

## ADB Working Paper Series on Regional Economic Integration



### Labor and Grassroots Civic Interests In Regional Institutions

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## Abstract

There is a vibrant regional civil society in Asia with numerous civil society organizations (CSOs) advancing a range of economic, political and social causes using three key strategies, namely regional advocacy, civil society parallel summits, and civil society partnerships with states and regional institutions. Although regional institutions have become more willing to engage with non-elite or grassroots civil society and labor groups, business networks are still privileged in institutional processes. Consequently, regional institutions fail to tap the information and knowledge resources of CSOs to enhance the quality of regional institutional governance, defined as the effectiveness of governance institutions as well as their accountability to stakeholders. The paper outlines three interrelated strategies to correct this deficit. First, regional institutions should provide and safeguard a regional “public sphere” in which officials and a variety of CSOs, not just those sharing official views, can engage each other in reasoned discussion. Second, regional institutions should develop more formalized or regularized mechanisms (as opposed to ad hoc or informal measures) through which CSOs can submit research reports, position papers, and comments on the various items on the regional institutional agenda, particularly on new agreements. The Asian Development Bank’s NGO and Civil Society Center offers one institutional model. Third, regional institutions should establish formal accountability mechanisms such as a formal complaints procedure through which stakeholders and their CSO representatives can bring claims against regional institutions as well as internal and independent evaluation mechanisms.

*Keywords:* civil society, non-governmental organizations (NGOs), regional institutions, governance, accountability

*JEL Classification:* F15, F23, F53, and F55

## 1. Introduction and Key Study Questions

Asia is home to a variety of institutional arrangements aimed at addressing the growing array of transnational problems that its states and societies collectively face. This is particularly evident in a globalizing world that has expanded the range of interdependencies between states and peoples—and where external rules increasingly impact life within states. Because of their aim to address shared problems, these regional institutions<sup>1</sup> function as *governance* arrangements through which participants attempt to arrive at common understandings of shared problems, devise possible ways of addressing them, and allocate institutional resources to manage them. What is significant about these governance arrangements is their diversity not only in terms of the issue areas or agendas, but also in terms of who participates and their institutional form or design. In fact, Asian regionalism appears to conform to what scholars have identified as the “new regionalism,” a set of multidimensional forms of collaboration spanning economic, environmental, social, political, and security issues, involving not only states but a variety of non-state actors from the private sector, the academic world of research institutes, universities and think tanks, and, to a far lesser degree, non-elite actors such as labor and grassroots civic groups<sup>2</sup> (Cox and Sinclair, 1996; Hettne, 1999; Grugel, 2004).

Since the late 1980s, the number of civil society organizations (CSOs) operating in Asia has grown tremendously, a significant proportion of which focus on domestic issues and problems in the countries in which they are located. Likewise, labor activism remains, to a large degree, nationally-focused. But, networks of CSOs operating transnationally have also expanded in tandem with the growth of regional institutions in Asia. While it is difficult to establish a causal link between the two phenomena with any great certainty, it is nonetheless possible to argue that the growth of civil society activity in Asia, as with the expansion of regional institutions, are parallel responses to the challenges and problems arising from the growth of global and regional interdependencies that require collective action beyond national borders. But, civil society activity has also been targeted at specific agendas of the region’s various institutions, including those of the Asian Development Bank (ADB). Moreover, domestic-focused CSOs and labor groups in the region also choose to operate across national boundaries if they find that regional spheres offer a more accommodating environment for them to organize, operate in, and be heard compared with national spaces. In fact, civil society activists do have a tendency to shift the scale of their local and national contentions to the regional (and perhaps even global) level in order to both engage different sets of authoritative actors and to re-frame and therefore legitimize local claims as broader, even universalist ones (Tarrow, 2005). In turn, CSOs working on global governance issues and problems often localize their activities as they link their global agendas to related local issues and situations, in effect working through bottom-up processes to effect global change. The end result is the consolidation of a networked, transnational civil society space linking local, national, regional, and global levels that adds to the complex of regional governance arrangements in Asia.

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<sup>1</sup> Although institutions are sometimes equated with formal organizations, they are best regarded more broadly as “sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given issue area” (Krasner, 1982: 186). In this formulation, international organizations are a subset of international institutions. International institutions aid cooperation by allowing for regular interaction and information exchange among institutional participants, a framework of principles and rules about how “members” should behave with respect to a particular issue, and procedures for how institutional participants set agendas as well as make and implement decisions.

<sup>2</sup> This paper uses the term “grassroots civic groups” interchangeably with the term, “civil society organizations” (CSOs), which are defined to include loose groups of civil society actors acting collectively as well as formalized, non-governmental organizations (NGOs).

A number of questions may be asked about these trends in regional civil society and labor networking and their engagement with regional institutions in Asia:

- i. What is the nature of CSOs and labor groups in Asia, what are their key areas of concern, and what strategies do they adopt to advance their respective causes? How much variation is there in the way CSOs and labor groups operate across different Asian countries?
- ii. To what extent can we say that a regional civil society exists in Asia, what key substantive issues do groups operating in this realm raise with regional institutions and how do these groups act in order to advance their respective causes? Have regional institutions been structured in ways that encourage and facilitate their engagement with CSOs and labor groups?
- iii. How might the involvement of these groups affect the working of regional institutions, in particular their effectiveness in addressing the transnational and domestic challenges facing the region's states and peoples and their accountability to stakeholders? In short, can CSOs and labor groups make a difference to the quality of regional governance?
- iv. If non-elite groups are valuable actors in regional governance, should their interactions with regional institutions be enhanced, and if so, how can that be achieved?

In addressing these questions, the paper focuses on *non-elite* civic groups as well as non-business actors such as labor. Thus, the paper will not directly address the various elite networks of scholars that are also considered to be part of Asian regional civil society—networks such as ASEAN-ISIS (ASEAN Institutes of Strategic and International Studies), CSCAP (Council for Security Cooperation in the Asia Pacific), or PECC (Pacific Economic Cooperation Council), what has been termed the Track II policy networks that contribute in various ways to regional governance.<sup>3</sup> Although a number of global CSOs such as Oxford Famine Relief (OXFAM), World Wide Fund for Nature (WWF), and Amnesty International could be regarded as “elite” actors today—given their position at the apex of the civil society realm and the role they are often called on to play in governance arrangements—this study will consider them to be part of non-elite CSOs. This is due to their broad-based membership and sustained links with the grassroots—individuals, groups, communities, or the masses whose cause they are advocating—whether directly or indirectly through respective local chapters or other local CSOs. The paper does not address business networks.

A core aim of this paper is to explore whether and under what conditions a regional civil society space is taking shape in Asia where CSOs and labor groups collectively organize, attempting to influence both national and regional governance agendas and institutional processes. While referring to this space as regional civil society conveys some sense of its structural, functional, and normative features—as an associational realm through which individuals and groups act to influence official policy and forge the good society—a number of scholars have questioned the relevance of the civil society concept to Asia. This is because Asian political and cultural contexts render meaningless the notion of civil society as an autonomous sphere of organization by non-state and non-market groups, whether taking place domestically or transnationally. It is to this conceptual question that this paper first turns before addressing the main research questions posed.

Following this Introduction, Section 2 surveys the conceptual literature on civil society, asking whether the term is indeed alien to Asia, what analytical and practical gains may be obtained in using such a contested concept, and how the notion of civil society might help us think about enhancing the quality of regional governance and its implications for the regional institutional architecture. Section 3 reviews the literature on civil society in Asia, drawing out in broad terms the

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<sup>3</sup> On Track II networks in East Asia, see Acharya (2004), Caballero-Anthony (2005) and Morrison (2006).

experiences of CSOs in different Asian countries and highlighting how political regime type, state capacity, and the nature of state-society relations conditions the space within which CSOs operate. Section 4 discusses regional civil society networks and their engagement with regional institutions in Asia, beginning with a very brief survey of the region's complex institutional architecture for regional governance. The discussion goes on to highlight the substantive areas of concern that CSOs raise with respect to regional institutions and examines the kinds of engagement strategies these groups adopt in advancing their respective agendas. This section also discusses whether regional institutions have played any role in fostering a regional civil society realm, and whether they have been structured to allow meaningful engagement with CSOs to improve the quality of regional governance. It is beyond the scope of the paper, however, to analyze systematically the actual success or failure of civil society advocacy in Asia. The final section discusses the implications of the discussion for designing regional institutions.

## 2. Civil Society in Asia: A Conceptual Exploration

The analytical and practical relevance of the term “civil society” to Asia has been challenged by those who point to its origins in Western philosophy. In fact, even western understandings of civil society can differ, attesting to the complexities of the concept and the difficulties in attaining consensus on its definition (O’Byrne, 2005). Despite its roots in the classical period, it was only during the time of the European Enlightenment that civil society came to represent a “social realm distinct from the state” (Lee, 2004: 2). For German philosopher Georg Wilhelm Friedrich Hegel, civil society was the realm between family and state, where individuals are freely able to organize to pursue their diverse economic, social, and civic interests—and their respective approaches to the good life. However, Hegel also argued that it was only the state as the embodiment of peoples’ general will that could ensure the civility of this diverse social realm from its inherent tendency to conflict and instability—thereby positing a dialectical relationship between civil society and a state that sought to tame the former’s Hobbesian elements (Lee, 2004; O’Byrne, 2005). Although early Marxist conceptions equated civil society with the economy, most contemporary writings on the subject accept that civil society is a realm outside markets (O’Byrne, 2005).

Despite this long history in political thought, it was the Eastern European experience of the 1980s that returned the notion of civil society to contemporary political theory, particularly in international relations. Eastern European citizens from the 1970s began to demand a space in which they could organize freely without interference from the communist party-state, entrenching the notion of civil society as an autonomous realm of self-organizing individuals—distinct from the market and in opposition to the state (Lee, 2004). This particular understanding of civil society and the unsurprisingly antagonistic relationship between civil society and the state in Eastern Europe raised doubts about the concept’s analytical and practical relevance to Asia. Civil society’s involvement in Eastern Europe’s tumultuous transition from communist to democratic rule also raised the specter of similar democratic uprisings in Asian countries considered authoritarian or less-than-democratic. This created a backlash of official wariness, and even outright resistance, to CSOs (Alagappa, 2004a).

### 2.1 Relevance to Asia

More specifically, the analytical relevance to Asia of the civil society concept as an *autonomous* sphere of *voluntary* organization in search of the good life has been questioned on at least three grounds (Weiss, 2008): (i) blurred boundaries between what is “public” or “private” in Asia—where

in many parts of Asia the state actively plays a direct role in establishing civil society and/or in shaping its features; (ii) supposedly distinctive cultural dispositions in Asia—particularly in Confucian and Islamic societies—where conformity to prevailing social and religious orders and acceptance of paternalistic rule and limitations on individual rights—mean civil society in the western mould cannot exist;<sup>4</sup> and (iii) aside from voluntary associations, ascription based on religion and ethnicity abound in Asia, where an organization’s “membership is by assent rather than consent” (Alagappa, 2004b: 34). For these reasons, what sometimes is regarded as civil society in Asia cannot meet the exacting definition of the term adopted by scholars of comparative politics such as Larry Diamond (1996: 228), for whom civil society is the

realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state and bound by a legal order of shared sets of values...an intermediary entity standing between the private sphere and the state...and not only restricts state power but legitimates state authority when that authority is based on the rule of law.

