

EFFECTIVENESS OF TRANSBOUNDARY HAZE POLLUTION IN HANDLING OF SMOKE HAZE CASES IN SOUTHEAST ASIA

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ABSTRACT

In the ASEAN Transboundary Haze Pollution (AATHP) which has been established since 2002, it can be concluded that the expected outcome has not been achieved. AATHP is expected to change the behavior of individuals in countries that have ratified AATHP. For example, Indonesia has ratified AATHP in 2014, it is hoped that individuals in Indonesia will know the AATHP (output) provisions so that they no longer do land clearing by burning (Outcome, indicating a change in behavior). But based on the cases that occurred, in 2015 there were still forest and land fires that were caused by forest and land burning, even though in the AATHP it had been regulated regarding a policy on zero burning policy. This shows that the expected behavior change (outcome) has not yet been reached.

Keywords: ASEAN, Transboundary Haze Pollution, Effectiveness

INTRODUCTION

Environmental pollution that often occurs is mostly done by human activities in the form of air pollution or smoke pollution. Air pollution is a change in the condition and function of air related to environmental pollution. The problem of air pollution, is now considered a serious problem that has received attention from all countries in the world. Air pollution can occur if in the environment there are hazardous substances or elements that enter the atmosphere that can cause environmental damage, disturbance to human health and reduce the quality of the environment.

Pollution of smog that exceeds normal limits will have a negative impact on the life of living things. In general, cross-border smoke pollution is air pollution that occurs within a country, which is influenced by the atmosphere causing the pollution to spread and enter the territory of another country. Haze pollution is a major problem related to forest and land fires. Some smoke haze pollution events that have crossed national borders over the last few decades are considered important, such as the 1997 biggest forest fire in Indonesia. Forest fires that often occur in Indonesia are an important concern for ASEAN countries, because Indonesia is the biggest contributor to smoke haze pollution.

Forest and land fires that have occurred since 1997 in Indonesia, have contributed to sending haze across national borders such as Malaysia and Singapore. In the 2006 forest and land fires, Malaysia and Singapore urged Indonesia to immediately resolve the problem of forest and land fires. Because the haze sent by forest and land fires is very disturbing and dangerous for citizens of Malaysia and Singapore. Forest and land fires also occurred in 2011, these fires again caused thick smoke haze pollution across Malaysia and Singapore. Protest was again demonstrated by the states of Malaysia and Singapore by continuing to pressure the Indonesian state. Then in 2013 major forest and land fires reoccurred in Indonesia, this has become an annual agenda in Indonesia but the 2013 fires were the peak of handling forest fires that had a major impact after the 1997 forest and land fires.

In the 2013 forest and land fires the smoke haze pollution was quite thick and occurred for months causing an increase in the number of inpatients at each hospital in the area of fire. Forest and land fires in 2013 were the year that became the peak of government concerns from neighboring Singapore and Malaysia due to poor air quality due to thick haze of forest and land fires reaching PSI 401 (Ahmadi, 2013).

Forest and land fires in Indonesia are a form of environmental pollution that is transnational in nature, which has caused the effects of thick haze to disrupt the survival and economic activities of some other countries in the ASEAN regional environment. The magnitude of the impact caused by the haze caused by forest and land fires in Indonesia, threatens ASEAN's regional stability. This makes ASEAN member countries agree to strengthen national policies and strategies to prevent and reduce forest and land fires that have an impact on the emergence of transboundary haze pollution.

ASEAN is taking steps and initiatives to increase regional, subregional and national cooperation in an organized manner in an effort to make policies on cross-border environmental issues, which are focused on the problem of haze pollution. With an agreement with Southeast Asian countries, ASEAN has formed an ASEAN Agreement on Transboundary Haze Pollution (AATHP) with the aim of further strengthening international cooperation in developing national policies in the prevention and monitoring of cross-border smoke pollution through information exchange, consultation, research and monitoring.

Environmental issues have become one of the global issues discussed lately. These problems such as changes in global temperatures, increased levels and concentrations of carbon dioxide in the earth's atmosphere, reduced biodiversity, and climate change due to pollution (May Rudy, 2003: 59). One of the environmental problems regarding pollution is cross-border smoke pollution from forest fires. The problem of transboundary haze pollution in the ASEAN region has become a serious problem and repeatedly occurs.

ASEAN began to recognize cross-haze pollution as a regional concern since 1985, with the signing of the 1985 Agreement on the Conservation of Nature and Natural Resources which became a reference for air pollution and cross-border environmental impacts. The agreement marks and shows the beginning of an effort to address the problem of smoke pollution in the ASEAN region (Daniel Heilmann, 2015: 101).

