

# Chapter 15

## Governance by Accident: The Role of Civil Society in Shaping Urban Environmental Governance



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**Abstract** The revival of the civil society movement was triggered by the fall of communism in the east-bloc countries and the so-called third-wave democracy in many developing countries, and the notion of reinventing the government's role in the west. Inspired by these phenomena, this written literature research examined the impact of these transitions occurring in the late nineties on environmental governance, especially regarding the role of civil society. The research focused on the role of civil society to provide a theoretical framework for the dynamic adaptations occurring in the Indonesian government in relation to the emerging civil society movements and the political turmoil (from authoritarian to more democratic governance) associated with them. This was done by emphasizing, first, the changing of acts regulating decentralization throughout the three-layered governmental structure. Secondly, I examined how governmental institutions dealt with environmental protection and how the civil society movements worked. This study demonstrated that civil society movements are not a single homogenous entity. Secondly, dissemination of power among governmental structures was not merely a technical matter aiming to provide a better service but also a notion of political power contestation. Thirdly, the dynamic relationships within civil society organizations, the multi-level governmental institutions, and the various stakeholders in the private sector have led to a mode of governance that cannot be designed to achieve a common goal. This formulated the main finding of my study, which proposes that "governance by accident" instead of "governance by designed" should be considered a new model of environmental governance.

**Keywords** Civil society · Governance · Environmental policy · Governmental structure · Indonesia

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## 15.1 Introduction

After the last authoritarian president of Indonesia, Mr. Soeharto resigned in 1998, Indonesia went through a very dynamic governance process. Firstly, in the struggle for power among political parties. Secondly, while these political changes mainly occurred at the national level, significant differences also appeared at the provincial and municipal levels of government. It became a subject of a political contest to which level of government, national, provincial, or municipal, more power should be allocated. As a result, the laws regulating the decentralization of power kept changing. The first law was issued right after the Reformasi, and it placed the most significant power in the hands of municipalities. The national government retained only five policy domains (Foreign Affairs, National Security, Judiciary System, Monetary and Fiscal Policy, and Religion) while most other domains were decentralized to the level of the Mayor (issues regarding the city) or the Regent (head of regency) (RoI, 1999, 22). The provincial government became an administrative power with a coordinating function among municipalities (RoI, 1999, 22 Art 9).

Booth, in a study of the Indonesian policy of poverty alleviation, argued that the new decentralization act was the first in the world that brought about the most decentralized governance system that had ever been effective (Booth, 2003, 181–202). Ostwald agreed with Booth's comment and denoted the decentralization movement in Indonesia as a "big bang" (Ostwald et al., 2016, 139–156). Nevertheless, the first decentralization law was merely effective for 5 years before another one replaced it (RoI, 2004, 32). This new law took some power away from the municipalities and gave it back to the provincial governments. In addition, under the new law, the head of the provincial and municipal governments was directly elected by the people. This allocated new power to the executive branch of local government. Before the *Reformasi*, the head of the local government was appointed by the local parliament, which made the head of the local government dependent upon the ruling party in the parliament (Widodo, 2003 179–193). In the new situation, as the head of the provincial government, the governor was no longer just the extended arm of the national government since the governor was elected directly by the people. This significantly strengthened the position of the provincial government *vis-à-vis* the municipal government, compared to the situation just after the *Reformasi*.

In addition to these governance re-arrangements between state, province, regency, and municipality, the dynamics of the citizen-state are also interesting to examine. In the early stage of the Reformasi, the door of democratization was wide open, especially in terms of freedom of expression through the mass media. Hundreds of new newspapers were published, and most of them freely discussed the Indonesian governmental changes. I note here that the emergence of a robust civil society following the collapse of an authoritarian regime is not a unique phenomenon. It also occurred in Eastern Europe (Raska, 2017, 109–110), in Latin America (O'Donnel, 2002, 6–12), and in some East Asian Countries (Gleason, 2003; Lim & Shui, 2003, 561–582; Han, 2014, 173–190).

Over time the number of printed mass media gradually decreased because people were no longer interested in reading stories on how the people toppled the government and how corrupt the previous government was. Even though the intensity with which people were involved in decision-making processes had increased, this did not correlate positively with a feeling of satisfaction on the side of the people.

From this short sketch of Indonesia's societal and political changes over the past 20 years, one may conclude that the rise of civil society as part of the democratization process was a significant factor. What is meant by "civil society"?