However, adherence to such strict definitional standards has given way since the 1990s to allow for some conceptual broadening, which in turn has permitted scholars to recognize the existence of a dynamic, often vibrant civil society in a variety of Asian political and cultural settings (Weiss, 2008).

In line with this broadening concept, this study adopts Alagappa’s more inclusive definition of civil society as

a distinct public sphere of organization, communication and reflective discourse, and governance among individuals and groups that take collective action deploying civil means to influence the state and its policies but not capture state power, and whose activities are not motivated by profit (Alagappa, 2004a: 9).

This understanding of civil society does not *a priori* exclude advocacy groups comprising private citizens that are nevertheless either formed by the state or allied to it, although not formally a part of the state apparatus.<sup>5</sup> Moreover, Alagappa’s definition allows for the inclusion of ascriptive organizations such as ethnic, religious, and language groups, while his reference to the use of “civil means” excludes those transnational groups of terrorists or other criminals that advocate violence even though these “elements of uncivil society” as Richard Price (2003: 580) calls them may significantly impact order and governance.<sup>6</sup> Labor unions, although sometimes excluded from definitions of civil society due to their “self-serving” nature in securing the material interests of union members, have increasingly articulated their views and positions on broader social and political perspectives on the economy even if their primary concern is with employment issues (Spooner, 2004). Nevertheless, their employment focus has led labor groups to advocate on broader but cognate public policy issues such as trade liberalization, privatization, and migrant labor, to name a few. Therefore, in this paper labor groups are included as part of civil society given the broader, “public goods” aims of many contemporary labor groups.

Allowing for a broader conception of civil society draws attention to the inherent heterogeneity of this realm and raises questions about civil society’s presumed progressive role in enhancing the

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<sup>4</sup> See Gelner (1994) and Chan (1997).

<sup>5</sup> Political parties, however, are not considered to be part of civil society.

<sup>6</sup> Many CSOs themselves eschew the use of violence to attain their goals. For instance, while Amnesty International defends all prisoners against violence (torture, executions), the group excludes from its cast of “prisoners of conscience” those who have advocated violence (Keck and Sikkink, 1998: 15).

quality of governance and promoting democratic change. Empirical evidence reveals that not all CSOs support progressive political and social change (Edwards, 2004; Kiely, 2005), while civil society itself is often a realm of inequalities, power struggles, and conflict as much as of cooperation (Alagappa, 2004a). In Asia, CSOs have variously supported authoritarian regimes, religious, and ethnic exclusions as well as neoliberal forms of economic organization that can undermine social bonds and entrench economic exclusions (Alagappa, 2004a). On the other hand, religious groups, particularly Islamic groups that are often believed to be inimical to civil society—with their tendency to exclusive, affective memberships and traditionalist orientations<sup>7</sup>—have at times supported open political systems and inclusive forms of governance (Weiss, 2008).

The point is that although civil society in Asia may not always be truly independent of the state or act as a democratizing force and a driver of progressive political change, it nevertheless constitutes a valuable space “for political engagement and transformation” (Weiss, 2008: 152). The impact of such activities on governance, whether it moves in a more progressive, inclusive, and socially just direction or whether governance becomes more exclusivist and inequitable is left open. The notion of civil society, therefore, offers analytical leverage in developing a deeper understanding of the nature of political change in domestic and international politics (Price, 2003). It also has practical and normative value. Many people and groups now commonly identify themselves as belonging to civil society as they seek to shape public policy on a range of issues while leaders and officials increasingly pay attention to the idea of civil society and to the groups that identify themselves as CSOs (Alagappa, 2004a). Indeed, civil society has become a valuable empowering framework for activists who find talk of the term’s relevance to Asia worrying and misguided (Edwards, 2004).

## **2.2 The State-Civil Society Relationship: Implications for Civil Society’s Governance Role**

Contemporary understandings of civil society emphasize the positive relationship between civil society and governance, particularly the quality of democracy, using two models. The neo-Tocquevillean or social capital model understands civil society’s role in enhancing democracy and the quality of governance by instilling in people the democratic civic culture of tolerance, cooperation, solidarity, and a “sense of shared responsibility” (Putnam, 1993: 89-90).<sup>8</sup> A healthy associational life generates social capital in the form of trust and reciprocity among small networks of people, paving the way for a more cooperative and progressive society. In this associational model, CSOs can act as allies or agents of the state (or of other authoritative actors), aiding them in discharging their responsibilities to society. In contrast, the neo-Gramscian model adopts a conflictual view of civil society as a counter-hegemonic site from which groups struggle against prevailing values and rule that are seen as unjust, exclusivist or favoring the powerful. In this view, civil society becomes a necessary countervailing power against the state or other authority structures (Lee, 2004). In theorizing resistance and counter-hegemony in the field of International Political Economy (IPE), the neo-Gramscian model sees civil society as the site from which challenges to the (neoliberal) capitalist order emerges.<sup>9</sup> Thus, although the definition of civil society

<sup>7</sup> On this point, see Gellner (1994: 22).

<sup>8</sup> The neo-Tocquevillean model has its origins in the writings of Alexis de-Tocqueville on associational life in the United States in the 19<sup>th</sup> Century.

<sup>9</sup> Neoliberalism is defined as a set of politico-economic ideas that emphasize the superiority of a self-regulating market for wealth creation and distribution. Specific economic policies associated with neoliberalism include liberalization, privatization, and deregulation, all aimed at minimizing the role of the state in the economy and allowing private decision-making to thrive, thereby unleashing efficiencies in allocation, production, and distribution. Commitments to employment, social equity, and social stability have been marginalized under neoliberalism in favor of competitiveness and market efficiency as central ends of governance. To its detractors, neoliberalism

excludes ‘for-profit’ organizations such as business firms, it is nonetheless a realm that is intimately related to the economy and business.

Both models of civil society have been criticized on a variety of grounds.<sup>10</sup> One of the more salient criticisms is the tendency to view the state-civil society relationship in “either-or” terms. Either there is a zero-sum or conflictual relationship between the state and civil society, as in the neo-Gramscian model, or there is a complementary, positive relationship between the two institutional realms as in the neo-Tocquevillean model. While it is true that civil society and state (or government) may confront each other at times, the two are usually in some form of mutually dependent relationship. In democratic societies, the state provides the legal framework that permits civil society to exist and thrive as an autonomous realm of self-organizing individuals while civil society legitimizes state authority. This is why the neo-Tocquevillean model sees the liberal-democratic state and civil society as complementary; it also explains why earlier notions of civil society were not regarded as applicable to Asia with its many authoritarian governments that limited or prevented private citizens from voluntarily organizing themselves to pursue various public interest goals. Although we now acknowledge that a civil society realm can exist in non-democratic contexts as well, the existence of civil society in these settings more than ever depends on the state, whether in the form of an uneasy tolerance involving co-optation, manipulation, or penetration by the state of civil society or a more accommodative stance of the state toward CSOs (Alagappa, 2004b).

A second criticism of these two models lies in the presumption that civil society can easily achieve consensus on what the good society should look like. Although civil society enthusiasts writing in the neo-Gramscian tradition acknowledge that civil society is the site from which multiple points of opposition to the prevailing order emerge, there is less discussion on whether a single, counter-hegemonic project is needed for any fundamental transformation in governance, and if so, how such a project might emerge from this sea of diverse opposition. In fact, the tendency is to celebrate the diversity of destabilizations to the prevailing order arising in civil society (see Falk, 2000). Thus, many scholars continue to understand civil society simply as an ethical space that acts as a check on state power and a site for emancipatory politics (see O’Byrne, 2005). However, this does not tell us precisely how CSOs achieve shifts in governance regimes—in rules and policies—toward some desired end, and indeed, how civil society reaches a consensus on precisely what that end might be. It is for this reason that Alagappa’s definition emphasizes civil society as a realm in which “communication and reflective discourse” takes place. It is only when argument and deliberation openly takes place amongst the diverse components of civil society—the public sphere phenomenon of civil society—that some reasoned (i.e., civil) consensus will be reached on the contours of a good society (Edwards, 2004). Social capital theorists, on the other hand, believe that social capital may be destroyed rather than built up by advocacy groups and mass organizations. This line of thinking, unfortunately, imposes an *a priori* conception of civil society as a source of a particular form of social capital built up through small group interaction that embraces inclusiveness and easily facilitates democracy and open, participatory politics. As one study on civil society and political change in Asia reveals, these forms of small group associations can act in ways that deviate from these normative ideals (Alagappa, 2004e).

Even at the transnational (global or regional) level, there exists a tendency to see transnational civil society and the nation-state (or authority) in binary terms, with the former as good and the state and

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simply represents “market fundamentalism” (Stiglitz, 2002). However, a neoliberal governance regime may be said to exist even if there is significant state intervention in markets if an activist state seeks to inculcate its population with the ethics of individual responsibility, initiative, hard work, and self-reliance, considered hallmarks of the neoliberal philosophy of governing populations (Lemke, 2001).

<sup>10</sup> Alagappa (2004b &c) and Lee (2004) review these criticisms in some detail.

associated state-based identities and priorities as bad (Kiely, 2005). Thus, global civil society has been portrayed as an unmitigated good, a corrective to the defective and/or the neoliberal capitalist state as well as to exclusionary nationalist identities. However, Kiely (2005) not only cautions against presuming that all forms of CSOs are progressive, he also reminds us that transnational civil society cannot replace the politics of place and of belonging. National politics is often the focus of CSOs that operate regionally or globally, with civil society beyond the state as one additional space through which to advance some common cause. As with civil society within states, theorizing civil society beyond the boundaries of individual states requires that attention is paid to the changing relations between state and society, because it is states that shape and condition the space within which CSOs operate, both nationally as well as beyond. However, inter-state relations and regional institutional frameworks are also vital when considering how CSOs operate in transnational regional space. In the context of this paper, this means asking whether state-dominated regional organizations like ASEAN—in which a strong sovereignty/non-interference logic operates—will be able to deviate from the preferences of those member states unwilling to countenance a larger role for CSOs in regional governance, or whether the regional institutional level offers the opportunity for a more accommodating form of response to civil society to develop in the region despite the anti-CSO predilection of some member states.

Government responses to CSOs clearly depend on the nature of the political regime, and most studies of the civil society phenomenon have emphasized this variable in their studies. It is usually the more democratic states that are more hospitable to civil society groups engaging in activities that have a critical component to them and that have the potential to undermine elite power. In these political settings, governments tend to accommodate the range of activities common to civil society, including the articulation of new knowledge, especially alternate forms of knowledge that could destabilize prevailing governance arrangements, and even demonstrations and mass protests. In other political settings, CSOs are likely to find themselves confined to delivering services to the poor and other needy groups in society, often in partnership with the state. In this way, civil society enhances the power and capacity of the state to penetrate society and enhance the state's legitimacy. The Singapore government, for instance, has at one time, employed the term "civic society" rather than civil society to refer to its preferred model of voluntary self-help associations working with the state to address the welfare needs of society (Koh and Ooi, 2004). In fact, the state-civil society relation is best seen as a dynamic one. Not only does the state's response to civil society change along with broader changes in internal politics, state capacity, and external trends, but CSOs themselves have adopted a range of creative strategies for negotiating with the state while still attempting to remain true to their normative ideals, group interests, and independence (Lee, 2004; Curley, 2007).

