

Regional Cooperation, Patronage, and the ASEAN Agreement on Transboundary Haze Pollution

By HELENA VARKEY

Abstract

Transboundary haze pollution is an almost annual occurrence in Southeast Asia. Haze originates from peat and forest fires mostly in Indonesia, with Malaysia and Singapore suffering the worst of its effects. Most of these fires are manmade, and linked to land clearing activities of local and foreign commercial oil palm plantations. The regional nature of the haze has resulted in a concentration of haze mitigation activities at the Association of Southeast Asian Nations (ASEAN) level. However these initiatives continually fail to effectively mitigate haze. This article argues that this is due to the influence of patronage politics in the sector. This is linked to the ASEAN style of regional engagement, which prioritizes the maintenance of national sovereignty. States are compelled to act in their national interests, as opposed to the collective regional interests. The economic importance of the oil palm sector to the states involved, coupled with the political importance of the clients populating this sector to elite patrons in the governments, meant that the maintenance of the status quo, where clients could continue to clear land using fire, was of crucial national interest. Therefore, the ASEAN style of regional engagement has enabled political elites to shape ASEAN initiatives to preserve the interests of their clients, while the public continue to suffer the haze. This article demonstrates this through a close analysis of the negotiations, outcomes and the implementation of the ASEAN Agreement on Transboundary Haze Pollution, with a special focus on Indonesia's decision to withhold ratification of the treaty.

Keywords

Haze; Association of Southeast Asian Nations; Southeast Asia; transboundary pollution; Indonesia; patronage

Regional Cooperation, Patronage, and the ASEAN Agreement on Transboundary Haze Pollution

Transboundary haze is the Southeast Asian region's first and most publicly-identifiable regional environmental crisis (Elliott 2003). This regional haze has been an annual recurring problem since the 1980s (Mayer 2006). Haze is smoke that originates from peat and forest fires (Tacconi et al. 2008)¹, mostly in Indonesia, and becomes transboundary when it travels across national boundaries (Mayer 2006). Research has shown that most of these fires are manmade, and most can be traced back to illegal land clearing activities of commercial local and foreign (mostly Malaysian and Singaporean) oil palm plantations (Fairhurst and McLaughlin 2009; K. T. Tan et al. 2009; Colfer 2002; Caroko et al. 2011; Casson 2002).

As awareness of the source and dangers of smoke haze spread, Southeast Asian governments increasingly came under pressure from the public and civil society at the national, regional, and international level to mitigate haze (*New Straits Times* 1997; Ho 1997). Hence, in 1997, the Myanmar Foreign Minister who chaired Environmental Affairs at the Association for Southeast Asian Nations (ASEAN) at the time suggested that haze mitigation efforts should be carried out at the ASEAN level due to its transboundary nature, its extreme impact to society, and its close relation to natural resource management in the region. ASEAN member countries unanimously supported this as an opportunity to address civil society's concerns. However, while there seems to be much visible activity at the ASEAN level to address the issue, these initiatives continually fail to effectively mitigate haze (B. Tan 2005; S. S. C. Tay 2002; Yahaya 2000; Nguiragool 2011; Chang and Rajan 2001).

This article argues that regional cooperation at the ASEAN level over haze has been problematic due to the influence of patronage politics in Indonesia's oil palm plantation sector. Patronage relationships is an important determinant of regional-level outcomes due to the style of regional engagement in Southeast Asia, which is characterized by the maintenance of national sovereignty (Murray 2010; Kim 2011). Therefore, states are compelled to act in their national interests, as opposed to the collective regional interests. The economic importance of the oil palm sector to the states involved, coupled with the political importance of the clients populating this sector to elite patrons in the governments (Ferguson 2004), meant that the maintenance of the status quo, where well-connected elites could continue to clear land using fire, was of crucial national interests to these states. The ASEAN style of regional engagement has enabled political elites to shape ASEAN initiatives to preserve the interests of their clients, while the public continue to suffer annually as a result of haze.

This article demonstrates this argument through a close analysis of the negotiations, outcomes and the implementation of the ASEAN Agreement on Transboundary Haze Pollution (ATHP), the most recent haze mitigation initiative by ASEAN. Particularly, it concentrates on Indonesia's decision to withhold ratification of the treaty. It uses data obtained from fieldwork consisting of archival research and semi-structured interviews conducted in Indonesia, Malaysia and Singapore among government officials, Non-Governmental Organization (NGO) representatives, journalists, and academicians to argue that patronage politics in the Indonesian oil palm plantation sector was instrumental in this decision. It is divided into five substantive sections. The first section

¹ For an in-depth analysis on the nature and deep determinants of these fires and the resulting haze pollution, see Tacconi et al.'s earlier article in this publication (Vol. 8).

provides a brief overview of Indonesia's oil palm plantation sector, to show the importance of patron-client relationships in this sector. The second section discusses the ASEAN style of regional engagement, discussing how states are able to shape regional-level outcomes to suit their national interests. The third section briefly discusses the negotiation process leading up to the signing of the ATHP, which begins to show how national political and economic interests took priority over the collective social and environmental interests. The fourth section focuses on Indonesian non-ratification, showing how patronage factors wielded influence over Indonesia's decision at both the ministerial and parliamentary level. The final substantive section discusses how Indonesia's non-ratification has seriously limited the effectiveness of the Agreement in mitigating haze.

1 Patronage politics in the Indonesian oil palm plantation sector

Indonesia is currently the world's largest producer of palm oil (McCarthy 2010; Jarvis et al. 2010; *Reuters* 2011; World Growth 2011; *Bernama* 2010), with oil palm plantations representing more than 10% of agricultural land in Indonesia (World Growth 2011) and the sector contributing almost 5% of national GDP (iStockAnalyst 2009). While the economic activities of these plantation companies in Indonesia can be assumed to be legitimate commercial activities not prohibited by international law, an obligation and responsibility would nevertheless arise on Indonesia's part to prevent or to minimise the risks of significant transboundary harm (A. K. J. Tan 1999).

However, much like other major economic sectors, a central feature of the Indonesian oil palm sector is the importance of patronage networks (H. Varkkey 2012; Helena Varkkey 2013), especially in terms of knowledge and access to local markets, distribution systems, connections around local bureaucracy and business systems, as well as potential business partners and associates and financing (Terjesen and Elam 2009). With the particularly long time frames of the sector (with a crop rotation of about 20 to 30 years) firms often need to cultivate long term patronage relationships throughout this period.

Thus, it is common among the top tiers of Indonesian plantation firms to have 'functional directors' appointed to perform 'extra-economic functions' (Gomez 2009), and 'advisors' who are elected on a retainer basis. Indonesia adopts a two-tier management structure, comprising a board of directors and a board of commissioners. Officially, the former manages and represents the company and the latter supervises the directors (Rajenthiran 2002). However, in reality, members of the board of commissioners (and sometimes also board of directors) are typically retired senior bureaucrats (*mantan*) who could act as intermediaries with the state and perform 'advisory and brokerage functions' on behalf of the company when needed. In other words, they are elected to the post by virtue of their connections².

