

# From Public Concern to Policy Effectiveness: Civic Conservation in Developing Countries

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## 1. INTRODUCTION

For proponents of global environmental stewardship, one of the most consequential political developments of the past two decades has been the emergence of widespread environmental concern and associated social movements throughout the developing world. Public opinion polls consistently show levels of public concern commensurate to that in industrialized countries,<sup>2</sup> and thousands of citizens groups in developing countries are now advocating diverse environmental causes. Yet the record of environmental policy implementation in the South remains poor. Notwithstanding some important accomplishments,<sup>3</sup> there is often little correspondence between what is written in the law and the actions of agency and enforcement personnel on the ground.<sup>4</sup> Contrary to the perspective adopted in many writings on sustainable

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<sup>2</sup> For the most comprehensive cross-national survey, see R.E. DUNLAP, G.H. GALLUP & A.M. GALLUP, *HEALTH OF THE PLANET: RESULTS OF A 1992 INTERNATIONAL ENVIRONMENTAL OPINION SURVEY OF CITIZENS IN 24 NATIONS*, (1993). Analyses of these and other public opinion data are provided in R.E. Dunlap & A.G. Mertig, *Global Concern for the Environment: Is Affluence a Prerequisite?*, 51(4) *J. SOCIAL ISSUES* 121-137 (1995); S.R. Brechin & W. Kempton, *Global Environmentalism: A Challenge to the Postmaterialism Thesis?*, 75(2) *SOCIAL SCI. Q.* 245-269 (1994); Q. Kidd & A.-R. Lee *Postmaterial Values and the Environment: A Critique and Reappraisal*, 78(1) *SOCIAL SCI. Q.* 1-15 (1997).

<sup>3</sup> A political analysis of the impressive accomplishments of Costa Rica and Bolivia in the realm of biodiversity policy is provided in P.F. STEINBERG, *ENVIRONMENTAL LEADERSHIP IN DEVELOPING COUNTRIES: TRANSNATIONAL RELATIONS AND BIODIVERSITY POLICY IN COSTA RICA & BOLIVIA*. (2001).

<sup>4</sup> The poor record of protected areas management in the tropics is reviewed in C. van Schaik, J. Terborgh, and B. Dugelby, *The Silent Crisis: The State of Rain Forest Nature Preserves*, in *Last Stand—PROTECTED*

development,<sup>5</sup> the relevant question is not *How can nations struggling with poverty be convinced to embrace environmental concerns?* It is, rather, *Why have public preferences in developing countries not translated into improved environmental outcomes?* The problem is one of collective action, not collective indifference. The solution, in turn, requires institutional innovations that can help bridge the gap between public concerns and policy effectiveness.

Framing the challenge in these terms, this article examines the role of synergistic state-society relations in conservation governance—a phenomenon termed “civic conservation.”<sup>6</sup> Drawing on examples from Asia, Africa, Latin America, and the Caribbean, I describe how civil society can enhance the ability of resource-strapped governments to provide public goods and, in turn, the power of law and public policy to encourage (or impede) civic engagement. In this sense the article is an attempt to move beyond the erroneous assumption that the rise of nongovernmental forms of social organization constitutes a decline in the relevance of national policy. Citizen initiatives undertaken independent of the State have been emphasized by researchers eager to move beyond the state-centric models that dominate the field of international relations and by practitioners weary of poor government performance.<sup>7</sup> But as is frequently emphasized by civil society leaders themselves, there is simply no substitute for effective and accountable government—ingredients that are far too often missing in practice. Thus the argument advanced here differs in crucial respects from the widely accepted recognition of the importance of nongovernmental organizations (NGOs) and community organizations in conservation management. Rather than viewing nongovernmental initiatives

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AREAS AND THE DEFENSE OF TROPICAL BIODIVERSITY 64-89 (R. Kramer, C. van Schaik, & J. Johnson, eds. 1997). Although some researchers of the political ecology school (see for example S.R. Brechin *et al.* (eds.), *CONTESTED NATURE: PROMOTING INTERNATIONAL BIODIVERSITY WITH SOCIAL JUSTICE IN THE TWENTY-FIRST CENTURY* (2003)) take issue with van Schaik and colleagues about the underlying causes of these problems—placing greater emphasis on social justice rather than improved enforcement—the two sides agree that current strategies are far from adequate. The rampant trade in illegally harvested tropical timber is described in ENVIRONMENTAL INVESTIGATION AGENCY & TELAPAK, *PROFITING FROM PLUNDER: HOW MALAYSIA SMUGGLES ENDANGERED WOOD* (2004). The challenge of implementing pollution reduction strategies in developing countries has been the subject of extensive research by the World Bank’s New Ideas in Pollution Regulation Program. See for example WORLD BANK, *GREENING INDUSTRY—NEW ROLES FOR COMMUNITIES, MARKETS, AND GOVERNMENTS, A WORLD BANK POLICY RESEARCH REPORT*. (2000).

<sup>5</sup> See for example R.O. Keohane, *Analyzing the Effectiveness of International Environmental Institutions*, in *INSTITUTIONS FOR ENVIRONMENTAL AID: PITFALLS AND PROMISE* 3-27 (R.O. Keohane & M.A. Levy, eds. 1996).

<sup>6</sup> The synergistic concept of civic conservation presented here is consistent with usage of the term civic environmentalism in C. SIRIANNI & L. FRIEDLAND, *CIVIC INNOVATION IN AMERICA: COMMUNITY EMPOWERMENT, PUBLIC POLICY, AND THE MOVEMENT FOR CIVIC RENEWAL*. (2001). It is important to distinguish the present usage from that of DeWitt, who describes civil society *alternatives* to government regulation. See J. DEWITT, *CIVIC ENVIRONMENTALISM: ALTERNATIVES TO REGULATION IN STATES AND COMMUNITIES*. (1994).

<sup>7</sup> P. WAPNER, *ENVIRONMENTAL ACTIVISM AND CIVIC WORLD POLITICS*. (1996); T. PRINCEN & M. FINGER, *ENVIRONMENTAL NGOS IN WORLD POLITICS: LINKING THE LOCAL AND THE GLOBAL*. (1994).

as a largely autonomous activity substituting for lackluster government performance, I emphasize the interdependence of public policy and social mobilization and identify institutional innovations that can promote synergistic State-society interactions for the purpose of biodiversity conservation. The article is organized into three sections representing three broad lines of argument:

1. social mobilization is essential for effective conservation governance in developing countries;
2. environmental concern and associated organizational responses are on the rise throughout the developing world; and
3. the challenge is to put in place institutional arrangements that tap this well of social energy and translate diffuse public demands and enthusiasm into specific improvements in conservation policy and management.

Before proceeding, some conceptual clarifications are warranted. This analysis focuses on the conservation component of public environmental concerns, but in practice the forces shaping environmental public opinion, social mobilization, and policy effectiveness simultaneously influence a range of environmental issues. Accordingly, the discussion will occasionally draw on data and experiences from environmental movements writ large in order to lay the groundwork for my specific argument regarding approaches to conservation policy. Throughout the discussion, the term “civil society” refers to not only NGOs, but all forms of coordinated social activity that are beyond the family, short of the State, and outside the market. This brings into the fold diverse forms of collective action ranging from broad-based social movements to university research centers and women’s health organizations, and encompasses activities ranging from mass protests to planting buffer vegetation along waterways. The potential pitfalls of State-society collaborations—such as threats to NGO autonomy or the drawbacks of ceding authority to civic organizations that lack a popular mandate—are not treated at length here because these themes have been thoroughly discussed in the literature on NGOs,<sup>8</sup> which has paid comparatively little attention to the potential for constructive collaboration.

