

# **"Analysing Cross-Border Governance Issues in Asia and the Pacific"**

## **Technical Part of the Proposal**

### **A: Management Plan**

East-West Center, based in Honolulu, is an education and research organization. Established in 1960, the Center contributes to a peaceful, prosperous, and just Asia Pacific community by serving as a regional hub for cooperative research, education, and dialogue on critical issues of common concern to the Asia Pacific region. The Center provides timely and relevant information, analyzes problems and offers solutions, strengthens regional cooperation and builds lasting networks.

As a regional resource, the Center offers:

- An interdisciplinary research program that examines critical issues in the region.
- Dialogue and professional enrichment programs that focus on groups central to the communication of ideas: the media, political and policy leaders, and educators.
- Educational programs to develop the human resources needed in a new era of increased interdependence.

The Center is registered and chartered to do business in Hawaii. It receives program funds primarily from private agencies, foundations, U.S. government, corporations, United Nations and governments of the Asia-Pacific region. At the Center, leaders of government, business and education and scholars come together to learn from each other and solve critical issues of common concern such as environment, governance and democracy, health/infectious diseases, trade, climate change and regional cooperation.

As a result of its long-term association with the Asia-Pacific region, the Center has unique credentials in terms of:

- Broad-based access to government, industry and academia throughout Asia (including the Russian Far East, East Asia, Southeast Asia, and South Asia) and the Pacific through numerous established working relationships and a network of 50,000 alumni
- Recognition throughout the region as an effective incubator of programs
- A continuing high level of on-going, internally and externally funded national and regional programs
- Compact and responsive organization enabling rapid response to events
- Uniquely positioned to undertake the Cross-Border Governance project because of its extensive in-house interdisciplinary expertise.

The proposed project will be coordinated by Dr. G. Shabbir Cheema, Senior Fellow of the Politics, Governance and Security Study Area of the Research Program of East-West Center. In undertaking this task, he will benefit from the interdisciplinary in-house

expertise of the Center in environmental management and climate change, urbanization and vulnerability, economic reform, migration and health and governance and security.

The organizational structure of the Center consists of the Office of the President, the Office of Administration and Finance, and four Programs, i.e. Research Program, Seminars Program, Education Program and External Relations Program. A Board of Governors consisting of eminent scholars and policymakers provides corporate guidance and supervision.

The project will be based in the Research Program of the Center which is focused on four areas: governance and security, environment and vulnerability, economics, and population and health. In each of these Study Areas, the Center organizes collaborative regional research in partnership with institutions in Asia and the Pacific, organizes regional and country level policy dialogues, documents and analyses emerging issues in the region, and disseminates information to stakeholders in the region. The research part of the Center has over 20 full time fellows/senior fellows and a number of visiting, part-time and adjunct fellows working in the aforementioned four focus areas.

The Center has been recognized in recent years as an effective “institutional incubator” for programs, organizations and institutions. Certain Center programs have spun-off into separate non-profit entities, for example, the Northeast Asia Economic Forum. East-West Center is at present executing more than 45 projects funded by private agencies, U.S. government, foundations, corporations and governments of the region. Some examples of on-going or completed externally funded project dealing with governance and human security are as follows:

- National identity and internal conflict in Asia (Carnegie Corporation of New York)
- State-building challenges in Asia (Carnegie Corporation of New York)
- Rethinking security: In search of an Asian paradigm (Centre for Global Partnership Japan)
- Civil society and political change in Asia (Centre for Global Partnership Japan)
- Soldier and state in Asia (Ford Foundation)
- Civil Society engagement in national and global governance (Harvard University)
- Building trust in government (Government of the Republic of Korea and United Nations)
- Ideas, structures and institutional development (U.S.-Japan Foundation)
- Asian security (Rockefeller Brothers Fund)
- ASEAN economic community (U.S. Agency for International Development)
- Key energy issues in the Asia Pacific, Middle East, and other regions (U.S. Department of Energy)
- Training workshop on human rights (Canadian International Development Agency/Southeast Asia Regional Cooperation in Human Development)
- Regional support for analysis & advocacy (U.S. Agency for International Development)
- Understanding dynamic resource-management systems (National Science Foundation)

East-West Center has a valuable experience in working with UNDP and the UN in undertaking regional and country level research, organizing regional conferences and policy dialogues, supporting regional networks and disseminating information. Some of the projects are Civil Society Engagement (with the UNU), Reinventing Government in Asia and the Pacific (with UNDP), and Building Trust in Government (with the UN).

For the fiscal year ending September 30, 2007, East-West Center had total assets of \$37,542,048, total liabilities of \$2,669,060 and total net assets of \$34,872,988. The Center's accounting system is set up to receive, process, disburse, and track these multiple revenue streams. The Center's administrative and fiscal systems and policies are subject to annual audits by independent auditors.

## **B. Proposed Methodology**

Methodology and approach and Concepts with relevant details

Asia and the Pacific is the fastest growing region in the world. Despite its high rates of growth, however, many developing countries within the region are not making significant progress in achieving the Millennium Development Goals (MDGs). In fact, none are currently on track to meet all of the goals by 2015. While some progress has been made in reducing extreme poverty and hunger and improving universal primary education, these advances need to be continued. Moreover, sufficient advancement is not being made toward achieving targets set in the areas of child mortality, maternal health, gender equality, the fight against HIV/AIDS, malaria and other diseases, and ensuring environmental sustainability.

Advancement in the achievement of development objectives within Asia and the Pacific Region has been constrained by many factors: an inability to sustain government initiatives due to a limited relationship between larger governance processes and programme level intervention; weaknesses in basic transaction cost infrastructure including the judiciary, police, and revenue and land administration; high levels of corruption which impedes government reinvention; and the lack of a rigorous analysis of historical and legal context and socio-economic factors before initiating new government reinvention interventions.. Other challenges are the environmental degradation, inter and intra-state conflicts, inadequate access to basic social services, and low levels of women's participation and the civil society engagement in economic and political activities.

