

THE ASEAN 1985 AGREEMENT ON THE PROTECTION OF NATURE AND NATURAL RESOURCES

Written by *Monirul Islam*

Graduated on LL.M. University of Malaya, Malaysia, LL.M. Jagannath University, (LL.B. Hon's), International Islamic University Chittagong

ABSTRACT

The ASEAN 1985 agreement is held for the protection of the natural world and natural resources which is an important contract between the ASEAN countries. This paper explains how to this ASEAN agreement can protect biological diversity to maintain essential ecological processes and life-support systems, to preserve genetic diversity, and to guarantee the sustainable utilization of living resources which includes also social progress, economic development, cultural development, regional peace with stability, and mutual assistance on the issue of common interest. However, if this 1985 agreement fails to fulfill above refereed elements it will be affected on nature and natural resources. For protecting the natural resources and other elements, the member states should make proper commitments with principals of justice and rule of law and ensure certain rules of behavior. Moreover, political issues can be mutually detached and promote a sense of regional identity in ASEAN.

Keywords: Biological Diversity, Natural Resources, CBD, Development, Other Biological Conventions

1.1 INTRODUCTION

The preamble of 1985 agreement recognizes the interdependence of living resources, between them and with other natural resources, within ecosystems of which they are part...”, and calls upon parties to progress national protection strategies and to coordinate such within the framework of a conservation strategy in the Region. The foremost of the Agreement is the

conservation of wild flora, fauna and renewable resources including soil, vegetation, fisheries through the protection of ecosystems, habitats and endangered species, and by ensuring sustainable use of harvested ones. On the contrary, Michael Bowman, Peter Davies, and Catherine Redgwell said that “the founding declaration shows that the organization's aims include the acceleration of economic growth, social progress and cultural development in the region as well as the promotion of regional peace and stability, active collaboration and submission report related issue, etc.ⁱ However, Six parties of the agreement became then member in ASEAN with mutual cooperation on matters of common interest”. This agreement was firstly enforced in 1978 for conserving the nature and natural resources when the Association of Southeast Asian Nations established in 1967 and it constituted ten numbers at the time of establishment.ⁱⁱ There are ground-breaking features which set out management requirements with protected area. It is involved with some creation, implementation of management plans. The agreement protected outside protected areas when it may be harmful results for ecosystems within the protected area. The agreement keeps many roles within ecological process and ecosystem in the protection of biodiversity. There are 34 articles with eight chapters in this agreement where most of the articles said about protection of nature and natural resources. The provisions are mainly related to vegetation cover, harvested species, forest resources, water, air pollution, specific land, etc. This agreement also includes the number of procedural mechanisms on the behalf of implementation of the terms of agreement which is involved with meeting of the contracting countries at least once time within three years and make secretariat to coordinate functions. In this paper, I will argue to anaysis the key problem and focus the real solutions regarding nature and natural sources.

1.2 HISTORY OF THE ASEAN 1985 AGREEMENT

In Jakarta, Indonesia, the agreement apprehended from 18-20 December in 1978 at the first meeting of the ASEAN Working Group on Environment. In this meeting, it is recommended for developing the agreement when the fifth meeting of 1982 was in Manila on from 3-5 November in 1982 but fails for supplementary studies. However, there was a lack of technical experts and legal workshops. A draft then was accommodated in 1983 by the ASEAN Expert Group on the Environment at 6th Meeting and this Agreement was adopted.ⁱⁱⁱ The agreement signed on 9th July 1985 by then six-members countries which were Brunei, Singapore, Malaysia, Indonesia Philippines, and Thailand. It is then considered a legally binding

agreement that was involved with natural resources at that time. To date, only three of the six signatory member states, Indonesia, the Philippines, and Thailand have ratified but Malaysia, Brunei, and Singapore do not endorse.^{iv} Consequently, it is therefore not yet enforced. Later, the question arose that whether CBD overlooks the 1985 agreement in their term of contents when united nation of 1992 on the convention of biological diversity (CBD) came into existence. Nevertheless, there is no definite answer to this question.