## **2. WHY SOCIAL MOBILIZATION IS NECESSARY FOR CONSERVATION GOVERNANCE**

The widely recognized power of markets to provide goods and services stems from two sources. The first is the remarkable phenomenon by which

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<sup>8</sup> See for example M. EDWARDS & D. HULME (eds.), *BEYOND THE MAGIC BULLET: NGO PERFORMANCE & ACCOUNTABILITY IN THE POST-COLD WAR WORLD*. (1996).

individuals pursuing their self-interest can lead, under certain conditions, to an allocation of resources that maximizes the aggregate net benefit to society. The second is the fact that markets take advantage of the creative energies, aspirations, and intelligence of large numbers of people rather than relying on the foresight of a select few. This second characteristic, while essential to modern capitalism, is not unique to it. These same creative energies are unleashed when millions of people pursue noncommercial aspirations in the spheres of politics, culture, religion, and social services. Market power is a subset of people power.<sup>9</sup>

Nowhere is the creative power of ordinary citizens more evident than in the realm of environmental advocacy. In Thailand, environmentalist Buddhist monks (*phra nak anuraksa*) have joined forces with other citizens' groups to prevent deforestation in protected areas.<sup>10</sup> In Tehran, local artists organized a widely-publicized exhibition to draw attention to the plight of children suffering the effects of poor air quality.<sup>11</sup> In Ghana, the League of Environmental Journalists promotes public awareness by working for more effective media coverage of environmental issues. An alliance of environmental NGOs in the Philippines sponsors the Green Electoral Initiative, surveying politicians on their environmental views and practices and publishing their relative rankings in voter guides. From Bolivia to South Africa to Taiwan, environmental groups have successfully lobbied for the creation of new conservation laws and regulatory frameworks. As documented later in the article, these are by no means isolated instances. Over the past fifteen years in particular, countless citizens in developing countries have mobilized to protect environmental quality.

The importance of civic conservation stems from several sources. The advantages of civic involvement in the provision of public services is widely recognized in the literature on NGOs, which emphasizes among other traits their penchant for flexibility and innovation and their role in providing independent assessments and scrutiny of government actions.<sup>12</sup> While the rationale and ethical imperative for citizen involvement in policymaking are widely

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<sup>9</sup> There is a considerable but seldom acknowledged congruence between the thinking of populists and libertarians on this point. Compare for example J.C. SCOTT, *SEEING LIKE A STATE: HOW CERTAIN SCHEMES TO IMPROVE THE HUMAN CONDITION HAVE FAILED* (1998); M. FRIEDMAN, *CAPITALISM & FREEDOM* (1962).

<sup>10</sup> See P. HIRSCH (ed.), *SEEING THE FOREST FOR THE TREES: ENVIRONMENT AND ENVIRONMENTALISM IN THAILAND* (1996). See also S.M. Darlington, *Rethinking Buddhism and Development: The Emergence of Environmentalist Monks in Thailand*, 7 J. BUDDHIST ETHICS (online journal) (2000).

<sup>11</sup> *All Things Considered: Feature on Artists Protesting Pollution in Tehran* (National Public Radio, March 5, 2000).

<sup>12</sup> See M.J. ESMAN & N. UPHOFF, *LOCAL ORGANIZATIONS: INTERMEDIARIES IN RURAL DEVELOPMENT*. (1984); J. FISHER, *THE ROAD FROM RIO: SUSTAINABLE DEVELOPMENT AND THE NONGOVERNMENTAL MOVEMENT IN THE THIRD WORLD*. (1993); J. FISHER, *NONGOVERNMENTS: NGOs AND THE POLITICAL DEVELOPMENT OF THE THIRD WORLD*. (1998); L.M. SALAMON, *PARTNERS IN PUBLIC SERVICE: GOVERNMENT-NONPROFIT RELATIONS IN THE MODERN WELFARE STATE*. (1995); M.E. KECK & K. SIKKINK, *ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS*. (1998).

appreciated, civic engagement takes on added importance in the environmental arena. The reasons are several.<sup>13</sup>

At the global level, environmental problems differ in important respects from the concerns that have inspired coordinated international responses in the past. International law typically assumes the form of agreements among governments to change government behavior, in areas such as nuclear testing and trade policy. In contrast, international environmental treaties are commonly agreements among governments to change private behavior within their borders. Particularly for global environmental problems driven by diffuse private actions, such as biodiversity loss, governments cannot effectively undertake such a task without the active engagement of civil society.

At the domestic level, the information needed for effective conservation management is often geographically dispersed and site-specific. Governments have neither the administrative capacity to collect all of the necessary information nor the power to prevent independent public scrutiny of environmental quality. In contrast to policy decisions regarding exchange rates and military preparedness, for which the relevant information and expertise rest with central planners, citizens can provide useful information on ecological health and on the social activities affecting it. In Palawan, Philippines, for example, community organizations and government regulatory agencies are collaborating on a system for community-based monitoring of forest ecosystem health.<sup>14</sup> Civil society organizations also provide valuable information on resource scarcity, particularly when scarcity is not communicated through market prices. Efforts by university scientists and environmental NGOs to raise public awareness of global climate change provide an example of this information feedback mechanism operating on a large scale.<sup>15</sup>

A civil society attuned to conservation concerns also facilitates the persistent, long-term advocacy needed for significant conservation policy reforms. The creation and strengthening of national conservation laws and related institutions—such as environment ministries, watershed management districts, and national parks—typically unfolds over time horizons of a decade or more. The success of these efforts depends, in turn, on the long-term presence of legal reformers who can engage in policy experimentation and lesson-learning, take advantage of rare windows of political opportunity, and undertake a cumulative effort—across projects and across administrations—that foreign experts, advocates, and donor organizations cannot.<sup>16</sup> An institutional landscape comprised of diverse nongovernmental organizations allows

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<sup>13</sup> This section builds on STEINBERG, *supra* note 3, at 156-158.

<sup>14</sup> H. Hartanto, M.C.B. Lorenzo & A.L. Frio, *Collective Action and Learning in Developing a Local Monitoring System*, 4(3) INT'L FORESTRY REV. 184-195 (2002).

<sup>15</sup> THE SOCIAL LEARNING GROUP, *LEARNING TO MANAGE GLOBAL ENVIRONMENTAL RISKS* (2001).

<sup>16</sup> STEINBERG, *supra* note 3, at 131-152.

environmental policy reformers to stay involved over the long haul, as these organizations provide employment, networking opportunities, and venues for sustained intellectual creation and influence during periods when partisan political shifts prevent reformers' direct participation in government.

Additionally, where there is an environmentally active civil society, public scrutiny of government actions can improve accountability and reduce incentives for corruption in natural resource management. Among economic activities in the developing world, the commercial exploitation of natural resources is particularly susceptible to corruption because bending the rules can result in substantial profits, and the regulated activities typically take place in remote, difficult-to-monitor locations.<sup>17</sup> Illegal harvesting and export of timber has been widespread in countries such as Malaysia, Brazil, Indonesia, Cambodia, Cameroon, and many others.<sup>18</sup> Even when outright corruption is not at play, wasteful natural resource policies are often the end result of efforts by government officials to provide off-budget funding for politically controversial projects. In Indonesia under Suharto, for example, funds normally destined for reforestation were diverted to the state aerospace industry, which was regarded by state technocrats as a wasteful enterprise but which nationalists saw as an important symbol of national technological prowess.<sup>19</sup>

Citizens' groups can comprise a political force to confront these issues when they have access to independent sources of information, meaningful channels for political participation, and legal protection against retribution. The existence of a vibrant nongovernmental sector and associated employment opportunities also make it easier for conscientious officials to resign from government service when they deem it appropriate, rather than face a choice between collusion in misguided policies or unemployment. This 'exit' option gives principled public servants a powerful tool for publicizing mismanagement and for bringing pressure to bear on natural resource agencies loath to undertake needed reforms.

The connection between social mobilization and effective governance can also be seen when environmental movements lend political support and technical expertise to reformers within government who face stiff resistance from bureaucratic opponents and regulated sectors. The environmental agencies that have sprung up across the developing world in recent years are almost invariably less politically powerful than well-established ministries of planning, finance, and agriculture. Within the traditional ministries,

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<sup>17</sup> See S. ROSE-ACKERMAN, *CORRUPTION AND GOVERNMENT: CAUSES, CONSEQUENCES, AND REFORM* 19, 32-35, 213-215, (1999).

<sup>18</sup> See A. CONTRERAS HERMOSILLA, *LAW COMPLIANCE IN THE FORESTRY SECTOR: AN OVERVIEW* (2001); and ENVIRONMENTAL INVESTIGATION AGENCY & TELAPAK, *supra* note 4.