### **2.3 A Mixed Model: Civil Society Advocacy Networks as Strategic Actors**

Keck and Sikkink's model of advocacy networks focuses on the resources and strategies that CSOs use to persuade, pressure, and even coerce authoritative actors to review existing norms, policies, and institutions in the public interest (Keck and Sikkink, 1998). This model offers two advantages over the social capital and resistance models. First, the advocacy network model offers us an agent-centric account of how CSOs—working as activists within or across territorial borders—exercise agency through employing a variety of strategies and resources in their attempts to change key aspects of national, regional, and global governance.<sup>11</sup> Second, the advocacy network model does not preclude CSOs from allying with the state or some other authoritative actor on common issues, often aiding these actors to accomplish their tasks. Advocacy is not always about

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<sup>11</sup> Price (2003) provides a useful analysis of a range of studies on how civil society actors influence world politics.

challenging those exercising authority; rather, it is as much about informing authorities about some problem not yet visible to policymakers as about contesting the claims, positions, and policies of authoritative actors. Both collaboration and resistance, therefore, may be features of civil society advocacy networks, with these processes sometimes occurring in stages. CSOs first advocate on (or contest) some issue—successfully—and then work with states or regional/global institutions to implement the solutions adopted for that issue. In the advocacy network model, CSOs network not only with other CSOs, but with a variety of other actors ranging from philanthropic foundations, local community groups, media organizations, churches and other religious groups, research institutes and universities, local and national governments, as well as regional and global institutions (Keck and Sikkink, 1998).

How do these multi-actor networks achieve change? Communication, persuasion, and pressure—based on the information and knowledge generated by CSOs—are core strategies. Information and knowledge are vital for civil society, not only to build coalitions or alliances with powerful actors but importantly, to “mobilize their own members and affect public opinion via the media” (ibid: 23). Civil society actors become influential in governance through their capacity to provide alternate sources of information and perspective on some phenomenon. By publicly reporting data and empirical facts not commonly available to policy makers on some issue or that challenge policymakers’ version of these issues (e.g. environmental consequences of logging), CSOs are able to frame these issues or activities as problems requiring solutions. In 1987, research conducted by the Japan Tropical Forest Action Network (JATAN) on logging in Sarawak and its adverse impact on local communities helped end a road construction project in the logging area that had been promised funding by the Japan International Cooperation Agency (JICA) (Keck and Sikkink, 1998).

In their advocacy work, CSOs often adopt particular kinds of language to dramatize or moralize a problem to convince the public and policymakers to shift their thinking on the issue and ultimately to develop solutions. Discursively depicting the act of patenting HIV/AIDS medicines as “death through greed,” despite the legality of patents under WTO rules, allowed the NGO Access Campaign to shift public opinion, particularly in the US, against pharmaceutical companies and helped bring about a change in the way WTO rules on intellectual property rights will be applied during public health crises (Sell and Prakash, 2004). CSOs also aid the cause of governance by articulating new causal or principled ideas that help make connections between trends that were previously perceived to be unrelated or negatively related (e.g. showing the positive link between competitiveness/productivity and core labor standards) or that provide different normative perspectives on the phenomenon in question. By identifying different causal relationships from those found in prevailing governance arrangements, CSOs aim to offer alternative models of governance that are more inclusive of marginalized sectors like the environment or groups like workers, migrant labor or indigenous communities.

This does not mean that CSOs do not mobilize other forms of material resources in attaining their goals; mass protests and consumer boycotts that inflict material damage on their targets have been successfully employed by advocacy networks in a variety of issue areas ranging from logging, human rights, dam construction, palm oil cultivation, and whaling, to name a few. However, even the success of these strategies are fundamentally rooted in discursive activities—the reporting and framing of information and ideas in ways that draw public attention to an issue or problem, thereby pressuring policymakers to respond in one or another way. These kinds of information-based strategies also govern how these networks engage with their “targets” such as states, international institutions and private sector actors. Engagement can involve not just reasoning with these targets, it often involves “bringing pressure, arm-twisting, encouraging sanctions, and shaming” (Keck and Sikkink, 1998).

## 2.4 Civil Society and its Impact on the Quality of Governance

It is not always easy to establish precisely the extent to which CSOs have reformed or transformed governance. There are difficulties in disentangling the different contributions to such changes from civil society and other actors on the global political stage as well as the role often played by unique historical junctures and political opportunity to act (Scholte, 2002). Nevertheless, it is possible to identify in broad terms five outcomes of civil society activity in relation to governance arrangements: (i) discursive shifts; (ii) agenda setting, including raising new issues; (iii) changes to institutional processes; (iv) policy changes; and v) shifts in actor behaviour (Keck and Sikkink, 1998; Scholte, 2002). Not all civil society activism attains all of these outcomes; but, achieving any one of these may be significant, particularly as it could have a knock-on effect on other aspects of governance (Keck and Sikkink, 1998).

Shifts in the prevailing discourse are among the most significant outcomes of CSO activity. This is because discourse is not merely language and rhetoric; discourse is productive in that it shapes the social meaning structures within which we operate, in turn altering incentives and constraints operating on states and other authority figures. Norms of good governance, human rights, sustainable development, and human security are among the new notions that have become widely circulated in world politics through advocacy activities of CSOs. Although these new norms are not uncontested, they have altered the way states, international organizations, and the public think about and even practice governance; these new norms are now part of the governance framework even if they do not go unchallenged (Scholte, 2002). Indeed, a good deal of the contemporary politics of governance involves contestations over these new norms and the changes in policies and behaviour expected as a result.

In turn, agendas may be reformed as a result of these new norms, which also permit the creation of new issues as legitimate tasks of governance as well as new institutions. The emergence of a human rights discourse in world politics legitimized the advocacy work of human rights activists, including the monitoring and reporting of official abuses against citizens (Barnett and Duvall, 2005). The evolution of the human rights agenda in ASEAN regional governance is a notable case-in-point of how discursive shifts can lead to real changes, albeit over a prolonged period. Although ASEAN states rejected the western concept of human rights in the early 1990s by emphasizing the superiority of a *regional* concept, this “regionalizing” paradoxically compelled states to acknowledge, or at least tolerate, the subsequent emergence of national and regional human rights advocacy groups and networks whose work, over time, led to the formation of the ASEAN Inter-governmental Commission on Human Rights in 2008. In this case, regional civil society advocacy helped form a new institutional structure on this issue, albeit a weak one (Nesadurai, 2009). CSO advocacy has also led to the reform of existing institutions. The formal integration of CSOs in institutional processes in the World Bank and ADB are cases in point; these institutions now allow for the participation of civil society groups in their activities. Shifts in policies are another valuable outcome of CSO advocacy although policy changes may not always be implemented. Ultimately, it is change in actual behaviour by states and other authoritative actors that is crucial in reforming governance such that there is a discernible change in people’s lives.

To assess the impact of civil society on the *quality* of governance, we also need to consider the extent to which CSO activity enhances the *effectiveness* of governance institutions as well as the *accountability* of these institutions to stakeholders. Institutional effectiveness may be linked to substantive targets; effectiveness is enhanced if CSO activity helps institutions review goals, introduce new agenda items, as well as consider new ways of addressing problems and revise policies accordingly. This can result in the correction of some governance deficiency or gap. In

achieving these substantive targets, the information and knowledge producing role of CSOs is vital in ways that have already been discussed. A second dimension of governance quality—enhancing institutional accountability—relates to matters of procedural justice and the legitimacy of governance institutions. Accountability is about assuming responsibility for one's actions. In fact, it is from the notion of accountability that other measures of good governance, especially of democratic governance, emerge—representation and transparency being the two most significant (Caporaso, 2003). Two other measures of accountability are how an institution responds to complaints made against it and whether the institution has an effective evaluation process for its policies and programs.<sup>12</sup> Previously, only limited notions of accountability were in place as international institutions saw their primary responsibility to their founding member states, their core funders, or less often, the entire membership of that institution. It was to these states that the institution had to justify its policies and actions. In the contemporary world order, with growing public concern over the accountability gap and democratic deficit of many international institutions, accountability to a wider cast of actors beyond this core group has become crucial to legitimizing governance arrangements beyond the state.

If institutional accountability is about acknowledging and assuming responsibility for the institutions' actions to *all* its key stakeholders, then there must be some mechanism that allows these stakeholders to be consulted. Representation can take two forms. One mode of representation involves the actual physical representation by CSOs of that institution's multiple stakeholders, namely those communities or groups affected by some activity of the institution in question. A second notion of representation is that of "discursive representation" where civil society participants "represent positions rather than populations, ideas rather than constituencies" (Keck, 2004: 45). Adopting the notion of discursive representation helps to address the oft-made criticism that CSOs are not truly representative of the constituencies they claim to represent; it should help us resist moves to exclude civil society from meaningful participation in governance institutions on these grounds. Transparency is another key component of accountability. If an institution's actions, agendas, deliberations, and decisions are closed, it is impossible for that institution to assume responsibility for its activities to its stakeholders. Again, CSOs can play a role in this regard by not only acting as a conduit through which information is conveyed between the institution and key stakeholders, but also as a "processing center" that analyses, interprets, and evaluates the information provided, challenges it if necessary, and through that process helps create better outcomes for those affected by the activities of the institution. Complaints lodged by CSOs or by local communities affected by the projects and policies of an institution may be considered to be one more type of independent information that will aid the institution in question to better evaluate its own policies and programs, as well as formal internal and independent evaluation mechanisms.

While such accountability practices involving non-elite CSOs are increasingly common in global institutions as well as institutions in the European Union, their role in Asia remains limited. Although regional institutions accord a significant institutional role to elite CSOs such as the regional scholarly networks of academics, other researchers, and business associations, many regional institutions have not tapped *non-elite* civil society's potential to enhance institutional effectiveness and accountability. Since institutional effectiveness and accountability depend on having "more outside checks on information" as well as "more independent information" (Haggard, 2010: 5), CSOs are one category of international actor to which such responsibilities may be delegated in international institutions.<sup>13</sup> The paper returns to this point in Section 5.

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<sup>12</sup> These are the four measures of accountability used by One World Trust to compile its annual Global Accountability Report. See One World Trust (2007 & 2008).

<sup>13</sup> On the delegation of various tasks in regional institutions, see Haggard (2009).

### 3. Civil Society in Asia: Negotiating the State

A number of studies have documented the existence of a vibrant civil society realm in Asia once we relax the strict definition of the term and allow for some conceptual broadening as discussed in the previous section. These studies have also documented an expansion in the numbers of CSOs operating across Asia, particularly since the 1980s (Yamamoto, 1995; Schak and Hudson, 2003; Alagappa, 2004e; Lee, 2004).<sup>14</sup> Alagappa's study of civil society is perhaps the most ambitious for its scope, covering 12 diverse countries across Asia, and for its theoretical coherence, thereby contributing to building theory on the nature and transformative role of civil society operating in a variety of political settings beyond the western, liberal-democratic state.

It is in those Asian states that witnessed political liberalization and democratization that we see the sharpest spike in CSO growth as governments became committed to creating and safeguarding a space for non-state groups. This was the experience in Republic of Korea (Korea); Taipei, China; Thailand; Philippines; and Indonesia following political liberalization and democratic transition—especially as CSOs previously operating underground formalized operations in the new political environment (Alagappa, 2004c). However, even in these new Asian democracies, the legal framework guaranteeing civil society a space in which to operate unhindered continues to be limited by laws left over from their authoritarian past (Alagappa, 2004c). CSOs have also sprung up “from below” as a result of disaffection with national governments in many parts of Asia. Dissatisfaction with official government policies, particularly those relating to minorities, has sparked non-state oppositional and advocacy groups to organize. This has been the experience in Malaysia, Sri Lanka, and the Philippines, which are grappling with the issue of minority rights (Alagappa, 2004c). Even in democracies like India and the Philippines, CSOs have emerged to provide the goods and services that national and/or local governments seem unable or unwilling to deliver to needy and vulnerable communities. CSO activity has also grown in response to the adverse consequences of rapid economic growth and industrialization (Polet, 2007). This has given rise to the emergence of new issues around which groups have coalesced, namely labor rights, environmental degradation, economic justice, corporate governance, crony capitalism and corruption (Alagappa, 2004c). Labor advocacy has, in fact, grown in settings across the political spectrum as workers confront the social consequences of neoliberal policies that have undermined traditional employment and wage safeguards and increased the insecurities workers face in a highly competitive, globalizing world economy (Spooner, 2004).

