

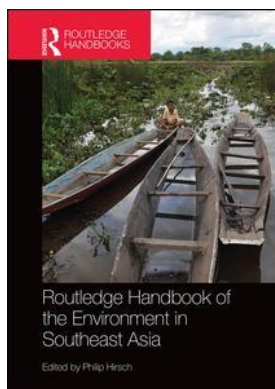
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10

TRANSBOUNDARY ENVIRONMENTAL POLITICS IN SOUTHEAST ASIA

Issues, responses and challenges

Antonio P. Contreras

Introduction

The porosity of borders in Southeast Asia, both in physical and in virtual terms, has led to a complex articulation between political economies and cultural ecologies. The degree of porosity enables and/or constrains commodity and cultural flows. This leads to significantly hybridized cultural, political and social systems that bear the imprints not only of European and North American colonization, but also of regional influences, both from immediate neighbours and from the larger region covering Southeast Asia and China. Some of these forces are borne by formal processes immanent in political and economic interactions in the form of trade agreements, treaties, tourism and travel, regional development initiatives such as power and energy grids and the formal mechanisms associated with the Association of Southeast Asian Nations (ASEAN) in all its Tracks. Others are carried by the more informal and/or invisible mechanisms associated with the migration of peoples and commodities across borders, which are outside the legitimate state-sanctioned processes.

This complex system of interplay creates an equally complex set of impacts – not only on the political, economic and socio-cultural dimensions of Southeast Asian societies, but also on their physical environmental spaces. The erosion of environmental integrity has socio-cultural, economic and political costs. Cultural symbols, livelihoods and power relations are being altered with detrimental consequences. These provide enormous challenges to the manner by which different governance mechanisms address the issues that arise from these – not only within countries, but also at the regional level. When environmental impacts cross borders, this also raises particular questions of how local communities and the scientific community can and should react in dealing with issues beyond their respective national spaces.

This chapter enquires into some major environmental issues associated with transboundary flows not only of peoples and commodities, but also of symbols and discourses in Southeast Asia. Of particular concern is the manner by which these create opportunities or impose constraints for the functioning, development or deployment of regional institutional mechanisms that seek to manage such flows and their environmental implications, particularly considering that the norms of ASEAN, which value non-interference, are now being challenged.

Transboundary environmental issues in Southeast Asia

A number of key environmental arenas involve impacts that extend beyond national borders within and beyond individual Southeast Asian countries.

The Mekong River

The Mekong River Basin is part of a diverse regional space with a symbolic expression that lies in the existence of the Mekong River, the 12th-longest river in the world. The Greater Mekong Subregion is geographically the broadest expression of this space, based on five national territories and two provinces of China. A narrower and more specific expression is the naturally defined Mekong River Basin, with an area of 795,000 square kilometres. This basin is the 21st-largest in the world, covering a diverse landscape from the high Tibetan plateau to the mountainous tributary valleys of Myanmar and Laos, plateau of north-eastern Thailand, and flood plains of Lao PDR and Cambodia and into the Mekong Delta in Vietnam (see chapter 20 in this volume). This extensive transnational space is a domain of complex interplay between human and ecological formations, and is home to a diverse set of production systems that take advantage of the economic potentials from its natural resources. But at the heart of these multiple political economies lies the powerful symbol of a river that has become not only a provider of livelihoods, but also a source of symbolic capital for many millions of its inhabitants. This becomes a fertile space for the deployment of state policies that would tend to maximize the economic functions relative to their own interests – even with the growing interdependence of states – which operate in the context of unequal economic and political power between and within states. This leads to the emergence of economic activities in which independent states yield to external forces outside their political boundaries. This is made even more defined by the transboundary nature of the symbolic anchor for this geographic space – the river that runs through it flows across political borders and is the shared provider of a number of important commodities, including water, fish and energy.