<sup>19</sup> W. ASCHER, *WHY GOVERNMENTS WASTE NATURAL RESOURCES: POLICY FAILURES IN DEVELOPING COUNTRIES* 79-80 (1999).

environmentally-conscious officials often take a back seat to officials in charge of conventional development portfolios. In Hong Kong, for example, environmental reformers have faced an uphill battle in attempts to foster a conservation ethos in the practices of the powerful Planning Department that has overseen that country's spectacular growth.<sup>20</sup> Grindle and Thomas point out that when agency reformers are stymied by bureaucratic opponents, an effective political strategy is to go public with the issue, marshaling support from sympathetic social groups to help overcome opposition within the state structure.<sup>21</sup> This strategy was used in Bolivia when legislators pushing for forestry sector reform approached an alliance of environmental NGOs asking for their help in raising public awareness to overcome opposition from the timber industry; the ensuing nationwide "March of the Green Flags" mobilized public support for a conservation-oriented piece of legislation.<sup>22</sup>

### 3. RETHINKING STATE-SOCIETY RELATIONS

To take advantage of the potential synergies between social mobilization and good governance, we must move beyond analytic frameworks that portray state-society relations as a zero-sum contest. It has become fashionable in many circles to interpret the recent strengthening of the private and nonprofit sectors as tantamount to a decline in the power, relevance, and responsibilities of government and an accompanying decline in the relevance of national laws.<sup>23</sup> This interpretation of the relation between state and social power rests on both conceptual and empirical flaws. Conceptually, the problem arises in the failure to distinguish between two types of power: monopoly control and the capacity for action. If power is interpreted narrowly to mean a monopoly over resource allocation, then the growth of civil society indeed represents a loss in government power. Trends such as the decline of state socialism and the expanding scope and activities of nongovernmental organizations signal a weakening of government monopoly power in cases where state agencies dominated sectors of economic activity and service provision. These trends are clearly visible in the natural resources sector, where activities ranging from energy production to park management have increasingly been delegated to NGOs and the private sector.<sup>24</sup> But if we recast the concept of state power as the capacity for governance, and think in terms of absolute rather than relative power, a different picture emerges. When expanding markets provide

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<sup>20</sup> H. Husock, *Executive-Led Government and Hong Kong's Legislative Council: Debating Harbor Protection*, Case Study 1431.0, Kennedy School of Government, Harvard University, Cambridge, MA (1998).

<sup>21</sup> M. S. GRINDLE & J.W. THOMAS, *PUBLIC CHOICES AND POLICY CHANGE: THE POLITICAL ECONOMY OF REFORM IN DEVELOPING COUNTRIES* (1991).

<sup>22</sup> Steinberg, *supra* note 3.

<sup>23</sup> For a critique see A.-M. Slaughter, *The Real New World Order*, 76(5) *FOREIGN AFF.* 185-197 (1997).

<sup>24</sup> See for example J. Langholz, *Privatizing Conservation*, in Brechin *et al.*, *supra* note 4 at 117-136.

the state with a larger tax base, or partnering with NGOs increases the scope and efficacy of government service provision—allowing for a more ambitious protected areas system than is possible under government management alone, for example—in absolute terms the capacity of the state is enhanced. It is well established in the literature on social capital that an engaged civil society can strengthen the ability of government to provide public services generally,<sup>25</sup> and conservation services in particular.<sup>26</sup>

Empirically, if state and social power were inversely related one would expect the rise of non-governmental activity to be associated with reductions in state spending. The historical and cross-national evidence show that this is not the case. In the most comprehensive study of its kind, researchers at the Comparative Nonprofit Sector Project surveyed 22 countries and found no relation between the level of government spending on social welfare and the size of a country's nonprofit sector. The same study reveals that government is the most important source of funding for the nonprofit sector, far outstripping philanthropic organizations.<sup>27</sup> In the United States, a country with comparatively high levels of civil society organization, there has historically been a *positive* correlation between government activity and social organization. Peter Hall reports, “The enormous proliferation of voluntary associations, nonprofit organizations, and private philanthropic [organizations] paralleled the increasing scope, scale, and activism of the national government from the 1870s on,” with the greatest growth in civil society organizations paralleling the expansion of the welfare state in the decades following World War II.<sup>28</sup>

While these data show that state-society relations are not inherently zero-sum, there are of course numerous instances in which government authorities and civil society have been locked in mutually hostile relations in which a gain for one is perceived by all as a loss for the other.<sup>29</sup> As a result of the historical legacy of authoritarianism and official hostility to autonomous civic organization, in many parts of the world state-society relations have been anything but

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<sup>25</sup> See for example, R.D. PUTNAM, *MAKING DEMOCRACY WORK: CIVIC TRADITIONS IN MODERN ITALY* (1993).

<sup>26</sup> See A. Krishna, *Moving from the Stock of Social Capital to the Flow of Benefits: The Role of Agency*, 29(6) *WORLD DEV.* 925-938 (2001); D. PRESS, *SAVING OPEN SPACE: THE POLITICS OF LOCAL OPEN SPACE PRESERVATION IN CALIFORNIA* (2002).

<sup>27</sup> L.M. SALAMON, H.K. ANHEIER, R. LIST, S. TOEPLER, S.W. SOKOLOWSKI, & ASSOCIATES, *GLOBAL CIVIL SOCIETY: DIMENSIONS OF THE NONPROFIT SECTOR* (1999).

<sup>28</sup> P.D. HALL, *PHILANTHROPY, THE WELFARE STATE, AND THE TRANSFORMATION OF AMERICAN PUBLIC AND PRIVATE INSTITUTIONS, 1845-2000 2* (The Hauser Center for Nonprofit Organizations, Working Paper No. 5, 2000).

<sup>29</sup> On the general challenges of state-society relations in the developing world, see J. MIGDAL, *STRONG SOCIETIES AND WEAK STATES: STATE SOCIETY RELATIONS & STATE CAPABILITIES IN THE THIRD WORLD* (1987). The political ecology literature has amply documented zero-sum interactions that impede the prospects for collaboration in conservation policy. See for example N.L. PELUSO, *RICH FORESTS, POOR PEOPLE: RESOURCE CONTROL & RESISTANCE IN JAVA* (1992); and S.R. Brechin *et al.*, *supra* note 4.

additive.<sup>30</sup> This is why civic conservation represents a conceptual and administrative challenge to that relationship, requiring new approaches to governance that can overcome a legacy of mistrust and take advantage of the potential for joint gains. In India, for example, new Joint Forest Management programs are designed to improve community relations and reverse a pattern of conflict, inherited from the colonial period, in which forest police forcefully excluded communities from traditional resource extraction activities.<sup>31</sup> In many parts of Latin America, indigenous groups whose demands have long been ignored by governments are, for the first time, gaining land rights and management authority in protected areas to promote the twin goals of self-determination and conservation stewardship.<sup>32</sup>

These experiences are part of a larger trend, as the zero-sum paradigm has increasingly been called into question by social movement participants in developing countries. In nations that have recently undergone a process of democratization, activists who built their skills and credentials as opponents of authoritarian regimes are assuming new roles and seeking new forms of collaboration with government authorities.<sup>33</sup> Indeed, the notion that civil society organizations shun or circumvent the state finds little support in the data. According to the 1998 Global Environmental Organizations Survey (GEOS), which polled 248 organizations in 59 countries, environmental groups routinely interact with government officials (see Figure 1).<sup>34</sup> As John Clark concludes in his study of the voluntary sector in developing countries, NGOs can “oppose the State, complement it, or reform it, but they cannot ignore it.”<sup>35</sup>

Having reviewed the rationale for synergy between environmental social movements and State policymakers, we are left with two tasks. In the following section I provide more systematic evidence for the assertion that environmental movements are on the rise throughout the developing world. The final section then transitions from these broader considerations to a discussion of specific tools and institutional arrangements that can

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<sup>30</sup> For examples of the impact of authoritarian regimes on state-society relations, see A. STEPAN (ed.), *DEMOCRATIZING BRAZIL: PROBLEMS OF TRANSITION & CONSOLIDATION*, (1989); A. Valenzuela, *Chile: Origins, Consolidation, and Breakdown of a Democratic Regime*, in *DEMOCRACY IN DEVELOPING COUNTRIES*, VOL. 4: LATIN AM. (L. Diamond, J.J. Linz, & S.M. Lipset, eds. 1989), Lynne Rienner, Boulder, CO at 159-206; J.A. Hellman, *MEXICO IN CRISIS* (1983).

