sessions. Chapter XII Rules 52-56 deal with *"relations with NGOs"*.

limited facilitation role for ESCAP in regional governance, preferring other more receptive and effective governance stages.

Institutions' adaptiveness
ESCAP is searching for a new niche for itself in a fast changing world order. But reform is complicated due to its size, embedded procedures (whether formal or informal), and conservative culture.

According to ESCAP's new Executive Secretary Kim Hak-Su (from South Korea), in ESCAP's 54-year history there has not been a single management consultancy to diagnose the strengths and weaknesses of the organisation to improve efficiency and productivity.[28] To correct this situation, and perhaps to provide himself with independent ammunition and a mandate for change, he has commissioned the United Nations Office for Project Services (UNOPS)[29] to review ESCAP operations and to provide specific recommendations for action. Already there are basic improvements in the transparency of decision-making within the organisation, a minor but radical departure from past practice.
ESCAP's Division Directors have acquired considerable power over time, with program management independence largely related to their capacity to secure (often donor-driven rather than ESCAP-driven) objectives with extra-budgetary revenue. To dilute the influence of the Division Directors, the new Executive Secretary has created a separate policy advisory group comprised of people handpicked from various divisions. This is a minor revolution—with significant internal governance ramifications—given the long-established hierarchies within the organisation. Moreover, within two months of arriving he observed that ESCAP needs to (implying that it is presently not):

- assume the role of "intellectual leadership" in the region and become more flexible to keep pace with rapid global/regional changes;
- be more selective in producing publications, consolidate various newsletters to ensure a greater sense of corporate identity, and place greater reliance on electronic forms of communication;[30]
- improve collaboration between ESCAP Divisions and other institutions such as ASEAN and ADB;
- focus on fewer, but larger, projects, so as to have greater impact,[31] and repeat successful projects; and
- prioritise the monitoring and evaluation of ESCAP's own activities.

However, the issues that were not mentioned are perhaps as instructive as those that were. For example, strategic alliances and "co-ordination" are mentioned in regard to ASEAN and ADB, but not civil society. Furthermore, little has been done to address ESCAP's laggard status—even by UN standards—in relation to the percentage of professional women staff it employs.[32]

According to the new Executive Secretary, proposed new goals include: disseminating proven best practices of poverty eradication; supporting member States to cope with globalisation; and identifying and doing something tangible about the region's common social problems.[33] ESCAP must continue to share information between governments—as per its mandate—but it will have to lift its performance and approaches with regard to information technology and learning approaches. Separately, it must decide whether to interpret its mandate more flexibly and continue its financially-driven shift—or drift?—into

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[28] Speech to the 248th session of the Advisory Committee of Permanent Representatives and Other Representatives (commonly abbreviated as ACPR), 24 August 2000. ACPR was formed in 1974 and to a limited extent functions as a Board of Governors to the organisation. This claim is contradicted by the UNOPs consultants who claim in their Scoping Mission Report of 22 September 2000 that *"ESCAP has been the subject of an extensive array of studies and reviews, some of which have been far-reaching in their investigations and recommendations"*.

[29] UNOPs itself is a far larger entity than ESCAP. Created over 25 years ago, it is the only entirely self-financing entity in the UN system. It claims to have a project portfolio of US$3.7 billion, an annual turnover in excess of US$700 million, a permanent staff of 400, and 8 decentralised offices outside of New York. It is the "McKinsey" and "Arthur Anderson" of the UN system, providing procurement services, project management and supervision, and loan administration to UN and non-UN clients. To enable UNOPs to compete with the private sector, UNOPs has itself undergone major management reform since the arrival of their current Executive Director in 1994.

[30] This is hardly an issue of regional importance. However, it does perhaps reflect ESCAP's old-world culture where the use of email for formal staff communications has been resisted.

[31] This is particularly controversial for those who do not think ESCAP's mandate is to manage projects.

[32] At present approximately 31 percent (July 1999) of professional positions are filled by women, as against UN system average of 36 percent (June 1999). At the high end of the professional scale the percent of women is much lower.

[33] Speech by Dr Kim Hak-Su to the ACPR, 24 August 2000.

special projects. In relation to environmental governance, it must decide whether it is serious about engaging with civil society and in taking an organisation-wide approach to tackling sustainability challenges.

ESCAP is not renowned for encouraging deliberative, discursive debates involving the full spectrum of society. Of course this is partly due to it being a UN creation rooted in a paradigm which holds the State and its appointed spokespersons as the central figures in any regional forums. Over time this has led to increasingly conservative and uncritical debate; the natural outcome of an organisation striving to avoid controversy and thereby reinforcing existing power structures.

Nevertheless ESCAP's strategic location in the institutional framework potentially gives it considerable power. Yet critics would say that it has not effectively used its resources or its "location-power" and hence finds its credibility publicly challenged. For example: *"Many nations think ESCAP is the (Asia-Pacific) region's most boring talk shop. Others think the 53 year-old organisation, whose 61 member States together hold US$1 trillion in foreign exchange reserves, is one of the fattest cows for bureaucrats and experts around the world to milk in the name of development"*—so begins a journalist's article[34], prior to summarising an interview with the Executive Secretary. ESCAP's past failure to rise to contemporary challenges has caused it to be (unsurprisingly) bypassed by many other actors. This is frustrating ESCAP's attempts to co-ordinate the region's WSSD Rio +10 response, with many non-State regional actors ignoring its role and concentrating on direct representation in South Africa.

7.3 World Commission on Dams, Including South-East Asia Element

Background

The World Commission on Dams (WCD) is another high-profile regional environmental governance process, with the WCD Commissioners and Secretariat being key actors. The process emerged from increasing public criticism of large dams. It was formed in 1997 by an IUCN-World Bank sponsored workshop in Switzerland. The WCD aimed to undertake a rigorous, independent review of the development effectiveness of large dams, to assess alternatives and propose practical guidelines for future decision-making. The WCD process is particularly relevant to GMS countries. China is the major dam-building nation in the world today, principally to meet its population's future energy requirements. Laos and Vietnam are also very busy constructing dams, the former targeting highly-prized export earnings, the latter principally focused on domestic energy production.

The WCD attempted to conduct an ideal deliberative multi-stakeholder learning process. Government participated, but with the same standing as civil society. There have been many other actors involved at the local, regional and international level—dam "practitioners," economists, sociologists, ecologists, political scientists and the media. The process has received enormous publicity and international recognition. In its own words it "provided a unique arena for understanding complex choices facing societies in meeting their water and energy needs" (WCD, 2000: 40). The WCD process and framework for decision-making endorsed core values of equity, sustainability, efficiency, participatory decision-making, and accountability. The WCD report (WCD, 2000) proposes a "rights and risks" approach to negotiations, seven strategic priorities and corresponding policy principles, and criteria and guidelines for "good" or "best" practice. (see www.dams.org).

As part of the global WCD process, the Commission held a South-East Asia regional consultation in Hanoi in February 2000, which paid particular attention to Vietnam's dam-building policy. Laos also received substantial attention. China was specifically examined as a dam-building national case study and the Pak Mun Dam in Thailand was used as a project case study. In relation to the overall global process, there is a wide spectrum of opinions, all of which are worth considering (Figure 6). These perspectives are shaped by individual beliefs, paradigms, preferences, biases, and vested interests.

[34] Anuraj Manibhandu's interview with Kim Hak-Su, Bangkok Post, 3 October 2000.

Figure 6 Spectrum of responses to WCD report

Strong support

"The WCD has undertaken a rigorous, independent and inclusive global review…" (WCD, 2000: ii) claims Professor Kader Asmal, WCD Chairperson. Strong supporters believe in the WCD multiple stakeholder model and consider the task very well done. Ger Bergkamp from IUCN says *"The work of the Commission represents a fair and balanced assessment of both benefits and costs, with input from all constituencies…."* (WCD, 2001). Harza Engineering Company (Letter to the Wall Street Journal, 30 November 2000), criticising the negative tone of that newspaper's WCD reporting, said *"The report offers a unique insight into dams and their benefits and associated costs. The report proposes a sound approach to the future development of a very old, yet important, water resource technology."*

Qualified support for WCD—but suggesting some issues not sufficiently addressed or highlighted

WCD Commissioner Mehda Patkar recognised *"the Commission's achievement of local to global consultation and … humane, well-intentioned, open and frank dialogue under an able leadership…"* (Patkar, 2000: WCD Report—Special Comment 321-322). However, she considered some issues were either missing or not given sufficient attention, including: problematic dams are a symptom of an *"unjust and destructive dominant development model"*; large dams frequently fail to provide their claimed benefits; and even if rights are recognised, risks assessed and stakeholders identified, unequal and unjust power relationships allow dam promoters to dominate and force dams to be approved and constructed.

Qualified support for WCD—but calling for active resistance given powerful pro-large dam forces

Post-report responses by powerful pro-large dams lobby has convinced some that more radical non-co-operation and activism tactics are required to stop inappropriate large dams being built. For example, a TERRA writer's opinion: *"While the WCD's recommendations may be adopted by some of the development assistance agencies of the North, any hopes of reasoning and compromising with many of the promoters of dams…now shown to be unrealistic. Many people understood this before the WCD was established and hopefully many more will understand this now…..Now is the time to reject the corporations and the institutions that promote, fund and build large dams"* (Hubbel, 2001).

Rejected as illegitimate

Given the acknowledged inclusiveness of the process, the main basis for claims of illegitimacy are that the WCD institution was not created by a formal inter-government arrangement and not directly accountable to nation States. Of course, supporters of the WCD process reject this criticism.

Rejected as unrealistic

Unworkable recommendations, which are some combination of: naïve (says part of the International Hydropower Association, IHA), effectively anti-development (says part of the International Commission on Large Dams, ICOLD)—at least according to the dominant modernist paradigm; or take insufficient account of the different contexts of States, stages of "development" and growth "needs" for water and energy (says parts of the Government of China and India).

Rejected as unbalanced

Critics have accused the WCD of having too much focus and giving too high a priority to (negative) social and (negative) environmental issues. Critics, such as Professor Lafitte say that benefits of large dams are insufficiently acknowledged; generalisations about dam deficiencies are made, based on a small sample, and that the scale of basic human needs in the 21st century seems downplayed or ignored (Lafitte, 2000).

Particularly hostile criticism

For example, the Deputy Chairman of the Russian National Committee of Large Dams who considered the WCD to have been offensive, and subsequently attacked its legitimacy, motivation, approach, and recommendations (WCD Briefing in Moscow, 23 November 2000).

Ignored

Ignoring the WCD due to: (i) perception that the WCD is illegitimate, has just produced yet another report, therefore no response required?; (ii) perception that the WCD is not important and that it is more productive to put effort into supporting or opposing or altering particular large dam projects?; (iii) being unaware of the WCD?; (iv) WCD discussion being inaccessible due to language, disempowerment?

Source: Unless otherwise referenced, responses are as posted on WCD website.

It remains to be seen how GMS governments and regional inter-government organisations, such as the MRC, will respond to the WCD report. China has already rejected the recommendations as being unrealistic. The report's arrival is timely for MRC, who are presently grappling with their own hydropower strategy. ADB has expressed initial support for the report, many findings of which are expected to parallel the its own Strategic Environment Framework for the dams/hydropower elements of their energy sector planning processes with DMCs.

Sustainability orientation
When examining the responses to the WCD report it is particularly useful to consider the various sustainability orientations of the debate's participants. The WCD report is applauded by some and chastised by others for often the same reason—the high-priority given to social and environment issues. It is a good example of a process where the report writers have substantially elevated social and environmental issues, challenged previously dominant economic assumptions and justifications and encouraged more substantial illumination of the equity in trade-offs. This approach is rejected by proponents of zero or weak sustainability who have different priorities. The WCD report is a significant step forward from a weak sustainability approach, and thus was bound to make many actors uncomfortable.

