

TRANSCRIPT OF MINISTER FOR FOREIGN AFFAIRS AND MINISTER FOR LAW K  
SHANMUGAM'S REPLY TO PARLIAMENTARY QUESTIONS ON HAZE, 8 JULY 2013

QUESTIONS:

**MR ZAQY MOHAMAD:** *To ask the Minister for Foreign Affairs (a) if there has been any progress made to tackle the haze issue since October 2012; and (b) whether there are any bilateral engagements or a special action plan by ASEAN to contain the current haze faced by Singapore.*

**ER DR LEE BEE WAH:** *To ask the Minister for Foreign Affairs (a) when did the Ministry first alert the Indonesian Government on the haze that engulfed Singapore and the region; (b) what is their response then; (c) what is the Indonesian Government's commitment to seek a long-term solution to this annual problem; and (d) whether Singapore can take this matter up at the United Nations to seek a resolution should the burning persist.*

**MS TAN SU SHAN:** *To ask the Minister for Foreign Affairs (a) what is the likelihood of Indonesia's ratification of the ASEAN Agreement on Transboundary Haze Pollution being concluded before the next period of potential haze development; and (b) whether there is real scope for ASEAN to come up with concrete action under this Agreement to tackle the haze problem.*

**MS IRENE NG PHEK HOONG:** *To ask the Minister for Foreign Affairs what pressure can be brought to bear on Indonesia to prevent future recurrence of the haze caused by forest fires in Indonesia.*

**MR PRITAM SINGH:** *To ask the Minister for Foreign Affairs (a) what is Singapore's regional and international strategy in dealing with the haze problem going forward; and (b) what is the Government's proposed regional and international course of action in exerting pressure against companies found to be causing the haze.*

**MR CHRISTOPHER DE SOUZA:** *To ask the Minister for Law whether the use of international law provides an avenue to deter irresponsible parties from causing fires that result in the annual haze hazard.*

**MR LIM BIOW CHUAN:** *To ask the Minister for Law whether there are any criminal sanctions which can be imposed on local or foreign companies that have caused the haze in*

*Singapore by their illegal burning.*

**ASSOC PROF TAN KHENG BOON EUGENE:** *To ask the Minister for Law (a) whether the Government will consider introducing legislation that has extra-territorial jurisdiction over Singaporean or Singapore-based companies and their subsidiaries whose overseas business activities have detrimental environmental or economic effects on Singapore; and (b) whether legislation can be introduced to enable Singapore to claim jurisdiction over non-Singaporean individuals and organisations for activities outside Singapore that result in production of negative environmental and economic effects within Singapore.*

**REPLY:**

**MINISTER:** Madam Speaker, may I seek your permission to provide a combined reply to Questions 1243, 1251, 1285, 1297 and 1304 addressed to the Minister for Foreign Affairs and Questions 1250, 1252 and 1290 addressed to the Law Ministry. The answers to these questions, or answers to the issues raised in those questions are linked, and for Questions 1243 and 1251, the Minister for the Environment and Water Resources has agreed that he will address 1243(a), 1251(a), 1251(b) and 1251(c), as those questions relate to his portfolio.

**SPEAKER:** I think Minister you meant Question 1 to Question 8. Yes, please, you can take them together.

**MINISTER:** Much easier, thank you. This year's smoke haze has been the worst Singapore has ever encountered, and the sentiment of our people is entirely understandable. Caused by fires in Riau and other parts of Sumatra, the smoke haze has not only affected Indonesia, Singapore and Malaysia, but also southern Thailand.

When the number of hotspots in Sumatra increased in mid-June, our National Environment Agency contacted the Indonesian Ministry of Environment on 14 June to seek an urgent update. They also requested that mitigating measures to deal with the hotspot situation be taken. When the smoke haze situation worsened, NEA followed up with a letter to the Indonesian Ministry of Environment on 17 June to register the alarming increase in hotspot activities in Sumatra. The next day, Minister Vivian Balakrishnan telephoned Indonesian Environment Minister Balthasar Kambuaya to call for urgent action. I likewise spoke with my Indonesian counterpart, Dr Marty Natalegawa. Arising from this, the CEO of NEA visited Jakarta to meet with Indonesian officials on 20 June.