Illegal trade of environmental goods

Trade of environmental resources, predominantly wildlife, has been a major activity in many parts of Southeast Asia. The economic contribution of this activity is largely underestimated in formal economic statistics, considering that even for those that are legally sanctioned, monitoring mechanisms are usually faulty or weak. Furthermore, it is in the underground economy, where wildlife resources are illegally traded across borders, that this economic activity substantially thrives. Even though a significant portion of the market exists within Southeast Asia, China and other Asian countries remain big markets. In 2000, Singapore was a destination for live animals, where it net imported just under 7,100 live animals from within the region. On the other hand, it is a major source for animal skins, where it net exported 301,195 units of animal skins derived from these live animals to other countries in Asia and beyond (Sodhi *et al.*, 2004).

Illegal wildlife trade has adversely affected the state of wildlife species in the region. For example, despite the fact that there are very few living outside captivity (in 2004 it was estimated that there were only 500 in the wild), the Sumatran tiger continues to be endangered due to the high demand for its bones, thought to have medicinal properties. It was reported that in the 17 years from 1975 to 1992, 60 per cent of the total South Korean market for tiger bones was sourced from Indonesia, which amounted to 6,128 kilograms (Sodhi *et al.*, 2004). Another

driver for illegal trade is the high demand for exotic animals as pets in Southeast Asia. It is this market for wildlife that caused an endemic species in Bali, the Bali starling, to face near extinction (Van Balen *et al.*, 2000).

Trade in timber has become a primary driver for the growth of many Southeast Asian economies. Historically, the major sources for timber were Laos and Myanmar in mainland Southeast Asia, and Indonesia and Malaysia. Thailand and the Philippines, which also exported timber in the past, have either banned or restricted their logging operations; the two countries, timber exporters until the 1970s, have now long been net timber importers. However, there is evidence that illegal timber trade within the region, and from the region to other countries, continues to thrive. It has been reported, for example, that Thailand satisfied its demand for timber not only from legal sources, but also from illegal trade from neighbouring Laos and Myanmar (Rigg and Jerndall, 1996; Bryant, 1998). In fact, it has also been reported that in addition to being buyers of illegally traded timber, Thai investors, in partnership with rent-seeking elites in other countries, were involved in the establishment of logging concessions in neighbouring countries (Bryant, 1997), taking advantage of policy regimes that are unable to exact rigorous environmental protection mechanisms. Even the military has been reported to be involved in illegal timber trade, such as in Laos (Cronin, 2011).

The presence of high demand, the relatively porous borders and the weak law enforcement mechanisms have all contributed to the success of the illegal resource trade in Southeast Asia. What has further enabled illegal trade is the presence of rent-seeking political and economic elites who are only too willing to participate as financiers and middle-persons in this underground economic activity (Badenoch, 2002). This is not to say that local communities are not implicated. Donovan (1999) discovered that in the 1997 Asian financial crisis, trade in forest products increased as a result of urban workers displaced by the economic meltdown returning to their villages and subsequently engaging in the illegal capture and trade of forest products, mostly wildlife but also including non-timber plant products. In those years, the huge market in China, which was insulated from the crisis, compensated for the significant reduction in the market for rare and endangered animals and plants in other Southeast Asian countries resulting from the decline in the purchasing power of the middle class there – the traditional market for forest-based products.

Transboundary pollution

Forest fires have always been an annual occurrence in some parts of Southeast Asia. Some of these are due to natural causes such as lightning strikes, while others are caused by the burning practices of shifting cultivators. However, fires from these have been mostly isolated, and are not sufficiently massive in scale to have transboundary implications. Empirical studies have revealed that it is the more deliberate burnings carried out by large-scale commercial oil palm plantations – mainly based in Indonesia and particularly in Sumatra, Kalimantan, Sulawesi and Papua – that have serious environmental impacts that have even crossed borders (Vayda, 1999; Barber and Schweithelm, 2000; Tacconi, 2003). While natural factors – such as the El Niño phenomenon – have been found to contribute to the adverse effects of fires, as was the case in the 1997–1998 episodes, the principal factor that contributed to the problem is mainly political. Political actors are not just too complacent, but even too willing to tolerate the situation, knowing fully that the oil palm industry is a major source of domestic productivity. This is despite the fact that these fires have caused untold damage to the local communities and the natural ecology not only of those directly affected in Indonesia, but also across the borders in other countries. It has been found that forest fires have contributed to the depletion of biodiversity in the region.

