



(REVIEW ARTICLE)



## ASEAN agreement on Transboundary Haze Pollution (AATHP) Sebagai Upaya Pengentasan Kabut Asap di Asia Tenggara: A literature review

Mochammad Rizky Syahrullah Barca \*

*Department of Environment Health Faculty of Public Health, Airlangga University, Surabaya, Indonesia*

World Journal of Advanced Research and Reviews, 2024, 21(03), 1910–1913

Publication history: Received on 13 February 2024; revised on 20 March 2024; accepted on 22 March 2024

Article DOI: <https://doi.org/10.30574/wjarr.2024.21.3.0885>

### Abstract

AATHP is an international agreement that promises to prevent and overcome air pollution due to forest and land fires in the environmental sector. Objectives: Updating the literature review regarding on the implementation of AATHP in Indonesia as an effort to reduce cross-border haze. Methods: Article searches were conducted using two languages through three database sources ScienceDirect, PubMed, and Google Scholar using the keywords "AATHP" AND "Pollution" AND "ASEAN". After data extraction and separation, there are 4 articles that will be analyzed. Results: There are four aspects discussed, namely accountability, delay in ratification, policy, and implementation results of AATHP implementation in Indonesia Conclusion: Indonesia was able to reduce the number of hotspots in forests, improve bilateral relations, and adapt regulations to the implementation of AATHP despite being the last country to ratify the agreement.

**Keywords:** International; Agreement; Pollution; Environment; AATHP

### 1. Introduction

Environmental problems increasingly do not recognize national boundaries, so joint efforts from many countries and international agreements are needed. However, the agreement required is that the agreement must be credible so that it obliges members to take action related to the goal. In this case, the inauguration of the Asean Agreement on Transboundary Haze Pollution (AATHP) was to put pressure on member countries to provide significant obligations in preventing transboundary haze which could risk disrupting shared sovereignty. The weakness of this agreement is that there is no delegation dimension at all.

AATHP is considered to impose heavy obligations on member countries. This is proven by the use of "mandatory" obligation language in the agreement and displays the characteristics of a legally binding agreement [7]. These obligations may seem arbitrary and harmless but in regional government associations, obligations actually have different implications for different countries. This agreement can create relatively high sovereignty costs for member countries compared to other countries. Apart from that, the existence of this agreement also risks losing autonomy in decision making, especially in managing natural resources, environmental protection, and being exposed to international supervision at the regional level.

The AATHP agreement makes Indonesia the slowest country in terms of transboundary haze. One of the problems is that Indonesia is always considered the dominant power and even the natural leader of ASEAN [2]. However, Indonesia's leadership is limited to the political and security fields only. In this case, Singapore and Malaysia support Indonesia by offering assistance in dealing with haze pollution both within and outside the country's borders. However, Indonesia did not always provide a positive response in 2015 and 2019. As time went by, President Joko Widodo said

\* Corresponding author: Mochammad Rizky Syahrullah Barca

that Indonesia sent diplomatic notes asking for help from Malaysia, Japan and Singapore [5]. This shows that Indonesia does not take its obligations for cooperation in the AATHP lightly.

The implementation of AATHP in Indonesia is increasingly reaping pros and cons. Based on this, the author is interested in analyzing Indonesia's accountability, policies, compliance and implementation results in implementing AATHP. The aim of this research is to update the literature review on the implementation of AATHP in Indonesia as an effort to reduce cross-border haze.

---

## 2. Material and methods

The research is classified as a qualitative study utilizing the literature review method and employing a descriptive analysis approach. Data collected through three database sources: ScienceDirect, PubMed, and Google Scholar. The article can be used using language Indonesian or English. Keywords used in article searches namely: "AATHP" AND "Pollution" AND "ASEAN". Search articles are conducted in two languages and limited in the last five years (2019 - 2024). Articles used in the form of original article, full text, and open access. After data extraction and separation, there are 4 articles that will be analyzed.