Although CSOs operate in a range of political settings in Asia, it is in the more open and democratic countries that we see a spectrum of CSO activity, from advocacy—including protests and rallies—to the production of critical/alternative knowledge and service delivery. Pluralism is the result. In these states, CSO activity also helps sustain the democratic order. However, in formally democratic countries—such as Malaysia and Sri Lanka—many CSOs have organized along communal (ethnic or religious) lines, and, in some instances have contracted democratic space and limited moves toward genuine openness and pluralism (Weiss, 2004; Devotta, 2004). In more authoritarian or repressive regimes, governments have chosen to deliberately encourage the growth of CSOs allied with the state, both to counter oppositional or independent CSOs and to work with the government on a variety of development projects (Alagappa, 2004; Curley, 2007). Thus, while CSO activity has grown in countries like the PRC and Myanmar, many advocacy activities tend to be suppressed, though not always successfully. Even in more stringent political settings, CSOs have attempted to find ways to negotiate with the state. In the PRC for instance, state-controlled organizations have

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<sup>14</sup> Welsh (2008) provides a useful review and critique of some of these studies.

managed to slip out from under state control and have become agents for the “expression of ideals, or mobilization and coordination against the party-state” (Ding, 1994: 32). A similar experience has been reported in the case of Viet Nam, where individuals and groups have managed to creatively adapt to their highly restrictive milieu, including using their connections with communist officialdom or their knowledge of the system in order to challenge it from within, in what Russell Heng (2004: 157) has termed “system-subverting politics.”

The picture of CSO activity in Asia is thus highly varied as domestic regime type, state capacity, and the nature of state-society relations combine to shape the nature and form that civil society takes within national settings. In addition, developments at the international, structural level have also facilitated the growth of civil society in Asia. In particular, the end of communism and the triumph of liberal democracy and liberal capitalism led major powers like the United States and the European Union to champion liberal norms of human rights and democracy as universal norms. This necessarily entailed supporting the development of civil society, which translated into the availability of considerable material resources for Asian CSOs as well as a moral framework that legitimized their existence. Many illiberal governments chose to tolerate CSO activity, albeit in a highly controlled manner, because they not only recognized the value of these groups in alleviating the burdens of the state in addressing a range of social and developmental issues, but because of concern that they would be pressured to adopt new international norms of human rights and democracy through external political pressure and other forms of conditionality. At least, the presence of CSOs gives the impression that a more open political system is in place, even if the resultant civil society space is controlled and even manipulated by governments for their own ends.<sup>15</sup>

Yet, as the Asian experience shows, CSOs operating in such constrained environments have managed to work through the state in advancing their respective causes. Nevertheless, their success is limited by the kinds of issues that CSOs can advocate. Issues that directly pose a threat to ruling governments and prevailing political systems are usually out-of-bounds. While CSOs may be able to organize against issues that touch on politics or government performance such as corruption and governmental inefficiency, they can only do so to the extent that these advocacy activities do not challenge the authority and legitimacy of the ruling regime. Nevertheless, even in these settings, the advent of new information and communication technologies (ICT) has allowed CSOs to use cyberspace as a realm to “escape” repression, and silencing. This has not only happened in Myanmar and the PRC but CSOs have also used cyberspace to articulate criticisms of the political system, the government and its policies and practices in Singapore and Malaysia (Alagappa, 2004c). In fact, ICT has promoted networking of CSOs across borders and facilitated the emergence of a transnational, regional civil society space. Burmese groups operating in exile such as the Free Burma Coalition have established a network of human rights and student organizations in 28 Asian and European countries to press for political change. This network has successfully persuaded some multinational corporations against doing business with the Myanmar military government (Kyaw, 2004).

The growing links between local CSOs in Asia with global CSOs, including through local chapters or regional offices of global NGOs like Amnesty International, Transparency International, OXFAM, Freshwater Action Network (FAN), and the Worldwide Fund for Nature (WWF), to name a few, has also empowered many local CSOs, especially through material, information, and knowledge resources that the more established global partner makes available to the local CSO to aid the latter in its advocacy. But, the flow of ideas is not always from the global to the local; local CSOs

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<sup>15</sup> In Manor's typology, centralised governments tend to be suspicious of independent power centres, preferring top-down institutions that are controlled by the state. Manor, cited in Curley (2007: 187-89).

have provided innovative approaches to local problems that international organizations then replicate or adapt. A case in point is the program of non-formal education for working children initiated in the early 1980s by a local Bangladeshi NGO, the Bangladesh Rural Advancement Committee (BRAC) that formed the basis for a similar program launched in the late 1980s by the United Nations Children's Fund (UNICEF) for the Bangladesh government (Yusuf, 2006). In this case, BRAC recognized the reality of working children in Bangladesh, and consequently spearheaded a practical alternative that later informed the programs of an international agency. Nevertheless, global-local linkages can have their downside if local CSOs become dependent on, and are seen to be uncritically adopting the analyses and interpretation of local issues that use culturally different lenses. In such instances, it becomes easier for governments to delegitimize local CSOs by accusing them of being western pawns.

Nevertheless, despite these caveats, CSOs that may be restricted within national space are able to enlarge their capacity to act by exploiting both cyberspace and the transnational space above the state—both global and regional. As the next section shows, CSOs in Asia have used the regional level in which to organize and press for change on a variety of issues through both networking among themselves as well as engaging with regional institutions.

#### **4. Civil Society and Regional Institutions in East Asia**

The regional institutional landscape in Asia is undoubtedly complex, shaped by a variety of institutional arrangements aimed at addressing a growing array of domestic, transnational, and global issues and problems. These different arrangements may be categorized into at least five institutional types although some of these arrangements are difficult to slot into one or another of these categories.

The most visible of these arrangements are the traditional state-centric, inter-governmental organizations (IGOs) with broad agendas. Examples include the Association of Southeast Asian Nations (ASEAN), Asia-Pacific Economic Cooperation (APEC), ASEAN Plus Three (APT), the ASEAN Regional Forum (ARF), South Asian Association for Regional Cooperation (SAARC), the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), the Shanghai Cooperation Organization (SCO), and the South Pacific Forum (SPF). Asia is also host to functionally narrower arrangements that bring together specialized government regulatory agencies networking with similar bodies in other states—sometimes with international regulatory bodies to share information and to cooperate over very specific items that fall within the respective purview of these functional agencies. Examples of these trans-governmental networks<sup>16</sup> include the regional central bankers' network, Executives' Meeting of East Asia-Pacific Central Banks (EMEAP) as well as the ASEANAPOL network of Chiefs of ASEAN police forces.<sup>17</sup> Even members of parliaments now network regularly across national borders such as through the ASEAN Inter-Parliamentary Assembly (AIPA) and in South Asia through the Association of SAARC Speakers and Parliamentarians. A third institutional category is the subregional arrangement aimed at enhancing cooperation amongst smaller subregions within nation-states, for instance, Greater Mekong Subregion Economic Cooperation Program (GMS), Brunei Darussalam, Indonesia, Malaysia, the Philippines—East ASEAN Growth Area (BIMP-EAGA), and Central Asian Regional Economic

<sup>16</sup> For a discussion on the worldwide growth of networks of regulators interacting across national borders, see Slaughter (2005).

<sup>17</sup> EMEAP sometimes works closely with the Bank of International Settlements (BIS) while ASEANAPOL cooperates regularly with INTERPOL.

Cooperation (CAREC).<sup>18</sup> In addition to these more formalized governance structures are those that are still state-centric but are looser arrangements that function more like dialogues—the Six Party Talks between the United States, Japan, People's Republic of China, Republic of Korea, Democratic People's Republic of Korea (DPRK), and the Russian Federation aimed at addressing the DPRK nuclear issue, the East Asia Summit with its wide-ranging agenda, and the inter-regional Asia-Europe Meeting (ASEM), also with a broad agenda. The Shangri-La Dialogue (more formally known as the Asia Security Summit)—which brings together defense ministers, senior military figures, and other non-military officials from within Asia and from outside the region—is convened by a London-based think-tank, the International Institute of Strategic Studies.<sup>19</sup>

Aside from these four types of state-centric arrangements, Asia is also home to an array of non-state regional networks that also aim to contribute to regional governance. These networks usually comprise scholars from think tanks and universities as well as business persons from the private sector. Regional scholarly networks include ASEAN-ISIS, the Network of East Asian Think-Tanks (NEAT), CSCAP, PECC and the Consortium of Non-Traditional Security Studies in Asia (NTS-Asia) that includes members from South Asia, Southeast Asia, Northeast Asia, and even Australia, joined by a shared commitment to non-traditional approaches to security problems. Private sector networks, often closely linked to regional institutions, include the APEC Business Advisory Council, the ASEAN Business Forum, the SAARC Chambers of Commerce and Industry (SAARC-CCI), the GMS Business Forum, and the CAREC Business Development Forum. The Roundtable on Sustainable Palm Oil (RSPO), a global private sector initiative that includes the participation of NGOs and aimed at ensuring that palm oil is produced in a sustainable manner, should also be considered a key component of the *regional* institutional architecture for governance. This is because of the central role of the RSPO in certifying the ethical and “green” credentials of the palm oil industry, a significant economic sector in Malaysia and Indonesia, which supplies about 84% of the global output of palm oil. It is also a growing industry elsewhere in Asia in which Malaysian palm oil companies, already accused of ecologically unsustainable and unethical practices, dominate. The RSPO is, therefore, a key framework for governing business and state practices in this industry.

Although this is not an exhaustive list of regional institutional arrangements in Asia, it is a brief introduction that serves to highlight a key feature of the Asian regional institutional architecture—it is a complex structure of diverse, often over-lapping governance arrangements that operate at sub-national, national, subregional, regional, and inter-regional levels, even involving non-state governance arrangements and addressing a wide array of problems and issues (Jayasuriya, 2009; Caballero-Anthony, 2009). Moreover, many of these regional institutional arrangements often involve participation of multilateral institutions like the World Bank, the International Monetary Fund, Bank for International Settlements, and ADB, either on a regular or ad hoc basis (Jayasuriya, 2008). But it is in East Asia that we see the region's reputed institutional diversity—as multiple, often competing and overlapping institutional arrangements—formed to cater to the various economic and political interests of a set of heterogeneous countries.<sup>20</sup> Often, these institutional arrangements are supplemented by a plethora of agreements, including free trade area and economic partnership agreements, codes of conduct (such as on the South China Sea), as well as a host of other specific initiatives and projects (such as the Chiang Mai Initiative Multilateralization and the Asian Bond Markets Initiative, both aimed at enhancing regional financial governance, as well as ASEAN's

<sup>18</sup> Membership details of these various subregional schemes are available from the ADB website, [www.adb.org/Countries/subregional.asp](http://www.adb.org/Countries/subregional.asp)

<sup>19</sup> Countries that have participated in the annual Dialogues since 2002 are listed at the website of the Dialogue's convener at [www.iiss.org/conferences/the-shangri-la-dialogue/shangri-la-dialogue-2008/participating-countries/](http://www.iiss.org/conferences/the-shangri-la-dialogue/shangri-la-dialogue-2008/participating-countries/).