The fires also have had serious effects on health and productivity not only in Indonesia, but also in Malaysia, Singapore and Thailand, and to a lesser extent Myanmar and Vietnam. The worst episode in 1997–1998 alone affected about 20 million people, causing damage estimated to range from US\$4.5 billion to US\$9.3 billion (BAPPENAS, 1999). In October 2006, a shorter but just as destructive episode saw the occurrence of 1,496 fire hotspots in Sumatra and 2,075 in Kalimantan, with the worst affected area being in the central parts of the latter.

The West Philippines Sea/East Sea/South China Sea

When one talks about the South China Sea, the discourse is usually crafted in the context of the territorial disputes associated with the competing claims by the Philippines, Malaysia, Vietnam and China. Recently, China has become more aggressive in its actions, even to the extent of unilaterally amending its maps as a symbolic move to assert its claims. The Philippines, in response, has changed its reference to the ‘South China Sea’ and has since renamed it the ‘West Philippine Sea’, while Vietnam has long referred to it as the East Sea. However, beyond the political and discursive moves by the claimants, the region is also host to several environmentally related transboundary issues. The Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) has forwarded three explanations for this. First, the fish resources in the area are mobile, and occur in or move through many countries. Second, the activities in the marine environment – such as shipping, fishing and the movement of migratory and alien species – involve multiple countries. Finally, the ocean is a medium through which pollutants discharged by these activities are relatively easily transmitted across countries.

What further makes the region of the West Philippines/East Sea/South China Sea environmentally significant – which is also true of the Andaman Sea, Banda Sea, Java Sea and Celebes Sea – is the fact that the coastal ecosystems of Southeast Asia are in a state of severe degradation. In 2002, it was reported that dependence on marine resources led to the over-exploitation and degradation of coral reefs, where it was estimated that 88 per cent are now threatened by human activities due to overfishing, destructive fishing practices and sedimentation and pollution from land-based sources. It was estimated that 64 per cent of the coral reefs in the region were threatened by overfishing, while 56 per cent were threatened by destructive fishing techniques. Sediment pollution from the built environment threatened 25 per cent and deforestation and agriculture another 25 per cent (Burke *et al.*, 2002). The ASEAN Centre for Biodiversity reported in 2013 that 50 to 80 per cent of Southeast Asia’s mangrove forests has been lost to shrimp farming.

There is a transboundary implication to this degradation of coastal habitats and its associated loss of biodiversity. Seagrass beds are strongly interdependent with coral reef ecosystems in one country, which in turn affects the stock of fish that may move across the waters towards regular fishing grounds based in other countries. The increase in activity leading to higher marine traffic due to trade also increases the likelihood of oil spills and pollution that may have transboundary impacts. Ballast water that ships often bring may be contaminated with alien organisms, which may be unloaded in open sea or when the ships dock. This seriously threatens human and ecosystem health, and could further contribute to the degradation of marine habitats.

Response and challenges: statism in the context of regionalism

The emergence of Southeast Asia as a geographical space for imagining development alternatives and as a political space for structuring power relations has revealed the challenges inherent in regionalism. There is no singular form of regionalism in Southeast Asia. Instead, what we see

is a pluralism of engagements that clearly mirror the multiple nodes of interaction that deal with a wide array of issues, including environmental issues.