---

## 3. Results and discussion

Based on the collected and analyzed articles, the findings are presented as follows:

### 3.1. Indonesia's Accountability for AATHP

Morally, every country that implements international agreements is always bound by three basic principles (*ius cogens*) in international law, namely free consent, good faith, and *pacta sunt servanda*. Indonesia's commitment to controlling cross-border haze since 2008 by submitting the AATHP Ratification Bill but at that time it was not approved by the DPR. Basically, every country has the sovereign right to exploit its natural resources and is responsible for ensuring that the exploitation activities carried out do not cause loss or damage to other countries. Indonesia has created laws and regulations and various policies to support the goals of AATHP. However, in reality there are still several regulations that are not in line with AATHP so that they can hinder the implementation of the contents of the agreement [6].

### 3.2. Indonesian Policy Regarding Postponement of AATHP Ratification

The ratification of international agreements depends heavily on power configurations, interest constellations, and the ability to persuade other domestic groups to support each other. Weak coordination between ministries and institutions as well as strong political influence and patronage relationships hampered the ratification process of the AATHP agreement. The results of research [8] explain that there is ambiguity in land use and fund allocation in Indonesia due to overlapping regulations determined by many institutions with conflicting mandates and objectives. ASEAN as a regional organization has long been trying to resolve the THP problem but it takes a long time when using the principle of the "ASEAN Way" where there are principles of sovereignty and non-intervention. The initiative from ASEAN has produced results in bridging bilateral relations between Indonesia and ASEAN countries, especially Singapore and Malaysia.

On the other hand, Indonesia's delay in ratifying the AATHP agreement was due to the perception that the agreement violated the boundaries of sovereignty and the lack of readiness and coordination of Indonesian government institutions to implement the agreement. For Indonesia, the costs of ratification and implementation are greater than the benefits gained from gaining access to funding through the ASEAN Haze Fund and other technical assistance. However, in reality, by ratifying the AATHP agreement, Indonesia will actually gain benefits in the form of easier access to information related to land and forest fire mitigation as well as receiving greater assistance from other parties [4].

### 3.3. Indonesia's Compliance with AATHP

Indonesia has complied with the AATHP regime because it has succeeded in fulfilling the three indicators of regime compliance proposed by Ronald B. Mitchell. Based on output indicators, Indonesia has complied by making regulations governing the taking of preventive, monitoring and control measures in accordance with the articles contained in the AATHP in order to achieve the objectives of the agreement. Indonesia has carried out this form of adapting the rules in the AATHP as in articles 3, 4 and 9 previously by making national state regulations through the ratification of laws or ministerial regulations or presidential regulations. Not only in terms of regulations, the Government has also carried out its obligations by creating special institutions or agencies to handle haze, especially that caused by gambus land fires. The Indonesian government has also fulfilled outcome indicators, namely indicators of seeing the implementation

of rules in output and seeing changes in state behavior after ratifying the agreement. Fulfillment of impact indicators can be seen from the improvement in environmental quality, especially the condition of Indonesia's forests. This is proven by the decline in hotspots in Indonesia's forest areas. Therefore, based on this explanation, it can be concluded that Indonesia complies with the AATHP regime as evidenced by the adaptation of the rules and implementation of the rules in the AATHP which results in an increase in the quality of the Indonesian environment, especially Indonesian forests [9].

### 3.4. Results of AATHP Implementation in Indonesia

Indonesia is a country located in Southeast Asia and is a member of ASEAN. ASEAN has taken steps to overcome the problem of transboundary haze, one of which is through the AATHP agreement. AATHP is an international agreement that promises to prevent and overcome air pollution due to forest and land fires in the environmental sector. The main objective of establishing AATHP is to reduce losses, prevent and overcome transboundary smoke pollution due to forest and land fires in Southeast Asia. The AATHP has a requirement that the binding powers of participating countries must comply with its rules and be enforced by agreement. Ratification consists of reiterating that the states bound by these international agreements declare that they are bound by these rules. Ratification is a form of parliamentary approval of international agreements.

On the other hand, Indonesia only ratified the agreement in 2014 and submitted a letter of ratification to ASEAN. The Secretariat was established in 2015, making Indonesia the last country to ratify the agreement. AATHP's institutional arrangements include the Conference of the Parties (COP), a secretariat supporting Conference of Parties services, or other activities related to agreements and funding for transboundary haze control. For an AATHP agreement, there are institutional provisions, namely COP (Conference of Contracting Parties). The Conference of the Parties calls on ASEAN member states to review the implementation of the ASEAN Agreement on Transboundary Haze Pollution (AATHP) and reaffirm joint efforts and regional cooperation through national efforts and effective implementation of the ASEAN Agreement on the Control of Transboundary Haze Pollution. and the ASEAN Transboundary Haze Pollution Control Agreement. Commitment to "Roadmap for Cooperation in Controlling Haze Pollution".