To further underscore the seriousness of the matter, Prime Minister Lee sent Minister Vivian to Jakarta as his Special Envoy on 21 June to convey a letter to the Indonesian President Susilo Bambang Yudhoyono. We stressed the following: (i) this is a recurrent problem that has regional implications; (ii) we needed strong and immediate action on the ground to put out the fires, and also legal action against the companies involved; and (iii) if any Singapore-linked companies were involved, Indonesia should share with us the names of the companies and evidence so that we can take up the matter; and (iv) countries in the region had to work together to overcome the problem; and (v) Singapore stood ready to cooperate with Indonesia.

This cooperation included renewing environmental collaboration between Singapore and the Jambi province. We had good cooperation under a Master Plan to deal with land and forest fires in Jambi. The project had however lapsed, and the air quality and weather monitoring stations we had helped to install required repair. We have informed Indonesia that we are ready to send a technical team to assist with the repair, renew our cooperation with Jambi, and extend it to other fire-prone provinces if Indonesia is willing. As in previous years, we have also offered a haze assistance package that includes aircraft for cloud seeding, satellite imagery, and hotspot coordinates. Indonesia has yet to take up our offer of assistance, but the offer remains open.

Our expression of concern did not sit well with several Indonesian Ministers. But President Yudhoyono gave a sincere public apology to the people of Singapore and Malaysia, and promised to spare no efforts to tackle this serious problem. This was an act of statesmanship that we have welcomed.

We also welcome President Yudhoyono's assurance that action will be taken against errant plantation companies, whether based in Indonesia, Singapore, or Malaysia, or elsewhere. As to whether Singapore-linked companies are involved, we have formally sought clarification through a diplomatic note, and have requested that Indonesia provide any evidence of wrong-doing that Indonesia has. We are awaiting Indonesia's response.

Mr Lim and Mr Singh have asked whether criminal sanctions or pressure can be applied to companies found to be causing the haze. A/P Tan asked, or has asked whether extraterritorial legislation can be introduced. This is being considered. I have asked the Attorney-General to study the possibility of introducing such legislation. I have also asked him to consider what legal options are available, if credible and usable evidence is received that Singapore-linked companies are involved. The primary responsibility for taking action against those companies, of course still lies with Indonesia.

Mr de Souza asked whether the use of international law provides an avenue to deter irresponsible parties from causing fires that result in the annual smoke haze. Countries do have international

obligations to prevent, reduce and control pollution if activities within their territories have a transboundary effect. For instance, the Rio Declaration on Environment and Development, adopted at a UN Conference in 1992 outlines two key principles: (i) responsibility to ensure that activities within a country do not cause damage to the environment of other countries; and (ii) obligation for countries to inform and consult with others whose environment may be negatively affected.

Ms Tan asked about the likelihood that Indonesia will ratify the ASEAN Agreement on Transboundary Haze Pollution. The Indonesian government had told us that it will be submitting this Agreement to the Indonesian House of Representatives (DPR) for ratification soon. However, we also know that some Indonesian legislators feel that Indonesia does not benefit from the Agreement. Indeed this is the second time that the Indonesian government will be submitting the Agreement to the DPR. We hope that Indonesia will expedite the ratification of the Agreement.

Countries in the region must work together to deal with this common challenge. This view, expressed by me and my Indonesian and Malaysian counterparts, Dr Marty Natalegawa and Dato' Sri Anifah Aman, was strongly supported by all the Foreign Ministers at the ASEAN Ministerial Meeting in Brunei on 30 June. Hence our collective agreement to strengthen national and regional capabilities, capacities to deal with the smoke haze. This includes a commitment to establish effective monitoring, rapid response and fire-fighting systems. We also tasked our senior officials to consolidate ASEAN's existing initiatives to combat the smoke haze, and recommend regional cooperation measures. The progress of these efforts will have to be submitted to the Leaders at the next ASEAN Summit.

Dr Marty, Dato' Sri Anifah and I also met in Brunei a day before the ASEAN Ministerial Meeting. This informal meeting was a follow-up to the telephone calls I had with them a few days earlier. We had candid, constructive discussions on how to deal with the smoke haze. We agreed to establish a trilateral cooperative process, or TCP for short, to tackle the problem. The TCP will look at ways to strengthen joint efforts to mitigate the smoke haze. The process will involve officials and experts from the foreign ministries and related agencies of the three countries, and will complement existing platforms such as the Sub-Regional Ministerial Steering Committee on Transboundary Haze Pollution.