RESEARCH RESULT

ASEAN Agreement on Transboundary Haze Pollution (Nazia Nazeer, 2017).

On June 10 2002, in Kuala Lumpur, Malaysia, ASEAN member nations signed the ASEAN Agreement on Transboundary Haze Pollution. This Agreement was the first regional proposal in the world that aimed to mitigate and prevent haze pollution through concentrated nationwide efforts and increased regional and worldwide cooperation. Unfortunately, two dilemmas lower the efficiency of the agreement. First, Indonesia, the main emitter, has yet to approve this agreement. The second issue is the weak mechanisms for the settlement of disputes and punishing non-compliance (Chareonwongsak; 2014). Moreover, the agreement lacks measurable obligations and implementations. Coordination impairment amongst government organizations and the 2001 Indonesia Forestry Law fail to confer the maximum penalties and criminal punishments for illegitimate forest burning, encouraging amendment of the regulations (Tan; 2005).

The ASEAN Haze Agreement is a mutual cooperative partnership; being neighbour of Indonesia, Malaysia and Singapore might force her to enforce domestic improvements with respect to smoke and fire management needs. Moreover, ASEAN's nonaggressive approach and policy of non-interference in member countries' domestic matters constrain Indonesia to implement the intense reforms that might successfully discontinue fires that produce the most transboundary pollution (Cotton; 1999; Tan; 2005). None of the agreement's obligatory provisions specify any legitimate sanctions for noncompliance; nor is ASEAN constituted as an operative enforcement organisation. ASEAN highlights technical collaboration that might in fact divert attention from strategies that could resolve basic causes of fires and transboundary pollution (Tan; 2005).

To date, ASEAN representatives have claimed that the Haze Agreement's co-operative procedures deliver the region's most efficient channel to maintain both diplomatic pressure and technical assistance (Kamal; 2001; Singh; 2008). In fact, the representatives mention that dialogues on the Haze Agreement were among the first times that ASEAN addressed serious differences amongst its participants (Singh; 2008). In 1997, Indonesia was overcome by the financial crisis in Asia and political disorder. Since that period, the transboundary haze and fires have persisted, becoming a yearly occurrence that upsets Singapore, Malaysia and Brunei, with serious incidents occurring in 1999, 2002, 2004, 2006 and 2010.

In summary, the issue is recurring, and no sign of a permanent solution is in sight. During the June 2013 haze period, satellite pictures of burning land in Indonesia, mostly in the jurisdiction of Riau on the island of Sumatra, showed that the fires were occurring within large agro-commercial plantations. However, the agro-commercial community strongly denied responsibility for these fires, placing the blame on small-scale local communities and farmers residing near or within their plantation territories (Tan; 2015). As a form of follow-up from the rampant phenomenon of forest and land fires in Southeast Asia as well as the impact of smoke pollution produced, ASEAN countries try to formulate a policy related to forest fire prevention and the handling of smoke pollution in the Southeast Asia region.

The background of the formation of ASEAN cooperation related to cross-border smoke pollution is the reaction of ASEAN member countries to the severe forest and land fires that occurred in Indonesia in 1997 (<http://www.menlh.go.id>). In 2002 the ASEAN member countries finally agreed to formulate the ASEAN Agreement on Transboundary Haze Pollution to control smoke pollution in the Southeast Asia region. Indonesia and other ASEAN member countries agreed to work together to overcome forest and land fires along with the effects of the smoke together through the signing of the ASEAN Agreement on Transboundary Haze Pollution on June 10, 2002, which then entered into force on November 25, 2003 (<http://e-journal.uajy.ac.id/14643/2/HK116021.pdf>)

ASEAN Cooperation on Transboundary Haze Pollution Control

Following severe land and forest fires in 1997-1998, ASEAN Member States (AMS) signed the ASEAN Agreement on Transboundary Haze Pollution (AATHP) on 10 June 2002 in Kuala Lumpur, Malaysia, to prevent, monitor, and mitigate land and forest fires to control transboundary haze pollution through concerted national efforts, regional and international cooperation. The Agreement entered into force in 2003 and has been ratified by all ASEAN Member States. The Agreement contains measures on (<https://environment.asean.org/about-asean-cooperation-on-transboundary-haze-pollution-control/>) :

- a. Monitoring and assessment;
- b. Prevention & Preparedness;
- c. National and joint emergency response;
- d. Procedures for deployment of people, materials, and equipment across borders;
- e. Technical cooperation & scientific research.

