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The Transfer and Adoption of an Environmental Information Disclosure Program in the Philippines

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Abstract

Developing countries routinely lap up transnational ideas and set them into policy in their respective localities. The transfer and adoption of environmental ratings and disclosure policy in the Philippines show that initial successes are sometimes difficult to sustain and can lead to dysfunctional programs. This study argues that one way of explaining the dysfunction is by tracing it to the design and adoption of the policy. In this paper, the policy transfer process is analyzed focusing on agency and motivations and how these affect the features and outcomes of the process. The study finds that the transfer process was characterized by a focus on one model, attention on the solution rather than the problem, and external agents pushing rather than internal and distributed agents pulling in which served to hinder adaptation and translation. This paper hopes to contribute to the thin literature on policy transfer in developing countries.

Keywords: policy transfer, environmental information disclosure, Philippines environmental policy

1. Introduction

Developing countries have lapped up transnational ideas and set them into policy in their respective localities but while there have been a number of successful implementation, it is a reality that there remains a big disconnect between policy and practice. The adoption of policies patterned or copied elsewhere has been discussed in literature under various headings, the most common of which are policy transfer, diffusion and lesson-drawing. Diffusion studies tend to focus on the spread of policies over a spatial and temporal unit and mainly look at trends or patterns. The terms lesson-drawing and policy transfer are used interchangeably to discuss how policies in one place are emulated or transferred to another jurisdiction but Dolowitz and Marsh (1996) make a distinction between the two by arguing that all policy transfers are brought about by rational agents voluntarily drawing lessons from other places and that other forms of transfers (undertaken coercively) are also possible. They later on developed a framework about the policy transfer process by conceptualizing a continuum where on one end, transfer is seen as an outcome of lesson drawing by rational actors in search of solutions to local problems elsewhere and where on the other extreme, transfer is seen as an imposition by external institutions such as funding agencies or international treaties against the will of the adoptee. The authors claimed that different types of transfer can be located in different parts of this continuum (Dolowitz & Marsh, 2000). Evans (2005; 2009) simplifies the categories by using both ends of the continuum and inserting a middle category—that of negotiated transfers which essentially have both voluntary and coercive elements. Policy transfer analysis is confined to subjects with a learning activity that is action-oriented, deliberate and results in policy action (Evans, 2009).

The dimensions of transfer based on rationale have focused mainly on voluntary types of policy transfers between developed countries. Some recent literature have highlighted cases of negotiated or indirect transfers that are said to be commonly found in developing countries and countries in transition (for example, Vinke-De Kruijf, Augustijn, & Bressers, 2012; Randma-Liiv & Kruusenberg, 2012). A collection of some cases involving developing countries that have been presented can be found in the compilation of Evans (2004) and in the special issue of the *Knowledge, Technology and Policy Journal* (de Jong, Waaub and Kroesen, 2007). This study provides additional insight using a case of policy transfer between two developing countries hoping to contribute to the literatures on transfer which thus far has been dominated by case studies of voluntary transfer concentrated in Northern America and in Europe. There is thus a need to build up on the literature by exploring more case studies of developing country policy transfers.

This paper attempts to narrate the process of transfer and adoption of an innovative environmental policy in the Philippines called Ecowatch which was successfully piloted in 1996 and established as a national program in

1998. Ecowatch is a version of an environmental performance rating and disclosure program (EPRD), a policy instrument that assesses the environmental performance of industries based on their pollution emission behaviour, rates them using a color-coded scheme and disseminates the results to the public. It works on the premise that reputational sanctions brought by disclosure will generate external pressure for companies to comply with environmental standards and will supplement regulatory functions. This strategy was developed by the Indonesian government agency, BAPEDAL in 1995, found to be successful and has since become popular among developing nations as a tool for pollution control. Previous studies (Lambino, 2011) revealed that this policy's success in the Philippines was limited to the pilot phase and was short-lived. Nevertheless Ecowatch continues to be operational in the Philippines, albeit in a dystunctional and sub-optimal manner. It does not live up to its promise of an alternative means of environmental regulation as environmental ratings are not publicly disseminated. Outcomes have proved imaginary and the program's effects are muted if not disappointing. Factors related to implementation (e.g. incompetence, lack of political will) can account for the dysfunction, as well as lack of administrative capacity and institutional coherence—and these are being pursued as particular lines of inquiry in another study by the author. However, problems regarding acceptability and capacity for full disclosure—the main mechanism supposedly utilized by the program to work—clearly indicates that there were issues in the formulation and adoption of the policy in the first place. If implementers have difficulty with the disclosure concept, why was a program fundamentally hinged on disclosure adopted in the first place? Is it possible that the implementation divergence observed currently, is linked to some issues during program development? The pilot was able to demonstrate that the program worked, so why was it not sustained? This study argues that the dysfunction can also be traced all the way to the design and adoption of the policy. This supposition is supported by authors like Winter (1986) who articulate that many implementation impediments can be found in the initial stages of policy formulation, and Sugiyama (2011) who stress the need to extricate implications of policy decision making with its long-term effectiveness. Ecowatch was considered as an outcome of policy transfer, so it is in this manner that the policy transfer process is revisited and the history of the program adoption and its consequent institutionalization is scrutinized in greater detail.

One explanation explored by the author's study focused on the notion of reform space and found that the high reform space brought about by high acceptance, ability and authority observed at the landing space led to successful implementation and outcomes of the pilot program whereas the lack of widespread bureaucratic and political acceptance as well as limited ability undermined the legal authority for Ecowatch at the institutionalization phase (Lambino, 2013b). In this article, attention is turned to the actual transfer process itself. It is posited that the manner of transfer had an effect on the program's long-term viability and also that as a program that was foreign-assisted, it was mainly supply-driven and as such faced more challenges in embedding the program in its context.

The rest of the paper is structured as follows: Section 2 lays out the development of the analytical framework and sources of data. Section 3 traces the transfer, adoption and outcomes of Ecowatch and delves into the actor configurations and motivations for the transfer process, while Section 4 reflects on the findings and analysis. The paper ends with Section 5 presenting some concluding statements and some ways forward.

2. Analytical elements and data sources

Attempts at explaining policy failures by authors such as Dolowitz and Marsh (2000) have been criticized and found to be inadequate as they focus more on re-describing some aspects of failure as a type of transfer which can be either incomplete, inappropriate or uninformed (James & Lodge 2003). This research takes up the challenge of James and Lodge by linking outcomes with the features of the transfer process. In order to do this, attention is paid to two particular aspects of the transfer process that are deemed important: the role of agency and motivations.