## 15.2 Civil Society: Constantly Changing?

Despite the frequent use of "civil society," the debate about the correct definition continues. In 1992 Cohen stated that "there is no sufficiently complex theory (on civil society author) that is available today" (Cohen & Arato, 1992). More recently, Rosenblum mentioned that not every society has the same understanding of civil society because it is historically bound (Rosenblum & Post, 2002). Rosenblum's book characterizes civil society primarily as a society that is based on the rule of law, which is in contrast to a society that is not based on the rule of law (the state of "nature") (O'Brien, 1999b). Secondly, Salamon and Anheier posited that civil society is located somewhere in between the state as a political society and the market as an economic society, while both sides influence and appropriate it (Salamon & Anheier, 1997). Thirdly, Warren proposed that civil society is characterized by being a social organization within which voluntary associative relations are dominant (Warren, 1999). In other words, considering those streams, civil society could be characterized as a society (1) based on the rule of law or civic virtue (Macedo, 2001), (2) located between the market and the state, and (3) one that is part of the domain of social organizations dominated by associative relations.

Yet, Bestor, for instance, believes that there are fundamental differences between civil society in the developed and the developing world (Bestor, 2004). And Rosenblum argues that not every society has the same concept in understanding civil society because it is historically bound (Rosenblum & Post, 2002; Hellyer, 2015, 131–150).

Scholars underscore the vagueness of the terminology and point out how widely diverging the connotations of the various thinkers are (Beem, 1996; Green, 1999, 2). The London School of Economics and Political Science has tried to capture the conceptual essence of civil society (LSE, 2001) and yet it remains a controversial definition (Anheier, 2014, 335–339). Arato concludes that civil society must be securely institutionalized before it can become a key terrain of participatory politics in the long term (Arato, 2000). Beem mentions that civil society has become "the new *cause celebre* in political thought" (Beem, 1996) since civil society is believed to be the new arena for (re)arranging society with or without government involvement.

Habib and Kotze warn that reducing civil society to an amorphous and homogenous entity, that is generally described as progressive and, to some extent, exclusively associated with NGOs and CBOs, will lead to a failure in understanding that other organizations can also be classified as civil society organizations (Habib & Kotze, 2002). Thus, Habib and Kotze note that it should be recognized that the conceptual heterogeneity of civil society is its most important characteristic.

Considering these notions, there are three prominent positions in describing and characterizing the relationships between civil society and the state. First, civil society is seen as a community that maintains a set of shared norms and lives under the rule of law. Some scholars identify civil society as a society that seeks civic virtue, a *societas civilis* in contrast to a barbaric society (O'Brien, 1999b). O'Brien, in assessing the work of Thomas Hobbes and John Locke, puts them as two of the founders of political philosophy in the age of reasoning, the seventeenth century (O'Brien, 1999a). He asserts that Hobbes coined the notion that society is not a natural state but the result of a social contract. This is so, Hobbes argues because society and the state are both not natural; the natural state is one in which people follow their emotions rather than reason (Pietrzyk, 2001). The result of the natural state will be that people who follow their emotions and have equal freedom will fight with each other as "all against all."

Second, civil society is perceived as a non-governmental part of society, which differs from political society or the state. John Locke argued that political power should not be exercised by a single body. Instead, John Locke differentiates between government and society such that the power of the government does not threaten the rights of society (Pietrzyk, 2001): "Wherever, therefore, any number of men are so united into one Society, as to quit every one his Executive Powers of the Law of Nature, and resign it to the public, there and there only is he in a Political or Civil Society... And this puts men out of the State of Nature into that of a Commonwealth" (Colas, 2002). Scottish philosopher and historian Adam Ferguson believes that "society is the natural state of men" (Pietrzyk, 2001). For Ferguson, not all societies can be called civil, but only those societies in which individuals enjoy civil liberties protected by the government. Moreover, although he considers the commercial society (economic society) as the most advanced stage of social development, he does acknowledge the dialectic nature of virtue and corruption in such societies (Ferguson, 1809). Thus, civil society can decline if individuals lose the characteristics of a "political animal" (*zoön politikon*, a concept coined by Aristoteles).

Third, civil society is seen as a realm separate from the political society/state and economic society (market). Gramsci asserts that civil society should have an autonomous space in the system which "appears as the third term, due to its being identified, no longer with the state of nature, nor with an industrial society, nor generally with the pre-state society but with the factor of hegemony" (Schlesinger, 2010). Thus, according to Gramsci, civil society is not only placed *vis-à-vis* the state of nature but also *vis-à-vis* the state, the church, and economic society. Gramsci portrays civil society as the arena, separate from state and market, where ideological hegemony is contested. The workings of a civil society imply a broad spectrum of

social organizations as well as community organizations, both of which either challenge or sustain the existing order (Lewis, 2001).