Ideally, the emergence of regional institutions is supposed to reflect a desire to go beyond the boundaries and, logically, the authorities of nation states. The complexity of the issues that regional institutions confront necessarily requires a broadening not only of the focus but also of the locus of the interactions. This enables the emergence of state–society nodes, where different actors from civil society and the state engage each other, and have learned to co-exist if not compete with each other. Thus, and ideally, the emergence of a ‘Southeast Asian community’ as a politically constructed ‘state of mind’ and ‘way of doing things’ should enable a shift away from statist solutions to problems, and should gradually create a more defined and stronger space for civil society actors and processes that cross national boundaries. Indeed, there is some indication that this is happening.

Although regionalism may have signalled the emergence of more civil society engagements, and the entry of transnational exchanges of knowledge and information, the processes are nevertheless dictated by states and governments. The mainstream institutional responses that emerged in the region relative to transboundary issues are those that entailed more formal – or, in the language of international relations, Track 1 – responses involving regional bodies such as ASEAN and the Mekong River Commission (MRC) (see chapters 19 and 20 in this volume). In theory, ASEAN is supposed to provide the ten ASEAN member states the opportunity to collectively address environmental problems that affect all or some of them. While there have been formal agreements crafted – for example, in the case of addressing the haze problem, and even in the setting up of regional agencies to address environmental concerns, such as those of biodiversity through the establishment of the ASEAN Center for Biodiversity – evidence strongly points to the presence of structural limitations that beset these bodies and seriously limit their abilities to fully address transboundary issues. While ASEAN is a venue for multilateral discussions, and has generated collective statements about diverse transboundary issues, it remains captured by the mantra of non-interference of the member countries in each other’s internal processes and mechanisms. Unfortunately, most of the transboundary problems are usually based on these very same internal processes and mechanisms.

This is clearly illustrated in the cases of fisheries and of water management for irrigation purposes in the Mekong. An analysis of fisheries in the region points to the tragic consequences of state-led development that is based on strategies anchored in technocratic solutions – an approach that is propagated as the dominant planning discourse in regional Mekong development blueprints. The dominant discourse on fish production focuses on aquaculture, at least in theory, considering that there are indications that states, until recently, paid little attention to fisheries policy. For example, state policies and regulations remain inadequate to cope with the many unregulated and destructive fishing practices, such as dynamiting and electric fishing in large areas of the Mekong River and its small and large tributaries. A focus on aquaculture fits with the dominant regional development agenda and is compatible with irrigation and hydropower strategies actively pushed in the Mekong, as these strategies allow for aquaculture in the associated reservoirs. These modern practices, however, if operationalized, will effectively deny the viability of the organically rooted and historically warranted practice of wild-capture fisheries engaged in by local communities, and they are unlikely to replace the wild-capture fishery that continues to supply the great majority of fish consumed in the Mekong River Basin. In Vietnam, for example, it has been shown that the development of shrimp farming has compromised the resilience of the coastal ecosystems in both ecological and sociological terms (Joffre *et al.*, 2015). As a result, the wild fishery, where it remains viable, is no longer taken seriously as an alternative practice, even as local community livelihoods may become increasingly vulnerable and dependent on

high-technology inputs and unfamiliar institutional arrangements associated with aquaculture. There is also evidence, as in the case of Cambodia, that the policy of granting ‘fishing concessions’, which have already been cancelled by the government, resulted in increased incidence of destructive fishing even among local communities (Evans *et al.*, 2004).

Similarly, dominant constructs about water management are mainly modelled from experiences outside the Mekong that are influenced by external agencies or development banks, and are actively promoted by national governments through infrastructure development. Furthermore, economic changes manifested through industrialization and urbanization play a significant role in the transformation in irrigation technology and practices in the region. Even as NGOs and civil society actors tend to resist these, through their active advocacy for irrigation practices that are more attuned with local traditions, culture and knowledge, the debate that ensues is not between these voices coming from civil society and the state actors, but is in fact between and among different state actors. NGO voices are not effectively factored into the transnational regional policy process, and what are instead given privilege are the voices of technical consultants espousing the same voices but within the ambit of a state contract. In the end, calls for participatory reforms are co-opted by bureaucratized participation, even as state-line agencies, ironically aided by development consultants, hijack alternative concepts in their attempts to relocate themselves in the new paradigm (Cooke and Kothari, 2001).