2.1 Actor configurations and agency

Policy transfer processes are defined to be intentional activities (Evans, 2009) and as such necessitates the presence of an agent or agents. Agents involved in policy transfer have been enumerated to include government officials, civil servants, policy entrepreneurs and experts, transnational corporations, think tanks, supra-national governmental and nongovernmental institutions and consultants (Dolowitz and Marsh, 2000) (Stone, 2004). International organizations not only play an important role in policy transfer as "policy entrepreneurs", but may also play a coercive role by demanding policy reform as a condition of lending (Lana & Evans, 2004). Or they

can impact on international norms and reinforce them through funding (Sugiyama, 2011). At the global level, international organizations such as multilateral institutions and donor agencies have been instrumental in the promotion of best practices and successful policy/program innovations. For instance, the World Bank in 1996 restructured its organization and aimed to be a "Knowledge Bank" (King, 2002). It is one of the most active international organizations with regard to documenting and sharing best practices especially to developing countries.

De Jong, Lalenis, & Mamadouh (2002) in their discourse on institutional transplantation have emphasized the role that domestic actors play for a particular policy transfer process to be successful. In particular, they have expounded on the importance of the "pulling in" actions of domestic agents which involves ownership of the transferred policy, reframing or modifying as necessary and making it work within the scheme of things in their particular context. In some cases de Jong and Bao (2007) argue that sometimes even if the two jurisdictions involved in the transfer seem to be inherently incompatible, the willingness and capacity of local actors to transform the transplant to make it suitable to the context makes a big difference between success and failure. For this study, the analysis will focus on identifying the different types of actors involved in the transfer process and determining the extent of their push or pull, in terms of adoption and institutionalization of the policy into the context of the Philippines. In this paper, agency pertains to the actions of both institutions/organizations and individuals. While the focus is on organizational agents in general, the role of individual agents especially policy entrepreneurs and so-called champions will also be discussed and expounded upon.

2.2 Motivations and drivers for policy transfer

Understanding motivations underpinning the use of foreign information not only helps explain where information is sought and the extent to which the agents learn from this information, but it also helps explain how this information is subsequently used. Figure 1 simplifies the different types of transfer categorized by Dolowitz and Marsh (2000) in their policy transfer continuum and the corresponding motivations and drivers associated with each type as expounded upon in the extant literature. The underlying theories behind the driving forces are important in understanding the mechanisms of how these various types of transfers take place and in explaining outcomes. Weyland (2005), in his discussion of the diffusion of pension reform in Latin American countries provides a convenient nested-type of categorization for the various explanatory frameworks espoused in the extant literature to drive diffusion processes. Since the concepts of diffusion and policy transfer are similar in the sense that they deal with the movement of policies from one geographical space to another, Weyland's categorization is adopted and applied to the policy transfer process. It is to be noted however that policy transfers are claimed to be more pro-active and deliberate processes so modifications were made to his categorization as depicted in Figure 1. This will be used as an analytical guide for the study in this paper.

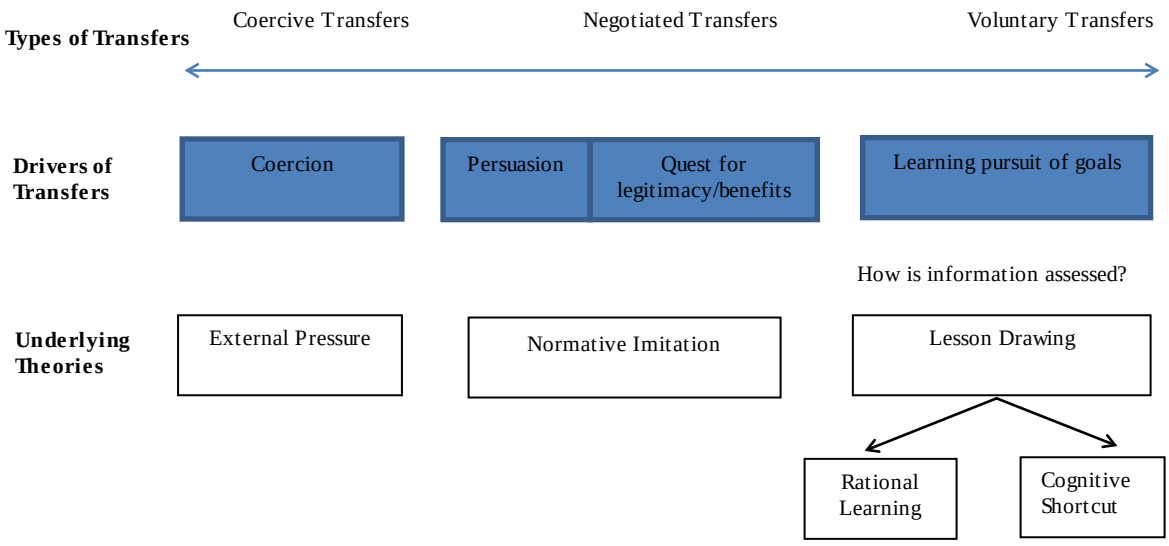

Figure 1. Types of policy transfers (adapted from Dolowitz and Marsh, 2000: Evans, 2004) and underlying causal mechanisms and theories driving policy transfer processes (adapted from Weyland, 2005).

Dolowitz and Marsh (2000) argue that different motivations of key actors for the transfer process have an effect on the type of transfer that occurs. Policy transfers are claimed to be driven by exogenous or endogenous pressures (Simmons, Dobbin, & Garrett, 2009). Influences coming from agents exogenous to the adopting country abound especially in this age of globalization. When international organizations are involved, there is a tendency for coercion especially if conditionalities are present (e.g. loan/official aid with conditionalities). In some cases, governments are compelled to adopt policies from elsewhere by virtue of their membership to international institutions. This is explained by the external pressure framework (Weyland, 2005) and is claimed to describe many cases in developing countries. It is acknowledged that different types of influence can be exerted by external agents but for this categorization, the external pressure pertains to the actions of powerful external actors imposing or coercing the transfer processes.