<sup>20</sup> On this point, see Haggard (2009) and Ravenhill (2009).

tripartite Community building project). These further contribute to the structures and processes of regional governance.

Paralleling the growth of regional institutions is a growing regional civil society space in Asia in which a variety of CSOs participate using different strategies to advance a wide range of causes. Although it is impossible to map the entire spectrum of causes advocated by CSOs, regional civil society activism tends to address issues within the following broad categories: (i) economic rights and exclusions, including those related to labor and land rights; (ii) political change, democratization and human rights; (iii) sustainable development and environmental causes; (iv) gender issues; (v) poverty, development, trade and globalization; (vi) the adverse social consequences of regional liberalization and integration arrangements, including bilateral FTAs; and (vii) human security. While regional networking among CSOs had been going on since at least the late 1970s, the region's complex institutional architecture also acts as a spur to regional activism, both when CSOs advocate against the activities of one or more of these regional institutions as well as when they use them as a(nother) channel through which to be heard by policymakers.

As the discussion to follow shows, regional CSO activity falls into the following broad categories: (i) regional advocacy activities, including through regional CSO networks; (ii) parallel summitry, both with and without official sanction; and (iii) CSO partnerships with states and regional institutions in specific projects including delivering services to vulnerable communities. It is important to keep in mind that these are not mutually exclusive, with CSOs engaging in more than one of these activity types. Moreover, some of these activities derive from others; for instance, regional advocacy—persuading and challenging officials to change their position on some issue—could eventually lead to state-CSO partnerships in implementing the revised policy. While a regional civil society is clearly in place, whether this has been matched by a definite and sustained move toward institutional engagement with civil society actors in ways that enhance institutional effectiveness and accountability is a question that needs to be considered more carefully. We will return to this in the concluding section.

#### **4.1 Regional Advocacy and Transnational Civil Society Networks**

Advocacy—where CSOs attempt to argue in favor of a particular issue or group—have a fairly long history in Asia, even before the emergence of the dense regional institutional environment in the 1990s. Aside from advocacy undertaken by individual CSOs acting independently, like-minded CSOs increasingly collaborate to advance shared causes. While an exhaustive survey is beyond the scope of this paper, it is possible to identify a few core approaches to regional CSO advocacy. Advocacy is most commonly understood to involve speaking or writing on behalf of some marginalized cause or group; in short, to plead their case. At one end of the spectrum, mobilization of the masses through rallies and protests is a form of advocacy, often undertaken to demonstrate solidarity with the affected group and to make a visible statement about the cause. A more common approach to advocacy is to use information and knowledge to provide fresh perspectives on existing or new problems and—through such knowledge and research-centered lobbying—aim for change.

Although mass protests do not always elicit positive responses from governments in Asia, one mass protest campaign that did lead to positive change was that mobilized by CSOs against the ADB in May 2000. According to an ADB official, this protest rally compelled ADB to seriously consider the demands of ordinary people over two key ADB projects in Thailand—the privatization of social services such as schools and hospitals, and the Samut Prakarn Wastewater Management Project that had been challenged by the Long Dan villagers in Samut Prakarn for being environmentally unsound and corrupt (Tadem, 2007). Like many other regional advocacy activities

and mass protests, this campaign linked regional CSOs with those from other parts of the world acting in solidarity with local Thai groups and communities in lobbying ADB as well as other interested governments, especially those providing funds to these projects. ADB's responsiveness to this particular advocacy campaign was likely to have been shaped by the prevailing atmosphere of the "post-Seattle" period when multilateral institutions like the IMF, World Bank, and WTO came under considerable global pressure to demonstrate accountability to local communities affected by their rules and projects. In February 2001, ADB established the NGO and Civil Society Center to enhance cooperation with CSOs, including trade unions and people's groups, and to "respond to their concerns."<sup>21</sup>

Most major Asian CSOs that focus on transnational, regional, or global issues emphasize research as a key resource for their advocacy work; by articulating alternate knowledge paradigms, CSOs aim to alter prevailing governance arrangements that badly affect various groups in society. FOCUS on the Global South (FOCUS), for instance, engages in individual advocacy work, especially through research and position papers on mostly economic matters, mobilizing against globalization more generally, and on the WTO and other global institutions in particular. FOCUS has also been critical of ASEAN's approach to national and regional liberalization and economic integration, which it says is overwhelmingly aligned to corporate needs. Its global focus allows the research work and findings of FOCUS to be used by CSOs operating in a variety of subregional spaces. Other CSOs like the Asian Forum for Human Rights and Development (FORUM-ASIA) and Alternate ASEAN (ALT-ASEAN) focus advocacy on political issues, especially human rights abuses in Myanmar and other Asian countries as well as anti-democratic practices of a number of governments in the region (Lizee, 2000; Acharya, 2003).

Aside from individual advocacy, CSOs such as FORUM-ASIA and FOCUS also join other like-minded CSOs to form ad hoc or more permanent regional advocacy networks. Both these CSOs are members of the steering committee of a key regional advocacy network, the Solidarity for Asian People's Advocacy (SAPA), which focuses its advocacy work on three Asian subregions—South Asia, Southeast Asia, and Northeast Asia. Formed in 2006, SAPA has become a fairly representative regional advocacy network—if we go by its broad-based agenda that addresses a range of concerns affecting Asian communities—and by its membership of about 100 national and regional CSOs. SAPA membership extends only to Asia's non-state organizations, including social movements, NGOs, and trade unions that are involved in some form of lobbying or advocacy aimed at international organizations.<sup>22</sup> Its annual regional consultations have involved from 30 CSOs (at its inaugural consultation) to 55 in 2007. Key advocacy themes include human rights and democracy; globalization, trade, finance and labor; sustainable development and environment; and peace and human security (SAPA, 2007). SAPA's main aim is to

enhance the effectiveness and impact of civil society advocacy by improving communication, cooperation and coordination among non-governmental organizations operating regionally in the face of rapidly increasing and multiplying inter-governmental processes and meetings in Asia.<sup>23</sup>

Clearly, SAPA is aimed at advocacy and lobbying activities targeted at regional organizations. It also undertakes studies on issues it advocates. SAPA has subregional Working Groups, on

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<sup>21</sup> See the site, NGO and Civil Society Center at [www.adb.org/NGOs/ngocenter.asp](http://www.adb.org/NGOs/ngocenter.asp) (accessed 13 November 2009).

<sup>22</sup> See SAPA website at [www.asiasapa.org/index.php?option=com\\_content&task=view&id=12&Itemid=64](http://www.asiasapa.org/index.php?option=com_content&task=view&id=12&Itemid=64) (accessed 13 November 2009).

<sup>23</sup> Ibid.

Southeast Asia and Northeast Asia respectively, that each year prioritize a set of work programs that relate to the core agendas of the main regional organizations in each subregion. Thus, the Working Group on Southeast Asia in 2007 developed work programs on the ASEAN Charter and the ASEAN Human Rights Mechanism, among others, which were core items on the official ASEAN agenda during that period (SAPA, 2007).<sup>24</sup> While there is no formal regional organization as yet in Northeast Asia, the Working Group focuses on the ASEAN Plus Three Summit as well as on thematic priorities such as migration and on peace and security issues linked to militarization and the Democratic People's Republic of Korean nuclear issue (SAPA, 2007). In South Asia, rather than setting up a new Working Group, SAPA chose to work with an existing regional CSO network—SANTI (South Asia Network Against Torture and Impunity)—established in Bangladesh to lobby SAARC. Aside from these subregional focal points, other thematic working groups in SAPA bring together civil society participants from all three subregions; these focus on migration and labor as well as human rights (SAPA, 2007). However, the degree to which SAPA-led advocacy has succeeded is open to question. For instance, the final form taken by the ASEAN Charter and the ASEAN Human Rights Mechanism clearly reflect largely official positions within ASEAN despite the best efforts of civil society groups like SAPA to lobby for a more progressive stance. We return to this point in Section 4.2.

One regional advocacy network that has clearly not been successful is the regional labor network in Southeast Asia, which has focused its advocacy on altering regional (or national) approaches to labor. Part of the problem lies with the nature of trade unions in the region. Unions are usually the institutional form through which workers attempt to organize collectively to advance their position and interests. In Asia, these tend to be fragmented and beset by internal tensions, notwithstanding the rhetorical commitment to improving work conditions and employment practices within their firms or industry. Moreover, although these organizations subscribe to a social justice platform and call for a more humane form of globalization or a more socially just approach to global and regional economic governance, their ability to forge solidarity networks transnationally is undermined by the way different groups of workers, and by extension their unions, are differentially inserted into global and regional production processes (Cumbers et al, 2008). Workers in high-performing, globally integrated industries are likely to look more positively on regional integration and liberalization, for instance, than workers in sectors that compete with regional and global firms. Thus, labor organizations are likely in the first instance to engage nationally with their respective governments or with their employers in seeking to enhance the position and interests of particular groups of workers. Yet, labor groups in Southeast Asia have come together in a transnational regional network to articulate a regional agenda for labor and to advocate its inclusion as a dialogue partner in the region's integration framework.

Working through the ASEAN Trade Union Council (ATUC), a number of labor groups from Southeast Asia have proposed the ASEAN Social Charter, which they see as the “social counterpart to ASEAN's economic, trade and investment architecture ...as a social pillar necessary to counteract the negative impacts of globalization on labor standards, distribution of income and social protection” (ATUC, nd).<sup>25</sup> The Social Charter was agreed after more than 5 years of consultations and negotiations, initially between national, regional (ATUC), and a global trade union (the International Confederation of Free Trade Unions-Asia Pacific Regional Office [ICFTU-APRO]). These meetings were spearheaded by the Singapore office of the German foundation, Friedrich Ebert Stiftung, which also organized a set of later consultations between labor unions, civil society groups, academics, and government officials. Labor groups chose to work collectively in Southeast

<sup>24</sup> The latest available report is the 2007 Summary Report of the SAPA General Forum.

<sup>25</sup> [http://www2.asetuc.org/media/5\\_0%20ASETUC%20and%20Civil%20Society%20in%20ASEAN\\_1.pdf](http://www2.asetuc.org/media/5_0%20ASETUC%20and%20Civil%20Society%20in%20ASEAN_1.pdf)

Asia because of a growing, shared concern at the lack of any social or labor standards in the ASEAN Free Trade Agreement (AFTA) and in other bilateral trade arrangements involving Southeast Asian states and the ASEAN Economic Community project. In fact, the ASEAN Social Charter was initially conceived as the AFTA Social Charter, but was renamed the ASEAN Social Charter to demonstrate labor's support for the ASEAN regional process (Sperling and von Hoffman, 2003). Labor groups initiated the Social Charter when ASEAN failed to include organized labor as a dialogue partner in developing AFTA (Santiago, 2005). In drawing up the Social Charter, the regional labor network drew on a set of principles and standards promulgated by the International Labor Organization (ILO): among others, these include the right to freely organize.

