

SUSTAINABLE DEVELOPMENT, HUMAN RIGHTS AND IMPACT ASSESSMENT IN ASEAN



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“Sustainable Development, Human Rights and Impact Assessment in ASEAN”

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Outline

- Globally and in ASEAN, how sustainable is development at present?
- How can we transition towards sustainability, and what is the role of Impact Assessment?
- What is the role of science and politics in impact assessment?
- I aim to show:
 - Impact Assessments are key tools that can inform and shape inclusive decision-making
 - A Human Rights Based Approach (HRBA) ensures that all appropriate knowledge and opinions are considered
 - A HRBA will help environmental policy keep pace and innovate, for example Health Impact Assessment

Economic growth and regionalization across ASEAN



ASEAN as a region saw 4.8% economic growth in 2016, supported by growing domestic private consumption and private investment.

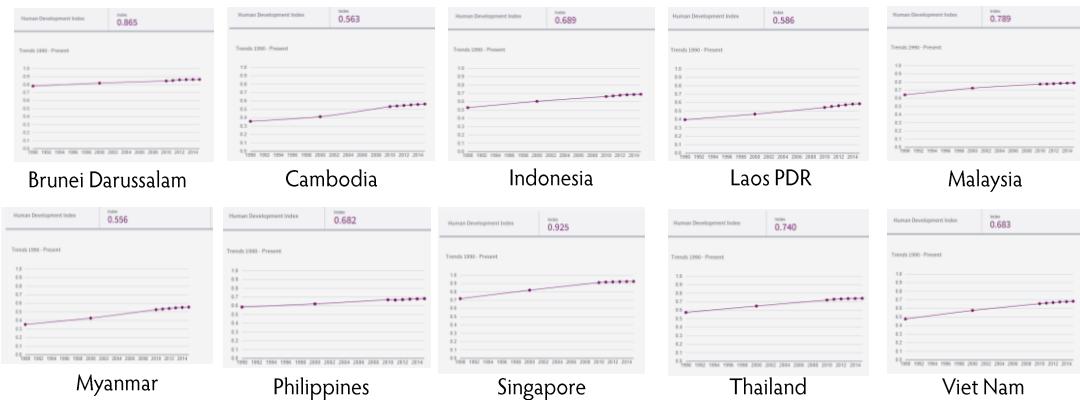
- The largest proportion of investment is from the EU (31%), followed by intra-ASEAN investment (25%) and Japan (14%)
- ASEAN Economic integration is ongoing under the AEC.
- A growing economy would imply more material wealth and therefore the possibility to satisfy more material needs, although it should also be noted that there is also a general trend for widening inequality.

We might say, in the spirit of Karl Polanyi's book, that ASEAN is witnessing a "Great Transformation." Trends include:

- Urbanization
- Industrialization
- Regionalization/ globalization
- Agricultural Intensification and transition, such as primary forests into plantations
- People mobility and demographic transitions
- Consumption growth

- Policy broadly leaning towards partial liberalization and market-principles, and promoting resource extraction and industrialization.

Human development index trends upwards across the region

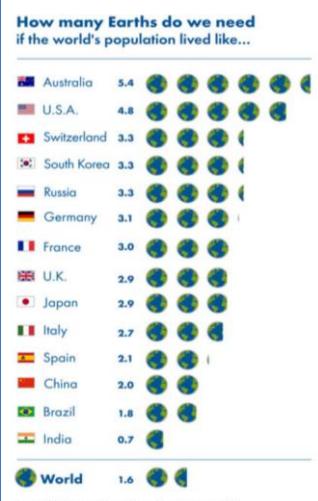
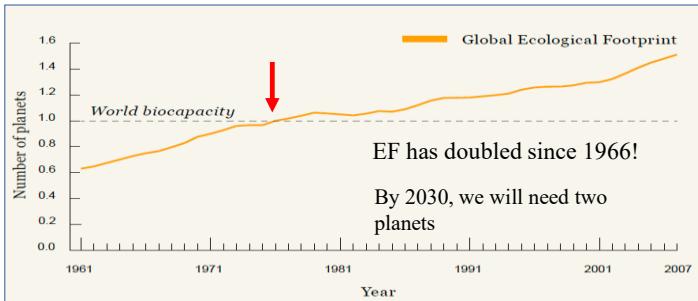


Source: HDI data for 2016

Regarding Human Development in ASEAN, as revealed by the HDI, there is a continued upwards trend across the region.

