

1985 AGREEMENT ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES

Adopted by the Foreign Ministers at the 18th ASEAN Ministerial Meeting

in Kuala Lumpur, Malaysia on 9 July 1985

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CHAPTER I CONSERVATION AND DEVELOPMENT.....	3
ARTICLE 1 FUNDAMENTAL PRINCIPLE.....	3
ARTICLE 2 DEVELOPMENT PLANNING	4
CHAPTER II CONSERVATION OF SPECIES AND ECOSYSTEMS.....	4
ARTICLE 3 SPECIES - GENETIC DIVERSITY	4
ARTICLE 4 SPECIES - SUSTAINABLE USE.....	5
ARTICLE 5 SPECIES - ENDANGERED AND ENDEMIC	6
ARTICLE 6 VEGETATION COVER AND FOREST RESOURCES.....	6
ARTICLE 7 SOIL	7
ARTICLE 8 WATER.....	7
ARTICLE 9 AIR	8
CHAPTER III CONSERVATION OF ECOLOGICAL PROCESSES.....	8
ARTICLE 10 ENVIRONMENTAL DEGRADATION.....	8
ARTICLE 11 POLLUTION	9
CHAPTER IV ENVIRONMENTAL PLANNING MEASURES	9
ARTICLE 12 LAND USE PLANNING	9
ARTICLE 13 PROTECTED AREAS	10
ARTICLE 14 IMPACT ASSESSMENT.....	12
CHAPTER V NATIONAL SUPPORTING MEASURES.....	13
ARTICLE 15 SCIENTIFIC RESEARCH	13
ARTICLE 16 EDUCATION, INFORMATION AND PARTICIPATION OF THE PUBLIC, TRAINING.....	13

ARTICLE 17 ADMINISTRATIVE MACHINERY	13
CHAPTER VI INTERNATIONAL COOPERATION	14
ARTICLE 18 COOPERATIVE ACTIVITIES	14
ARTICLE 19 SHARED RESOURCES	15
ARTICLE 20 TRANSFRONTIER ENVIRONMENTAL EFFECTS.....	16
CHAPTER VII INTERNATIONAL SUPPORTING MEASURES	17
ARTICLE 21 MEETING OF THE CONTRACTING PARTIES	17
ARTICLE 22 SECRETARIAT	17
ARTICLE 23 NATIONAL FOCAL POINTS	18
CHAPTER VIII FINAL CLAUSES	18
ARTICLE 24 ADOPTION OF PROTOCOLS.....	18
ARTICLE 25 AMENDMENT OF THE AGREEMENT	18
ARTICLE 26 APPENDICES AND AMENDMENTS TO APPENDICES	19
ARTICLE 27 RULES OF PROCEDURE	19
ARTICLE 28 REPORTS	19
ARTICLE 29 RELATIONSHIPS WITH OTHER AGREEMENT	19
ARTICLE 30 SETTLEMENT OF DISPUTES.....	20
ARTICLE 31 RATIFICATION.....	20
ARTICLE 32 ACCESSION.....	20
ARTICLE 33 ENTRY INTO FORCE.....	20
ARTICLE 34 RESPONSIBILITY OF THE DEPOSITARY	20
ARTICLE 35 DEPOSIT AND REGISTRATION.....	21

The Government of Brunei Darussalam,
The Government of the Republic of Indonesia,
The Government of Malaysia,
The Government of the Republic of the Philippines
The Government of the Republic of Singapore and
The Government of the Kingdom of Thailand,
Member States of the Association of South East Asian Nations (ASEAN):

RECOGNIZING the importance of natural resources for present and future generations;
CONSCIOUS of their ever-growing value from a scientific, cultural, social and economic point of view;

CONSCIOUS ALSO that the inter-relationship between conservation and socioeconomic development implies both that conservation is necessary to ensure sustainability of development, and that socioeconomic development is necessary for the achievement of conservation on a lasting basis;

RECOGNIZING the interdependence of living resources, between them and with other natural resources, within ecosystems of which they are part;

WISHING TO UNDERTAKE individual and joint action for the conservation and management of their living resources and the other natural elements on which they depend;

