

The Role of Law in Fostering Sustainability in the Built Environment Industry: The Malaysian Experience

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Abstract: A number of legal provisions have always regulated the built environment industry. The professionals in built industry on the other hand are regulated by their respective professional bodies. Precautions and regulations are also introduced to ensure safety in the industry. The recent mishaps, especially landslides and flash flood, have impacted adversely on the economy because of destruction of property, loss of value of property and human life. Developing nations like Malaysia often need to draw a balance between economic development and environmental protection. Many policies, regulatory mechanism and economic incentives were drawn up to promote sustainable development. Yet, the problems seem to be rather difficult to be resolved. Of course, all fingers are pointing to the government whenever there are calamities. This paper examines the problems associated with implementing and enforcing the law. This is with regards to measures put in place to foster sustainability in the built environment industry. This is because the law is an important mechanism that can assist States in arranging and balancing the social, economic and political needs of the State and the people and promoting the achievement of a just and equitable society. Proposals are made to promote rule of law and good governance, the need to strengthen compliance and enforcement of law thereby fostering sustainability of the built environment industry.

Key words: good governance, legal measures, urban sustainability.

INTRODUCTION

Built environment refers to the surroundings planned and created by man to provide the setting for all types of human activity, ranging from house providing for shelter, buildings constructed for purposes of residential, commercial and industrial needs, rural areas and urban centres that often includes supporting infrastructure, such as energy and water supply, telecommunication, waste management and transportation. The built environment is a material, spatial and cultural product of human labour that combines physical elements and energy for living, working and recreation (Brugmann, 2009; Jacobs, 1961; Knight, *et al.*, 2008; Chynoweth, 2006; Jackson, 2012; Lopez, 2012). In practice, the term is typically used to describe the emerging integration of interdisciplinary techniques and expertise from the planning, designing, construction, and management. This forms the core expertise needed to create a sustainable built environment. Developing the built environment cannot be done in isolation but requires the interplay of various factors such as economics, law, public policy, management, geography, design, technology, and environmental sustainability. Land use planning and development control techniques have great potential in reducing energy consumption. It also promotes economic growth and mitigates impacts of deforestation and climate change. The construction and use of buildings combined with inefficient public transportation in urban centres requires various types of energy. Fostering sustainability in the built environment industry is not a task that can be achieved easily. This is because it requires the commitment of all stakeholders including the civil society. However, as human being seeking to promote healthy living, it is pertinent for the present generation to do a SWOT analysis on the issues impacting on achievement of sustainable development to ensure efficient management of resources.

Strategies Developed for Promoting Sustainability in the Built Environment Industry:

There are many factors involved in promoting sustainability in the built environment industry. These include policy directions, use of green technology, adopting precautionary measures, polluter pay principle promoting good governance and rule of law. Good governance and rule of law is recognised as playing an essential role in the of sustainable development (United Nations Economic and Social Commission for Asia and the Pacific). Good governance promotes accountability, transparency, efficiency, and rule of law in public institutions at all levels. In addition, it allows for sound and efficient management of human, natural, economic, and financial resources for equitable and sustainable development. Moreover, under good governance, there are

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clear decision-making procedures at the level of public authorities, civil society participation in decision-making processes, and the ability to enforce rights and obligations through legal mechanisms. These aspects of good governance do not in itself assure efficient administration and management of a country and society that can promote achievement of sustainable development. However, the effect of absence of good governance (through improper functioning institutions, non-observance of the rule of law is that it will impede social stability and cause legal uncertainty. This can also impact on the confidence in the foreign and local investments, economic and sustainable development.