This extensive patron-client relationships prevalent within the sector (Aggarwal and Chow 2010) has meant that many political parties in power have direct links to these plantation interests. This situation encouraged elites to favour arrangements that ensure domestic and regional political economic stability and market access to these natural resources (Solingen 1999), while providing a lack of incentives for effective regional environmental

² For further evidence of these networks of relationships between plantation firms and governments at the central and local level, see other publications by this author in *Asia Pacific Viewpoint* (Vol. 53, No. 3) and *Environmental Hazards* (Vol. 12)

conservation. This article therefore argues that the protection of these elite interests was more important than responding to environmental issues, especially haze, through ASEAN (Cotton 1999).

2 National sovereignty and the ASEAN Way

This article argues that the ASEAN style of regional engagement, which prioritizes the maintenance of national sovereignty (Murray 2010; Kim 2011), enables political elites to shape ASEAN initiatives to preserve national interests over the collective regional interest. This style of regional engagement enables member states to control the scope, depth and speed of regional cooperation in ASEAN, which best suits their national interests (Kim 2011).

One important example of this in action is the strategic use of the ASEAN Way by member states. The ASEAN Way is a set of behavioural and procedural norms that prescribes approaches to regional interactions. This includes the search for consensus, the principles of sensitivity and politeness, non-confrontational approaches to negotiations, behind-the-scenes discussions, an emphasis on informal and non-legalistic procedures, non-interference and flexibility (Kivimaki, 2001, p. 16). The ASEAN Way is however not a doctrine that must be followed at all costs. Instead, it can be seen as tools for political action that states can selectively use in line with their interests (Khoo 2004).

Subscribing to the ASEAN Way when necessary shields national governments from having to commit to addressing joint tasks that governments either find too demanding administratively, politically difficult, or not sufficiently important given a set of national priorities. In keeping with non-interference norms, the parties can stress the primacy of national laws, policy-making and implementation (Elliott 2003). In keeping with the procedural voluntarism of the ASEAN Way, parties can avoid legally binding agreements. This clause, along with sovereignty concerns has also resulted in a lack of central institutions in ASEAN to uphold compliance or any credible mechanisms for settling disputes in an objective and binding manner (Severino et al. 2005). This complicates the application of multilateral pressure and collective problem-solving methods (B. Tan 2005). The non-interference clause also enables governments to exclude any issue deemed to be politically sensitive from ever being discussed at the regional level (Nesadurai 2008). As a result, these principles provide members with considerable autonomy to determine the extent to which they would implement regional environmental agendas, even those that they have agreed to initially (Nesadurai 2008).

Nesadurai has argued that ‘the ASEAN Way is often only strictly adhered to and enforced by states in areas where crucial economic interests are affected’ (Nesadurai 2008). Indeed, as an institution centred around the promotion of economic cooperation and prosperity among its members (Smith 2004), environmental objectives are therefore often overlooked in the pursuance of these economic goals. As a result, ASEAN has developed into an elite-centered framework of regional integration (Ferguson 2004), where (elite) economic growth takes precedence over social development and environmental protection (Nesadurai 2008). States were unwilling to antagonize domestic interests by applying prohibitive national- or regional-level environmental law, particularly when such natural resource interests are tightly bound to a leader’s political power base (Pas-ong and Lebel 2000; Boas 2000; Aggarwal and Chow 2010). Member states sought to protect the interests of the political and economic elites by maintaining their ‘power of veto’ over effective policy innovation at the ASEAN level

(Cotton 1999). Therefore, member states were free to pick and choose instances where they would strictly follow the ASEAN Way, or ignore it, as long as it was in the interests of the member states' political and economic elites.

This article thus argues that member state elites have strategically used the ASEAN Way of regional engagement to ensure that their political and economic interests, in this case the interests of the major players in Indonesia's oil palm plantation sector, was preserved. This is especially obvious with the legally-binding ATHP, which is detailed below.

3 The Agreement on Transboundary Haze Pollution

Before the ATHP, member states generally avoided legally binding agreements to cooperate on environmental and haze matters (Elliott 2003). However, the 1997-1998 haze episode, which was the most severe the region had seen, sparked renewed outcry from the public and civil society. As one ASEAN official explained, this backlash prompted member states to agree to establish a legally binding mechanism to address haze and appease civil society. Therefore, in 2001 the ATHP was proposed to provide the legally binding support for the RHAP (Florano 2003).

The Agreement follows the normal format of international treaties affecting public policy and management. It comprises a preamble, definition of terms, overall objective, statement of principles, obligations of the signatory states, financial and institutional arrangements for implementing the Agreement, obligation of ratification by signatory states, and a reference to protocols which detail the procedures of implementation (Jones 2004). Several international principles and customary international law have been adopted into the Agreement's legal framework, including the obligation not to cause environmental harm, the precautionary principle, the duty to cooperate, the principles of good neighbourliness, sustainable development, notification and information, public participation, and prevention (Nurhidayah 2012).

The Agreement's stated objective, under Article 2, 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 cooperation' (ASEAN Secretariat 2002). The treaty upheld states' sovereign right to exploit their own resources pursuant to their own environmental and developmental policies (ASEAN Secretariat 2002) among other international law principles as stated above (Article 3) (Florano 2003). Four rounds of negotiations for the ATHP were held between March 2011 and September 2011 (Nguitragool 2011). Negotiations were concluded and the ATHP was signed by all ten ASEAN member countries in 2002, in Kuala Lumpur.

With the entry into force of the ATHP in 2003, specialised Technical Working Groups were tasked to develop the Comprehensive ASEAN Plan of Action on Transboundary Haze Pollution (ASEAN Secretariat 2007). The resulting Plan of Action included a cooperation mechanism for members to help Indonesia prevent haze by controlling fires, establishing early warning systems, exchanging information and technology, and providing mutual assistance (Khalik 2006).

Furthermore, a Panel of Experts (POE) was established to support the implementation of the Plan of Action. According to the Agreement, the POE 'may be utilised when taking measures to mitigate the impact of land and/or forest fires or haze pollution arising from such fires, and also for the purpose of relevant training, education and awareness-raising campaigns' (ASEAN Secretariat 2002). The POE was to provide rapid independent assessment and recommendations for the mobilization of resources. These experts were to be deployed to the fire sites and would provide their report and recommendations to governments. Article 5 of the ATHP also called for the establishment of an ASEAN Coordinating Centre for Haze in Indonesia, and a supporting ASEAN Haze Fund (Kurniawan 2002; Hudiono 2003), for the purposes of 'facilitating cooperation and coordination among the parties in managing the impact of land and/or forest fires in particular haze pollution arising from such fires' (ASEAN Secretariat 2002).