Over time the hegemonic role of international organizations have become more subtle as instead of coercing nation states to adopt their preferred policies and instruments, they are now persuaded especially by couching the policy innovations in "best practice" terms (de Jong et al., 2002). In this sense while external influences remain, symbolic politics (Stone, 1999) and the quest for legitimacy (Bennett, 1997; Sharman, 2010) leading to emulation and copying of policies can describe negotiated-type of processes wherein domestic agents voluntarily undertake transfers influenced by international agents. The pursuit of legitimacy as explained by the normative imitation framework highlights the need to conform to the norms of international society (Powell & DiMaggio, 1983). Another type of motivation for policy transfer commonly observed in negotiated transfers but rarely discussed in detail in the extant literature is one where organizations are compelled to adopt an external idea or policy due to accompanying incentives such as funding and other benefits—a transfer identified in this research as mainly driven by supply (also in Randma-Liiv, 2005) rather than on demand. This often comes from international organizations actively promoting solutions to developing countries tagged as best practice (M. Andrews, McConnell, & Wescott, 2010). This commonly describes the case for foreign aid and is found relevant to this study. Where the desire for funding is greater than the commitment to policy reform, Matsumoto, King, & Mori (2007) claim that implementation is generally less than successful, however they have not undertaken any analysis why this phenomenon happens.

Domestic factors are also posited to explain policy transfers. Endogenous and voluntary initiatives arise from the rational search for solutions, which have been cited as the most common motivation for policy transfer (D. Dolowitz & Marsh, 1996, Rose, 1991; Bennett, 1997). If transfers are driven by utilitarian interests, the question of how policy makers assess the various policy alternatives and what drives them are relevant. The rational learning framework suggest that actors have the capacity to undertake a wide-ranging search for solutions and that they can assess all relevant information in a thorough and systematic manner before making a decision to transplant a policy. The cognitive heuristics framework on the other hand, reflects on the notion of bounded rationality. This approach draws upon findings in cognitive psychology that decision-making processes are inherently limited and agents do not weigh information in a fully rational manner but rather usually make use of inferential shortcuts to maximize their efficiency (Tversky & Kahneman as cited in Weyland, 2005).

These theoretical frameworks are hoped to inform the analysis of what drove the adoption of Ecowatch in the Philippines as well as to explain the disappointing outcomes of the policy transfer process.

2.3 Data Sources

This case study was explored by reviewing program documents, monitoring databases, reports and assessments as well as extant literature pertinent to the program. The institutional history and the main bulk of the data for the analysis came from semi-structured interviews. Project personnel mentioned in the literature and documentation of the development and formulation phase of Eccowatch were tracked down and contacted, initially through email correspondence. The initial contacts were asked to refer other possible respondents and a list was generated. A Skype conference call was granted by a US-based consultant in February 2012, and an email correspondence was undertaken with a former high-ranking official of the Department of Environment and Natural Resources (DENR) in November 2012. Face-to-face interviews were conducted during fieldwork in the Philippines in July 2012 and January 2013 with a technical expert from the academe, a former Ecowatch champion and DENR staff members involved in the pilot phase implementation. For the institutionalization and current status of the program, the Ecowatch program Secretariat head and relevant staff as well as four members of the Technical Evaluation Committee were interviewed. A list of focal persons in the regional offices was

accessed and responses from the regional coordinators of the DENR Environmental Management Bureau (EMB) were generated from four face-to-face interviews, nine phone interviews and one email correspondence. Two of the regional coordinators failed to generate responses despite various follow up phone calls and fax/email correspondence.

3. The transfer and adoption of Ecowatch

This section looks into the various structural and agent factors that facilitated the transfer and adoption of Ecowatch in the Philippines. Following Dolowitz and Marsh (2000), this research asks the following questions: What is being transferred? From where are the lessons drawn? Who are the actors involved in the transfer process? What were the structures that enabled the process?

The motivations, characteristics and actor constellations are also investigated looking into the nature of the transfer and how this affected the outcomes/operationalization of the transferred policy.

3.1 What was transferred and from where?

The use of information disclosure as an instrument for environmental regulation became an innovation that followed the trend of various strategies such as market-based and command and control instruments. The particular version of information-based regulation developed in Indonesia was lauded by the international community due to its perceived success and purported low cost of implementation (Wheeler & Afsah, 1996; Blackman, Afsah, & Ratunanda, 2004; Dasgupta, Wheeler, & Wang, 2007).

In this particular case, it was not merely the concept of using information disclosure as a means of environmental regulation but the actual environmental performance ratings and disclosure policy itself that was being transferred. As explained by Bebet Gozun, former Department of Environment and Natural Resources Secretary in an interview (2013):

> *"It was World Bank who facilitated…not an idea but there was already an initiative in another country, and they asked us in terms of the policy…environmental management especially on the government side was purely regulatory-- command and control, and we saw that that has not really been effective so we were looking at other mechanisms. One of which is emerging in the world was the use of market based instruments… On the other hand aside from the market based instrument, we have public disclosure using the public—those that are the consumers to pressure the government and the private sector to do it right."*

During the initial transfer process, lessons were drawn mainly from Indonesia's experience with the PROPER program. It is to be noted that in time, other countries would develop their own version of EPRD and several workshops for sharing and exchanging lessons about EPRDs would be organized by the World Bank and the Asian Environmental Compliance and Enforcement Network (AECEN), but these came later on—in 2006 and 2007 at workshops held in Beijing.

A comparison between PROPER and Ecowatch indicate that indeed certain elements were modified. This included the name of the program, the coding system, scope and coverage, as well as rating criteria (see Table 1). These differences are at the micro-level but the overall program design and structure are found to be similar. In fact, the technical consultants' report indicated that the two programs were similar at the conceptual level and that *"the Ecowatch system was or more or less equivalent to the Indonesian system in terms of the effort level required by industries to achieve a green rating"* (Afsah, Casilla, & Tanchuling, 1997)

Table 1. Comparison between Indonesia's PROPER and Philippines' Ecowatch

Elements of the Program	**Indonesia's PROPER**	**Philippines' Ecowatch**
Program design	Environmental performance ratings and public disclosure	Environmental performance ratings and public disclosure
Criteria used	Compliance with water quality standards	Compliance with water quality quality standards (BOD)
Basis for Effluent discharge	Load-based standards (may also use concentration-based standards for some cases)	Concentration-based standards
Effluent standards	Vary across industrial sectors	Uniform across industrial sectors (except for Biological Oxygen Demand)
Coverage of rating system	water and toxic pollution	Water pollution
Codes for the rating system	5 color codes Black, Red, Blue, Green Gold	5 color codes initially, changed to 6* color codes in 2003 Black, Red, Blue, Green, Silver*, Gold
Disclosure Strategy	Press releases, media briefing	Press releases, media event

Source: compiled from Afsah, Casilla & Tanchuling, 1997
*a revised version of Ecowatch inserted a 6th category, SILVER to denote performance between GREEN and GOLD

3.2 Agents facilitating the transfer process

Two main actors were identified to be involved in the transfer process: the World Bank and the Philippine Department of Environment and Natural Resources. It has been widely documented that the World Bank has played a major role in the popularization of environmental performance ratings and pollution control. Their close contacts and work with the Indonesian government on various aspects of environmental management led them to support the development of the EPRD strategy at the onset and the success of the policy experiment led them to believe that it was a strategy worthy to be shared to the developing world. They acted as policy brokers when they approached the Philippine government to ask if they were interested in pursuing a strategy similar to Indonesia's.