Furthermore, the strength of the rule of law is the best indicator of a country's success. Deficiency in the rule of law encourages high rates of corruption, with further devastating consequences on the confidence of economic actors. Lack of investment, in turn, slows economic growth and consequently deprives the governments of resources to invest in education, social safety nets, and sound environmental management. All these are critical for sustainable development. Introduction of good governance and rule of law process is often a gradual one. It involves changes to long-standing society practices, entrenched interests, cultural habits, and social, and religious values and norms. A significant step was taken in this respect in 1998 when countries adopted the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("The Aarhus Convention"). The Convention recognises that sustainable development can only be achieved through the involvement of all stakeholders and seeks to promote greater transparency and accountability among government bodies by guarantying three pillars for the public: the rights of citizen access to information; citizen participation in decision making; and citizen access to justice in environmental matters.

The Convention urges the member countries to guarantee freedom of access to information on the environment. It gives citizens a right to participate in environmental decision-making, and provides for recourse to judicial and administrative remedies when these rights are not granted (Ibid.). In 2000, 191 United Nations member States pledged to fulfill a set of key goals (the Millennium Development Goals) for poverty reduction and sustainable development by the year 2015. In the Millennium Declaration, the member States agreed to "spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognised human rights and fundamental freedoms, including the right to development" (UN Millenium Declaration Res. 55/2, Sept. 8, 2000). The United Nations has also provided general guidelines on the law that could be adopted by member states to promote good governance for sustaining sustainable development. *Agenda 21*, the programme of action for sustainable development, emphasises in Chapter 8, the need to provide an effective legal and regulatory framework as follows:

"8.13 Laws and regulations suited to country-specific conditions are among the most important instruments for transforming environment and development policies into action, not only through 'command and control' methods, but also as a normative framework for economic planning and market instruments..."

8.14 To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws, regulations and standards that are adopted...

8.15 The enactment and enforcement of laws and regulations (at the regional, national, state/ provincial or local/municipal level) are also essential for the implementation of most international agreements in the field of environment and development, as illustrated by the frequent treaty obligation to report on legislative measures...

8.18 Governments and legislators, with the support, where appropriate, of competent international organisations, should establish judicial and administrative procedures for legal redress and remedy of actions affecting environment and development that may be unlawful or infringe on rights under the law, and should provide access to individuals, groups and organisations with a recognised legal interest"(Rio Declaration).

However, there are problems associated with the enforcement of law. Analysis of the existing written law involves asking some questions which are relevant in quite different circumstances to guide policymakers supported with an analysis of the strengths, weaknesses, overlaps and gaps in the current legal framework within a country.

Factors Influencing Implementation and Enforcement of Law:

Making law may not pose much concern as the implementation and enforcement of law. A legal framework may not be able to promote the achievement of the intended purpose or produce adverse implication for the following reasons (AinulJaria, 2005).

The first is lack of political will. The effectiveness of a law may not be fully realised if there is no political will to commit sufficient resources or energy to its implementation. Many good laws are simply not implemented and relaxed to meet vested interests of a particular group or persons.

Also, failure to anticipate the methods and costs of effective implementation of law is another factor. Many laws, internally coherent and technically well-drafted, have been enacted without sufficient attention to the costs of implementation. The result is the laws lie unimplemented or under-implemented.

Similarly, failure to recognise the limitations of legal reform in bringing about social and economic change is another factor.

Legal reform cannot be made in a society that is rooted in tradition and behaviour, or that requires dramatic upheavals in institutional set-ups without laying the groundwork for such change. This may prove difficult to implement.

Besides, lack of understanding or acceptance of the law by regulators and regulated is another factor. It is submitted that government officials who are not aware of the substance and procedures of a particular law may not be doing justice in implementation and enforcement of law. This also goes with the failure to engage the civil society from the process of making the law down to implementation of the law. People are not also adequately educated about the nature of a law once made. As a result, the government fails to build up support for the law amongst stakeholders most directly affected. This causes resistance from stakeholders in implementing the law. The stakeholders may remain ignorant of how to comply with the law or to take advantage of the benefits of the law.