Ms Ng has asked what pressure can be brought to bear on Indonesia. We should focus on cooperation and persuading our neighbours to work together with us to put in place a long-term solution. Relationships between countries can vary depending on the circumstances. They can be friendly, they can be correct and cool, or they can be not very friendly. Between neighbours it is important to keep relationships friendly and take a constructive approach to sorting out issues. This is what we have always tried to do with Indonesia. Exerting pressure would change relationships between countries and move them from being friendly to either cool and correct, or unfriendly. We are linked on so many levels

that when one country exerts pressure on one issue, both sides will feel the impact on the overall relationship. This holds true for all our bilateral relationships. It does not mean that we will not do anything no matter how severe the impact is on us. But we must maintain a clear, long-term perspective of the bilateral relationship, and do our utmost to avoid hurting this relationship as much as possible.

Dr Lee has asked whether Singapore can take the haze problem up at the United Nations. That is possible, we have done so before. However, this is not just about raising the issue. Our goal is to put in place systems and processes to prevent the smoke haze from recurring. Right now our focus is on taking actions on the ground, and making progress through ASEAN, the Sub-Regional Ministerial Steering Committee on Transboundary Haze Pollution and the TCP. But we will regularly review the options available to mitigate and resolve this problem. Thank you.

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**TRANSCRIPT OF MINISTER FOR FOREIGN AFFAIRS AND MINISTER FOR LAW K SHANMUGAM'S REPLIES TO SUPPLEMENTARY QUESTIONS ON HAZE, 8 JULY 2013**

**SPEAKER:** Mr Zaqy Mohamad?

**MR ZAQY MOHAMAD:** Thank you, Madam Speaker. I would like to thank Minister for his clarification and the question from me would be that one, the perception of the public is that there seems to be reactivity in terms of how we handle this. We know that there has been this problem for some time. The Transboundary Haze Agreement has been out there since 2002. How serious is Indonesia, in MFA's view, in tackling this issue, because they have not ratified this and although we have asked them and they have said that they would ratify, what is the probability of it being ratified? And even if it gets ratified, how much resources are they going to put in based on your experience? Thank you.

**MINISTER:** We on our part have been speaking with Indonesia and others regularly. As you know there is the Ministerial Steering Committee on Transboundary Haze Pollution, which holds meetings where we discuss these issues. As I have explained elsewhere, countries are sovereign. What they do within their own borders is an exercise of their own sovereignty. Whether they ratify an agreement is also an exercise of their sovereignty. What we can do is urge, point it out, raise it, which we have been doing regularly. We had the ASEAN Ministerial Meeting. Indonesia has assured us that they would put the ASEAN Agreement on Transboundary Haze Pollution before the Parliament. I do not want to go

into what we might do if, you know, Option A happens, Option B happens, Option C happens. Because I think that would be unproductive and not in the best interest of the bilateral relationship. But as I have said, ultimately whether the haze problem gets solved depends on what actions are taken on the ground in Indonesia. Our role is to try and urge, offer assistance and raise it. And beyond that, what we can do domestically, we will of course do.

**SPEAKER:** Ms Irene Ng?

**MS IRENE NG PHEK HOONG:** Thank you Madam. Madam, we have been suffering from the haze scourge caused by Indonesia every year since 1997. I understand that it would take time to solve the complex problem but it has been about 16 years, and while I understand that we need to take a constructive approach, can I ask the Minister whether it is expected for us to just put up with the toxic air year after year and just depend on the graces of Indonesia? But Madam, it is not only just the five million in Singapore who have been suffering from the haze but also the tens of millions in Malaysia, in Thailand and particularly in Indonesia itself. This has become a regional problem. Can I ask the Minister whether a regional solution is in sight and an effective one? Can I ask the Minister whether ASEAN and the concerned countries have worked out an assistance programme that is acceptable to Indonesia, and a fixed timeline for the implementation of specific steps to tackle the problem at hand, and to prevent a recurrence rather than to rely on just mitigating factors on the ground.