As already noted, labor advocacy has not been too successful. ASEAN's adoption of the ASEAN Economic Community and the ASEAN Socio-cultural Community pillars in 2003 under its tripartite ASEAN Community project took place with little consultation with labor groups. Neither are workers' rights guaranteed or protected in these two programmes (Santiago, 2005). This is not surprising given the less than accommodating attitude of most governments in the region towards organized labor. Such an attitude undermined the labor network's plans to hold national consultations in all the ASEAN member states.<sup>26</sup> However, the fragmented nature of regional labor groups had also undermined the advocacy activities of the network, which had also failed to ally itself more closely with other CSOs in collective endeavour.<sup>27</sup> In fact, one labor representative from Malaysia pointed out at a network meeting in 2005 that labor groups were only then beginning to discuss labor issues with university economists, who, like national governments, had subscribed to a competitiveness paradigm that tended to marginalize workers rights and social justice issues.<sup>28</sup>

The regional labor network on the ASEAN Social Charter provided extensive local data demonstrating secular declines in the real wages and earnings of workers over the past decade (see Santiago, 2005). Still, the network could not make much headway in gaining recognition for its alternative Social Charter and indeed, its more socially-attuned views on economic governance. This was due to the strong adherence by regional officials and key regional businesses as well as multinational corporations (MNCs) to a neoliberal, competitiveness intellectual paradigm that then informed economic policy and governing practices nationally and regionally. It is difficult for CSO advocacy to achieve concrete results if responsibility for the problem—workers rights and worker earnings—is assigned to something abstract like the prevailing economic [neoliberal] paradigm that—despite criticisms against it—has also delivered material wealth to other groups, especially the middle class and elites. Although governments may be responsible for adopting policies that marginalize the rights of workers by continuing to implicitly emphasize a “low labor cost” approach to competitiveness, the issue of workers' rights does not elicit as much public sympathy as in other cases—where there is stark abuse, where bodily harm is clearly involved, and where the causal chain of responsibility is short and clearly established, thus, relatively easy to punish and correct.<sup>29</sup> How CSOs frame issue areas and the kinds of causal stories they tell from facts and data are important to CSO advocacy. In this regard, developing alternate causal stories based on alternate theoretical or knowledge paradigms is crucial if labor groups are to make a convincing *economic* case for some form of social market economy.<sup>30</sup>

<sup>26</sup> Author's observations from attending the Workshop on the ASEAN Social Charter, organized by the Singapore regional office of the Friedrich Ebert Stiftung (FES), 11 May 2005 in Singapore.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> On the need for short and clear causal accounts of responsibility for some issues, see Keck and Sikkink (1998: 27-28).

<sup>30</sup> See the recent study by Novelli and Ferus-Comelo (2009).

This is why a significant element of regional CSO networking in Asia involves the production of critical knowledge that deconstructs prevailing concepts, policies and practices related (especially) to neoliberal economic globalization and its governance. It instead offers alternative governance arrangements that emphasize social justice, ecological issues, and the economic rights of workers, local communities and marginalized groups. Like Focus on the Global South (FOCUS), a number of other regional/transnational CSOs have also made critical knowledge production the central plank of their advocacy activities. Networks such as ARENA (Asian Regional Exchange for New Alternatives), the Third World Network (TWN), and the Asia-Pacific Research Network (APRN) have recognized that the provision of intellectually rigorous analysis can aid themselves and other advocacy groups by offering well-reasoned critiques of regional and global economic processes, as well as inform the agendas and work programs of regional institutions like APEC, ASEM, and ASEAN (Caouette, 2006).

ARENA focuses primarily on producing theoretically and conceptually informed research work that advocacy groups could use. TWN has done a considerable amount of work on the WTO and IMF, particularly on how their policies and practices undermine many economic sectors in the developing world, including the rights of groups like farmers and other local communities. FOCUS also actively organizes CSO networks in the region, mostly but not exclusively, on a range of economic and economic-related matters such as trade liberalization, growing corporate power, and labor exploitation, using its internal research work to provide critical and alternative perspectives that challenge especially mainstream economic analysis on these issues. APRN's primary mission is to help the research capacity of regional CSOs (Acharya, 2003; Caouette, 2006). These regional CSO networks also extend beyond Southeast Asia, involving interactions with CSOs in the Middle East, South Asia, and Northeast Asia, with publications (print and online) and conferences the main means of disseminating research findings and information (Caouette, 2006).

In South Asia, the South Asia Watch on Trade, Economics, and Environment (SAWTEE) performs a similar function in this subregion, its primary aim being to enhance the advocacy capacity of local communities and CSOs. Launched in December 1994, SAWTEE is a regional network of 11 South Asian NGOs from Bangladesh, India, Nepal, Pakistan, and Sri Lanka, with a secretariat in Kathmandu. SAWTEE has links with media, universities, and research institutes such as the Centre for International Environmental Law in Geneva, International Centre for Trade and Sustainable Development also in Geneva, and the Institute of Policy Studies, Colombo, among others, as well as global CSOs including Action Aid and OXFAM.<sup>31</sup> Through these links, SAWTEE conducts policy research on economics-related issues such as WTO rules, intellectual property rights, competition policy as well as the environment, and development aspects of trade liberalization. It then disseminates its findings widely among NGOs, trade negotiators, regional and global organizations, and the donor community. SAWTEE, thus, emphasizes knowledge production, training activities for local communities and local NGOs, as well as engagement with officials and the media.

These forms of CSO activity—aimed at developing alternate knowledge paradigms—are clearly in the neo-Gramscian mould, with the critical perspectives and alternative knowledge they generate supporting a counter-hegemonic challenge to the prevailing hegemonic framework of neoliberal ideas and practices of national, regional and global institutions. But these types of CSOs are more likely to thrive only in more democratic states. However, because the regional level in Asia offers a wider range of accommodative sites from which CSOs may operate, CSOs may escape the reach

<sup>31</sup> For a full list of SAWTEE's partners, see [www.sawtee.org](http://www.sawtee.org) (accessed 10 October 2009). An alternate website on SAWTEE is [www.facebook.com/pages/South-Asia-Watch-on-Trade-Economics-and-Environment-SAWTEE/317451665536?v=info](https://www.facebook.com/pages/South-Asia-Watch-on-Trade-Economics-and-Environment-SAWTEE/317451665536?v=info) (accessed 13 November 2009).

of governments that seek to control or even suppress them by locating in more accommodating settings. In Southeast Asia, for instance, where CSOs face substantial constraints, “nodes of transnational activism” are located in Bangkok, Jakarta, and Manila, capitals that provide regional CSOs with an accommodating political climate and the necessary “practical infrastructure” to facilitate regional CSO activities (Piper and Uhlin, 2004: 14). FOCUS is located in Bangkok while APRN is located in Manila. ARENA, however, was located in the more liberal environment of 1980s Hong Kong when it first began operations despite the network’s Southeast Asian research focus. It is now located in Sungkonghoe University in Seoul.<sup>32</sup>

With an increasing number of CSOs now conducting their own research, regional CSO networks like ARENA and APRN that focused primarily on knowledge production are now engaging in direct advocacy activities, including participating in parallel civil society summits that track official summits of regional institutions.

## 4.2 Regional Civil Society and Parallel Summitry

A number of regional institutions in Asia, notably ASEAN and SAARC, permit CSOs to be formally affiliated with them as NGO affiliates. However, these regional organizations do not always consult extensively with their affiliated NGOs, many of which are professional bodies or trade associations grouping together medical professionals, lawyers, accountants and the like. Neither do these organizations have any formal mechanism to engage with NGOs and CSOs. Subregional institutional arrangements like GMS and CAREC involve a greater degree of regular civil society consultations on a variety of subregional projects primarily due to ADB’s key role in these projects, as ADB is committed to organizing broader consultations with communities affected by these projects or their representatives. Other institutions like ASEM also involve consultations with CSOs on a number of institutional agenda items although no formal mechanism for such interactions has been established. APEC is far less responsive to CSO engagement, reflected in its low score of 46% in the 2008 Global Accountability Report for external stakeholder engagement (One World Trust, 2008). While APEC does allow for CSO participation in its activities, it is limited, on invitation and at APEC’s discretion.

Nevertheless, Asian regional institutions provide a focal point for civil society activity, with regional CSOs often grouping in parallel forums to present views and critiques of institutional agendas and work programs in the hope that some shift will take place, either in institutional discourses, agendas, policies and/or processes (Curley, 2007). The best developed parallel summit of CSOs is the Asia-Europe People’s Forum (AEPF), formed in 1996 when the first formal ASEM meeting was held in Bangkok. Despite the AEPF’s growing visibility over the years, its regular presence parallel to official ASEM Summits, and the pronounced desire of ASEM to engage outside its official confines, only the Asia-Europe Foundation has been formally created as a component of ASEM. The Asia-Europe Business Forum (AEBF), on the other hand—although acting as the parallel forum for business—has nevertheless become more closely integrated within ASEM’s institutional structure and processes since 2005 (Gilson, 2007). The Chair of the 10<sup>th</sup> AEBF participated in the tenth Senior Officials Meeting on Trade and Investment in PRC and in the 10<sup>th</sup> Economic Ministers’ Meeting in Rotterdam, both held in 2005 (AEBF, 2006). Similarly, while APEC formally interacts with business, it does not formally deal with CSOs on any regular basis. CSOs, nevertheless, occasionally track official APEC Summits with parallel CSO summits. As already noted, APEC is not rated highly on its degree of engagement with civil society stakeholders.

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<sup>32</sup> See the ARENA website at [www.arenaonline.org/content/view/17/54/](http://www.arenaonline.org/content/view/17/54/).

Although the inhospitable attitudes of a number of Asian governments toward CSOs could explain the absence of formal institutional links between regional organizations and regional civil society, the seeming reluctance of member states to consider alternative frameworks of economic governance beyond “neoliberalistic” or “competitiveness-focused agendas” of regional institutions also help explain institutional ambivalence toward greater engagement with CSOs while maintaining formal links with business groups (Gilson, 2007). Despite their diversity, the kinds of CSOs that participate in these parallel summits share a consistent commitment to an “anti-globalization” agenda that goes against the preferred liberalization and corporate-centered agendas of these regional institutions and their constituent member governments (*ibid*). Whether a more accommodating response to CSOs is forthcoming depends on which member government is hosting that year’s annual summit. However, there are signs that regional institutions may be willing to pay some attention to these parallel forums.

For instance, the 2006 Sixth ASEM Summit in Helsinki emphasized labor rights and the environment, issues CSOs and trade unions had lobbied for since ASEM’s founding. Ten years later, these issues finally found a receptive hearing by the Finnish government with an official acknowledgement from leaders that ASEM should develop a social pillar based on the ILO’s Decent Work Agenda as well as a set of human and social rights (Gilson, 2007). In this way, ASEM may have taken a first step toward formalizing engagement with regional civil society by incorporating civil society concerns within the ASEM agenda. The Seventh ASEM Summit in Beijing in 2008 repeated the Helsinki experience by first, actively accommodating the AEPF parallel summit in Beijing, and second, by reiterating in the official leaders’ Declaration the importance of a “fair distribution of income,” enhancing social protection, and upholding labor standards and labor rights (set out under the 1998 ILO Declaration on the Fundamental Principles and Rights at Work and the 2008 ILO Declaration on Social Justice for a Fair Globalization [ASEM, 2008]). Although Declarations may be dismissed as mere rhetoric, they nevertheless establish a set of commitments by ASEM leaders held accountable by stakeholders. The PRC’s accommodating stance to the AEPF—where a range of critical issues on human rights, democratization and economic/social justice were discussed—was lauded by the AEPF. The Forum was the second largest NGO forum held in Beijing since the 1995 NGO Women’s Conference. About 200 of the 500-odd participants at the Forum came from CSOs that were part of the China NGO Network for International Exchanges (CNIE). Among the core items on which the AEPF will develop advocacy strategies before the next ASEM Summit are migrant workers, urban poverty, water justice, and the EU-ASEAN FTA, which the AEBF endorses.<sup>33</sup> For ASEM, it appears that parallel CSO summits are slowly becoming more closely linked to official institutional processes, indicating that official views toward CSOs are becoming more accommodating as an increasing number of issues require information, perspectives, and proposed solutions from CSOs, at the very least, as inputs for deliberation.

