

Paper 1

**Hazy Governance:
The Politics of Environmental Securitization in Southeast Asia***

Dr Lee Jones

Queen Mary, University of London

l.c.jones@qmul.ac.uk

NB: Work in Progress: Comments are welcome but please do not circulate or cite without the author's permission.

Abstract

Most scholars and environmentalists concur that Southeast Asia faces enormous threats to its security from environmental degradation, yet action to tackle the problem do not seem to be forthcoming. This is said to be particularly true of the region's primary environmental challenge, transboundary haze pollution arising from forest and land fires, notably in Indonesia. This is often accounted for by the reluctance of sovereignty-bound state actors to create regional institutions with supranational authority. This paper presents an alternative analysis of the governance of the haze issue. It argues that securitising transboundary issues like haze raises crucial questions of the scale at which such issues should be governed. Efforts to govern such issues regionally often involve attempts to rescale parts of domestic state apparatuses to serve regional goals, which can be understood as a form of "regulatory regionalism". What emerges in practice is less an expression of the region's attachment to sovereignty and more the outcome of struggles between competing regimes of actors, institutions and ideologies which promote or resist the rescaling of governance in accordance with their interests and preferences.

Introduction

Over the last 20 years, environmental degradation in Southeast Asia has reached alarming proportions as a result of the rapid and rapacious mode of capitalist development pursued in the region. Since the 1990s, critical scholars and environmentalists have increasingly framed environmental problems like the impact of mining, logging, dam development, air and water pollution as growing threats to "human security", directly and indirectly imperilling

* This paper presents some of the findings from a research project, "Securitisation and the Governance of Non-Traditional Security in Southeast Asia and the Southwest Pacific", a collaborative effort with Dr Shahar Hameiri of the Asia Research Centre, Murdoch University, Perth. The project is funded by an Australian Research Council discovery grant (DP110100425), an Association of Southeast Asian Studies UK research grant for 2011-2012; and a Westfield Trust Small Grants Award for 2010-11.

PANEL VI: ENVIRONMENT

individuals' lives, livelihoods and health and the existence of many local communities (Hirsch and Warren 2001; Elliot 2007a). Rising concern about climate change has added an alarmist strain to the debate, with scholars warning that global warming will undermine biodiversity, reduce food security, generate large numbers of "climate migrants" that may overwhelm state capacities, foster interstate conflicts, threaten the survival of low-lying states through rising sea levels, or even cause the demise of the entire human species (Jasparro and Taylor, 2008).

Perhaps *the* major environmental challenge in Southeast Asia, and certainly the one most identified as transnational in its repercussions, is the "haze" which arises each year from illegal land and forest fires in Indonesia and sometimes blankets large parts of the region, particularly Singapore and Malaysia. ASEAN (2006) has identified "haze" as a major transnational security threat. While the fires themselves threaten lives, homes and livelihoods, the haze is also framed as a threat: to citizens' health; to the regional economy, by damaging tourism, trade and investment; and to wider international society by contributing to climate change (ASEAN 2007:4). In 1997, one of the worst years, fires killed around 500 people, "haze" affected the health of up to 70m people, and the total socio-economic and environmental cost was estimated at \$9.3bn (Qadri 2001:52, 54). The carbon released into the atmosphere was estimated at 13 to 40 per cent of total *global* annual emissions from fossil fuels (Page et al. 2002). Indonesia is now ranked as the third-largest carbon dioxide emitter in the world, with forest and land fires constituting up to 85 per cent of its emissions (Luttrell et al. 2011:14). Particularly since the issue was linked to climate change, the ongoing threat posed by haze is often presented in terms of potential dangers requiring forms of prevention and risk management. Doctors warn, for example, "that a generation of young children... may suffer permanent damage to their health" (*Economist* 2000), while environmentalists insist on "united" action "because the potential dangers of climate change are too great to

PANEL VI: ENVIRONMENT

ignore” (World Bank 2007), and forestry experts caution that “the threat of future catastrophic fires looms large” (Dennis et al. 2005:498).

In stark contrast to the apparent scale of the environmental challenge is the apparent lack of effort being devoted by regional states to doing anything serious about it. The overwhelming consensus among scholars is that Southeast Asian elites have failed to adequately “securitize” the environment in general, leading to a weak, ineffective response (Dokken 2001; Elliot 2007c; Beeson 2010). The literature on the haze concurs. Although ASEAN has developed a Cooperation Plan on Transboundary Pollution in 1995, a Regional Haze Action Plan in 1997, an Agreement on Transboundary Haze Pollution in 2002, and an ASEAN Peatland Management Strategy in 2007, these agreements are generally seen as “paper tigers” lacking any real force. The key problem, according to many scholars, is ASEAN’s reluctance to sacrifice the principle of state sovereignty in order to create a supranational body capable of suppressing the fires in Indonesia. Tan argues, for example, that ASEAN’s failure to ditch its longstanding principle of non-interference in favour of “state accountability and binding norms” left regional institutions “powerless to prescribe or take any action should the state parties decide to handle the problem unilaterally”, meaning there is “very little likelihood... [it] will lead to effective and meaningful resolution of the fires” (2005: 249; see also Mayer 2006; Tay 2009). The absence of supranational authority is felt to be a particular problem given “deficiencies in institutional capacity” within Indonesia (Jones 2006: 442).

This paper presents a different analysis of environmental security governance in Southeast Asia, focusing on the haze issue, and makes two basic arguments. First, although the actions taken so far do not correspond to the scale of the alleged threat posed by environmental degradation, more is happening than critics seem to realise. This is because the governance approach being used corresponds less to scholars’ expectations about the

PANEL VI: ENVIRONMENT

emergence of supranational authorities capable of intervening directly into member-states' affairs, and more to the model of "regulatory regionalism" whereby regional frameworks set regulatory standards and priorities which are then followed by national and subnational agencies. This approach actually blurs the line between sovereignty and intervention by rescaling certain domestic state apparatuses, making them answerable to the regional level rather than simply domestic constituencies. Secondly, the form, extent and efficacy of efforts to govern the haze issue regionally are determined less by the non-interference principle and more by the struggles between different regimes of actors, institutions and ideologies which push for the issue to be governed at a scale which suits their interests and preferences. The next section unpacks some of this conceptual language and provides a brief analytical framework, while the subsequent section presents a detailed empirical analysis of the governance of haze.

Contested Regionalism and the Politics of Scale

Although space restrictions preclude a fully elaborated theoretical framework, a few key issues need to be elaborated.[†]

First, efforts to govern environmental security issues always involve the crucial issue of *scale*. As with many other non-traditional security issues, environmental threats are inherently seen as *trans*-national in nature, which in turn necessitates management approaches which go beyond established, national-level governance. The Asian Development Bank has argued, for example, that 'many environmental problems cross international boundaries and their solution requires that countries cooperate on an unprecedented scale' (Qadri 2001: 162-3). Efforts to securitise and govern environmental

[†] For a more detailed theoretical treatment see Hameiri and Jones (2011). A further-developed framework is available from the authors in draft form.

PANEL VI: ENVIRONMENT

threats consequently problematise the centrality of national governance and the idea that world politics is conducted along the lines separating the territories of sovereign states. As Mische (1989: 394-6) puts it, “the Earth does not recognise security as we know it... The sovereignty of the Earth is indivisible.” Claims like this typically accompany efforts to *rescale* environmental governance to a sub-regional, regional or global level which, it is argued, better fits the challenges faced by particular eco-systems.

Although these arguments have acquired the status of common sense in many academic and policy circles, it is crucial to recognise that the scale at which *any* issue is governed is never neutral and is consequently subject to political contestation. One of critical political geography’s chief insights has been that space and society are mutually constituted. Power relationships run through the construction of space and, in turn, the spatial organization of political and economic governance helps (re)produce particular power relations in society (Harvey 2006). For example, at the most basic level, the extent of the territory over which a state exercises sovereignty has enormous repercussions for the number of people sharing particular identities, the type and amount of natural resources available, the size of internal markets, the number of political actors with citizenship rights and the extent of their networks, and so on. Consequently, “the extensiveness of a territory can play a crucial role in determining the balance of power among competing territorial groups and institutions” (Miller 2009:54). This in turn leads societal and state actors to try to manipulate space and its political consequences by adopting “territorial strategies... mobilizing state institutions to shape and reshape inherited territorial structurations of political-economic life, including those of state institutions themselves” (Brenner and Elden 2009:368).

Accordingly, whether a political issue is defined as urban/local, provincial, national, regional, global, and so on, is not neutral but, because each scale involves different configurations of actors, resources and political opportunity structures, will always privilege

PANEL VI: ENVIRONMENT

certain societal interests and values over others. Together with the nature of the coalitions which organize around various scalar framings, it is one of the most important factors that determine the outcome of social and political conflicts over a given issue. Precisely because the scale of governance matters so much, actors will typically attempt to rescale issues as a way of (re)producing particular power relations favorable to themselves and their allies, while other actors and coalitions will resist such efforts if deleterious (see Gibson 2005). Indeed, “scale jumping” strategies have been used by movements as disparate as the Zapatistas, labor unions, indigenous peoples’ organizations, feminists, environmentalists and living wage campaigners (Leitner and Sheppard 2009:233). Though the study of territorial politics typically focuses on struggles within the confines of domestic politics, there is no reason why the governance of particular issues cannot be rescaled to levels beyond state borders: there is no “initial moment that creates a framework or container within which future struggles are played out” (Brenner and Elden 2009:367). These strategies are constrained by existing institutional arrangements, including established international borders and international law, which in themselves are manifestations of earlier contested processes of territorialization.

The presentation of non-traditional security issues like environmental pollution as “transnational” is itself to insist on governing them outside of national frameworks, although not necessarily by non-state actors. This often implicates the *transformation of state apparatuses themselves* as they are reworked into networks of transnational governance. Whether this process should occur and how far it occurs in practice is likely to be subject to intense political contestation between groups of actors whose interests and ideologies are differentially advanced at different scales. Thus, whatever governance system emerges, and how it operates in practice, will be profoundly shaped by the conflict between these actors.

PANEL VI: ENVIRONMENT

This implies a different understanding of regional governance to the models commonly advanced in International Relations scholarship. With some worthy exceptions, ASEAN institutions are typically seen as the result of agreements struck between nation-states. These nation-states may be conceptualized differently – whether, for instance, as pursuing a “national interest” or expressing an “identity” and being governed by intersubjectively-constructed norms – but methodological nationalism tends to prevail. Accordingly, the apparent reluctance of nation-states to sacrifice their autonomy to supranational bodies assumes an important role in explaining the apparent failures of regional governance.

Conversely, some scholars have proposed understanding regional governance as expressing the outcome of struggles among important social forces which seek to shape institutions in a way that suits their interests and ideologies (e.g. Nesadurai 2003; Carroll and Sovacool 2010; Jones 2012). Carroll and Sovacool's (2010) examination of the Trans-ASEAN Gas Pipeline Project (TAGPP) provides a useful example, illustrating the discrepancy between the high-minded rhetoric and grand plans for cooperation issued by foreign ministry bureaucracies and the actual implementation of agreements on the ground. The TAGPP is supposed to be connecting ASEAN states into an integrated gas distribution network, to serve the causes of regional harmony, international cooperation and energy security. In practice, the outputs are being powerfully shaped by entrenched relationships between state officials and business groups and the ideological context of economic development. Regionalism in practice is thus “contested” because state power itself is contested and constrained by structural forces.

Underpinning this analysis is a view of the state not merely as a set of institutions, agencies and actors, but primarily as a social relation and expression of power (Poulantzas 1978; Jessop 1990). State power is a set of complex and dynamic social and political

PANEL VI: ENVIRONMENT

relationships that shape the use of the state apparatus. Conflicts among historically specific coalitions of social and political forces rooted primarily in the political economy – classes, class fractions, distributional coalitions and other societal groups – is consequently crucial for understanding why particular state forms and institutions emerge, and explaining the way they function.