The Conference of the Parties (COP) to the ASEAN Agreement on Transboundary Haze Pollution was established in 2003, consisting of the ASEAN Ministers responsible for the environment. The Committee (COM) under the Conference of the Parties to the ASEAN Agreement on Transboundary Haze Pollution was established to assist COP in the implementation of the Agreement. The COM meets prior to the COP meetings. COP and COM meet back-to-back at least once a year.

The 12th Meeting of the Conference of the Parties (COP-12) to the ASEAN Agreement on Transboundary Haze Pollution (AATHP) held in Kuala Lumpur, Malaysia on 11 August 2016 adopted the Roadmap on ASEAN Cooperation towards

Transboundary Haze Pollution Control with Means of Implementation (hereinafter Roadmap). The Roadmap will serve as a strategic, action-oriented and time-bound framework for the implementation of the collaborative actions to control transboundary haze pollution in the ASEAN region to achieve a vision of Transboundary Haze-free ASEAN by 2020.

The following are key strategic components that translate the principles of the AATHP into concrete and collective actions under the Roadmap: Strategy 1 Implementation of the ASEAN Agreement on Transboundary Haze Pollution (AATHP); Strategy 2 Sustainable Management of Peatlands for Peatland Fires Prevention; Strategy 3 Sustainable Management of Agricultural Land and Forest for Large Scale Forest and/or Land Fires Prevention; Strategy 4 Strengthening Policies, Laws, Regulations and their Implementations, including to facilitate exchange of experience and relevant information among enforcement authorities of the Parties in accordance with the AATHP Article 16 (f); Strategy 5 Enhancing Cooperation, Exchange of Information and Technology, and Strengthening of Capacity of Institutions at All Levels; Strategy 6 Enhancing Public Awareness and Cross-Sectoral and Stakeholders Participation; Strategy 7 Securing Adequate Resources from Multi-Stakeholders for Transboundary Haze Prevention; Strategy 8 Reducing Health and Environmental Risks and Protection of Global Environment.

In Article 2, the ASEAN Agreement On Transboundary Haze Pollution explained that The objective of this Agreement is to prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated, through concerted national efforts and intensified regional and international co-operation. This should be pursued in the overall context of sustainable development and in accordance with the provisions of this Agreement.

The Parties shall be guided by the following principles in the implementation of this Agreement (In Article 3, the ASEAN Agreement On Transboundary Haze Pollution) :

- The Parties have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment and harm to human health of other States or of areas beyond the limits of national jurisdiction.
- The Parties shall, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen co-operation and co-ordination to prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated.
- The Parties should take precautionary measures to anticipate, prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated, to minimise its adverse effects. Where there are threats of serious or irreversible damage from transboundary haze pollution, even without full scientific certainty, precautionary measures shall be taken by Parties concerned.
- The Parties should manage and use their natural resources, including forest and land resources, in an ecologically sound and sustainable manner.
- The Parties, in addressing transboundary haze pollution, should involve, as appropriate, all stakeholders, including local communities, non-governmental organisations, farmers and private enterprises.

Effectiveness of Transboundary Haze Pollution in Handling of Smoke Haze Cases in Southeast Asia

In 1999 ASEAN adopted the Zero Burning Policy which is a regulation on how it should carry out land clearing and clearing without burning which risks the emergence of cross-border haze. ASEAN also gathered the ministers of the environment, NGOs and forest entrepreneurs in a dialogue session meeting aimed at introducing a no burning policy so that its implementation can be carried out optimally in preventing forest and land fires. ASEAN formed a framework of cooperation namely the Strategic Plan of Action on Environment 1999-2004 (SPAEE). The purpose of the SPAEE is to tackle smoke haze pollution that has crossed national borders as a result of forest fires occurring in ASEAN member countries and the Southeast Asian region.

Formation of the agreement on transboundary smoke pollution, there are several stages of the agreement carried out before the formation of the AATHP, the first being the agreement of the Kuala Lumpur Accord on Environment and Development on June 19, 1990 in Kuala Lumpur, which was attended by the Ministry of Environment of ASEAN member countries. This agreement is a form of awareness of ASEAN countries that managing the environment and sustainable development is an appropriate action for the welfare of the ASEAN people. In this agreement produced several articles, one of which is about cross-border pollution.

