

## FOREWORD

In the Charter of the Association of Southeast Asian Nations (ASEAN), which came into force in December 2008, one of the purposes of ASEAN is stated as:

“To promote sustainable development so as to ensure the protection of the region’s environment, the sustainability of its natural resources, the preservation of its cultural heritage and the high quality of life of its peoples.”

Indeed, the ASEAN region has an abundance of natural resources. Its biodiversity is immensely rich and unique. Its ecology is still being explored, and new organisms just discovered. At the same time, this lush and varied geography is heavily populated by many nations with long histories and traditions.

Civilizations have come and gone in Southeast Asia. Yet, globalization and the modern age have brought dynamic economic development with the relentless exploitation of the natural wealth. Through the years, Southeast Asians have endeavoured to balance progress and sustainability. This has now acquired urgency, as climate change is no longer an academic pursuit.

The challenges faced in protecting the natural resources and advancing the material well-being of society, are tackled in different ways by the different member states of ASEAN. Some governments focus on enacting new laws and regulations at the national level. Others establish or strengthen requisite institutions. Joining international organizations and signing on to international agreements and conventions, is another strategy which has been used. The contents of this book clearly demonstrate the efforts of the ASEAN policy-makers. Nonetheless, all these actions encountered various problems and it is a remarkable accomplishment to have arrived at this stage.

It is time-consuming to work through any one particular measure. The domestic considerations are now intertwined with transnational concerns. With the increasing transcendence of country boundaries, no walls separate or contain environmental disasters such as air and water pollution. Neither are there demarcations to

discriminate the exploitation of forests and underwater assets. There is no quick solution to environmental degradation and unsustainable use of the natural resources.

Since 1977, ASEAN as a collective, has nevertheless embarked on regional initiatives aimed at tackling such challenges. Several agreements and frameworks have been drawn up. They are part of the process of regional cooperation and community building. However, implementing ASEAN's agenda on the environment has been patchy. The pressures of feeding a large population, coupled with the incessant demands of the market, make any enforcement of laws and protection, imperfect. Several ASEAN member states have also to grapple with many bureaucratic and anti-social habits, which further complicate the management of natural resources and the promotion of environmental protection.

A case in point on the ASEAN process is the ratification of the ASEAN Agreement on Transboundary Haze Pollution. Given ASEAN's diversity in culture and politics, the regional organisation adheres to the practice of non-interference in the differing governance systems. While this has given rise to peace and intensified economic collaboration within the ASEAN region, the practice has also led to criticisms of ASEAN being a stumbling block, hindering progress on the environmental front. Despite many in ASEAN having a strong desire for laws and regulations, which enable more protection for the environment in ASEAN, we have to recognise the need for the ASEAN process to run its course. ASEAN would have to approach environmental sustainability in a balanced and step-by-step manner.

A concrete example of progress is encapsulated in the ASEAN Socio-Cultural Community (ASCC) Blueprint that will be endorsed by the ASEAN Leaders at the 14<sup>th</sup> ASEAN Summit in 2009. This Blueprint serves as a common denominator, which will help guide the development of ASEAN member states towards environmental sustainability and thereafter aid work in harmonizing environmental laws and regulations. Acknowledging the diversity in ASEAN, the ASCC Blueprint is an open declaration of ASEAN's commitment and determination towards achieving environmental sustainability for the region.

As we seek more laws and regulations for the ASEAN environmental landscape, it is imperative that we recognise that ASEAN works primarily on the basis of trust and cordiality. As such, laws and regulations that are of a regional nature

would certainly have to be guided by the capability and capacity of each ASEAN country. There is no one-size-fits-all approach in managing the environment and sustainable development in ASEAN. Ultimately, all ASEAN member states share a common but differentiated responsibility in the protection and conservation of Southeast Asia's special and valuable environmental heritage.

*ASEAN Environmental Law, Policy and Governance: Selected Documents*, in two volumes, covers a wide range of topics and will be a boon to capacity building and in promoting awareness in environmental sustainability in the ASEAN region and beyond.

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