To analyze how and why issues like the haze are identified and governed as NTS issues consequently involves identifying the conflicts between the different contending blocs or “regimes” that organize around these issues and drive or resist processes of state transformation and the rescaling of governance. “Regimes” are understood here not in their usual International Relations sense, as stable international rules or institutions, but in the Comparative Politics sense, as historically specific constellations of social and political coalitions, institutions and ideologies that work to routinize, institutionalize and legitimize particular social and political power relations (Jayasuriya and Rosser 2006). The dynamics of governance-construction and state transformation could hence be characterized in terms of conflicts between contending regimes, denoting different political projects within the state, or parts thereof, which involve forces that may extend beyond the state.

A final point concerns the form that regional environmental governance may take. International Relations scholarship has traditionally focused overwhelmingly on exploring the emergence, function and power of formal international institutions and binding rules in shaping state behaviour. This focus is mirrored in the literature on the haze problem. Nguitrugool (2011: 10), for example, observes that the “operationalization” of environmental treaties “normally includes setting up [an] international organization” to administer the norms and rules agreed. The failure of such supranational bodies to emerge is then often taken as a

PANEL VI: ENVIRONMENT

sign that nothing significant is happening.[‡] An alternative perspective is provided by recent scholarship on “regulatory regionalism”. Here, regional governance occurs not through states transferring sovereignty to supranational bodies, but rather through the setting of governance targets and standards at the regional level and the transformation of ostensibly national and subnational state apparatuses to direct them to pursue these objectives, creating “functionally specific policy regimes that traverse several governance scales” (Hameiri and Jayasuriya 2010: 20). From this perspective, regional environmental security governance does not need to involve the emergence of a tough, supranational authority and is thus not necessarily constrained by norms of sovereignty and non-interference. Instead, it can emerge precisely by blurring the lines between sovereignty and intervention, by seeking to rescale parts of domestic state apparatuses so that they serve purposes agreed upon at the regional level. Again, this does not occur smoothly, but involves “territorial politics fought out and accommodated across the institutional space of the state” (ibid); thus what emerges in practice is the result of conflicts between contending “regimes” of actors, institutions and ideologies.

Having briefly outlined a basic analytical approach, the next section applies this to understanding how the haze issue is governed.

Governing the Haze

Like many NTS threats, though, haze is not new, but is instead subject to attempts to govern it in new ways. Fires in 1982-1983 cost approximately \$17.4bn, far more than the 1997 fires (Qadri 2001:36, 54). The response then was limited to a few government-to-government

[‡] To be fair to Nguitragool specifically, this is not her argument; her view is that a “regime” (in the IR sense) of sorts has emerged, and her work is arguably the most sophisticated analysis of it so far. However, it is constrained by her use of Liberal IR theory and game theory, which tends to reify the distinction between international and domestic levels when efforts to govern haze transnationally are precisely blurring this distinction through state transformation and the creation of multilevel governance. It also hinders the proper integration of the political economy issues she discusses into her story of regime formation.

PANEL VI: ENVIRONMENT

environmental cooperation efforts, mainly involving Western donor projects. Since the 1990s, however, a regime of concerned actors has pushed to securitize and rescale the haze issue and its governance, arguing that it is “not an isolated Indonesian issue but a global one,” demanding regional and global forms of governance (Mulchand 2007). These include several ASEAN governments, particularly Singapore and Malaysia, technical experts and environmentalist NGOs from those states plus Indonesia and Western countries, supported by the UN Environmental Programme (UNEP), the Indonesian Centre for Environmental Law and the ASEAN Secretariat. This push was also supported by Malaysian agribusiness interests, which have developed zero-burn technologies that they hope to export (Nguitragool 2011:72, 83, 86, 88). It was further reinforced by the construction of ecologically based spatial imaginaries, which proliferated from the late 1970s onwards as environmentalist NGOs used issues like acid rain, ozone depletion and global warming to emphasize regional and global environmental connectedness. Similarly, in response to discussions of the haze problem in the early 1990s, ASEAN environment ministers designated their region as “one ecosystem,” fostering “a perception of ecological interdependence” (Nguitragool 2011:59, 43).

From 1995 to 2007, ASEAN concluded various regional agreements on haze, described earlier. These agreements established an ASEAN Institute of Forest Management and “national focal points” to disseminate forestry and peatland governance standards developed by regional experts. They essentially demanded that Indonesia (and other ASEAN states) adopt these regional standards through domestic legislation and develop domestic agencies to suppress forest fires. More recently, reflecting the growing emphasis on risk management with the link to climate change, the focus is shifting from suppression to prevention through better land management. The ASEAN agreements thus established an internationally based regulatory framework, which set the agenda for national and sub-

PANEL VI: ENVIRONMENT

national regulatory and enforcement agencies, aspiring towards a complex form of multilevel governance.

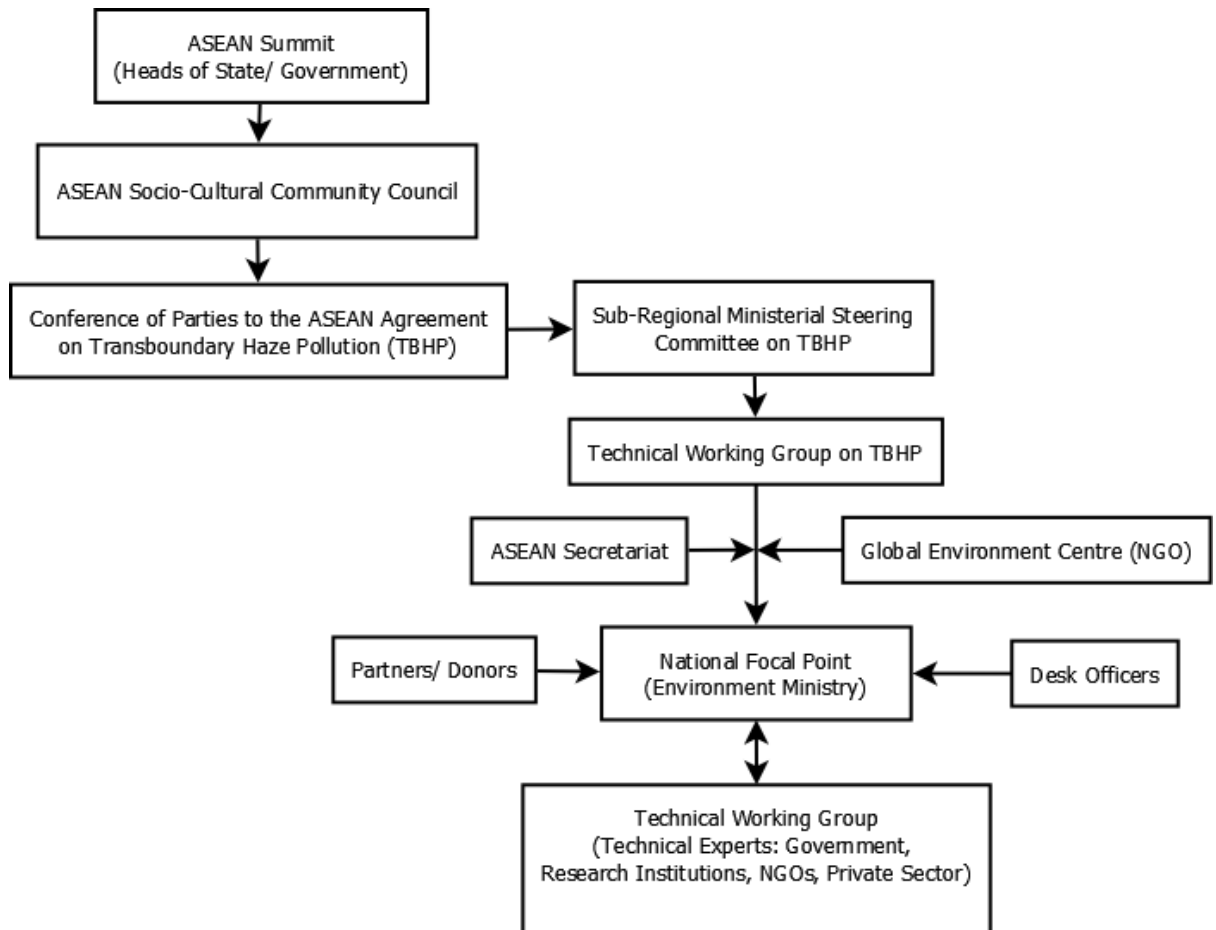


Fig. 1: ASEAN Peatland Management System (ASEAN 2007:22-24)

This has permitted the rescaling of some elements of the Indonesian state, particularly at the local level in fire-prone areas. This rescaling was enabled by the prior diffusion of Indonesian governance following the fall of the Suharto dictatorship in 1998 and the subsequent imposition of a decentralization agenda by the international financial institutions upon which Indonesia was reliant after the 1997 financial crisis (see Hadiz 2010). As part of this process of state transformation, the authority to issue licenses to exploit natural resources passed from the central to district-level governments, which also became responsible for fire-

PANEL VI: ENVIRONMENT

management. The central government's role has become more "regulatory," with the Environment Ministry, the main national-level "focal point" on haze, setting targets and responsibilities for sub-national apparatuses, which now have considerably greater latitude. Reflecting this disaggregation of statehood, numerous sub-national agencies have also been formally "rescaled" via their insertion into a fire-control system ostensibly reaching from the international-regional to the village level.

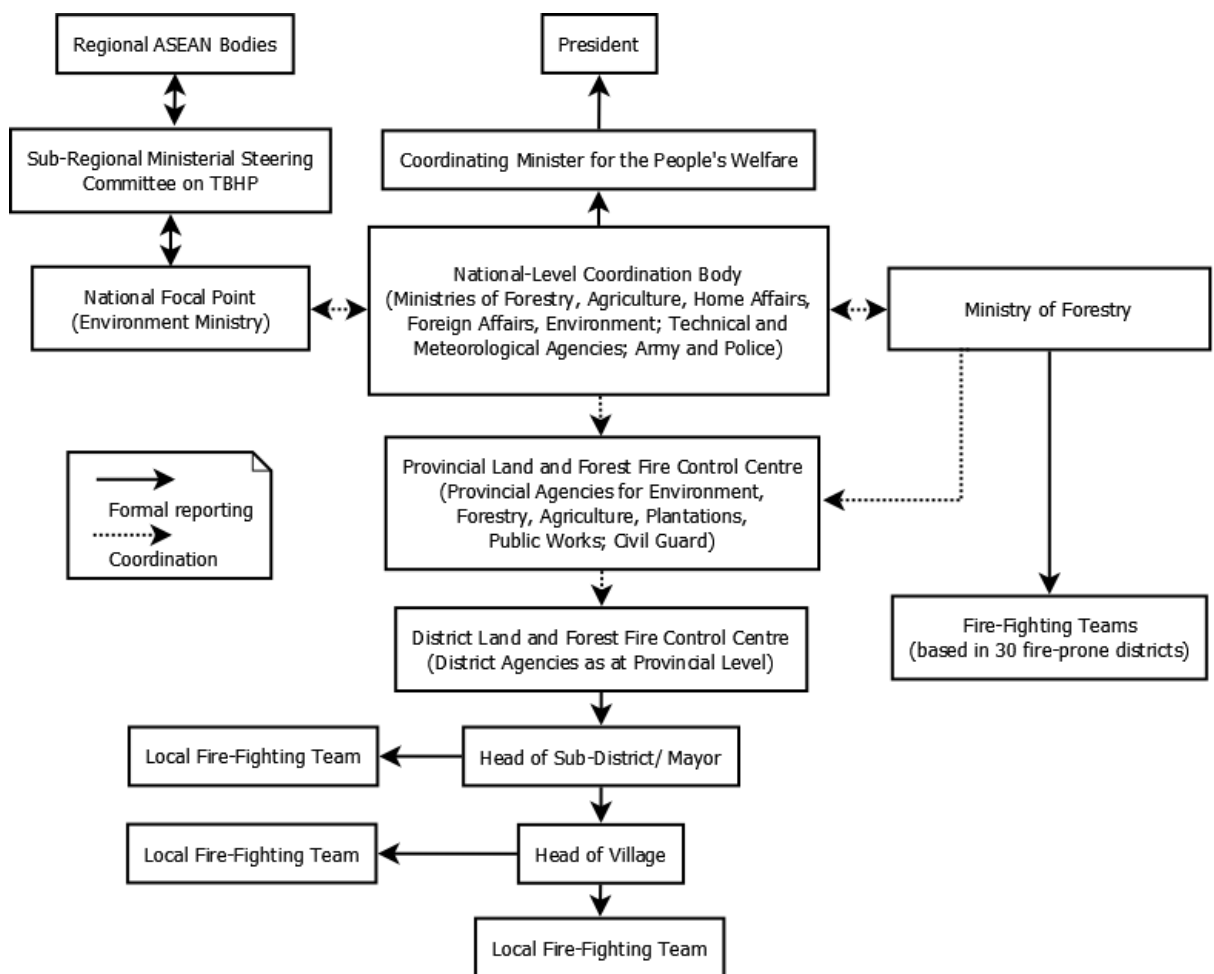


Fig. 2: Indonesian Fire Control System (MoE 2011)