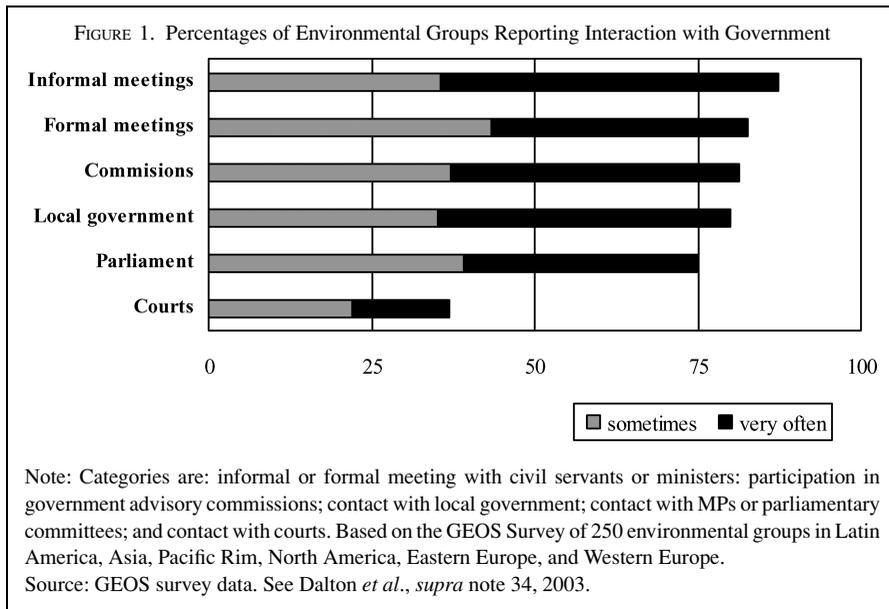
<sup>31</sup> N.U. Sekhar, *Decentralized Natural Resource Management: From State to Co-Management in India*, 43(1) *JOURNAL OF ENVIRONMENTAL PLANNING & MGMT.* 123-138 (2000); M. Gadgil & R. Guha, *ECOLOGY & EQUITY: THE USE AND ABUSE OF NATURE IN CONTEMPORARY INDIA* (1995).

<sup>32</sup> A. BRYSK, *FROM TRIBAL VILLAGE TO GLOBAL VILLAGE: INDIAN RIGHTS & INTERNATIONAL RELATIONS IN LATIN AMERICA* (2000).

<sup>33</sup> See for example C.A. REILLY (ed.), *NEW PATHS TO DEMOCRATIC DEVELOPMENT IN LATIN AMERICA: THE RISE OF NGO-MUNICIPAL COLLABORATION* (1995).

<sup>34</sup> Data are from R.J. Dalton, S. Recchia, & R. Rohrschneider, *The Environmental Movement and the Modes of Political Action* 36(7) *COMPARATIVE POL. STUDIES* 743-771 (2003).

<sup>35</sup> J. CLARK, *DEMOCRATIZING DEVELOPMENT: THE ROLE OF VOLUNTARY ORGANIZATIONS* 75 (1991).



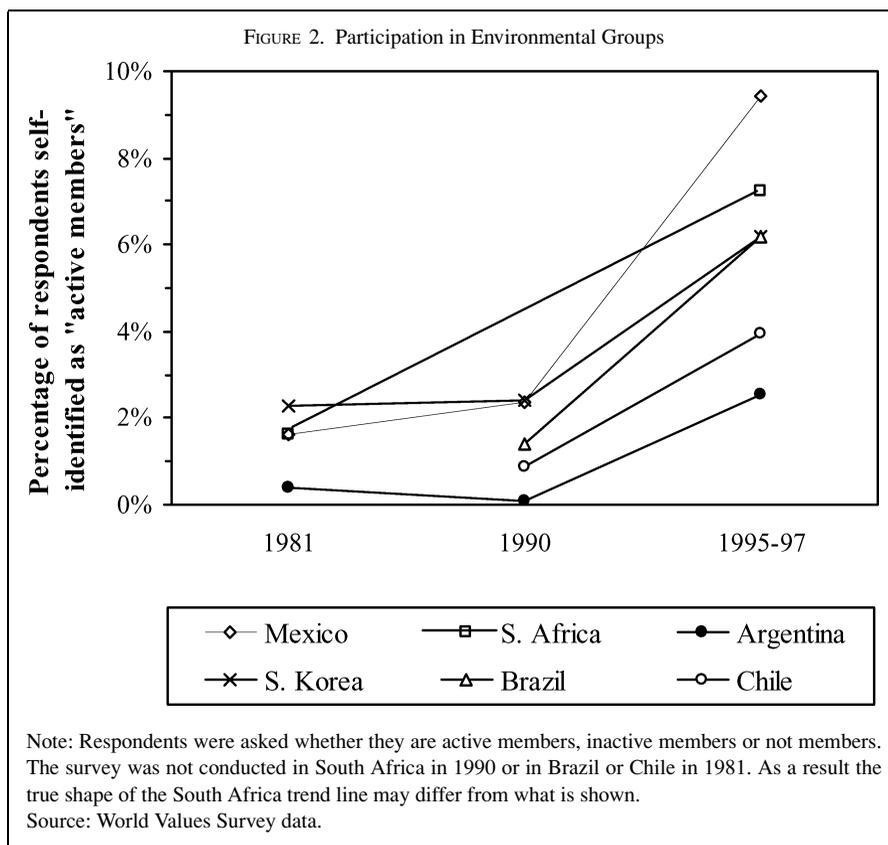
channel this social concern to improve the effectiveness of conservation policies.

## 4. THE RISE OF ENVIRONMENTALISM IN DEVELOPING COUNTRIES

### 4.1 Social Mobilization

Social demands for improved environmental management are now a regular feature of politics throughout the developing world.<sup>36</sup> Over the past 15 years in particular, there has been a surge of public interest and action in this area. Figure 2 shows trends in citizen participation in environmental organizations in six developing countries, spanning three time periods covered by the World Values Survey (WVS). (The six countries shown in Figure 2 are the only developing countries surveyed in either of the first two

<sup>36</sup> For examples, see S.S. Gardner, *Major Themes in the Study of Grassroots Environmentalism in Developing Countries*, 12(2) J. THIRD WORLD STUDIES 200-244 (1995); P. HIRSCH & C. WARREN (eds.), *THE POLITICS OF ENVIRONMENT IN SOUTHEAST ASIA: RESOURCES AND RESISTANCE* (1998); K. Hochstetler, *The Evolution of the Brazilian Environmental Movement and Its Political Roles*, in *THE NEW POLITICS OF INEQUALITY IN LATIN AMERICA: RETHINKING PARTICIPATION AND REPRESENTATION* 192-216 (D.A. Chalmers et al. eds. 1997); R. GUHA & J. MARTÍNEZ-ALIER, *VARIETIES OF ENVIRONMENTALISM: ESSAYS NORTH AND SOUTH* (1998); R. BROAD & J. CAVANAGH, *PLUNDERING PARADISE: THE STRUGGLE FOR THE ENVIRONMENT IN THE PHILIPPINES* (1993); Y.-S. FLEE & A.Y. So (eds.), *ASIA'S ENVIRONMENTAL MOVEMENTS: COMPARATIVE PERSPECTIVES* (1999).



waves—1981 and 1990—permitting a perspective of a decade or more. The question wording changed in the most recent [1999-01] wave of the survey, precluding extension of the longitudinal analysis.) In each case there has been a dramatic increase in reported participation in environmental groups. By the mid-1990s the level of citizen participation in environmental groups in the developing world compared favorably with that of the industrialized North (Table 1).

Although there are no reliable cross-national comparisons of numbers of environmental groups, the available data are sufficient to dispel the myth that environmental protection is considered a luxury in the South. In 1993, Julie Fisher estimated that 600 organizations were involved in environmental protection in Indonesia, while Sri Lanka had 170 environmental groups, and in India the number surpassed 500.<sup>37</sup> In 1997, Costa Rica had roughly 245 citizens' environmental groups, which is a higher per capita number than

<sup>37</sup> FISHER, *supra* note 12, at 124.