Within this context of increasing inequality, countries within Asia and the Pacific have also become more interdependent as a result of globalization. Information, ideas, culture, people, resources, capital, and crime all move across borders in larger numbers than ever before. As such, problems and challenges that face one nation often have a rippling impact throughout the region. Essential to this understanding is the issue of externalities, where costs and benefits may be assumed by countries and people who in any given

situation have little or no control over the decisions which resulted in them. As a result, the international community has gained an improved understanding of the urgency and importance of addressing the challenges of development, cross-border issues, as well as other issues of shared concern.

Cross border issues are those which cannot be resolved successfully by isolated policy action at the national or sub-national levels. The list is long and growing. The management of common resources such as water, trafficking of women and children, trade integration, and forced child labor are serious cross-border issues that require regional responses. Other issues include illegal migration, market access for LDCs, regional investment funds, as well as aid and debt relief for the poorest and disadvantaged countries to address imbalances within the region.

Each of these require significant cross-border coordination between national governments, as well as good systems in place to enable consultation with other stakeholders and collaboration between national and local governments. In turn, this cross-border coordination requires that governmental agencies and departments be aware of which existing procedures may be already in place, and new steps needed to improve the process. When these procedures are not clearly defined or available, this is when issues may "fall through the cracks" and receive insufficient follow-up and resolution.

Moreover, in order to address the cross-border issues faced by countries within the Asia and Pacific region, it is essential to forge strategic alliances at the regional level which support the development of consolidated approaches through regional platforms for dialogue on issues such as trade in services and energy; management of trans-boundary energy and water resources; labor mobility; and management of development assistance flows.

Over the past two decades, governance has received increasing prominence as a key success factor in the achievement of a wide range of items on the UN development agenda. During this time, the United Nations has organized conferences and summits on key issues of global concern, including the environment, human rights, human settlements, social development, status of women, children, and financing for development. One of the most critical issues emerging from each of the above has been the central role of governance systems and institutions in promoting economic development, increasing the access of basic services to the vast majority of the poor, eradicating poverty, enforcing human rights legislation, enhancing the participation of women in the development process, and protecting the quality of the environment.

The 2005 World Summit outcome document emphasized the direct, causal relationship between good governance and the eradication of poverty and hunger. The centrality of governance capacity-building was also underscored in several different contexts, including economic growth and development, access to services, employment, health, education, gender equality, protection of vulnerable groups, social integration, countries with special needs, resource management, sustainable development, technology, security,

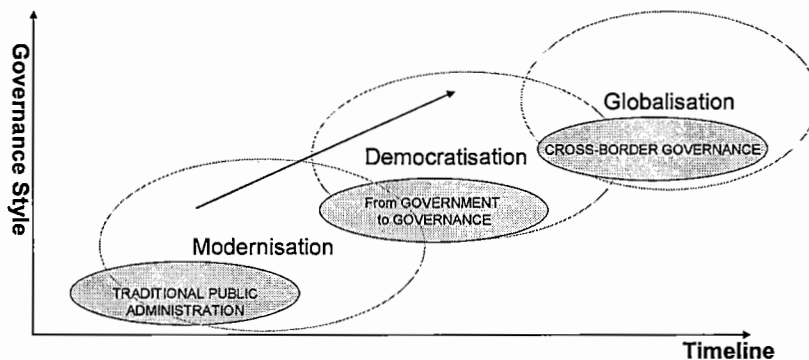
and the global partnership for development. Both the Millennium Declaration and the Millennium Report of the Secretary-General in 2000 have further highlighted the impact and importance of governance on the outcome of many critical objectives and commitments of the world community.

In recent years, support from the United Nations Development Programme to strengthen governance within Asia and the Pacific has materialized in three distinctive phases or generations. The first generation of governance projects in the region addressed the need for the improvement of public sector capacity in policy-making, implementation, and evaluation at both the systemic and sectoral levels. UNDP played a key role in supporting developing countries to strengthen their public administration capacities for the objective of achieving sustainable development. Coinciding with this period, the "New Public Management" philosophy emphasized the importance of public sector efficiency and a market orientation.

In the second generation of governance projects, a shift occurred from "government to governance." This shift entailed a recognition of the increasingly overlapping spheres of interest of government, civil society, and the private sector; and hence the need to find new methods of encouraging democratic, participatory, and transparent governance. Within the United Nations system, the UNDP was the trend-setter in reconceptualizing governance practices within the context of achieving human development goals. To accomplish this, it prepared and mainstreamed its first policy papers on governance for sustainable human development, and the integration of human rights with human development. Democratic governance was also the theme of the one of the human development reports during this stage. Through its country offices, the Regional Bureau for Asia and the Pacific dramatically increased support to programme countries to strengthen parliaments, electoral management bodies and electoral processes; engage civil society organizations; improve local governance and decentralization processes; promote access to justice; and strengthen accountability and transparency. Moreover, the Bureau was the first to launch the Sub-Regional Resource Facility, which focused on governance and led to the adoption of the model, with regional variations, to the SURFs in all regions and finally the Regional Support Centres.



## Shifts in the Paradigms of Governance



The third generation of governance projects within the Asia Pacific region represents a natural progression in understanding of ways to improve governance in line with changing global conditions and takes into account the lessons learned during the previous generations. Rapid globalization has led to increased flows between countries of goods, services, capital, ideas, information and people. Within this context, cross-border governance issues have become increasingly identified as requiring additional attention, as the breadth of circumstances in which Member States must now coordinate their actions with others in order to successfully address and resolve issues which were previously defined as being primarily of a domestic nature has multiplied.