In addition to these formal structures, decentralization has enabled Singapore to work directly with the Jambi provincial government to develop a Master Plan for the mitigation of

PANEL VI: ENVIRONMENT

fires, while Malaysia has worked directly with several districts in Riau province (NEA 2009; DoE 2009). This also reflects the partial rescaling of the Malaysian and Singaporean ministries involved. Singapore's Ministry of Environment, Water and Resources, for example, now projects itself at "global, regional and bilateral levels," since "today, environmental challenges... are global in scope and impact" (MEWR 2011). A number of extra-regional, specialized agencies have also become involved in trying to implement international governance standards within Indonesia, including the Global Environment Centre, the UN Development Program, the European Community Forestry Mission, the Japan International Cooperation Agency, and the International Tropical Timber Organization (Nguitrageol 2011:60). A Singapore-based ASEAN Specialized Meteorological Centre has been established as a regional surveillance mechanism, using satellite data to provide daily updates on "hotspots," used by regional governments to pressurize national and/or subnational agencies to act. This surveillance system has been enhanced along risk-management lines, in an attempt to prevent fires escalating out of control and to bypass Indonesian resistance to accepting external help during major haze episodes. Since 2005, when hotspots reach a particular threshold, an ASEAN Panel of Experts on Fire and Haze is automatically deployed to at-risk areas to provide "rapid independent assessment and recommendation for the mobilization of resources during impending critical periods" (ASEAN 2010). Reflecting the overall model of "regulatory regionalism", the Indonesian government must now answer to the region for its performance. Its progress against a regionally approved 2006 Plan of Action, wherein it committed to targets for hotspot reduction, is regularly monitored at Sub-Regional Ministerial Steering Committee meetings, using "key performance indicators" (MoF n.d.).

The securitization and governance of haze therefore reflects many of the dynamics of the politics of NTS identified earlier, notably those associated with managing potential

PANEL VI: ENVIRONMENT

dangers and rescaling. Haze is increasingly seen as a risk to health, economic prosperity and human security, particularly as it is linked with climate change. The scope of an issue once treated as a domestic problem has been expanded into regional and even global one, while its governance is inherently bound up with the rescaling and transformation of state apparatuses. That governance increasingly involves a number of technical, expert and non-governmental bodies operating at a number of levels, alongside state officials. However, a full picture of how these *formal* governance arrangements operate in practice requires that we consider the efforts of a countervailing regime of actors with strong interests in restricting environmental governance to a local/national level.

Key among these are “agro-industrial firms, ambitious politicians, and venal officials who mutually benefit from cheaply burning off land to plant cash crops” in Indonesia (Tay 2009:233). Indonesia’s natural resources have been a key patronage resource for ruling elites since independence, and under Suharto a vast network of state-linked crony capitalists were able to plunder the forests at will. The 1997 fires were predominantly caused by their conglomerates systematically burning degraded forests and peatland to establish palm oil plantations. These agri-business interests remain deeply entrenched within the state system at multiple levels due to extensive corruption and collusion with officials and political elites (see Dauvergne 1998; Ross 2001; Smith et al. 2003). Indeed, by granting permit-awarding powers to district governments, decentralization has radically multiplied such opportunities. Large-scale, nationally licensed companies are now subject to internationalized surveillance and more robust regulation which, coupled with the threat of losing access to Western export markets and NGO pressures through bodies like the Round Table on Sustainable Palm Oil and the Forestry Stewardship Council, have ostensibly forced many of them to adopt zero-burning policies. However, smaller firms which obtain local licenses corruptly are frequently protected by their patrons and free to burn land with impunity, beyond the reach of national

PANEL VI: ENVIRONMENT

or provincial agencies. Furthermore, the Indonesian military – and perhaps the police – relies on illegal activities to generate at least half of its operational costs, assisting powerful agribusiness magnates to ignore regulations and corrupt judicial processes (International Crisis Group 2001; Matthew and van Gelder 2002).

These forces naturally wish to preserve a local-national scale for environmental governance since it is at this level at which their interests can prevail. Widening the scope of conflicts over natural resource usage by securitizing and regionalizing-internationalizing forestry governance directly threatens their primitive accumulation strategies and their ability to subvert domestic governance for their own ends. Thanks to these interests' political connections, the national parliament has consistently refused to ratify the ASEAN Haze Agreement. Although a significant amount of rescaling has occurred regardless, this resistance has ultimately circumscribed it, preventing the issue receiving maximal attention and resources and enabling government agencies and others to respond to international pressure by saying “we are not obliged” to cooperate (ASEAN Official 2011). This underscores the way in which national states may retain an important role as “scale managers,” despite the relativization of scale (Mahon and Keil 2009).

This national-level cover provides an overall policy environment in which deliberate neglect or powerful interests determine the way the formal multilevel governance structures described actually operate. Most district chiefs fail to allocate sufficient budgets and personnel for fire control, rendering these systems very weak. For example, in Tebo district, the most fire-prone area of Jambi province, there are just 15 trained firefighters, with an annual budget of \$22,000, to cover a total area of 646,000 hectares (Sumarjo 2011). In practice, the districts are almost entirely reliant on the firefighting units of large companies and the Ministry of Forestry (MoF). However, a Singaporean-sponsored review of these arrangements in Jambi discovered that even nationally-licensed plantation firms lacked

PANEL VI: ENVIRONMENT

sufficient capabilities (despite this being a legal requirement of their permits), while MoF units were spending most of their time fighting fires on palm oil plantations rather than defending the conservation forests – their primary duty (Sanders 2012). More generally, Indonesian national law bans the use of fire to clear land and holds concession-holders responsible for fires in their areas. Although most large companies claim to have abandoned the use of fire, hotspots are regularly detected on their land. They claim these are caused by local communities deliberately or accidentally setting fires on or adjacent to their plantations. Reflecting their power at all levels of government, only two plantation managers have ever been successfully prosecuted for burning land, while local communities are regularly targeted by law enforcement agencies. This is despite the fact, many NGOs argue, that locals are frequently engaged by companies to burn land, or they set fires to reclaim land they consider to have been illegitimately grabbed by companies in league with local governments. As one local forestry official comments, “it’s easy for companies to avoid prosecution; but if we treated companies strictly, by changing the regulations, it would endanger the business climate in Indonesia. That’s why the government doesn’t enforce the law strongly” (Tanpidau 2011).

This corporate-state nexus also influences the operation of regional institutions. For example, when the ASEAN Panel of Experts deployed to Kalimantan in 2008, they discovered that around 1,000 hectares of land was being burned to establish a rice plantation. The local governments possessed the capacity and know-how to extinguish the fires, but were deliberately withholding them to assist the company involved. The provincial governor also tried to prevent fire governance being scaled upwards, urging the Panel not to recommend the deployment of national or international fire-fighting forces. It instead insisted on local capacities being used, but the fire was apparently not tackled until the burning had been completed (Zurkarnain 2011). On other occasions, the Panel’s reports have been doctored

PANEL VI: ENVIRONMENT

under pressure from government officials keen to protect their institutional failures from external scrutiny. As one academic expert on the Panel observes, “the real experts, we will say everything true, based on scientific knowledge. But sometimes this information is not so good for politicians or officials” who instead demand “a compromise statement” (Saharjo 2011). Similarly, when Singaporean officials and their partners deployed in Jambi, the district chief denied them access to locally-licensed plantations, diverting them instead to nationally-licensed ones, thereby protecting his corporate allies. As one project participant recalls, “you’re completely regulated or dependent upon what your hosts allow you to have access to... They’re not going to open up the black box” (Sanders 2012).

Such resistance to rescaling is also couched in a nationalist-developmental ideological discourse, which helps attract support from a wider constituency. The development of the palm oil industry has been a major objective of the Indonesian government, which aims to double output from 2011-2020. The government and the industry emphasize the poverty-alleviation benefits for smallholders, who comprise around 35 per cent of palm oil growers. External criticism of the industry’s environmental record is often depicted as a conspiracy to retard Indonesia’s development. There has recently been a sustained campaign to have Greenpeace expelled from Indonesia, while the Indonesian palm oil industry has also pulled out of the RSPO, preferring to develop domestic regulations with its government allies to following international ones over which NGOs and consumers exercise considerable influence. To even stand a chance of ratification, the ASEAN Haze Agreement had to reaffirm signatories’ “sovereign right to exploit their own natural resources pursuant to their own environmental and developmental policies.” Nonetheless, nationalist Indonesian legislators have refused to ratify the Agreement because it contains no “balance of benefits” and “we do not need to be afraid of pressures from other countries” (Straits Times 2006a). They have also accused Malaysia and Singapore of double standards, seeking to

PANEL VI: ENVIRONMENT

govern the “haze” issue transnationally but excluding from the Agreement Indonesian concerns about Malaysian and Singaporean involvement in the illegal trade of Indonesian sand and timber (Straits Times 2006b). The latter is said to fuel illegal logging, which itself contributes to the haze problem by degrading forest and making it more vulnerable to fire.

Although some of these arguments may be opportunistic, they do highlight that haze is partly caused by transnational forces, which may also help explain Malaysian and Singaporean ambivalence about rescaling its governance too broadly. These governments insist on localizing the problem in Indonesia, telling Jakarta to enhance law enforcement against Indonesian and foreign culprits. Yet, an estimated \$500m-worth of illegal Indonesian timber enters Malaysia annually and the country’s wood-processing industry appears to depend on illegal imports for nearly three-quarters of its input (Nguitragool 2011:92). Subsidiaries of Singaporean-based firms like Asia-Pacific Resources International and Asia Pulp and Paper also operate vast mills in Indonesia’s Riau province that NGOs claim are fueled in part by illegally felled timber (Jikalahari 2008). The expansion of oil palm plantations in Indonesia is also driven to a significant extent by Malaysian investors due to the exhaustion of land supplies within Malaysia. Malaysian firms themselves enjoy cozy relations with the quasi-autonomous state governments in Malaysian Borneo and are consequently able to burn land there with relative impunity; they are regularly accused by Indonesian NGOs of doing the same on Indonesian territory (FoE 2008).

The influence of such interests in Malaysia and Singapore, where corporate power is deeply embedded within state structures, has doubtless constrained how far these governments are willing to push for the rescaling of environmental security governance or to forcefully intervene to suppress illegal forestry activities. Major agribusinesses, including APRIL and Sinar Mas, were actually directly involved in Singapore’s governance projects in Indonesia (NEA 2009: 11, 23, 16-17). Their presence helped limit the project’s objectives to

PANEL VI: ENVIRONMENT

establishing surveillance mechanisms and educating small-scale farmers in zero-burn techniques, rather than creating enforcement mechanisms capable of taking on the powerful corporate interests that generate most of the fires. This reminds us that a full explanation of transboundary security issues is rarely complete without taking into account the complex and evolving organization of economic, social and political power within and beyond the state.