Politics and powers
The WCD's overall process and the South-East Asia regional consultation aired important differences in GMS perspectives. The politics surrounding WCD activities and the Hanoi meeting severely tested the independence of the WCD process as diplomatic efforts sought to minimise overt criticism of GMS States. This influenced case study selection—of dams and countries—and the style of reporting. Nevertheless, GMS case studies proceeded and a large number of mostly non-government actors took the opportunity to make presentations to the WCD Commissioners at the regional meeting.

Whilst the WCD was not underpinned by any formal statutory power, it did have resources-power. It had sufficient funds to undertake its allotted task properly. The WCD also had innate power due to the credibility of its Commissioners, comprising a high-profile, generally well-respected team.

The WCD has walked a tightrope, obtaining and retaining support from a wide range of actors. In achieving this it has demonstrated the importance of a process's strategic positioning. The report was launched in November 2000 and has since received continual, blazing publicity. It claims to be *"aimed equally at governments, international organisations, multinational companies, financiers, consultants, NGO networks, indigenous communities and locally organised groups of people affected by dams"*(WCD, 2000: 318). The process has undoubtedly provided a coherent opportunity for what is now a more informed, more inclusive and discursive debate.

The WCD was careful to avoid any accusation of encroaching on sovereignty. Yet, acceptance of the WCD framework by key actors, such as financiers, would undoubtedly increase international pressure on GMS States to further improve their large dam decision-making processes. Therefore the responses of private sector financiers, such as the ADB and World Bank—and their associated export credit guarantee agencies—are crucial. In March 2001 the World Bank decided not to incorporate the report's recommendations into loan conditions. This gives other opponents of the WCD recommendations a powerful dissenting ally. Perhaps World Bank's initial response is just a strategic move to keep on-side with its clients whilst actually seeking endorsement and supporting the NGOs and others who are promoting the report? The internal politics of the ADB and World Bank's response to WCD would be fascinating to study in more detail.

Governance
Unlike many environmental governance processes in the GMS, the WCD exemplifies several important features. First, the Commissioners made clear—in advance—their core values to act as lenses through which to assess large dams. Moreover, they promoted these values via the report and subsequent outreach activities. Thus WCD was unambiguous about its orientation.

Undeniably, WCD has set a high standard for generating and making information widely available. Its process makes this more likely, but it has also very effectively promoted itself, both via mainstream media, and using the innate power and influence of the Commissioners. Despite the odd glitch, it provided a superb example of how to effectively use the Internet keeping a global audience progressively up-to-date with its process. Different perspectives were acknowledged and included. There was significant review, learning and debating both before and after the completion and release of the WCD report.

With regards to subsidiarity, the WCD is a particularly interesting example. Clearly it has been at pains not to be seen to challenge the legitimacy of States to make decisions in their territory. However, at the same time it has reminded its audience of international declarations and agreements, the importance of respecting and learning from the full range of views in society, respecting basic human rights, and the need to consider transborder impacts. Of course, each of these apply subtle pressure to national leaders. By seeking greater accountability and higher standards for financiers, the WCD report applies further pressure to upgrade governance norms throughout the institutional framework. This is highly significant in the GMS, where there is extensive large dam building still being supported by the political leadership of all countries.

Institutions' adaptiveness

Regardless of the subject matter, the WCD is an excellent example of an institutional process that has been purposeful, information-rich, genuinely inclusive, and flexible. It has discharged its mandate professionally and in the time span agreed upon. In large part this has been due to the competence of those managing the process and the independence negotiated and retained from the outset. This does not mean to say the process was perfect—a comprehensive review by an independent assessment team (WRI, Lokayan et al. forthcoming) has presumably analysed both its attributes and shortcomings—but it is certainly a promising example of open governance, sufficiently empowered with flexible purpose-built institutional arrangements.

7.4 Mekong River Basin Water Utilisation Negotiations

Background

The Mekong river basin water utilisation negotiations are another key regional environmental governance example. The negotiations aim to avoid looming disputes between the countries dependent on the river basin's water. Disputes are likely to arise over water use via extractions, diversions, pollution, changes in flow regime and consequent impacts on hydrology, ecology, economies, and societies.

Negotiations commenced in earnest during 2000, facilitated by the Phnom Penh-based MRC Secretariat (MRCS). They are conducted as part of the Water Utilisation Program (WUP) process (1999-2005). The WUP is "legitimised" by a signed inter-government agreement—the 1995 Mekong River Agreement (MRC 1995)—which requires water use to be negotiated between Thailand, Vietnam, Cambodia, and Laos (see Box below). The key actors are the MRCS, MRC Council, MRC Joint Committee, Lower Mekong Basin governments, National Mekong Committees (NMCs), Global Environment Facility (GEF), the World Bank, and other MRC donors.

Mekong River Agreement and the WUP: The 1995 Mekong River Agreement is perhaps the most prominent formal inter-government transborder agreement in the GMS. Several articles illustrate its extent:

- Article 1 commits the signatories to co-operate in all fields of sustainable development, utilisation, management and conservation of the water and water-related resources of the Mekong River Basin, including but not limited to irrigation, hydropower, navigation, flood control, fisheries, timber floating, recreation and tourism.
- Article 3 pledges signatories to protect the environment, natural resources, aquatic life and conditions, and ecological balance of the Mekong River Basin from pollution or other harmful effects resulting from any development plans and uses of water and water-related resources.
- Article 5 commits members to reasonable and equitable utilisation.
- Article 6 commits members to maintain mainstream flows.

- The challenge for the WUP is to put the principles of Articles 5 and 6 into practice (Article 26 requires MRC to prepare water utilisation rules to enforce Articles 5 and 6).

The process is being forced along by the principal suppliers of the WUP's US$16.3 million operating funds[35]—the GEF, and their insistent agents the World Bank. The first major outcome demanded by the World Bank oversight team is for the MRC member countries—Cambodia, Laos, Thailand, and Vietnam—to agree on data and information exchange and sharing "rules" by October 2001.

Sustainability orientation

> *"The Governments of the Kingdom of Cambodia, the Lao People's Democratic Republic, The Kingdom of Thailand and the Socialist Republic of Vietnam being equally desirous of continuing to co-operate in a constructive and mutually beneficial manner for sustainable development, utilisation, conservation and management of the Mekong river basin water and related resources, have resolved to conclude this Agreement setting forth the framework for co-operation acceptable to all parties hereto to accomplish these ends..."*
>
> MRC, 1995

Whilst the MRC has committed to sustainable development (as shown in the above quote), just what do they mean by this in reality? The MRC has been perceived as a pro-development organisation located somewhere at the weak end of the sustainability spectrum. Being beholden to largely pro-economic development Mekong governments and particular government agencies[36] has pulled the MRC in one direction, whereas donors with a stronger sustainability orientation have been pulling in an opposite direction.

Politics and powers

A river basin management organisation like MRC that crosses national borders, is logical according to proponents of subsidiarity who argue that the Mekong river is a regional resource requiring regional management. However, geopolitics are never more obvious than when international rivers are involved. Upstream nations—such as China—have a stronger hand, which they usually play to their best advantage. Whilst international law and instruments—such as the Mekong River Agreement—assign (limited) rights to all and commit signatory riparian nations to the principle of reasonable and equitable use, applying this in practice is never easy, particularly when not all riparians are at the negotiating table.

Naturally, each country in the WUP process has very different interests at stake (Ojendal, 2000), which means it will be impossible to completely satisfy everyone. Power distribution among riparian States is influenced by relative economic strength, perceptions of economic opportunity or costs from development, geographic location, and security considerations. Debate is further tempered or fuelled by the pushing and probing of civil society and international actors. And of course upstream China—possibly the most influential actor—continues to act independently, potentially diminishing the utility of any WUP agreements between the Lower Mekong nations.

The WUP is the most significant test for the MRC since its reformation in 1995. Its credibility depends largely on its success in negotiating an agreement that is subsequently adhered to by members. The MRCS is trying to facilitate a sense of ownership of the WUP process among MRC member countries. However, political support for the MRC and its initiatives varies considerably between member countries. This is reflected in the priority attached to MRC involvement, which is greater in Cambodia and Vietnam than either Laos or Thailand. The sensitive nature of the political relationships between the member countries, all of whom have individual development aspirations, has meant that the MRCS has never been as independent as some other international river basin authorities. Depending on your sustainability orientation, this could be seen as a good thing.

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[35] Of the total budget, almost US$11 million is from GEF, co-donors (Japan, Finland, and France) US$2.8 million, NMCs US$1.24 million and MRCS US$1.25 million.

[36] For example, the principal agency in the Thailand NMC is the infrastructure-oriented Department of Energy Development and Promotion. The biases of this agency continue to influence the MRCS's freedom to debate the pros and cons of different development options.

Governance

Previous MRCS leadership cultivated opaque decision-making and closeting of information. There is a new MRCS leadership which is clearly interested in broader engagement with Mekong civil society. Its success in attracting significant increases in funding pledges from donors[37] is giving them increased standing amongst members, hence new directions are more likely to be approved.

The MRCS and the NMCs are accountable directly to the MRC Council and MRC Joint Committees, which represent a part of the spectrum of views within national governments. The MRCS recognises it needs to bring other actors and subject matter into the mainstream of its processes and provide a mechanism for the expression and exchange of what may be widely and fundamentally differing views about upstream and tributary development, inter-basin diversions, etc. The most recent annual report (MRC, 2000) acknowledges it is "important that decisions on development include a 'bottom-up' process" and are not confined to a "top-down" approach. The voice of the people directly affected, and of other stakeholders such as community groups or NGOs, must be heard". Moreover, it admits that it "has virtually no experience in this vital field" and that it must "drastically accelerate activities to promote public participation." The reason for the concern is that the WUP is already underway, the hydropower strategy is nearing completion, and the Basin Development Plan (BDP) is soon to commence. All are bereft of a meaningful deliberative process, partly due to the failure of the MRC to make any significant implementation progress since the adoption of a public participation strategy in 1998, prepared with the support of Thailand Development Research Institute (TDRI, 1998). That is not to say public participation is straightforward in a regional inter-government organisation, mandated to service member governments. Different political regimes and modes of engaging with civil society by the member governments have ensured that the MRC public participation processes have remained a sensitive area. Understanding the cultural and political histories of member States is considered essential (see Tarr, 2000). A further attempt at implementing public participation is being made in 2001, with an external consultant already engaged to specifically focus on this task.

So far only the MRC family, primarily the MRCS and the NMCs, have been actively included in the WUP process. This has been partly due to a concern to protect "the family" from wider scrutiny as, at times, its past co-ordination and performance have been unimpressive. Scrutiny has been considered too risky in case it derails the WUP process. However, to become either inclusive or deliberative, the WUP will need to bring other actors and subject matter into the process and allow the exchange of fundamentally differing views[38] of upstream and tributary development, inter-basin diversions, etc. This can be argued for on both learning and legitimacy grounds. This is seen as a major challenge by the WUP managers. There needs to be critical analysis of motivations and likely winners and losers if different negotiating positions are to be understood and addressed.

It remains to be seen how feedback from the basin community will be sought for the hydrological modelling results and draft WUP. Or will the negotiations be completed, perhaps by powerful actors in State governments, hierarchically positioned well above the NMCs, and then released when the deals are already done? How will water resources development paradigms be challenged if modelling and rules options are not placed in the broad public arena? Ideally, the BDP would have been conceptualised and completed before WUP, building trust and paving the way for subsequent sensitive negotiations over water allocation, hydropower development, irrigation and urban diversions, etc.—but it is too late for that now! It is within these parameters that the WUP team is working. It remains to be seen whether the new forces within the MRC will prevail.

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[37] Donor frustration that MRC was achieving little resulted in new funding pledges almost drying up by 1998. Political obstacles, a limited mandate, uninspiring leadership, staffing, and operational restraints gave the organisation negligible political or ecosystem impact. New management and subsequent reorganisation of the MRC since 1999 have instilled new confidence (or hope?) among MRC financial supporters. Firm pledges in 2000 of US$18 million was indicative of the new wave of support.