The fact that the ATHP was legally binding was hoped to be a positive step forward to finally mitigating regional haze. Legally binding arrangements are largely regarded in the literature as a more effective type of agreement, as it is one of the most common and traditional ways for inducing targeted actors to change their behavior (Shelton 2003; Murray 2010). By virtue of being legally binding, scholars like Koh and Robinson hoped that the ATHP would be able to help aggregate individual national policy positions around the joint position of the earlier, non-binding ASEAN Regional Haze Action Plan of 1997 and facilitate its implementation (K. L. Koh and Robinson 2002). Other scholars noted that this was a positive reflection of the willingness of states to put aside the taboo of interference in one another's affairs (Jones 2006; Smith 2000).

However, this article argues that effective implementation of environmental agreements do not entirely rely on whether these initiatives are binding or non-binding (K. L. Koh 2008). It argues that effective implementation also depends largely on the style of regional engagement in practice in a particular region. Within ASEAN, regional engagement focusing on the maintenance of national sovereignty (Murray 2010; Kim 2011) meant that states were compelled to ensure that the ATHP, even when legally binding, still observed their national interests, as opposed to the collective regional interest.

Member states did this by insisting on close adherence to the spirit of the ASEAN Way. This ensured that the ATHP, while legally binding, was a highly watered down document where the costs of cooperation for concerned parties are greatly lowered (Nguiragool 2011). This resulted in a treaty that, although technically legally binding, was 'vague and lacking in various hard-law instruments such as strong dispute-resolution and enforcement mechanisms.

Important provisions, including those for developing preventive measures, and a national emergency response, are left to member parties to interpret and apply' (Nguiragool 2011). Furthermore, unlike other relevant treaty regimes, no provision whatsoever is made for disputes to be settled by recourse to international courts or arbitration tribunals (A. K. Tan 2005). As Article 27 of the Agreement states, 'any dispute between Parties as to the interpretation or application of, or compliance with, this Agreement or any protocol thereto, shall be settled amicably by consultation or negotiation' (ASEAN Secretariat 2002). This wholly pre-empts the enforcement of compliance through legal principles of state responsibility and international liability (A. K. Tan 2005). Hence, the ATHP did not significantly differ from the Regional Haze Action Plan in either substance or in demands for

member parties to make policy changes (Nguiragool 2011). This watering-down process, is visible in the negotiation process leading up to the finalization of the ATHP.

Due to the negative backlash from the haze issue, Secretariat representatives avidly argued the case for interference and the issue of consent of the receiving state for assistance during ASEAN-level meetings leading up to the finalisation of the ATHP. However, as the main drivers of the ASEAN organization are member states and not the Secretariat (Smith 2004; Narine 1998), member states had the final say and chose to prioritize sovereignty concerns over ensuring practical progress on the ground. Therefore, it was decided that ASEAN initiatives would strictly observe the norm of non-interference, and that assistance would only be upon the request of the receiving state. As Article 12 states, ‘assistance can only be employed at the request of and with the consent of the requesting Party, or, when offered by another Party or Parties, with the consent of the receiving Party’ (ASEAN Secretariat 2002).

Furthermore, issues that were deemed too ‘sensitive’ were not discussed at all during negotiations. For example, one ASEAN staff member explained that even though there was an unspoken understanding that commercial plantation burning was the major source of haze, the issue of illegal burning by local and foreign plantation companies was never raised during discussions leading up to the ATHP. An NGO representative expressed that ‘if ASEAN *really* wanted to address the haze problem’, the issue of plantations and transnational business would have had to be inserted into the ATHP as well. As a result of these negotiations, the ATHP provided only weak legal enforcement as it relies on the cooperation of its parties through self-regulation and decentralized operations, despite being legally binding (Florano 2003).

For example, ASEAN officials explained that the strict observance of the non-interference norm within the ATHP (that dictate that assistance will only be activated upon request from the receiving state) rendered important new elements like the POE ineffective. Because of the non-interference requirements, there were very specific guidelines for deployment. In addition to approval by Indonesia, the POE team leader has to be Indonesian, and there has to be evidence of more than 250 hotspots over a period of two days. As a result, the POE was deployed only three times; to Indonesian provinces between August and October 2006 (Prasiddha 2009). Indonesia also did on several occasions deny or delay entry of the POE, the latest of which was in 2009, even though all criteria for activation has been fulfilled. This enabled Indonesia to avoid opening its doors to unwanted external scrutiny of its internal and commercial practises.

Thus, just like other haze initiatives before it, non-interference was strictly adhered to with the ATHP as a way to ensure that crucial economic interests of the involved states were preserved. This functional adherence to the ASEAN Way to preserve the interests of the economic and political elite can be observed in more detail when examining the conduct of Indonesia in response to the ATHP.

4 Indonesia’s non-ratification of the ATHP

The ATHP has currently been ratified by nine ASEAN states, with the Philippines being the ninth country to ratify in early 2010. Indonesia remains the only ASEAN member country yet to ratify the ATHP. The former Secretary General of ASEAN lamented Indonesia’s refusal to ratify the Agreement. He argued that since all ten

states had signed the Agreement in 2002, that meant that they all agreed to the spirit of the Agreement already, and 'Indonesia should have no reason to withhold ratification'. Other interviewees argue that Indonesia signed on to the Agreement for political reasons; for the good image of the state within ASEAN, without having any intention to actually ratify. They reasoned that due to the norms of non-interference, Indonesia had nothing to lose by signing on to the Agreement as member states and the Secretariat could not force it to subsequently ratify. The Indonesian side of the story shows a more revealing explanation as to why Indonesia signed on to the ATHP, but has not as yet ratified it.

The ATHP observes the 'ASEAN minus X' formula for ratification. This meant that the Agreement could be called into force with a minimum number of ratifications, and not all members were required to ratify the Agreement. While this is now a standard feature in international environmental treaty law, ASEAN officials explained that the ATHP was one of the earliest ASEAN mechanisms that practised this formula. The formula was adopted to enable individual member states to go further and faster individually 'without upsetting consensus' (Smith 2004). It helps shield member governments from having to commit to joint tasks that they did not have the administrative capacity to carry out, or tasks that they found politically difficult given dominant domestic interests (Nesadurai 2008).

During the ATHP negotiations, officials foresaw that some countries would probably not ratify the ATHP. Therefore, the Secretariat proposed that this formula be applied to the ATHP out of concern that 'countries that did not have such a large interest in the issue, like Laos, would not ratify'. Hence, Secretary General Rodolfo Severino had suggested the Agreement to enter into force with only six ratifications. This was inserted into the Agreement under Article 29, which states that 'this Agreement shall enter into force on the sixtieth day after the deposit of the sixth instrument of ratification, acceptance, approval or accession' (ASEAN Secretariat 2002). With this, in 2003, the ATHP became the first legally binding ASEAN environmental agreement to be entered into force (ASEAN Secretariat 2004) with six ratifications. Incidentally, Laos did ratify the ATHP, while Indonesian ratification is still pending.