On the one hand, World Bank was eager to test the feasibility of the new strategy as a means for pollution control and as such was looking to finance a similar program in another country. On the other hand, the Philippines was beset with issues on how to handle increasing industrial pollution and dissatisfaction with the status quo led them to be open to testing solutions from abroad. The Indonesian experience with EPRD was deemed a good example and a successful case and the Department of Environment and Natural Resources was thus quite receptive and very open to adopting the public disclosure approach.

One of the individual actors crucial in linking the Philippine government and the World Bank came in the person of Bebet Gozun, the National Program Coordinator of the Metropolitan Environmental Improvement Program (MEIP), a program established by the World Bank and the UNDP with the DENR to design and implement solutions to environmental problems in the Philippines. As a consultant to the World Bank, she was exposed to the success of PROPER and in her capacity as coordinator for the DENR program MEIP, she also acted as an adviser to the Secretary of the Department of Environment and Natural Resources (DENR). She was thus strategically positioned to act as a mediator between the World Bank and the Philippine government and was instrumental in convincing then DENR Secretary Victor Ramos to apply the same concept of performance rating and public disclosure to the Philippine setting.

At this point, the extent by which agents were "pulling" or "pushing" the transfer and adoption of Ecowatch during the pilot implementation of the program is analyzed. The push of external actors may be instrumental in facilitating or initiating the transfer in the first place but it is the extent of the pull by domestic actors that was found to be crucial by de Jong and his colleagues (2003; 2007) with regard to adapting and making fit the content and form of the policy being transferred or transplanted. After all, pursuing and sustaining of the transferred policy initiative lies in the hands of implementing actors.

This study looks at the different groups of actors responsible for the transfer process and the subsequent adoption of Ecowatch. Table 2 presents the groups of actors responsible for the transfer and adoption of Ecowatch along with their roles and the degree of push or pull they exerted during the transfer and piloting process. The main domestic policy actor identified here as "internal" was the DENR and specifically the DENR-National Capital Region (DENR^NCR) as the implementing agency for the pilot program.

Table 2. Different actors and their roles in the policy transfer process (pilot program implementation) of Ecowatch

Agents	Role	Extent of push or pull	Classified with respect to DENR-EMB
World Bank	Knowledge broker	strong push	Foreign, external
DENR Officials (Executive Committee)	Approval of project, vetoing	strong pull	Local, internal
Consultants (foreign from World Bank)	Technical consultant	strong push	Foreign, external
Consultants (local) UP FERDFI	Technical aspects of the program	strong push	Local, external
MEIP Office	Facilitator and coordinator of project;	strong pull	Local, external
DENR NCR and LLDA	Involved in initial implementation as sources of information	Minimal pull	Local, internal
DENR EMB	Implementor of the program	Minimal pull	Local, internal

As had been described in earlier sections of this chapter, external agents such as the World Bank and its team of consultants were crucial in initiating the transfer process and thus gave the initial shove needed for the development of Ecowatch in the Philippines. The receptivity of the Philippine government through the DENR provided the initial (strong) reinforcement for Ecowatch.

Policy brokers connected with the World Bank were keen on testing the idea of disclosure as a strategy for pollution control and to legitimize their role were therefore compelled to really make it work. The design and formulation of the rating system were undertaken by the consultants hired specifically for the program. As such, they were obviously driven by their contracts to deliver successful outcomes. It is to be noted that not all of the consultants were foreigners. In fact, conscious measures were taken to ensure that local expertise was employed (through the engagement of the technical team from the University of the Philippines College of Engineering), so as to ensure that the program was adapted to local conditions. However it must be noted that even these local consultants were external to the implementing agency.

The MEIP IEPC office and staff also played a strong pull for the adoption of Ecowatch. In essence because funds were channeled through them, they had oversight of much of the program development. While the program was implemented in the geographical jurisdiction of the DENR NCR and the LLDA, the MEIP IEPC was hands on in the implementation of the pilot program—they facilitated the discussions with the private sector to get them on board and to sign the Memorandum of Agreement and they provided oversight to the deliverables of the consultants. As a funded project with clear deliverables and targeted outputs, program coordinators and staff of the MEIP were answerable to the donors and had to report progress and outcomes.

While the DENR senior government officials approved and supported the adoption of Ecowatch, and hired and supervised the technical consultants to help develop and formulate the project, the involvement of agency staff specifically DENR NCR (and later on the Environmental Management Bureau or EMB) in the actual implementation of the pilot run was actually found to be minimal. On the ground pollution inspectors/officers of the DENR NCR claimed in interviews that they mainly acted as sources of information and that they did not conduct the actual "run" of the program themselves. NCR staff declared their role was *"mainly as supplier of information"* and that *"the consultants did everything"* (DENR NCR, interviews). While they provided feedback on the criteria and guidelines to be used, they were not the ones making the final decision about the design of the program and its operationalization. They also participated in the inspection, monitoring and validation activities, however the actual "run" of the pilot program that included analyzing the information and all the way to coordinating the public disclosures were all undertaken by personnel deemed external to the DENR EMB. Even

the act of mailing advance notifications to the companies prior to disclosures were undertaken by staff of the MEIP and not the DENR NCR (Afsah et al., 1997). The project team tasked to test-run the idea was in effect composed of the MEIP staff and consultants. They had the financial resources, technical capacity and most importantly the drive and motivation to make the program functional. Again it is pointed out that these people who operationalized the program and made it work were still *external* to the implementing agency. (It is to be noted that one of the main policy brokers, Bebet Gozun the program coordinator of MEIP later on became Secretary of the DENR. It was only then when she became an integral part of the organization (internal) that she was able to rally and champion Ecowatch to revive it from its inert state to be revised and legalized through a Departmental Administrative Order).