[38] Do the recent forays by MRCS investigating "Yali Falls fall out" and "flooding response options" constitute multiple stakeholder deliberative processes? Or were/are these more formal processes bound (necessarily?) in their scope by inter-government protocols?

Institutions' adaptiveness

A previous focus at MRCS on managing donor-funded projects is being replaced by an emphasis on becoming a "knowledge centre" and a genuine co-ordinator of the shared interests of the member countries. In the new organisation structure, in place since July 2000, there are four divisions, dealing with natural resources development planning, technical matters (data collection, analysis, and dissemination), the environment, and integrated operations. The reorganisation is being accompanied by a significant human resource development push and modernisation of MRC's information technology systems. In wrestling with how to deal with its somewhat comprehensive "sustainable development" mandate, the MRC has redesigned and upgraded the role of the former environment unit, which had been somewhat marginalised, tucked away within the Human Resources Division.

However, problems remain. Efforts to be information-rich are hampered by either lack of basic knowledge, or by resistance by member countries to information exchange and sharing. The hyper-sensitivity of member governments to criticism restricts inclusiveness. Without any doubt, as intended, the rules of the organisation certainly restrict the freedom of the Secretariat. For example, directors and professional MRCS staff must be evenly drawn from the riparian member countries, which provide nominations. Whilst the argument for this equity is obvious, it certainly restricts the freedom of the organisation to assemble the best people for the job. The organisation therefore remains relatively inflexible in the way it can respond to issues and organise its workforce. As this situation is unlikely to change in the foreseeable future, it will continue to hamper the organisation's adaptiveness. Even more problematic is the way in which the NMCs are configured and prioritised by the member governments. Eventually the WUP will be assessed as to who was involved, how decisions were made, and what the knowledge base was. If seeking international approval, the WUP will need to become more inclusive as it tries to come to grips with the social, economic, environmental and transborder challenges. Each of these issues is relatively new and very sensitive territory for the MRCS, NMCs, and member countries, and discussion is hampered by uncertainty and inexperience. Consequently, and coupled with the institution's inflexibility, these elements are not (at the time of writing) as advanced as the hydrological modelling and rules development aspects of the process. It is within this context that MRCS embarked, in June 2001, on analysing the strengths, weaknesses and challenges of the WCD multi-stakeholder process.

7.5 Regional Environment and Governance Initiatives of Asian Development Bank

Background

The ADB has a number of relevant regional initiatives. These include:

- GMS Economic Co-operation;
- GMS Environmental Working Group (EWG); and
- promotion of governance reforms throughout DMCs

The ADB's GMS Economic Co-operation initiative commenced in 1992. It brought together the six countries to focus on the co-ordinated development of infrastructure in a range of areas including: transport, energy, telecommunications, tourism, and investment. Many "master plans" have been completed which are either unrealistic dreams or visionary guides—or somewhere in between, depending upon your point of view. Supporters of the program envisage the program focus now shifting from the initial planning phase to a substantial implementation phase. The key actors in this initiative are the participants in the associated annual ministerial forum and the infrastructure development divisions in the ADB.

ADB also established a GMS Environmental Working Group (EWG) in the mid 1990s to ensure that environmental issues were better taken into account in Bank activities and to promote environmental co-operation among GMS DMCs. This was partly due to emerging criticisms of the GMS Economic Co-operation initiative, but also in keeping with heightened environmental awareness post-Rio. The key actors in the regional environment initiatives are the ADB's Social and Environment Division, the EWG, and national steering committees of various regional projects. However, NGOs in the broad sense—local, regional and international—plus policy research institutes, research and/or advocacy networks,

consultants, UNEP, MRC, donors, and the managers of special funds—such as the GEF—are also part of the jigsaw.

Also since the mid-1990s, ADB has been actively promoting governance reforms in the GMS. This is motivated by a desire to enhance national governance, and to thereby increase confidence within the donor community; to decrease corruption; liberalise economies in DMCs, and boost economic performance. Mekong country governments, particularly ministries of finance/economics, treasury, etc., policy research institutes, ADB shareholders—and their economic agendas—are all involved in this process. The process is co-ordinated via ADB's Strategy and Policy Department, and a Governance and Public Management group. Governance reviews funded by the ADB have been undertaken in Thailand, Vietnam, Laos and Cambodia (Wescott, 2001). Future assistance by ADB is likely to be linked to the implementation of these reforms.

Sustainability orientation

ADB originally took a weak sustainability approach to the environment in the GMS and elsewhere, focusing on accommodating environmental concerns via impact identification, minimisation, or amelioration.

Starting in 1995, the EWG commissioned a range of regional environment Technical Assistance (TA) projects (see Box below). These were low-key, focusing initially on information-sharing (i.e., the Sub-regional Environmental Monitoring and Information System—SEMIS) and institutional strengthening (SETIS - Sub-regional Environmental Training and Institutional Strengthening). In no way did this approach threaten the regional infrastructure development agenda being championed by the Economic Co-operation initiative.

ADB regional environment TA projects

- Sub-regional Environmental Monitoring and Information System (SEMIS 1), approved February 1995
- Sub-regional Environmental Training and Institutional Strengthening (SETIS), approved March 1996
- Poverty Reduction and Environmental Management in Remote GMS Watersheds, approved in December 1997
- Strategic Environment Framework (SEF), approved in March 1998 (with an initial focus on the transport and energy sectors)
- Protection and Management of Critical Wetlands in the Lower Mekong Basin, approved in December 1998 (with a particular focus on Tonle Sap)

The ADB is now reviewing its approach to "environment" in response to a sharpened social and environmental ethic, criticisms of past Bank approaches, and the demands of shareholders and research advocating alternatives. This of course is resulting in more attention now being paid to the implementation and outputs of the environment TAs and a corresponding suite of social TAs.[39] Expectations are now increasing amongst GMS ministers that environmental problems—particularly those of a transborder nature—can be at least partly resolved via the regional TAs, in combination with national efforts and other regional initiatives by actors such as the MRC.

The SEF project bears the brunt of these expectations. It is unrealistically expected to resolve methodological and political dilemmas concerning *"cumulative environmental and social effects of hydropower projects and the implications of economic corridors."* More realistically, it must *"outline practical steps for addressing key transborder environmental issues"* (ADB, 2000: 7), which are considered by the ADB (ADB, 2000: 22) to be:

- deforestation;

[39] Regional social TAs include: Co-operation in Employment Promotion and Training, approved in 1996: Prevention and Control of HIV/AIDS in the GMS, approved in September 1997; Study of Health and Education Needs of Ethnic Minorities, approved in June 1998; and Prevention of HIV/AIDS in Mobile Populations, approved in December 1999.

- downstream hydropower development impact;
- biodiversity losses and trade in wildlife;
- encroachment on protected areas due to transport projects; and
- pollution of waterways.

The SEF is also expected to identify *"strategic steps that can be taken at the program level to enhance environmental protection and help avoid the social, environmental and economic costs that have been experienced in the past because of poorly-informed decision making"* (ibid: 21). Already, there have been substantial changes to ADB's internal procedures.

In dealing with the SEF, the ADB may be faced with the same dilemma as the World Bank was with the WCD report, although the SEF process has a considerably lower profile and fewer resources than the WCD process. It is conceivable, depending upon the sustainability ideas and principles entrenched in the SEF recommendations, that the ADB may find that one part of its organisation has developed a strategic framework which the overall institution may not wish or be politically able to fully endorse. Time will tell. Nevertheless, by the time the SEF is completed in 2001 the environmental position of the Bank will have already shifted substantially from where it was when the SEF was commissioned. This shifting position is exemplified by the upbeat tone of recent Bank outputs, which have focused specifically on *"identifying policies that need to be introduced or reformed in order to change the business-as-usual scenario"* (ADB, 2000: i). Wide-ranging proactive mechanisms are being evaluated for possible endorsement.

The ADB is now contemplating integrating environmental concerns into all stages of country-level processes, leading to the formation of Country Strategy and Programs (CSPs). Whilst previous environmental policies were focused on investment projects, the ADB's new focus on policy reforms and policy-based lending (see below) extends the new environmental policy framework far beyond previous EIA-based approaches. A recent ADB Working Paper (ADB, 2001) suggests the Bank *may* embed environmental governance processes and the pursuit of environmental action outcomes into all areas of ADB activity (see Box below). It also says that the ADB should proactively recommend their acceptance by DMCs. These environmental governance processes mirror the features of the Aarhus Convention (Petkova and Veit, 2000).

ADB Environment Policy 2001+ ?

Environmental governance processes norms

- Access to information
- Public participation
- Access to proceedings for redress of environmental problems
- Environmental review procedures should embody key elements of "due process" in public governance
- Compliance with specified environmental protection measures must be monitored; and compliance must be verifiable by stakeholders

Environmental action outcome norms

- Environmental assessment and management plans should aim to ensure that there is no (significant) unmitigated environmental harm to (innocent) third parties
- No significant transboundary effects
- The poor to be categorically better off
- Environmental mitigation measures should be least-cost
- Polluter pays principle to be applied
- Rents of publicly held natural resources to accrue for public purposes
- Precautionary principle to be applied
- Compliance with treaty requirements and general international standards
- Facilitate technology transfer

Source: Excerpts from Draft Working Paper for proposed new Environment Policy (ADB, 2001).

Two other features of the Working Paper are potentially significant. The first relates to Strategic Environment Assessment (SEA). SEA is a systematic process for evaluating the environmental (biophysical/ecosystem) consequences of policy, program, or plan (PPP) initiatives. The aim is to ensure they are fully included and appropriately addressed at the earliest appropriate stage of decision-making, on a par with economic and social considerations (Sadler and Verheem, 1996). SEA is increasingly being recognised as a way of integrating environmental, social, and economic considerations into PPP, as opposed to EIA, which has traditionally had a single project focus. It can be applied to analyse PPPs related to sectors, multi-sectors, or regions. Although at present rarely practised in the GMS, the Working Paper proposes institutionalising SEA into all areas of the ADB activity, and recommending the same to DMCs. For example, this would include SEA evaluation of CSPs.

The second feature, already enacted, has been the creation of a category D loan projects. The screening process in ADB previously categorised loan projects into three groups, each requiring a different level of environmental review:

- Category A (potentially serious environmental impacts) which require EIA;
- Category B (potentially significant environmental impacts) which require an Initial Environmental Examination (IEE) analysis but not an EIA;
- Category C (unlikely to have significant environmental impacts) which do not require IEE or EIA.

The recent creation of category D also ensures environmental assessment of projects that indirectly involve the ADB, such as those that ADB may be planning, but which are being implemented using non-ADB finance. Embedding SEA and category D into ADB operations would be significant improvements by the Bank.

Politics and powers

Despite the avalanche of criticisms in recent years, ADB continues to be politically supported, underpinned by a mandate, and empowered with substantial human and financial resources.

ADB is a highly influential regional actor with an abundance of resources-related power with which to advance its various agendas. Lending volume is in the order of US$5 billion per annum.[40] These monies are keenly borrowed by DMCs[41]—as it is relatively cheap finance—and hence the leverage opportunity, especially via credit conditions, is very significant. Many question the validity of this level of influence (Stokke, 1995; Crawford, 1997). The dangers of over-influence and coercion are much discussed by lender critics, but also by lenders themselves (World Bank, 1998). However, the reality is that credit conditions are an entrenched part of global financing, and there are well-argued views that environmental governance can be enhanced by nuanced pressure from lenders (Hyden, 1999). This is discussed further in the section on governance below.

Whilst ADB has strategic location-related power in its dealings with DMCs, this power takes many forms. For example, within ADB certain actors are well placed to exercise their own influence. Of the 59 members of the Bank, the top four shareholders are Japan/USA (each with approximately 16 percent of shares) and China/India (each with approximately 6.5 percent). As in any organisation, major shareholders tend to have the major influence.