RECOGNIZING that international co-operation is essential to attain many of these goals;

CONVINCED that an essential means to achieve such concerted action is the conclusion and implementation of an Agreement;

HAVE AGREED AS FOLLOWS :

CHAPTER I

CONSERVATION AND DEVELOPMENT

ARTICLE 1

FUNDAMENTAL PRINCIPLE

(1) The Contracting Parties, within the framework of their respective national laws, undertake to adopt singly, or where necessary and appropriate through concerted action, the measures necessary to maintain essential ecological process and life-support systems, to preserve genetic diversity, and to ensure the sustainable utilization of harvested natural resources under their jurisdiction in accordance with scientific principles and with a view to attaining the goal of sustainable development.

(2) To this end they shall develop national conservation strategies, and shall co-ordinate such strategies within the framework of a conservation strategy for the Region.

ARTICLE 2 DEVELOPMENT PLANNING

- (1) The Contracting Parties shall take all necessary measures, within the framework of their respective national laws, to ensure that conservation and management of natural resources are treated as an integral part of development planning at all stages and at all levels.
- (2) To that effect they shall, in the formulation of all development plans, give as full consideration to ecological factors as to economic and social ones.
- (3) The Contracting Parties shall, where necessary, take appropriate action with a view to conserving and managing natural resources of significant importance for two or several Contracting Parties.

CHAPTER II CONSERVATION OF SPECIES AND ECOSYSTEMS

ARTICLE 3 SPECIES - GENETIC DIVERSITY

- (1) The Contracting Parties shall, wherever possible, maintain maximum genetic diversity by taking action aimed at ensuring the survival and promoting the conservation of all species under their jurisdiction and control.
- (2) To that end, they shall adopt appropriate measures to conserve animal and plant species whether terrestrial, marine and freshwater, and more specifically
- (a) conserve natural, terrestrial, freshwater and coastal or marine habitats;
 - (b) ensure sustainable use of harvested species;
 - (c) protect endangered species;
 - (d) conserve endemic species; and
 - (e) take all measures in their power to prevent the extinction of any species or sub-species.
- (3) in order to fulfill the aims of the preceding paragraphs of this Article the Contracting Parties shall in particular endeavour to
- (a) create and maintain protected areas;
 - (b) regulate the taking of species and prohibit unselective taking methods;

- (c) regulate and, where necessary, prohibit the introduction of exotic species;
- (d) promote and establish gene banks and other documented collections of animal and plant genetic resources.

ARTICLE 4

SPECIES - SUSTAINABLE USE

The Contracting Parties shall pay special attention to harvested species, and, to that effect, shall endeavour to develop, adopt and implement management plans for those species, based on scientific studies and aiming at

- (a) preventing decrease in the size of any harvested population to levels below those which ensure its stable recruitment and the stable recruitment of those species which are dependent upon, or related to them;
- (b) maintaining the ecological relationship between harvested, dependent and related populations of living resources of the ecosystem considered
- (c) restoring depleted populations to at least the levels referred to in sub-paragraph (a) of this paragraph;
- (d) preventing changes or minimizing risk of changes in the ecosystem considered which are not reversible over a reasonable period of time.

Take the appropriate and necessary legislative and administrative measures on harvesting activities in the light of their national interests whereby

- (a) such activities must conform to the management plans referred to above;
- (b) the conduct of such activities is controlled by a permit system;
- (c) all indiscriminate means of taking and the use of all means capable of causing local extinction of, or serious disturbance to, populations of a species or related species are prohibited;
- (d) such activities are prohibited or strictly regulated at certain periods, seasons or places of importance in the life cycle of the species;
- (e) such activities may be regulated more strictly, temporarily or locally in order to assist restoration of population levels or counterbalance any threat caused by special circumstances;
- (f) special measures, such as restocking, are provided for whenever the conservation status of species so warrants;
- (g) trade and possession of specimens or products of specimens are regulated

whenever such regulations meaningfully contribute to the implementation of the harvesting regulations;

ARTICLE 5

SPECIES - ENDANGERED AND ENDEMIC

(1) Appendix I to this Agreement shall list endangered species recognized by the Contracting Parties as of prime importance to the Region and deserving special attention. The Appendix shall be adopted by a meeting of the Contracting Parties; Accordingly, Contracting Parties shall, wherever possible,

(a) prohibit the taking of these species, except for exceptional circumstances by special allowance from the designated authorities of the Contracting Parties;

(b) regulate the trade in and possession of specimens and products of those species accordingly;

(c) especially protect habitat of those species by ensuring that sufficient portions are included in protected areas;

(d) take all other necessary measures to improve their, conservation status, and restore their populations to the highest possible level.