This later on proved problematic as the inspectors had trouble applying the criteria and they did not have experience in running the program by themselves. It has been shown that the transfer process was driven mainly by actors (not just foreign but also domestic) who were deemed external to the implementing agency. Local and internal actors within the DENR did not have the chance to "pull in" the program and to adapt it to their needs. Furthermore, this did not contribute to their ownership of the program. Lambino (2013b) has shown that there was in fact a widespread lack of acceptance and buy-in for the disclosure program within the bureaucracy which contributed to the dysfunctional operationalization of Ecowatch. This is in contrast with the experience of the PROPER program development in Indonesia. BAPEDAL also benefited from foreign technical and financial aid but even when these were withdrawn, domestic actors directly involved with implementation were able to fashion and work out the program details according to their needs.

All information about PROPER including the lessons learned and the contextual factors that made it successful were routed through the policy brokers who facilitated and shared the information to the Philippine side. During the actual transfer and development phase of the EPRD program in the Philippines, there was limited contact between the DENR agencies and BAPEDAL so the local agency had limited opportunity to analyze in detail how exactly BAPEDAL made the program work.

A deeper look at the pilot run of Ecowatch during the period 1996 to 1997 indicates that the success of the piloted Ecowatch can be attributed to the fact that its implementation was driven mainly by actors who had more at stake in the success of the transfer process.

3.3 Drivers for the transfer of environmental disclosure program in the Philippines

What drove the adoption of public disclosure programs in the Philippines? Was there pressure from external sources or did the Philippine government exercise a search for solutions? The motivations for the adoption of ecowatch were also fleshed out in the course of the research.

The strong influence of the World Bank in the adoption of EPRD in the Philippines cannot be discounted and therefore the external pressure framework was initially thought to be a prime motivation for the adoption of EPD in the Philippines. The World Bank was eager to test the feasibility of the new strategy as a means for pollution control and as such was looking for other cases to build up on their research. They acted as transfer broker or policy entrepreneurs. However this study has found no evidence of direct imposition or coercion. The Philippine government was by no means forced to adopt the policy based on conditionalities from international aid. The support provided to the Philippines was based on a grant to develop and pilot test an information disclosure-based regulatory strategy. When the World Bank brought up the idea of adopting a program similar to Indonesia's PROPER, the Philippine government's response was a strong *"Yes, we were very interested" (Gozun, interview 2012)*. At the time, policy makers in the Philippines were on the look-out for solutions to the increasing levels of industrial pollution in the country and were looking at other mechanisms as regulatory mechanisms has been found not to be effective. Public disclosure systems were seen to be a promising solution matching the needs of the Philippine government. This was confirmed by another high ranking DENR official at the time who stated that the motivations of adopting Ecowatch were based on "*Two considerations-one was strategic-industrial pollution had risen to a higher priority. We were concerned about our inability to manage it effectively. Two-opportunistic. The World Bank gave an opening which we saw could help us address a strategic objective"(La Vina, personal communications 2012).*

These statements from the domestic policy actors involved in the transfer process, suggested that domestic policy makers had autonomy on the one hand. On the other hand, the DENR also saw an opportunity in accessing technical and financial assistance from the World Bank. Furthermore, the normative influences of the World Bank cannot be discounted entirely especially as they played a major role in the transfer process. The

underlying theories behind these drivers will be discussed in turn.

3.3.1 Lesson Drawing and Cognitive Shortcuts

Domestic actors were quite willing to undertake the adoption of the policy which indicated that the Philippine environmental department was driven by their interest in resolving the rising pollution issues caused by industries and as such behaved as rational actors. However, it was found out that Ecowatch was not a product of a wide ranging, systematic search and assessment for the best solution as described by the rational learning frameworks for policy diffusion.

Information about the novel policy developed in Indonesia was made available to the Philippine policy makers by knowledge brokers of the World Bank. Despite the relative newness of the performance rating and disclosure innovation at that time and a short track record, the Philippines was quite eager to try it out by virtue of the program's success in Indonesia as perceived by the international community. The limited information about PROPER suggested that domestic decision makers used cognitive shortcuts in transferring the program to the Philippines. Further analysis was undertaken to look into the cognitive heuristics framework and to find out if the three primary inferential shortcuts of availability, representativeness and anchoring described in cognitive psychology regarding how agents decide under cases of uncertainty (see Tversky & Kahneman, 1974 for a deeper discussion) can provide an explanation of Ecowatch adoption. The availability heuristic attributes the tendency to attach importance to information that is tangible, immediate and present. High impact, dramatic or spectacular events capture attention and influence judgements and behavior. Neighborhood effects are claimed to be caused by this heuristic and this can be seen in the case of the environmental public disclosure policy. The enthusiasm and attention generated by the pollution disclosure policy in nearby Indonesia was something that prompted the Philippines to undertake the same. Next, according to the representative heuristics, what guides decisions on whether to adopt a model or not, is the emphasis on short-term success and immediate outcomes. Such shortcuts allow decision makers to over-interpret and over-estimate information—in this particular case, the Philippines had such high hopes of replicating the experience of Indonesia leading the country to be the first (early) adopter of the policy instrument. In the technical briefings to the press and public and launching of the program, the Philippine government continuously invoked the success of Indonesia's PROPER as a means of justification of the policy. However, some literatures have since watered down some of the enthusiasm for these type of strategies by indicating various factors and pre-requisites that make these programs work (Blackman, 2010; Van Rooij, 2010). The third heuristic commonly used by agents to decide pertains to anchoring, where an undue weight is given to an initial value and thus affecting subsequent assessments. This shortcut explains the tendency for restricted adaptation and in the words of Weyland (2005), it "limits the range and preserves the basic nature of the imported model". The Philippines followed the template of PROPER and while adaptations were undertaken, it was limited to peripherals. The foregoing discussions indicate that the manner of lesson drawing for this particular policy transfer is best described by the cognitive heuristics framework.