The appropriateness of the extent of the Bank's influence is challenged. Should a Bank be both the planner, promoter/endorser and approver of transborder infrastructure development schemes? Many parts of international and GMS civil societies—but also a percentage of GMS government actors—reject such a comprehensive sovereignty-challenging role for ADB. Recent events confirm that GMS States, whether via ASEAN or GMS Ministerial Forums, wish to retain control of the GMS development trajectory and limit the influence of external forces, including multilateral banks and their key shareholders.

Governance

At the beginning of this paper, I noted that the ADB defines governance as the way authority is used to manage national economic and social resources. I also described the ADB's promotion of accountability, participation, predictability, and transparency, pointing out that promoting a policy is one thing, but adhering to it is another. The ADB is an excellent example for illustrating each of these issues.

Firstly, in relation to ***external governance*** (i.e., by "others," particularly DMCs) the ADB's governance activities first germinated publicly in 1992 (ADB, 1999) when a donor's report noted *"the vital connection between sound and responsive systems of public administration and the efficient and equitable operation of the economy."* In 1995 the Board considered a Governance Working Paper (ADB, 1995) and by late 1997 a formal operational policy on governance had been approved. The ADB's documentation now consistently promotes the governance pillars, which promote particular administrative norms. However, it also seems to periodically blur the boundaries between governance reform and specific economic policy promotion, the latter presumably still the prerogative of individual governments. For example, in the 1998 Annual Report, which had a special focus on the theme of governance, discussion of governance-oriented interventions included reference to loans (to Indonesia) concentrating on *"streamlining of the regulatory framework"* and *"measures to liberalise the capital market"* (ADB, 1998: 18). The thrust was that the Asian financial crisis provided a great opportunity for governance reform—which to the author of that particular document was indistinguishable from increased marketisation and liberalisation.

Article 36 of the ADB's Charter says that the Bank shall not interfere in the political affairs of any member or be influenced in decision-making by the political system of the member concerned. Only *"economic considerations are deemed relevant to Bank decisions."* How then does the Bank—and other

[40] This figure is for GMS plus all other countries in the Bank's sphere of operations. I could not obtain a GMS-only figure. However, some recent figures for Lower Mekong countries are as follows: 1999 total lending US$4,979 million included Cambodia US$88m, Vietnam US$195 million, Laos US$<50m, Thailand US$363m.

[41] The monies are also "keenly loaned" as internal ADB processes do keep pressure on staff to keep loan funds moving out in synchrony with the way they arrive at the Bank—as of course, the Bank itself borrows the funds from the global money market.

multilateral public financiers with similar constraining mandates—legitimise its entry into the governance arena? It did so by drawing on the conclusions of surveys showing links between governance and *"economic considerations."* For example, a survey of 165 countries found that *"a one standard deviation increase in any one of 6 governance indicators causes a 2.5x increase in income, a 4x decrease in infant mortality, and a 15-25 percent increase in literacy"* (Wescott, 2000). Other research (Evans and Rauch, 1996) quoted by the Bank was drawn upon as further empirical work which *"underlines the strong link between capable government and economic growth"* (ADB, 1998: 29). Using this sort of data, the ADB has been able to adhere to the constraints of Article 36, whilst still actively promoting DMC governance reform processes.

Establishing links between economic performance and governance has allowed multilateral lenders such as the ADB to exert influence in new wide-ranging areas. Linking subsequent assistance to governance performance indicators will further increase this influence. It is easier to justify this further shift in power balance between States and multilaterals if governance assessment is restricted to adherence to the pillars. However, it is less justifiable if government reforms are forced, which effectively pressure for market liberalisation and possible further weakening of the State. To do so is moving beyond the intended scope of Article 36 (in the ADB's case) and is directly to pressuring the shape of DMCs' political systems. Care should be taken not to blur the boundaries between governance and neo-liberalism; at times the latter is cloaked nobly as the former. Governance reforms and neo-liberalism should be separately evaluated, each on their own merits.

Secondly, in relation to ***internal governance***, the new environmental policy proposals are potentially very important. In response to criticism, the ADB is showing clear signs of first improving its own environmental governance, rather than just focusing on what other actors are or should be doing. Embedding new norms for processes and outcomes, EIA Project D requirements, and Strategic Environment Assessments (SEA), are all significant advances. Whilst it is clear that the ADB does not have the right to enforce these processes on others, the Bank will—if these proposals are adopted and put into practice—strongly encourage DMCs to follow suit. Whilst foes of the Bank have the right to remain sceptical, Bank commitment to this policy would give civil society a strong platform from which to justify ongoing accountability probing.

Institutions' adaptiveness

The ADB has been quick to adapt and associate itself with terms in the "dominant discourse" that are particularly attractive. Economic "co-operation," "sustainable development," "governance," and "poverty-focused" have all been embraced in rapid succession. These are key words, analogous to popular brand names of consumer products. Using resource-related and strategic location-related power to capture these brands to match your own paradigms is a sound strategy. In general, the ADB seems to be doing this quite effectively—despite the regular criticism it receives from those objecting to the "hijacking" of particular terms. One example in 2000 was an unsuccessful attempt to rename the ADB's planned GMS "economic corridors" program "sustainable development corridors" (EWG, 2000)—a move which begged a response from cynics.

ADB's new purpose is being clearly stated: to alleviate poverty in DMCs. Critics are unconvinced, claiming this is a façade, or even if well-intentioned, that the ADB does not have very good poverty reduction qualifications. Nevertheless, the regional environment and governance processes instituted by the ADB since the mid 1990s—plus the widely touted poverty focus—are indicative of an organisation attempting to adapt and survive. New efforts to engage with civil society via the NGO Unit also signal attempts to improve, even though at this stage financial resources for this initiative are minuscule.

7.6 Tonle Sap-Great Lake (TS-GL) Sustainable Multiple Use

Background

Cambodian efforts to ensure the sustainable multiple use of the Tonle Sap-Great Lake (TS-GL) are a particularly relevant national example of the types of environmental governance issues faced in the region. This discussion focuses on the institutional responses to Cambodian-driven pressures on TS-GL and in particular on efforts to create an integrated national management framework.

The TS-GL area includes the largest freshwater lake in South-East Asia. The functioning of this unique hydrological and ecological system is critical to fisheries and rice production—and therefore the livelihoods and economy—of Cambodia and southern Vietnam. The area also has other ecological values of national, regional and international importance.

Lake depth varies from 1-2 meters in the dry season to 9-11 meters in the rainy season. Surface area increases from 250,000-300,000 hectares in the dry to 900,000-1,600,000 hectares, depending on the extent of the wet. At high water level the lake covers up to about 7 percent of the area of Cambodia. It is connected to the Mekong river at Phnom Penh by the Tonle Sap river. In the dry season the Tonle Sap river empties into the Mekong river, whereas in the wet season the river reverses direction and flows back towards the lake. More than 60 percent of the floodwater spills into the lake from the Mekong river, the remainder from the more immediate lake catchment areas. At full flood the TS-GL temporarily stores about 72 billion cubic meters of water, which equates to 16 percent of the annual discharge of the Mekong river (MRC, 1998).

In this story the key actor is the government of Cambodia. However, it is recognised that there are approximately 2.3 million people living in or just outside the TS-GL area seeking access to its natural resources, with about 15 percent of the total Cambodian population depending on it for their livelihood (Azimi, Knowland et al., 2000). The Ministry of Agriculture Fisheries and Forestry (MAFF), Ministry of Environment (MoE), commercial fishers, subsistence fishers and farmers, local NGOs, provincial public sector, governors, military, United Nations Education Scientific and Cultural Organisation (UNESCO), UN Food and Agriculture Organisation (FAO), UNDP, and the ADB are all involved in the area in one way or another.

The TS-GL demographic profile, the below optimal performance of irrigation systems in surrounding areas, reduced access to forest areas, associated increased seasonal and permanent migration combine to increase competition and demand for access to land and the fishery. All resource users are being squeezed in this highly competitive situation. The combined pressure on the ecosystem from increasing population, possible over-fishing, expanding the rice area, deforesting, mining, polluting, and hunting require a more effective and co-ordinated Cambodian institutional response. Increasing landlessness and poverty are closely associated factors.

Population growth is not just a TS-GL issue—the population of the Mekong River basin is expected to increase by up to 50 percent over the next 25 years (Kristensen, 2001). This will inevitably lead to even more pressures on the lake ecosystem.

In recognition of its biodiversity value, in 1993 the TS-GL was declared as one of 23 Cambodian multiple-use protected areas. This has only slightly altered resource use. Subsequently a decision was taken in October 1997 by the International Co-ordinating Council for the Man and Biosphere Programme of UNESCO to include TS-GL in the world-wide network of Biosphere Reserves. For either of these proclamations to mean anything, the Cambodian government—and not just the Ministry of Environment—needs to genuinely support the initiatives.

Sustainability orientation

> *Access to land and common property resources such as water systems is essential for a rural Cambodian family to survive. Without access to these resources, the only asset a rural family would have is their labour power. Given the absence of demand for labour both in the urban and rural sector, maintaining access to land and water for housing, farming, fishing and foraging is essential to prevent destitution.*
>
> Mehta, 2000

Ecosystem protection usually requires human access to be restricted to a certain extent. This is a difficult trade-off to make given the impoverished situation of many Cambodian people who seek food and income from TS-GL. The dilemma of limiting resource access is succinctly captured in the above quote from Mehta. This is a core Cambodian issue that is far from being satisfactorily resolved at TS-GL. In

this situation, arguments for environmental aesthetics, inter-generational equity, or intrinsic rights of nature are over-ridden by survivalism.

To take the fishery as an example, high-levels of corruption and selective law enforcement have undermined fishing controls (Degen, Van Acker et al., 2000), despite a long-standing fishing lot regime being in place. A related problem has been the focus by government officials on *"revenue generation, rather than sustainable fisheries resource management, or equitable rural development"* (Gum, 2000). This operating regime exemplifies a very weak sustainability approach. The priority given to ecosystems in the original Biosphere Reserve planning has given way to a weaker national policy approach which favours sustainable multiple use. This approach accepts that some environmental trade-offs are necessary to maintain rural livelihoods and economic opportunity. An example of the latter is the continuing support by pro-development ministries for minerals, oils, and gas exploration in the TS-GL.

Politics and powers

At present there is a clear gap between the ideals and targets of public policy and laws, and their implementation in and around TS-GL. This is usually expressed as the difference between "policy and practice" or "law and law enforcement." Whilst the importance of ongoing policy and law reforms—in relation to forestry, land, water, environmental protection, fisheries—is undoubted, the causes of implementation failure must also be addressed. There are several main causes, each discussed in turn below.

Patron-client relationships are an ingrained obstacle. They refer to *"the pervasiveness of patronage and hierarchical terminology in Cambodian thinking, politics and social relations"* in which power inequalities and subordination are accepted parts of life (Chandler, 1993). In Cambodia the patron-client relationships often appear to be a more dominant force than the rule of law. Obligations to patrons, the expressed power of patrons, or the offer of direct/indirect incentives from patrons can often exceed the incentives to operate within the legal system.

Conflict over access to land and fisheries in the TS-GL area is another obstacle. Conflict reduction is a critical requirement. Across Cambodia disputes over land are now commonplace. For example, Legal Aid of Cambodia recently reported that they were representing 16,500 clients in land dispute cases. Over 60 percent of 663 civil cases involving the Cambodian Defenders Project have been land claims, and about half of 262 complaints to the National Assembly's Human Rights Commission in the first half of 1999 involved land disputes (Kato, Caplan et al., 2000).