References

- ASEAN (2007) ASEAN Peatland Management Strategy. Jakarta: ASEAN Secretariat.
- ASEAN (2007) ASEAN Peatland Management Strategy. Jakarta: ASEAN Secretariat.
- ASEAN (2010) Panel of ASEAN Experts on Fire and Haze Assessment and Coordination: Background. Available at <http://haze.asean.org/experts>.
- ASEAN Official (2011) Interview, Jakarta, December.
- Beeson M (2010) The Coming of Environmental Authoritarianism. *Environmental Politics* 19(2): 276-294.
- Brenner N and Elden S (2009) Henri Lefebvre on State, Space, Territory. *International Political Sociology* 3(4): 353-77.
- Carroll T and Sovacool B (2010) Pipelines, Crisis and Capital: Understanding the Contested Regionalism of Southeast Asia. *Pacific Review* 23(5): 625-647.
- Dauvergne P (1998) The Political Economy of Indonesia's 1997 Forest Fires. *Australian Journal of International Affairs* 52(1): 13-17.
- Dennis RA, Mayer J, Applegate G, Chokkalingam U, Colfer CJP, Kurniawan I, Lachowski H, Maus P, Permana RP, Ruchiat Y, Stolle F, Suyanto and Tomich TP (2005) Fire, People and Pixels: Linking Social Science and Remote Sensing to Understand Underlying Causes and Impacts of Fires in Indonesia. *Human Ecology* 33(4): 465-504.
- DoE [Department of Environment] (2009) *Malaysia-Indonesia Collaboration in Preventive Measures to Deal with Land and Forest Fires in the Riau Province, Sumatra, Republic of Indonesia*. Putrajaya: DoE.
- Dokken K (2001) Environment, Security and Regionalism in the Asia-Pacific: Is Environmental Security a Useful Concept? *Pacific Review* 14(4): 509-530.
- Economist* (2000) That Dreadful Haze is Back. 16 March.
- Elliot L (2007) Harm and Emancipation: Making Environmental Security "Critical" in the Asia Pacific. In: Burke A and McDonald M (eds) *Critical Security In The Asia Pacific* Manchester: Manchester University Press, 136-151.
- FoE [Friends of the Earth] (2008) *Malaysian Palm Oil: Green Gold or Green Wash?* October.
- Gibson EL (2005) Boundary Control: Subnational Authoritarianism in Democratic Countries. *World Politics* 58(1): 101-32.
- Hameiri S and Jayasuriya K (2010) Regulatory Regionalism and the Dynamics of Territorial Politics: The Case of the Asia-Pacific Region. *Political Studies* 59(1): 20-37
- Harvey D (2006) *The Limits to Capital* 2nd edition. London: Verso.
- Hirsch P and Warren C (eds.) (2001) *The Politics of Environment in Southeast Asia: Resources and Resistance*. London: Routledge.

PANEL VI: ENVIRONMENT

- International Crisis Group (2001) *Indonesia: Natural Resources and Law Enforcement*. Brussels: ICG.
- Jasparro C and Taylor J. (2008) Climate Change and Regional Vulnerability to Transnational Security Threats in Southeast Asia. *Geopolitics* 13(2): 232-256.
- Jayasuriya K and Rosser A (2006) Pathways from the Crisis: Politics and Reform in South-East Asia since 1997. In: Rodan G, Hewison K, Robison R (eds) *The Political Economy of South-East Asia: Markets, Power and Contestation*, 3rd Edition. Melbourne: Oxford University Press, 258-82.
- Jessop B (1990) *State Theory: Putting the Capitalist State in its Place*. London: Polity.
- Jikalahari (2008) *Kejahatan Kehutan* [Forestry Crimes]. May. Available at <http://jikalahari.or.id>.
- Jones DS (2006) ASEAN and Transboundary Haze Pollution in Southeast Asia. *Asia-Europe Journal* 4(3): 431-446.
- Jones L (2012) *ASEAN, Sovereignty and Intervention in Southeast Asia*. Basingstoke: Palgrave Macmillan.
- Leitner H and Sheppard E (2009) The Spatiality of Contentious Politics: More than a Politics of Scale. In: Keil R and Mahon R (eds) *Leviathan Undone? Towards a Political Economy of Scale*. Vancouver: UBC Press, 231-45.
- Luttrell C, Obidzinski K, Brockhaus M, Muharrom E, Petkova E, Wardell A and Halperin J, *Lessons for REDD+ from Measures to Control Illegal Logging in Indonesia* (Bogor: CIFOR, 2011).
- Mahon R and Keil R (2009) Introduction. In: Keil R and Mahon R (ed.) *Leviathan Undone? Towards a Political Economy of Scale*. Vancouver: UBC Press, 3-23.
- Matthew E. and van Gelder, JW (2002) *Paper Tiger, Hidden Dragons 2: April Fools*. London: Friends of the Earth.
- Mayer J (2006) Transboundary Perspectives on Managing Indonesia's Fires. *Journal of Environment and Development* 15(2): 202-223.
- MEWR [Ministry of Energy, Water and Resources] (2011) Policies: International Cooperation. 6 September. Available at <http://app.mewr.gov.sg/web/Contents/Contents.aspx?Id=85>.
- Miller B (2009) Is Scale a Chaotic Concept? Notes on Processes of Scale Production. In: Keil R and Mahon R (ed.) *Leviathan Undone? Towards a Political Economy of Scale*. Vancouver: UBC Press, 51-66.
- Mische PM (1989) Ecological Security and the Need to Reconceptualize Sovereignty. *Alternatives* 19(4): 389-427.
- MoE (Ministry of Environment) (2011) *SOP Pencegahan Dan Penanggulangan Kebakaran Hutan Dan Lahan Di Indonesia* [SOP to Prevent and Tackle Forest and Land Fires in Indonesia]. On file with author.
- MoF [Ministry of Forestry] (n.d.) *Overview of Forest Fire Control Programs and Activities*. On file with author.
- Mulchand A (2007) Fires, Haze - The Global Implications. *Straits Times*, 21 August.
- NEA [National Environment Agency] (2009) *Indonesia-Singapore Collaboration to Deal with Land and Forest Fires in Jambi Province*. Singapore: NEA.
- Nesadurai HES (2003) *Globalisation, Domestic Politics, and Regionalism: The ASEAN Free Trade Area*. London: Routledge.
- Nguitragool P (2011) *Environmental Cooperation in Southeast Asia*. London: Routledge.
- Page SE, Siegert F, Rieley JO, Boehm HV, Jaya A, and Limin S (2002) The Amount of Carbon Released from Peat and Forest Fires in Indonesia During 1997. *Nature* 420(6911): 61-65.
- Poulantzas N. (1976) *State, Power, Socialism*. London: New Left Books.

PANEL VI: ENVIRONMENT

- Qadri ST (2001) *Fire, Smoke and Haze: The ASEAN Response Strategy*. Manila: Asian Development Bank.
- Ross ML (2001) *Timber Booms and Institutional Breakdown in Southeast Asia*. Cambridge: Cambridge University Press.
- Saharjo, BH (2011) Dean, Faculty of Forestry, Bogor Agricultural University; Member, ASEAN Panel of Experts on Fire and Haze. Interview, Jakarta, December.
- Sanders, B (2012) Safety and Aviation Manager, Asia-Pacific Resources International Limited. Interview, by telephone, January.
- Smith J, Obidzinski K, Subarudi, Suramenggala I (2003) Illegal Logging, Collusive Corruption and Fragmented Governments in Kalimantan, Indonesia. *International Forestry Review* 5(3), 293-302.
- Straits Times* (2006a) Indonesia Said Tying Haze to Non-Environmental Issues. 22 October.
- Straits Times* (2006b) Jakarta Legislative Roadblock Clouds ASEAN Haze Agreement. 13 December.
- Sumarjo (2011) Head of Tebo District Forestry Office. Interview, Jambi, 19 December.
- Tan AK-J (2005) The ASEAN Agreement on Transboundary Haze Pollution: Prospects for Compliance and Effectiveness in post-Suharto Indonesia. *New York University Environmental Law Journal* 13(4): 647-722.
- Tandipau F (2011) Head of Forest Protection, Provincial Forestry Office. Interview, Jambi, 19 December.
- Tay SSC (2009) Blowing Smoke: Regional Cooperation, Indonesian Democracy and the Haze. In: Emmerson DK (ed.) *Hard Choices: Security, Democracy and Regionalism in Southeast Asia*. Singapore: Institute of Southeast Asian Studies.
- World Bank (2007) Climate Change Threatens Food Security, Health and Coastal Communities in Indonesia, Says Report. Jakarta, 4 June. Available at <http://web.worldbank.org>.
- Zurkarnian K (2012) Training Director, Malaysian Fire and Rescue Service; Member, ASEAN Panel of Experts on Fire and Haze. Interview, Kuala Lumpur, January.

Paper 2

IN SEARCH OF ENVIRONMENTAL ACCOUNTABILITY: THE POLITICS OF
RISK, MOBILISATION AND INCLUSIVE CITIZENSHIP

Li Kheng Poh

Human Geography, School of Environment and Technology

Brighton University

Email: L.K.Poh@brighton.ac.uk or likheng.poh@gmail.com

Abstract

Far less attention has been paid to conflicts arising from the impacts of pollution, especially NIMBY (not-in-my-backyard) environmental campaigns in Southeast Asia. I address this research lacuna by comparing the contrasting results of the Broga anti-incinerator and the Bukit Merah anti-radioactive waste disposal campaigns in Malaysia, and their implications for theorizing environmental accountability. Constructions of an ignorant public hide perceptions informed by historical experiences of poverty, uncertainty and insecurity. New ways of demanding for accountability – participation in transnational advocacy networks, discourses of environmentalism and participatory rights, and use of internet technologies - brought external pressures to bear on the state and business interests. Using legal mechanisms brought limited gains to campaign demands. While claims to discrimination due to racial/minority status are privately acknowledged by citizen campaigners themselves, in public rhetoric and formal demands, this claim is suppressed and campaigning is conducted in a manner that reflects the official ordering of races. Despite this, by demanding for greater participation and accountability in a wide-ranging manner, citizen campaigners, by continually creating new spaces for the construction of rights and entitlements shift traditional notions of citizenship.

INTRODUCTION

PANEL VI: ENVIRONMENT

This paper outlines some of the major themes in my thesis. Less attention has been paid to conflicts arising from the impacts of pollution, especially NIMBY (not-in-my-backyard) environmental campaigns in the Southeast Asian context. I address this research lacuna by comparing the contrasting results of the Broga (2003-2006) anti-incinerator and the Bukit Merah (1984-1993) anti-toxic waste disposal campaigns in Malaysia, and their implications for theorizing environmental accountability.

Both the campaigns came to a close with very different results. Whereas the Broga incinerator project was cancelled in August 2006, the Bukit Merah court case dragged on for seven years (Theophilus 2006; Harding 1996). These two cases were chosen based on their shared characteristics; and the time difference (19 years between the start of the Bukit Merah campaign and that of Broga) would allow for comparisons on the degree of environmental accountability available to grassroots actors. The first shared characteristic is that both issues are primarily concerned about the safe disposal of waste and the impacts of pollution on public health; second, both sites of contention are New Villages; third, residents are largely Chinese and rural and resort to the use of legal proceedings to seek a stop work order and for the government to divulge more information about the factory/incinerator; and fourth, the business interests involved made use of Japanese finance, technology and knowledge. Finally, the nature of the environmental campaigns mimics that of NIMBY campaigns that are frequently associated with urban environmental conflicts of the developed world. The Broga and Bukit Merah campaigns are symptomatic of rapid urbanisation and economic growth experienced in Malaysia since the 1970s.

My investigations begin by asking what the implications of the contrasting results of the Broga and Bukit Merah environmental campaigns are in terms of theorizing environmental accountability; especially its relationship with transnational activism, rights-based demands for participation and changing notions of citizenship. I carried out more than 50 semi-structured interviews with citizen campaigners, ENGOs, politicians, government officials, consultants and other individuals conducted in Broga, Selangor; Bukit Merah, Perak; Kuala Lumpur and Penang in 2009 and 2010. Besides interview data, my other two main data sources are campaign materials and documentation (letters, emails, leaflets, memos, published policy materials) and newspaper reports.

PANEL VI: ENVIRONMENT

I begin by providing a background on the two case studies. This is followed by a discussion of how those who dissent are regarded and portrayed by the state and by business interests behind the projects being opposed. Campaigners, especially villagers of Broga and Bukit Merah are regarded as ignorant and selfish (NIMBY protesters). In response to those constructions, the following section discusses how campaigners mobilised themselves. I look at the strategies utilised – the engagement with transnational advocacy networks and the discourses of environmentalism and participatory rights used in campaign rhetoric and demands.