1.3 PURPOSE AND OBLIGATION OF THE ASEAN 1985 AGREEMENT

The contracting parties will take a step to adopt the agreement whereas it is needed for national laws of their framework. The measures maintain essential ecological procedures and protect genetic diversity by ensuring the sustainable utilization of harvested natural resources. The aim of this principle is the goal of suitable development.^v To this end, parties shall progress national conservation strategies.^{vi} The Contracting Parties shall take step all necessary measures to ensure that the conservation of natural resources is a part of developing planning.^{vii} According to article 4 of ASEAN 1985 agreement, the Contracting Parties shall provide the attention of the harvest species and it includes as following:

- preserving harvested population
- protecting the ecological system
- Restoring depleted populations.^{viii}
- According to article 5 of the ASEAN 1985 agreement, the decision of this agreement is that all contracting parties will protect species which is endangered. It's wide-spreading the idea of 1985 agreement and keeps sustainable development of its key goal when special circumstances approach in oppositional way and protect the vegetation coverage and forest resources even soil, water, air.^{ix} Parties should protect environmental derogation whenever it is possible to conserve or reduce the control degradation of natural environment focused on the following articles.
 - To progress sound agriculture practices environmentally by inter alia.
 - To develop pollution control.
 - To promote fiscal incentives and economic.^x

Chapter 6 of the ASEAN 1985 agreement discussed Land Use Planning, Protected Areas sections 12 and 13 respectively. The contracting parties shall implement their development

planning and afford attention to this agreement. They will take proper actions to ensure the integration of natural resources conservation for the planning process.^{xi} The contracting parties will make appropriate jurisdiction, coastal, freshwater, marine protected areas for ensuring safeguard purposes.^{xii} For example:

- Ecological and biological procedure essentiality of the ecosystem of the region.
- General samples of all ecosystem regions.
- Satisfactory population levels will be with an ecosystem for the biggest number of species of fauna and flora.
- To protect the national park and its boundary when it is protected for the scientific, educational and researchable issue.
- Prohibit the exotic animals
- Prohibit toxic substance which can be damaged for ecosystem area.
- In addition to the establishment of the protected areas referred to paragraph 3 of article 13 which Contracting Parties shall develop through necessary steps by using the community, local authority or private owners. ASEAN Agreement on the Environment: protection of cultural and natural heritage: This ASEAN agreement contains natural and natural heritage provisions. Parties were agreed to protect freshwater, terrestrial, coastal or marine protection areas for ensuring safety.
- Significance of areas is scientific, educational, aesthetic or cultural institution.
- There are natural habitats of species of fauna and flora which can be emerged for endemic species.
- It is needed for maintaining zones of exploitable stocks of economically significant species.
- Pools of genetic material
- Ecological sites
- Reference fountainhead for scientific research in education.
- The parties of the ASEAN had taken necessary measures for conserving that area which was exceptional character and uncanny to their country or the region. This agreement also protected the areas whereas it contains reserves and national parks.

Besides it, the aim of this agreement has been also discussed in articles 19 and 20 respectively for eliminating adverse environmental effects when it possesses environmental pollution.

1.4 WEAKNESS OF 1985 AGREEMENT

The most important weakness is monitoring, helping and ensuring state compliance. The haze issue is continued over the years before the ASEAN Transboundary Haze Pollution Agreement (THPA). In this agreement, it is also included the undisputed of air pollution.^{xiii} Nonetheless, the problem of Haze initiates in 1985 to acknowledge the haze problem by accepting the Agreement on the protection of Nature and Natural Resources.^{xiv} Secondly, it produces the problem of a driving license which identifies with Thai domestic implication of the existing 1985 agreement by the Thai association.^{xv} The Thai government does not support the full effect on this agreement because ASEAN drivers have limited as stated in that agreement.^{xvi} Some new challenges can be observed in this agreement which did not present before 1985 agreement. Thirdly, Vehicle emissions are most important issue in ASEAN 1985 agreement, but no other country can take suitable steps for degradation of both local and global air quality before. The reason is that vehicle exhaust is most significant source of air pollution whereas cars become more general issues. Richard Stubbs stated that although both convention of 1985 Vienna convention and UNCLD and its protocol attempted to connect the present problem of air pollution, the forms of this presentation was so complex system of international legal and environmental challenges.^{xvii} For instance, air pollution is more localized problem than atmosphere pollution in 1985 agreement where air quality may be but through regional as opposed to international agreement. Finally, it limits the exploration of regional conventions.