With regard to fisheries, there are detailed reports of conflict between villagers and fishing lot owners (Sitirith, 2000). Significant increases in the number of formal complaints to the Department of Fisheries about fishery operation have also been reported (Degen, Van Acker et al., 2000). These sorts of legal violations, coupled with often crude private guarding of fishing areas to exclude non-lot holders, have fuelled the fisheries conflict. There have also been violent incidents between commercial fisherman and public officials. For example, two government officers were killed early in 2000 whilst boarding a fishing boat. These problems have been acknowledged by the Prime Minister, with a 1999 proclamation on the management and elimination of anarchic activities in fisheries and a 2000 proclamation on changes in the management of fishing lots. Fisheries reforms are continuing apace in 2001.

However, existing mechanisms for coping with conflict are inadequate. Conflict reduction depends on a complex of connected factors, including the success of the present land and forestry reform processes, the results of the current fishery reform process and the success of the Cambodian government in implementing its Governance Action Plan (next section).

Insufficient knowledge is a third problem. Public institutions can not serve the public interest if they are inadequately informed. In the case of TS-GL there are significant biophysical knowledge gaps in areas crucial to public policy-making. For example, there is considerable uncertainty about TS-GL hydrology, sedimentology, and fisheries ecology. How have land use changes (e.g., deforestation) affected erosion and siltation rates? How have policies to expand rice production contributed to further degradation of

flooded forest? How will Lancang Jiang dam building (discussed in a later section) affect TS-GL ecosystems?

Past policy decisions have often been based on incomplete or misleading information. For example, the importance of fish in the diet and to the economy has been undervalued due to poor data and intentional under-reporting of the catch. This may have contributed to an overemphasis on the importance of boosting rice production, relative to protecting flooded forest areas. An underestimate of water use inefficiency can easily be used to justify a need for more irrigation water. Similarly, undervaluing the current importance of non-fish aquatic animals (crabs, etc.) can lead to an overemphasis on new monoculture farming systems which may wipe out these "other" food sources. There has also been a real concern that many 1993+ short-term project efforts have had to rely on recycling and reinterpreting old primary data. These interpretative analyses of old data have not provided sufficient information to answer some core questions. A commonly noted exception to this criticism is the MRC-MAFF Department of Fisheries project, which is producing significant new information relating to, for example, household socio-economics (Ahmed, Navy et al., 1998) and fisheries catch (Degen, Van Acker et al., 2000).[42]

Poor donor co-ordination—some of it due to needless competition—has been and remains a significant issue. The re-opening of Cambodia to the international community following the UNTAC-supervised elections in the early 1990s attracted a melee of actors keen to investigate, "improve" or "save" the TS-GL from indiscriminate use. Donors have been lining up to fund projects related to TS-GL. There have been many projects, with quite different underlying objectives, all purporting to be commonly interested in either the "sustainable multiple use" or "integrated management" or "development" of the TS-GL (Figure 7). Whether it was donors rushing to donate or NGOs, Cambodian agencies, or consultants keen to implement, the end result was a raft of often-repetitive efforts serving different international patrons and the financial needs of various Cambodian organisations. One consequence of this is a mountain of reports on TS-GL, many written in the past 10 years, which serve to bemuse cynics—or realists—who wonder aloud whether much has changed for the better, in terms of more sustainable use of the natural resources.

New efforts to co-ordinate donor activity are therefore welcome. Examples include the UN Development Assistance Framework 2001-2005, which commits UN agencies to co-ordinating their activities in several key areas, one of which is in the natural resources management sector, and in particular the TS-GL. Another is the current attempts by the ADB and UNDP to link the ADB pre-loan for TS-GL research activities with the UNDP-GEF pre-grant for TS-GL research efforts, although this has been marked by ongoing disagreement between these actors.

Establishing an appropriate ***legal and institutional framework*** for the Biosphere Reserve has also proved difficult. A Royal Decree to formally establish the Biosphere Reserve, promoted by MoE, was prepared and submitted to the Council of Ministers in March 1999. After various debates and behind the scenes activity it was rejected in December 1999 because consensus could not be reached on the appropriate size of the core areas, their management regime and the inter-ministerial co-ordinating mechanism. Prime Minister Hun Sen subsequently ordered relevant ministries to negotiate an acceptable consensus to present to the Council of Ministers within 12 months.

In the interim, existing powers held sway. Different parts of the TS-GL have been controlled by whoever had resources-related power—often involving the use or threat of physical force. At the national level, MAFF have continued to dominate MoE. However, MAFF itself has not had complete control of the activities of provincial government authorities, unused to and unwelcoming of too much intervention from Phnom Penh.

[42] At a June 2001 meeting at MRCS in Phnom Penh, the MRCS fisheries program team reported that—for the entire Mekong River Basin—the fisheries catch is now estimated at 1.5-2.0 million tonnes per annum, plus 250,000-300,000 tonnes of aquaculture, from 1700 species. Annual harvest value is calculated to be in the order of US$1.4-1.7 billion.

Figure 7 Tonle Sap—Great Lake projects

Participatory Natural Resources Management in the Tonle Sap Region, Phase I 95-98 & II 98-01
Principal non-local actors: Belgium, European Union, FAO, MoE, MAFF, consultants. This effort is focused on supporting village level approaches to resource management in Siem Reap Province, but also has prepared an overarching management plan for the TS-GL area, which addressed: biodiversity, hydrology, agriculture, fisheries and forestry. The work has also attempted to recognise the need for an inter-disciplinary approach, the potential of co-management approaches, the quest for food security, and the need for institutional capacity building.

Management of Freshwater Capture Fisheries of Cambodia, Phase I 94-99 & II 99-04
Principal non-local actors: Denmark, MRCS, DoF in MAFF. The objectives of this project were to: strengthen the DoF through training of staff in fish stock assessment and in conducting socio-economic surveys; and establish a data collection system for freshwater capture fisheries for the TS-GL system, including a database with ecological and socio-economic components to assist management planning.

Natural Resources Based Development Strategy for Tonle Sap Area Phases II & III 95-99
Principal non-local actors: UNDP, MRC, CNMC, consultants. The most current TS-GL policy document is the TS-GL Development Strategy, a product of an extensive joint effort of the CNMC, the MRCS, UNDP and consultants. The grand sounding stated objective of the strategy has been to develop the country's capacity to manage and co-ordinate the development of the water and related natural resources in the TS-GL area in order to improve the standard of living of the people in the area and to contribute to environmentally sustainable economic growth. This strategy process aimed to assemble (or reassemble) and debate all available information pertaining to the TS-GL in an effort to separate myth from fact, or at least identify uncertainty. The widely circulated final summary document and more detailed report is a rather optimistic overview of the TS-GL situation, which downplays threats and institutional problems.

Protection & Management of Critical Wetlands in the Lower Mekong Basin 99-01
Principal non-local actors (for Cambodia element): Finland, ADB, MoE, MRCS, CNMC, consultants. The main geographic areas of concern for this project are the Siphandon wetlands in Laos and the TS-GL in Cambodia. Even more than most, the initial project documents detail an ambitious and extensive wish-list of aspirations such as *"contributing to efforts to protect and preserve the unique environment of the flooded forest in the wetlands of the Lower Mekong Basin by (i) developing sustainable management systems for renewable natural resources (trees, fish, waterfowl etc..) and agricultural production systems; and (ii) improving the understanding of the relationships between hydrology, wetland biodiversity, and productivity"*. The project has had a slow start at the time of writing. The scaled down focus of this project is to prepare detailed proposals for infrastructure investment, for which the ADB has made a forward allocation for TS-GL loan funding of up to US$25 million. A large proportion of this funding is likely to be consumed by ports, and associated supporting infrastructure, earmarked for Siem Reap and Kompong Chhnang. This project is being managed by the same consultants as the (supposedly) concurrent UNDP-GEF project.

Integrated Resource Management and Development in the Tonle Sap Phase I 00-01
Principal non-local actors: UNDP, Global Environment Facility, MoE consultants. The main task for this project, beginning in October 2000, is to prepare a Global Environment Facility project on wetland biodiversity conservation and sustainable use in the Mekong Basin to spend a forward allocation by the GEF of up to US$20 million. Obviously this would form a major source of funds to implement plans for the management of the whole TS-GL Biosphere Reserve (core, buffer, and transition areas).

Strategic Environment Framework (SEF) 98-01
Principal non-local actors: ADB, MRCS, UNEP, consultants. The SEF project has several elements of direct relevance to the TS-GL, including being one of the five example hot spots in the GMS being used to test the usefulness of the SEF planning and information tools.

Note well: This is NOT a comprehensive list. There are many other projects relevant to TS-GL environmental governance.

Governance

In 2001 a compromise proposal was finally settled. This locates the Tonle Sap Biosphere Reserve planning and co-ordination activities within the Cambodia National Mekong Committee (CNMC).[43] Work is to be undertaken by a small Biosphere Reserve secretariat with a responsibility to strengthen co-operation between Ministries, agencies, local authorities, and local communities. The secretariat is administered by a Director of the CNMC, with two deputy-directors from each of MAFF and MoE. This may or may not provide a satisfactory solution.

This proposal does not include a mechanism to involve civil society—neither TS-GL communities, provincial authorities, local or international NGOs. This is of course one of the problems of the MRC NMCs generally, including the CNMC. Whether the Secretariat or the CNMC becomes a vehicle for learning and debate remains to be seen. Whilst it will have a co-ordinating role, it will have no real powers or independence. MoE failed to secure the extra authority they sought; if anything their role is diminished. MAFF's authority remains.

The success of this proposal should ultimately be judged by its success in reducing conflicts; establishing sustainable catches and then restricting the catch below important threshold limits; protecting biodiversity (wildlife and habitat); facilitating the answering of key questions; and ensuring there is informed public debate prior to formation and adjustments to public policy.

Any discussion of governance of TS-GL must include a comment on the prospects for the much mentioned co-management which has been defined as *"a formalised, replicable process of sharing of authority and responsibility between government and organised groups of stakeholders with identical or complementary roles and functions in a decentralised approach to decision-making aiming at improved, since participatory and democratic, resource management"* (Phounsavath, Hartmann et al., 1999). Many co-management pre-conditions are not yet in place in Cambodia, therefore any rapid transition to co-management will likely fail. Current—unexpectedly rapid—fisheries reforms have made significant new areas into "community fisheries." There is an urgent need for a workable management regime to deal with the new situation. In the interim a(nother) somewhat anarchic, open access free-for-all is filling the authority vacuum.

The major message from TS-GL's experience is that the challenges in reaching any form of sustainable multiple use are complex and that there are significant unresolved issues. There are knowledge gaps, different interests, and resultant tensions. These are important context to any effort to improve the governance framework. Decision-makers, whether national or regional, need to appreciate this context and the connections between many of the key issues.

Institutions' adaptiveness

Adaptive management principles suggest that organisations need to integrate ecological, political, scientific, social, economic, and community information (Holling, 1978; Lee, 1992; Gunderson, Holling et al., 1995). Critical to the notion of adaptive management is a recognition that strategies, programs and plans for management of systems like TS-GL must be flexible, adaptive, and able to learn from experience.

However, mechanisms for learning from past experience and adapting policies and approaches to improve the situation are not yet in place. The integrated management framework for TS-GL needs to do more than clarify jurisdictions and roles and responsibilities. It needs to have an explicit focus on learning more

[43] The Cambodia National Mekong Committee has 10 ministry members:
M. of Public Works and Transport, Minister (Chairman)
M. of Water Resources and Meteorology, Minister (Vice-Chairman)
M. of Environment, Minister (Vice-Chairman)
M. of Agriculture Fisheries and Forestry, Director-General (Vice-Chairman)
M. of Planning, Director-General (Secretary-General)
M. of Foreign Affairs and International Co-operation, Director (Member)
M. of Industry Mines and Energy, Director (Member)
M. of Rural Development, Deputy Director (Member)
M. of Land Management Urbanisation and Construction, Director (Member)
M. of Tourism, Director (Member)

about the dynamics of the TS-GL situation, and then designing positive interventions. The present pre-occupations with jurisdictions, establishment of management structures, short-term projects and legislative reforms—whilst all important—will hopefully soon advance towards a TS-GL management regime which has a strong focus on learning and adapting as a regular core characteristic.