Based on the preceding, it can be concluded that the term civil society, despite its frequent use in scientific texts, can be characterized by three elements:

1. It is based on the rule of law. This contrasts with a society that has no rule of law (the state of nature).
2. It is socially located in between the state and the market such that contestations between the state and the market will affect civil society. In some cases, civil society organizations might be seen as the long arm of the market, such as business associations or entrepreneurial organizations. In other cases, civil society organizations might be considered as the long arm of the state, such as in the case of government-owned non-governmental organizations (GONGO) (Hashmat et al., 2019). Salamon et al., in portraying this space between the state and the market, coin the term “the third sector” (Salamon & Anheier, 1997).
3. Voluntary associative relationships dominate civil society. Consequently, civil society is a sphere of free public debate. However, it is essential to note that the notion of “association” cannot simply replace civil society since any association is influenced by either the market or the state (Warren, 1999).

Now that we have defined the characteristics of civil society, I will turn to the notion of governance and then discuss its relationship with civil society.

## 15.3 Characterizing Urban Environmental Governance

As mentioned in the previous section, civil society has constantly changed. To understand how this new role was affected by the changes in government, we need to characterize the concept of governance, focusing on environmental governance in an urban context because this is the object of our analysis.

### 15.3.1 *From Government to Governance*

Steer, guide, direct, control, regulate, influence, and determination are synonymous with “to govern.” In the first generation of modernity (after World War II), the term “govern” was explicitly characterized as a nation-state centered process (Arts & Van Tatenhove, 2006). In other words, governing was to rule or exercise authority and administer the affairs of the state, and traditionally referred to as “the formal institutional structure and location of authoritative decision making” (Stoker, 1998, 34–51). However, this traditional-hierarchical way of governing was challenged in the second half of the previous century. The state was no longer seen as the sole “container” of political life and the sole owner of power to govern society (Ruzza, 2006, 169–196). The development of neo-liberalism limited the role of the state and

meant that the private sector obtained more opportunities to provide services that previously were provided by the state.

New social movements put further pressure on governments to allow other parties (e.g., civil society) to claim authority over certain aspects of public life. For instance, the informal civil society movement in Ukraine (EuroMaidan) turned into a formal institution that pushed the government to pay more attention to its voice (Krasynska & Martin, 2016).

The ongoing globalization of the market economy has been another factor that forced many states to transform their system of governing society. In the era of globalization, a state can no longer entirely control and govern everything within its territory unless the country is completely isolated from the rest of the world. The need to cooperate with other parties inside or outside the state's boundaries has replaced "monolithic state governance" with "network governance" (Arts & Tatenhove, 2006).

In sum, three factors changed the government system into a governance system in many countries over the past 50 years: (1) the demise of the traditional-hierarchical organization of society; (2) upcoming neoliberalism; and (3) the globalization of the economy.

These three factors did not affect all countries to the same degree. They especially had a marked influence on the Western industrialized countries, but upcoming economies like Indonesia were equally influenced by neoliberalism and globalization. These worldwide changes set the stage for our definition of "governance."

Mayntz asserted that "governance" in English is equivalent to "governing," a term that refers to the process of government. Therefore, governance is what the government does; it complements government (Mayntz, 1998). In other words, governance refers to the dynamics of the state. Pierre, however, suggested that governance has a dual meaning. On the one hand, it is an "empirical manifestation of state adaptation" to its current external environment. On the other hand, governance is seen as "a conceptual or theoretical representation of co-ordination of social systems." For the most part, it coincides with the role of the state (Pierre, 2003,3).

Furthermore, in elaborating the latter denotation, Peter discerns two aspects of governance (Peter, 2000, 3). The first is the so-called traditional steering conception of governance, which deals with the capacity of the central government to control the government itself, the economy, and society. In this conceptualization, governance focuses on the government itself as the center of the study. The second aspect of governance, according to Peter, is the so-called "new/modern governance," which focuses more on the question of how the central government interacts with society aiming to reach consensus or how a self-steering and self-regulating society might emerge. It then focuses on a dynamic situation in which civil society interacts with other actors in governing society. As Mayntz argues, governance indicates a new mode of governing where state and non-state actors participate in mixed public/private networks (Mayntz, 1998).