In Southeast Asia, the ASEAN People’s Assembly (APA) was the parallel civil society summit that tracked official ASEAN Summits until 2009. It was first organized in 2000 by the regional Track II think tank network, ASEAN-ISIS. Although APA was endorsed in principle by ASEAN officials, APA is better regarded as a parallel summit or a regional social forum rather than a formally integrated institutional component of ASEAN. Despite the role played by ASEAN-ISIS in initiating this non-elite CSO network and regional forum, the more authoritarian ASEAN governments refused to provide funding support for APA, forcing ASEAN-ISIS to turn to external donors, notably the Canadian International Development Agency (CIDA), the Asia Foundation, the Soros Foundation, and the Japanese government (Caballero-Anthony, 2005).

<sup>33</sup> See the AEPF website at [http://ipdprojects.org/aepf/index.php?option=com\\_content&view=article&id=65:highlights-of-the-seventh-asia-europe-peoples-forum-aepf-7](http://ipdprojects.org/aepf/index.php?option=com_content&view=article&id=65:highlights-of-the-seventh-asia-europe-peoples-forum-aepf-7) (accessed 15 November 2009).

APA brought together a wide cast of regional CSOs advocating on a range of issues and problems such as globalization and its consequences for the region's people, poverty and development, environmental damage and management, human rights and democratization, the plight of indigenous and marginalized communities, and gender and the empowerment of women (Caballero-Anthony, 2005). The annual APA forums are best seen as platforms for deliberation, or regional public spheres, for CSOs, local community groups, individuals and academics, as well as corporate figures who often have different views from those articulated by CSOs, especially on economic integration and labor rights. More specific APA Working Groups were also set up to focus on specific tasks to enhance the quality of governance in the region. Two of these tasks were to develop an ASEAN Human Rights Scorecard and to monitor the progress of democratization in member states by establishing democracy-promoting or democracy-inhibiting indicators, among other tasks (Caballero-Anthony, 2005). Similar working groups were also established to operationalize the human security concept in Southeast Asia and to link it with human development.

APA may have enhanced the “participatory” governance credentials of ASEAN by providing a space for the voices of ASEAN's ordinary people and marginalized communities to be heard by ASEAN decision-makers. However, despite APA's close to 8 years of existence, no formal, institutionalized mechanism that formally linked APA to ASEAN was set up (Morada, 2008). With the exception of the Secretary General, ASEAN officials who do attend the annual APA meetings do so in a private capacity, ostensibly to allow for a free and frank exchange of views between civil society and officials. This has not always happened, however, because many officials have not managed to step out of their official roles. Moreover, this approach accords these forums lesser status than forums in which ASEAN officials participate officially. ASEAN's engagement with business groups has, in contrast, been institutionalized through the ASEAN Business Advisory Council, which is often consulted on matters pertaining to economic issues, including ASEAN's agenda of regional economic integration. The growing dissatisfaction of CSOs with APA came to the fore when the Solidarity for Asian People's Advocacy (SAPA), which has an active Working Group on ASEAN, established the ASEAN People's Forum (APF), which coincides with the annual ASEAN Civil Society Conferences (ACSC) and competed with the annual APA forums (Chandra, 2008). To avoid duplication, ASEAN-ISIS chose to end APA in 2009. APF is now the sole people's forum in ASEAN. Aside from CSO dissatisfaction with the lack of progress made in APA to effect change in ASEAN, the APA-SAPA divide also reflects a central fault-line in ASEAN between advocates of regional liberalization such as the conveners of APA (the regional scholars' network, ASEAN-ISIS) and regional business groups on the one hand, and those such as the SAPA-aligned civil society and labor groups on the other, more suspicious of the region's economic integration agenda and the region's penchant for bilateral free trade and economic partnerships (Chandra, 2007).

However, despite official recognition that ASEAN needs to engage with civil society to make the regional institution more “people-centered”, officials and business leaders are reluctant to do so, especially in the area of regional economic governance (Morada, 2008). One reason for this is the assumption by leaders and business elites that CSOs are not sufficiently qualified to speak on the economy—unlike business groups and consultants, civil society groups are not regarded as economic “experts” (Nesadurai, 2004). This is also seen in APEC and ASEM and is also argued to plague CAREC and GMS, even if CSOs are extensively consulted on the many projects undertaken in CAREC and GMS. Yet, business forums have reportedly been accorded privileged status in these subregional institutional arrangements, where their views and inputs are closely regarded by high-level officials (del Rosario, 2008). The same is true in South Asia. SAARC in 1992 granted formal “apex body” status to a South Asian business network—the SAARC Chambers of Commerce and Industry (SAARC-CCI)—and in 2000, chose to extend that status for a further

15 years without the need for a biennial review as initially planned. Moreover, the president of the SAARC-CCI is a permanent invitee to the SAARC Committee on Economic Cooperation (CEC) to offer private sector views to the Commerce Ministers of the seven SAARC members.<sup>34</sup> Civil society participation in SAARC is possible through what SAARC terms “recognized bodies,” but this category currently includes professional associations such as in medicine, radiology, architects, town planners, teachers and media practitioners.<sup>35</sup> CSO involvement in SAARC thus remains ad hoc and a parallel phenomenon through the SAARC Peoples’ Forum—similar to other regional institutions in Asia.

In fact, it was the closed and elitist nature of SAARC that prompted CSOs to organize the SAARC Peoples’ Forum—that tracks official SAARC Summits—with the aim of drawing official attention to issues close to the livelihoods of South Asia’s population of over 1 billion. Like the other parallel forums discussed above, the SAARC Peoples’ Forum also contests the prevailing (neoliberal) economic and MNC-dominated paradigm of liberalization. A key issue for its advocacy is to demand an end to advanced country agricultural subsidies and the monopolistic control of agricultural commodities by a few multinational corporations (MNCs). These distort agricultural markets and undermine local agriculture and farmers’ livelihoods, the main economic activity in South Asia. In addition, the Forum also advocates against unsustainable development, including inadequate river management; the patenting of life forms by MNCs; exploitative local land tenure systems; human trafficking, as well as genetic food modification (Ridoypur Declaration, 2005). Among others, the 2005 Forum saw the participation of SANTI, Resistance Network, Genetic Resources Action International (GRAIN), and South Asia Network on Food, Ecology and Culture (SANFEC).

#### **4.3 Regional Civil Society as Partners of Regional Institutions**

From the preceding discussion, it appears that civil society activities that undermine or pose a threat to prevailing governing arrangements—and groups whose interests are served by these arrangements—are not likely to find a welcome response from national governments and their regional institutional agents. In contrast, CSOs partnering governments in community development projects and other forms of service delivery—such as CSOs engaged in peace-building, disaster relief, and working with HIV/AIDS sufferers, for example—find a far more hospitable environment in which to conduct their work. In fact, regional institutions like ASEAN have often consulted regional CSOs on seemingly apolitical issues where CSOs have superior knowledge—HIV/AIDS being the most significant, but also extending to matters relating to youth and women (Nesadurai, 2009). CSOs are generally more informed about regional issues involving HIV/AIDS; drugs; youth, women, and children; and broader issues related to the human dignity and well-being of marginalized populations. And they are also willing to directly aid governments on preventive and ameliorative measures in working with communities and delivering services to them. In these instances, the advocacy work of CSOs on the issues they champion have led to close partnerships with governments and regional institutions.

Another example of successful advocacy that created a new governance regime with CSOs playing a key role is the Coral Triangle Initiative (CTI). In the CTI, close partnerships have been formed between national governments, regional institutions like ADB, global agencies such as the Global Environment Facility, global CSOs such as World Wide Fund for Nature (WWF), The Nature Conservancy and Conservation International, and the local/regional chapters of these global organizations. Importantly, CSO advocacy also led to the 2007 establishment of a new regional

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<sup>34</sup> See the official SAARC website at [www.saarcsec.org](http://www.saarcsec.org) accessed 10 November 2009.

<sup>35</sup> Ibid.

multilateral arrangement to govern coral reefs and the marine eco-system in the Coral Triangle Area in the Indo-Pacific Ocean—the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security. Although there had been prior cooperation among various parties in this area, the formalization of these partnerships and the endorsement of the CTI by three regional institutions—APEC, BIMP-EAGA, and ASEAN—is notable for the commitment of the governments in the region not always sensitive to environmental concerns. CTI member states include Indonesia, Malaysia, Philippines, Papua New Guinea, Solomon Islands, and Timor Leste. The CTI has the potential to deliver multiple benefits for the subregion’s 150 million people—(i) enhancing food security, local livelihoods, and tourism; (ii) ensuring marine conservation (including of coastal mangroves); and (iii) protection of coastal communities from storms and tsunamis (CTI Secretariat, nd).<sup>36</sup> The use of information and knowledge on the role of coral reefs in supporting a range of economic activities and livelihoods allowed CSOs to demonstrate the clear material gains that would result from protecting coral reefs. By doing so, this issue has moved from advocacy to partnership where, again, the research and knowledge of conservation CSOs will play a significant role.

Despite continued wariness and even outright suspicion of CSOs and their regional/transnational networks, there is a growing trend even for the more critical CSOs to be allowed a hearing by officials, as the preceding discussion reveals. There is greater awareness and indeed, recognition, that CSOs do have better information and knowledge on a range of issues that require joint-official action. Whether these voices translate into concrete change is difficult to generalize, as outcomes depend on a range of factors. These include the nature and influence of the CSO or the advocacy network, the prevailing incentive structure (material and reputational) facing officials and institutions that are the target of CSO advocacy, and broader environmental factors such as the nature of the issue area in question, if it is politically sensitive, and the availability of political opportunities through which CSOs can act. It is, however, safe to say that when CSOs help governments discharge their responsibilities, when a proposed new agenda offers a clear picture of the gains that will accrue, both material or reputational or both, and when the issue area in question does not undermine the core material interests of political elites, then genuine CSO partnerships with states or regional institutions are likely to develop. However, the challenge for the region is to move beyond these “safe” issues to ensure that even politically sensitive topics are allowed a hearing if the aim of these institutions is to enhance the material and social well-being of the region’s population.

The extent to which CSOs are able to influence regional institutions will also depend on whether these institutions are designed in ways to accommodate CSOs within their institutional processes. Some of the preceding discussion has already highlighted the way in which key regional institutions such as ASEAN, APEC, ASEM, SAARC, GMS and CAREC engage (or do not) with CSOs. The general picture seems to be one of growing tolerance for CSO participation—and to some extent labor participation—in these institutions. Yet, the contrast with the privileged status accorded to business groups is stark. Even ADB, which has perhaps the most advanced institutional engagement with CSOs, has not been spared criticism. In 2007, the NGO Forum on ADB, a network of local, national, and global CSOs that monitor and advocate against harmful ADB projects, criticized the consultative process between ADB and CSOs on a clean energy project under CAREC for its lack of transparency, for not adhering to the minimum period between release of documents and the first consultation, and the ambiguous criteria by which CSOs are selected by ADB for subregional consultations. These, according to the letter from the NGO Forum on ADB, have resulted in a flawed consultative process as far as that particular project was concerned—the

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<sup>36</sup> See also the website of the CTI Secretariat [www.cti-secretariat.net/about-cti/about-cti](http://www.cti-secretariat.net/about-cti/about-cti) and the website of the International Union for Conservation of Nature (IUCN), [www.iucn.org/?3194/Coral-triangle-initiative-celebrated](http://www.iucn.org/?3194/Coral-triangle-initiative-celebrated) (both accessed 13 November 2009).