**MINISTER:** I think in terms of whether we have to put up with it year after year, and whether clear steps have been worked out as to what could be done within Indonesia, we have raised it at the United Nations previously; and I have pointed out that international law provides some avenues; and I have indicated in my speech that we have to look at the impact on us and what further steps we can take, and of course, work that against what other impact that will bring on regional, bilateral, and multilateral relationships. So it is something that we are quite focused on, working out the different steps and an analysis of what every step means for the country as a whole. In terms of whether precise steps have been worked out by ASEAN as to what Indonesia ought to do, what has been done at the last ASEAN Ministerial Meeting, is that all countries, not just Indonesia, have been asked to take steps to deal with this problem, and quite crucially, report to the Leaders on what steps have been taken. So there is a requirement that this be reported to the Leaders at the ASEAN Summit. That is quite an important requirement, because it requires every country to come forward and say what they have done and what they have not done. I do make a distinction between statements of such a nature, which require countries to come out and explain what they have done, and actual steps on the ground, and I have pointed out to you what the limitations there are, because every country is sovereign. There is no point us saying to our people that some things can be done on the ground in another country when we are not in a position to ensure that. So we need to be clear about what we can and cannot do. As I have said in

answer to your first question, we will consider all options, depending on the situation, and an analysis of the overall relationships with all the countries concerned. It is not only us, other countries suffer. Indonesia suffers, Malaysia suffers, southern Thailand suffers, Brunei has suffered from the haze, so this is a regional issue and our first priority must be to try and deal with it regionally, and if there are difficulties along the way, we need to consider what else needs to be done.

**SPEAKER:** Engineer Lee?

Er Dr Lee Bee Wah: Thank you Madam Speaker. I think from this year's haze problem we can see how vulnerable we are, and it is good that we are trying to solve it as best as possible. I would like to ask Minister is there any plan that is agreed by the Ministers from ASEAN countries, and is there any time frame? And I would also like to thank the grassroots leaders and PA staff for taking active actions in helping our residents. Thank you.

**MINISTER:** I would like to point out that we have brought forward the Sub-Regional Ministerial Steering Committee on Transboundary Haze Pollution. As I indicated in my answer to Ms Ng, there is also an agreement that every country will report at the next ASEAN Leaders' meeting and regularly on what steps have been taken to deal with the problem. And I have talked about the trilateral cooperative process between Malaysia, Singapore and Indonesia, where we have agreed that agencies' experts will come together to try and see what can be done. So these are the things that are within our power to agree on. Internationally, we have put these together, and got agreements at short notice, we will see how it proceeds.

**SPEAKER:** Low Thia Khiang?

MR Low Thia Khiang: Madam, I understand that at the previous haze, Singapore brought the issue of the haze to the United Nations. That would be seen, I suppose, as exerting pressure on Indonesia. This time round, I suppose, that has not been an option, because Minister said we don't want to exert pressure on them, on Indonesia. So what has changed between then and now in terms of approach and strategies that Singapore adopts in dealing with the haze issue, and in dealing with Indonesia to address the problem?

**MINISTER:** Thank you Mr Low. I did not say that raising it at the United Nations is not an option. I have expressly said that we have not ruled anything out, nor have we ruled anything in. I'm on record at least three times saying that. What I have said is that we have a number of options available at the United Nations. Timing – I will be going up to the United Nations General Assembly in September, there are other occasions. What we have wanted to avoid is upfront stating that we will do this, and we

will do this, and we will do this. It curtails our options, and I think it increases tensions. As Members will know, the Indonesian President in a very statesman-like gesture made an apology, and then faced pressure within his own country for having apologised. What we want to avoid, is creating a situation where, for political reasons, parties or people within Indonesia then take a position to say Singapore is threatening us and therefore we must react, and therefore we must not do what they ask. I think we can very quickly get into those sorts of dynamics. International relations have to be handled delicately. Singaporeans' interests are primary. We will take that as our primary goal. Where we raise it, when we raise it, how we raise it, whether issues of international law get involved, we have worked out the options, but I don't think it is very fruitful to come out and talk about them in great detail; it will create more tension. I think what is most important is to see the current very good arrangement that we have managed to get at the last ASEAN Ministerial Meeting, because we agreed on a trilateral process; we agreed that actions taken by countries must be reported to the Leaders. That requires every country to report to the entire ASEAN leadership what they have done, and if steps have not been done, it will also be obvious. Let's take it step by step. This is something that Minister Vivian has also been trying to do through the Ministerial Steering Committee on Transboundary Haze Pollution. How effective, how much we can achieve, Mr Low you and Members understand what is achievable and what sometimes is not.