That said, the HDI remains uneven between countries in ASEAN, ranging from very highly ranked countries to lower tier.

Growing global ecological footprint challenging sustainability



Some consume too much, and some too little
(between and within countries)

<http://www.worldbank.org/en/topic/poverty/overview>, <http://www.footprintnetwork.org> and
<http://gizmodo.com/we-ve-devoured-a-year-s-worth-of-natural-resources-in-j-178496888>

- To gain an appreciation of the extent to which society is “sustainable” or not, it is useful to think about “ecological footprints.”
- Some consume too much, and some too little (between and within countries). This is very relevant to many ASEAN countries where some still live in extreme poverty.

2nd August 2017: Earth Overshoot Day

We've Devoured a Year's Worth of Natural Resources in Just Seven Months

George Dvorsky
Previously on io9
Filed to: Sustainability

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Image: NASA

Last year's Earth Overshoot Day:
8th August 2016

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Anthropocene: The human age

Mankind is struggling to establish a new geological epoch that recognizes humanity's impact on the planet. But there is fierce debate behind the scenes.

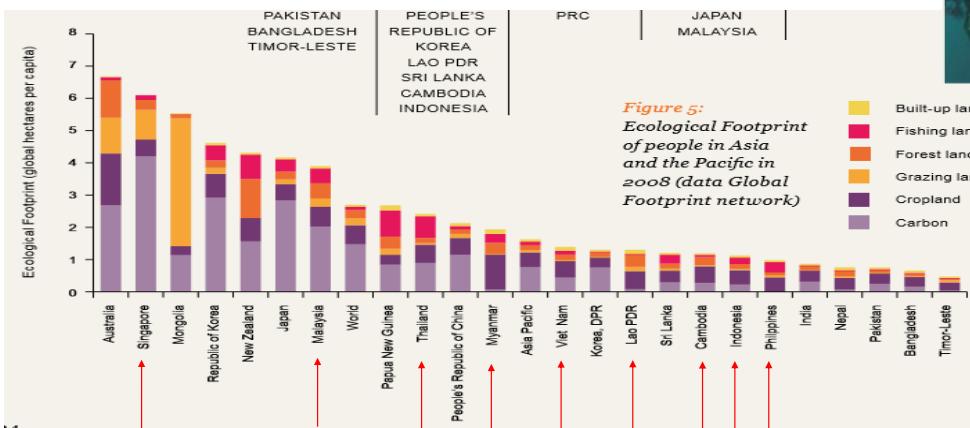
Richard Monastersky

11 March 2015

OA... OA... OA...

Source: <http://gizmodo.com/we-ve-devoured-a-year-s-worth-of-natural-resources-in-j-178496888>