1.5 THE PROBLEM OF RATIFICATION

There is no official reason why three signatory states do not ratify when the agreement passed. However, it was not available for the six signatory states. The 1985 agreement of Kuala Lumpur was innovative principals and forward looking approaches.^{xviii} It fails to achieve the required number of ratifications for enforcing when this agreement is ready for signing by the ASEAN members. The challenges of this agreement are actual national implication measures of ASEAN countries. Nevertheless, many steps had been taken to develop the national implication in some countries. In this agreement, there is some gap between the formulation, signature, negotiation, regional and sub-regional agreement, international ratification and their actual implication. It is notified that there are some obstacles to not providing the ratification. But, Prime Minister Najib Razak of Malaysia^{xix} said that

“Ratification of the agreement was an absolute necessity and part of the ASEAN goal of promoting the right to clean air for member states although Malaysia is not a member of this 1985 agreement. “

Although Malaysia is not a member of the ASEAN 1985 agreement. However, Obstacles of ASEAN 1985 agreement are related to national and international rules include as following:

- I. Poverty
- II. Deficiency of legal experts to be familiar with different types of ways whereas laws can be used for an environmental issue.
- III. Lack of technical equipment, manpower, funds, etc.
- IV. The weakness of the environmental organization. For instance: lack of enough training programmers, restricted funds and experiences.
- V. Lack of trained group for enforcing regulations of this agreement and fails to support the research area.
- VI. Lack of needful political support.^{xx} There is a weakness of article 20 of the 1985 agreement. That’s why this article was responsibility for ensuring the ASEAN activates of their national jurisdiction.^{xxi} Most claimed that whenever a member state would not get priority to solve the problem, it simply goes for no- ratification.^{xxii} In this agreement, site contamination measures were not for specific purposes.^{xxiii}

1.6 UNIFICATION OF 1985 AGREEMENT WITH CBD AND OTHER BIODIVERSITY CONVENTIONS

The question is that the issue of whether the 1985 Agreement was still relevant which rose by the ASEAN Senior Officials on the Environment (ASOEN) in 1996 and 1997 to calculate the relevance of the 1985 Agreement in the current context. This is primarily because most ASEAN members ratified the CBD and other global conventions involving with biodiversity, but 1985 Agreement was still not fully endorsed. Professor Koh Kheng Lian who refers that the 1985 Agreement is still relevant and should be ratified. The crucial point of the 1985 Agreement and other biodiversity-related conventions are for the conservation and wise management of resources to achieve sustainability.^{xxiv} Such as, the overlaps among the agreements and conventions can be harmonized at the enactment level. As for example, the 1985 Agreement affords that Parties shall not effort to introduce “exotic animal or plant species” in protected

areas as defined in Article 13 which indicates that exotic species may be allowed outside the protected areas.

On the contrary, CBD looks broader as Article 8(h) demands Parties to protect the outline of, control of or eradicate of those alien species which threaten ecosystems, habitats or species. This prohibition applies inside and outside the prohibited areas. However, the potential conflict between the two instruments may be more theoretical than real. Although there are certain overlaps between the 1985 Agreement and the other biodiversity instruments, there are also instances where the 1985 Agreement complements other biodiversity instrument in respect of certain matters.^{xxv}

For instance, the ASEAN endangered and threatened species in Appendix 1 do not necessarily correspond to the CITES list as the regulation of these species “requires dissimilar measures to be reserved under Article 5 of the 1985 Agreement Hence, the CBD and other global biodiversity conventions do not replace the 1985 Agreement.

