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Anti-haze laws 'could spur on-the-ground enforcement in Indonesia'



SINGAPORE — The Republic's proposed laws to deal with producers that contribute to transboundary haze could help reduce tensions with Indonesia and spur on-the-ground enforcement in Riau and other areas prone to forest and plantation fires, said environmental law experts yesterday.

BY NEO CHAI CHIN - FEBRUARY 28

SINGAPORE — The Republic's proposed laws to deal with producers that contribute to transboundary haze could help reduce tensions with Indonesia and spur on-the-ground enforcement in Riau and other areas prone to forest and plantation fires, said environmental law experts yesterday.

The proposed laws, which include fining companies up to S\$300,000 for activities outside Singapore that result in unhealthy levels of haze over the island, would neutralise the argument by Indonesia that some culprits are linked to Singapore and

Malaysia, they said. The Indonesian authorities may step up enforcement to avoid a situation where a company operating in Riau, for instance, is prosecuted in Singapore, but “free like a bird” in Indonesia, said Dr Laode M Syarif of Hasanuddin University’s law faculty in Makassar, Indonesia.

Singapore’s proposed laws show an affected neighbouring state’s determination to pursue unilateral and extra-territorial measures to deter companies from burning, said National University of Singapore (NUS) Law Professor Alan Tan Khee-Jin. It may appear the “antithesis” of cooperation on a bilateral or regional level, but both types of efforts must go hand in hand, he told reporters on the sidelines of a conference on transboundary pollution organised by the NUS Centre for International Law.

Indeed, cooperation from the Indonesian authorities is necessary for Singapore’s proposed laws to be effective, said Dr Syarif, who is also Senior Adviser on justice and environmental governance at the Partnership for Governance Reform in Indonesia.

He was not optimistic that Indonesia, with parliamentary and presidential elections in April and July, respectively, would ratify the ASEAN Agreement on Transboundary Haze Pollution under the current administration.

Despite the agreement’s limitations and current lack of support from member states — the US\$500,000 (S\$633,000) pledged to the transboundary haze pollution control fund is “a joke compared to the issue of forest fires”, said Dr Syarif — experts agreed that ratification by Indonesia would lead to progress in areas including monitoring. It would pave the way for an ASEAN Coordinating Centre for Transboundary Haze Pollution Control to be set up in Indonesia, for instance.

Despite challenges in curbing burning and protecting its own people from the haze, Dr Syarif said Indonesia has made progress in other areas. The Indonesian Supreme Court is certifying some judges to create a “green bench” to hear cases relating to the environment. The One Map initiative to create a centralised database for geospatial information is completed for nine provinces, including Riau and Jambi, and could be finished by next year.

When it comes to principles governing transboundary pollution, Professor Catherine Redgwell of Oxford University noted that marine and nuclear pollution standards and liability are among the most developed, while air pollution and protection of the atmosphere are not as well-regulated by treaty. International law requires that states prevent significant transboundary harm by exercising reasonable due diligence — how the latter is assessed is flexible and context-specific, she said.

Prof Tan said it is unlikely the region’s transboundary haze problem could be resolved through international litigation because parties have to consent to the case being brought to the International Court of Justice or any other tribunal.

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