Besides these strategies, Broga villagers use internet technologies extensively (not Bukit Merah because the internet did not exist in Malaysia at the start of their campaign), and both Broga and Bukit Merah resort to litigation to seek accountability. I will try to provide some sense of the value of internet technologies to campaign organising, and then discuss the implications of this and of using litigation as a tool for environmental accountability.

Finally, I discuss the impact of the two environmental campaigns on ideas of citizenship. By demanding for greater accountability and participation in a wide-ranging manner – through transnational advocacy networks, through discourses of rights and environmentalism, through the use of internet technologies and the law - campaigners continually create new spaces for the construction of rights and entitlements. This serves to challenge orthodox understandings of citizenship where citizens participate as voters (in electoral politics) or beneficiaries (of development projects). New notions of citizenship construct people as active citizens with the right to influence decisions that affect their lives. Participation leads to the creation and sustenance of accountability and in turn, a sense of the right to accountability provides the basis on which citizens can act.

The New Villages of Broga and Bukit Merah

In this section, I shall provide a brief history of the two campaigns.

Broga

The Broga thermal treatment plant, capable of incinerating 1,500 tonnes of rubbish a day and costing 1.5 billion ringgit¹ (USD 422 million) was seen as the solution to the 5,500 tonnes of waste produced daily in the Klang Valley (an area that includes Kuala Lumpur and its satellite towns) (New Straits Times, 2003; Theophilus, 2006). The plant was estimated to be ready for operation in 2007 (2003). The incinerator project, initiated by the Ministry of Housing and Local Government (KPKT)², was touted as Asia's largest and would be built using Japanese technology (Theophilus, 2002a). The main contractor for the construction of the project was to be a Japanese company, Ebara Corporation, and would be managed jointly by a consortium of four consultants: Tokyo-based Yachiyo Engineering Co. Ltd., and Malaysian-based companies of Minconsult Sdn. Bhd., HSS Integrated Sdn. Bhd., and Environmental and Engineering Consultants Sdn. Bhd. (Theophilus, 2002a).

The incinerator was to be originally located in Kampung Bohol, Puchong, a working-class industrial area south-west of Kuala Lumpur (Jayasankaran, 2002). Due to protests from neighbouring middle-class neighbourhoods, the KPKT announced that the incinerator was to be relocated to a small village called Broga, 40 km south of Kuala Lumpur, on the border of the states of Selangor and Negeri Sembilan in November 2002 (Theophilus, 2002b; New Straits Times, 2003).

The village of Broga is largely made up of clusters of communities³ whose livelihoods are largely tied to the rural economy – small landholders growing rubber trees, vegetables and fruit trees, and farming fish, all mostly geared for the Kuala Lumpur market (Fieldnotes, 17-6-2006). It also has several seafood restaurants, serving fish from the fish farms, whose main patrons are largely urban, Chinese residents of Kuala Lumpur seeking fresh seafood. Besides the rural communities, there are also several middle-class housing areas close to Broga whose residents have moved from Kuala Lumpur in order to escape the city's noise and pollution.

¹ The Malaysian unit of currency.

² The Malay acronym of the Ministry - Kementerian Perumahan dan Kerajaan Tempatan.

³ Although the population of Broga is largely Chinese, there are Malay and Orang Asli communities within the village.

PANEL VI: ENVIRONMENT

Bukit Merah

In 1979, the Asian Rare Earth (ARE) factory was incorporated (Consumers Association of Penang, 1993).⁴ ARE opened in Bukit Merah, a small new village of some 10,000 inhabitants and located six kilometres outside of Ipoh, the state capital of Perak (Todd, 1991). Bukit Merah is located in the Kinta district in the state of Perak. The inhabitants in the 1980s were largely farmers, small shopkeepers and workers in small backyard industries. In previous decades, Perak, specifically the Kinta Valley, was the largest producer of tin in the world, thus tin and its associated industries abound. The ARE extracted monazite and zenotime, rare earth elements, from tin tailings. With further processing useful compounds such as yttrium oxide is extracted for commercial use to manufacture incandescent gaslight mantels, chemical catalysts and pigments, which are used in colour television. These compounds would be mainly exported to the United States, Australia and Japan (Nair, 1984). The waste produced in the manufacturing process contained thorium hydroxide, a radioactive material. The ARE was jointly owned by Japan's Mitsubishi Chemical Industries Ltd. (35%), and two Malaysian concerns, Beh Minerals (35%) and Tabung Haji (30%) (Harding, 1996). Whereas Beh Minerals was a Chinese company, Tabung Haji was a Muslim pilgrim management fund. Radioactive waste produced by the ARE was not only improperly stored onsite, on factory grounds, it was also illegally dumped both into nearby ponds, a nearby stream and adjacent lands where children would play football and where villagers took their evening walks. There were also vegetable farms adjacent to the lands where the radioactive waste was being dumped.

Despite the dangers of being exposed to radioactive waste, the villagers of Bukit Merah were unaware of this until 1983 when the ARE applied to the Nuclear Energy Unit under the Prime Minister's Department for permission to store the thoria waste a few kilometres away in the new village of Papan (Nair, 1984). Papan villagers protested against this for health and safety concerns. Their fish farms, orchards and houses were barely one kilometre away from the proposed disposal site on a plateau hewn out of the slope of a hill (Berthelsen, 1984).

⁴ I have found different dates in various publications as to when ARE began operations. The dates found were 1974, 1979 and 1982.

PANEL VI: ENVIRONMENT

However, public attention soon turned from Papan to Bukit Merah as the villagers of Bukit Merah realised that their experiences of ill health in the recent past were not accidental. Adults and children of Bukit Merah were experiencing ill health – skin irritations and respiratory problems; and some pregnant women had either miscarried in late pregnancy or delivered stillborn babies (Todd, 1988). There were incidences of deaths from different types of cancer, especially leukaemia in children.⁵ The experiences of ill health led the people of Bukit Merah to believe that the radioactive waste produced by the ARE was the cause. Closer investigation of the situation with the help of NGOs led to medical examinations and blood tests being carried out on adults and children. By June of 1988, lead had been found in the river, soil, plants and vegetables located between 100 metres and one km away from the ARE factory (Third World Network, 1988). Blood tests conducted on 44 children between March and June 1988, found all children with high levels of lead; and 90 per cent of them had plumblines (signifying the presence of lead) between their gums and teeth (1988).

The residents of Bukit Merah formed the Perak Anti-Radioactive Committee (PARC), to campaign for the permanent closure of the ARE factory. In September 1985, eight members of the PARC went to court, on behalf of themselves and other residents of Bukit Merah, to seek an injunction against ARE producing, storing and keeping radioactive wastes in the vicinity of the village. Despite a temporary court injunction to cease operation beginning October 1985, by February 1987, the ARE reopened after obtaining a licence issued by the Malaysian Atomic Energy Licensing Board (AELB). The licence certified that the ARE had complied with the standards of the International Atomic Energy Agency for safe radioactive waste disposal. The seven (the eighth had throat cancer and passed away) members of the PARC went back to court to seek the permanent closure of the ARE in September 1987 but the case was dragged on till July 1992 when the Ipoh High Court ruled in favour of PARC. This victory was late in coming and short-lived. A few months later, upon appeal at the Supreme Court, the ARE was granted a suspension of the high court order, with the justification that closure of the ARE would bring hardship to the company and its 183 workers (Hong, 1992). The day after the Supreme Court decision, Mitsubishi announced that the ARE operations would shut permanently as

⁵ The estimated rate of childhood leukaemia in Bukit Merah was 35 times higher than the national figure. It was estimated by Dr. Rosalie Bertell, with help from Dr. T. Jayabalan, after investigating statistics from a 1986-88 study by Professor Lin Hai Peng of University Malaya where the incidence of childhood leukaemia in Malaysia was found to be 3.4 cases per annum per 100,000 children under the age of 13 (Consumers Association of Penang, 1993, p. 42). In Bukit Merah, Dr. Jayabalan documented seven cases of childhood leukaemia from 1987-1990 (1993, p. 42). Dr. Rosalie Bertell was the President of the International Institute of Concern for Public Health, Canada while Dr. Jayabalan was a physician specialising in occupational health and safety.

PANEL VI: ENVIRONMENT

it was experiencing heavy losses. Many observers of the Bukit Merah court case concluded that the Supreme Court decision was an exercise in face-saving for Mitsubishi.

New villages (NVs)

Before I proceed to discuss how citizen campaigners are portrayed, an understanding of the historical context of the sites of contention is necessary in order to analyse the responses of the campaigners. The ancestors of the overwhelming majority of residents of Broga and Bukit Merah New Villages (and also Papan) were tin miners who came to Broga and the Kinta Valley, respectively, from China. From the time of discovery of rich tin deposits in the late 1880s in the Kinta Valley, and in the state of Selangor, the colonial government actively encouraged the recruitment of Chinese labour. The popular historical stereotype of the Chinese as either urban coolie/labourer or tin miner fails to provide an accurate picture of the fact that most of the tin miners were also farmers. Wages earned from tin mining simply were inadequate for sustenance of entire families. Loh has noted that as early as the late 1880s, there was mention of "market garden activities" of Chinese tin miners in the Kinta District in official government reports (Loh, 1988, p.20). Vegetables, some cash crops, livestock and fish were farmed. At a later date, rice was also farmed when the government relaxed their Malay-only rice planting policy due to food shortages (p.37).

Despite widespread farming activities, the Chinese farmers had no land rights and were viewed as squatters on the lands they farmed and lived on. Basically, the Chinese farmed wherever they could – on abandoned mining land, in rubber estates, by railways, in Forest Reserves and on Malay Reserves, and also on Unreserved State Land (Loh, 1988). However, at various periods, such as the outbreak of the First World War when food was hard to come by, or when there was no mining work when tin prices dropped and labour unrest threatened, the government actively encouraged farming and issued Temporary Occupation Licenses (TOLs). However, as soon as the economy picked up and tin mines started operations again, the government would withdraw the TOLs, such as in the periods of 1934-1937 (p.36).

PANEL VI: ENVIRONMENT

After the Second World War, it was becoming increasingly clear that security was becoming an issue as the Malayan Communist Party (MCP) was outlawed and retreated into the jungle in 1948 to wage guerrilla warfare to demand independence from colonial rule. Chinese squatters were seen by the colonial government as sympathetic to the MCP (this is not an accurate picture), and with thousands of them scattered across rural lands, it was very hard to control them.

1.2 million people or one-seventh of the then Malayan population registered in the 1947 census was resettled between 1950 and 1952 as part of the government's response to the communist insurgency⁶ (Loh, 1988, p. 124). This mass resettlement is known as the Briggs plan as it was conceived and carried out by the Director of Operations, General Sir Harold Briggs. 572,917 people were resettled into 480 newly formed, barbed-wired and guarded settlements throughout Peninsula Malaya and these settlements were named "new villages" (1988, p. 124). The occupants of the new villages were overwhelmingly, though not exclusively, Chinese. The rest were resettled elsewhere; regrouped around factories, sawmills and timber businesses. The logic behind this mass resettlement was to deprive the MCP of access to resources from the large numbers of rural Chinese scattered in remote areas.

Despite the Briggs Plan being claimed a success, as is generally described in most literature, fiction and otherwise, the reality for the new villagers was very different as they saw life as akin to being in a detention camp (Loh, 1988). Life was harsh; with curfews enforced, bodily searches carried out daily at the entrance of new villages, collective punishment meted out if any rules were broken and every aspect of life proscribed by the authorities. Villagers feared both the communist insurgents as well as the apparatus of the state that placed them in those new villages as violence was experience from both sides. Some villages had no schools, piped water, proper roads or electricity at all though these were promised in the original Briggs Plan. If it was deemed too dangerous, villagers were not permitted out of the new villages to farm or tap their rubbers trees and this would mean a loss of income.

⁶ The Emergency took place between 1948-1960. However even after 1960, some new villages still had restrictions imposed on daily movements of villagers because they were in or close to communist "hotspots."