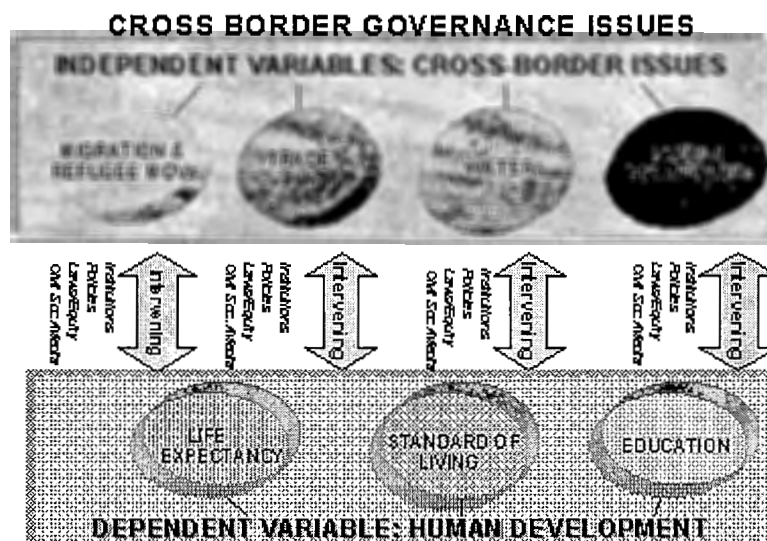
The proposal is expected to examine the governance of four serious cross-border issues in the Asia-Pacific region:

1. Movement of People: Migration and Refugees
2. Trade Integration for Human Development
3. Water Management
4. Human Trafficking and Human Rights

This section of the proposal contains a short synopsis of the status of each issue within the region. Next, each of the above cross-border issues will be scrutinized through four specific governance lenses and will include specific and comparative examples of national plans, regional undertakings, and inter-regional, and transnational activities. These four lenses are:

1. Governance institutions and mechanisms at national and regional levels
2. Governance policies and policy-making

3. Legal framework and equity considerations
4. Roles of vital governance actors: civil society and the media



### 1. Movement of People: Migration and Refugees

Migration is one issue that has a significant impact on development efforts, although it cannot be managed unilaterally. Increases in migration can place additional stress on existing infrastructures, leading to declines in the quality of public services and the access to them by disadvantaged and vulnerable communities. New immigrants can be particularly vulnerable to health problems, due to partial or negligent legal status, as well as language, economic, and other barriers, which inhibit them from taking full advantage of any existing social safety nets. In the case of refugees, this vulnerability is heightened, as reintegration can be more difficult due to prolonged exposure to traumatic circumstances, as well as unclear legal status or commitment by host countries, and extended periods spent in encampment.

According to the United Nations Population Fund (UNFPA), international migration has had a significant impact in the social, demographic and economic development of all Asian nations. Over 20 million Asian workers are estimated to be living outside their native countries. Asia has been a primary destination for migrants since the 1960s and today accounts for some 28% of the world's international migrants. A significant share – 14.6 % – are refugees. The continent is also the leading source of family and authorized economic migration to most of the world's immigrant-receiving regions and countries. The nine largest immigrant-exporting countries (Bangladesh, China, India, Indonesia,

Myanmar, Pakistan, the Philippines, Sri Lanka and Thailand) together contribute between one half and two thirds of all documented immigrants and refugees to the international migration stream.

The Philippines, together with Indonesia, Sri Lanka, and Bangladesh, constitute the major source countries for migrants of labor within this region. In terms of receiving countries, the Middle East still constitutes the major destination of Asians, but certain South-East and East Asian countries, such as Malaysia, Singapore, Korea, Japan and Thailand have also become significant destination countries.

Migration can be voluntary or forced. Forced migration is that which results from coercion, violence, compelling political or environmental reasons. The best-known form of forced migration is "refugees": people who flee countries hit by war, violence, and chaos, and who are unable or unwilling to return to their home countries because they lack effective protection. In 2005, there were 12.7 million refugees: 8.4 million under the responsibility of United Nations High Commissioner for Refugees (UNHCR) and an additional 4.3 million under the charge of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). Overall, refugees now make up 7 % of all migrants, down from 11 % in the early 1990s.

Migration processes in Asia have led to increasing mobility and to the eviction of immigrant labour and the female labour force, which has affected the local economy, type of work and gender relations. Currently, more than half of the Asia-Pacific region's refugees (2.35 million) are the longstanding groups from Afghanistan in Iran, Pakistan, the CIS and India. In addition to the major refugee movements out of Afghanistan and Indo-China, there have been smaller, locally significant flows. In Sri Lanka, resumption of fighting between government and Tamil rebel forces has caused massive internal displacement and refugee outflows. Political crisis in Timor-Leste brought the displacement of some 150,000 people in Dili and surrounding districts. Asylum-seekers in the region, such as Rohingyas from Myanmar and Sri Lankans, as well as the precarious circumstances of North Koreans in transit drew increased attention.

Other issues that were of paramount significance in the region's population movements were: (1) the Emergence of a vibrant immigration industry composed of a complex group of recruiters, lawyers, travel providers, immigration officials and gatekeepers, there is now a vibrant immigration industry in Asia; (2) an excessive economic dependence upon the export of labor which has resulted in the multiplication of illegal immigration; (3) Fears that migration threatens social cohesion; (4) the Feminization of immigration: giving rise to the "transnationally split families" that have long-term negative psychological and social consequences; and (5) Remittances of immigrant workers that are becoming considerable in terms of national balance of payments.

To address some of these issues, "managed migration" regimes have been introduced in some countries within Asia and the Pacific to help capitalize upon the benefits of immigration and lessen its costs. These regimes aim to facilitate cooperation between



states to plan the movement of people in humane and orderly ways and within the framework of regional consultative processes. However, the focus within the region has remained primarily on the entry and stay of immigrants, rather than the working conditions.

Many countries within the region have also established standard operation procedures and institutions to protect refugees and their children. As one example, Thailand has created legal aid centres and administration of justice projects to respond to the needs of refugee women and children. Screening mechanisms to identify those in need of special protection have also been put in practice in Bangladesh, Malaysia and Nepal.

Some innovative structural systems were put in place by Australia against the illegal immigration from Indonesia: Australia changed the status of Christmas Island and Ashmore Reef – two outlying territories closer to Indonesia to Australia – to prevent illegal entrants from claiming asylum there. Instead, arrivals are shipped to Australian-funded detention centres in Nauru and Papua New Guinea, where the United Nations High Commission for Refugees is processing their claims. The diversion of illegal immigrants to Pacific Islands for processing was expected to build in a disincentive against illegal migration into the system.