Despite the weakness of the ATHP in providing legal enforcement for the RHAP (Florano 2003), Indonesia, as the central country implicated in the haze, still considered the ATHP a risk to its crucial economic interests. As the following discussion elucidates, Indonesia's non-ratification of the ATHP was important in maintaining the availability of, and access to plantation land (Elliott 2003) in Indonesia, to cater to its dominant domestic economic interests.

This creates the free-rider situation (Larson and Soto 2008), where the importance of the oil palm industry to the Indonesian economy, coupled with the vested interests that have been cultivated among elites in the sector takes priority over the well-being of the Indonesian, Malaysian and Singaporean society, which continue to suffer annually as a result of haze. In cases like this, the government would not necessarily make decisions based on what is rational at the level of society, but instead would make decisions that benefit the well-connected minority. Even though ATHP ratification might be rational at the regional level, it makes less sense to the Indonesian political and business elites. This creates disincentives for Indonesia to ratify the ATHP. This has resulted in resistance to ratification at various levels in Indonesia, firstly at the ministerial level even before the treaty was elevated to parliament for ratification, and secondly at the parliamentary levels itself.

4.1 Resistance at the ministerial level

At the ministerial level, the Forestry Ministry provided a strong counterweight to the Environment Ministry in ratification efforts at ASEAN. A former Indonesian Environment Minister explained that at the parliamentary level, the bill for the ratification at the ATHP has continually reached impasse. These are telling examples of how national interests and patronage politics intersect, resulting in regional outcomes that privilege economic actors that are close allies of the Indonesian political elite (Nesadurai 2008).

There is a dearth of mutual cooperation among Indonesia's domestic institutions (Nguitragool 2011), resulting in a certain hierarchy among government ministries. The Ministries of Forestry and Agriculture are the more powerful ministries, with greater mandate, manpower and budgetary resources (A. K. J. Tan 2004). Even though the Environment Ministry has been the engine of Indonesia's environmental diplomacy and holds the mandate to negotiate environmental treaties on behalf of Indonesia, its officials barely wield decision-making authority over land and forest policy at the central bureaucratic level (Nguitragool 2011). The Environment Ministry remains a junior ministry within the Indonesian government, with no powers to force these other government ministries to comply with any requirements or expectations, or to enforce domestic laws (Nguitragool 2011; L. M. Syarif 2010). For example, the mandate to prevent fires in forest and plantation areas is under the inspection role of the Ministries of Forestry and Agriculture. Therefore, the institutions with actual authority to prevent the haze disaster have been distant from the ASEAN processes (Nguitragool 2011).

This reflects Indonesia's national priorities, where the utility of the forests and land as natural resources is viewed as more important than the preservation of the environment (Elliott 2003). In fact, the Environment Ministry has been described as 'constitutionally not a policy-implementation agency of the government' (Eaton and Radojevic 2001). For example, the Forestry Ministry is in charge of the licensing of forest exploitation concessions to private companies, while the Environment Ministry possesses only coordinating and supervisory functions (A. K. J. Tan 2004). As a result of this, interviewees explained that the Forestry and Agriculture Ministries have closer patronage dealings with plantation companies as compared to the Ministry of Environment. In contrast, the Ministry of Environment has limited authority and ability to mobilize support from influential actors. Therefore, while at ASEAN, often representatives from the Ministry of the Environment attend haze-related meetings on behalf of the government, the Ministry has largely been unable to influence decision-making in response to these regional outcomes at the domestic level (Nguitragool 2011).

According to the Indonesian Ambassador to ASEAN, the ATHP was put together at the ASEAN level in a particularly rushed manner, because of the urgent pressure from civil society at that time. The Environment Ministry officials who represented Indonesia in ATHP negotiations were thus not able to adequately discuss the Agreement with other Indonesian ministries before signing it along with other member states. The Ambassador explained that this was why the treaty was signed by Indonesia at the ASEAN level; 'because the Environment Ministry *only* was agreeable to it'. The Ambassador explained that if the other ministries were consulted prior to signing, 'the ATHP would have looked much different than what it is today'. Therefore, it can be seen here that Indonesia signed on to the ATHP because the Indonesian representatives to ASEAN at the time consisted of Environment Ministry officials that were less influenced by national and patronage interests and had more of an interest in the regional environmental good.

However, other more influential Indonesian decision-makers were against the ATHP, especially the Forestry Ministry. For example, one interviewee, a former Environment Minister, Dr. A. Sony Keraf was a state representative to ASEAN for the ATHP and was one of the initiators of the Agreement. He said that he was 'fully supportive of the Agreement', but problems arose when he brought the treaty back home to the other ministries, especially the Forestry Ministry. As mentioned above, important individuals Forestry Ministry are known to have cultivated close patronage links with prominent players in the oil palm plantation sector. Furthermore, the Forestry Ministry also had a material interest in ensuring Indonesia's economic progress through maintaining the availability of, and access to the country's lucrative natural resources (Elliott 2003), which the ATHP threatened to disrupt. Interviewees however explained that despite this resistance, the Environment Ministry have been, and still are, running socialization exercises among the other ministries to garner support of the ATHP.

4.2 Resistance at the parliamentary level

According to Indonesian law, any regional or international treaty has to be enacted as a law, which requires a long tedious process of public hearings and meetings in the House of Representatives (*Dewan Perwakilan Rakyat*) of the Indonesian parliament (Hudiono 2003). Despite resistance from the Forestry Ministry, the Environment Ministry completed the preliminary procedures for parliamentary ratification of the ATHP and submitted a proposal to the Ministry of Foreign Affairs and the State Secretariat in 2002 (Kurniawan 2002). The Environment Minister called for the urgent ratification of the Agreement, noting that it did not involve sanctions and would have more positive than negative effects on the country (Sijabat 2007). That year, the Environment Ministry and Indonesia's House of Representatives agreed to speed up preparations for the ratification of the ATHP, stating that in principle, they have agreed to ratify the Agreement by mid-2003 in the latest. When this did not transpire, President Susilo Bambang Yudhoyono and the Ministry of Forestry identified the pact as one of the most important bills to be passed in 2004 (Nguitrage 2011).

However, as the years went on, it was announced that the State Secretariat was still considering the matter (Sijabat 2006). An interviewee argued that this delay was due to the influence that the more powerful Forestry Ministry had over the State Secretariat. By 2005, the bill had still not been publicized in regions across the country according to procedure (Sijabat 2006). In 2006, the State Secretariat finally allowed the ATHP bill to be considered among 78 bills the parliament would debate that year. However, the parliament decided to drop it from the agenda that year without explanation (Maulidia 2006). In 2007, a working committee of 40 legislators from three commissions overseeing defence and foreign affairs, agriculture and forestry affairs and environment affairs presented their views on the ATHP, but did not come to an agreement (Parliament of Singapore 2007; Sijabat 2007). In 2009, the House of Representatives highlighted the ASEAN Haze Agreement as one of the six priority bills to be ratified before their current term ended on 30th of September (Parliament of Singapore 2009). However, this did not transpire that year, and until today, the treaty is still 'stuck at parliament'.