PANEL VI: ENVIRONMENT

After the insurgency ended and most curfew conditions lifted, the NVs were basically forgotten and pretty much left to fend for themselves (Loh, 1988, p. 178). A new Ministry of Rural Development was formed by incorporating various committees related to war efforts and tasked with managing rural development issues such as the resettlement of the landless, the upgrading of agricultural production and providing credit and marketing facilities. NVs were not part of this Ministry nor was funding available for rural development despite the fact that the vast majority of them were occupied by rural Chinese farmers. This was because rural development was an “. . . euphemism for a politically-charged high-priority national goal of uplifting the Malays” (Esman, 1972, quoted in Loh, 1988, p. 179). NVs were excluded because they were predominantly Chinese. So illegal farming continued, some with TOLs and others, without. It was only in late 1973 after the MCA (Malaysian Chinese Association) had attempted to address the landless issue that a new Ministry of Local Government and New Villages was formed to improve the development of NVs. Only then were funds for development of NVs made available despite these funds being meagre (Loh, 1988, p. 250).

Due to the lack of available land and the small allocation of funds for the development of the NVs, at the start of the Bukit Merah campaign in the 1980s, poverty and land hunger characterised the citizen campaigners of Bukit Merah. Unemployment was also high as the population of the NVs had increased rapidly in the previous three decades. The lack of available jobs meant that many migrated to free trade zones in Penang and Singapore to work in factories in the manufacturing sector. Many in fact have gone as undocumented (as well as documented) migrant workers to Taiwan, Hong Kong, Japan and Korea.⁷ One lead campaigner in Bukit Merah who is now in his sixties, told me in a 2009 interview that his wife had worked illegally in Japan looking after young children, and that this going overseas to work was common practice for Bukit Merah villagers. This practice of migrant labour work has continued to the present day. So we see a situation where the lives of several generations of those from NVs are marked by poverty and by a lot of insecurity and uncertainty.

There is a difference in the experiences of villagers of Broga compared to that of Bukit Merah in terms of agricultural land security. Chinese villagers in Broga by and large have long-term leases to their agricultural lands but not Bukit Merah villagers. I have not been able to confirm whether this was related to the fact that Broga was one of the “bad areas” in the Emergency where many

⁷ Today, I believe many have gone to the ‘West’ as well as I hear from conversations with workers in Chinese takeaways and restaurants in the UK.

PANEL VI: ENVIRONMENT

episodes of fierce fighting with communist insurgents took place and therefore, in order to secure co-operation, the authorities granted Broga villagers long-term agricultural land leases.⁸ However, in terms of housing security, Broga and Bukit Merah villagers are in the same boat: Mr. Hew Yoon Tat of Bukit Merah and the elderly parents of Alice Lee of Broga, in 2009, were still living in houses on land within their respective NVs held under TOLs after more than 50 years! This is still a very common situation in NVs today despite Land Code regulations that state that TOLs can only be held for 3 years. This has meant that security of housing has not been available to many in NVs.

NIMBYS AND IGNORANT PUBLICS

The Director-General from the Ministry of Housing and Local Government (KPKT) bemoaned the fact that he had NIMBYs on his hands as he was having trouble finding a location for a much needed incinerator, first, in Puchong, then in Broga (Malaysiakini, 2003a). He saw this selfishness as unnecessary while not acknowledging that residents were being treated in an appalling manner with little or no information given.

In an interesting conversation with an environmental consultant tasked with the social-environmental assessment of the Broga incinerator project, he pointed out the “poor understanding” of both villagers and middle class protesters of the project (Interview, Consultant, Petaling Jaya, Fieldnotes, 17-06-09). He referred to when he was booed at trying to explain to citizen campaigners how the proposed 50 metre funnel would disperse any smoke generated far off from the ground. He felt citizen campaigners could not appreciate that the 50 metre funnel would mean the probability of death through being hit by a car when crossing a road was higher than that of dying from cancer due to exposure to dioxin.

⁸ Or it may be that there is no tin to be mined therefore, there is no competing economic priority for the state to not issue long-term leases for agricultural land.

PANEL VI: ENVIRONMENT

A similar situation is also found in the Bukit Merah campaign whereby Papan villagers and other campaigners were treated as ignorant and therefore undeserving of access to a report that was written by the International Atomic Energy Authority (IAEA)⁹. The Ministry of Science, Technology and Environment had invited the IAEA to inspect the safety of storage trenches that had been built adjacent to vegetable and fish farms, and campaigners were denied access to this report based on the fact that the “. . . layman. . . won't be able to understand. . . “ (New Straits Times, 1984). Later on, as the ARE factory appealed against the decision of the Ipoh High Court judge for the ARE to be closed down, the then Prime Minister Dr. Mahathir had this to say: if “. . . fair minded and neutral experts . . . genuine experts. . . not those famous for opposing. . . found the operations of the ARE detrimental to people's health and the environment, the ARE would be closed down” (New Straits Times, 1992). However, the Supreme Court overturned the Ipoh High Court judge's decision, reinforcing Dr. Mahathir's position that those 'neutral and genuine experts' had found the ARE factory operations to be safe.

The problem of educating the ignorant publics even more vigorously so as to increase their understanding of science is as old as the industrial revolution (Irwin, 1995). Local understandings of risks are ignored and labelled as “ignorance,” and so a never-ending cycle of more public information sessions are applied, followed by, yet gain, more protest. Professor Alan Irwin who has written extensively about the problems of competing frames and of opponents speaking past each other in matters of managing risk conflicts calls for a recognition of the “. . . contextual and partial nature of all the forms of understanding. . .” (1995, p. 173). He further adds:

The prevalent notion of 'good science' shields scientific assessments from the contexts of application including, crucially, the social arrangements within which application occurs (1995, p. 176).

By abandoning the prevailing separation of the social and the technical dimensions of environmental response as suggested by Irwin, a path can be made for the social understandings of risk situated in the contexts of every day life. In the cases of Broga and Bukit Merah, I followed the actors, so to speak, and found that the villagers experience the threats to their health and environment as a

⁹ This is a United Nations body.

PANEL VI: ENVIRONMENT

reinforcement of existing patterns of inequality. The historical experiences of poverty and violence, of insecurity and uncertainty in livelihood and in housing inform the villagers of their weak position in society. One of the questions posited rhetorically to me by several Broga interviewees were why residents were expected to shoulder the potential harms to their health and environment for the people of KL who would have their rubbish incinerated in Broga. For this reason, many in Broga suggested that if the Malaysian government favoured building incinerators, then a series of small incinerators should be built in different respective communities so that risks can be spread and shared (Interviews, Alice Lee and members of the JKKK¹⁰, 11-05-09 and 18-05-09).

The villagers of Broga and Bukit Merah perceive risk to be unevenly distributed. For them, their historical experience of uncertainty and insecurity directly affects how they view their situation and therefore, a validation of their perception is necessary if the conflict between the science and the local, contextualised frames is to be breached. I would like to note here that, unlike Beck's world society thesis where risk is regarded as universally experienced,¹¹ the situations I investigate clearly shows this is not the case. While I discuss this in detail in my thesis, due to the lack of space, I shall not be discussing this issue further.

MOBILISATION

Being portrayed as ignorant does not offer room for any agency. This could not be any further from the truth. Citizen campaigners engaged in multiple actions in attempts to open up spaces for greater accountability, and to challenge those constructions of ignorance and NIMBYism. They participated in transnational activism via advocacy networks and international discourses of participatory rights and environmentalism; they challenged scientific measures of acceptable levels of exposure to dioxin and radiation; they filed lawsuits and in the case of Broga, they used the internet to wage an international campaign.

¹⁰ Jawatankuasa Kemajuan dan Keselamatan Kampung translates as the village committee and is the lowest administrative unit in local bureaucracy.

¹¹ Through the boomerang effect where for example, pollution is universally suffered by the polluter and the rest of the public within and across borders; his famous phrase being "smog is democratic" (Beck, 1992).

PANEL VI: ENVIRONMENT

Transnational advocacy networks

Pressure on the Malaysian government to respond and change in both environmental campaigns comes from both internal and external sources. Much in line with the boomerang pattern described by Keck and Sikkink (1998) where pressure to change is placed on the state from an external source, in the case of Bukit Merah, the Japanese government and Mitsubishi headquarters in Japan were lobbied hard through the help of Japanese NGOs, international as well as Japanese human rights groups, and opposition Japanese parliamentarians. In both the campaigns, local NGOs who took on the intermediary role, travelled overseas to speak about the campaigns in international conferences, sometimes bringing citizen campaigners along with them.

The success of leverage politics where external pressure is brought to bear on the state is dependent on how open state institutions are to leverage (Keck and Sikkink, 1998, p. 201). Bukit Merah residents flew to Japan to meet with Mitsubishi to urge them to drop the appeal. This visit was reciprocated with a visit made to Bukit Merah by a group of Japanese opposition parliamentarians (of the Socialist Democratic Party), church groups and other human rights NGOs. The pressure generated also resulted in the Japanese government issuing a warning to all its multinational companies operating outside of Japan to ensure sound occupational health and safety practices. These actions were collectively seen as having a positive impact on the campaign.

However, despite these achievements, eventually, the Supreme Court ruled in favour of ARE revealing that while leverage politics can and do have an impact, whether or not it results in the desired outcome depends on particular domestic structures; legal, political or institutional.

Environmentalism and participation

PANEL VI: ENVIRONMENT

Environmentalism as a tool for extending state power and control has been well documented through analysis of community-based resource management programmes and rural development projects that were carried out in the name of environmental protection (Hughes, 2006, Scott, 1999, and Ferguson, 1994). However, in the Broga campaign, environmentalism provided opportunities around which campaign organisers made themselves heard. The campaigners engaged in interpretations and embellishments in the name of environmentalism in order to hold powerful state actors, business interests and civil society to account (Tsing, 1993).

Alice Lee, the sole plaintiff in the Broga court case, was represented as a simple-minded villager, with little knowledge of the outside world, preferring a quiet life in a peaceful and green village with a strong desire to keep her family home safe from dangerous pollutants. In both my interviews with her, and through the documentary, 'Alice Lives Here,' Alice is further portrayed by others and herself as quiet and not brave, scared of public speaking but due to her desire to protect Broga's environment, evolved into a fiery public speaker and spokesperson who held meetings with ministers and members of parliament (Alice Lee, Broga, 17-6-2006 and 11-05-09). The image of such a transformation is powerful appeal for sympathy to the Broga cause. It goes hand in hand with environmentalist ideals of rural peoples/forest dwellers attempting to protect their "wild" environment (Tsing, 2005).

Lessons in environmentalism are clearly expressed in a campaign booklet, though collectively produced, was largely Alice's work. It was titled '*Insinerator Mengganggu Kehidupan Kami*/The incinerator interferes with our lives,' and attempted to show through pictures and brief captions how and in what way the various segments of society would be affected by the incinerator project.

While this booklet clearly was produced to appeal to a wide range of audience, it also had a strong strand of environmental protection discourse throughout. The pictures, with the exception of those of Nottingham University and the housing development of Taman Tasik Semenyih, were framed entirely by lush greenery and if human beings were present they were in the background or positioned to the sides of the pictures. Both the booklet and representations of Alice provided images and messages that appealed to a wide range of people. By engaging with the discourse of environmental protection, the campaign has placed itself into an all-encompassing space/discourse

PANEL VI: ENVIRONMENT

that all environmentalists can relate to. Herein lies the power of environmentalism – that all environmentalists (locally as well as globally) can plant their own meaning into an overarching campaign discourse.

Besides the powerful discourse of environmentalism, the language of participatory rights further adds weight to demands for access to information about proposed projects, to decision-making processes and environmental assessments. Broga campaigners used the requirement for a detailed EIA as a tool to throw challenges to the KPKT. The mandatory requirement for EIAs to be carried out did not exist during the time the ARE factory was built so there was no opportunity for involvement in EIA procedures. However, this regulation now exists and it is one of the first few tools that Broga campaigners utilised.

Broga campaigners cited the absence of an approved detailed EIA, a lack of consultation with affected residents, right-to-information for details of the project, and the unknown impact of the incinerator project on public health in court and obtained a temporary injunction. Subsequently, a detailed EIA was conducted and approved and the injunction lifted.