(2) Each Contracting Party shall, whenever Possible, apply the above measures to species endangered at national level.

(3) The Contracting Parties recognize their special responsibility in respect of species that are endemic to areas under their jurisdiction and shall undertake accordingly to take, wherever possible, all the necessary measures to maintain the population of such species at the highest possible level.

ARTICLE 6

VEGETATION COVER AND FOREST RESOURCES

(1) The Contracting Parties shall, in view of the role of vegetation and forest cover in the functioning of natural ecosystems, take all necessary measures to ensure the conservation of the vegetation cover and in particular of the forest cover on lands under their jurisdiction.

(2) They shall, in particular, endeavour to

(a) - control clearance of vegetation;
- prevent bush and forest fires;
- prevent overgrazing by, inter alia, limiting grazing activities to periods and intensities that will not prevent regeneration of the vegetation;

(b) regulate mining and mineral exploration operations with a view to minimizing disturbance of vegetation and to requiring the rehabilitation of vegetation after such operations;

- (c) set aside areas as forest reserves, inter alia, with a view to conserve the natural forest genetic resources;
- (d) in reforestation and afforestation planning avoid as far as possible monoculture causing ecological imbalance;
- (e) designate areas whose primary function shall be the maintenance of soil quality in the catchment considered and the regulation of the quantity and quality of the water delivered from it;
- (f) ensure to the maximum extent possible the conservation of their natural forests, particularly mangroves with a view, inter alia, to maintaining maximum forest species diversity;
- (g) develop their forestry management plans on the basis of ecological principles with a view to, maintaining potential for optimum sustained yield and avoiding depletion of the resource capital.

ARTICLE 7

SOIL

The Contracting Parties shall, in view of the role of soil in the functioning of natural ecosystems, take measures, wherever possible towards soil conservation, improvement and rehabilitation; they shall, in particular, endeavour to take steps to prevent soil erosion and other forms of degradation, and promote measures which safeguard the processes of organic decomposition. and thereby its continuing fertility. To that effect, they shall, in particular, endeavour to

- (a) establish land use policies aimed at avoiding losses of Vegetation cover, substantial soil loss, and damages to the structure of the soil;
- (b) take all necessary measures to control erosion, especially as it may affect coastal or freshwater ecosystems leading to silation of downstream areas such as lakes or vulnerable ecosystems such as coral reefs, or damage critical habitats, in particular that of endangered or endemic species;
- (c) take appropriate measures to rehabilitate eroded or degraded soils including rehabilitation of soil affected by mineral exploitation.

ARTICLE 8

WATER

(1) The Contracting Parties shall, in view of the role of water in the functioning of natural ecosystems, take all appropriate measures towards the conservation of their underground and surface water resources.

(2) They shall to that effect, in particular, endeavour to

- (a) undertake and promote the necessary hydrological research especially with a view to ascertaining the characteristics of each watershed;
- (b) regulate and control water utilization with a view to achieving sufficient and continuous supply of water for, inter alia, the maintenance of natural life supporting systems and aquatic fauna and flora;
- (c) when planning and carrying out water resource development projects take fully into account possible effects of the projects on natural processes or on other renewable natural resources and prevent or minimize such effects.

ARTICLE 9

AIR

The Contracting Parties shall in view of the role of air in the functioning of natural ecosystems, endeavour to take all appropriate measures towards air quality management compatible with sustainable development.