Stoker, quoting the work of Rhodes, agrees that governance signifies "a change in the meaning of government, referring to a new process of governing" (Stoker, 1998b, 34–51). Although he also mentions that the outcomes of governance are no

different from government outcomes. Instead, the difference lies in the process of governing. Stoker emphasizes that governance refers to the participatory mechanism in which the boundary between the public and private sectors is blurred so that it will not depend on the authority and sanction of the government alone (Stoker, 1998a).

In the same spirit, Jessop defines governance as “the complex art of steering multiple agencies, institutions, and systems which are both operationally autonomous from one another and structurally coupled, through various forms of reciprocal interdependence” (Jessop, 1997, 95). Similarly, Hirst points out that “governance relates to the new practices of coordinating activities through networks, partnerships and deliberative forums” (Hirst, 2000, 18). It is clear then that governance also refers to the existence of networks, which typify complex societal problems. Rhodes underscores that “networks are the analytical heart of the notion of governance in the study of public administration” (Rhodes, 2000, 57).

Because governance relates to the network structure of society, it emphasizes actors that are involved, the power interdependencies among them, the types of networks they belong to, the depth of the democratic level, and how such mechanisms may reach the common goals of the connected societal network.

The fact that governance always involves a network is reinforced when power is transferred away from the central government. The public demand for a more accountable government has resulted in the belief that the closer a government is to the people, the more accountable it will be. Therefore, many governments are now sharing more power and are allocating their service delivery increasingly to local governments. As a result, many new branches of local governance emerge as a more autonomous mode of governing. This process has been especially obvious in Indonesia since 1998.

It must be noted that the network character of governance does not have a single meaning either. The type of network varies from one case to another depending on the power relationships among the actors. In some cases, governance leans toward market-driven networks in which private actors dominate the network, whereas community-oriented networks might emerge in other instances.

To sum up the above discussion, governance can be characterized as (1) a mode of governing society; (2) involving multiple actors in multi-level forms and roles in the networks; (3) resulting from a change in the political reality both locally and internationally; and (4) aiming to achieve common societal goals.

In the field of urban governance, Digaetano and Klemanski found that the urban policy agenda is mainly steered by a coalition of government officials, business leaders, and community activists (Digaetano & Klemanski, 1999, 8–9). This triangle among government, market, and civil society is therefore used in this paper as a model to understand the interaction of actors in urban governance.

### 15.3.2 *Urban Environmental Governance*

Many environmental issues occur in the city due to the increasing migration of people to the city. This has created changes in the ecosystem that must support life in the city. Like urban governance implies a territorial limitation, so is urban environmental governance limited by a thematic reach, as it is restricted to environmental issues (Schroter et al., 2005, 1333–1337).

There is an increasing need to develop new approaches to strategic planning, decision-making processes, the integration of entrepreneurship, and, thus, a need for more innovative modes of governance. Therefore, a new, hybrid concept of governance is needed (Frantzeskaki, 2016, 1–6).

In briefly discussing this, the urban environmental governance concept uses three different approaches to achieve environmental goals: (1) command and control; (2) economic instruments; and (3) voluntary means.

The first approach is through command and control. Dryzek asserts that the command and control approach manifests itself in several practices, such as developing professional resource management bureaucracies based on scientific principles rather than political expediency (Dryzek, 1997).

Environmental governance, in this sense, relies on regulation and enforcement. Government is then defined as the party that has the authority to control, manage, and tackle environmental problems by depending on what the government's experts say.

The second approach to environmental problems consists of so-called “economic instruments.” Yandle, in quoting Reilly, asserts that “the forces of the marketplace are powerful tools for changing individual and institutional behavior.” this approach gained currency after the decline of communism and the emergence of the free market economy as a new way society could be governed (Yandle, 1993, 185–207).

Supporters of the guiding capacity of market forces believe that the best mechanisms that protect the environment consist of producer-consumer relationships and seller-buyer relationships. The notion of property rights plays a vital role in the economic instruments of environmental governance. It is believed that people will care more about their personal belongings than about common or public belongings.

These mechanisms show that governance is more than government, although the two might cover much of the same ground. While some of the mechanisms discussed may seem external to the government, the regulatory power and significant fiscal responsibility are still in the hands of the government (Saunier & Meganck, 2004, 9).

A third mechanism consists of so-called “voluntary means.” As a result of the emergence of the democratic wave, which was proclaimed “the end of history” by Fukuyama (Fukuyama, 1992). Many countries are now opening their doors to allow their citizens to participate in the governing processes.