While on the one hand, a new discourse of participatory rights can open up spaces for organising, on the other hand, these spaces are bounded by those who hold political power resulting in EIA processes being little more than rubber-stamping exercises. However what is very important to note here is the long-term empowerment and awareness of the 'right to have rights' effects on those active campaigners (Kabeer, 2002). For Alice Lee, participation in the Broga campaign was an educational and empowering process. In the last few years, she has made use of her new found awareness and contacts to successfully help more than 100 villagers of Broga obtain long-term titles to the land on which their homes stood (Interview, Alice Lee, Kajang, 01-08-10)¹². She was also in the process of trying to open up a post office in Broga in 2010. Broga has been in existence for at least 120 years but does not have a post office (Interview, Liaw Yin Fah, Broga, 22-06-09). The closest post office is 7 km away.

¹² Obviously there were others involved in making this happen but the main coordination of efforts came from Alice.

PANEL VI: ENVIRONMENT

Identity and environmental justice

This section tries to make comparisons with the environmental justice discourse as mainly found in environmental literature in North America and elsewhere in the developed world. Both Broga and Bukit Merah communities are pre-dominantly Chinese and rural. However, unlike environmental justice campaigns in the USA, where race is highlighted as a key reason for communities being chosen as a site for polluting industries/projects, the issue of race is underplayed and kept in check in public rhetoric. Malaysia's constitution forbids discussion of sensitive racial issues and the questioning of the special privileges/positions of Malays.

Despite this, newspaper articles dating to 1984 mention race as a key factor in locating the radioactive dumpsite in the Bukit Merah case. The original dumpsite identified was relocated because it was close to a Malay village and moved to a new site close to Papan, a Chinese village. Race issues however were not highlighted in campaign strategies as it would have been politically detrimental. This differs from the situation in the USA because civil rights laws allow for compensation to be paid to victims of pollution if it can be proven that the race was a factor in the siting of polluting industries/projects (Bullard, 1994). Thus, while race was certainly a key siting issue it was not part of overt public discourse or campaign strategy.

The Broga campaign was co-lead by Alice Lee with a Malay politician, Zulkefly Mohamad bin Omar, from PAS (Parti Seislam Malaysia). PAS is a religious Islamic party that is the main rival Malay party to UMNO. Zulkefly happened to live in the neighbouring village of Lenggeng, Negeri Sembilan, and is currently the Chairman of PAS in Negeri Sembilan. When he took over as the Chair of the Broga Anti-incinerator Action Committee, according to him, "the authorities [i.e. the state] sat up and took notice" (Interview, Zulkefly Mohamad Omar, Lenggeng, 19-05-09). Before that, the Broga campaign

PANEL VI: ENVIRONMENT

was labelled as a Chinese issue and campaign, and did not get as much attention of the state and federal governments as when PAS intervened. Zulkefly is quite sure this contributed to the success of the Broga anti-incinerator campaign.

The alliance between Alice Lee and some of the key campaigners from Broga with PAS has implications for the way in which politics is conducted in Malaysia. During the March 2008 general elections when five states fell into the hands of the opposition coalition,¹³ Alice Lee campaigned for PAS. This is something highly unusual in Malaysia; for a Chinese woman who was not politically active previously and had not voted in an election before to not just canvass but also to give speeches in Malay to a Malay Muslim audience. The political consciousness, skills and networks that Alice gained in campaigning against the Broga incinerator have far-reaching implications.

LITIGATION

Bukit Merah residents went to court in order to close-down the ARE factory on the basis of claims to equal rights to a healthy environment since the constitution guarantees such a right (Harding, 1996). The trial provided extensive opportunity for engagement with the management of ARE who were forced to account for lax health and safety practices in their factory and for the health and environmental pollution consequences of inappropriate disposal and storage of low-level radioactive waste. It involved lengthy arguments and counter-arguments by experts from both sides of the dispute. The court case, together with the campaigning work put ARE (and Mitsubishi Chemical) under intense, negative international scrutiny.

One of the reasons provided by the Supreme Court for overturning the Ipoh High Court decision was the obtainment of a license to operate. Since the ARE had already been granted a licence by the AELB, and that the licence would not have been granted unless the ARE complied with statutory

¹³ Pakatan Rakyat, comprising three major parties - Parti Keadilan Malaysia, PAS and Democratic Action Party (DAP) .

PANEL VI: ENVIRONMENT

requirements, the plaintiffs had the alternative remedy to convince the AELB that the ARE operation would not be in the public interest. According to Harding (1996), this was an extraordinary conclusion because it meant that "...no action for an injunction could be maintained against any defendant whose activities are supervised by a public agency under statute law" (p. 241). It also meant that the ARE court case rendered "...tort law practically useless in the context of development of environmental law and human rights in Malaysia" (1996, p. 241).

Despite losing the court case, the campaigning and lawsuit by Bukit Merah villagers did result in some limited tangible gains. First of all, many villagers and members of the public have become aware of the dangers of exposure to low-level radioactivity. Second, a long-term facility has been built to store the waste generated by the ARE, costing Mitsubishi Chemical an estimated USD 100 million (Bradsher, 2011b). This investment in a long-term storage facility is being carried out without a legal order to do so. It is the "largest radiation clean-up yet in the rare earth industry" (2011b)¹⁴.

Last of all, compensation was paid to PARC in 2004. This move was unsolicited and took place more than 10 years after the Supreme Court decision where the plaintiffs (i.e. the Bukit Merah residents) were ordered to pay costs to the ARE. This was never carried out. Mitsubishi/ARE approached one of the leaders of PARC to offer compensation (Interview, Hew Yoon Tat, Bukit Merah, 13-08-09)! The amount agreed upon, RM 500,000, was used to establish an interest-free loan facility for the local tertiary education of young people from low income families. In a public ceremony, the cheque was handed directly to a national Chinese educational establishment called 'Dong Zhong' who has been managing the funds.

The Broga campaign also went to court to seek an injunction against the incinerator project. However, in the middle of the full hearing, the KPKT decided to cancel the incinerator project and so the court case was aborted. So I cannot compare the results of both the court cases. However, Broga campaigners made use of internet technologies that were not available at the time of the Bukit

¹⁴ This is a current issue of concern because at the time this paper is being written, an Australian mining company, Lynas, is about to begin operating its USD 230 million rare earth refinery near Kuantan, Pahang (Bradsher, 2011a and Tanquintic-Misa, 2012).

PANEL VI: ENVIRONMENT

Merah campaign as Malaysia was not 'wired up' as it is today. This is one of the key organisational differences in the two campaigns and I will briefly discuss its implications in the next section.

INTERNET TECHNOLOGIES

The role that the internet has played in democratic processes and in campaign organising have been widely researched, with researchers warning of colonization of the internet by companies and government; and pointing out the fact that it is the guiding norms and values of users rather than the technology of the Internet per se that enables the creation of democratic spaces (Abbott, 2001, Salter, 2003 and Steele, 2009). The Malaysian government has pledged itself not to censor materials on the internet in order to promote a competitive edge in attracting foreign multimedia investments in Malaysia. Historically, the Malaysian television and print media are closely monitored and controlled by the government. Information deemed unsuitable is rarely published or given voice. Or, information might be selectively suppressed in certain segments of the population. An example was the absence of reports of the on-going Bukit Merah trial in the Malay-language newspapers. While the Chinese and English newspapers followed the issues closely, the Malay papers rarely reported on the trial or published information on the pollution risks of low-level radioactive waste. Thus, with the expansion of the largely uncensored electronic media and the availability of email communication, not only opposition groups but also individuals have turned to the internet for information, for independent sources of news and for international networking.

While it is still true that there is inequality in access to the internet,¹⁵ in the case of the Broga anti-incinerator campaign, the internet was very widely used by Alice Lee to access information and to communicate with national and international environmental NGOs. In particular, she and others activists were in close contact with a German scientist with many years experience working with incinerators. The information and social capital she obtained through the internet contributed to giving her the confidence to challenge bureaucrats, technical experts and politicians on many issues (Elin, 2003).

¹⁵ There are probably more men and overall, the educated middle-classes who are the main users of the internet (Abbott, 2001).

PANEL VI: ENVIRONMENT

CHANGING NOTIONS OF CITIZENSHIP

The notion that the government should make its decisions transparent and be accountable for them is nothing new. This concern has driven political philosophy for hundreds if not thousands of years and continues to be expressed in contemporary terms. Accountability implies answerability and enforceability, and traditionally refers to political, civil, social and financial accountability (Goetz and Jenkins, 2001). The now common rhetoric of public accountability can be understood in light of neo-liberal assumptions of inefficiency and the increasing popularity of new public management approaches of good governance (Newell, 2002). However, the focus on public accountability has brought up questions of the appropriateness of such an emphasis since the Malaysian government, in line with global investment trends, increasingly make decisions with non-state and private actors; as is the case in Bukit Merah and Broga. Furthermore, attempts to use the law (this is within the political notion of accountability) to hold corporations and states to account for their environmental and social responsibilities have not been successful due mainly to the fact that the state supports the business interests that are the subject of the lawsuit brought by citizen campaigners (Newell, 2006, p. 47).

The increasing negotiations and bargains with non-state and private actors (in this case Japanese business interests) have produced opportunities for the construction of new mechanisms of accountabilities. As we witnessed in both the campaigns, citizen campaigners took part in transnational advocacy networks, used discourses of rights-to information, participatory rights and environmentalism, and in the case of Broga, campaigners made use of internet communication technology as a tool of campaigning.

These methods for alternative forms of redress where citizens make claims for rights and demands for answerability from both state and non-state actors all help to constitute new spaces for

PANEL VI: ENVIRONMENT

accountability (Jenkins and Goetz, 1999). Newell (2006) suggests using the term 'civic accountability' to describe the range of means used to demand rights to accountability. Using concepts of rights to claim accountability also raises questions of citizenship. On what basis are rights granted and who are those who qualify for it? The majority of studies on the construction of democratic citizenship focus on formal mechanisms such as political, legal or civil rights. They seldom study the intersection of these formal rights with social, economic, environmental and knowledge rights (Gaventa, 2002). They also look at the nature and definition of rights but not how people perceive their rights.

People's understanding and perception of their rights are acted upon through political or social mobilisations and are bounded by issues of knowledge, power, representation and differences in identity. These boundaries, however, are not static but tied to processes of change and engagement with larger political and social forces. This can be clearly seen in the responses of Bukit Merah and Broga villagers who, through historical experiences of uncertainty, insecurity and poverty, continue to experience the location of a polluting factory and incinerator, respectively, as another additional experience of inequality. This is how they perceive the politics of risk that they were exposed to. Furthermore, their Chinese identity carried with it a history of being accorded less priority in line with the racial ordering of Malaysian society. These historical experiences influenced the way they mobilised for political and social equality, spurring them to avoid claims of ethnic specificities in terms of claiming environmental justice. Despite historical experiences of insecurity and poverty, and the suppression of ethnic specificity in campaign strategies, Alice Lee, as a Chinese woman, still campaigned for PAS during the general elections of 2008. This goes to reinforce the point of flexibility of boundaries due to larger political and social changes.

Thus, citizenship is as much about rights as perception of rights. Though cast in traditional terms in Western thought as "individual legal equality accompanied by a set of rights bestowed by a state on its citizens," citizenship can take on a more actor-oriented approach and can be achieved through the agency of citizens themselves (Gaventa, 2002, p. 2). I believe my investigations of the Broga and Bukit Merah campaign proves this point without sounding alarmingly positive in regards to the transformatory powers of the wide range of ways of demanding accountability that are constrained by domestic structures and powerful interests. Constructions of citizenship has to be multi-tiered in response to a new age of both increased globalisation and localisation.

References

Abbott, J. P. (2001). [Democracy@internet.asia?](#) The challenges to the emancipatory potential of the net: lessons from China and Malaysia. *Third World Quarterly*, 22(1), 99-114.

Beck, U (1992). *Risk society: towards a new modernity*. London: Sage.

Berthelsen, J. (1984, July 17). Radioactive waste site polarizes Malaysia: A tiny village mobilizes and generates nationwide debate. *Asian Wall Street Journal*.

Bradsher, K. (2011a, March 8). Taking a risk for rare earths. *The New York Times*. Retrieved from <http://www.nytimes.com/2011/03/09/business/energy-environment/09rare.html?ref=energy-environment>

Bradsher, K. (2011b, March 8). Mitsubishi quietly cleans up its former refinery. *The New York Times*. Retrieved from

http://www.nytimes.com/2011/03/09/business/energy-environment/09rareside.html?_r=1&scp=1&sq=mitsubishi%20quietly%20cleans%20up%20its%20former%20refinery&st=cse

Broga Anti-incinerator Campaign (2003). *Insinerator mengganggu kehidupan kami*, Broga: Broga anti-incinerator campaign booklet.

