

INTRODUCTION

Over a decade has elapsed since my first compilation, *Selected ASEAN Documents on the Environment* was published in 1996. It was launched in conjunction with the official opening on 1 July 1996 of the Asia-Pacific Centre of Environmental Law (APCEL), established by the Faculty of Law, National University of Singapore (NUS) in partnership with the International Union for the Conservation of Nature (IUCN) and in collaboration with the United Nations Environment Programme (UNEP). That publication was prepared for use in the APCEL/IUCN/UNEP 'Training the Trainers Course on Capacity Building for Environmental Legal Education in Asia and the Pacific' which was held in 1997 and 1998 at the Faculty of Law, NUS. Those two courses, which were sponsored by the ADB (Asian Development Bank) and NUS, attracted environmental law professors from some 15 countries in the Asia-Pacific region and were designed to help develop and hone participants' pedagogical skills to teach what was then a 'new subject' back home in their respective universities.

Back then and more so now, environmental law was and is becoming increasingly important, complex and dynamic. The course we organized was significant in that APCEL answered the call of the 1992 United Nations Conference on Environment and Development's Agenda 21 (paragraph 8.20) that "competent international and academic institutions ... cooperate to provide ... training ... in environmental and developmental law." The materials used for the course were those relevant to the region and included environmental instruments emanating from ASEAN.

Since the publication of *Selected ASEAN Documents on the Environment*, ASEAN has incrementally developed more instruments on environmental law, policy and governance to augment and refine existing ones. New areas such as climate change and energy, freshwater water resources and zoonotic diseases (for example, avian influenza and SARS) have also been addressed over the years. As Agenda 21's call for promoting environmental education is being implemented throughout the world, ASEAN is taking up this crucial challenge by strengthening its capacity to work towards the development of environmental

sustainability. Strategy 4 of the ASEAN Strategic Plan of Action on the Environment, 1994–1998 states:

... as environmental issues now transcend beyond regional boundaries, the need to develop these capabilities in order to implement international agreements on environment as well as effectively participate in the negotiation of new international treaties and the review of existing ones, cannot be over emphasized ASEAN from a regional standpoint should strengthen its regional capacities.

One recent landmark of ASEAN cooperation is the ASEAN Environmental Education Action Plan, 2000–2005. It has now been succeeded by the ASEAN Environmental Education Action Plan II 2008–2012. More recently, the Charter of the Association of Southeast Asian Nations, 2007 (ASEAN Charter) has called for the development of human resources through cooperation in education, the enhancement of good governance and the promotion of a “people-oriented ASEAN”.

ASEAN Environmental Law, Policy and Governance: Selected Documents, in two volumes, is a compilation of a selection of over 150 documents. The scope of environmental law is wide-ranging and straddles the three “ASEAN pillars”, namely, security, economic and socio-cultural communities — with the environment being subsumed under the third of these mutually reinforcing pillars. It is not always easy to discern the interconnectedness of environment with other disciplines. For example, what has, ASEAN’s interfaith initiatives to do with the environment? Not everyone knows that the Earth Charter, which is the ethical foundation of environmental sustainability, has had significant inputs and endorsement worldwide including from interfaith religious organizations. What is the relevance of the Treaty on the Southeast Asia Nuclear Weapon Free Zone, the ASEAN Convention on Counter Terrorism, cyber crime, the rights of women and migrants to the environment? They do have an impact on the environment in direct or tangential ways. The list goes on, so I will not belabour the point.

Volume I consists of two sections: Section I, *Setting the Stage for ASEAN Environmental Cooperation, Harmonization and Integration* — contains documents which are directly or indirectly related to or have a real or potential impact on the various aspects of environment. This section gives an overview of the various mutual reinforcing and interrelated documents on the environment. Section II, *General Legal Frameworks on the Environment: Part A*, deals with the general

programmes, strategies, plans of action and blueprints; Part B covers general declarations, resolutions and accord. These are soft law instruments.

Volume II deals with sectoral areas including nature conservation and biodiversity; transboundary pollution; water resources management; animal and human health; and energy and climate change.

ASEAN has a vital role to play in shaping environmental law, policy and governance. It can facilitate and has facilitated the implementation of multinational environmental agreements. This requires greater cooperation and collaboration among its members, but is not easy for many reasons — not least because of new, emerging, and unchartered environmental issues, new scientific discoveries about the interconnectedness of environmental issues. There is inadequate coordination among ASEAN member states, as they still lack the experience in tackling environmental issues. However, the ASEAN legal frameworks such as programmes, plans of action, strategies, policies and a host of other initiatives in these two volumes provide the roadmap of the progress ASEAN has made over the last thirty years since environment was put on the agenda in 1978. These documents can point the way to the future and provide guidance for ASEAN to achieve its Vision 2020 of an ASEAN Community “clean and green ... with fully established mechanisms for sustainable development to ensure the protection of the region’s environment, the sustainability of its natural resources, and the high quality of life of its peoples.” At the 12th ASEAN Summit in 2006 it was decided to accelerate the ASEAN Community by 2015.

To achieve this *Vision*, capacity — building and research are critical to galvanize action to meet the challenges of sustainable development. The ASEAN Charter demonstrates that there is the political will to forge ahead with the three pillars, which include environment. If ASEAN is to play a meaningful role in the dynamics of participatory regionalism not only at the national level of its members but in a multi — polar world, we need to lay a strong foundation for understanding the ecological problems that ASEAN and the world faces today.

This publication is timely as the ASEAN Charter has entered into force since 15 December 2008. The 14th ASEAN Summit was held from 27 February to 1 March 2009 in Cha-Am Hua Hin, Thailand. Some of the relevant documents from this Summit were just in time to be included in this volume I.

I hope this compilation will serve as a useful reference book and demonstrate the progressive development of environmental law in the areas of cooperation, harmonization

and integration before ASEAN moves forward. Having these documents easily available is the first step in facilitating access to the materials now extant and in promoting awareness and interest in this area. In the 2007, the ASEAN Declaration on Environmental Sustainability stated that ASEAN would contribute to the UN Decade on Education for Sustainable Development through the ASEAN Environmental Education Plan. Capacity-building and research are crucial, and for a start I will be offering an elective course by the same title at the Law Faculty, National University of Singapore, beginning in the second semester, January 2009.