The visibility of state actors in directing the flow of discourses resides not only in their production and reproduction through policies within their borders, but also in the context of inter-state politics, where national interests dominate the agenda. This is clearly illustrated in the case of the Navigation Channel Improvement Project on the Upper Mekong, where the environmental impact assessment (EIA) process and outcome were dominated by the politics of self-interest of spheres of influence within the states, and no serious negotiations existed along the science–policy boundary. The EIA team, composed of a multinational group of ‘experts’, conducted a rapid two-day assessment and quickly gave the project favourable ratings by pointing out that the blasting of obstructions along the Mekong will not have any significant adverse impacts – a conclusion that was not subjected to independent technical evaluation. There was also no serious effort to consult with stakeholders, which include local peoples and state agencies not directly involved in the project. The EIA team did not include technical skills one would normally expect from a serious assessment, and was dominated by the state bureaucrats of the involved countries. This limited the technical capacity of the team and the political influence of environment/fisheries sectors in the process, and led to unclear focus of the exercise emanating from a failure to correctly scope the nature and extent of the project. This railroading was a direct outcome of the different interests of participating countries – Myanmar’s friendship with China, Thailand’s desire to buy cheap energy from China and Lao PDR’s relative insecurity with respect to its neighbour China – to benefit from a conclusion that would be in China’s interest, but eventually also in their own states’ interests (Joint Experts Group on EIA of China, Laos, Myanmar, and Thailand, 2001; Cocklin and Hain, 2001; Finlayson, 2002; McDowall, 2002).

This case of independent nation states succumbing to dominant external forces is illustrated in the case of hydropower development, where energy development now becomes regionalized, and where energy becomes an export commodity. New players emerged here in the form of rent-seeking transnational forces. These are able to influence national policy decisions to overestimate the demand for energy, and thereby serve as a justification for hydropower projects, despite the evidence pointing out that energy drawn from these sources is not competitive compared with electricity drawn from other sources, such as natural gas and demand-side management and other renewable energy options. Hydropower projects end up being authorized by states as part of bilateral or regional cooperation initiatives, even if such are not warranted by

cost–benefit analysis. What is even more deceptive is that these projects entail enormous political and economic costs to state governments, in as much as they subsist on state subsidies as well as state intervention and involvement. The high costs of ‘transmission/distribution’ systems are typically subsidized by states, thereby making hydropower firms economically viable. Thus, the self-interest of states is unwittingly subordinated to the regional transnational economic forces that operate outside their control and whose locus of accountability goes beyond the state, but whose main impetus for their operations relies heavily on state processes of legitimation and approval. This effectively makes hydropower operate in the context of a predatory private–public partnership between states and private corporations. A feature of this complex political–economic relationship is the fact that public interest is subordinated both by powerful domestic interests that stand to gain from lucrative contracts associated with hydropower expansion and by the regional transnational bodies that also stand to gain through legitimization of their role, as well as through lending large sums of money.

A glaring example of how individual state interests can derail collective regional action – even if this may be ASEAN-initiated – is the case of the Regional Agreement on Transboundary Haze Pollution, which was crafted in June 2002 and entered into force on 25 November 2003 after six countries ratified it (Thailand, Singapore, Malaysia, Myanmar, Brunei and Vietnam). Noticeable is the failure of Indonesia, the key country in this issue, to ratify the agreement, on the argument that it expects Malaysia and Singapore to assist it not only in its anti-illegal logging campaigns, but also in other issues such as anti-corruption and extradition (Tay, 2007).