3.3.2 Utilitarian Motives

Another aspect that served as a factor in the transfer process was the window of opportunity cited by former DENR Undersecretary La Vina which provides evidence of the utilitarian motives –the added value of funding and technical assistance. While the Philippines in general is no longer considered an aid-dependent country (Hailu & Shiferaw, 2012), governmental departments in the past have relied heavily on foreign assisted projects and grants to fund its operations due to limitations in its own internal budgets. The DENR in particular is one of the departments receiving the smallest appropriation from the national budget. Data show that DENR's expenditures for 1998 was just about 0.8% of the national budget. Furthermore, most of the budget is spent on personnel services (some 85%) with very little allotted for operations and capital expenses. During the 1990s, the DENR Environmental Management Bureau did not have equipment for water sampling and analysis and had no means to monitor the more than 10,000 industries under its regulation (Asian Development Bank, 2008). As such, DENR has had to rely heavily on foreign assistance in order to bridge their funding gaps and to be able to meet their operational objectives (ibid). It is no wonder then that when international aid agencies offer grants for program implementation, the Philippine government would be quite open and willing to take them on.

3.3.3 Quest for legitimacy

Another more subtle way of influence that international institutions have is through the promotion of policies or innovations as models. This has the effect of convincing and prompting countries to adopt these models by reshaping their preferences (Weyland, 2005). This behavior to attain greater legitimacy through the adoption of practices vouched by external agents is also attributed to institutional isomorphism and is said to be commonly seen when entities are highly dependent on external constituencies for resources (DiMaggio and Powell, 1983), as is the case for developing countries like the Philippines. Andrews (2013) regards this behavior as a form of signaling to ensure that entities like governments in developing countries are able to attain as well as retain external support and legitimacy. Often, these efforts are rewarded with external perception of government effectiveness.

For the case of Ecowatch, because of the presence of the World Bank, the norm-emulation mechanism can also be seen to be at work. The World Bank was able to influence the adoption process not through coercion but through persuasion—by making the adoption of the Indonesian PROPER model attractive to the domestic agents in the Philippines. It is to be noted that the Philippines is an active participant in the international environmental arena and is said to be one of the most responsive with regard to environmental management in Southeast Asia (Tan as cited in Florano & Prieto, 2008). It is also one of the countries with the most multilateral environmental agreements signed with a strong procedural compliance (meaning, it dutifully abides with procedures such as report submission etc.) however substantial improvement in environmental conditions have yet to be reported (ibid). It has continually looked to the international sphere for ideas and been quick on the uptake for any policy trends or fashion and as such is likely to be strongly influenced by international norms. For example, when market based instruments, environmental certification systems started to be in vogue internationally and the Philippines learned that other countries have adopted it, the government also learned to set up environmental user fees and other programs such as ecolabeling systems. So when the information-based regulatory system model was developed, the Philippine government was quick to take it up for implementation.

This study finds that the impetus for adoption of Ecowatch were actually three-fold: as a means to gain legitimacy, as a sincere desire to generate a solution to a domestic problem and as taking advantage to access funding and technical expertise. Because of the manifest benefits that may be achieved through the process, this study describes the phenomenon observed as an opportunistic-driven policy transfer. Certain features arising from the theoretical underpinnings of the drivers of the process serve to explain the outcomes observed for the transfer process. This is the subject for the next section.

3.4 Outcomes of the transfer process

The Ecowatch ratings conducted in April 1997 indicated that only 4 out of 52 companies rated were compliant (granted BLUE code). However after privately notifying the companies about their ratings, prior to full disclosure, some companies were reported to respond and improved their performance accordingly. Full disclosure with broad media coverage was reported in November 1998 with a marked increase in the number of blue ratings: from 8% in April to 58% in November 1998.

These results were very encouraging and generated immediate positive response from the companies. This initial success convinced the DENR to adopt it as a new compliance monitoring system with the aim of promoting mandatory self-monitoring among industries. Thus, the Industrial Ecowatch was adopted in June 1998 as Departmental Administrative Order (DAO) 98-51 within the Department of Environment and Natural Resources. This administrative order specifies the adoption of the Industrial Ecowatch system by the DENR as a national program and provides implementation guidelines. It was to be carried out by the staff of the then Environmental Management and Protected Areas Service (EMPAS) in the DENR Regional Offices. Section 4 of DAO 98-51 specifies the criteria for rating and the color code assignments while Section 8 specifies that the disclosure of the results will be done once a year after prior information to the rated industries.

Up to this stage, it can be said that the transfer of environmental performance rating and public disclosure (EPRD) from Indonesia to the Philippines can be deemed successful. However, a closer investigation and tracking of its implementation from the time it was institutionalized as a DAO in 1998 and its many on and off implementation and revivals up to the present revealed issues and challenges.

After DAO 98-51 was enacted, the program did not take off and effectively became inert for many years. It was revived in 2003, when Bebet Gozun one of the policy brokers for the EPRD transfer, was appointed as DENR Secretary where she amended and revised the Industrial Ecowatch system through DAO 2003-26. Since the

revised administrative order in 2003 was released, the regional offices of the EMB have been conducting environmental performance ratings for the companies in their respective regions. However what is interesting to note is that from the period 2003 to the present, no public disclosures have been undertaken leading to dysfunctional implementation. While in practice this program continues to be running, it has ceased to be a public disclosure strategy. Interviews with various staff of the EMB indicate that there are challenges in the institutionalization of the program: *"…implementation is haphazard"*; *"The purpose of ecowatch is no longer being pursued…rating is selective"; "Ecowatch….is not being implemented as according to the DAO"; "The present rating system...is difficult to defend it… there are a lot of gray areas, the guidelines are unclear and need to be refined or cleaned up"*.

The many on and off implementation and revivals over the years and its subsequent dysfunction and sub-optimal operationalization generate some interesting questions. Despite its potentials and promises, why was the success of the pilot implementation of Ecowatch not sustained? What are the challenges in embedding this program into another context? What are its implications for the actions of agents of transfer?

4. Discussion and analysis

The involvement of external and internal agents in opportunistic policy transfers creates dynamics that generate characteristic features of the transfer process. It was observed that external agents had a major role in the choice and actual design of the policy. The underlying theories also created certain biases for actors which led to constraints in the adaptation and contextualization processes crucial to making policy transfers work and become effective. The features of the transfer process that was observed based on document reviews and interviews in the course of the research are described below. This study argues that the drivers for the transfer process affected the manner of transfer leading to less adaptation and contextualization by focusing on one model and best practice and focusing on the solution rather than the problems.