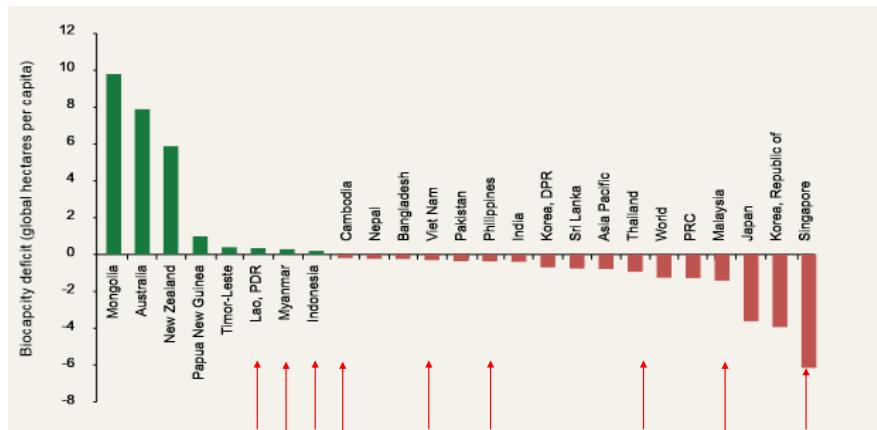
ASEAN Ecological footprint



WWF and ADB (2012) Ecological Footprint and Investment in Natural Capital in Asia and the Pacific

- ASEAN is a region rich in biodiversity; In mainland SE Asia, over 1,200 new species have been discovered in last 20 years alone
- WWF and the ADB calculate the rate of species loss to be twice the global average, reflecting degradation and loss of forests, oceans and rivers
- This graph allows us to compare levels of consumption and waste production between the countries of ASEAN. In general, and unsurprisingly, countries with higher GDP per capita have higher consumption and waste production

Biocapacity Creditors and Debtors



WWF and ADB (2012) Ecological Footprint and Investment in Natural Capital in Asia and the Pacific

- This graphic shows on paper how average per country resource consumption relates to the available resources available in that country. Thus so-called “creditor” and “debtor” nations are identified, although in practice this is more complex.
- Overconsumption can be met by importing natural resources and goods, or unsustainably depleting “natural capital” in country which are the ecosystems that provide many beneficial services to humans, including food, water, timber, pollination of crops and absorption of human waste products like carbon dioxide
- For example, for the EU, its net imports of ecological footprint increased 73% between 1961 and 2005
- Meanwhile, it has recently been calculated that Japan imports 75% of its water security needs (in the form of food and other imports)

Environmental challenges in ASEAN

Critical environment trends					
Land Losses of ecological resilience from conversion and simplification of habitats Conversion of prime agricultural land for urban and industrial development Improvements in agricultural productivity Irreversible losses of biodiversity Expansion of conservation and multiple-use management	Air Rising numbers of mobile and fixed emission sources Improved emission control technologies and standards Recurrent regional episodes of haze from land fires Difficulties controlling fine particulates in urban areas Rapidly rising aggregate CO ₂ emissions Long-range transport of pollutants—acid deposition				
Water Rising demand for water in agriculture and other sectors Declines in flows and sediments in dammed rivers Improvements in monitoring and treatment of water Over-use and contamination of ground water resources Lack of cheap access to clean drinking water for poor Degradation of riparian, flood plain and wetland ecosystems	Seas Over-harvesting of marine fisheries Pollution from land-based activities and ships Improvements in fishing technologies and monitoring Degradation of bottom-dwelling communities from trawling and shipping Degradation of coastal ecosystems—mangroves, wetlands and coral reefs				
Coupled social trends					
Participation in decision-making	Accountability for actions	Altered vulnerabilities	Sharing of involuntary risks	Distribution of benefits	Maintaining adaptive capacity

L. Lebel, L. A. Snidvongs, C.-T.A. Chen & R. Daniel (2009) Critical States: Environmental Challenges to Development in Monsoon Southeast Asia, Petaling Jaya: Strategic Information and Research Development Center (SIRD).





With economic growth, including via integration of regional and global markets, as poverty has reduced, environmental challenges have grown. There are many academic, government and non-government studies highlighting these challenges. Themes commonly identified:

- Regarding land, conversion of forest habitat to agricultural and plantation land, and soil degradation from agricultural intensification. “Land grabbing” has also been documented across the region.
- Regarding air, rising sources of pollution, including climate changing CO₂, and fine particles in urban areas from exhaust emissions, with health implications
- Regarding water, rising demand, and increasing pollution, together with impact of large infrastructure such as dams fragmenting habitats and changing hydrology and ecosystems
- Regarding marine, there has been overharvesting and ecosystem degradation
- There is also a rising incidence and vulnerability to climate-change related disaster

Furthermore, and very importantly, across Southeast Asia, different groups of people have different relations with the environment, for example, urban and rural, by gender, class, and ethnicity.