The second phase, January 27-28, 1992, at the 4th ASEAN Summit in Singapore which produced the Singapore Resolution on Environment and Development, which also included addressing issues of cross-border pollution, natural disasters, forest fires and anti-timber tropical campaigns. At the meeting the issue of cross-border smoke pollution was of particular concern, because in 1991 there were five forest fires in Southeast Asia and the Rio De Janeiro Summit which gave birth to an agreement, one of which was forest protection.

The third stage, on October 21, 1994 at an informal meeting of the ASEAN Environment Minister in Kuching, Sarawak. In this meeting the ministers gave advice on the existence of a stronger regional cooperation effort in handling environmental cases. The fourth stage, after the 1997 forest fires, at the suggestion of the ASEAN Chair of Environmental Affairs a meeting was made at the ASEAN Ministerial Meeting on Haze in 1997 This meeting is the beginning of a specific regional action in tackling the problem of cross-border smoke pollution. In this meeting the Regional Haze Action Plan (RHAP) was made as a form of deeper and more detailed commitment to the ASEAN Co-operation Plan on Transboundary Pollution.

In 1998, the ASEAN Summit in Vietnam issued the Hanoi Plan of Action which emphasized the need for further action from RHAP to make a legally binding international agreement. The final stage was the establishment of the ASEAN Agreement on

Transboundary Haze Pollution, which is the process of developing an AATHP coordinated by the Malaysian state with the assistance of the United Nations Environment Program (UNEP), which was signed by ASEAN countries on June 10, 2002 in Kuala Lumpur and came into force on November 25, 2003. This is based on the contents of article 29 of the AATHP that the agreement will come into force after the sixth country, Thailand, has submitted its instrument of ratification and reported to the head of the ASEAN Secretariat. Until July 2005 only 8 ASEAN countries had ratified, namely Brunei Darussalam, Malaysia, Myanmar, Singapore, Thailand, Vietnam, Laos and Cambodia.

This AATHP is an agreement that is focused on regulating the prevention of transboundary haze pollution caused by forest and land fire disasters in the ASEAN region. Countermeasures are carried out with the cooperation between ASEAN member countries that have participated in ratifying the AATHP agreement. The contents of the AATHP agreement as a whole consist of 32 articles, namely regarding the provisions, description of cooperation and actions in tackling cross-border forest fires and haze disasters and also made in an appendix containing the validity and authenticity of the agreement signed by each government from ASEAN member countries.

Article 2 Objective The objective of this Agreement is to prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated, through concerted national efforts and intensified regional and international co-operation. This should be pursued in the overall context of sustainable development and in accordance with the provisions of this Agreement.

Article 3 Principles The Parties shall be guided by the following principles in the implementation of this Agreement: 1. The Parties have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment and harm to human health of other States or of areas beyond the limits of national jurisdiction. 2. The Parties shall, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen co-operation and co-ordination to prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated. 3. The Parties should take precautionary measures to anticipate, prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated, to minimise its adverse effects. Where there are threats of serious or irreversible damage from transboundary haze pollution, even without full scientific certainty, precautionary measures shall be taken by Parties concerned. 4. The Parties should manage and use their natural resources, including forest and land resources, in an ecologically sound and sustainable manner. 5. The Parties, in addressing transboundary haze pollution, should involve, as appropriate, all stakeholders, including local communities, non-governmental organisations, farmers and private enterprises.

Article 4 General Obligations In pursuing the objective of this Agreement, the Parties shall: 1. Co-operate in developing and implementing measures to prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated, and to control sources of fires, including by the identification of fires, development of monitoring, assessment and early warning systems, exchange of information and technology, and the provision of mutual assistance. 2. When the transboundary haze pollution originates from within their territories, respond promptly to a request for relevant information or consultations sought by a State or States that are or may be affected by such transboundary haze pollution, with a view to minimising the consequences of the transboundary haze pollution. 3. Take legislative, administrative and/or other measures to implement their obligations under this Agreement.

Article 5 ASEAN Co-ordinating Centre for Transboundary Haze Pollution Control 1. The ASEAN Co-ordinating Centre for Transboundary Haze Pollution Control, hereinafter referred to as "the ASEAN Centre", is hereby established for the purposes of facilitating co-operation and co-ordination among the Parties in managing the impact of land and/or forest fires in particular haze pollution arising from such fires. 2. The ASEAN Centre shall work on the basis that the national authority will act first to put out the fires. When the national authority declares an emergency situation, it may make a request to the ASEAN Centre to provide assistance. 3. A Committee composed of representatives of the national authorities of the Parties shall oversee the operation of the ASEAN Centre. 4. The ASEAN Centre shall carry out the functions as set out in Annex and any other functions as directed by the Conference of the Parties.