Furthermore, ASEAN has considered the whole of its region as one ecosystem under the Bangkok Declaration in 1981 and thus, the 1985 Agreement could be in addition to the CBD and other biodiversity instruments provide a complementary overarching framework to deal with ASEAN’S bioregion at the sub-regional level, as well as at the national level. However, this agreement of 1985 also was involved with the ozone layer agreement in 1988.^{xxvi}

1.7 THE ASEAN CHARTER AND WAY

ASEAN 2020 vision^{xxvii} aims to emphasis the sustainable development. To make sustainable development in each country with national capacity, parties can successfully impact on this agreement if it is related to national policymaking with the national implement.^{xxviii} National action can be improved by using the strengthened global network. The main way of ASEAN is to build strong relations in south Asia is known as the ASEAN way. There are three collaborative approaches whereas no interference exhibited in other member states according to article 2(7) of ASEAN. It chooses for implementation of issues rather than reliance on strong region-wide bureaucracy and consensus building is with cooperative programs rather than legally binding treaties.

The above criteria reflect on the ASEAN methods when dispute regulation raise and disagreements are ordinarily settled between nations of ASEAN through discussion, conciliation. Therefore, such ways minimize pressure and unnecessary conflict.^{xxix} Apart from the 1985 Agreement, other regional agreements are enlisted in the effort to conserve and protect the ecosystem. However, these regional agreements are not being enforced and it is considered as soft law instruments. It mainly keeps the burden of implication, compliance, and enforcement of member states where there is no bureaucracy. A lot of challenges are faced by ASEAN which best example is Indonesia Haze. The ASEAN Charter is legally binding for ASEAN member states.^{xxx} Nevertheless, it is not clear the context to which the ASEAN can drive with new approaches for defending natural resources but it is not yet resolved for political response to other areas including sovereignty over natural resources.

1.8 RECOMMENDATIONS

- Need for members' commitment with principals of justice and rule of law and ensure certain rules of behavior.
- To keep preachment, political issues can be mutually removed and promote a sense of regional identity in ASEAN.
- ASEAN has already achieved regional conciliation between Indonesia, Malaysia, and the Philippines.^{xxxi} According to article 31 of ASEAN 1985 agreement, interpretation of implement of this agreement will be settled amicably by conciliation or negotiation. Through this negotiation, it is possible to forward far away i.e. This ratification problem can be solved by negotiation and regionally based on cooperative activities.^{xxxii}

1.9 CONCLUSIONS

ASEAN 1985 agreement includes a lot of estimable features and presents an engrossment and promise regional response for the need to protect biodiversity. However, the principals of this agreement are that whether its provisions are being affected with practical acknowledgment of the conservation of nature and natural resources or not. In this respect, it is distressing that the agreement has not still now arrived in force. Now it is waiting for expectant ratification. Moreover, signatories' countries can solve these problems by negotiation and conciliations.

BIBLIOGRAPHY

Journal Articles

- Bar, T. M. (2015, 09 30). The Transboundary Haze Crisis in Malaysia: A Clear Transgression of International Environmental Law. Malaysia.
- Ben boer, R. r. (1998). *International Environmental Law and Policy Series*. London, United Kingdom: Kluwer Law International.
- Blog, A. E. (2015). Giving Full Effect to ASEAN Measures, Including Drivers' Licenses. Retrieved 11 05, 2017, from <<http://aseanec.blogspot.my/2015/01/giving-full-effect-to-asean-measures.html>>
- Charter, T. A. (n.d.). Retrieved 11 04, 2017, from <http://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>
- Environment, A. C. (1985). *Agreement on the Conservation of Natura and Natural Resources*. Retrieved from <http://environment.asean.org/agreement-on-the-conservation-of-nature-and-natural-resources/>
- Goodwin, E. J. (2011). *International Environmental Law and the Conservation of Coral Reefs Routledge Research in International Environmental Law*. USA and Canada: Taylor & Francis.
- Heilmann, D. (2015). After Indonesia's Ratification: The ASEAN Agreement on Transboundary Haze Pollution and Its Effectiveness As a Regional Environmental Governance Tool. *Journal of Current Southeast Asian Affairs*, 34(3), 95- 121.
- Hiroshi Hasegawa, I. M. (2015). *Environmental Remediation Technologies for Metal-Contaminated Soils*. Tokyo Heidelberg New York Dordrecht London: Springer.
- Jing, L. (2014). *Preservation of Ecosystems of International Watercourses and the Integration of Relevant Rules: An Interpretative Mechanism to Address the Fragmentation of International Law* (revised ed.). Leiden, Netherlands: Martinus Nijhoff Publishers.
- Koh Kheng-Lian, N. A.-H. (2016). *ASEAN Environmental Legal Integration*. UK: Cambridge University Press.