TABLE 1. Reported Participation in Environmental Groups by Region

Region	Average "Active Participation" in Environmental Groups
Western Europe (6)	2.5
Central & Europe (15)	0.9
Other industrial (3)	5.8
Asia (7)	3.7
Africa (3)	10.3
Latin America/Carribbean (9)	5.3

Note: Parentheses indicate the number of countries surveyed. For country details, see Appendix 1.  
 Figures are the regional average of national averages.  
 Source: World Values Survey data, 1995-97.

exist in the state of California, renowned for the strength of its environmental movement.<sup>38</sup>

## 4.2 Explaining Trends

What accounts for the recent increase in social mobilization on environmental issues in developing countries? Although a systematic assessment of the origins of environmentalism in the South is beyond the scope of this article, a few trends merit attention. First, the rise of environmental organizations has taken place in a broader context of increasing civic organization throughout the developing world. Data from the World Values Survey show that the explosion of interest in environmental issues has been matched (and even outpaced) by increasing participation in political parties and professional, religious, artistic, charity, and sports associations.<sup>39</sup> The growing number of groups devoted to issues such as women's rights, poverty alleviation, healthcare, and racial equality directly shapes the prospects for civic conservation by opening new venues for public expression and political impact, and by serving as training grounds in which activists gain organizing skills and social resources which they may then choose to devote to the resolution of environmental problems.<sup>40</sup>

In addition to the direct causal link between environmentalism and other forms of social mobilization, the across-the-board increase in social organization is indicative of systemic trends simultaneously affecting multiple facets of society. In many countries, significant environmental movements first arose in the 1980s in the midst of broader social movements for democratization.

<sup>38</sup> STEINBERG, *supra* note 3, at 43, 232.

<sup>39</sup> WORLD BANK, WORLD DEVELOPMENT REPORT 2003: SUSTAINABLE DEVELOPMENT IN A DYNAMIC WORLD 40.

<sup>40</sup> For an overview of these developments from the perspective of social movement theory, see S.E. ALVAREZ, E. DAGNINO & A. ESCOBAR (eds.), CULTURES OF POLITICS/POLITICS OF CULTURES: RE-VISIONING LATIN AMERICAN SOCIAL MOVEMENTS (1998).

The causal relation between democratization and environmentalism has never followed a simple formula, but has unfolded in diverse and historically contingent ways in different countries. In South Korea, social movements for democratization and environmental protection joined forces in opposition to authoritarian rule in the 1980s, and many leaders of the democracy movement later assumed leadership positions in the country's environmental organizations following the consolidation of a democratic regime in 1992.<sup>41</sup> A similar pattern unfolded in Taiwan, where the environmental and pro-democracy movements were the two strongest social mobilizations opposing the Kuomintang (KMT's) monopoly on political power. An estimated 582 environmental protests occurred in Taiwan between 1983 and 1988, comprising a fifth of all public protests during this period.<sup>42</sup> In Brazil, disparate environmental organizations that had maintained a low profile during military rule were united and animated when they helped draft the environmental chapter of the new national constitution in 1985-1988. The resulting alliances formed the basis for coordinated action among local and regional groups in subsequent years.<sup>43</sup>

The rise of environmental movements in the developing world has also been fostered by international trends, including an increase in cross-border organizing by environmental groups.<sup>44</sup> In the United States, the Reagan administration's efforts to roll back environmental regulations in the 1980s sparked a public reaction that contributed to tremendous growth in the size and resources of U. S. environmental groups.<sup>45</sup> Concurrently, growing concern over global-scale problems, such as tropical deforestation, motivated these groups and their Western European counterparts to significantly expand their international programs, and they soon committed millions of dollars to support environment efforts in developing countries. Combined with a growing interest in environmental issues on the part of development agencies,<sup>46</sup> and the increasing tendency to funnel official development assistance through NGOs,<sup>47</sup> the 1980s represented a watershed with respect to the resources available for civic conservation organizing in developing countries.

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<sup>41</sup> E. Anbarasan, *Choi Yul: The Greening of Korea*, 47 UNESCO COURIER (2001), available online at [http://www.unesco.org/courier/2001\\_02/uk/dires.htm](http://www.unesco.org/courier/2001_02/uk/dires.htm); S.-H. Lee, et al. *The Impact of Democratization on Environmental Movements*, in Lee & So, *supra* note 36.

<sup>42</sup> LEE *et al.*, *supra* note 36.

<sup>43</sup> Hochstetler, *supra* note 36. For an analysis of the relation between democratization and environmental movements in Eastern Europe, see A. TICKLE & I. WELSH (eds.), *ENVIRONMENT AND SOCIETY IN EASTERN EUROPE* (1998).

<sup>44</sup> See P.F. Steinberg & R. Garcia-Johnson, *Transnational Environmental Actors: Toward an Integrated Approach*, paper presented at the International Studies Association annual conference, Chicago, February 20-24, 2001; KECK & SIKKINK, *supra* note 12.

<sup>45</sup> See C. Bosso, *After the Movement: Environmental Activism in the 1990s*, in *ENVIRONMENTAL POLICY IN THE 1990s*, 2d ed.(N. J. Vig & M.E. Kraft, eds. 1994), at 31-50; N.J. VIG & M.E. KRAFT (eds.), *ENVIRONMENTAL POLICY IN THE 1980s: REAGAN'S NEW AGENDA* (1984).

<sup>46</sup> See R.O. KEOHANE & M.A. LEVY (eds.), *INSTITUTIONS FOR ENVIRONMENTAL AID: PITFALLS & PROMISE* (1996).

<sup>47</sup> WORLD BANK, *WORLD DEVELOPMENT REPORT 2002: BUILDING INSTITUTIONS FOR MARKETS 200* (2001).

While there is significant social concern for the environment in many developing countries, this concern exists alongside high levels of habitat conversion, illegal harvesting of timber, trade in endangered species, and mismanagement of other natural resources, not to mention air pollution, inadequate access to drinking water, and widespread pesticide poisonings.<sup>48</sup> As a rule, environmental outcomes in developing countries fall far short of expressed public preferences. The reasons for this mismatch include the many and diverse causes of policy failure,<sup>49</sup> and the tenuous links between state and society in nations struggling to overcome the legacy of authoritarian rule. In E. E. Schattschneider's terms, the new "bias" for environmental protection must be "mobilized" through institutional arrangements that can translate social enthusiasm into improved policy outcomes.<sup>50</sup> The remainder of this article considers a suite of tools, strategies, and legal reforms devised for this purpose.

## 5. TRANSLATING SOCIAL CONCERN INTO IMPROVED CONSERVATION GOVERNANCE

Civic conservation can take many forms. Although its potential for improving conservation governance in developing countries has only begun to be realized, there is a growing stock of experiences that can serve as prototypes for those looking for creative ways to improve the effectiveness of conservation policies. For ease of exposition, I organize civic conservation approaches into six categories: protection of civil liberties; improving information flows; community enforcement; compound management; enabling policies; and constituency expansion (see Table 2). These categories, and the examples they contain, are intended to be illustrative rather than exhaustive. What they illustrate are institutional arrangements capable of translating diffuse social demands into improved policy outcomes. Some of these initiatives must be undertaken by governments, while others are more appropriately initiated by civil society organizations. Given the synergistic nature of these approaches, they often take the form of government officials enlisting the help of civil society to improve government performance, and social actors pressing government to implement measures that expand the possibilities for social action.

<sup>48</sup> *Supra* note 18; ASCHER, *supra* note 19; WORLD BANK, *supra* note 4; J. Jeyaratnam, *Acute Pesticide Poisoning: A Major Global Health Problem*. 43 WORLD HEALTH STATISTICS Q. 139-144 (1990).

<sup>49</sup> For a sample see A. Angelsen & D. Kaimowitz, *Rethinking the Causes of Deforestation: Lessons from Economic Models*, 14(1) THE WORLD BANK RESEARCH OBSERVER 73-98 (1999); J. Smith, K. Subarudi, & I. Suramenggala, *Illegal Logging, Collusive Corruption and Fragmented Governments in Kalimantan, Indonesia*, 5(3) INT'L FORESTRY REV. 293-302 (2003); P. DAUVERGNE, SHADOWS IN THE FOREST: JAPAN & THE POLITICS OF TIMBER IN SOUTHEAST ASIA (1997); C. GIBSON, POLITICIANS & POACHERS: THE POLITICAL ECONOMY OF WILDLIFE POLICY IN AFRICA (1999); M.L. ROSS, TIMBER BOOMS & INSTITUTIONAL BREAKDOWN IN SOUTHEAST ASIA (2001).