Within Asia, most policy solutions have tended to focus on trade and capital liberalization as a means to foster economic growth, which would then automatically regulate the flow of people. However, there has been little movement toward the liberalization of migration policies. There have also been few significant efforts to devise family reunification policies for women migrants.

In recent years, registration of refugees through the Project Profile in Asia has been an immense policy-initiative. Registration through community outreach programmes has resulted in better service to refugees. The 1990 UN Convention on the Rights of All Migrants and their Families (ICMR) also offers a rights-based approach to migration policy in order to shield immigrants from abuse. In order to discourage settlement, migrants are often not allowed to enjoy equal rights with native workers. However, the growth of populations of undocumented migrants who are unable to access legal protection has profound social and economic consequences. That is why national governments are legislating various equality and protection legislation.

Legislation to protect refugees and migrants does not take place at the domestic level only. There are various initiatives between the entities of the United Nations and governments of the region to enact national refugee legislation. For instance, many countries in the region have now accepted the validity of the United Nations Refugee Agency (UNHCR) documents and have started providing public health services to refugees and asylum-seekers at reduced rates and the release of asylum-seekers from detention. In the same vein, a comprehensive study on the legal status of the Bihari, an Urdu-speaking community in Bangladesh, found them entitled to Bangladeshi citizenship. Civil society can be a significant actor in population movements through its contribution

to work on increasing awareness. One example is the Asia-Pacific Migration Research Network (APMRN), composed of universities and other research bodies based in Australia, Indonesia, Japan, and the People's Republic of China including former Hong Kong. Civil society can also constitute an important component in the process of governance of the cross-border issue of population movements. It can do that by advocacy activities for inclusion, providing educational and vocational training capacity as well as assistance programs in literacy. Some examples are Coordination of Action Research on AIDS and Mobility (CARAMASIA) in Kuala Lumpur and the Migrant Forum in Asia (MFA) in Manila.

In Japan and the Republic of Korea, where the political system allows for political activism on the part of civil society, grassroots activism is mushrooming. Media in the region are increasingly carrying stories opposing the importing of foreign skilled workers on a project basis. Media also portrays the lower and unskilled migrant workers as criminals or undesirable. Media's stand on the nature and degree of immigration is thus crucial in shaping the public opinion.

## **2. Trade Integration for Human Development**

Deeper integration with international markets and trade can boost economic growth and generate jobs. The statistics show that world merchandise trade increased in nominal terms by 16% to \$7.3 trillion in 2003. The share of the Asia-Pacific region in international trade more than doubled in the period 1990-2003. The share of trade in the region's GDP also grew, from 45 to 81 % in East Asia, and from 20 to 34 % in South Asia. The region now accounts for 30 % of world's exports, largely from East Asia. This number could go up to 50 % in a decade. The largest single category of exports is office and telecommunications equipment.<sup>1</sup>

Countries in the Asian and the Pacific region have tackled the issues of poverty and human development in multifarious and innovative ways. The State-Led Development Model embedded within the concept of an "Embedded Authority" started with an effective cooperation between the State and the private sector in the late 1970s. The objective was then the establishment of productive and competitive Asian businesses active in the national and international markets. taming corrupt and underproductive firm behavior via indirect means such as government-controlled credit, government regulation of purchase of raw materials, energy and foreign exchange, and price controls for selected commodities. The East Asian and the Newly Industrialized Countries (NICs) were the successful students of this new development approach, which found its way in the political economy literature under the banner of "dependent development."

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With its rapidly expanding economy, China has become a major trader. Its surging import demand for oil, copper, soybeans and many other primary commodities contributed significantly to higher prices. China's increased purchases of investment goods, semi-manufactured goods and machinery parts, has sustained output and exports in many East Asian economies.

The Asian countries which followed this new mode of development were quick enough to switch from the Import-Substitution Industrialization (ISI) to Export-Oriented Industrialization (EOI) in the 1980s, i.e., at the right and most opportune moment in terms of the conditions of the international markets and their competitiveness. Taiwan Province, the Republic of Korea, Hong Kong, and Singapore were then associated with the outward-oriented (export-promoting) model. In the Asian Tiger economies, overseas sales by the local private exporters were equated with enhanced national security and prestige. It is with this mercantilist approach that most of Asia welcomed the global era in the 1990s. Although significant differences existed between the Asian and the Pacific regions, among the various sub-regions, and even between countries within the same sub-region, Asia, compared to the rest of the continents, welcomed trade liberalization, foreign direct investment, and open and competitive markets of the global era, in its own unique way.

While trade is profit-driven in nature and can lead to marginalization of the least developed countries and the least skilled economic actors, the new approach on this cross-border issue is to give international trade a human face by changing its premises from mere profit to human development. With the adequate change of structures and institutions, effective policy-making and inclusive governance mechanisms, trade can pursue human development goals such as poverty reduction, equality of opportunities, decent work, access to education and the freedom for everyone to fulfill their potential. The economic growth brought about by international trade can be put to good use toward human development. But how? The following issues and topics can be considered in refashioning economic growth toward human development:

- a. Equilibrium between goal prioritizing and balanced path to economic growth:  
Prioritization of either economic growth or human development alone is often counterproductive. It is better, yet more complicated, to pursue a balanced approach between “profit-first” and “human-development first” approaches.
- b. Equilibrium between industrial and service-sectors and the agricultural sector:  
Many agricultural workers are being displaced and rural-urban inequalities are widening.
- c. Conditions for the emergence and functioning of Regional Trade Agreements (RTAs):  
Between 1990-2005, number of RTAs increased from 27 to 180. There are different varieties of RTAs and their effectiveness vis-à-vis Bilateral Trade Agreements (BTAs) and Multilateral Trade Agreements (MTAs) is under debate.

A clear-cut division of responsibilities between free and liberal markets that will concentrate on economic growth, and governments that will address market failures and

concentrate on social and human development priorities is unrealistic. While growth is necessary to reduce poverty, it is an insufficient pre-condition in and of itself. State needs to intervene in order to achieve trading success but through limited and context-specific means.