7.7 Cambodian Governance Action Plan

Background

The Cambodian Governance Action Plan (GAP) process is an example of the impact of regional governance reform agendas at the national level, and how they can affect environment and natural resources issues.

The GAP is mainly about improving governance by government. The GAP process is a direct result of internal pressure from some Khmer reformers, coupled with external pressure exerted on the Cambodian government by the World Bank, the ADB, and the DCG (see Box below). It focuses on two reform categories: cross-cutting areas and specific policy issues. Cross-cutting areas are: (i) judicial and legal reform, (ii) public finance reform, (iii) civil service reform, (iv) anti-corruption, and (v) gender. These are of great relevance to Cambodian environmental governance. Specific policy issues for a government focus include:

- demobilisation of the armed forces[44], as there is significant donor pressure to reduce the number of people (and ghosts) on the military payroll; and
- natural resources management which acknowledges the critical need to improve the governance of land, fisheries and forest management.

Although not specifically mentioned in the initial draft, the issue fisheries have become swept into the GAP process in a reform process initially pushed by Cambodian and international NGOs, but subsequently, and critically, supported by Prime Minister Hun Sen.

The key GAP actors are the Council of Ministers, and the Council for Administrative Reforms (CAR) which operates from the Office of the Council of Ministers. Other players are the Donor Consultative Group (DCG), World Bank, ADB, and NGOs—all of whom are involved in various Contact Groups (CGs).[45] Governance reform is a sensitive subject, and for this reason the GAP process is managed within the Office of the Council of Ministers, and primarily overseen by Minister Sok An, delegated by the Prime Minister to deal with many important aspects of government business. This reflects the political significance of the initiative, and the understandable intention of the government to retain control of the process.

Sustainability orientation

The documented goals of the Cambodian government are sustainable national development and poverty reduction (RGC, 2001: 2). Nevertheless, many decisions have been taken or sanctioned that epitomise a zero-sustainability approach (for example, forestry). However, the GAP and associated reforms move the government towards a weak sustainability approach, with short-term profit still dominating decision-making. There is nothing in the GAP documentation which signifies an acceptance of social-economic-environmental trade-offs and certainly nothing which reflects a stronger sustainability-ecosystems approach. But, successful GAP implementation would undoubtedly enhance future prospects for more sustainable use of natural resources.

Politics and powers

The GAP is a clear example of the influence that external actors, in this case multilateral public financiers and the international donor community, can have on a sovereign government (see Box below). A cascade of pressures eventually resulted in external actors using Cambodia's aid dependence as a negotiating lever.

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[44] Whilst the disarmaments program is widely supported, the demobilisation program is more complex. For many people theoretically in "the army" or "an army" this job provides some status that is much greater than that generally afforded to rural peasant. In many ways the semi-regular low payment provides both some status and a form of disguised welfare payment to the many non-active "soldiers."

[45] The "old" term for these types of groups was Donor Working Groups (DWGs), however NGOs—not all of whom are "donors"—are involved in many of the CGs. Understandably therefore NGOs prefer the term CGs to DWGs.

This has created slightly more political space for local and international NGO actors to engage in various review and reform processes. Constructive engagement by a coalition of NGOs in the land law reform process contributed to pressure from donors for similar roles to be available to civil society in the GAP. From one angle the advent of the GAP—albeit foisted upon the Cambodian government, yet welcomed by many government actors—has helped create more inclusive and deliberative debates which may lead to more substantial reforms.

The emergence of the GAP: As already mentioned above, the GAP process is a direct result of internal pressure from some Khmer reformers, coupled with external pressure exerted on the Cambodian government by the World Bank, the ADB, and the DCG. Pursuing an anti-corruption agenda, the World Bank undertook a 1999-2000 corruption survey in order to provide ammunition for pressuring the Cambodian government. The data collection was undertaken by a Cambodian NGO, Lidee Khmer, but the survey design and process was provided by World Bank. Whilst World Bank was busy with this, the ADB asked the Cambodia Development Resource Institute (CDRI)—a local policy research institute—to participate. CDRI were able to negotiate significant control of a governance review process which was subsequently undertaken in co-operation with the Cambodian Ministry of Economy and Finance. The completed study (Kato, Caplan et al. 2000) was widely distributed in Cambodia, and also published by ADB. The CDRI Team Leader was subsequently recruited by the Cambodian government to adapt and continue the work, and prepare documentation for the April 2000 meeting of the DCG. The "preliminary draft" of the GAP (RGC 2000) was presented to the international donor community in May 2000. Work has continued throughout 2000, eventually leading to the release of a Council of Ministers-approved "final" GAP (RGC, 2001).

Donors may have the financial resources power, but ultimately Cambodia's sovereignty entitles her to steer a self-determined path—albeit receiving ideological nudges in various directions. But, developing and implementing the GAP is not just a process of negotiation between donors and the Council of Ministers. Significant negotiation is also occurring between various factions and Ministers/Ministries in Phnom Penh. However, the innate power of Prime Minister Hun Sen and Sok An will likely ensure that their reform preferences receive highest priority. Also, not to be forgotten, are the power plays between the national and provincial levels. Other parties and interests retain considerable influence as the central government of the State is far from the sole "provider."

Governance

If successful, the GAP would embed new governance norms into Cambodian politics. The fledgling Cambodian democracy is not renowned for providing easy access to information or for being transparent, particularly in relation to the management interventions and commercial opportunities sanctioned in the fisheries and forestry sectors. The proposed GAP performance assessment monitoring could therefore be a vital ingredient. An initial foray into officially condoned external monitoring involving the international NGO Global Witness[46] and the forestry sector has been volatile to say the least. What can be learned from this experience? Will donors use their leverage to press for a similar model of NGO involvement in monitoring the core "government governance" reform process? Is it an inevitable consequence of donors intervening as far as their resource power allows? How legitimate is such intervention in the affairs of a State? Presumably the Office of the Council of Ministers—or perhaps some other Cambodian "accountability institution"—would do the GAP performance monitoring. If this is not enough for donors, what does it indicate about their true confidence in the competence of the State? Despite these questions, and regardless of it being originally donor-driven, it is worth supporting the GAP to ensure it persists. It has made a promising start in a fundamental and difficult area. If successful, along with other government processes, environmental decision-making would be enhanced.

Institutions' adaptiveness

Despite being principally donor driven, at least in the initial stages, the GAP is showing signs of being a purposeful and persistent initiative. Its ultimate success will, of course, depend upon the extent of ongoing political support. In Cambodia most decisions are taken by the Council of Ministers. The National Assembly—the Parliament—is marginalised from any real decision-making process. The GAP

[46] An environmental watchdog of the donor-funded Forest Crimes Monitoring Unit.

is doing nothing to change this status quo between the arms of government. However, interestingly civil society—or at least some NGOs—is/are being more successful in forging an influential role in a range of reform processes.

Prior to the creation of the GAP process there was already a raft of reform processes underway relating to fiscal matters, military demobilisation, administration, social issues, natural resources (formerly forestry) and governance. Each has a government Council responsible for their progress. Each also has a Contact Group (CG) which involves an array of actors. For example, the IMF plays a major role in the fiscal reform CG process, UNDP in the administrative reform CG process, etc. Often NGOs are formal members of the CG for each process, although at present they are not invited participants in the governance CG. Donor politics conspired to keep NGOs at arms length from this particular group, despite NGOs requesting official status. Nevertheless, NGOs are still actively involved in the GAP and receive copies of all draft proposals from the GAP working group located within the Office of the Council of Ministers. Already NGOs can rightly claim to have ensured that fisheries elements were added to the draft GAP between May 2000 and February 2001. By maintaining this liaison NGOs have a key opportunity to entrench reforms by creating and then monitoring a performance assessment matrix, due to be completed by the end of 2001. Other next steps in this ongoing process include the development of a social component and an ombudsman initiative.

7.8 Lancang Jiang Dam Building

Background

This final example is of dam building in the upper reaches of the Mekong River—known in China as the Lancang Jiang—in Yunnan Province. This example highlights the uncertainty of the downstream, transborder impacts and the inadequacy of the regional environmental governance process surrounding these massive projects. It serves as a graphic reminder that national environmental governance has limitations, and that the regional/transborder nature of ecosystems requires regional/transborder political co-operation.

Known as the Lancang Jiang Cascade, the dam building is a super-project conceived to take advantage of an 810 metre drop over a 750 kilometre section of the middle and lower Lancang Jiang by building eight dams (Figure 8). Two of these are large storage dams, primarily to produce hydropower to meet Chinese needs and also for sale to neighbours, especially Vietnam and Thailand (Plinston and He, 2000; McCormack, 2001; Moreau and Ernsberger, 2001). Regardless of a remarkably sanguine view from NODECO consultants (MRC, 1998) there is considerable concern within Cambodia and from others in the regional and international community about the impacts of the dams on the riverine ecosystems—fish ecology, sediment/nutrient transfer, annual river bank gardening. The cascade will certainly have impacts both upstream and downstream from the construction sites, from Yunnan through to the Mekong River Delta in Vietnam. Of course, this translates directly into livelihood concerns.

Sustainability orientation

This example provides some sustainability insights. The lack of debate has demonstrated the primacy of economic growth in the thinking of Chinese authorities and an apparent lack of concern with transborder equity. If the negative social and environmental impacts have been considered, they have been dismissed, without discussion, as undesirable but necessary consequences of essential, national economic development. If there are positive impacts for downstream nations, they are being undersold. But of course, this is speculation as there is a paucity of information on the Chinese position.

Figure 8 **Lancang Jiang Hydropower Cascade**

Dam name	*Elevation above sea level*	*Active storage*	*Installed power capacity*	*Annual power output*	*Height of the main dam wall*	*Status*
	metres	*million cubic metres*	*Megawatts*	*100 million kilowatt hours*	*metres*	
Gonguoqiao	1319	510	710	40.60	130	Design
Xiaowan	1240	151.32	4200	188.90	292	2002-12
Manwan	994	10.6	1500	78.05	126	1986-96
Dachaoshan	899	8.84	1350	67.00	110	1996-03
Nuozhadu	812	223.68	5500	237.77	254	Pre-feasibility
Jinghong	602	12.33	1500	80.59	118	Feasibility
Ganlanba	533	?	150	7.80	?	Design
Mengsong	519	?	600	33.80	?	Design

Source: McCormack (2000: 7); Plinston and He (2000: 242)

Politics and powers

The failure of Lower Mekong countries to engage with China on this issue is indicative of the type of geopolitics discussed earlier in the Mekong WUP example where I discussed the utility of MRC. Essentially China is independent and is seeking to retain that independence partly via water resources development and new energy production from hydropower. The concerns of downstream nations do not appear to have registered on Beijing's political Richter scale. As both the upstream and the dominant economic nation in the GMS, China has relative advantages in both resources-related and strategic location-related power. China has also avoided being drawn into international co-operation agreements—such as the 1995 Mekong Agreement—that could have resulted in more public challenges to her intentions and their implications. As more information becomes available, pressure is increasing for international discussions to clarify various issues.

Governance

In relation to regional environmental governance, the Lancang Jiang development is, thus far, a classic "non-example." It epitomises non-transparency, non-provision of information and non-involvement of the public in learning about and influencing the associated decision-making. It also exemplifies disinterest in international or regional principles of co-operation, agreements, or rules. It represents a complete failure of international civil society and downstream nations to engage with China in any meaningful way prior to plans becoming fixed in internal domestic political agendas.

A recent investigation concluded, as regards environmental concerns, that *"It may be that there are adequate answers to all these concerns, but without independent environmental impact surveys, in which all relevant evidence is marshalled, published, and debated publicly, it is impossible to know"* (McCormack, 2000). At this point the Lancang Jiang Cascade example exhibits none of the features of regional environmental governance outlined earlier. If we agree those features are desirable, then we must conclude that this is a clear case of institutional failure.