Article 9 Prevention Each Party shall undertake measures to prevent and control activities related to land and/or forest fires that may lead to transboundary haze pollution, which include: a. Developing and implementing legislative and other regulatory measures, as well as programmes and strategies to promote zero burning policy to deal with land and/or forest fires resulting in transboundary haze pollution; b. Developing other appropriate policies to curb activities that may lead to land and/or forest fires; c. Identifying and monitoring areas prone to occurrence of land and/or forest fires; d. Strengthening local fire management and firefighting capability and co-ordination to prevent the occurrence of land and/or forest fires; e. Promoting public education and awareness-building campaigns and strengthening community participation in fire management to prevent land and/or forest fires and haze pollution arising from such fires; f. Promoting and utilising indigenous knowledge and practices in fire prevention and management; and g. Ensuring that legislative, administrative and/or other relevant measures are taken to control open burning and to prevent land clearing using fire.

- 1) The problem of haze that occurred in Indonesia made ASEAN countries respond because of the effects of cross-border smoke pollution caused by forest and land fires in Indonesia since 1997. ASEAN countries, especially countries close to Indonesia such as Malaysia and Singapore, felt disadvantaged due to the shipment of thick haze from fire that occurred in Indonesia. This makes Malaysia and Singapore to propose the establishment of cooperation between ASEAN countries in overcoming the problem of cross-border haze. Finally, the establishment of the ASEAN Agreement on Transboundary

Haze Pollution in 2002, is a form of initiative and effort from ASEAN to increase coordination at regional and sub-regional levels in a coordinated manner in the form of an ASEAN member country agreement to solve the problem of cross-border smoke pollution. The establishment of the AATHP is expected to be able to overcome the problem of forest and land fires that often occur in Indonesia which causes smoke haze pollution across national borders (Teddy Prasetiawan).

- 2) The AATHP agreement regulates several provisions in the implementation of its work system such as, monitoring, evaluation, prevention, national and joint emergency response preparedness, technical cooperation and scientific research related to forest and land fire control including in firefighting. In addition, the benefits of forming an AATHP agreement are:
 - 1) Encouraging the active role of ASEAN member countries in making decisions to carry out monitoring, assessment and emergency response from forest and land fires that cause cross-border smoke pollution.
 - 2) Protecting ASEAN member countries from the negative impacts of smoke haze pollution that can harm human health, disrupt community productivity in the social and economic fields and reduce the quality of the environment.
 - 3) Strengthen national regulations and policies related to prevention, mitigation, preparedness, monitoring, mitigating and controlling forest and land fires that cause transboundary smoke pollution.
 - 4) Utilizing the human resources and equipment available in ASEAN countries and outside ASEAN countries, both through the ASEAN Secretariat and the ASEAN Coordinating Center to conduct prevention, mitigation, preparedness, monitoring, mitigating, and controlling forest and land fires that cause transboundary smoke pollution.
 - 5) Increase public knowledge and awareness through ASEAN cooperation and international assistance in the prevention and control of forest and land fires. Strengthening management and capability in terms of preventing mitigation, preparedness, monitoring, mitigating and controlling forest and land fires both at the local, national and regional levels through ASEAN cooperation and international assistance so that smoke pollution can be better controlled.

In this study there are also some general principles which should guide ASEAN countries which have ratified the implementation of this agreement. These principles are contained in Article 3 of this agreement, there are at least 5 general principles contained in this article. The principles are as follows:

- a. The Principle of State Sovereignty. It is stated in Article 3 of this first paragraph that each country has sovereign rights in its jurisdiction in accordance with the provisions of the UN charter and the principles of international law. The sovereign right is especially the right to make full use or exploitation of every resource in its jurisdiction. One important thing in relation to the sovereign right to exploit is that each ASEAN member country does so in accordance with the existing environmental and development policies. In addition, each country must also ensure and guarantee responsibility that the activities of resource exploitation carried out will be in full control and not cause damage to the environment or endanger the health of citizens of other countries or regions that are outside the jurisdiction of the country itself.
- b. The Principle of Solidarity or Solidarity. Based on Article 3 paragraph 2, each country is required to uphold the principle and spirit of solidarity and partnership in every situation. The principle of solidarity and partnership must be put forward, especially in the efforts and coordination to prevent, monitor and overcome transboundary pollution or haze caused by forest or land fires in the Southeast Asian region. This principle is important to put forward so that in every event or disaster occurring the haze, member countries do not blame each other but still prioritize the principle of solidarity in every prevention effort.
- c. Principles of Preventive Measures. All member states should take action and preventive measures in anticipating, preventing and monitoring the pollution of this transboundary haze in order to minimize the negative impacts that may be caused. These activities or precautions are important so that any cross-border fire and haze events and their possible impacts can be immediately detected and anticipated. Although there is no scientific certainty yet, if there is a serious threat or large damage due to cross-border smoke pollution, preventive measures must still be taken with caution by every ASEAN country, especially those that are affected by or affected by the cross-border haze.