The need is to enhance the quality and competitiveness of domestic labor force: In South Asia, 85% of merchandise exports is based on labour-intensive goods and resource-based products. In East Asia, on the other hand, the same percentage fell from 53 to 37 % in the 1990-2000 period, while the proportion based on high-tech goods rose from 24 to 41%. That said, agriculture still accounts for almost half of the labour force in East Asia.

The linkages between trade and growth are strong in East Asia, but the linkages between trade and employment are weak. In South Asia, it is the reverse: linkages between trade and employment are strong, and those between trade and growth are weak. That said, both regions have noted a 1% decline per annum in their poverty rates since their opening up to trade.

Investing in the market development by decreasing the barriers against the entry and growth of competitive players: Even the Least Developed Countries (LDCs) in the region have noted phenomenal increases in trade. Cambodia, for instance, has had a 37 % increase in its exports annually. Lao PDR and Myanmar have also done well, with 18 and 19 % annual increases respectively. South Asia's experience has been quite different. India has been slow to cut tariffs and move from Import Substitution to Export-Oriented model. India has done better in the exportation of services, particularly outsourcing to the OECD countries. South Asia overall has also made progresses in services and has now a positive balance in services in the balance between its exports versus its imports. 26 % of Asia's exports are now services. East Asia has gone in the reverse direction and has increased the export of its manufactured products from 86 to 88 % (1990-2000).

For trade to culminate in human development, states need to create the safety nets for the protection of the vulnerable. Innovations in social security, welfare state and education policies to legal protections on unemployment, training and capacity-building programmes are essential. Legal and constitutional bases for all the above policy-making areas and associated strategies are crucial for purposes of transparency, openness and monitoring.

To make sure that the benefits of trade are sustainable and equally distributed, the vital social actors particularly civil society and the media must become an integral part of the drive toward trade for human development. Both civil society and the media can significantly contribute to this process by acting as hubs of research, i.e., enrolling in the investigation and assessment of the international context and changes in the global production system. State can thus greatly benefit from the contribution of societal organizations in identifying niche areas for investment and competitiveness building. Civil society and the media can also act as efficient watchdogs on the process and institutionalization of trade links and practices toward human development. With the

spread of technology and the Informational Communication Technologies (ICTs), locally-grounded non-governmental organizations can project themselves to the global arena to effectively shape and influence the rules and norms of international trade.

### **3. Water Governance**

Water is a key issue in poverty reduction, sustainable development and the achievement of the Millennium Development Goals (MDGs). Water is essential for the production of food, and lack of water is the first cause of death and disease in the world. The Asia-Pacific region faces many water environmental challenges in the new millennium. Examples include the assurance of an adequate and clean water supply, the prevention of urban and basin flooding, search for a sensible sewage strategy, the achievement of sustainable water quality to enhance quality of life, and the protection of aquatic and coastal fisheries. More than 700 million people in Asia do not have consistent access to safe drinking water, and more than twice that number lack access to sanitation.

The water-related issues in Asia are therefore diverse and range from economical matters to environmental concerns, from multi-stakeholder decision-making and negotiation processes to debates on national sovereignty. Some of the current concerns and issues in the region are:

Demand for water is increasing but water resources are degrading: The increasing rates of urbanization in Asia, which by 2025 will have about 7.9 billion inhabitants, requires more and more and decent quality water for livelihood and industry. Riverbanks are historically the most favourable places for urban settlement because there is easy access to surface water coupled with good quality groundwater, fertile soils and flat terrain. The use of riverbanks and basins, however, are often subject to bilateral and multilateral agreements.

Exchange of human resources between Asia and other regions: Exchange of information and technical expertise are crucial to intensify knowledge exchange, promote innovative environmental technologies, such as waste water treatment infrastructure, and new sanitation concepts for sustainable water management.

New technology and environmental awareness are crucial: Since agriculture is the major consumer of water, there is a need for concentrating cost-effective, innovative and new semi-natural irrigation channels and other technologies driven by public's growing environmental awareness and understanding of adverse effects of concrete-bedded irrigation systems.

Integration of coastal areas within river basin management is complex: This depends on governments' ability to address urban encroachment, pollution of inland, estuarine and coastal waters, marine resources over-exploitation, nature conservation, flooding, erosion, and other coastal hazards in the face of political and socioeconomic pressure. River basin

management might also include bilateral and multilateral consultation and decision processes when upstream and downstream countries are not the same, as apparent in the conflict between India (downstream) and Bangladesh (upstream) over the sharing of the Ganges waters.

The interdisciplinary nature of water management requires the integration of technical, economic, environmental, social, and legal aspects into a coherent analytical framework. As such the structural, policy-based, legal and societal governance mechanisms to deal with water management issues have been diverse in Asia.

The institutional framework for the water sector in many Asian countries is inadequate. Usually, separate agencies are responsible for each of the specific sub-sectors, such as water supply, irrigation, flood control, hydropower, etc. There is no agency entrusted with the task of ensuring coordinated and integrated development and management of water resources. When there is, it is a mere apex body, which does not dispose of substantial enforcement power.

The innovative water management entails a holistic approach to water security rather than the traditional way of following project-oriented and sector-based planning, development, and management. By the same token, water resources management and water service delivery have to be simultaneously addressed in order to promote economic growth. Therefore, new structures require new technical staff specialized in water sector issues across all sectors of national economies as well as specialists in traditional disciplines such as hydraulic engineering, hydrology, economics, law and ecology.

There is emerging activity on the part of regional organizations and individual political figures in raising public awareness and promoting international and interregional networks on issues of water governance. Former Japanese Prime Minister Yoshiro Mori has led the launch of a regional network dedicated to tackling the most pressing water related challenges facing Asia and the Pacific. The Asian Development Bank has organized various conferences on water security and management in Asia. The ASEM (Asia-Europe Meeting) countries have also started extensive research and networking activities in setting priorities and looking into ways and means of supporting effective water management in the region.