Concerning urban environmental protection, citizen participation in the governing process focuses on the role of individuals, or groups of individuals, who are aware of environmental problems.



Many public participation tools have been introduced to engage citizens in policymaking from the planning stage up to the evaluation of the program. In 2001 the United Nations Center for Human Settlements (Habitat) released at least 18 toolkits to involve the public in urban decision-making processes (UNCHS, 2001, 17–98). These toolkits are part of the Global Urban Governance Campaign, which provides a directory and a referral facility for city governments, or municipalities, wishing to improve their governance processes.

To sum up this section, urban environmental governance aims to balance environmental protection, economic growth, and community development. It can be characterized as a process of governing society through three pillars: the state, the market, and civil society, where the inherent, main instruments are the use of command and control, the use of economic instruments, and the use of voluntary means, respectively. The process of urban environmental governance may use three different methods: command and control, economic instruments, and voluntary means. In all three, the tenet is “advancing the understanding of drivers and processes shaping environmental governance of the cities.” (Frantzeskaki, 2016,2), examining how the system supports the livability and sustainability of urbanized people and designing and employing inclusive policy and planning practices (Gerometta et al., 2005).

## 15.4 The Role of Civil Society in Urban Environmental Governance

Stoker emphasizes that governance refers to the participatory mechanism by which the boundary between the public and private is blurred so that any outcome will not depend on the authority and sanction of the government alone (Stoker, 1998b). Governance, then, is a result of the interaction of multiple governing and mutually influencing actors (Kooiman & Van Vliet, 1993, 64).

Stoker suggests five propositions as aspects of governance (Stoker, 1998a): (1) Governance refers to a complex set of institutions and actors that are drawn from but also beyond government; (2) Governance recognizes the blurring of boundaries and responsibilities to tackle socio-economic issues; (3) Governance identifies the power dependence involved in the relationships between institutions engaged in collective action; (4) Governance is about autonomous self-governing networks of actors; and (5) Governance recognizes the capacity to get things done, which does not rest on the power of the government to command or use its authority.

In my analysis of urban environmental governance, I will use Stoker’s five propositions as aspects of governance. In his characterizations, civil society may be viewed as a democratic agent needed to stabilize democracy within the state. The freedom within civil society and inter-social groups will prevent the domination of any group (even of the state or the market) over others.

Based on his study of Indonesian NGOs during the authoritarian regime under Soeharto, Fakhri coined the so-called reform paradigm of civil society. In this

paradigm, the state is monitored “wisely” by civil society so that, to some extent, civil society controls the state. In this paradigm, however, this means that the stronger the state is, the weaker civil society will be (Reed, 2010, 646–653). Before the Reformasi, the pressure of civil society on the state tended to be moderate. Instead of influencing the state from outside, civil society was co-opted by the state and, in the long run, became an instrument of the state, thereby losing its control function (Fakih, 1996).

Having said this, civil society as an autonomous institution may be considered as an *autopoiesis*. Coined by two biologists, Maturana and Varela, their concept of *autopoiesis* was borrowed to frame the dynamic evolutionary process within civil society itself and its role in shaping environmental governance. The authors propose that “everything in a biological system is the product of the evolution of that system” (Maturana & Varela, 1987). Within the context of this research, my work focuses on the role of civil society as a promoter of development and a crucial agent in controlling the government. The role and contribution of civil society will then shape and be shaped by the result of the governing process.

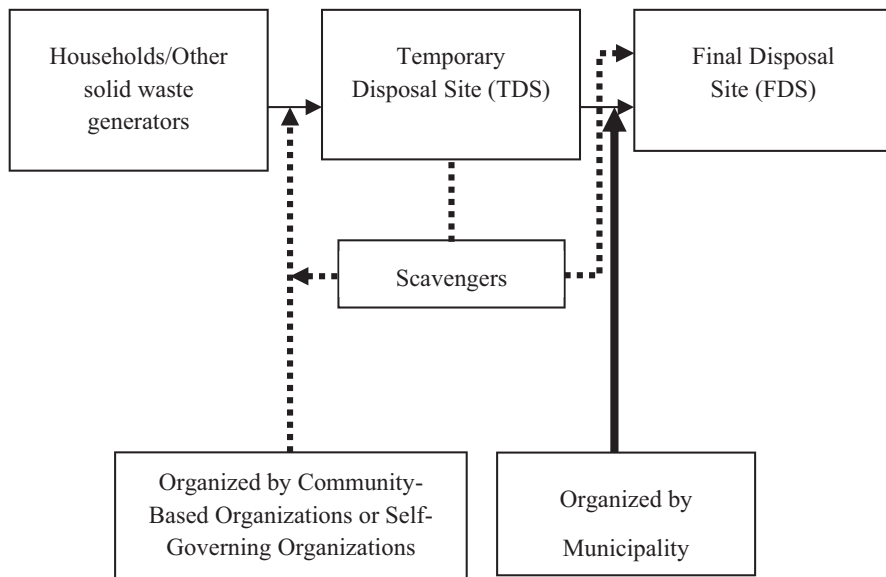
## 15.5 Governance by Accident?