The costs, benefits and risks of environmental change are distributed amongst people unequally, in terms, for example, over: control, access and use of resources such as land and water; the impacts of environmental harms, such as pollution; access to environmental goods such as green spaces in urban areas; and who in particular is vulnerable to disaster. NIMBY is a common phenomenon, within and across countries, including the siting of power generation projects and hazardous waste dumping.

This reinforces existing social and economic inequalities and marginalization, and underscores the need for a human rights-based approach towards environmental policy and natural resource governance.

"Sustainability Transition" and Impact Assessment

- Sustainability transition
 - How to shift our economic systems, our societal institutions, our behavior and our ideas?
 - Various "lock-ins" resist transition: power; institutional; technical; policy; R&D
- How can Impact Assessment tools help towards transition?
 - Knowledge production
 - Participation
 - Broaden project/ policy evaluation criteria
 - Identify risks and uncertainties
 - Make visible "winners" and "losers"



"Sustainability transition" thinking is an increasing common approach to identifying how economic and social systems might be transformed towards more sustainable pathways – what some organizations and governments are calling a "green economy".

In particular, "Sustainability transition" thinking considers how negative trends mentioned in the previous slide might be addressed through shifting our economic systems, our societal institutions, our behavior and our ideas. It seeks to be holistic, for example by considering the nexus between food, water and energy systems.

The member states of ASEAN have committed to sustainable development, with recent examples including to work towards the Sustainable Development Goals and also by committing to the Paris Agreement on Climate Change.

There is no silver bullet solution, however. There are many "lock-ins" to our current pathway, including:

- Concentration of power that privileges the interests of some groups over others. Those who benefit from the current economic structures often seek to maintain these benefits

- Institutional structures, including current designs of our markets that to a large extent externalize environmental costs, and how our decision-making systems and associated government structures are often siloed into sectors and not integrated to attained multiple economic, social and environmental policy goals simultaneously
- Technical lock-ins and research and development lock-ins that determine which innovations will be developed and which left aside. Here, for example, past decisions around electricity or transport infrastructure make particular future decisions more likely to maintain a business-as-usual unless new actors, technologies, policies and practices are able to disrupt these practices.

Impact assessment has emerged as an increasingly important and sophisticated set of tools aimed to improve the quality of decision-making for sustainable development. Since the emergence of EIA in the 1960s in the US, there are now a wide range of tools available including Transboundary EIA, Cumulative Impact Assessment, and Strategic Environmental Assessment. They can be applied across project cycles from the very earliest stages of policy development through to detailed project design.

Depending upon their design, they can:

- Firstly, produce knowledge that could potentially improve decision-making
- Second, involve participatory engagement, and hence encourage deliberative processes, debate and constructive contestation to check assumptions and validity of assessment
- Third, they can extend the scope of project evaluation to include multiple criteria and scales
- Fourth, they can identify risks and uncertainties, and consider a range of options and possible alternatives
- Fifth, they can make visible issues of “winners” and “losers” within a particular project or policy decision.

Ensuring the incorporation of HRBA into impact assessment will improve quality and outcomes, including right to information, right to participation, and right to redress

Uneven EIA standards on paper and in practice

Various EIA and even SEA policies, now exist on paper in ASEAN,

However, there are some limitations in practice:

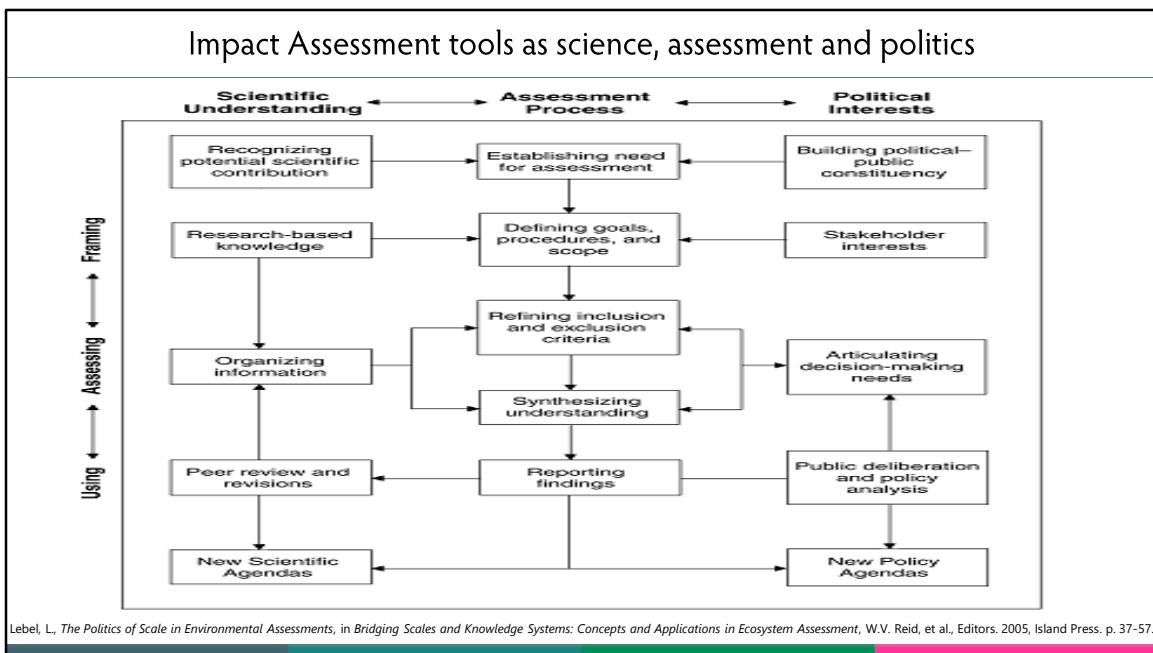
- Start too late to influence key decisions
- Conflict of interest: Consultants hired by company developing projects
- Weak public participation
- Limited access to information
- Often limited influence in overarching project decision-making when there is an economic imperative
- Expert scientific knowledge is privileged over local situational knowledge, which can also marginalize some societal values

EIA stage	Cambodia (1999)	Lao PDR (2000)	Myanmar (2014)*	Thailand (1992)	Vietnam (1994)*
Screening	X				
Scoping (development of TOR)			X	X	X
EIA report preparation	X	X	X	X	
EIA report evaluation	X	X	X	X	X
EMP preparation		X	X	X	
Monitoring, compliance, and enforcement		X			

*Year of the official establishment of EIA in each country

PACT (2015)





It is important to recognize that impact assessment is simultaneously: a process of scientific knowledge production, an assessment process, and a political process.

Indeed, much work has been done to reveal the politics inherent within “scientific decision-making,” for example in determining which studies are undertaken, the scope of these studies, and their design.

In this diagram, prepared by Dr. Louis Lebel from Chiang Mai University, we can see the inter-relationship of science, assessment and politics.

- At first, the need for an impact assessment is established through both the recognition that scientific assessment could make a contribution, and the building of a public-political community that an impact assessment *should* be conducted
- Next, the “goals, procedures and scope” of the assessment is defined. This in turn will define the scope of the science to be generated. At the same time, defining “goals, procedures and scope” is an inherently political process, as it will include recognizing which stakeholders have a legitimate claim to be involved, and what should be recognized as within the scope of the study.
- Subsequently, the study itself entails decision-taking on the compilation of

knowledge, and its analysis and evaluation, including upon how it relates to attaining project or policy goals. That is, scientific evaluation is combined with public interest decisions that are the sphere of politics.