Effective water policies are essential so that good coordination can be ensured among the water sector agencies and non-governmental stakeholders. The Asian Development Bank fosters the establishment of a national water resources council in each Asian country to oversee effective water sector reform at the national level. Several countries in the region already have such a body. With Asia and the Pacific, integrated Water and Environmental Management Plans (IWEMPs) were developed in the region with the aim of ensuring decent water quality. The IWEMPs preserve fresh water resources, controlling pollution, treating wastewater, preventing groundwater overdraft, and wastewater reuse. These plans involve multi-stakeholder actors, including the local and national governments,

professionals and members of the civil society. IWEMPs were established in China's Hai Basin River and for Tianjin municipality.

Without strong governmental control on water rights and well permits, groundwater pumping can lead to unacceptable, fast declinations of groundwater table (drawdowns to 1 to 2 m/year occur in several places in Asia). Because tapping of groundwater is not registered nor is it metered, excessive extractions can cause damage to river basins. Governments need to put in regulatory processes, and legislate water laws with respect to irrigation, water logging and soil degradation. Water rights compliance and enforcement, environmental planning and management and disaster preparedness are other water-related areas where there is significant lack of legislation and planning.

Financial issues are a major constraint in water resources development and management. Private sector participation through build-operate-transfer and build-own-operate projects and their variants can thus benefit various countries and societies. Governments in Asia should thus put in the necessary legal framework to encourage and regulate private sector participation in water planning and management with particular focus on access of the poor to water. Tariff reforms in water-related projects to reward conservation of water and to penalize its waste are other legal areas where progress can still be made in many Asian countries. Pricing, incentives and penalties must be established and regulated.

Civil society must have an active role in the conservation and management of water. Participation is necessary to ensure that conflicting interests are harmonized and inequities are removed or mitigated. Civil society can be proactive in identifying regional needs and issues, in designing context-specific solutions and establishing mechanisms for monitoring and dispute resolution. Particularly women's participation in these processes can and should be encouraged via discrete programs that target the education and the empowering of women and enabling them to participate in community-based decision-making.

Conflicts concerning water management end up being more cultural and political than economic or environmental in many cases. The relationship between Bhutan and India is a great example of the politicization of water issues in South Asia: Bhutan, a technically less equipped and small upstream country has to depend on India, a technically superior larger economy and a monopoly buyer. The weak bargaining position of downstream countries, particularly of those that are small and less advanced, foments distrust and cynicism in intergovernmental processes. People-to-people interactions and the engagement of civil society thus become crucial in resolving issues and conflicts. Nongovernmental groups have taken important steps to encourage regional cooperation, particularly in the sharing of the Himalayan waters between Nepal (upstream) and India (downstream).

#### **4. Human Trafficking and Human Rights**

The United Nations defines human trafficking as "The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." Estimates place the value of human trafficking industry at US\$10 billion per annum.

The Asia Pacific region is seen as the most vulnerable region for trafficking because of its huge population pyramid, growing urbanization, and extensive poverty. Trafficking is a violation of human rights. Victims of trafficking suffer from physical and mental abuse and social stigmatization. They become isolated, losing ties with their former lives and families. Trafficking undermines development efforts and raises social and health costs.

Women are particularly vulnerable to human trafficking. Data from 2004 showed that of the estimated 600,000 to 800,000 people trafficked across international borders each year, 80 % are women and girls. Women who are most vulnerable to being trafficked are those aged 10-35 and who are impoverished, uneducated or from indigenous, ethnic minority, rural or refugee groups. There are, unfortunately, no data on human trafficking in the Asian region since it is particularly difficult to define human trafficking to start with. However, it is known that Japan, South Korea, and Hong Kong with well-developed sex industries are destinations for women from the Philippines, Thailand, several Commonwealth of Independent States (CIS), Eastern Europe and South America. Within China, many incidents of women and child trafficking for forced marriage and adoption, respectively, have been noted.

Despite unprecedented growth in programmes and policies to combat trafficking in persons, the problem is generally believed to be getting worse. Some of the mechanisms to fight against human trafficking include: awareness-raising, vulnerability reduction and migration controls. Promoting gender equality through the elimination of gender discrimination and gender-based violence will enhance the dignity and human rights of women and girls and prevent their being trafficked. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) supports regional cooperation to combat trafficking, reduce undocumented migration and forced labour; support capacity building and economic empowerment of women; and, promote adoption and implementation of international legal instruments.

To combat human trafficking, countries within the Asia Pacific region have focused on the exchange of information, legal coordination, law enforcement, training, institutional capacity-building and extra-regional cooperation to combat human trafficking. Some of the more specific structural, policy-based, legal and societal governance mechanisms they have adopted or implemented are described in the following sub-sections.



Almost all of the human trafficking routes within Asia run from the less developed to the more developed regions and countries. Globalization has exalted gender-specific cheap labor. Supply and demand factors concerning labor are therefore at the root of human trafficking. As such, structural reforms that target economic and human development are crucial in treating the root causes of human trafficking.

Structural reforms that target to mitigate corruption are also effective in combating human trafficking since the latter always includes a host of criminal activities in addition to violating basic human rights. These activities include identity fraud, threats, abuse, bribery, money laundering, etc. More often than not, government officials are also involved in corrupt smuggling and trafficking deals. In some of the wealthier countries within the region, organized crime groups are believed to have initiated the importation of foreign women. These groups often enjoy high acceptance among the population, contribute to community programmes, and give substantial bribes to officials. As such, structural as well as legal undertakings against collusion are paramount in fighting human trafficking. In Japan, some yakuza activities were criminalized by legislation.

Although developmental and anti-corruption structures and mechanisms are essential in combating human trafficking, normative policy structures are determinant. This refers to the willingness to recognize and to fight against human trafficking. The comparative example of Laos versus Japan is a case in point: although Laos is less developed and lacks many resources, it was placed in Tier 2 countries along with one of the richest countries of the world, Japan, in the 2005 Trafficking in Persons (TiP) Report published by the U.S. State Department to “name and shame” states into addressing the problem. In the absence of a policy environment structured to counter human trafficking, people can still be exploited in developed countries.