Other than the influence of the Forestry Ministry, sector lobby groups also had an important role in blocking ratification in parliament. In the patronage culture of Indonesia, lobby groups operate less as disciplined collectives but more as clusters of personal relationships. In this system, these groups were mainly interested in personal benefits for particular members (Kurer 1996). These groups often lobby parliamentarians to structure

parliamentary outcomes for the individual gain of their prominent members (Enderwick 2005) and block policies and treaties that might threaten their interests (Hamilton-Hart 2007). Indeed, the Indonesian parliament has been described as the ‘weakest state institution’ in Indonesia (Deutsch and Sender 2011) because of this undue private sector influence.

The Indonesian Sustainable Palm Oil Commission and Indonesian Palm Oil Association (GAPKI, or *Gabungan Pengusaha Kelapa Sawit Indonesia*) are examples of such powerful lobby groups, and have been influential in recommending and changing regulations in accordance to industry interests. As some interviewees stated, ‘GAPKI has the power and influence to mould the future of the Indonesian palm oil industry’. GAPKI especially strongly lobbies for ‘the preservation of their heritage and way of life’, referring to the status quo of open burning operations in land clearing and the use of peatlands for plantations. GAPKI also has often used the ‘nationalism card’ to influence parliamentarians not to ratify the ATHP, arguing that the Agreement would be an impingement on Indonesia’s sovereign status. GAPKI was against the Indonesian government ratifying the ATHP and accepting outside assistance because it was worried that member states would then be able to pressure the Indonesian government to take more serious action over the haze. One major concern of GAPKI was the fact that the ATHP allowed for additional protocols, and GAPKI was worried that this may later on include enforcement and liability clauses related to peatlands and use of fire, which would threaten the sector’s practices.

Many interviewees pointed out that GAPKI is controlled by powerful Indonesian individuals with close personal relationships with prominent Members of Parliament, and with vested interests in maintaining the status quo in the plantation industry. For example, one NGO representative stated that the current Secretary General of GAPKI, Joko Supriyono, who is also a director at the major Indonesian plantation company Astra Agro, is known to have formidable influence with the Indonesian government and parliament due to his many years experience in the sector, and was instrumental in shaping the outcomes of many sector-related policy decisions.

Interviewees explain that this endemic patronage culture has meant that ‘vested interests are playing a very strong role in hindering ratification’. Oil palm business interests are considered so influential in parliament that one interviewee went so far as to say that parliamentary debates on the ATHP are all just token, as given ‘the strength of the concessions, and the lobbying in the parliament and contributions both under and above the table of the plantation sector to the economy and to the elite, the ATHP will never get passed’. Hence, they argue that parliamentary statements and positions on the ATHP were made based on the need to appease their powerful backers or constituents who have investments in the plantation sectors.

As a result, many legislators have come out against ratification of the ATHP (Sijabat 2007). Hence, interviewees pointed out that arguments presented at the parliament against ratification have included quite feeble political, instead of environmental concerns. As discussed above, the ASEAN Way principles are often called upon by states in areas where crucial economic interests and dominant domestic interests are affected (Nesadurai 2008). For example, sovereignty concerns were raised with regard to fire fighting assistance under the ATHP despite the ATHP already containing specific clauses preserving the sovereignty of states during such assistance, as was pointed out by Dr. Keraf. For instance, parliamentarians and bureaucrats from local governments and local Forestry Institutions expressed concern that foreign firemen would use the knowledge they gain inside Indonesia

wrongfully (Nguitrageol 2011), like matters of terrain and defence. In light of extensive patronage networks related to haze, these concerns were actually more related to the worry that felonious patronage activities in remote areas could become transparent, and even exposed internationally (Nguitrageol 2011). A Southeast Asian scholar that was interviewed explained that governments will always use things like sovereignty as an excuse, 'because they cannot just come out and say that they have vested interests' in the issue.

Parliamentarians further argued that the Agreement unfairly placed all responsibility of the haze on Indonesia (Sijabat 2007). However, this was not the case as during negotiations, negotiators were very careful to word the Agreement in such ways that did not place blame on any particular country. For instance, Indonesia's Environment Ministry officials that participated in the negotiation process of the ATHP had already ensured that the Agreement used more general, as opposed to specific terms for this very reason. Interviewees explained that contentious words included 'Borneo' (the island consisting of Indonesia's Kalimantan and the Malaysian states of Sabah and Sarawak) replacing 'Kalimantan, and 'pollution' replacing 'transboundary pollution' (because Indonesia argued that the haze was not always transboundary). Furthermore, as the term 'haze' normally denotes a *naturally occurring* climatic condition in which visibility is affected (McLellan 2001), ASEAN cautiously added it to the term 'smoke', thus referring to the phenomenon as 'smoke haze' in order to prevent criminalising Indonesia (Nguitrageol 2011). In fact, throughout the history of haze cooperation at the ASEAN level, Indonesia has never been called upon by its ASEAN neighbours to bear state responsibility for breaching its obligation to control its forest and land fires and to incur international liability for the transboundary haze damage caused to other states (A. K. Tan 2005). However, despite the neutral language of the Agreement, parliamentarians still chose to view the Agreement as unfairly laying responsibility upon Indonesia.

Parliamentarians also argued that ASEAN members were selfishly pushing Indonesia to ratify without considering Indonesia's interests. They argued that Indonesia did not benefit sufficiently from the Agreement, and it would benefit other ASEAN members more (Parliament of Singapore 2010; Budianto 2008; Maulidia 2006). In reality, the Indonesian people in Kalimantan and Sumatra closest to the source of the fires would benefit most from the treaty and the clean air that it was hoped to bring (Parliament of Singapore 2010). Clearly, the interests that the parliamentarians had in mind here was not the social well-being of its people, but instead the economic interests and practises of the oil palm plantation sector that was at stake with the ATHP.

Parliamentarians also argued that the legal consequences of ratification was heavy (Sijabat 2007), as Indonesia would have to amend many of its regulations by adding a clause on zero burning and controlled burning practises (Budianto 2008), and also limit activity on peatlands. However, interviewees noted that Indonesia already has all these provisions in their law. Parliamentarians also said that the government did not have enough money and was not financially prepared to support the tighter monitoring that was required in the Agreement. Hence, they argued that ratification of the ATHP would be a burden to the relatively poorer (compared to Malaysia and Indonesia) Indonesia financially (*Jakarta Post* 2006), since fighting large-scale land and forest fires is an expensive and difficult task because the Indonesian archipelago is vast and the fires are largely peat-based (Nguitrageol 2011). This stance ignores the strong general recognition that the state's economic level cannot be used to discharge it from its obligations under international law (A. K. J. Tan 1999). Furthermore,

interviewees explained that ratification would somewhat address this concern because this would allow Indonesia access to the Haze Fund that was set up with the ATHP.