Beyond country posturing that tends to weaken agreements, what is even more problematic is the actual content of regional agreements, which consist mainly of parenthoods statements without strong clauses that can compel member states to comply, or even aggrieved states to redress their grievances. One of the key flaws of the Haze Agreement, for example, is the relative absence of sanctions for states that do not comply with the provisions, or of a compulsory dispute resolution mechanism. There is also no provision that allows for recourse to international adjudication bodies (Tan, 2005). A similar case illustrating the weakness of regional bodies is seen for the MRC, where a participatory process in the drafting of the agreement has nevertheless failed to pressure its signatories to refer to such provisions in their own water policies and legislation – even those that have been passed after the signing of the agreement. Key to this again are the relatively weak compliance provisions in the agreement.

Ironically, the power of states to dictate and legitimize is even further strengthened, despite the seeming opportunity provided by regionalism, through transnational structures and processes themselves. The Asian Development Bank and World Bank, contrary to the earlier practice of encouraging multi-stakeholder platforms (MSPs) with negotiating mandates, have reverted to the more statist practice of supporting only those MSPs that are consultative and advisory in character. This has reaffirmed the decision-making authority of governments to the detriment of those actors in civil society with weaker negotiation positions. There is, however, a silver lining to this in the context of the Mekong, where even just a general recognition of consultative/advisory mode for MSPs is an advance in a region where multi-stakeholder processes are absent in water governance discussions.

Where states remain the dominant source of power and authority – even in cases where their interests may be held up for exposure to later risks, such as in the case of hydropower – spaces remain to articulate a critique, if not to engage the statist discourses and practices. The recognition of MSPs, even for consultation and in advisory capacities, may indeed open up a space for civil society participation, and for critical engagements between states and civil society actors. This would, however, entail vigilance among those whose positions are weakened by this accommodation. The media may become critical in this regard. However, the media in the

region – perhaps with the notable exception of the Philippines and Thailand – remains captured by national interests, and seldom talks about regional and transboundary issues. This reality enables statist practices to remain dominant.

Conclusion: challenges ahead

This chapter has raised issues that warrant a response not only in the form of research, but also in the domain of political action vis-à-vis how we address transboundary environmental issues. Of paramount concern is the creation of spaces within which civil society actors and local communities can engage the state, and how the various institutions in the region can harness these forces. A corollary to this would be the transformation of state and regional institutions to be able to nurture and engage civil society and local communities, and to make them work in modes where they are not poised to sequester power and constrain the potentials of these alternative voices. There are already examples of functional interactions between the state and civil society. Devolution of state power and decentralization of governance have begun to provide spaces for these interactions. Furthermore, private-sector participation is now becoming a mode not only for the delivery of services, but also for proactive local mobilization towards environmental and natural resource management. What needs to be done is to enquire into the conditions in which these interactions exist to enable positive impacts, and to create these conditions through advocacy and political mobilization.

Another area of concern is the role of science and knowledge in political transformation in the region. There is some sense of urgency in strengthening science-policy connections. However, what is even more urgent, and will have to take precedence over this, is the transformation of science into a discourse that enables and is inclusive of the marginalized voices in the region, and not as a force whose imagined neutrality becomes an ideological blinder for its appropriation by powerful forces. We also need to transform policy processes that can allow for the representation of more voices, to be improved by better science, and equally to consider the political dimensions to the construction of scientific knowledge. There is also the task of enquiring into the conditions that enable people-based science, and of mobilizing to realize these conditions. It has been shown that while science can indeed be used by the powerful interests, it can also be harnessed to enable local communities and marginalized sectors and equip them with tools and skills to navigate the otherwise unfamiliar terrain dominated by the state and economic elites. In the end, this is about contesting what is good science, and recognizing that good transboundary management may depend more on good participation and dialogue than on science channelled mainly through state agencies in the service of elite commercial interests.

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