Various structures and institutional bodies dealing with human trafficking have been established at a regional level in the Asia-Pacific region. The ASEAN Directors-General of Immigration Departments and Heads of Consular Divisions of the Ministries of Foreign Affairs (DGICM) is an example. The DGICM meets annually and has proposed the ASEAN Plan of Action on Immigration and Consular matters. ASEAN Chiefs of Police (ASEANAPOLIS) has also adopted a resolution to enhance the sharing of identities, movements and activities of transnational criminal organizations involved in human trafficking. The Pacific Islands Forum (PIF) is the equivalent institution established to raise awareness and advance proposals on counteracting human trafficking. Transnational Crime Units (TCUs) were established in Fiji, Tonga, Samoa, Vanuatu, PNG and the Solomon Islands. The South Asian Association for Regional Cooperation (SAARC) is another sub-regional association against human trafficking and has issued the first regional anti-trafficking treaty in the Asian continent.

Policies that promote more effective regulation of migration and border controls are also important in tackling human trafficking. However, restrictive immigration policies and laws contribute to the development of underground migration channels as apparent in the cases of Japan and the Republic of Korea.

Regional cooperation in the form of soft-policy making, i.e., based on the sharing of information and intelligence and harmonization of legislation has been the dominant way to respond to the problem of human trafficking in Asia. The Bali Process, which started with the 2002 Bali Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime gave regional priority to human trafficking and was followed by a Ministerial Conference, again in Bali, in 2003. The Bali process concluded that there is need to take on an analysis of migration flows to, from, and within the Asia-Pacific region through effective international migration data management approaches.

Although not every country in Asia and the Pacific has specific or relevant anti-trafficking legislation, almost half of the ASEAN+3 countries have ratified the 2004 ASEAN Declaration Against Trafficking in Persons Particularly Women and Children, which affirmed the protocols of the United Nations Convention against Transnational Organized Crime. The lack of accession to this protocol limits the ability of states to develop interoperable legal systems to combat trafficking. The temporary 'entertainment visas' in Japan and South Korea facilitate women from less developed countries to enter and be trapped in sex-industries. While Japan has not progressed on this account, the Republic of Korea passed a draft law in March 2004: Prostitution Victims Prevention Act, which criminalizes the acts of intermediaries in the sex industry.

Civil society is a crucial actor in the fight against human trafficking. International NGOs have been active in organizing conferences to raise awareness and to push for government activism on the issue. NGOs have also been active in conducting research and accumulating data on this scantily examined and complex issue. The Coalition Against Trafficking in Women (CATW) composed of regional networks and affiliated individuals, as well as the International Organization for Migration (IOM) have been enrolled in ongoing ESCAP Region projects against human trafficking. These and other non-governmental organizations were integral parts of the Bali Process and assisted in creating legislation and building legal and judicial capacity to address trafficking threats.

The Coalition to Fight Against Child Exploitation (FACE), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, CHILD WISE, Child Workers in Asia, Global Alliance against Trafficking in Women and its National Advocacy Project (NAP), Mekong Regional Law Centre are other examples of regional, national and international NGOs working against human trafficking.

#### **Schedule, planning and allocation of Resources; deliverables and milestones**

Four regional reviews on the selected topics will be undertaken between October 2008 and March 2009. After the Regional Stakeholders Workshop to be held in May-June 2009, papers will be edited for publication by UNDP Regional Centre and the Final Project Document will be prepared before June 2009. Four deliverables are as follows:

- (1) Four in-depth research papers that will address and analyze the governance challenges in the four areas i.e. cross-border movement of people: migrants and refugees; trade integration for human development; cross-border water governance; and human trafficking and human rights.
- (2) Operate as resource persons in the regional stakeholders meeting.
- (3) Fully edited version of a final publication on Cross-Border Governance in Asia and the Pacific: Lessons and Future Possibilities
- (4) A final draft of a Project Document in the UNDP format

The schedule of activities and deliverables are as follows:

September – October 2008	Finalization of TOR for each consultant and recruitment
November 2008 – March 2009	Finalization of regional research papers
December 2008	Mission of the Project Director to the Regional Centre to prepare for the Regional Meeting
May-June 2009	Regional stakeholders workshop in Bangkok
June 2009	Project document and fully-edited publication

The project director will be responsible for the technical and managerial aspects of the project activities. A full-time project assistant hired for six months from the project resources will assist in the preparation of background documents, literature reviews and country profiles. Four senior level consultants recruited through the project will undertake regional reviews on the topics listed in the proposal. In addition to the time of the project director, East-West Center will also provide secretarial support, office facilities and equipment and virtual access to the Resource Persons Group of the Asia-Pacific Governance and Democracy Initiative (AGDI). Senior staff of the Research Program will provide their comments and suggestions on the quality of the products.

The quality of the project management will be ensured because of the recognized experience of East-West Center as one of the eminent regional institutions and the expertise and experience of the Project Director who is one of the leading experts on governance in the world and has extensive experience working in the regional institutions in Asia and the Pacific and the United Nations system. To ensure the quality of the

products, the project director will prepare detailed TOR for each of the research papers, work with the concerned staff of the UNDP Regional Centre on substantive issues, provide regular feedback to the UNDP Regional Centre about the progress of research, provide comments to the consultants on the first drafts of their respective papers, and modify and synthesize the research papers, as needed. Furthermore, the Peer Review Group of East-West Center will provide comments and suggestions on the papers by consultants to ensure quality control.