Koh, K.-L. (2007). Asian Environmental Protection in Natural Resources and Sustainable Development: Convergence Versus Divergence? *Macquarie Journal of International and Comparative Environmental Law*. Australia. Retrieved 11 02, 2017, from <<http://classic.austlii.edu.au/au/journals/MqJICEEnvLaw/2007/3.html#fn8>>

Times, T. S. (2015, 09 08). Ratification of Asean haze agreement a historic step in tackling problem. Malaysia. Retrieved 11 07, 2017, from <<http://www.straitstimes.com/asia/se-asia/ratification-of-asean-haze-agreement-a-historic-step-in-tackling-problem-malaysia-pm>>

Books

Boer, B. (2015). *Environmental Law Dimensions of Human Rights*. United Kingdom: OUP Oxford. Retrieved 11 08, 2017, from <https://books.google.com.my/books?id=i7DqBgAAQBAJ&pg=PT168&lpg=PT168&dq=what+was+the+ratification+problem+in+1985+ASEAN+agreement&source=bl&ots=BY05vLcRE0&sig=ObbMzLs__XVszDiRCmXR9hA4Jho&hl=en&sa=X&ved=0ahUKEwjh-5iemKXXAhUBIZQKHc-WCnoQ6AEIQzAF#v=onepage&q>

Koh, K. L. (2003). Asean agreement on the conservation of nature and natural asean agreement on the conservation of nature and natural. (pp. 1- 12). Durban: World Parks Congress .

Litta, H. (2011). Regimes in Southeast Asia: An Analysis of Environmental Cooperation. In illustrated (Ed.), *Regimes in Southeast Asia: An Analysis of Environmental Cooperation* (2012 ed., pp. 13- 18). Germany: Springer Science & Business Media. Retrieved 10 28, 2017, from <<https://books.google.com.my/books?id=Mrk4eBhVsdoC&printsec=frontcover#v=onepage&q&f=false>>

Bowman, M., Davies, P., & Redgwell, C. (2010). *Lyster's International Wildlife Law* (2, revised ed.). Cambridge University Press, 2010

Simon S C Tay, J. P. (2001). *Reinventing ASEAN* (Vol. 228 of Book Monograph). Singapur: Institute of Southeast Asian Studies, 2001. Retrieved 11 01, 2017, from <<https://books.google.com.my/books?id=oG8yAgAAQBAJ&pg=PA258&dq=New+challenges+for+ASEAN+in+1985+agreement&hl=en&sa=X&ved=0ahUKEwiv9Zvo>>

mJrXAhUFtI8KHV m0CsYQ6AEIJTAA#v=onepage&q=New%20challenges%20for%20ASEAN%20in%201985%20agreement&f=false>

Stubbs, R. (1 Nov 2011). *New Challenges for ASEAN: Emerging Policy Issues*. Canada: UBC Press. Retrieved 11 04, 2017, from <https://books.google.com.my/books?id=YT-E6yyJwpAC&pg=PA29&lpg=PA29&dq=the+challenges+of+ASEAN+1985+agreement&source=bl&ots=duHhzt4M_1&sig=zIXA5fGYekRkXA_Y40GUW4KORTU&hl=en&sa=X&ved=0ahUKEwix0Yfmj5rXAhWFr48KHbjLBUQQ6AEIODAD#v=onepage&q=the%20challenges%20o>

Online Sources

https://books.google.com.my/books?id=i7DqBgAAQBAJ&pg=PT168&lpg=PT168&dq=what+was+the+ratification+problem+in+1985+ASEAN+agreement&source=bl&ots=BY05vLcRE0&sig=ObbMzLs__XVszDiRCmXR9hA4Jho&hl=en&sa=X&ved=0ahUKEWjh-5iemKXXAhUBIZQKHc-WCnoQ6AEIQzAF#v=onepage&q