Another factor relates to access to courts for dispute resolution. Many issues such as *locus standi*, costs, and lack of expertise in identifying technical issues relating to built environment and sustainable development impact adversely on effective dispute resolution. Alternatives to traditional court systems such as mediation and arbitration are not common due to lack of expertise and funding. As a result, even good laws may not be enforced for lack of a proactive judiciary.

Again, there is the need for collaborative efforts from all stakeholders in implementing law. The importance of understanding the law in action has methodological implications. It means that a thorough analysis of the legal framework cannot rely entirely on a review of written instruments and cannot be undertaken only by legal experts. Such a review needs to be nested within a multidisciplinary effort to assess the perceptions, activities and interactions of the main stakeholders.

One other factor is the Federal and State jurisdictional issues. As with other countries with federal structures of government, there are always some problematic issues particularly those relating to the jurisdiction between the federal and state authorities. The Federal Constitution of Malaysia, 1957 ("Federal Constitution") gives substantial powers over land use and natural resource management to the respective States. In the context of a Federation like Malaysia where there exists a complicated relationship between the federal government and state authority, the legislative framework for environmental management is very complex. According to article 74 of the Federal Constitution, matters relating to land, rivers, forests, local government, and town and country planning are within the jurisdiction of the respective State Authority. This is pursuant to the provision of articles 83 and 92 of the Federal Constitution of Malaysia, 1957, the Federal Government is empowered to acquire state land for federal purposes and as such it is assumed that federal legislation is applicable in the acquired areas. The State Legislative Assembly has powers to make laws on matters relating to the items listed in the State List in the Federal Constitution. State laws on matters relating to soil, water, or forestry often lack uniformity. The reason is often attributed to the fact that these laws have diverse origins, i.e. some based on Federated Malay States enactments, some on Straits Settlements ordinances and some on an amalgam of both. This causes weakness in several areas of environmental legislation. The states usually have little incentive and rarely relinquish control over issues relating to land, mines and forests to the Federal government, or to acquiesce in the application of the federal legislation. The Federal Government has the power to make laws in respect of the matters listed in the Federal List and the Concurrent List. However, the Federal Government can introduce laws on state matters at the request of the state legislative assembly or for purposes of ensuring and promoting uniformity between the laws of two or more states. Subject to the inhibitions imposed by the Federal Constitution on the powers to legislate on matters relating to State jurisdiction, the post independence federal environmental legislation was fragmented and related only to enactments such as forestry management, wildlife protection, and offshore hydrocarbon development. Hence, if a certain state had inadequate legislation concerning certain natural resources, it was not in the province of the federal government to impose its own legislation (if any) on these states. That meant that it was only the state legislature that was endowed with competence to legislate in matters relating to natural resources. Confusion would therefore be inevitable not only with regard to the application of laws or the accompanying agencies empowered to execute a particular project, but also as to whether the Federal Government had competence to regulate the subject matter in the first place.

The Importance of Legal Change for Promoting Sustainability:

The identification of weaknesses in the legal framework can help plan the reforms to be made *in tandem* with the changing needs of the evolving society and developmental needs. It is essential to identify the constraints to make the necessary changes, and how to overcome the obstacles posed. If the problems have arisen from lack of implementation of law, how can the defects in implementation be overcome? A related question is how high a priority to assign to any potential legal change. To what extent can existing legal deficiencies be, or will they have to be, "lived with"? To what extent they pose threats to policy directions that

they will need to be addressed. On the one hand, it is important to be realistic in analysing the importance of a law. No legal system is flawless, and it is often possible to achieve promising development results in a less than ideal legal environment. Just as good laws do not in themselves ensure good results on the ground, so poor laws do not always lead to bad results, if there is sufficient will on the part of government and others to find ways of mitigating their weaknesses. On the other hand, however tempting it may be to find temporary or stop-gap solutions to the loopholes in the law by patching the holes whenever discovered, it is also important to plan for a long term solution. It may be possible to side-step legal problems for the time being, especially where there is a lot of powerful, high-profile support for a particular activity. But unless the more significant legal problems are dealt with head-on, there may well be difficulties in sustaining early successes. A basic rule is that when the initial wave of enthusiasm for a particular activity begins to wear off, legal weaknesses are more likely to come to light and to be exploited.