Given the political nature of impact assessment, a HRBA including right to information, right to participation, and right to redress, would make knowledge production and decision-making more democratized. For example, it would ensure that the results of scientific studies are robust to scrutiny, thus making the assessment credible and viewed as more legitimate. Meanwhile, a more deliberative process would ensure that all stakeholders interests are considered, and perhaps a wider array of options considered than those identified by experts alone. Finally, it would also ensure that a sense of justice exists, given that all should have the right to be heard in decisions that affect their lives.

Impact Assessment and Innovation: Health Impact Assessment

- In 2007, Thailand legislated for Health Impact Assessment (HIA)
- There are four approaches to HIA in Thailand, of which two are most commonly practiced:
 - Environment Health Impact Assessment (EHIA)
 - Community Health Impact Assessment (CHIA).
- There are a growing number of examples in Thailand where CHIA empowered communities to protect their rights



<http://en.nationalhealth.or.th/node/123>

Nowadays, in ASEAN, impact assessment tools are more widely used for assessing both policy and projects. As economic growth continues, they are a means by which environmental policy can seek to keep up with and influence the overall direction of this growth.

For example, in Thailand, uniquely for the ASEAN region, health impact assessment (HIA) has gained significant traction. Emerging from widespread support for 'healthy public policy' in Thailand since 2000, HIA was legislated into Thailand's 2007 National Constitution and the National Health Act (2007). There are four approaches to HIA in Thailand, of which two are most commonly practiced: Environment Health Impact Assessment (EHIA) and Community Health Impact Assessment (CHIA).

EHIA are expert-led and emphasize scientific knowledge production, in particular on health impacts due to changes in the physical and biological environment. Public consultation is given a reasonably significant role, yet psychological, social and spiritual factors of health often raised by consulted communities remain downplayed as insufficiently scientific.

Meanwhile, CHIA is community-led with support from the National Health

Commission Office (NHCO) and civil society groups. The CHIA knowledge production process emphasizes the importance of community learning about the impacts of planned projects and policies on community health, and therefore can be viewed as an empowerment process.

In a book chapter that I co-authored this year, we examine the case of the Khao Hinsorn community where the community there undertook a CHIA as a means to challenge an expert-led EHIA that backs a proposed coal-fired power station near their community. We found that CHIA has emerged as an important and strategic collective action response in Thailand, which has contributed towards social learning and community empowerment, and thus enabled the contestation of unequal power relations within knowledge production with implications for social justice outcomes. Through the CHIA, the Khao Hinsorn community successfully revealed shortcomings in the scientific EHIA, and in the process broadened the definition of legitimate knowledge considered within formal state-led decision-making processes.

Thus, the Khao Hinsorn communities until now have been able to protect their right to health and to public participation in decision-making, as well as to maintain their resources and local livelihoods.

See: Middleton, C., Pengkam, S., and Tivasuradej, A. (2017) "Politics of knowledge, collective action and community empowerment in Health Impact Assessment in Thailand: The case of Khao Hinsorn" in Suhardiman, D., Nicol, A. and Mapedza, E. (eds.) Water Governance and Collective Action: Multi-scale Challenges. London: Earthscan Water Text. <https://www.routledge.com/Water-Governance-and-Collective-Action-Multi-scale-Challenges/Suhardiman-Nicol-Mapedza/p/book/9781315174938>

Conclusion

- Sustainable development for ASEAN will mean choosing wisely (and steering towards) sustainable “pathways”
 - Impact Assessments are key tools that can inform and shape inclusive decision-making
- Impact Assessment is simultaneously a scientific, assessment and political process.
 - A HRBA ensures that all appropriate knowledge and opinions are considered
- In a region with strong economic growth and accelerating economic integration, environmental policy must keep up
 - A HRBA will help environmental policy keep pace and innovate, for example on community health impact assessment

Thank you for your attention

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