To further substantiate the case for non-ratification, parliamentarians argued that even without the Agreement, the state had still managed to reduce the number of hotspots in 2007 by more than 70%. However, interviewees noted that this reduction could be credited to the mild El Niño cycle that did not create the severe drought conditions that help fires spread, not on action on the ground. Furthermore, some parliamentarians argue that there is no real difference to Indonesia whether the Agreement is ratified or otherwise, since it will not be faced with any sanctions anyway, and Indonesia already has the necessary laws and projects in place (contradicting the legal burden argument as stated above). Also, they argue that since there is already some cooperation happening anyway through earlier ASEAN agreements and action plans, ratification was a mere unimportant formality.

The Environment and Foreign Affairs Ministries have tried to convince parliamentarians to ratify the treaty first, and then add protocols for issues that they were concerned about later. These ministries were worried that Indonesia would miss out on the benefits of the ATHP, especially on the opportunity to show diplomatic goodwill that was gained by signing the ATHP, by delaying its ratification (Parliament of Singapore 2010; Hudiono 2003). However, parliamentarians have stood their ground and insisted that they would only ratify the treaty if amendments according to their requests were made first. As no further progress in response to Indonesia's 'concerns' have been made at ASEAN, Indonesia's parliamentary stalemate still stands.

5 Non ratification limiting effectiveness of the treaty

Indonesia's failure to ratify the ATHP has limited the effectiveness of the treaty in terms of fire-fighting, coordination, policy-making and future evolution of the Agreement. Firstly, as part of the ATHP mechanism, if a serious forest fire was spotted by the ASEAN Specialised Meteorological Centre, neighbouring states could activate fire fighting services and move in, without having to write in to the receiving government to get diplomatic clearance for aircrafts and permission from local fire services (Khalik 2006). However, this clause was only applicable if both countries have ratified the treaty. Therefore, even with the ATHP in force, assistance still could not be deployed immediately without ratification by Indonesia. On both matters of the POE and fire fighting assistance, interviewees suggested that the real reason behind Indonesia's reluctance was because the fires were on plantation land of particular well-connected individuals, and the Indonesian government did not want these outside parties like the POE to be exposed to this fact.

Secondly, non-ratification has also delayed the establishment of the ASEAN Coordination Centre for Haze and its dedicated Secretariat. This Centre and its Secretariat would have been useful for coordinating information and cooperation efforts around the region³ (ASEAN Secretariat 2002). During negotiations, ministers reached

³ The Annex of the Agreement goes into the details of the Centre's visualized role, including to:

a) Establish and maintain regular contact with the respective National Monitoring Centres regarding the data, including those derived from satellite imagery and meteorological observation, relating to land and /or forest fire, environmental conditions conducive to such fires; and air quality and levels of pollution, in particular haze arising from such fires;

agreement that the Centre and Secretariat would be established as soon as possible, and was set to be located in Riau, Sumatra. This was hoped to fuel more awareness and ownership of the fire problem in the Riau administration. An interviewee from the Environment Ministry explained that ‘in the spirit of sovereignty’, Indonesia was granted substantial control over the Centre, for instance on selection of experts working in the Centre. However this Centre and Secretariat has yet to be established, pending Indonesia’s ratification of the treaty. As a result, the ASEAN Secretariat, with limited staff spread over many departments, still functions as an interim Secretariat for haze matters in the region instead of a dedicated Secretariat under the Centre.

Thirdly, due to Indonesia’s non-ratification, interviewees admit that ASEAN-level initiatives have not been able to ‘address sensitive issues’ like influencing Indonesian forest policy and the implementation of laws. Article 9 of the Agreement does call for the development of ‘appropriate policies to curb activities that may lead to land and/or forest fires’ (ASEAN Secretariat 2002), however this is only applicable to ratified states. Hence, an interviewee pointed out that the success of ASEAN-level initiatives is ‘essentially dependent on the Indonesian government, not on ASEAN’. Therefore, while regional systems of environmental governance can be an important complement to environmental governance, efforts at the national level suffered (K. L. Koh and Robinson 2002), and like many previous ASEAN-level environmental initiatives, haze mitigation at ASEAN has been ineffective.

Furthermore, because the haze treaty was embedded within an institution in which the principle of consensus was dense, the opponents of intervention could reject the entire treaty or legitimately obstruct any clause or provision that would lead to an encroachment on a state’s sovereignty (Nguitragool 2011). Therefore, despite non-ratification, Indonesia in reality still retains influence of the direction of haze action in the region. The observation of the ASEAN Way in haze initiatives has allowed Indonesia to assert its sovereign right in selectively adopting or ignoring elements of the ATHP in ways that protect its crucial economic interests (Nesadurai 2008). This further limits the effective haze mitigation at the ASEAN level.

6 Conclusion

Cooperation on matters of environmental protection is widely accepted as a basic obligation of international law. Whether the rules of international cooperation are being effectively embraced must be measured by whether the response is proportional to the need. If states effectively cooperated to abate the problem, then the level of such action may be deemed adequate to satisfy the duty to cooperate under international law. In the case of the legally-binding ATHP, the International Law obligation to cooperate was ineffective in producing action proportionate to the need (Robinson 2000-2001).

-
- b) Facilitate co-operation and co-ordination among the Parties to increase their preparedness for and to respond to land and/or forest fires or haze pollution arising from such fires;
 - c) Facilitate co-ordination among the Parties, other States and relevant organisations in taking effective measures to mitigate the impact of land and/or forest fires or haze pollution arising from such fires; and
 - d) Respond to a request for or offer of assistance in the event of land and/or forest fires or haze pollution resulting from such fires by transmitting promptly the request for assistance to other States and organizations; and co-ordinating such assistance, if so requested by the requesting Party or offered by the assisting Party (ASEAN Secretariat 2002, pp. 23-24).

This article has thus argued that the implementation of and compliance with international law or, in this case, the implementation and compliance of ASEAN instruments by a member state does not entirely rely on whether these initiatives are binding or non-binding (K. L. Koh 2008). This instead depends largely on the style of regional engagement in practice in a particular region. The ASEAN region still retains their ASEAN Way values in its approach to regional environmental cooperation (Nurhidayah 2012), which often results in agreements that upholds national priorities over regional interests. In this case, the ATHP was adopted using a very loose, vague expression of the doctrine of state responsibility (L. O. M. Syarif 2007). With the ATHP, state sovereignty and non-interference in internal affairs are still paramount, the consent of the state where the fires occur is still needed for international action, and the tools prescribed do not appear to be any more sophisticated or effective than earlier ASEAN-level haze mitigation efforts (A. K. Tan 2005).

These institutional practises that tend to reinforce sovereignty and non-interference tend to limit innovation and prevent harsh criticisms of Indonesia (Ortuoste 2008). Therefore, due to the ASEAN style of regional engagement that prioritizes national sovereignty, the negotiations, outcomes, and implementation of the ATHP was able to be strategically shaped by member states to preserve national political and economic interests (Muhamad Varkkey 2012), in this case being the interests of the patrons and clients in the Indonesian oil palm plantation sector.