CHAPTER III

CONSERVATION OF ECOLOGICAL PROCESSES

ARTICLE 10

ENVIRONMENTAL DEGRADATION

The Contracting Parties, with a view to maintaining the proper functioning of ecological processes, undertake, wherever possible, to prevent, reduce and control degradation of the natural environment and, to this end, shall endeavour. to undertake, in addition to specific measures referred to in the following article;

- (a) to promote environmentally sound agricultural practices by inter alia, controlling the application of pesticides, fertilizers and other chemical products for agricultural use, and by ensuring that agricultural development schemes, in particular for wetland drainage or forest clearance, pay due regard to the need to protect critical habitats as well as endangered and economically important species;
- (b) to promote pollution control and the development of environmentally sound industrial processes and products;
- (c) to promote adequate economic or fiscal incentives for the purposes of subparagraphs (a) and (b) above;

(d) as far as possible to consider the originator of the activity which may lead to environmental degradation responsible for its prevention, reduction and control as well as, wherever possible, for rehabilitation and remedial measures required;

(e) to take into consideration, when authorizing activities likely to affect the natural environment, the foreseeable interactions between the new activities proposed and those already taking place in the same area, and the result of such interactions on the air, waters and soils of the area;

(f) to pay particular attention to the regulation of activities which may have adverse effects on processes which are ecologically essential or on areas which are particularly important or sensitive from an ecological point of view, such as the breeding and feeding grounds of harvested species.

ARTICLE 11 POLLUTION

The Contracting Parties, recognizing the adverse effect that polluting discharges or Missions may have on natural processes and the functioning of natural ecosystems as well as on each of the individual ecosystem components especially animal and plants species, shall endeavour to prevent, reduce and control such discharges, emissions or applications in particular by

(a) submitting activities likely to cause pollution of the air, soil, freshwater, or the marine environment, to control which shall take into consideration both the- cumulative effects of the pollutants concerned and the self-purificating aptitude of the recipient natural environment;

(b) making such controls conditional on, inter alia, appropriate treatment of polluting emissions; and

(c) establishing national environmental quality monitoring programmes, particular attention being paid to the effects of pollution on natural ecosystems, and co-operation in such programmes for the Region as a whole.

CHAPTER IV ENVIRONMENTAL PLANNING MEASURES

ARTICLE 12 LAND USE PLANNING

(1) The Contracting Parties shall, wherever possible in the implementation of their development planning, give particular attention to the national allocation of land usage. They shall endeavour to take the necessary measures to ensure the integration of natural resource conservation into

the land use planning process and shall, in the preparation and implementation of specific land use plans at all levels, give as full consideration as possible to ecological factors as to economic and social ones. In order to achieve optimum sustainable land use they undertake to base their land use plans as far as possible on the ecological capacity of the land.

(2) The Contracting Parties shall in carrying out the provisions of paragraph (1) above, particularly consider the importance of retaining the naturally high productivity of areas such as coastal zones and wetlands.

(3) They shall, where appropriate, coordinate their land use planning with a view to conserving and managing natural resources of significant importance for two or several Contracting Parties.

ARTICLE 13

PROTECTED AREAS

(1) The Contracting Parties shall as appropriate establish, in areas under their jurisdiction, terrestrial, freshwater, coastal or marine protected areas for the purpose of safeguarding

(a) the ecological and biological processes essential to the functioning of the ecosystems of the Region;

(b) representative samples of all types of ecosystems of the Region;

(c) satisfactory population levels for the largest possible number of species of fauna and flora belonging to those ecosystems; .

(d) areas of particular importance because of their scientific, educational, aesthetic, or cultural interests; and taking into account their importance in particular as:

- (i) the natural habitat of species of fauna and flora; particularly rare or endangered or endemic species;
- (ii) zones necessary for the maintenance of exploitable stocks of economically important species;
- (iii) pools of genetic material and said refuge for species, especially endangered ones;
- (iv) sites of ecological, aesthetic or cultural interest;
- (v) reference sources for scientific research;
- (vi) areas for environmental education.

They shall, in particular, take all measures possible in their power .to preserve those areas which are of an exceptional character and are peculiar to their country or the Region as well as those which constitute the critical habitats of endangered or rare species, of species that are endemic to a small area and of species that migrate between countries of Contracting Parties.