<https://books.google.com.my/books?id=Mrk4eBhVsd0C&printsec=frontcover#v=onepage&q&f=false>

<https://books.google.com.my/books?id=oG8yAgAAQBAJ&pg=PA258&dq=New+challenges+for+ASEAN+in+1985+agreement&hl=en&sa=X&ved=0ahUKEwiv9ZvomJrXAhUFtI8KHV m0CsYQ6AEIJTAA#v=onepage&q=New%20challenges%20for%20ASEAN%20in%201985%20agreement&f=false>

https://books.google.com.my/books?id=YT-E6yyJwpAC&pg=PA29&lpg=PA29&dq=the+challenges+of+ASEAN+1985+agreement&source=bl&ots=duHhzt4M_1&sig=zIXA5fGYekRkXA_Y40GUW4KORTU&hl=en&sa=X&ved=0ahUKEwix0Yfmj5rXAhWFr48KHbjLBUQQ6AEIODAD#v=onepage&q=the%20challenges%20o

<http://aseanec.blogspot.my/2015/01/giving-full-effect-to-asean-measures.html>

<http://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>

<http://classic.austlii.edu.au/au/journals/MqJlICEnvLaw/2007/3.html#fn8>

<http://environment.asean.org/agreement-on-the-conservation-of-nature-and-natural-resources/>

<http://www.straitstimes.com/asia/se-asia/ratification-of-asean-haze-agreement-a-historic-step-in-tackling-problem-malaysia-pm>

REFERENCES

- ⁱ Bowman, M., Davies, P., & Redgwell, C. (2010). *Lyster's International Wildlife Law* (2, revised ed.). Cambridge University Press, 2010
- ⁱⁱ Litta, H. (2011). Regimes in Southeast Asia: An Analysis of Environmental Cooperation. In illustrated (Ed.), *Regimes in Southeast Asia: An Analysis of Environmental Cooperation* (2012 ed., pp. 13- 18). Germany: Springer Science & Business Media. at Retrieved 10 28, 2017, from <<http://www.springer.com/gp/book/9783531184821>>
- ⁱⁱⁱ Koh, K.-L. (2007). Asian Environmental Protection in Natural Resources and Sustainable Development: Convergence Versus Divergence? *Macquarie Journal of International and Comparative Environmental Law*. Australia. Retrieved 11 02, 2017, from <<http://classic.austlii.edu.au/au/journals/MqJILCEnvLaw/2007/3.html#fn8>>
- ^{iv} Ibid.
- ^v Environment, A. C. (1985, 08 09). *Agreement on the Conservation of Nature and Natural Resources*. Retrieved from <<http://environment.asean.org/agreement-on-the-conservation-of-nature-and-natural-resources/>>
- ^{vi} Ibid
- ^{vii} Ibid
- ^{viii} Art 4 of 1985 agreement for conserving nature and natural resources.
- ^{ix} Koh, K. L. (2003, September). ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985: a study in environmental governance. In *Proceedings of the IUCN World Parks Congress, Durban, South Africa*.
- ^x Art 10, 1985 agreement for conserving nature and natural resources.
- ^{xi} Art 12, 1985 agreement for conserving nature and natural resources.
- ^{xii} Art 13, 1985 agreement for conserving nature and natural resources.
- ^{xiii} Heilmann, D. (2015). After Indonesia's Ratification: The ASEAN Agreement on Transboundary Haze Pollution and Its Effectiveness as a Regional Environmental Governance Tool. *Journal of Current Southeast Asian Affairs*, 34(3), 95- 121. at 101.
- ^{xiv} Bar, T. M. (2015, 09 30). The Transboundary Haze Crisis in Malaysia: A Clear Transgression of International Environmental Law. Malaysia.
- ^{xv} Blog, A. E. (2015). Giving Full Effect to ASEAN Measures, Including Drivers' Licenses. Retrieved 11 05, 2017, from <<http://aseanec.blogspot.my/2015/01/giving-full-effect-to-asean-measures.html>>
- ^{xvi} Ibid.
- ^{xvii} Stubbs, R. (1 Nov 2011). *New Challenges for ASEAN: Emerging Policy Issues*. Canada: UBC Press. at 31. Retrieved 11 04, 2017, from <https://books.google.com.my/books?id=YTatE6yyJwpAC&pg=PA29&lpg=PA29&dq=the+challenges+of+ASEAN+1985+agreement&source=bl&ots=duHhzt4M_1&sig=zIXA5fGYekRkXA_Y40GUW4KORTU&hl=en&sa=X&ved=0ahUKEwix0Yfmj5rXAhWFr48KHbjLBUQQ6AEIODAD#v=onepage&q=the%20challenges%20>
- ^{xviii} Simon S C Tay, J. P. (2001). *Reinventing ASEAN* (Vol. 228 of Book Monograph). Singapore: Institute of Southeast Asian Studies, 2001. Retrieved 11 01, 2017, from <<https://books.google.com.my/books?id=oG8yAgAAQBAJ&pg=PA258&dq=New+challenges+for+ASEAN+in+1985+agreement&hl=en&sa=X&ved=0ahUKEwiv9ZvomJrXAhUFtI8KHVm0CsYQ6AEIJTAA#v=onepage&q=New%20challenges%20for%20ASEAN%20in%201985%20agreement&f=false>>
- ^{xix} Times, T. S. (2015, 09 08). Ratification of asean haze agreement a historic step in tackling problem. Malaysia. Retrieved 11 07, 2017, from <http://www.straitstimes.com/asia/se-asia/ratification-of-asean-haze-agreement-a-historic-step-in-tackling-problem-malaysia-pm>
- ^{xx} Ben boer, R. r. (1998). *International Environmental Law and Policy Series*. London, United Kingdom: Kluwer Law International. at 229.