Hence, it can be seen that international principles of state responsibility and international cooperation provide scant help in coping with fires and haze in Southeast Asia (Robinson 2000-2001), and have so far been of no assistance in finding solutions to these fires and haze. The failure of Indonesia and ASEAN to deal effectively with the problem (S. Tay 1998) demonstrates the powerful economic and political constraints, both regionally within ASEAN and internally within Indonesia, which severely impede the Agreement's effectiveness (A. K. Tan 2005). As a result, instead of offering solutions to the transboundary haze problem, engagement at the ASEAN level has served to protect the interests of the oil palm plantation sector and the well-connected elites that control it, while allowing the haze to persist.

References

- Aggarwal, V. K., & Chow, J. T. (2010). The perils of consensus: How ASEAN's meta-regime undermines economic and environmental cooperation. *Review of International Political Economy*, 17(2), 262-290.
- ASEAN Secretariat (2002). *ASEAN Agreement on Transboundary Haze Pollution* Kuala Lumpur, ASEAN Secretariat (2004). *4: Transnational Issues*. Paper presented at the ASEAN Annual Report, ASEAN Secretariat (2007). *Review of existing ASEAN institutional mechanisms to deal with land and forest fires and transboundary haze pollution*. Paper presented at the 2nd preparatory meeting for the 2nd meeting of the Conference of the Parties, Bandar Seri Begawan,
- Palm oil sector to become larger contributor to GDP. (2010, 30 March 2010). *Bernamea Daily Malaysian News*.
- Boas, M. (2000). The trade-environment nexus and the potential of regional trade institutions. *New Political Economy*, 5(3), 415.
- Lawmakers refuses to endorse forest haze bill. (2008, 14 March 2008). *Jakarta Post*.
- Caroko, W., Komarudin, H., Obidzinski, K., & Gunarso, P. (2011). Policy and institutional frameworks for the development of palm oil-based biodiesel in Indonesia. *Working Paper*. Jakarta: Center for International Forestry Research.
- Casson, A. (2002). The political economy of Indonesia's oil palm sector. In C. J. Colfer, & I. A. P. Resosudarmo (Eds.), *Which Way Forward? People, forests and policymaking in Indonesia* (pp. 221-245). Singapore: Institute of South East Asian Studies.

- Chang, L. L., & Rajan, R. S. (2001). Regional Versus Multilateral Solutions to Transboundary Environmental Problems: Insights from the Southeast Asian Haze. *Transboundary Environmental Problems in Asia*, 655-670.
- Colfer, C. J. P. (2002). Ten propositions to explain Kalimantan's fires. In C. J. Colfer, & I. A. P. Resosudarmo (Eds.), *Which Way Forward? People, forests and policymaking in Indonesia* (pp. 309-321). Singapore: Institute of Southeast Asian Studies.
- Cotton, J. (1999). The "haze" over Southeast Asia: Challenging the ASEAN mode of regional engagement. *Pacific Affairs*, 72(3), 331-351.
- Boom and bust. (2011, 8 June 2011). *Financial Times*.
- Eaton, P., & Radojevic, R. (2001). *Forest Fires and Regional Haze in Southeast Asia*. New York: Nova Science Publishers, Inc.
- Elliott, L. (2003). ASEAN and environmental cooperation: norms, interests and identity. *The Pacific Review*, 16(1), 29-52.
- Enderwick, P. (2005). What's bad about crony capitalism? *Asian Business & Management*, 4, 117-132.
- Fairhurst, T., & McLaughlin, D. (2009). Sustainable oil palm development in degraded land in Kalimantan. Kent: World Wildlife Fund.
- Ferguson, R. J. (2004). ASEAN Concord II: Policy Prospects for Participant Regional "Development". *Contemporary Southeast Asia*, 26, 393.
- Florano, E. R. (2003). Assessment of the "Strengths" of the New ASEAN Agreement on Transboundary Haze Pollution. *International Review for Environmental Strategies*, 4(1), 127-147.
- Gomez, E. T. (2009). The rise and fall of capital: Corporate Malaysia in historical perspective. *Journal of Contemporary Asia*, 39(3), 345-381.
- Hamilton-Hart, N. (2007). Government and private business: Rents, representation and collective action. In R. H. McLeod, & A. MacIntyre (Eds.), *Indonesia: Democracy and the promise of good governance* (pp. 93-111). Singapore: Institute of Southeast Asian Studies.
- The Big Haze - Indonesian plantations' denial 'incredulous'. (1997, 2 October 1997). *The Straits Times*.
- RI missing out on ASEAN haze agreement: Activist. (2003, 3 December 2003). *Jakarta Post*.
- iStockAnalyst (2009). Indonesia's palm oil contributes 4.5 pct to GDP. <http://www.istockanalyst.com/article/view/StockNews/articleid/3660667>. Accessed 6 October 2010.
- Environmental law should target haze. (2006, 30 November 2006). *Jakarta Post*.
- Jarvis, D., Richmond, N., Phua, K. H., Pocock, N., Sovacool, B. K., & D'agostino, A. (2010). Palm oil in Southeast Asia. *Asian Trends Monitoring Bulletin*.
- Jones, D. S. (2004). ASEAN Initiatives to combat Haze pollution: An assessment of regional cooperation in public policy-making. *Asian Journal of Political Science*, 12(2), 59-77.
- Jones, D. S. (2006). ASEAN and transboundary haze pollution in Southeast Asia. *Asia Europa Journal*, 4(3).
- ASEAN ups pressure on haze as lawmakers bicker. (2006, 14 October 2006). *Jakarta Post*.
- Khoo, N. (2004). Deconstructing the ASEAN security community: a review essay. *International Relations of the Asia Pacific*, 4(1), 35.
- Kim, M. (2011). Theorizing ASEAN Integration. *Asian Perspectives*, 35, 407-435.
- Koh, K. L. (2008). A breakthrough in solving the Indonesian haze? In S. Hart (Ed.), *Shared Resources: Issues of Governance*. Gland, Switzerland: International Union for the Conservation of Nature and Natural Resources.
- Koh, K. L., & Robinson, N. A. (2002). Regional Environmental Governance: Examining the Association of South East Asian Nations (ASEAN) Model. In D. C. Esty, & M. H. Ivanova (Eds.), *Global Environmental Governance: Options & Opportunities*. Yale: Yale Center for Environmental Law & Policy.
- Kurer, O. (1996). The political foundations of economic development policies. *Journal of Development Studies*, 32(5), 645-668.
- RI to speed up ratification of ASEAN haze accord. (2002, 15 November 2002). *Jakarta Post*.
- Larson, A. M., & Soto, F. (2008). Decentralization of natural resources governance regimes. *Annual Review of Environment and Resources*, 33, 213-239.
- Indonesia must ratify anti-haze treaty. (2006, 28 January 2006). *Jakarta Post*.
- Mayer, J. (2006). Transboundary Perspectives on Managing Indonesia's Fires. *The Journal of Environment & Development*, 15(2), 202-233.
- McCarthy, J. F. (2010). Process of inclusion and adverse incorporation: oil palm and agrarian change in Sumatra, Indonesia. *The Journal of Peasant Studies*, 37(4), 821-850.
- McLellan, J. (2001). From denial to debate - And back again! Malaysian press coverage of the air pollution and 'haze' episodes, July 1997-July 1999. In P. a. R. Eaton, M (Ed.), *Forest Fires and Haze in Southeast Asia* (pp. 253-262). New York: Nova Science Publishers.