(2) Protected areas established pursuant to this Agreement shall be regulated and managed in such a way as to further the objectives for the purpose of which they have been created. Contracting Parties shall, wherever possible, prohibit within such protected areas activities which are inconsistent with such objectives.

(3) Protected areas shall include

(a) National Parks

(i) This expression denotes natural areas that are sufficiently large to allow for ecological self-regulation of one or several ecosystems, and which have not been substantially altered by human occupation or exploitation.

(ii) National Parks shall be placed under public control, their boundaries shall not be altered nor shall any portion of any National Park be alienated except by the highest competent authority.

(iii) National Parks shall be dedicated to conservation and to scientific, educational and recreational uses and the common welfare of the people.

(b) Reserves

(i) This expression denotes areas set aside for the purpose of preserving a specific ecosystem, the critical habitat of certain species of fauna or flora, a water catchment area or for any other specific purpose relating to the conservation of natural resources or objects or areas of scientific, aesthetic, cultural, educational or recreational interest.

(ii) After reserves have been established their boundaries shall not be altered nor shall any portion of such reserves be alienated except by the authority establishing them or by higher authority.

(iii) Reserves shall be dedicated to the purposes for which they have been created and, in the light of the national interests of the Contracting Parties any activity inconsistent with such purposes shall be prohibited.

(4) Contracting Parties shall, in respect of any protected area established pursuant to this Agreement

(a) prepare a management plan and manage the area on the basis of this plan;

(b) establish, wherever appropriate, terrestrial or aquatic buffer zones that shall be located around protected areas and which, in the case of marine areas, may include coastal land areas or watersheds of rivers flowing into the protected area; in such buffer zones all activities that may have harmful consequences on the ecosystems that such areas purport to protect shall be prohibited or regulated and activities which are consistent with the purpose of the protected area shall be promoted.

(5) Contracting Parties shall, in respect of any protected area established pursuant to this Agreement, endeavour to

- (a) prohibit the introduction of exotic animal or plant species;
- (b) prohibit the use or release of toxic substances or pollutants which could cause disturbance or damage to protected ecosystems or to the species they contain;
- (c) to the maximum extent possible, prohibit or control any activity exercised outside protected areas when such an activity is likely to cause disturbance or damage to the ecosystems or species that such protected areas purport to protect.

(6) Contracting Parties shall co-operate in the development of principles, objectives, criteria and guidelines for the selection establishment and management of protected areas in the Region with a view to establishing a coordinated network of protected areas throughout the Region, giving particular attention to those of regional importance. An Appendix containing such principles, objectives, criteria and guidelines shall be drawn up in the light of the best scientific evidence as adapted to the conservation requirements of the Region and shall be adopted by a meeting of Contracting Parties.

(7) in addition to the establishment of the protected areas referred to in paragraph 3 of this Article, Contracting Parties shall promote, through the adoption of appropriate measures the conservation of natural areas by private owners, community or local authorities.

ARTICLE 14

IMPACT ASSESSMENT

(1) The Contracting Parties undertake that proposals for any activity which may significantly affect the natural environment shall as far as possible be subjected to an assessment of their consequences before they are adopted, and they shall take into consideration the results of this assessment in their decision-making process.

(2) In those cases where any such activities are undertaken, the Contracting Parties shall plan and carry them out so as to overcome or minimize any assessed adverse effects and shall monitor such effects with a view to taking remedial action as appropriate.

CHAPTER V

NATIONAL SUPPORTING MEASURES

ARTICLE 15

SCIENTIFIC RESEARCH

The Contracting Parties shall individually or in co-operation with other Contracting Parties or appropriate international organizations, promote and, whenever possible, support scientific and technical programmes of relevance to the conservation and management of natural resources, including monitoring, research, the exchange of technical information and the evaluation of results.

ARTICLE 16

EDUCATION, INFORMATION AND PARTICIPATION OF THE PUBLIC, TRAINING

(1) The Contracting Parties shall endeavour to promote adequate coverage of conservation and management of natural resources in education programmes at all levels.