Institutions' adaptiveness

There remains a significant gap between the rhetoric and reality of GMS co-operation when it comes to data-sharing and general access to information. GMS institutions have collectively failed to provide an information-rich, inclusive debate. This issue has been consistently encountered in various ADB regional projects, from SEMIS through to the current SEF, by the MRC, and most obviously in relation to the current Lancang Jiang Cascade situation. It may take an explicit GMS regional agreement on information-sharing to overcome this. It also may need the public to ask why the rhetoric of information-sharing does not translate into practice. The void is only now being filled by informal networking,

principally via the Internet, as a few actors attempt to share and piece together what is and is not known about this major development that will have significant environmental, social, and economic impacts on the GMS.

In recent times ASEAN, ADB, MRC and civil society groups have called for a regional forum to establish roles and responsibilities with regards to the implications of existing Mekong basin development plans. Whilst this type of co-ordination is to be welcomed, the Lancang Jiang Cascade clearly shows that any such regional forums will be diminished, or inconsequential, without the active involvement of the most powerful elements of GMS State governments.

8. Challenges

The regional hurdles to enhancing GMS environmental governance are many. Some of these have been highlighted, or at least contextualised, in the eight case studies. Drawing on the case study research, this section aims to summarise these challenges.

Note that this is an extensive list of challenges. They will not be rapidly resolved in the GMS, or elsewhere. Some are ancient. However, I believe that embracing the "desirable and possible" features of regional environmental governance is more likely to resolve some of these challenges than will current decision-making processes.

Incompatible sustainability orientations
The sustainability orientation of different actors needs to be acknowledged and used as a basis for discussion, either as a pre-condition or at an early stage of any environmental governance negotiations. Given the range of these orientations, it is not surprising that some reflect fundamentally different beliefs and priorities. Therefore dreams of ever achieving a perfect consensus should be quickly dispelled. However, just as it is rare that different parties totally agree, it is also unusual for there to be total disagreement. Maintaining a learning-oriented dialogue usually provides some benefits to all.

Varying political and cultural contexts
GMS States are ruled by various forms of parliamentary multi-party, single-party, and military junta systems of government. Economic conditions, ethnic and cultural diversity, and international negotiating powers also vary enormously. Acknowledging the reality of different political systems and contexts and finding ways to work within those systems is an obvious challenge. Advocating radical political reforms is an alternative approach.

Contesting discourse
An important form of power described earlier is the capacity to control a discourse, or capture key terms. It was noted, for example, that many actors wish to be seen as closely aligned to "good governance" and "sustainable development." Critics of the term "good governance" complain that it is often used as an ideological cloak for the sometimes naïve, too-fast promotion of (semi-) democratic capitalist regimes in Third World countries (Leftwich, 1995). Similarly, critics who perceive business-as-usual economic development, or slightly modified versions, as insufficient for achieving sustainability, reject the way Agenda 21 (UN, 1993) uses the term "sustainable development." Allowing such terms to be contested is important to avoid masking or blurring issues. Yet this is complicated in the GMS by cultural and language differences, coupled with resistance from some political elites who do not enjoy, encourage or permit critical debate.

The pursuit of national interest
Some degree of regional environmental governance is vital because many issues have region-wide and/or transborder dimensions, which are best managed via regional protocols and rules. However, at present national interests are considered far more important than regional interests. For example, national negotiators in processes like the WUP are guided by their perception of national interests. The much-vaunted Mekong "spirit of co-operation" often seems optimistically over-stated. Unless some flexibility and a regional ecosystem perspective can be fostered, such exchanges are really vested interest negotiations rather than regional co-operation.

Reticence to "cede" any sovereignty

The region's countries have relatively young political regimes. Taking even a "short" 50-year view back through GMS history is a reminder of the struggles to obtain and retain sovereignty. Given this recent history it is understandable that States are reluctant to do anything that could be seen as ceding any sovereignty to the regional level. Existing regional "co-operation" between States usually enshrines sovereign rights and non-interference—ASEAN is an obvious case. The GMS Economic Co-operation initiative, particularly whilst focusing on planning, has also not posed great threats to sovereignty. However, implementation of the GMS infrastructure plans would be quite different and require substantial agreements to be finalised to safeguard investments. Whilst transborder environmental issues are only relatively recently entering the radar screen of the more powerful State decision-makers, the same can not be said for natural resources. For example, the 1995 Mekong Agreement gives fewer veto rights to riparian neighbours than the previous Mekong Committee's 1975 Joint Declaration of Principles for the Utilisation of the Waters of the Lower Mekong Basin (Kamkongsak and Law, 2001). This is partly due to a firm desire by Thailand at the time of the Mekong Agreement negotiation ensure its plans to divert Mekong River waters for the Khong-Chi-Mun irrigation project were not unduly restricted.

Resistance to externally imposed reform agendas

National pride makes State leaders the world over resistant to externally-imposed reform agendas that appear to be moralistic or opportunistic assaults on national sovereignty. GMS countries are no different. However, their capacity to resist varies according to their overall level of independence and security. Environment agendas, governance agendas, and environment governance agendas perceived as emanating from the North are all viewed with suspicion and caution. History would support GMS countries having such reservations. Nevertheless, within each country there is often a constituency who welcomes these reforms, but prefers them not to be presumptuously donor-driven.

Aversion by States to conditions attached to aid and credit

A discussion of challenges must include a comment about aid and credit conditions. Inevitably these will be imbued with the biases of the provider, and the providers' constituents often require these conditions to be attached. If these conflict with the recipient this will obviously create tensions, and critics warn they can encroach on State sovereignty. Nevertheless, such conditions will remain a part of GMS politics whilst States are seeking external assistance. However, there appears to be evidence that such conditions can be effective environmental governance tools. For example, recent reviews of World Bank forest policy interventions found that loan conditions *"can alter the political dynamics"* and *"empower domestic constituencies for reform"* (Seymour and Dubash, 2000: 146). State rights of self-determination are traded-off when using leverage for environmental(?) ends. Resolving the inherent dilemmas of this—or at least managing the tension—is another challenge.

Implementing policy reforms effectively

Effective policy has its intended impacts. In reality most policies strike some implementation difficulties, to a greater or lesser extent. This requires an ongoing process of reconsideration, adjustment, abandonment or reform. Where ESD principles drive environmental governance reform, there are bound to be problems. These may relate to corruption, resistance by vested interests opposing reforms, sheer difficulty of promoting compliance, or a significant lack of support from sections of the State, business, or civil sectors.

Creating political space for civil society

Finding mechanisms in each country to allow civil society to genuinely participate in environmental decision-making remains a significant challenge. There are different, and incompatible, ideas of what public involvement in decision-making actually means. Institutional processes in GMS countries continue to make it difficult for the public to participate in a way that encourages their perspectives and respects the many different forms of knowledge. Whilst slow change is evident, the State still prefers an approach which is top-down, formal and intimidating to all but the most self-assured. At the regional scale the involvement of civil society, especially in forums operated by inter-government organisations (ESCAP, ASEAN, MRC) ranges from non-existent, unwelcomed and tokenistic, through to—at best—

tentative. However, regional NGOs are proceeding to create their own space without waiting for invitations or encouragement from State government organisations.

Clearly, the regional NGO examples seek participation in deliberative forums—preferably of the more critical, discursive variety. The WCD has gone furthest in meeting these aspirations by providing the political space for direct participation, whilst diluting—but far from extinguishing—fears of co-option. ESCAP has never really developed a culture or processes which support this type of interaction, and this remains evident in their management of the regional preparations for the World Summit on Sustainable Development. ESCAP remains primarily focused on more formal inter-government exchange, via predictable processes which reflect either their lack of innovative capacity, or a confidence that they could do otherwise.

With imperial arrogance, the ADB has also often avoided these types of forums or attempted to stage-manage imitations. However, intense criticism in the 1990s is leading to significant changes in their policies and operating procedures. The ADB is impressing some with its new efforts to better engage within and beyond DMC governments. However, for its staunchest critics, it is too little, too late. Its main operational driver is in negotiating new loans. Those that reject such a paradigm, reject the ADB, regardless of the number and extent of deliberative forums they may organise, fund, facilitate or attend.

The MRC is quite different again. Its lack of achievement thus far in genuine public participation is more complex. The youth of the new version of the organisation, the sustainability orientation and mindset of some of the agencies which dominate the NMCs, the politics between the member States, stinging criticisms by NGOs, realisation of their limited successes to this point and operating rules which limit their engagement with the wider basin community are all relevant. Collectively these have resulted in the MRC lacking confidence and being constrained in the extent to which it proactively plans engagement with the large range of GMS actors outside of the MRC family in the WUP, BDP, environment program, and hydropower strategy processes. There is a hyper-sensitive wariness to member country between-governments politics. There is also some resistance due to fear of being "lectured" at by NGOs and past and present Mekong country experiences of being "directed by donors." Little wonder then that "public participation" performance has fallen short when measured against any ideal-type deliberative interaction. Nevertheless, it is important to acknowledge the MRC is reviewing its strategy (again) for engaging with civil society.

Ensuring environmental governance institutions do not reinforce existing power inequalities
Many governance reform efforts do not change the *status quo* of power inequalities. This is often a lost opportunity. For example, the ADB-Thailand water resources management reforms have been criticised as *"officialising strategies"* to maintain problematic institutions which fail to acknowledge women as important water resources stakeholders and hence valid participants in decision-making (Resurreccion, Real et al., 2001).

Internalising costs in decision-making processes
It is common in the GMS for certain costs to be externalised in decision-making processes. For example, costs to neighbouring States, costs to "small" people, and costs to ethnic minorities. This contributes to inequitable decisions that may support blatant opportunism, or single-sector aspirations. Real impact assessments are needed which take account of social, economic, environmental, cultural, gender, and transborder issues. GMS decision-making at the highest political levels—as with much of the rest of the world—is intellectually and practically challenged by this expanded approach. Obtaining genuine and effective political support for this remains a significant challenge in most parts of the GMS.

Amongst the many challenges—and opportunities—presented by globalisation, a major challenge is to ensure the pressures inherent in economic globalisation and poverty do not totally over-ride environmental (and social) concerns in political decision-making. Clearly, many parts of GMS societies feel threatened and further disempowered by an economic globalisation which, unless forced, will continue to externalise many environmental and social costs.

Encouraging institutions to learn and adapt
GMS regional institutions, as elsewhere, are constantly having to catch up to a changing world and region. Institutions must be able to learn and adapt if they are to remain relevant. This is particularly true of institutions with any form of environmental governance or "sustainability" mandate, since sustainability presents particular public policy problems. Furthermore, learning about regional environment issues is complicated by the significant gaps in understanding of ecological and social systems. This is compounded by a failure of many institutions to co-ordinate their activities and share their knowledge. Adaptiveness is further hindered by the inflexibility of many regional institutions due to either real or perceived mandate constraints.

Gaining acceptance of new forms of regionalism
A similar challenge is to realise that in an era of new regionalisms there are many valid forms of coalitions, alliances and oppositions. The regional case studies present a range of different regionalism processes involving many different actors and approaches. The spectrum of actor-types and individual actor agendas needs to be better appreciated.

9. Opportunities

Rather than end this paper with a long list of seemingly insurmountable challenges, I wish to highlight some of the many opportunities for enhancing environmental governance.

Political momentum
There is significant momentum in the GMS—in some places and forums—for enhanced regional environmental governance. Various bilateral, multilateral and regional inter-government forums have created a better working relationship between the GMS States. The regional inter-government forums include ASEAN, ASEAN+3, MRC, ESCAP, and the ADB co-ordinated GMS Economic Co-operation initiative. There is political dialogue at different levels and the substantive issues of regional environmental governance are now being discussed much more often than in the past. This is due to a combination of reasons, including civil society sensitising governments to civil rights and new development paradigms, and to the visibility of obvious problems with existing approaches to environment and development. There remain significant difficulties among the States on various issues, as noted in the challenges, but overall there is an increasing trend for substantive dialogue. Regional NGOs have played an important role in creating this opportunity via both collaborative and oppositional advocacy.