<sup>50</sup> E.E. SCHATTSCHNEIDER, THE SEMISOVEREIGN PEOPLE: A REALIST'S VIEW OF DEMOCRACY IN AMERICA (1960).

TABLE 2. Measures to Promote Civic Conservation

<u>Category</u>	<u>Measures</u>
Civil liberties	Require local governments to promote participation. Enact legislation protecting whistle blowers.
Information flows	Eco-hotlines Freedom of information and right-to-know laws Independent pollution monitoring
Community enforcement	Recruit civil society experts for government roles.
Compound management	Barefoot environmental managers
Enabling policies	Clarify qualification for nonprofit status. Establish conservation trust funds to finance NGO activities.
Constituency expansion	Facilitate environmental engagement by poor and marginalized peoples.

## 5.1 Civil Liberties

The generic challenges of sustained collective action are compounded when citizens fear for their safety or when autonomous civic organization and the expression of dissenting views are considered a threat by State authorities. Therefore it comes as little surprise that civic conservation is most able to flourish in political systems that protect civil liberties and encourage political participation. This extends beyond protection from abuses of state power. Environmental problems are often the result of externality-producing behavior by private interests who stand to lose large sums if environmental advocates achieve their aims. There is a growing list of environmentalists in developing countries who have been harassed, imprisoned, or killed at the behest of affected private interests. Examples include Chico Mendes in Brazil, Noel Kempff in Bolivia, Edwin Bustillos in Mexico, Ka Hsaw Wa of Burma (Myanmar), and Yosepha Alomang in Indonesia, among many others. Social protest, lobbying, and other forms of political advocacy are among the most important tools that civil society organizations have at their disposal for shaping the content and effectiveness of environmental policies. The protection of political liberties is a necessary condition for mobilizing the full repertoire of social action.

The close relation between political rights and civic conservation can be seen in the growing role of indigenous organizations in protected areas management. To be effective land managers, indigenous groups require legal rights to land and resources, recognition as legitimate political actors in their countries, and equal protection under the law. The expanding involvement of indigenous groups in national park management has proceeded in lockstep with advances in their civil liberties and their growing prominence in national politics.<sup>51</sup> Likewise, Elinor Ostrom finds that effective community management of common property resources requires at least minimal recognition by central governments of communities' right to organize.<sup>52</sup>

Central government authorities can take a proactive role in expanding political rights by requiring local governments to create mechanisms for citizen participation as a prerequisite for administrative decentralization and revenue sharing. This is especially pertinent today, as no less than 60 developing countries have introduced reforms in recent years to decentralize control over some aspect of natural resource management.<sup>53</sup> In the Philippines, the Local Government Code of 1991 has created new opportunities for citizens to participate in local development councils and resource management councils.<sup>54</sup>

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<sup>51</sup> For an overview of indigenous rights movements in Latin America, see E.D. LANGER with E. MUÑOZ (eds.), *CONTEMPORARY INDIGENOUS MOVEMENTS IN LATIN AMERICA*, Jaguar Books on Latin America, No. 25 (2003).

<sup>52</sup> E. OSTROM, *GOVERNING THE COMMONS: THE EVOLUTION OF INSTITUTIONS FOR COLLECTIVE ACTION* (1990).

<sup>53</sup> J.C. Ribot, *Democratic Decentralization of Natural Resources: Institutionalizing Popular Participation*, World Resources Institute, Washington, DC (2002).

<sup>54</sup> Lee, *supra* note 41, at 243.

In contrast, decentralization efforts in the West African Sahel have often been implemented without institutional mechanisms to ensure broad participation. Such initiatives run the risk of exacerbating local disparities in resource access that are maintained by entrenched local interests operating through institutions inherited from the colonial period.<sup>55</sup>

Governments can also promote civic conservation by enacting legislation to protect ‘whistle blowers’—those in government agencies or businesses who dare to speak out against corrupt, illegal, or otherwise harmful practices by their employers.<sup>56</sup> These individuals are privy to insider information that is extremely difficult for the media or government watchdog agencies to acquire, and they can play a pivotal role in preventing and reporting environmental crimes. In April 2004, India’s ruling party, bowing to pressure from the country’s supreme court, issued a resolution for the protection of whistle blowers, thereby joining a small group of countries with whistle blower legislation that includes England, Australia, New Zealand, and the United States.

A free press is an indispensable catalyst for civic conservation, as autonomous media organizations like the Sri Lankan Environmental Journalists Forum provide independent sources of information on trends in environmental quality and the role of State and private actors in shaping these trends.<sup>57</sup> Media organizations also foster the growth of environmental movements by publicizing the actions and accomplishments of otherwise isolated citizens’ groups and provide an outlet for public intellectuals engaging in the crucial task of shaping environmentalism into a philosophy that resonates with national cultures. As with other measures to protect civil liberties, these are among the most politically challenging civic conservation reforms, and are efforts in which international organizations with a measure of protection from domestic retaliation can play an especially valuable role.<sup>58</sup>

## 5.2 Information Flows

Although environmental problems are often described in catastrophic terms, many of these problems are difficult for ordinary citizens to detect. This is true of DDT residues in watersheds, odorless toxic emissions from factories, or

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<sup>55</sup> J.C. Ribot, *Decentralisation, Participation and Accountability in Sahelian Forestry: Legal Instruments of Political Administrative Control*, 69(1) AFRICA 23-65 (1999). See also P. Kingston, *Patrons, Clients and Civil Society: A Case Study of Environmental Politics in Postwar Lebanon*, 23(1) ARAB STUDIES Q. 55-72 (2001).

<sup>56</sup> E. Feldman, *Protection for Whistleblowers*. Paper prepared for The Ninth International Anti-Corruption Conference, Durban, South Africa, October 10-15, 1999.

<sup>57</sup> The International Federation of Environmental Journalists maintains a global network of organizations working in this area. See <http://www.ifej.org>.

<sup>58</sup> International groups such as the World Conservation Union (IUCN) and Conservation International have established competitive prizes for environmental reporting. See also “The Access Initiative” of the World Resources Institute ([www.wri.org](http://www.wri.org)).

the quiet decline of a rare plant species in a remote location. One of the most powerful tools that governments can deploy to catalyze civic conservation is to publicize information on environmental quality in venues readily accessible by the public and in formats that can be understood by non-experts.<sup>59</sup> Most of the experiences with these techniques come from the pollution control sector and are worthy of emulation in other areas affecting the health of ecosystems. Indonesia's widely-acclaimed Program for Pollution Control, Evaluation, and Rating (PROPER) produces color-coded ratings to signify the extent of private firms' compliance with water pollution laws. The ratings are publicized by environmental regulators using strategies that maximize the reputational pressure brought to bear on polluting industries. Combining public and market pressures, the program has markedly improved compliance.<sup>60</sup> Similar public disclosure systems have been established in Bangladesh, China, Colombia, India, Mexico, Papua New Guinea, the Philippines, Thailand, and Venezuela, in addition to a number of industrialized countries. Public disclosure is another example of how innovative institutional arrangements can translate a public's general unease regarding environmental harm into specific demands that can serve as the basis for improvements in the effectiveness of environmental laws.

Civil society organizations can likewise improve the flow of information in the opposite direction, helping government agencies that have mandates for biodiversity conservation but lack the resources to gather high-quality information. An example is volunteer bio-monitoring, such as that undertaken by the Barbados Sea Turtle Project. Jointly sponsored by the University of the West Indies and the Fisheries Division of the Government of Barbados, the project relies on hotel staff and guests, and others living and working near the beach, to monitor nesting and hatching activity during the breeding season. Volunteer activities include nightly observation to monitor turtle behavior and deter potential thieves, as well as tagging and monitoring turtles in coastal waters with the assistance of local dive shop operators and commercial charter boats. These monitoring activities help scientists to assess the health of turtle populations and to evaluate the effectiveness of conservation efforts.<sup>61</sup> In contrast to uncoordinated, independent initiatives by citizens groups, this effort—and its equivalents in industrialized countries, such as the North American Breeding Bird Survey—partners civil society and government entities to produce outcomes that neither could achieve working in isolation.