Finding an Appropriate Solution:

Creating a legal basis for sustaining sustainable development or removing constraints requires more than technical solutions. It needs the actual participation and effective involvement of all categories of stakeholders, ranging from the government, non-governmental institutions, central and local players, communities, local resource-dependent people and private sector organisations. Without the involvement of all stakeholders, there is simply little hope of passing laws that reflect reality including the real needs and priorities of affected people. The laws must be capable of being effectively used and implemented.

True commitment to listening to and understanding the needs, objectives, insights and capacities of the intended users and others potentially affected by the law, and finding ways to accommodate the multiple interests at stake must be given priority. It requires the determination to prevent the process being driven by the preconceptions of lawyers, donors and other outsiders, however well-intentioned. This is time-consuming work that ideally should entail patient consultations in the field with people directly affected, not simply in a distant capital city. These consultations should start early, not only when a first draft has already been completed.

Opening up participation in making law goes beyond improving the quality of the law. It can also assume a significant role in improving its implementation. It helps to create a consensus in favour of the law. It may stimulate organised support of the law and active pressure for its enforcement, as opposed to indifference or passive resistance, which may impede implementation as effectively as active opposition does. At the least, participation publicises legislation in the society at large, among those directly affected by it and those expected to enforce it.

Participation combined with drafting is not usually sufficient to ensure a workable law. Real experience with related problems and situations needs to be brought in as well. Examples offered should be local or national where suitable precedents exist. No country should be afraid of comparative examples where other countries have already had relevant experiences. This is especially true where several countries, one after the other, have to implement the same treaty. The experiences of the first ones cannot rationally be ignored by the next.

The usefulness of technical assistance in developing legislation needs to be emphasised, as it was in Agenda 21 (para. 8.13). The way most governments are organised, lawyers frequently have little experience in formulating a particular type of agricultural or natural resources legislation, or even much experience with the subject matter. The great value of assistance in this situation is that it can bring in the missing expertise. Part of this will be in the form of the expert's exposure to the international consensus on particular issues. This includes the concerns that have informed the preparation of international agreements. Part of the added value will be the expert's personal experience in designing and drafting legislation of a particular kind. An even more important part will be the information that he or she has absorbed about the ways similar problems have been dealt with elsewhere, as well as about the successes and failures in implementing different legal provisions. Cross-cutting issues can be highlighted and comparative experiences shared.

Proposals for Improving Sustainability:

The following aspects need to be given serious consideration in order to enhance sustainability of built environment:

Independent Judiciary and Dispute Resolution Mechanism:

An independent judiciary is important as it can ensure the development of a legal system that is impartial and accountable in dealing with built environment and related disputes. The creation of formal and informal mechanisms for resolving grievances within built environment. These tasks encompass the provision of mechanisms to redress grievances, imposing appropriate penalties, and capacity building of institutions involved in implementing and enforcing the rule of law.

Capacity Building of Judges:

Recognising the importance of rule of law and good governance, UNEP has convened several symposia for facilitating networking between members of judiciary from member countries to share legal information of different approaches adopted in implementing global and regional instruments in member states(UNEP). The Global Judges Symposium on Sustainable Development and the Role of Law was an important programme organised by UNEP with the International Network for Environmental Compliance and Enforcement (INECE) as a key partner in 2002. The Johannesburg Principles on the Role of Law and Sustainable Development provides, “that an independent Judiciary and judicial process is vital for the implementation, development and enforcement of environmental law” and that “there is an urgent need to strengthen the capacity of judges, prosecutors, legislators and persons who play a critical role at national level in the process of implementation, development and enforcement of environmental law.”