(2) They shall circulate as widely as possible information on the significance of conservation measures and their relationship with sustainable development objectives, and shall, as far as possible, organize participation of the public in the planning and implementation of conservation measures.

(3) Contracting Parties shall endeavour to, individually or in cooperation with other Contracting Parties or appropriate inter- national organizations, develop the programmes and facilities necessary to train adequate and sufficient scientific and technical personnel to fulfill the aims of this Agreement.

ARTICLE 17

ADMINISTRATIVE MACHINERY

(1) The Contracting Parties shall identify or maintain the administrative machinery necessary to implement the provisions of this Agreement, and, here several government- al institutions are involved, create the necessary coordinating mechanism for the authorities dealing with designated aspects of the environment.

(2) They shall endeavour to allocate sufficient funds to the task necessary for the implementation of this Agreement, as well as sufficient qualified personnel with adequate enforcement powers.

CHAPTER VI INTERNATIONAL COOPERATION

ARTICLE 18 COOPERATIVE ACTIVITIES

(1) The Contracting Parties shall cooperate together and with the competent inter- national organizations with a view to coordinating their activities in the field of conservation of nature and management of natural resources and assisting each other in fulfilling their obligations under this Agreement.

(2) To that effect, they shall endeavour

- (a) to collaborate in monitoring activities;
- (b) to the greatest extent possible, coordinate their research activities;
- (c) to use comparable or standardized research techniques and procedures with a view to obtaining comparable data;
- (d) to exchange appropriate scientific and technical data, information and experience, on a regular basis;
- (e) whenever appropriate, to consult and assist each other with regard to measures for the implementation of this Agreement.

(3) In applying the principles of cooperation and coordination set forth above, the Contracting Parties shall forward to the Secretariat

- (a) Information of assistance in the monitoring of the biological status of the natural living resources of the Region;
- (b) Information, including reports and publications of a scientific, administrative or legal nature and, in particular information on
 - (i) measures taken by the Parties in pursuance of the provisions of this Agreement;
 - (ii) the status of species included in Appendix 1;
 - (iii) any other matter to which the Conference of the Parties may give special priority.

ARTICLE 19

SHARED RESOURCES

(1) Contracting Parties that share natural resources shall cooperate concerning their conservation and harmonious utilization, taking into account the sovereignty, rights and interests of the Contracting Parties concerned in accordance with generally accepted principles of international law.

(2) To that end, they shall, in particular

(a) cooperate with a view to controlling, preventing reducing or eliminating adverse environmental effects which may result in one Contracting Party from the utilization of such resources in another Party;

(b) endeavour to conclude bilateral or multilateral agreements in order to secure specific regulations of their conduct in respect of the resources concerned;

(c) as far as possible, make environmental assessments prior to engaging in activities with respect to shared natural resources which may create a risk of significantly affecting the environment of another sharing Contracting Party or other sharing Contracting Parties;

(d) notify in advance the other sharing Contracting Party or the other sharing Contracting Parties of pertinent details of plans to initiate, or make a change in, the conservation or utilization of the resource which can reasonably be expected to affect significantly the environment in the territory of the other Contracting Party or Contracting Parties;

(e) upon request of the other sharing Contracting Party or sharing Contracting Parties, enter into consultation concerning the above-mentioned plans;

(f) inform the other sharing Contracting Party or other sharing Contracting Parties of emergency situations or sudden grave natural events which may have repercussions on their environment;

(g) whenever appropriate, engage in joint scientific studies and assessments, with a view to facilitating cooperation with regard to environmental problems related to a shared resource, on the basis of agreed data.

(3) Contracting Parties shall especially cooperate together and, where appropriate, shall endeavour to cooperate with other Contracting Parties, with a view to

(a) the conservation and management of

(i) border or contiguous protected areas;

(ii) shared habitats of species listed in Appendix 1;

(iii) shared habitats of any other species of common concern;

(b) the conservation, management and, where applicable regulation of the harvesting of species which constitute shared resources

(i) by virtue of their migratory character, or

(ii) because they inhabit shared habitats.