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<sup>59</sup> Early experiences combining public disclosure programs with market-based regulatory tools are described in WORLD BANK, *supra* note 4.

<sup>60</sup> BAPEDAL & World Bank, *What Is Proper? Reputational Incentives for Pollution Control in Indonesia*, (1995).

<sup>61</sup> RARE Center for Tropical Conservation, *Volunteer Bio-Monitoring*, (2003). RARE studies cited in this article were conducted under the author's direction.

Environmental hotlines are another tool for improving information flows between environmental regulatory authorities and civil society. These are typically run as a two-way information exchange, in which citizens are encouraged to report observed infractions of environmental laws and hotline operators educate callers about environmental problems and compliance procedures. In Montevideo, Uruguay, the *Línea Verde* ('Green Line') is a free service advising citizens on procedures for reporting environmental crimes. Run by a local NGO, *Línea Verde* works with callers to investigate complaints, drawing on technical support from networks of environmental NGOs and universities. If the government fails to pursue a glaring infraction, *Línea Verde* prepares press kits and mobilizes contacts in the national media. Similar approaches are being used in Guatemala, Costa Rica, Argentina, and Mexico.<sup>62</sup>

### 5.3 Community Enforcement

The effectiveness of conservation policy and law is shaped by the behaviors of countless social actors, from timber corporations to coffee farmers to customs officials, making regulatory enforcement a daunting task. Civil society organizations can help improve the prospects for regulatory compliance by forming community monitoring and enforcement organizations, which have an on-the-ground presence and local legitimacy that central government authorities often lack. An example of community enforcement is found in India, where the Ganges River is heavily polluted due to dumping of raw sewage and industrial wastes and the traditional practice of floating corpses during ritual ceremonies for the dead. India's Department of Environment established the Ganges Action Plan to regulate pollution and restore the river, but the plan has suffered from sporadic enforcement. In response, a citizens' group called Eco-friends is coordinating an effort to improve implementation of the plan through volunteer enforcement groups. Called Ganges Vahinis (village task forces), these are comprised of approximately 20 people from each village who receive identity cards recognized by local government authorities and monitor the activities of polluting industries and of government regulators themselves. Many task force members are laborers inside the polluting factories who provide Eco-friends with information on management practices and pollution events. Building on Ganges Vahinis, approximately 150 Ganges Guards monitor the activities of industrial treatment plants and other river users. They also watch for the dumping of corpses, stopping

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<sup>62</sup> RARE Center for Tropical Conservation, *Eco-Hotlines: Improving Environmental Protection through Civic Participation*, (2003). Additional methods for improving information flows include right-to-know legislation, freedom of information acts, and environmental impact assessment. See E. Petkova, C. Maurer, N. Henninger, & F. Irwin, *Closing the Gap: Information, Participation, and Justice in Decision-making for the Environment*, World Resources Institute, Washington, DC (2002).

people and discussing the health impacts and the resources available for burial options.<sup>63</sup>

Experimentation with similar community enforcement strategies is underway in a number of countries. In Peru, the Instituto Ambientalista Natura has developed a system of “citizen vigilance committees” in which coastal residents monitor pollution from fishmeal factories. In South Africa, the South Durban Community Environmental Alliance has used similar techniques to reduce air pollution by local refineries. It has negotiated “good neighbor agreements” with refineries, outlining responsible corporate behavior, and monitors pollution through the use of “bucket brigades,” using simple bucket-based tools for measuring local air pollution.<sup>64</sup> In Mexico, the Grupo Ecológico Sierra Gorda, a community-based NGO that manages the country’s Sierra Gorda Biosphere Reserve, conducts surveillance of activities within the reserve through a network of 100 volunteers from local communities who report environmental crimes.<sup>65</sup>

#### 5.4 Compound Management

Compound management refers to a variety of formal management collaborations in which the distinction between the State and civil society is blurred. This includes contracting out government services, staff exchanges, and co-management arrangements in which decision-making authority is shared by distinct government and social entities. Co-management is increasingly common in conservation policy. The Bolivian government has established co-management agreements with a variety of NGOs, including an indigenous Guaraní organization that manages Kaa-Iya del Gran Chaco National Park. Zimbabwe’s CAMPFIRE program is a well-known example of co-management for improved wildlife protection, whose success owes to the financial incentives that wildlife authorities provide local communities to protect elephants from illegal poaching.<sup>66</sup> Under India’s Joint Forest Management program, forestry officials and local communities jointly develop management agreements and share revenues. Although forestry officials still resist real power sharing,<sup>67</sup> the program represents a significant departure from the previous level of state-dominated decision making.

Governments can directly tap the creative capacity of civil society by appointing prominent social leaders to authoritative posts in wildlife agencies,

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<sup>63</sup> RARE Center for Tropical Conservation, *Community Watch Dog Activities: The “Eyes and Ears” for Environmental Protection*, (2003).

<sup>64</sup> *Id.* Bucket brigades were originally developed by communities fighting toxic emissions in the United States. For a history see <http://www.labucketbrigade.org/about/history.shtml>.

<sup>65</sup> RARE Center for Tropical Conservation, *Community Watch Dog Activities II: The “Eyes and Ears” for Wildlife Conservation*, Arlington, VA (2003).

<sup>66</sup> B. Child, *Zimbabwe*, in *Decentralization and Biodiversity Conservation* (E. Lutz & J. Caldecott, eds. 1996), DC at 123-38.

<sup>67</sup> Sekhar, *supra* note 31.

national park systems, and environment ministries. Indeed, many of today's top environmental officials originally worked in the nonprofit sector. It is also common for developing nations to invite nongovernmental representatives to serve as advisors and even official delegates at international environmental negotiations. This is a useful strategy for small countries that lack the capacity to field the large number of government delegates needed to effectively engage in complex negotiations.<sup>68</sup>

Compound management may also take the form of hiring "barefoot environmental managers"—ordinary citizens who receive basic training to perform management tasks at a lower cost than is possible with highly trained environmental professionals. This allows governments to overcome staffing constraints while providing employment opportunities for the rural poor and other low-income populations. In South Africa, the government has launched a highly successful Working for Water Programme that employs thousands of disadvantaged citizens in an effort to control invasive plant species that threaten the country's scarce water supplies.<sup>69</sup> In Costa Rica, "parataxonomists" from rural communities receive training in the collection and preparation of specimens for taxonomic identification by experts at the National Biodiversity Institute (INBio).<sup>70</sup>

### 5.5. Enabling Policies

Beyond the protection of civil liberties described earlier, governments can enact enabling legislation to promote the growth of civil society organizations and render state-society synergies more likely. Brazil's 1999 Lei do Terceiro Setor (Third Sector Law), for example, authorizes the government to contract out to NGOs functions such as research, park management, and educational campaigns. There is also a need for measures to increase the legal standing of citizens pursuing environmental grievances. Environmental law groups in developing countries often use existing legal frameworks for the protection of human rights, arguing in the courts that environmental harm violates a basic right to a healthy environment.<sup>71</sup> More explicit recognition of such linkages by government authorities would help this cause. An alternative approach is to insert provisions in environmental laws that grant citizens

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<sup>68</sup> P.F. Steinberg, *Environmental Foreign Policy in Developing Countries: A Capacity-Building Approach*, paper presented at the International Studies Association Annual Convention, New Orleans, March 24-27, 2002.

<sup>69</sup> United Nations Development Programme, United Nations Environment Programme, World Bank, World Resources Institute, *WORLD RESOURCES 2000-2001*, (2001) at 193-205.

<sup>70</sup> R. Gámez, et al. *Costa Rica's Conservation Program and National Biodiversity Institute (INBio)*, in *BIODIVERSITY PROSPECTING: USING GENETIC RESOURCES FOR SUSTAINABLE DEVELOPMENT* (W.V. Reid et al. eds. 1993), at 53-67.