Indonesia, as a country that has agreed to the AATHP agreement, means that it is bound by all the provisions of the agreement. The legal impact of this agreement is realized in the application of the contents of the AATHP agreement in the Indonesian legal system, either through laws, presidential decrees or other legal systems. Legal system Links and problems Addressing forest and land fires, this system must function in accordance with the provisions of the AATHP agreement. Therefore, internal steps need to be taken so as not to lead to international accountability. In 2019, according to the ratio, quoted by Ridho Sani as General Director of LHK Law Enforcement, the Indonesian government will add more law enforcement agencies in Indonesia (KLHK, 2019). The increase in this law takes the form of administrative sanctions and the use of coercive measures to improve company performance in preventing and dealing with forest and land fires. Other forms of sanctions range from suspension to revocation of permits [1].

---

## 4. Conclusion

The results of the literature review study show that Indonesia is one of the countries that ratified the AATHP agreement. However, Indonesia was the last country to ratify the agreement. The delay in ratification was caused by internal and external factors of the Indonesian Government. However, currently Indonesia is committed to implementing AATHP as evidenced by the formation of laws, ministerial regulations or presidential regulations that adapt to the contents of the AATHP agreement. As a result, Indonesia was able to reduce the number of hotspots in the forest and improve bilateral relations.

---

## Compliance with ethical standards

### *Acknowledgements*

This article did not receive assistance from the government, private companies, or non-profit organizations.

---

## References

- [1] Ariyani dan Parameswari. (2019). Hasil Implementasi ASEAN Agreement on Transboundary Haze Pollution (AATHP) di Indonesia dalam Penanganan Kebakaran Hutan di Indonesia Periode 2014-2019

- [2] Ditjen Migas. (2019). Mengenal Proses Ratifikasi Perjanjian Internasional, <https://migas.esdm.go.id/post/read/mengenal-proses-ratifikasi-perjanjianinternasional>
- [3] Emmers, R. (2014). Peran Indonesia di ASEAN: Kasus Kepemimpinan yang Tidak Lengkap dan Bersifat Sektoral. *Pasifik Ulasan*, 27(4), 543-562. <https://doi.org/10.1080/09512748.2014.924230>
- [4] Febriyani, N. (2019). Analisis Kebijakan Indonesia Terkait Penundaan dalam Meratifikasi ASEAN Agreement on Transboundary Haze Pollution (AATHP) Tahun 2002-2014. *Jurna Studi Diplomasi dan Keamanan*, 2(2), 73-87.
- [5] Gabrilin, A. (2015). Pemerintah Minta Bantuan Asing untuk Tangani Kabut Asap. Kompas.com. <https://nasional.kompas.com/read/2015/10/08/19433821/Pemerintah.Minta.Bantuan.Asing.untuk.Tangani.Kabut.Asap>
- [6] Gheana, S. (2023). Indonesia's Responsibility in Managing Cross-Border Smoke Pollution Review From ASEAN Agreement on Transboundary Haze Pollution. *Jurnal Hukum Lingkungan Tata Ruang dan Agraria*, 2(2), 171-187. <https://doi.org/10.23920/litra.v2i2.1186>
- [7] Muhammad, Fikri. (2021). Environmental Agreement Under The Non-Interference Principle: The Case of ASEAN Agreement on Transboundary Haze Pollution. *Int Environ Agreements*, 22, 139-155. <https://doi.org/10.1007/s10784-021-09545-4>
- [8] Setiawan, Maryudi, *et.al.* (2016). Opposing Interests in the Legalization of Non Procedural Forest Conversion to Oil Palm in Central Kalimantan, Indonesia. *Journal of Land Use Policy*, 58.
- [9] Yusra, R. N. (2019). Kepatuhan Indonesia Terhadap Rezim ASEAN Agreement on Transboundary Haze Pollution (AATHP). *Frequency of International Relations*, 1(1), 79-121.