Learning from global experiences in implementing transborder agreements, such as the Espoo and Aarhus Conventions
The GMS is not the first place in the world to try to work across borders to enhance regional environmental governance. The Espoo and Aarhus Conventions (Figure 2) are both highly relevant examples which also had to overcome language barriers, historical disputes, etc. How have they done it? What problems did they face? Joint action by Espoo signatories is increasing, and the emphasis is now shifting from transborder EIA to transborder SEA protocol development. The principles agreed at Espoo are embedded in functional protocols to guide action by member States. The Aarhus Convention is also expected to be ratified in 2001 and is a major step towards European implementation of various Rio Declaration principles, especially relating to ensuring public access to information, decision-making and appeal mechanisms. There is already strong interest being expressed by civil society groups in the GMS to support the development of similar agreements. Other international declarations, agreements, conventions may also be able to be adopted or adapted for GMS use.

Political calls in the GMS for transborder EIA, CEA, SEA
The GMS Economic Co-operation Ministerial Statement (ADB 2000) has publicly called on the ADB co-ordinated GMS Environment Working Group to facilitate the development of a functional EIA, CEA, and SEA system for the region. The same task is on the member country work program of the MRC's environment program (MRC, 2000). The combination of political support from the GMS planning, finance and economy Ministers, coupled with the funding and specific task allocation to ADB and MRC may be serendipitous. Either one without the another would be unlikely to produce an effective outcome.

MRC Agreement commits countries to negotiating in the WUP and BDP
MRC's WUP and BDP are significant opportunities for confidence-building and equitable negotiations between Cambodia, Vietnam, Thailand and Laos. The hydrological data collection network is being extended (MRC, 2001) and this also involves China. An attempt is being made to develop a culture of information-sharing between members, recognising that Mekong river basin management is a quintessential transborder and regional issue (Kristensen, 2001). After arduous negotiations hampered by the mindsets listed in the challenges, finally protocols for data-sharing have been agreed (MRC 2001). It is clearly a step forward and the new management regime and organisational structure at MRC provide an opportunity for enhanced transborder/regional governance—in at least part of the GMS.

Interest in the WCD multi-stakeholder process, advisory Forum, and a "rights and risks" approach to planning and decision-making
The WCD is a high-profile example of an inclusive, information-rich, and flexible institution that actively promotes the discussion of different views. Its approach has greatly informed the large dams debate and clarified—without ever expecting to reconcile—the differences of opinion between many of the participants. All types of actors were permitted to participate in the learning process and given equal standing. Another part of the model was the WCD Forum, effectively a multi-stakeholder advisory group to the Commissioners and the Secretariat. The WCD Forum group was not expected to reach a consensus. Its members were able to oversee the process, inform and be informed by the debate. However, the WCD report is the report of the WCD Commissioners, not the WCD Forum.

If it wished, an organisation like MRC could create an MRC Forum to inform and review its own WUP, BDP and hydropower strategy processes. This would be one way of obtaining the views of the broader basin stakeholder community. ADB is seeking to create such a forum via its newly formed NGO Liaison Unit. These forums would be advisory only—but their quality would contribute to their influence! Forum creation is not a novel concept in the GMS. For example, the Cambodian GAP process has effectively created a forum via its network of Contact Groups. Being in an advisory-learning forum would not guarantee a seat at the negotiating table; however, it does ensure a more discursive debate which *could* lead to better decisions.

The WCD was also interesting in its development of a "rights and risks" approach to determine the stakeholders who *should* be at the negotiating table. Recognition of rights and identification of risk-bearers were suggested as key criteria for stakeholder legitimacy (for details see http://www.dams.org).

Each of these WCD components—the multi-stakeholder approach, the advisory Forum, and the "rights and risks" approach—are worth testing as part of various GMS environmental governance processes.

Policy research institutes' exploration of environmental governance indicators
Thailand Environment Institute is working with World Resources Institute in a global effort called the Access Initiative (www.accessinitiative.org). In the GMS this is presently focused on Thailand, but it is yet another example of work aiming to enhance environmental governance. At present work is focused on developing a framework to assess access to environmental decision-making. These indicators are then being pilot-tested in up to 10 countries.

ASEM protocol development
A complementary initiative of the Asia-Europe Meeting forum is the development of "Guiding Principles for Public Involvement in Environmental Aspects" (AEETC, 2001). The extent to which these influence anything will presumably be linked to the extent to which the ASEM initiative grows.

Exploiting widespread dissatisfaction with the Lancang Jiang process
The failure of regional stakeholders to become involved in the Lancang Jiang dam and hydropower decision-making process is a stark reminder of the distance between the existing situation in the GMS and a regional environmental governance regime characterised by transparency, open discussion, interactive learning, etc. Perversely, this failure has presented an opportunity. The increasing awareness of the regional and international community of the scale of the interventions in the upper Mekong River and

the possible consequences is finally creating a surge in political momentum for more sharing of information and deliberation about basin development.

10. Conclusion

Desirable and *possible* features of regional environmental governance processes were introduced early in the paper. These include: providing **access to information, transparency, accountability and political responsibility, subsidiarity,** and accepting **pluralism.** These features are increasingly evident in the rhetoric—and *some* of the practices—of national and regional GMS actors. A premise of this paper is that these features are in principle "good," but in practice there are the usual human-induced distortions.

Access to environmental information remains difficult for many GMS stakeholders for various reasons: the lack of essential base material for decision-making, incoherence of existing information, transborder differences in protocols, fears by information-holders of being criticised for mistakenly divulging "sensitive" material, claims of commercial confidentiality, language translations, and dubious decisions by various actors to keep information out of the public domain.

Subsidiarity, whilst espoused daily through high-profile decentralising or regionalising initiatives, remains more often characterised by devolution of responsibility rather than authority. Public participation or "public involvement" is another concept that, in a politically and culturally diverse GMS, is either avoided, diluted, or embraced with various interpretations.

Another premise of the paper is that **deliberative, discursive forums** are a useful element to enhance regional environmental governance processes. The case studies reveal different attitudes to such forums. The final feature considered *essential* is *effective* **regional agreements and/or rules** for regional-transborder issues—not just glib statements of co-operation and co-ordination—which could emerge as a result of some combination of the processes introduced in this paper. These could be instruments of soft or hard law, such as joint statements, guidelines, conventions, declarations or agreements. GMS countries resist entering into regional agreements and/or rules unless there is clear national benefit. This is no different to anywhere else in the world where confidence-building and trust have developed only slowly, usually via tentative initial information-sharing where there is clear common interest. However, it should be recognised that in the GMS even information-sharing protocols and processes are far from well-established. In the short(ish) term we will be able to witness the development—or not—of such agreements and/or rules and assess their strengths and weaknesses. MRC's WUP, BDP, hydropower development strategy, transborder EIA protocols, transborder SEA, etc. are all scheduled for negotiation over the next three years.

Present efforts to implement new governance norms and processes may proceed at a pace that will dishearten impatient reformers. However, inevitably grassroots groups, media, business, universities, policy research institutes and advocacy networks will continue to be involved calling for improvements to existing environmental governance regimes. States, MRC, ADB, perhaps ASEAN+3, etc. will be influenced by and influence the GMS and international debates about forests, rural and urban development trajectories, large dams, the future of Tonle Sap, Lancang Jiang interventions, etc. External lenders and donors are also generally pushing for improved regional environment and national "governance by governments" reforms. These are all drivers of change.

Environmental governance reforms undeniably have implications for the institutional frameworks of the GMS. Of the range of actors, GMS governments and citizens remain the central players. Many of them are understandably wary—or should be—when various other reform agendas, especially pro-economic liberalisation and unselective pro-globalisation, are coupled to "good" governance initiatives. Within this context, politics and power will, as always, be influential. Whilst international and internal pressure to embrace "good" environmental governance features is significant, so are the forces resisting many proposals.

Considering the political motivations of actors provides some clues as to what is happening and why. Assessing the resources of each actor, their strategic location—geographic or institutional—and other

elements of power, will continue to occupy analysts. Understanding the nuances of where power lies can help focus reform efforts.

The sustainability orientation of actors presents potentially more intractable problems for environmental governance reformers. Differences in core beliefs are deeply ingrained and slow to change, if ever. The wide range of worldviews and biases with regard to priorities and trade-offs, makes for a complex negotiating arena. Moreover, despite the rhetoric, GMS environmental champions of any persuasion remain a minority, often overwhelmed by government drives for economic expansion, the pursuit of wealth by an influential and often destructive minority, and the survival strategies of a relatively poor majority.

However, despite this, the merging of the sustainability and human rights agendas—albeit in many different forms—is presenting more potent opportunities for effective and enhanced environmental governance. A key challenge remains to continue efforts to incorporate these merged agendas into the GMS institutional framework. As some aspects of these agendas are relatively new, older institutions have to adapt. Therefore those striving for reform should focus on encouraging more adaptive regional institutions—purposeful, persistent, information-rich, inclusive, flexible, independent and co-ordinated. This will provide the space and opportunity for more just and effective environmental governance in the GMS.

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11. Abbreviations & References

Organisations/initiatives

APWLD	Asia-Pacific Forum for Women Law and Development
ASEAN	Association of South-East Asian Nations
ASEAN+3	ASEAN plus China, Japan and South Korea
ASEM	Asia-Europe Meetings
ENRDD	Environment and Natural Resources Development Division of ESCAP
ESCAP	Economic and Social Commission for Asia and the Pacific
FAO	UN Food and Agriculture Organisation
FOCUS	Focus on the Global South
GEF	Global Environment Facility
IMF	International Monetary Fund
IUCN	World Conservation Union
MREG	Mekong Regional Environmental Governance (REPSI project)
REPSI	Resource Policy Support Initiative
TERRA	Towards Ecological Recovery and Regional Alliance

UN	United Nations
UNDP	UN Development Program
UNECE	UN Economic Commission for Europe
UNEP	UN Environment Program
UNESCO	UN Education Scientific and Cultural Organisation
UNOPS	UN Office of Project Services
WCD	World Commission on Dams
WRI	World Resources Institute
WSSD	World Summit on Sustainable Development
WTO	World Trade Organisation

Asian Development Bank—related terms

ADB	Asian Development Bank
CSP	Country Strategy Program
DMCs	Developing Member Countries
EWG	Environment Working Group
SEF	Strategic Environment Framework
SEMIS	Sub-regional Environmental Monitoring and Information System
SETIS	Sub-regional Environmental Training and Institutional Strengthening
TA	Technical Assistance

Cambodia—related terms

CDRI	Cambodia Development Resource Institute
CGs	Contact Groups (reference groups for reform processes)
CNMC	Cambodian National Mekong Committee (part of MRC)
DCG	Donor Consultative Group
GAP	Governance Action Plan
MAFF	Ministry of Agriculture Fisheries and Forestry
MoE	Ministry of Environment
RGC	Royal Government of Cambodia
TS-GL	Tonle Sap—Great Lake

Mekong River Commission—related terms

BDP	Basin Development Plan
MRC	Mekong River Commission
MRCS	Mekong River Commission Secretariat
NMCs	National Mekong Committees
WUP	Water Utilisation Program (start-up) project

General terms

CEA	Cumulative Effects Assessment
DFI	Direct Foreign Investment
EIA	Environmental Impact Assessment
GDP	Gross Domestic Product
IEE	Initial Environmental Examination
MAI	Multilateral Agreement on Investment
NGO	Non Government Organisation
OA	Official Aid
ODA	Official Development Assistance
PPPs	Policies, Programs, Plans
SEA	Strategic Environment Assessment
TNCs	Transnational Corporations
TRIPs	Trade Related aspects of Intellectual Property rights

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