- Muhamad Varkkey, H. (2012). The Asean Way and Haze Mitigation Efforts. *Journal of International Studies*, 85(3), 77-97.
- Murray, P. The European Union as an integration entrepreneur in East Asia - Yardstick or cautionary tale? In *Australian Political Studies Association Conference, Melbourne, 27-29 September 2010*
- Narine, S. (1998). ASEAN and the management of regional security. *Pacific Affairs*, 71(2), 195.
- Nesadurai, H. (2008). The Association of Southeast Asian Nations (ASEAN). *New Political Economy*, 13(2), 225.
- EPSM wants haze constituents to be made public. (1997, 25 September 1997). *New Straits Times*.
- Nguitragool, P. (2011). Negotiating the Haze Treaty. *Asian Survey*, 51(2), 356-378.
- Nurhidayah, L. (2012). *The Influence of International Law upon ASEAN Approaches in Addressing Transboundary Haze Pollution in the ASEAN Region*. Paper presented at the 3rd NUS-Asian SIL Young Scholars Workshop, NUS Law School, 23-24 February 2012
- Ortuoste, M. C. C. (2008). *Internal and external institutional dynamics in member-states and ASEAN: Tracing creation, change and reciprocal influences*. Arizona State University, Arizona.
- Parliament of Singapore (2007). Estimates of expenditure for the financial year 1st April, 2007 to 31st March, 2008 (2007-03-06). Singapore.
- Parliament of Singapore (2009). Haze situation (Action plan) (2009-09-15). Singapore.
- Parliament of Singapore (2010). Haze and forest fires (Commitment from Indonesia) (2010-11-22). Singapore.
- Pas-ong, S., & Lebel, L. (2000). Political transformation and the environment in southeast Asia. *Environment*, 42(8), 8.
- Prasiddha, R. Update on the implementation of the ASEAN Agreement on Transboundary Haze Pollution. In *2009 Pan Asia Forest Fire Consultation, Busan, Korea, 2-7 February 2009*: ASEAN Secretariat
- Rajenthiran, A. (2002). *Indonesia: An overview of the legal framework of Foreign Direct Investment*. Paper presented at the ISEAS Working Papers: Economics and Finance, Singapore,
- Update 1 - Wilmar to invest \$900 mln in Indonesia palm oil product plants. (2011, 7 February 2011). *Reuters*.
- Robinson, N. A. (2000-2001). Forest Fires as a Common International Concern: Precedents for the Progressive Development of International Environmental Law. *Pace Environmental Law Review*, 18, 459-504.
- Severino, R. C., Hew, D., Suryadinata, L., Hsu, L., & Moeller, J. O. (2005). *Framing the ASEAN Charter*. Singapore: ISEAS.
- Shelton, D. (2003). *Commitment and Compliance: The role of non-binding norms in the international legal system*. New York: Oxford University Press.
- Environment minister warns of haze's serious effects. (2006, 10 October 2006). *Jakarta Post*.
- Government, House discuss bill on transboundary haze. (2007, 13 March 2007). *Jakarta Post*.
- Smith, A. L. (2000). *Strategic Centrality: Indonesia's Changing Role in ASEAN*. Singapore: Institute of South East Asian Studies.
- Smith, A. L. (2004). ASEAN's Ninth Summit: Solidifying Regional Cohesion, Advancing External Linkages. *Contemporary Southeast Asia*, 26, 416.
- Solingen, E. (1999). ASEAN, Quo Vadis? Domestic coalitions and regional co-operation. *Contemporary Southeast Asia*, 21(1), 30.
- Syarif, L. M. (2010). The source of Indonesian Environmental Law. *IUCN Academy of Environmental Law*, 1.
- Syarif, L. O. M. (2007). *Regional arrangements for transboundary atmospheric pollution in ASEAN countries*. University of Sydney, Sydney.
- Tacconi, L., Jotzo, F., & Grafton, R. Q. (2008). Local causes, regional co-operation and global financing for environmental problems: the case of Southeast Asian Haze pollution. 8, 1.
- Tan, A. K. (2005). The ASEAN Agreement on Transboundary Haze Pollution: Prospects for Compliance and Effectiveness in Post-Suharto Indonesia. *N.Y.U. Environmental Law Journal*, 13, 647-722.
- Tan, A. K. J. (1999). Forest fires of Indonesia: State responsibility and international liability. *International and Comparative Law Quarterly*, 48.
- Tan, A. K. J. (2004). Environmental laws and institutions in Southeast Asia: A review of recent developments. *Singapore Year Book of International Law*, 177-192.
- Tan, B. (2005). The Norms that Weren't: ASEAN's Shortcomings in Dealing with Transboundary Air Pollution. *International Environmental Politics*, Spring 2005.
- Tan, K. T., Lee, K. T., Mohamed, A. R., & Bhatia, S. (2009). Palm oil: Addressing issues and towards sustainable development. *Renewable and Sustainable Energy Reviews*, 13, 420-427.
- Tay, S. (1998). South East Asian forest fires: haze over ASEAN and international environmental law. *Reciel*, 7(2), 202-208.
- Tay, S. S. C. (2002). Fires and Haze in Southeast Asia. In P. J. Noda (Ed.), *Cross-Sectoral Partnerships in Enhancing Human Security* (pp. 53-80). Tokyo: Japan Center for International Exchange.
- Terjesen, S., & Elam, A. (2009). Transnational entrepreneurs' venture internationalization strategies: A practice theory approach. *Entrepreneurship Theory and Practice*, 1093-1116.

- Varkkey, H. (2012). Patronage politics as a driver of economic regionalisation: The Indonesian oil palm sector and transboundary haze. *Asia Pacific Viewpoint*, 53(3), 314-329.
- Varkkey, H. (2013). Patronage politics, plantation fires and transboundary haze. [doi: 10.1080/17477891.2012.759524]. *Environmental Hazards*, doi:10.1080/17477891.2012.759524.
- World Growth (2011). The economic benefit of palm oil to Indonesia. (pp. 1-26). Virginia: World Growth.
- Yahaya, N. (2000). Transboundary Air Pollution: Haze Pollution in Southeast Asia and its Significance. *Journal of Diplomacy and Foreign Relations*, 2(2), 41-50.