<sup>71</sup> RARE Center for Tropical Conservation, *"Citizen Standing": A Tool Empowering Citizens to Take Legal Action for the Environment*, Arlington, VA (2003).

the right to sue either polluting industries or government agencies that fail to implement the laws. Citizen suit provisions of this nature were pioneered in the United States, where they appear in legislation such as the Clean Water Act and Endangered Species Act,<sup>72</sup> and are increasingly being used in other countries. Chile's Environmental Framework Law grants anyone harmed by environmental degradation the right to sue the responsible party and requires municipalities to assist citizens in filing their claims.<sup>73</sup>

Enabling policies also include legal standards that clarify qualifications for nonprofit status. Absent such standards, organizations lacking a public service mandate may portray themselves as nonprofits with the aim of generating revenues or reducing tax burdens. It then becomes more difficult for legitimate organizations to attract scarce resources.<sup>74</sup> In a similar vein, government agencies can create or endorse certification programs for environment-friendly products and services such as organic agriculture, ecotourism, and sustainably harvested timber. In the absence of certification standards, conventional businesses may attempt to appropriate environmental symbols and rhetoric without changing practices, which removes the incentive for innovative firms to invest the extra time, energy, and resources needed to develop environmentally superior approaches.<sup>75</sup>

Enabling policies can also include direct financial support for non-governmental activities. A growing number of countries are experimenting with the creation of conservation trust funds, such as ECOFONDO in Colombia or the Bhutan Trust for Environmental Conservation, that support both governmental and NGO initiatives. Conservation trust funds serve as coordinating mechanisms for attracting and managing foreign environmental aid and offer a valuable service to NGOs by reducing the administrative burden associated with fundraising.<sup>76</sup>

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<sup>72</sup> For an overview of recent developments in the United States, see E.A. Berger, *Comment. Standing at the Edge of a New Millennium: Ending a Decade of Erosion of the Citizen Suit Provision of the Clean Water Act*, 59 MD. L. REV. 1371-1397 (2000); H.P. Henry, *Standing: a Shift in Citizen Suit Standing Doctrine* (Friends of the Earth, Inc. v. Laidlaw Environmental Services, 528 U.S. 167, 2000) 28 Eco. L.Q. 233-252 (2001).

<sup>73</sup> RARE, *supra* note 71. See also E. Fernandes, *Defending Collective Interests in Brazilian Environmental Law: An Assessment of the 'Civil Public Action'*, 3(4) REV. EUROPEAN COMMUNITY & INT'L L. 253-258 (1996).

<sup>74</sup> J. FARRINGTON & A. BEBBINGTON (eds.), *RELUCTANT PARTNERS?: NON-GOVERNMENTAL ORGANIZATIONS, THE STATE AND SUSTAINABLE AGRICULTURAL DEVELOPMENT* 194 (1993).

<sup>75</sup> B. CASHORE, G. AULD, & D. NEWSOM, *GOVERNING THROUGH MARKETS: FOREST CERTIFICATION AND THE EMERGENCE OF NON-STATE AUTHORITY* (2004); G. Gereffi, R. Garcia-Johnson, & E. Sasser, *The NGO-Industrial Complex*, (July/August) FOREIGN POL'Y 56-65 (2001).

<sup>76</sup> The Conservation Finance Alliance, a consortium of NGOs and international agencies interested in sustainable sources of environmental funding, maintains a useful website describing conservation trust funds and related mechanisms. See <http://www.conservationfinance.org/>.

## 5.6 Constituency Expansion

Recruitment to political causes typically occurs through social networks in which members recruit others who share their racial, gender, and class characteristics.<sup>77</sup> It comes as little surprise, then, that the outreach efforts of conservation organizations typically miss large sectors of the societies in which they operate. Governments can help to broaden civic conservation beyond the community of conservation specialists, and deepen it to include not only society's most active and politically engaged civic leaders, but the general citizenry as well.

When governments contract with conservation organizations to provide services such as nature guide training, watershed monitoring, or park management, they can stipulate that services effectively cover social groups or communities that these organizations might otherwise miss. In the course of environmental impact assessments, government agencies can take steps to ensure the participation of all relevant actors, rather than hold consultations behind closed doors with leaders of prominent environmental groups.

Beyond questions of breadth, governments can make efforts to deepen the engagement of civil society in conservation governance by involving those who lack either the resources or inclination to assume a leadership role. As a rule, people with higher levels of income and education participate more extensively in social organizations and political life than do those with fewer resources.<sup>78</sup> To the extent that governments lower the barriers to environmental engagement for poor and marginalized people—through schools activities, for example—civic conservation will have assumed a deeper shade of green.

Beyond the inherent value of fostering inclusiveness, there are pragmatic reasons for constituency expansion in conservation. According to Lester Salamon and colleagues, environmental organizations typically comprise only about 2 percent of the nonprofit sector in rich and poor countries alike,<sup>79</sup> as measured by paid and volunteer membership, and are dwarfed by organizations devoted to development, culture, education, health, sports, and other activities that provide marketable private benefits amenable to fee-for-service arrangements. Because this figure aggregates diverse types of environmental organizations, the percentage devoted to biodiversity conservation is undoubtedly lower. Given this reality, effective social mobilization for conservation governance requires the establishment of linkages with other social sectors. National governments are well suited to this task because they maintain

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<sup>77</sup> The best empirical data on this phenomenon comes from a study of patterns of political recruitment in the United States. See S. VERBA, K.L. SCHLOZMAN & H.E. BRADY, *VOICE & EQUALITY: CIVIC VOLUNTARISM IN AMERICAN POLITICS* (1995).

<sup>78</sup> G.A. ALMOND & S. VERBA, *THE CIVIC CULTURE: POLITICAL ATTITUDES AND DEMOCRACY IN FIVE NATIONS* (1989).

<sup>79</sup> Salamon et al., *supra* note 27.

relations with a wider variety of interests and constituencies than do leaders of environmental organizations. Ministries of sports and youth can encourage sports clubs and hunting and fishing organizations to become involved in conservation activities including monitoring and reporting of hunting practices. In the Seychelles, the ministries of education and tourism co-sponsor the annual SUBIOS festival on underwater photography, engaging students and teachers in activities to raise awareness about coastal and marine issues. In other countries, ministries of art and culture have sponsored environmental art competitions, exhibitions, and public works to enlist a nation's most respected cultural figures in communicating environmental themes.

## 6. CONCLUSION

In recent years the international development community has emphasized the importance of government institutions in creating the legal and administrative infrastructure necessary for private investment and economic growth.<sup>80</sup> In the realm of biodiversity conservation, amid the deserved enthusiasm for non-governmental activity it is essential that conservation proponents not lose sight of the enduring role of national laws and institutions. Just as civil society can exercise a powerful influence on the ability of government to provide public goods, the development, autonomy, and impact of civil society organizations is strongly shaped by government policies. This point is often missed by advocates of environmental education and awareness-raising, which are vital but nonetheless insufficient measures for improving conservation outcomes. The same level of public concern will lead to different collective outcomes depending on the presence or absence of institutions, their characteristics, and their rules for participation. The emergence of politically significant levels of environmental concern in developing countries certainly bodes well for efforts to improve global environmental stewardship. Institutional innovations that promote state-society synergies, such as those reviewed in this analysis, can help translate these public concerns into concrete gains in the protection of global biodiversity.

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<sup>80</sup> See for example World Bank, *supra* note 47.

## APPENDIX 1. World Values Survey Data, 1995-97

## Percentage of citizens reporting active participation in environmental groups

Nigeria	12.3	Macedonia	2.3
Ghana	11.5	Sweden	2.2
United States	9.5	Taiwan	1.7
Mexico	9.4	Finland	1.4
Dominican Rep.	9.1	Moldova	1.3
South Africa	7.2	Turkey	1.3
Philippines	7.1	Croatia	1.2
Australia	6.8	Armenia	1.1
South Korea	6.2	Japan	1.1
Brazil	6.2	Norway	0.9
Bangladesh	5.8	Slovenia	0.8
Venezuela	5.5	Latvia	0.8
Switzerland	4.9	Ukraine	0.6
Colombia	4.2	Georgia	0.6
India	3.9	Belarus	0.5
Chile	3.9	Serbia	0.5
Uruguay	3.9	Lithuania	0.4
Peru	3.0	Estonia	0.4
W. Germany	3.0	Russia	0.4
Bosnia Herceg.	2.9	Azerbaijan	0.2
Spain	2.6	Bulgaria	0.2
Argentina	2.5		

Note: The western portion of unified Germany was surveyed separately for consistency.

Source: WVS data, 1995-97.