### **C: Resource Plan**

Key individuals to carry out the proposed project activities are as follows:

#### Project Director

Dr. G. Shabbir Cheema, Senior Fellow, Research Program, East-West Center (CV enclosed)

#### Consultants to undertake regional reviews

Dr. Graeme Hugo  
University Professorial Research Fellow  
University of Adelaide, Australia (CV enclosed)

Dr. Taeho Bark  
Dean, Graduate School of International Studies  
Seoul National University (CV enclosed)

Dr. Michael Douglass, Executive Director, Globalization Research Center  
Professor, Urban and Regional Planning, University of Hawaii (CV enclosed)

Dr. Mely Caballero-Anthony  
Associate Professor  
S. Rajaratnam School of International Studies (RSIS), Singapore. (CV enclosed)

#### Project Assistant

Mr. Cameron Lowry  
Project Assistant  
Research Program, East-West Center (CV enclosed)

Peer Review Group at the East-West Center

Dr. Allen Clark, Senior Fellow, Governance, Regional Cooperation and Disaster Management

Dr. Chris McNally, Fellow, Politics and Governance, East-West Center

Dr. Melissa Finucane, Senior Fellow, Environment and Health Risks, East-West Center

Dr. Gerard Finin, Pacific Islands Development Program, East-West Center

The project director and the recommended senior consultants are known in the region for their work in the focus areas of the project. The proposed project assistant has the expertise and relevant experience to assist in the project. Their CVs are enclosed. The Peer Review Group will serve in an informal and advisory capacity to ensure quality.

Dr. G. Shabbir Cheema is Senior Fellow and the Director of the Asia- Pacific Governance and Democracy Initiative (AGDI) in the Research Program of East-West Center. Before joining the Center, he was the Program Director of the Global Forum on Reinventing Government, United Nations (2001-2007), the Director of the Governance Division of UNDP (1995-2001) and Manager of the Urban Development Unit (1990-95). As a senior UN official, he provided leadership in crafting democratic governance and human development programs at the country, regional and global levels dealing with electoral and parliamentary systems, civil service reform, human rights, transparency and accountability of government, decentralization and urban management. He prepared UNDP's first policy papers on governance and human rights.

Dr. Cheema is also a Visiting Fellow at the Ash Institute for Democratic Governance and Innovation, Harvard University. He received his Ph.D. in political science from the University of Hawaii. He has taught at Universiti Sains Malaysia, University of Hawaii, and New York University. From 1980 to 1988, he worked as Development Administration Planner at the United Nations Center for Regional Development, Nagoya, Japan. Dr. Cheema is the author of *Building Democratic Institutions: Governance Reform in Developing Countries* (Kumarian Press 2005) and *Urban Shelter and Services : Public Policies and Management Approaches* (Praeger, 1987) and the co-editor of *Decentralizing Governance: Emerging Concepts and Practices* (Brookings Institution Press in cooperation with Harvard University, 2007) and *Reinventing Government for the Twenty First Century: State Capacity in a Globalizing Society* (Kumarian Press, 2003).

Dr. Graeme Hugo is a University Professorial Research Fellow, Professor of Geography and Director of the National Centre for Social Applications of Geographical Information Systems at the University of Adelaide. He is the author of over two hundred books, articles in scholarly journals and chapters in books, as well as a large number of conference papers and reports. In 2002 he secured a \$1.125 million ARC Federation Fellowship over five years for his research project, "The new paradigm of international migration to and from Australia: dimensions, causes and implications". His research interests are Urban and population geography and demography; social geography;

demographic trends (especially population mobility) and development in Southeast Asia; The impact of development on economic and social well-being in Southeast Asia; Population trends and their implications; Immigration, its changing patterns, causes and implications for social and economic change.

Dr. Bark is a professor and Dean of the Graduate School of International Studies, Seoul National University. He is currently a member of the Policy Evaluation Committee for the Office of the Prime Minister of the Republic of Korea. He also has served since 2005 as President for The Korean Association of Trade and Industry Studies. He was previously with the Korea Institute for International Economic Policy, having served in turn as a Senior Economist, Trade and Industry Division from 1993 - 1994, and Vice President from 1994 through 1997. He received his BA in Economics from Seoul National University, and his Ph.D in Economics from the University of Wisconsin.

Dr. Michael Douglass is the Executive Director of the Globalization Research Center and a Professor and former chair of the Department of Urban and Regional Planning at UH Manoa. He is also Co-Editor of the journal, International Development Planning Review. He received his Ph.D. in Urban Planning from UCLA. He previously taught at the Institute of Social Studies (Netherlands) and at the School of Development Studies, University of East Anglia (U.K.). He has also been a Visiting Scholar and Professor at Stanford University and UCLA. A specialist in planning in Asia, he has joined numerous research and planning projects throughout the Asia-Pacific region and has been a consultant for international development agencies as well as national and local governments in Asia. His areas of interest include water governance, and globalization and livable cities with focus on the environment, personal well-being, and social-cultural and political life.

Dr. Mely Caballero-Anthony is an Associate Professor at the S. Rajaratnam School of International Studies (RSIS), Singapore. Her research interests include regionalism and regional security in Asia Pacific, multilateral security cooperation, politics and international relations in ASEAN, conflict prevention and management, as well as human security. Dr. Anthony's interest in non-traditional security issues has seen her working on projects related to health and human security. In 2002, she was lead researcher and manager for the Project on Health and Human Security in East Asia, jointly sponsored by the Japan Center for International Exchange (JCIE), the Institute of Southeast Asian Studies (ISEAS), Singapore and the Japan Foundation Asia Center. She was also part of the research team of the Human Security Project, Global Equity Programme at JFK School of Government, Harvard University that worked closely with the Commission on Human Security (CHS) to identify global issues on human security.

The project requires the ability to use the concept of governance to specific issues such as water management, illegal migration, human trafficking and trade integration. The aforementioned project team is uniquely qualified to undertake this regional and interdisciplinary project because of their extensive expertise in the four research areas, their networks of regional and national institutions, their recognition in the region and

their past experience in working in the region and with international development institutions including UNDP.

Dr. Graeme is one of the very few scholars in the region who has published widely on the governance dimensions of migration and refugees. Dr. Taeho Bark is world-renowned for his work on trade and industry in Asia and the Pacific and the U.S. Dr. Caballero-Anthony has made a significant contribution to the emerging concept of non-traditional security. Dr. Michael Douglass is world known for his work on planning and development and living conditions of the people in Asia and the Pacific. The members of the Project team have been working on related issues in the Asia-Pacific region and are thus fully aware of cultural and environmental sensitivities in the region. They have worked with international development institutions including the United Nations. The Project Director has managed many regional and global projects as the former Director of the Governance Division of UNDP including multi-year governance program at the global level, urban management program, and regional governance program in Asia and the Pacific.