The judiciary must assume an important role in inculcating these values into the fabric of our societies. It is an important imminent partner in promoting environmental governance, upholding the rule of law and in ensuring a fair balance between environmental, social and developmental consideration through its judgements and declarations (UNEP, 2005). The judiciary has a role to play in the interpretation, explication and enforcement of laws and regulations. According to Kaniaru, Kurukulasuriya and Okidi, “The judiciary plays a critical role in the enhancement and interpretation of environmental law and the vindication of the public interest in a healthy and secure environment. Judiciaries have, and will most certainly continue to play a pivotal role both in the development and implementation of legislative and institution regimes for sustainable development. A judiciary, well informed on the contemporary developments in the field of international and national imperatives of environmentally friendly development will be a major force in strengthening national efforts to realise the goals of environmentally-friendly development and, in particular, in vindicating the rights of individuals substantively and in accessing the judicial process.”

Governance and Participation:

Governance and participation must be addressed in creating effective political and administrative institutions. Participatory processes, in particular, establishing and strengthening public sector management and administration, and ensuring active and open participation of civil society in the formulation of government and its policies are also important. Governance involves setting rules and procedures for political decision-making, and delivering public services in an efficient and transparent manner. Participation encompasses the process for giving voice to the population through the development of civil society that includes the generation and exchange of ideas through advocacy groups, civic associations, and the media.

Developing Environmental Jurisprudence and Enhancing Legal Regulatory Framework:

There is the need to develop environmental jurisprudence for promoting the goals of a sustainable built environment.

This should cover the conservation and sustainable use of natural resources in the global commons such as the High Seas and combating transnational environmental crime and other illegal activities with transboundary effects. The operational links between social justice, equity, environment and development must be enhanced in furthering the development and implementation of international and national environmental law. New approaches could include: more effective tools to ensure access to information, public participation and access to justice and the legal dimensions of accounting for natural capital in the context of a green economy. Identify means to overcome the fragmentation of environmental governance that is also sectoral in nature (UNEP, 2002; Boyle, 1999; Freestone, *et al.*, 1996; Ginther, *et al.*, 1995;). Requirements for effective and efficient laws, training for a wide range of legal practitioners, and stronger arrangements at the global level to look after the environmental dimension of sustainable development are also significant (Gray, 1993; Kiss, *et al.*, 2000; Lang, *et al.*, 1991;Nijhoff, 1995;)

Education and Awareness:

According to Kofi Annan, Secretary General of the United Nations UNESCO -(ED/PEQ/ESD) “Our biggest challenge in this new century is to take an idea that seems abstract – sustainable development – and turn it into a reality for all the world’s people. The most important aspect that needs urgent attention is promoting environmental education as a catalyst for promoting changes. In December 2002, the United Nations General Assembly, through its Resolution 57/254, declared a Decade of Education for Sustainable Development (2005-2014). The UNESCO was designated as the lead agency for the promotion of this Decade. UNESCO’s Director-General Koïchiro Matsuura stresses, “Education – in all its forms and at all levels – is not only an end in itself but is also one of the most powerful instruments we have for bringing about the changes required to achieve sustainable development.”

Education for sustainable development will contribute to enabling citizens to face the challenges of the present and future and leaders to make relevant decisions for a viable world. These actors will have acquired

various skills (critical and creative thinking, communication, conflict management and problem solving strategies, project assessment) to take an active part in and contribute to the life of society. They will also respect the Earth and life in all its diversity, and be committed to promoting democracy in a society without exclusion and where peace prevails.

The vision of the world is not an utopia but an ideal towards which it works. This can be achieved by taking into account education in sustainable development plans, creating public awareness of the importance of sustainable development, having regular and substantial coverage of sustainable development issues in the media.