4.1 Focus on one model and best practice

Numerous accounts have been documented about the folly of direct copying of policies (see for instance Sharman, 2010). However, for the adoption of Ecowatch, consultants who were involved in setting up the system in Indonesia were brought in to the Philippines with predetermined contracts to continue working on the template that had been developed and not to develop a separate design. The funding for the project was based on the assumption of testing and promoting the EPRD strategy and did not leave much room for experimentation by the Philippine side. As is characteristic of a grant or funded project, the DENR was constrained to adopt the particular instrument being modeled, in this case the EPRD similar to Indonesia. Another characteristic of grant projects are the programmatic operational system which ensures or oversees allocation of resources funds as well its justifications. Pressure to abide and make sure that program goals, objectives or targets are fulfilled or subscribed to. Any deviations in plans or programs or activities need to be justified to donor agencies. Therefore, donors keep close tabs on the workings of the program. On the one hand this is positive in that it keeps the program on their toes and ensures smoother operationalization; but it can also be limiting and a burden in terms of staying as close to the program design and path so as to leave little room for adaptation and improvisation which is such an important part of program implementation.

At the receiving end, the Philippines was more than willing to take on this same strategy—it was after all lauded as successful and promising. Since it worked in Indonesia, it was assumed that similar results will be generated in the Philippines. The inferential shortcuts exhibited by Filipino policy makers led to biases with regard to the range and scope of the lessons they can draw from experiences abroad as well as the adaptations they can make to suit the policy to their particular context. The availability of a promising solution offered by the Indonesian model to a real problem found domestically put the agenda in the plate of the Philippine government, rendering the search for other versions of the solution over. The representative heuristics convinced them to adopt the policy based on short-term evidence of the success presented by PROPER and anchoring confined the adjustments to the policy at the micro-level without substantial alteration to suit the specific needs of the Philippine context. Aside from failing to consider other models of information-based systems such as the Toxics Release Inventory in the US and Pollutant Release and Transfer Registers found in many developed and developing countries, as well as looking at the Philippines' own experience in successfully implementing honoring and shaming programs previously (i.e. DENR version of Dirty Dozen in the 1980s and Poison Awards implemented by a local NGO, Sagip Pasig Movement), this type of transfer carried some risks such as context

oblivion, filtering of information and denial of learning results.

Other studies evaluating the efficacy of a Public Disclosure Program in the Laguna de Bay Region in the Philippines that is essentially a regionalized version of Ecowatch (and also modeled after PROPER), indicated that the PROPER template may not be the most appropriate for the context of the Philippines (Lee, Lejano, & Connelly, 2013; Lambino, 2013a) Lee and his colleagues found that flaws in the design of the program led to ineffectiveness and that there were degrees of incompatibility with the institutional context (ibid). They recommend redesigning of the program to correct the mismatch between the disclosed information and target users. Their suggestions include involvement of other stakeholders (e.g. NGOs) in data verification processes—a design element found in the successful implementation of the NGO-initiated disclosure program in the Philippines called *"Lason"* or Poison Awards; and making available raw pollution data—a design element found in the TRI and PRTRs. Thus, the adoption process would have benefited from looking at other models of information-based systems applied for environmental regulations and learning from previous endogenous programs instead of a narrow focus on best practice templates.

4.2 Focus on solutions vs. problem solving

Transfers associated with international best practices also create inordinate attention on the prescribed solution rather than the problems it aims to solve. In the case study, the transfer process was premised on adopting a version of Indonesia's PROPER template, so it was not surprising to observe that the pilot program was heavily focused on the program details right from the start and in demonstrating that the program can be implemented. Consultants were busy designing the data collection and reporting format and developing the computerized rating system even before the whole concept of using rating and disclosure as a regulatory strategy had general agreement and consensus within the implementing agency (especially at the implementing agent level) or even that computerizing it would be useful. This issue became evident later on when the acceptability of full disclosure of the results of the rating system continue to be debated on and off by the EMB in various evaluation workshops for the program and there was unwillingness for a full disclosure of rating results (Lambino, 2013b). The downside of focusing on program details became obvious when the computerized rating system was never used after the pilot program. In the 1990s, computers were not common or staff barely knew how to use them. While there were attempts to utilize the Ecowatch computer model that consultants painstakingly formulated, for some reason or another it proved to be unfeasible and eventually was not downloaded to the regional offices. All performance ratings since 2005 have been carried out manually. Most of the current implementers are not even aware of the existence of a computer program generated for the purpose of more efficient rating and disclosure. In fact, the Laguna Lake Development Authority when they developed their own public disclosure program in 2005 had to develop their own computer program to be able to generate automatic ratings.

This is consistent with Randma-Liiv (2005) who claim that those facilitating aid-related policy transfer often are focused on generating action and outcomes rather than "retrospective reflection" which includes previous success stories and failures. This finding also comports with de Jong and Xi Bao (2007) who assert that transplanting specific program details are more problematic and can impede the transfer process rather than just borrowing general ideas and concepts and then suiting them to one's needs.

The solution was the one driving the policy development process. Despite an overview assessment of the limited capacity and resources available within the DENR, (i.e. the lack of inspectors, equipment and even computers for the data management envisioned by the pilot), the pilot program's design was ambitious and optimistic that these limitations will be addressed during operationalization. The Ecowatch pilot program called for more consistent sampling and inspection activities. But an evaluation of the program undertaken in 2003 indicated that this was a significant drain on the limited resources of DENR and was considered unfeasible (REECS, 2003).

A focus on problems rather than the solution per se would have pointed out that the need was more urgent for how information can be generated, organized and managed in the first place considering that information management systems at the time were non-existent. In interviews, DENR staff involved during the pilot phase indicated that the rating software developed was quite simple—described as "keyboard punching only" by one staff, while another said manual analysis was better than the software as the computer was not perfect. The latter expressed that there was really no need to have a consultant to do the actual software as it can easily be done manually using the point system (DENR NCR staff, interviews). What was really needed was a way to improve credibility and reliability of the monitoring and data gathering capacity of the EMB. It was also essential to convince the EMB that systematic data collection, its analysis, management and dissemination are important for

monitoring and enforcement as well as to develop the capacity for undertaking these. And more importantly, issues linked to public disclosure needed to be threshed out. Because the transfer process was concentrated on details of the program based on the template, there was less input on protocols as well as prerequisites of disclosure programs such as a functional information database, enforcement consistency and disclosure strategies.