Management Principles. Based on this principle, each country is expected to carry out activities in the utilization of resources in the forest and land resources in its jurisdiction with the principle of good management. The principle of good management is more or less prudent utilization and is carried out in ways that take sustainability into account. In addition, these utilization activities must also be based on ecological insights so as not to disturb or damage ecological sustainability.

Principle of Involvement. Each member country should involve all parties involved in decision making and prevention efforts and efforts to overcome this transboundary smoke pollution. The parties intended to be involved are such as policy makers, non-governmental organizations, communities, farmers and private companies in the country. This principle makes it possible for every effort and policy taken to represent each party's opinions and middle ground.

Based on the indicators provided by Arild Underdal, the effectiveness of the AATHP can be analyzed as follows Output, that in an international agreement there are rules or a program set by the parties to deal with a particular problem. Output is at the level of regulation-making required by the parties in carrying out an international agreement (Arild Underdal). AATHP output in the form of AATHP provisions (body) AATHP is made based on the identification of problems that arise from cross-border smoke pollution. The parties then tried to find a solution to overcome the problem of smoke pollution (problem solving capacity) regulated in AATHP that was adjusted to the interests of each party (level of collaboration). Outcome, can be interpreted as a change in behavior made by the parties after an international agreement was made.⁷⁹ Outcome is strongly influenced by the willingness and ability of the parties to implement the international agreement.

In the AATHP which has been established since 2002, it can be concluded that the expected outcome has not been achieved. AATHP is expected to change the behavior of individuals in countries that have ratified AATHP. For example, Indonesia has ratified AATHP in 2014, it is hoped that individuals in Indonesia will know the AATHP (output) provisions so that they no longer do land clearing by burning (Outcome, indicating a change in behavior). But based on the case that occurred, in 2015 there were still forest and land fires that were caused by forest and land burning, even though in the AATHP it was stipulated regarding a policy on zero burning policy. This shows that the expected behavior change (outcome) has not yet been reached. Impact, can be interpreted as a change in quality in the environment where the parties are. Impact is the expected outcome of an international agreement, whereby the quality of the environment becomes better after a change in individual behavior. The expected impact of AATHP is that ASEAN is free from smoke pollution. This impact has not yet been achieved because in ASEAN up to 2015 there was still cross-border smoke pollution caused by forest and land fires. Though AATHP has been in force since 2003. This shows that AATHP is not effective. Based on the indicators provided by Arild Underdal, it can be concluded that AATHP is not effective because the Outcome and Impact are not achieved.

CONCLUSION

The ASEAN Agreement on Transboundary Haze Pollution (AATHP) apparently could not be effective in its implementation of national law in the countries that ratified the agreement. Indonesia and Malaysia as countries that have ratified the AATHP do not have national regulations on transboundary smoke pollution. In addition, the Indonesian government also lacks the willingness to harmonize its legislation with AATHP, especially in terms of the zero-burning policy. Only Singapore has a national regulation on cross-border smoke pollution, namely the Singapore's Transboundary Haze Pollution Act 2014, Bill No. 18/2014. The ineffectiveness of AATHP in its implementation in national law is influenced by three factors, there is no clear mechanism in implementing AATHP. In the AATHP which has been established since 2002, it can be concluded that the expected outcome has not been achieved. AATHP is expected to change the behavior of individuals in countries that have ratified AATHP. For example, Indonesia has ratified AATHP in 2014, it is hoped that individuals in Indonesia will know the AATHP (output) provisions so that they no longer do land clearing by burning (Outcome, indicating a change in behavior). But based on the case that occurred, in 2015 there were still forest and land fires that were caused by forest and land burning, even though in the AATHP it was stipulated regarding a policy on zero burning policy. This shows that the expected behavior change (outcome) has not yet been reached.

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