Basic education needs to focus on sharing knowledge, skills, values and perspectives throughout a lifetime of learning. This is done in such a way that encourages sustainable livelihoods and supports citizens to live sustainable lives. Rethinking and revising education from nursery school through university to include a clear focus on the development of knowledge, skills, perspectives and values related to sustainability is important to current and future societies. Achieving the goals of sustainable development requires widespread community education and a responsible media committed to encouraging an informed and active citizenry.

Again, all sectors of the workforce can contribute to local, regional and national sustainability. Business and industry are, thus, key sites for on-going vocational and professional training. This enables all sectors of the workforce to have the knowledge and skills necessary to make decisions and perform their work in a sustainable manner. This Decade will also seek to create synergies with the other global initiatives that preceded it, like the Millenium Development Goals (MDGs) that centered on the reduction of poverty; Education for All (EFA) that focuses on the universal access to education; and the United Nations Literacy Decade (UNLD) that aims at providing adults with education. All share a common vision that education is the key to sustainable development.

Developer Contributions and Planning Agreements:

Developer contributions have emerged within planning frameworks as the most common approach to funding the infrastructure, which supports the basic needs of population growth and new development. A subset that has developed out of the conventional system of standardised monetary contributions is Planning Agreements, which are contractual agreements between a planning authority (and/or other government department) and the developer or landowner. The planning agreement can be used to ask the developer to provide infrastructure or other agreed public benefit to reduce the impacts of a proposed development.

Planning agreements are being used in various other jurisdictions. However, the practice is traced to the English planning system where they have been used informally since the mid-1930s (Lane and Wells 2006). According to Amodu (2008), the fact that planning agreements are continuing to be used suggests both a degree of effectiveness and the capacity of the government to regulate the use of the agreement. Negotiating the development contributions in improving environmental quality and sealing a planning agreement to this effect between the Local planning authority and the developer can be useful measure in improving the conservation in a particular area that can be affected by a particular development activity. Negotiating development and signing of planning agreements can be useful in addressing the followings: Assist planning authorities who are under increasing pressure from local communities to ensure that development produces targeted public benefits over and above measures to address the impact of development which is of a general nature; conditions attached to grant of planning permission are not equipped to produce environmental protection as they are primarily designed to mitigate the external impacts of development on surrounding land and communities; as developers are increasingly involved in participating in providing public infrastructure they can be asked to commit towards ensuring the proposed development is sustainable; negotiation tends to promote co-operation and compromise over conflict and can provide a more effective means for public participation in planning decisions; and agreements provide a flexible means of achieving tailored development outcomes and targeted public benefits, including a means by which communities can agree to the redistribution of the costs and benefits of development in order to realise their specific preferences for the provision of public benefits. It would be useful to study further the impact of using planning agreements made based on negotiation between the developers and local authorities to promote sustainable development.

Conclusion:

It is timely for the society to realise that it is unfair to impose the burden of fostering sustainability in the built environment on the government alone. The government by itself cannot be asked to shoulder the arduous task of planning, executing, administering, managing and promoting sustainable built environment. It needs the concerted efforts of all stakeholders. This can be achieved when the government creates avenue for effective participation for all stakeholders and promote collaborative decision making to ensure that all stakeholders and industry players are given the opportunity to make contributions that can help promote compliance.