ADB's Energy Strategy Consultation Paper—despite the ADB's stated commitment to consult with CSOs and local communities.<sup>37</sup> Yet, the posting of the critical letter on the ADB website suggests there are spaces within ADB where non-elite voices and those of affected communities may be articulated, even if not always perfectly.

In fact, ADB's Accountability Mechanism adopted in 2003—to replace a previous inspection panel—provides communities that feel hurt by ADB projects with two means of redress: (i) a consultation process in which an ADB Special Projects Facilitator (who reports directly to the ADB President) offers an additional channel of communication to solve the problem; and (ii) a compliance review process where an Independent Compliance Review Panel considers whether an ADB project that caused material harm to a community was the result of violations with ADB's operational policies and procedures. Any group of at least two persons in the country where the ADB-assisted project is located may file a complaint, as can a local representative appointed by the affected community.<sup>38</sup> This mechanism allows ADB to exercise a high degree of accountability to its stakeholders, seen in ADB scoring 81% in terms of its overall accountability capabilities as reported by One World Trust's 2007 Global Accountability Report, placing ADB among the top three organizations for the year under review (One World Trust, 2007). In fact, engagement is a two-way process: the constant monitoring by regional civil society of ADB projects and the presence of CSOs at ADB annual meetings maintains pressure to remain accountable to stakeholders. These have led ADB to change some of its policies and to develop redress measures following CSO opposition to a number of development projects, even though a number of these corrective strategies—like the resettlement program for villagers dislocated by the Nam Theun 2 hydroelectric project in the Lao People's Democratic Republic—funded by the ADB and the World Bank—were instituted only after long periods of consultation (del Rosario, 2008).<sup>39</sup>

## 5. Conclusion: Regional Institutional Design for Enhancing the Quality of Governance

This paper has provided a fairly comprehensive, though not exhaustive, discussion on civil society activity in the region, particularly that of transnational civil society and its relationship to regional institutions. A good part of the paper focused on labor and grassroots civic groups operating at the Southeast Asian, South Asian, and broader East Asian or Asia-Pacific levels, while some reference was made to the situation in Central Asia. The aim of this broad-based survey is to draw key trends, broad commonalities as well as differences within Asia on the role and modes of engagement between regional institutions, labor and civic groups. In conclusion, there are several key observations.

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<sup>37</sup> The letter is available on the ADB website <http://www.adb.org/Documents/Clean-Energy/Forum-Network.pdf> (accessed 15 November 2009).

<sup>38</sup> See [www.adb.org/Accountability-Mechanism/default.asp](http://www.adb.org/Accountability-Mechanism/default.asp) (accessed 10 November 2009).

<sup>39</sup> A similar example is the World Bank's Inspection panel created in 1993 to enhance accountability of the World Bank in lending. The Panel hears claims brought against World Bank policies, its loans and loan conditionalities by individuals and CSOs asked by affected communities to represent them (Economic Justice News Online, 1999). Unfortunately, in the past the Panel has been criticized for being controlled by the World Bank's powerful Board of Directors, which can interfere with the Panel's work to appease borrowing governments. In fact, Panel investigations have found the World Bank complicit in violating internal rules, for example, on a forest management project in Cambodia (Global Witness, 2006).

First, there is a growing and vibrant regional civil society space in Asia in which a variety of CSOs participate using different strategies to advance a wide range of causes. Regional civil society activism tends to address issues in seven broad categories: (i) economic rights and exclusions, including those related to labor and land rights; (ii) political change, democratization and human rights; (iii) sustainable development and the environment; (iv) gender; (v) poverty, development, trade, and globalization; (vi) regional economic liberalization and integration; and (vii) human security. Although regional CSO activity covers a spectrum of strategies, they may be categorized as (i) advocacy, which includes regional networking between CSOs; (ii) civil society parallel summits that track the summits of more formal regional institutions; and (c) civil society working in partnership with governments and regional institutions. These are not mutually exclusive, with CSOs often engaging in more than one of these activity types. Moreover, some of these activities follow on from others; for instance, regional advocacy—persuading and challenging officials to change their position on some issue—could eventually lead to CSO partnerships with governments in implementing revised or reformed policies.

A second observation from this study is the common practice among regional governments to accord privileged status to business networks in relation to regional institutions rather than civil society networks. This has been common in ASEAN, APEC, ASEM, and SAARC, and to a lesser extent, in GMS and CAREC. One reason is the assumption by leaders and officials that CSOs are not sufficiently qualified to speak on economic governance issues—unlike business groups which are considered “experts” on the economy. Although there appears to be a growing tolerance for CSO participation in regional institutions—even to the extent of allowing the more critical CSOs to be heard by officials—there remains a stark contrast with the privileged status accorded business groups on economics and economic-related issues such as infrastructure.

A third observation is the crucial role information and knowledge in general plays in the various approaches adopted by regional CSOs to advance their respective causes. In fact, the use of information and knowledge, including alternative forms of knowledge, has been central to civil society advocacy. Many environmental CSOs have gained influence and have succeeded in achieving advocacy goals because of the information and knowledge resources they possess. Part of the reason for the relative lack of success of regional labor advocacy is this network’s limited use of alternative theoretical or knowledge paradigms that help make a rigorously argued link between economic competitiveness on the one hand, and labor rights and social protection on the other. Although successful advocacy goes beyond having the right form of information and knowledge, labor groups probably did not make a sufficiently convincing *economic* case to aid their cause for labor justice through labor’s ASEAN Social Charter. In fact, this is why many regional CSOs have adopted a twin strategy: advocacy must be supported by the development and articulation of alternate knowledge paradigms that permit a broader understanding of economic growth and development—moving beyond the neoliberal knowledge that seems to drive much of the global and regional economic governance agenda—a central focus for much civil society advocacy. This type of “common knowledge” may offer sufficient material incentive to [re]design regional economic governance programs. It could be done in ways that stress social justice issues, because better comprehension among stakeholders can help address material *economic interests* of all key stakeholders.<sup>40</sup> Alternatively, the development of new paradigms of governing based on theoretically sound and rigorous research may also be valuable in *socializing* states and regional institutions toward new agendas and approaches to regional and national governance, along the lines suggested by Amitav Acharya (2009) in his study for the ADB.

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<sup>40</sup> On the role of common knowledge, see Culpepper (2008).

A fourth observation, drawn from the theoretical discussion in Section 2, suggests how information and knowledge creation and dissemination by CSOs can help them play a key role in enhancing the *quality* of regional institutional governance, defined as the *effectiveness* of governance institutions and *accountability* to stakeholders. If institutional effectiveness and accountability depend on the “need for more outside checks on information” as well as “more independent information,” as Stephan Haggard (2009) has argued in his study for ADB, then CSOs are a category of international actors that can assume responsibilities in international institutions. While accountability involving non-elite CSOs is increasingly common in global institutions—as well as regional institutions such as the European Union—their role in Asian regional institutions remains limited, with the exception of the ADB. Although regional institutions accord a significant institutional role to elite CSOs—such as the regional scholarly networks of academics, other researchers, and business networks, many regional institutions have yet to tap *non-elite* civil society’s potential to enhance institutional effectiveness and accountability.

There is certainly potential for Asia’s CSOs to enhance the quality of regional institutions in the ways suggested. The information, knowledge and value perspectives (like social justice) that CSOs commonly articulate can raise the chances of finding an effective *and* equitable solution to problems. Although some might suggest that institutional efficiency will be reduced by a cacophony of voices keying on any one issue, the plurality of information and perspectives available on an issue enhances the likelihood that more comprehensive, and ultimately, politically and socially sustainable solutions, may be found. This is true even if it takes longer to reach an informed decision. Thus, it is not only like-minded CSOs that should be accommodated; even CSOs that criticize or challenge regional institutions, their agendas, policies and programs, or that articulate positions against the dominant intellectual paradigms within these institutions, need to be engaged. It is only by doing so that the region’s institutions will be able to tap into the diversity of perspectives and solutions available on any one issue or problem. By engaging with CSOs, regional institutions can pool a range of competencies and collaborate on solving shared problems. Thus, regional institutions need to be restructured to accommodate a diverse range of inputs from an already vibrant CSO sector in Asia. Three specific measures are suggested:

- (i) One suggestion is for regional institutions to provide a regional “public sphere” in which a variety of civil society voices are heard by institutional elites, where institutional elites and CSOs can interact and hopefully engage each other in reasoned public discussion. While this does not always guarantee that officials will adopt CSO perspectives and solutions, at the very least, the discursive space may be widened, and which could over time lead to further substantive change as suggested by Keck and Sikkink’s model of advocacy networks, and as seen in a limited way in the ASEAN human rights experience and the case of the Asia-Europe Peoples’ Forum.
- (ii) A second suggestion is for regional institutions to develop more formalized or regularized mechanisms (as opposed to ad hoc measures) through which CSOs can submit formal research reports, position papers, and comments on the regional institutional agenda. These inputs to be considered during official deliberations on policy matters. Related to this, creating a civil society division or office within regional institutions, such as found in the ADB, can help integrate CSOs into institutional processes. Not only will this contribute to enhanced effectiveness, given the merits of knowledge diversity on governance outcomes as discussed above, institutional accountability may be enhanced as well.
- (iii) The third suggestion is for regional institutions to put in place accountability mechanisms that include the following features used by One World Trust in its Global Accountability

Reports to assess how accountable organizations and corporations are: institutional engagement with stakeholders (including CSOs); transparency; evaluation mechanisms; and procedures for complaints and responses. ADB's Accountability Mechanism is one example that could provide a template for regional institutional design, while the World Bank's Inspection Panel is another possible model. Both these are "bottom-up" accountability mechanisms in which stakeholders and their CSO representatives can bring claims against these institutions (internal and independent evaluation processes tend to be top-down mechanisms). Although the presence of such bottom-up panels does not mean that institutional accountability will always be enhanced—as criticisms against the World Bank's Inspection Panel highlighted (see footnote 39 in this paper) the very presence of such mechanisms could catalyze more responsive behavior on the part of institutional elites, particularly if CSOs avail themselves of the opportunities afforded by such mechanisms to hold policymakers to account.

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## **Labor and Grassroots Civic Interests In Regional Institutions**

There is a growing and vibrant regional civil society in Asia with numerous civil society organizations (CSOs) advancing a range of economic, political and social causes using three key strategies, namely regional advocacy, civil society parallel summits, and civil society partnerships with states and regional institutions. Although regional institutions have become more willing to engage with non-elite or grassroots civil society and labor groups, business networks are still privileged in institutional processes. Consequently, regional institutions fail to tap the information and knowledge resources of CSOs to enhance the quality of regional institutional governance, defined as the effectiveness of governance institutions as well as their accountability to stakeholders. The paper suggests three strategies to overcome this deficit.

### **About the Asian Development Bank**

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries substantially reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to two-thirds of the world's poor: 1.8 billion people who live on less than \$2 a day, with 903 million struggling on less than \$1.25 a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.