ARTICLE 20

TRANSFRONTIER ENVIRONMENTAL EFFECTS

(1) Contracting Parties have in accordance with generally accepted principles of international law the responsibility of ensuring that activities under their jurisdiction or control do not cause damage to the environment or the natural resources under the Jurisdiction of other Contracting Parties or areas beyond the limits of national jurisdiction.

(2) In order to fulfill this responsibility Contracting Parties shall avoid to the maximum extent possible and reduce to the minimum extent possible adverse environmental effects of activities under their Jurisdiction or control, including effects on natural resources, beyond the limits of their national jurisdiction.

(3) To that effect, they shall endeavour

(a) to make environmental impact assessment before engaging in any activity that may create a risk of significantly affecting the environment or the natural resources of another Contracting Party or the environment or natural resources beyond national jurisdiction;

(b) to notify in advance the other Contracting Party or Contracting Parties concerned of pertinent details of plans to initiate, or make a change in, activities which can reasonably be expected to have significant effects beyond the limits of national Jurisdiction;

(c) to enter into consultation concerning the above-mentioned plans upon request of the Contracting Party or Contracting Parties in question;

(d) to inform the Contracting Party or Contracting Parties in question of emergency situations or sudden grave natural events which may have repercussion beyond national jurisdiction.

(4) Contracting Parties shall, in particular, endeavour to refrain from actions which might directly or indirectly adversely affect wildlife habitats situated beyond the limits of national Jurisdiction especially habitats of species listed in Appendix I or habitats included in protected areas.

CHAPTER VII

INTERNATIONAL SUPPORTING MEASURES

ARTICLE 21

MEETING OF THE CONTRACTING PARTIES

(1) Ordinary meetings of the Contracting Parties shall be, held at least once in three years, in as far as possible in conjunction with appropriate meetings of ASEAN, and extraordinary meetings shall be held at any other time upon the request of one Contracting Party provided that such request is supported by at least one other Party.

(2) it shall be the function of the meetings of the Contracting Parties, in particular

(a) to keep under review the implementation of this Agreement and the need for other measures, in particular the Appendices;

(b) to adopt, review and amend as required any Appendix to this Agreement;

(c) to consider reports submitted by the Contracting Parties in accordance with Article 28 or any other information which may be submitted by a Party, directly or through the Secretariat;

(d) to make recommendations regarding the adoption of any Protocol or any amendment to this Agreement;

(e) to establish working groups or any other subsidiary body as required to consider any matter related to this Agreement; (f) to consider and undertake any additional action including the adoption of financial rules, that may be required for the achievement of the purposes of this Agreement.

ARTICLE 22

SECRETARIAT

On the coming into force of this Agreement the Contracting Parties shall designate the Secretariat responsible for carrying out the following functions:

(a) to convene and prepare the meetings of Contracting Parties;

(b) to convene diplomatic conferences for the purpose of adopting Protocols;

(c) to transmit to the Contracting Parties notifications, reports and other information received in accordance with this Agreement;

(d) to consider inquiries by, and information from, the Contracting Parties, and to consult

with them on questions relating to this Agreement.

(e) to perform such other functions as may be assigned to it by the Contracting Parties;

(f) to ensure the necessary coordination with other competent international bodies and in particular to enter into the such administrative arrangements as may be required for the effective discharge of the secretariat functions.

ARTICLE 23 NATIONAL FOCAL POINTS

In order to facilitate communications with other Parties and the Secretariat, the Contracting Parties shall designate an appropriate national agency or institution responsible for coordinating matters arising from consultations and channeling communications between Contracting Parties or with the Secretariat.

CHAPTER VIII FINAL CLAUSES

ARTICLE 24 ADOPTION OF PROTOCOLS

(1) The Contracting Parties shall cooperate in the formulation and adoption of Protocols to the Agreement, prescribing agreed measures procedures and standards for the implementation of this Agreement.

(2) The Contracting Parties at a diplomatic conference, may adopt Protocols to this Agreement.

(3) The Protocols of this Agreement shall be subject to acceptance and shall enter it force on the thirtieth day after the deposit with the Depositary of the Instrument,)f Acceptance of all the Contracting Parties.