The study also found that lesson drawing was limited to a certain extent mainly because of the primacy given to the solution itself. All information about PROPER including the lessons learned and the contextual factors that made it successful were routed through the policy brokers (mainly consultants of the World Bank) who facilitated and shared the information to the Philippine side. During the transfer and development phase of the EPRD program in the Philippines, there was limited contact between the DENR agencies and BAPEDAL so the local agency had limited opportunity to analyze in detail the contextual factors and how exactly agents of BAPEDAL made the program work.

Moreover, the Philippines was an early adopter of the program. The program was only in its first few years of implementation in Indonesia when the Philippines adopted a similar approach and as such, may be considered still very much experimental. The empirical researches on the mechanisms that made PROPER work and documenting of the lessons came much later and as recent as the previous years (see García, Sterner, & Afsah, 2007; Blackman et al., 2004; Lee, 2010; Afsah, Blackman, Garcia, & Sterner, 2013). However, even at the onset, exposure and analysis of the PROPER implementation in Indonesia could have led to a comparison of the institutional and contextual factors that were crucial for success of the program. For example, it would have been observed that in Indonesia, a committed team from BAPEDAL was very much involved in the development and formulation of the program. And that part of the reason why PROPER was successful and "easier" to implement was because of the agency's experience with other programs entailing ratings and disclosure—essentially, PROPER was an extension of an existing program and built up on existing capacity (Afsah et al, 2013). Whereas in the Philippines, the program had to be accommodated within the regulatory structure of the DENR and new institutions needed to be set up. Ecowatch called for a new monitoring system, new ways of analyzing data and new channels of "enforcement" (presumably through the public channel if disclosures were activated). This entailed new kinds of commitment and capacity from the DENR (Lambino, 2013b) which later on hindered optimal operationalization of the program.

4.3 The role of champions and distributed agency

Individual agents in the form of domestic champions were found to have played a strong role in the transfer and setting up of Ecowatch in the Philippines. Then DENR Secretary Vic Ramos was a technocrat whose stint at the DENR in the late 1990s has been claimed to be described by an international magazine as ushering in the first green tiger of Asia. Bebet Gozun, the project coordinator of MEIP who facilitated for EPRD to be adopted in the Philippines was also instrumental in reviving it from its inert state when she assumed the post of DENR Secretary in 2003. For this effort, she was in fact a recipient of the UNEP Champion of the Earth—literally recognized as a champion.

For Indonesia's case, it was undeniably through the initiative and championship of Nabiel Makarim, former Deputy at BAPEDAL and former Minister of Environment that brought about the formulation, implementation and success of PROPER. However what may be overlooked is the fact that he had a team of equally dedicated personnel which ensured the latent implementation capacity of the program despite it being shelved for a period of time due to the Asian Financial Crisis (Afsah et al., 2013), making it easier to revive in 2002.

The notion that agents are crucial to institutional or policy change is undisputed. Individual champions, policy entrepreneurs and "leaders" have been identified as prime drivers of policy. Steinberg (2003) in his work detailing how conservation development blossomed in Costa Rica in the 1970s and Bolivia in the late 1980s has identified the role of individuals who, as bilateral activists, have wide connections with the international sphere as well as deep networks with the domestic domain. However, literatures on reform and institutional change while not necessarily downplaying the role that individuals such as champions, institutional entrepreneurs and bilateral activists have in instituting change, have stressed that a broader range of agents are important in implementing and sustaining policy change. Moreover, the exercise of leadership for development or institutional reform is usually undertaken in the plural rather than the individual and this makes for successful policy reforms (M. Andrews et al., 2010). Some authors such as (Whittle, Suhomlinova, & Mueller, 2011), Andrews and his colleagues (2010) have pointed out the disadvantage of a reliance on individual champions and argue instead for the notion of "distributed agency" which places the actualization of a policy or plan rests in the

hands and influence of a much wider range of actors. The notion of distributed agency emphasizes the role of other actors such as mid-level managers all the way to field implementers in embedding and operationalizing a given policy or program. Andrews (2013) finds that "new policies can demand behavior or require capacities that distributed agents do not have and as such it is important that they be engaged as early as the reform process during the design and not just as late-stage adopters". He cites studies that indicate higher rates of diffusion (and positive implementation) of the policy innovation were correlated with high rates of participation in change decisions. The case of Ecowatch points to the importance of how domestic champions are approached and the salience of building strong and loyal coalitions for the policy reform across various tiers of the adopting agency.

5. Conclusion and Implications

This paper has focused on analyzing several features of the transfer process to gain insights into the dismal outcomes of an otherwise promising policy innovation. The analysis indicated that the motives behind the uptake of the EPRD system in the Philippines were found to be subjected to political, technical and economic influences. The adoption was prompted by domestic actors' sincere desire by to generate a solution to a domestic problem, as a response to normative influences and as a means to access funding provided by an opportunity window.

The legitimation framework and cognitive shortcuts employed by Philippine policy makers in decision making worked in tandem to generate certain features of the transfer process. Cognitive shortcuts influenced the decision making processes by limiting the choice to the model offered by Indonesia. External influences brought with it best practice templates which were assumed to work with some modifications due to contextual considerations. However, the focus on specific program details and demonstrating that the solution worked impeded the process of contextualization and overlooked the need for considerable adaptation.

The prominence of external agents and domestic champions led to the successful demonstration of a pilot program, however this was not sustained because distributed agents within the bureaucracy were not engaged deeply. This study finds that domestic champions are important especially in initiating policy changes or innovations but the main work of institutionalization and sustaining a particular policy change initiative needs not just the buy-in, but the engagement of a much wider set of actors. For Ecowatch, the lack of "pulling-in" of the agents internal to the implementing agency became a factor in its dysfunctional operation.

Innovative environmental policies are urgently needed to address the world's increasing environmental problems. Given the limited technological and financial capabilities in developing countries as well as the wealth of policy ideas available in the international sphere, it is not surprising that developing country governmental agencies would look abroad for potential solutions to local problems and adopt policies already existing elsewhere.

When the trend in the past was to look to solutions in developed nations, it has made sense to learn lessons from other developing nations as the conditions are claimed to be much more similar. This has greatly improved the chance of transplanted policies being more successful. However in cases when the transfer process is not entirely endogenously driven but facilitated and negotiated by external institutions such as aid agencies or financial institutions, the dynamics need to be examined as they may be fraught with challenges. Financial and technical assistance which provides additional incentives for policy transfer can and should by all means be accessed. This paper provides a cautionary tale of adopting best practices based on models and argues that the work of adaptation and translation should not be taken for granted and that in some instances, the wheel may need to be reinvented again.

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