2017, from <<http://aseanec.blogspot.my/2015/01/giving-full-effect-to-asean-measures.html>>

^{xxi} Boer, B. (2015). *Environmental Law Dimensions of Human Rights*. United Kingdom: OUP Oxford. Retrieved 11 08, 2017, from

<https://books.google.com.my/books?id=i7DqBgAAQBAJ&pg=PT168&lpg=PT168&dq=what+was+the+ratification+problem+in+1985+ASEAN+agreement&source=bl&ots=BY05vLcRE0&sig=ObbMzLs__XVszDiRCmXR9hA4Jho&hl=en&sa=X&ved=0ahUKEwjh-5iemKXXAhUBIZQKHc-WCnoQ6AEIQzAF#v=onepage&q>

^{xxii} Koh Kheng-Lian, N. A.-H. (2016). *ASEAN Environmental Legal Integration*. UK: Cambridge University Press. at 41.

^{xxiii} Hiroshi Hasegawa, I. M. (2015). *Environmental Remediation Technologies for Metal-Contaminated Soils*. Tokyo Heidelberg New York Dordrecht London: Springer. at 115.

^{xxiv} Koh, K. L. (2003). Asean agreement on the conservation of nature and natural asean agreement on the conservation of nature and natural. (pp. 1- 12). Durban: World Parks Congress.

^{xxv} Ibid.

^{xxvi} Jing, L. (2014). *Preservation of Ecosystems of International Watercourses and the Integration of Relevant Rules: An Interpretative Mechanism to Address the Fragmentation of International Law* (revised ed.). Leiden, Netherlands: Martinus Nijhoff Publishers.

^{xxvii} In Kuala Lumpur, the Association of Southeast Asian Nations gathers a commitment whom aims set the Bangkok Declaration of 8 August 1967 and develop the regional cooperation in Southeast Asia with equality and also keep peace, prosperity and progress in the region.

^{xxviii} Lian, K. K., & Robinson, N. A. (2002). Regional Environmental Governance: Examining the Association of Southeast Asian Nations (ASEAN) Model. *Global Environmental Governance: Options and Opportunities*.at 2.

^{xxix} Id 04.

^{xxx} Charter, T. A. (n.d.). Retrieved 11 04, 2017, from <<http://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>>

^{xxxi} Simon S C Tay, op. cit., 81.

^{xxxii} Boer, loc. cit.