ARTICLE 25 AMENDMENT OF THE AGREEMENT

(1) Any Contracting Parties to this Agreement may propose amendments to the Agreement. Amendments shall be adopted by a diplomatic conference which shall be convened at the request of the majority of the Contracting Parties.

(2) Amendments to this Agreement shall be adopted by a consensus of the Contracting Parties.

(3) Acceptance of amendments shall be notified to the Depositary in writing and shall enter into

force on the thirtieth day following the receipt by the Depositary of notification of the acceptance by all the Contracting Parties.

(4) After the entry into force of an amendment to this Agreement any new Contracting Party to this Agreement shall become a Contracting Party to this Agreement as amended.

ARTICLE 26

APPENDICES AND AMENDMENTS TO APPENDICES

(1) Appendices to this Agreement shall form an integral part of the Agreement;

(2) Amendments to an Appendix;

(a) Any Contracting Party may propose amendments to an appendix at a meeting of the Contracting Parties;

(b) Such amendments shall be adopted by a consensus of the Contracting Parties;

(c) The Depositary shall without delay communicate the amendment so adopted to all Contracting Parties.

(3) The adoption and entry into force of a new Appendix to this Agreement shall be subject to the same procedure as for the adoption and entry into force of an amendment to an Appendix as provided for in paragraph (2) of this Article provided that, the new Appendix shall not enter into force until such time as the amendment to the Agreement enters into force.

ARTICLE 27

RULES OF PROCEDURE

The Contracting Parties shall adopt rules of procedure for their meetings.

ARTICLE 28

REPORTS

The Contracting Parties shall transmit to the Secretariat reports on the measures adopted in implementation of this Agreement in such form and at such intervals as the meetings of Contracting Parties may determine.

ARTICLE 29

RELATIONSHIPS WITH OTHER AGREEMENTS

The provisions of this Agreement shall in no way affect the rights and obligations of any Contracting Party with regard to any existing treaty, convention or agreement.

ARTICLE 30 SETTLEMENT OF DISPUTES

Any dispute between the Contracting Parties arising out of the interpretation of implementation of this Agreement shall be settled amicably by consultation or negotiation.

ARTICLE 31 RATIFICATION

This Agreement shall be subject to ratification by the Contracting Parties. The Instruments of Ratification shall be deposited with the Secretary-General of the ASEAN Secretariat, who shall assume the functions of Depositary.

ARTICLE 32 ACCESSION

(1) After the entry into force of the Agreement, any Member State may accede to this Agreement subject to prior approval by the Contracting Parties to this Agreement.

(2) Instrument of accession shall be deposited with the Depositary.

ARTICLE 33 ENTRY INTO FORCE

(1) This Agreement shall enter into force on the thirtieth day after the deposit of the sixth Instrument of Ratification.

(2) Thereafter, this Agreement shall enter into force with respect to any Contracting Party on the thirtieth day following the date of deposit of the instrument of accession by that Contracting Party.

ARTICLE 34 RESPONSIBILITY OF THE DEPOSITARY

The Depositary shall inform the Governments which have signed this Agreement.

(a) of the deposit of instruments of ratification, acceptance or accession;

(b) of the date on which the agreement will come into force.

ARTICLE 35

DEPOSIT AND REGISTRATION

(1) The present Agreement shall be deposited with the Depositary who shall transmit certified true copies thereof to the Governments of all Contracting Parties which have signed the present Agreement or acceded to it.

(2) As soon as the present Agreement enters into force, the text shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Kuala Lumpur on this 9th day of July in the year 1985 in a single copy in the English language.

For Brunei Darussalam: **MOHAMED BOLKIAH**, Minister of Foreign Affairs

For the Republic of Indonesia: **MOCHTAR KUSUMAATMADJA**, Minister for Foreign Affairs

For Malaysia: **TENGKU AHMAD RITHAUDDEEN**, Minister for Foreign Affairs

For the Republic of the Philippines: **PACIFICO A. CASTRO**, Acting Minister for Foreign Affairs

For the Republic of Singapore: **S. DHANABALAN**, Minister for Foreign Affairs

For the Kingdom of Thailand: **SIDDHI SAVETSILA**, Minister for Foreign Affairs