REFERENCES

- Amodu, T., 2008. For the Record? Understanding Regulatory Processes through Archival Material: The Example of Planning Agreements. *Journal of Law and Society*, 35(1): 183-200.
- Andrew, K. and L. Ruddock, 2008. *Advanced Research Methods in the Built Environment*. Wiley-Blackwell.
- Boyle, A. and D. Freestone, (eds.) 1999. *International Law and Sustainable Development - Past Achievements and Future Challenges*. Oxford University Press, New York.
- Brugmann, J., 2009. *Welcome to the urban revolution: how cities are changing the world*. Bloomsbury Press.
- Chynoweth, P., 2006. *The Built Environment Interdiscipline: A Theoretical Model for Decision Makers in Research and Teaching*. Proceedings of the CIB Working Commission (W089) Building Education and Research Conference, Kowloon Shangri-La Hotel, Hong Kong.
- Farrier, D. and P. Stein, 2005. *Environmental Law Handbook: planning and land use in NSW*. Redfern Legal Centre Publishing, Sydney.
- Freestone, D. and E. Hey, 1996. *The Precautionary Principle and International Law: The Challenge of Implementation*. Kluwer Law International, The Hague.
- Ginther, K., E. Denters and P.J.I.M. De Waart, (eds.), 1995. *Sustainable Development and Good Governance*. MartinusNijhoff, Dordrecht.
- Gray, C.W., 1993. *Evolving Legal Frameworks for Private Sector Development in Central and Eastern Europe*. The World Bank, Washington, D.C.
- Jacobs, J., 1961. *The Death and Life of Great American Cities*. Random House, New York.
- Lane, R. and J. Wells, 2006. Using Planning Agreements to Fund Transport Infrastructure. Proceedings of the Institution of Civil Engineers – Municipal Engineer, 159(2): 77-83.
- Jackson, R.J. and S. Sinclair, 2012. *Designing Healthy Communities*. Jossey-Bass, San Francisco.
- Lopez, R.P., 2012. *The Built Environment and Public Health*. Jossey-Bass, San Francisco.
- Australian Sustainable Built Environment Council (ASBEC). *Built Environment Law Network; International Journal of Law in the Built Environment*.
- Kiss, A. and D. Shelton, 2000. *International Environmental Law* (2nd edn). Transnational Publishers, Ardsley, New York.
- Lang, W., H. Neuhold and K. Zemanek, 1991. *Environmental Protection and International Law*. MartinusNijhoff, Dordrecht.
- Taylor, L., 1991. Bargaining for developer contributions: the United Kingdom's alternative to Section 94. *Environmental and Planning Law Journal*, 8(4): 277-291.
- Taylor, L., 1997. Regulatory Reform, Section 94 and the Bargaining Process. *Environment and Planning Law Journal*, 14(6): 407-415.
- Taylor, L., 1998. Finding alternatives to compulsory developer contributions under section 94 of the Environmental Planning and Assessment Act 1979. *Environmental and Planning Law Journal*, 15(2): 104-114.
- Sands, P., 1995. *Principles of International Environmental Law: Frameworks, Standards and Implementation*. Manchester University Press, Manchester.
- UNESCO - Education for Sustainable Development (ED/PEQ/ESD), Division for the Promotion of Quality Education.

Websites:

- United Nations Economic and Social Commission for Asia and the Pacific, What is good governance, accessed from website <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>;
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, June 25, 1998, available at <http://www.unece.org/env/pp/treatytext.htm>. The Convention came into force on October 31, 2001 and has been ratified thus far by 33 countries.
- United Nations Millennium Declaration, Res. 55/2, Sept. 8, 2000, available at <http://www.un.org/millennium/declaration/ares552e.pdf>.
- UN – Rio Declaration articles 83 and 92 of the Federal Constitution of Malaysia, 1957.
- UNEP, Judges Programme, available at http://www.unep.org/DPDL/Law/Programme_work/Judges_programme/index.asp.
- Johannesburg Principles on the Role of Law and Sustainable Development, adopted at the Global Judges Symposium held in Johannesburg, South Africa, on 18-20 August 2002, available at <http://www.rolac.unep.mx/deramb/publicaciones/GlobalJu.pdf>.
- United Nations Environment Programme, *UNEP Global Judges Programme*, 2005, p. v.
- UNEP, Draft Manual on Compliance with and Enforcement of Multilateral Environmental Agreements, A Companion to the 2002 UNEP Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements Zaelke, Durwood *et al.*, Strengthening Environmental Enforcement and Compliance through Networks, available at http://www.farn.org.ar/docs/p32/en17_Zaelke.pdf (2002).