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## **Environmental Challenges in Asia**

Testimony prepared for presentation to:  
House International Relations Committee  
Subcommittee on Asia and the Pacific  
September 22, 2004

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Mr. Chairman and distinguished members of the Committee, thank you for inviting me to meet with you today. My name is Ruth Greenspan Bell and I am a resident fellow at Resources for the Future, a nonpartisan research organization established in 1952 upon the recommendation of the presidentially appointed Paley Commission. Researchers at RFF conduct independent analyses of issues concerned with natural resources and the environment. Resources for the Future takes no institutional position on legislative, regulatory, judicial, or other public policy matters. The views I present today about Asia and the environment are mine alone.

The challenges presented by Asian environmental degradation are no secret. When you visit many of Asia's mega cities, your own lungs will tell you a lot about the dismal state of air quality. Of the world's cities ranked by the total range and average level of particulate pollution — primarily airborne soot from vehicles, cooking fires, and industry — 13 of the dirtiest 15 are in Asia.

And when we visit Asia, we are told, rightly, to avoid the water at all costs.

But bottled water in a nice hotel is not an option for the millions upon millions of residents of these cities. More than half a million of Asia's infants die each year because of inadequate water supply and poor sanitation. The level of median fecal coliform bacteria is three times the world average. It is 50 times higher than the level recommended by the World Health Organization.

The picture is equally dismal for loss of wildlife habitat to agriculture, infrastructure development, deforestation, and land degradation. In the early 1990s deforestation rates in East Asia were the highest in any part of the world.

Why is this happening? What is being done? If you look at the legal situation, you might be temporarily reassured. Almost all Asian countries have environmental laws.

Sometimes they are extremely strict. These laws are often not new — some go back as far as the period following the 1972 Stockholm Convention. Even China — historically not a law-based society — now has laws.

But the laws don't work very well. There are huge gaps between aspirations contained in the laws and on-the-ground conditions.

Why is this? The reasons vary country by country. Some, like China, have little experience using laws to manage social problems. In others, economic goals trump the environment. Sometimes, resources are the problem. More often than not, environmental authorities are significantly understaffed. Compare our own EPA with 18,000 employees reinforced by state and local bodies, with the comparable Indian agency. It has about 940 people spread among the entire range of environmental protection tasks — fewer than the state of Connecticut Department of Environmental Protection, for example.

When enforcement cases are brought, the response time is very slow. In India, for example, court cases can take 15 or more years to come to resolution. A violator can pretty much bank on never being brought to justice.

This is a depressing picture. Where do I see signs of change? Not in the conventional answers like better technology — technologies can too easily be disabled.

Perhaps the most compelling — and hopeful — story is the growing environmental activism throughout the region, often taking place under difficult, adverse circumstances.

Creative advocates have found ways within their local laws to prod and push their own governments into action. Each technique has been forged to fit to the unique conditions, legal systems, and political cultures where the advocates work. In historically “top-down” societies, these advocates are creating pressure from below for change. In a broader sense, they are building democratic processes.

Public-interest litigation in the Indian Supreme Court has resulted in some genuine progress on seemingly intractable problems. The one I know best is the shift of more than 90,000 commercial vehicles in Delhi to compressed natural gas and away from dirty, often adulterated, diesel — a huge triumph for the environment and the advocacy community. The court has also supervised efforts to protect the Taj Mahal from environmental damage. Indian litigators have inspired copycat lawsuits all around Asia —Nepal, Bangladesh, Sri Lanka, and Pakistan, with varying degrees of success.

In the Philippines, laws modeled on U.S. practices allow citizens to bring suits for environmental enforcement where the official environmental authorities have failed to act. Brave advocates have used them to challenge illegal logging practices.

Advocates in Indonesia and Taiwan have formulated sophisticated public campaigns based on good research and astute use of media.

Perhaps the most inspiring example is from China. Wang Canfa is becoming something of a folk hero for using the courts to seek damages from polluters. His self-appointed task is not easy. There are no independent judges in China. Every one of Wang’s cases is novel. Litigation is about facts, but China does not have a Freedom of Information Act. It is difficult to obtain discharge information. Litigation is only one part of Wang’s job. Another is to educate judges about their responsibilities to act in response to suits such as his.

To some extent, we should be proud because many of these efforts were influenced by the environmental movement in the United States, particularly the cases brought in the 1970s, where our government was sued to force it to do its job in a timely manner.

Like the Natural Resources Defense Council, Environmental Defense, and Sierra Club, these Asian advocates are working within the system and making the system work. Most important, if you step back a bit, it is easy to see an even larger benefit from their activities than merely improving the environment, as critical and important as that is: these advocates are reinforcing democratic trends and building a more vibrant civil society.

If we encourage these advocates and provide appropriate support, we may share with them the double dividend of a cleaner environment and greater respect for law as an institution for change.

You asked me to suggest policy prescriptions that might facilitate a cleaner Asian environment. In the development-assistance world, there is a tension between showing results to the funders and support for long-term efforts, where the payoffs are more uncertain. I would hope that the Congress would support investments in human capital and signal that it recognizes that changing complex problems that have built up over many years is itself a multi-year process brought about by people.

I would also encourage widespread sharing of the lessons learned by the U.S. over many decades of environmental activism. We should be providing robust support to the brave Asian environmental pioneers who are using these and other models to try to correct the dangerous practices that have damaged their air, water, and land, and created dire perils to human health.

Thank you very much.