Bullard, R. D. (1994). *Dumping in Dixie: race, class and environmental quality* (2nd ed.). Boulder, San Francisco and Oxford: Westview Press.

PANEL VI: ENVIRONMENT

Case, W. (2001). Malaysia's resilient pseudodemocracy, *Journal of Democracy*, 12 (1): January

Consumers Association of Penang (1993). *Wasted lives: radioactive poisoning in Bukit Merah*. Penang: Consumers Association of Penang.

Cornwall, A. (2000). *Beneficiary, consumer, citizen: perspectives on participation for poverty reduction*. Stockholm: SIDA.

Cornwall, A. (2002). Locating citizen participation. In J. Gaventa, A. Shankland and J. Howard (eds), *Making rights real: exploring citizenship, participation and accountability*. Institute of Development Studies Bulletin, 33 (2), 49-58.

Crouch, H (1996). *Government and society in Malaysia*. Ithaca and London: Cornell University Press.

Elin, L. (2002). The radicalisation of Zeke Spier: How the Internet contributes to civic engagement and new forms of social capital. In M. McCaughey and M.D. Ayers (eds), *Cyberactivism: online activism in theory and practice* (pp. 97-114). New York and London: Routledge.

Ferguson, J. (1994). *The anti-politics machine: "Development," depoliticization and bureaucratic power in Lesotho*. Minneapolis and London: University of Minnesota Press.

Gaventa, J. (2002). Introduction: Exploring citizenship, participation and accountability. In Gaventa, J, Shankland, A., and Howard, J (eds), *Making rights real: Exploring citizenship, participation and accountability* (pp. 1-11). IDS Bulletin, 33 (2), Brighton: Institute of Development Studies.

Guha, R. (1997). The environmentalism of the poor. In Guha, R. and Martinez-Alier, J. (eds), *Varieties of environmentalism: Essays North and South*. London: Earthscan.

PANEL VI: ENVIRONMENT

Harding, A. (1996). Practical Human Rights. NGOs and the environment in Malaysia. In Boyle, A. E. and Anderson, M. R. (eds), *Human rights approaches to environmental protection*. Oxford: Oxford University Press and Clarendon Press.

Harding, A. (2007). Access to environmental justice: some introductory perspectives. In Harding, A. (ed), *Access to environmental justice: a comparative study. London-Leiden series on law, administration and development*. Leiden and Boston: Martin Nijhoff Publishers.

Hong, B. H. (August 6, 1992). Supreme Court allows ARE to continue. *The Star*.

Hughes, D.M. (2006). *From enslavement to environmentalism: Politics on a southern African frontier*. Seattle: University of Washington Press.

Irwin, A. (1995). *Citizen science: a study of people, expertise and sustainable development*. London and New York: Routledge

Jenkins, R. and Goetz, A. M. (1999). Accounts and accountability: theoretical implications of the right-to-information movement in India. *Third World Quarterly*, 20(3), 603-622: June.

Kabeer, N. (2002). Citizenship, affiliation and exclusion: perspectives from the South. In J. Gaventa, A. Shankland, and J. Howard (eds), *Making rights real: Exploring citizenship, participation and accountability* (pp. 12-23). IDS Bulletin, 33 (2), Brighton: Institute of Development Studies.

Loone, S. (November 18, 2002). Puchong incinerator: Environ expert warns of 'emotional' dioxin hazard. Retrieved from www.malaysiakini.com

PANEL VI: ENVIRONMENT

Loh, Francis Kok Wah (1988). *Beyond the tin mines: coolies, squatters and new villagers in the Kinta Valley, Malaysia, c. 1880-1980*. Singapore, Oxford and New York: Oxford University Press.

Loh, Francis Kok Wah and Khoo, Boo Teik (eds) (2002). *Democracy in Malaysia: Discourses and practices*. Richmond: Curzon Press.

Let's dialogue: DG tells Broga incinerator opponents. (2003a, April 5). *Malaysiakini*. Retrieved from www.malaysiakini.com

Tempers flare at incinerator briefing. (2003b, April 6). *Malaysiakini*. Retrieved from www.malaysiakini.com

Mythen, G. (2004). *Ulrich Beck: a critical introduction to the risk society*. London: Pluto Press.

Nair, S. (May 30, 1984). The Papan radioactive dump controversy: source of potential energy in 'waste.' *New Straits Times*.

Newell, P. (2002). From responsibility to citizenship? Corporate accountability for development. In J. Gaventa, A. Shankland, and J. Howard (eds), *Making rights real: Exploring citizenship, participation and accountability* (pp. 91-107). IDS Bulletin, 33 (2), Brighton: Institute of Development Studies.

Newell, P. (2006). Taking accountability into account: the debate so far. In P. Newell and J. Wheeler (eds) *Rights, resources and the politics of accountability* (pp.37-58). London: Zed Books.

PANEL VI: ENVIRONMENT

Newell, P. and Wheeler J. (2006). Rights, resources and the politics of accountability: an introduction. In P. Newell and J. Wheeler (eds) *Rights, resources and the politics of accountability* (pp.1-36). London: Zed Books.

Minister to those who are against Papan dump: "back your claims" challenge. (1984, July 3). *New Straits Times*.

Incinerator plan: Residents protest in parliament. (2003, June 24). *New Straits Times*.

Richardson, T. (2005). Environmental assessment and planning theory: four short stories about power, multiple rationality, and ethics. *Environmental Impact Assessment Review*, 25, 341-365.

Salter, L. (2003). Democracy, new social movements, and the Internet: a Habermasian analysis. In M. McCaughey and M.D. Ayers (eds), *Cyberactivism: online activism in theory and practice* (pp. 117-144). New York and London: Routledge.

Scott, J. C. (1999). *Seeing like a State: How certain schemes to improve the human condition have failed*. New Haven and London: Yale University Press.

Smith, B. and Goldblatt, D. (2000). Whose health is it anyway? In S. Hinchcliffe and K. Woodward (eds), *The Natural and the Social: uncertainty, risk, change* (pp. 43-77). London: Sage.

PM: we'll accept findings of genuine experts. (1992, 17 August). *The Star*.

Steele, J. (2009). Professionalism online: How Malaysiakini challenges authoritarianism. *The International Journal of Press/Politics*, 14 (January 2009), 91-111. Retrieved from [http://web.ccas.gwu.edu/dev/filehost/8/Journalism article Janet Steele.pdf](http://web.ccas.gwu.edu/dev/filehost/8/Journalism%20article%20Janet%20Steele.pdf)

PANEL VI: ENVIRONMENT

Tanquintic-Misa, E. (2012, January 3). Slowly but surely, Lynas rare earths Malaysian mine to operate soon. *International Business, The Times* (Australia). Retrieved from <http://au.ibtimes.com/art/services/print.php?articleid=275407>

Tarrow, S. (2005). *The new transnational activism*. Cambridge: Cambridge University Press.

Theophilus, C. (2002a, November 13). Incinerator project: residents told to vote under present address. Retrieved from www.malaysiakini.com

----- (2002b, November 21). Incinerator project: A victory for residents. Retrieved from www.malaysiakini.com

----- (2006, August 15). Yes, Broga incinerator off: Ministry. Retrieved from www.malaysiakini.com

Third World Network (1988). *Toxic Terror: Dumping of hazardous wastes in the Third World*. Penang: Third World Network.

Thirkell-White, B. (2006). Political Islam and Malaysian democracy. *Democratization*, 13 (3), June 2006, 421-441.

Tilly, C. and Tarrow, S. (2007). *Contentious politics*. Boulder and London: Paradigm Publishers.

Todd, H. (1988). Impact of toxic wastes in Asia – Malaysia: People near nuclear waste plant suffer miscarriages and ill health. In *Toxic Terror: Dumping of hazardous wastes in the Third World*. Penang: Third World Network.

Tsing, A.L.(1993). *In the realm of the diamond queen*. New Jersey: Princeton University Press.

Paper 3

**Environmentalism and the ethno-national struggle
in Kachin land, northern Burma***

Laur Kiik

M.A. candidate, Department of Anthropology, Columbia University
laurkiik@gmail.com

Abstract

This paper explores how environmentalism has arisen amid a broader complex of imagining and fighting for Kachin ethno-national futures in northern Burma/Myanmar, on the China-Tibet-India mountainous borderlands. My ethnographic fieldwork in 2010 and 2011 took place as the marginalized Kachin nation and its Independence Army faced renewed onslaughts by the Myanmar Army and a growing refugee crisis on the China border. The current situation follows two decades of ecological destruction, land confiscations, and dispossession of native populations by military-backed Chinese and Burmese natural resource extraction companies. Their projects of rainforest clear-cut logging, jade and gold mining, hydroelectric dams, and mono-crop plantations primarily supply to the booming Chinese market.

I discuss how Kachin social leaders and educated youth navigate and cultivate landscapes of fear, paranoia, love, anger, entitlement, powerlessness, injustice, resistance, and religious belief, as they combine ethno-nationalist, biblical, and social activist idioms to develop a native environmentalism. As one entry-point into these landscapes, I study the recently emerged Kachin environmentalist rock music, its affective performances, lyrics, and video imagery of the 'homeland nature crying'. These popular songs continue to be voiced and felt by Kachins to Kachins, and work to create new national-environmental subjectivity.

Scholarship in the field of 'political ecology' has done much to represent critically the structural economic inequalities and instances of capitalist exploitation accompanying natural resource extraction projects, ecological degradation, as well as conservation. This paper calls for additional attention to the lived feelings of ethnic homeland ownership, emergency conservation, and the projects of oppressed ethnic and religious identities.

**Please email author for more information*

Paper 4

**Biodiversity, liberalization and wildlife trade in Vietnam:
Pangolins, timber and state-society relationships ***

Dr Peter Larsen

(The Graduate Institute of International and Development Studies, Geneva)

Abstract

Wildlife trade in Vietnam is estimated in the millions of dollars annually involving extensive networks of traders across Southeast Asia. It also represents one of major threats against biological diversity in Vietnam and the wider Asian region (McNeely et al., 2009). Whereas the Vietnamese economy success story is largely based on export-driven growth following the economic reforms started in the 1980s under the 'đổi mới' banner (An and de Tréglodé, 2009), contemporary wildlife trade has the less glorious role of contributing to the dwindling loss of biological diversity (MOSTE, 2007). Compared to the vast amount of literature describing the social and economic significance of the đổi mới processes, the environmental dimension remains poorly described. The question, this chapter seeks to answer, is how to understand the role and characteristics of Vietnamese environmental policy, illustrated by the policies to curb illegal wildlife trade. Environmental degradation phenomena are at times seen as a consequence of the liberalized economy, the commodification of natural resources and of weak environmental protection measures (Kleinen, 2007). This is a hypothesis we want to test here. A commonly stated argument, in environmentalist discourse, involves the 'lack of', 'weak' or 'inadequate' environmental safeguards to accompany economic change. Based on the example of wildlife trade, we argue, that such interpretations risk neglecting more complex institutional patterns. While wildlife trade policy hardly figures a top-priority among policy makers, Vietnam has nevertheless a long track record of putting in place wildlife trade legislation and regulatory measures. Whereas observers and policy analysis tend to recommend strengthening enforcement systems, configuring wildlife trade as an external problem, we seek to draw further attention to the inter-linkages between regulation implementation itself and wildlife trade dynamics. We argue that current 'command and control' approaches to wildlife trade face fundamental internal constraints, which need to be understood in the broader context of state-society relationships in contemporary Vietnam. We emphasize wildlife trade at the core of the state domain intersecting with border management, movement and taxation. At the intersection between provincial and central management, wildlife trade encapsulates both inward and outward processes of transformation and sites of contestation. It illustrates how both inward processes of state control (such as sourcing wildlife trade from protected areas) or outwards forms (controlling flows across borders) are highly contested sites of practice. The resulting practices, we argue, reveal the negotiated nature of state-society relations and the paradoxical co-existence of a strong state alongside a vibrant shadow economy.

**For more information, please email the author at peter.larsen@graduateinstitute.ch*