The notion of governance emphasizes the roles of various actors in creating a better process of governing society when seeking to achieve specific shared goals. In doing so, the involvement of civil society is inevitable since, in a broader sense, civil society can be defined as all entities outside the state and the market. When civil society organizations are perceived as organizations outside the state and the market system, their role can be seen as both opposing as well as supporting the state and the market, the other two pillars of governance. On the one hand, civil society is important when functioning as an opponent of the state since this will strengthen the checks-and-balances mechanism. On the other hand, when it supports the state, civil society has an essential role in filling the gaps that cannot be replenished quickly by the state or the market.

Moreover, this paper focuses on the power dependence of institutions involved in collective actions on their autonomous self-governing networks of actors. The question is whether there is the capacity to protect the environment without depending on the government’s command or authority. This is a crucial question since the involvement of civil society was not deliberately designed by the government. Instead, civil society becomes engaged because it considers it essential to be involved.

I put this in the context of solid waste collection in Indonesia. In general, the flow of solid waste transfer in Indonesia occurs as below (Fig. 15.1).

The Indonesian Law on Waste does not mention how the waste should be transferred from the sources of garbage to the Final Disposal Site. In reality, the office of sanitation of each municipality or other similar office (due to the decentralization law, each city might have a different name of the institution that handles waste) only



**Fig. 15.1** The flow of solid waste transfer in Indonesia

transfers the waste already placed in the Temporary Disposal Sites to Final Disposal Site. People have to arrange their waste transfer from the sources of waste, either households or offices. It is expected that community-based organization (CBO) such as *Rukun Tetangga* (Neighborhood Watch) is the arranger of this waste transfer from each household to temporary disposal sites. Some CBOs even establish a waste bank for organic waste to compose them and turn them into fertilizers.

The other important actors involved in the waste transfer are the scavengers. They are persons who take valuable garbage and sell them to be recycled or reused by factories. They pick up cardboard, papers, bottles (either plastic or glass), and metal scraps. These scavengers collect garbage from households/offices, temporary disposal sites to the final disposal site.

The involvement of community-based organizations, let alone the scavengers, is not designed. Thus, the participation of civil society in shaping environmental governance is not a deliberate action by design, but to a certain extent, this occurs without being planned. Despite the fact that the number of civil society organizations that deliver public services is rising (Foo, 2018), the main question remains whether civil society organizations and in particular CBOs and environmental civil society organizations will fill the gaps created by the government.

## 15.6 Conclusion

In conclusion, the study found that, firstly, the wave of democratization created new possibilities for civil society to articulate its interests. At the beginning of the democratization process, civil society was seen as an entity opposing political society, i.e., the government. As a result, this changed the nature of government rule. Shifting from government to governance can only happen if civil society movements become more active and influential. Civil society should put political pressure on the government as a voluntary movement. When this takes place, it is expected that the government will be forced to alter its regulations to accommodate the involvement of civil society.

Secondly, the increasing power of civil society to pressure the government also changed the internal relationships among national, provincial, and local tiers of government. The various amendments and changes in the acts pertaining to local government showed that the locus of political power kept moving between the national, provincial, and local tiers of government. These changes in the decentralization policy reflected the political contestation among the actors involved, including civil society.

Finally, the study concluded that the variety of civil society organizations and the degree of their involvement shaped environmental governance. The roles of civil society, as mentioned earlier, need not be interpreted as if one civil society movement employs one single role. Instead, it must be understood that a civil society organization can perform all these roles. The more intensive the involvement of civil society, the more likely the government will respond to the problems brought to the attention of the local authorities. The study demonstrated how the application of these roles led to civil society organizations acting as service providers, providers of finance, and policy influencers in order to shape urban environmental governance. However, the dynamic role of civil society in shaping urban environmental governance does not “by design” as it happens in the western world. It is done by accident.

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