40 YEARS OF ASEAN ENVIRONMENTAL GOVERNANCE: ENHANCING ASEAN CENTRALITY THROUGH THE APT

Helena Varkkey

ABSTRACT

The environment has formally held a position in ASEAN's regional agenda for a significant period of ASEAN's 50 years history - since 1977 in fact, making ASEAN having 40 years of regional environmental governance experience. One of the most active areas of environmental cooperation at the ASEAN level has been over transboundary haze issues. This paper argues that ASEAN's decades of experience in environmental cooperation can serve as lessons for other parts of the world. In particular, Northeast Asia which currently faces seasonal dust and sandstorms (DSS) that affect China, South Korea and Japan. The nature of the DSS problem is much in common with the transboundary haze problem in Southeast Asia. While the haze in Southeast Asia still persists, indicating that the ASEAN haze regime cannot be considered completely successful just yet, the ASEAN model of haze cooperation does contain some lessons that may be informative to Northeast Asia in DSS mitigation. In consideration of this, the paper proposes the ASEAN Plus Three (APT) Environment Ministers Meeting as an existing framework that can serve as an umbrella mechanism for the reconfiguration of cooperation over DSS.

Keywords: dust and sandstorms, transboundary haze, ASEAN centrality, ASEAN Plus Three

INTRODUCTION

The Association of Southeast Asian Nations (ASEAN) first inscribed environmental issues on the regional agenda in 1977, some ten years after the initial establishment of the organisation. Over the past 40 years, ASEAN environmental governance has developed into a complex but mostly non-formal web of soft-law declarations, plans of action and programmes. One of the major issues that have been the focus of ASEAN environmental governance has been transboundary haze. ASEAN regional-level action on the haze began in 1985, with the adoption of the Agreement on the Conservation of Nature and Natural Resources. This was followed over the years by other agreements and programmes, culminating with the ASEAN Agreement on Transboundary Haze Pollution in 2002 which obtained full ratification by all member states in 2014. While the haze in Southeast Asia still persists, indicating that the ASEAN haze regime cannot be considered completely successful just yet, over the years the ASEAN organisation has been successful in maintaining high and sustained levels of interests and cooperation for haze mitigation, with the long-term goal for a haze-free ASEAN. On the 50th anniversary of the ASEAN organisation, this paper argues that ASEAN's decades of experience in environmental cooperation, and cooperation over air pollution issues in particular, can serve as lessons for other parts of the world. In particular, the ASEAN model of haze cooperation contains some lessons that may be informative to Northeast Asia in dust and sandstorm (DSS) mitigation.

Seasonal DSS events are serious air pollution issues that are currently affecting the Northeast Asian region, the countries of China, South Korea and Japan in particular.¹ While countries in this region have recognized the transboundary nature of this problem and have made some attempts at cooperation over the issue, this cooperation has been sparse, and spread among several disjointed bodies. Recognising this, scholars have recommended two options for the improvement of the current DSS cooperation in Northeast Asia: entrusting one mechanism to play a leading role in organically interconnecting existing mechanisms, or the launch of an umbrella mechanism to do the same. This paper argues that the launch of a new umbrella mechanism is the most appropriate way forward.

In consideration of this, the paper proposes the ASEAN Plus Three (APT) Environment Ministers Meeting as an existing framework that can serve as an umbrella mechanism for the reconfiguration of cooperation over DSS. Apart from being the most appropriate forum to enable learning and the sharing of best practices between the regions, other benefits of such a configuration are: (1) the subsuming of DSS cooperation within the APT framework should be able to resolve many of the political tensions that have thus far been limiting cooperation over DSS, (2) the adoption of the ASEAN haze model beyond the Southeast Asian region could serve as a confidence-building measure among ASEAN member countries to continue to support regional haze mitigation efforts, and (3) expanding APT cooperation beyond the political and economic realm would serve to strengthen ASEAN centrality, for the benefit of the immediate Southeast Asian region, and also for the larger East Asian region in general.

This paper is divided into three parts. The first part focuses on the DSS problem in Northeast Asia, covering its causes and effects, cooperative mechanisms currently in place, and the challenges in effecting cooperation over DSS in this region. The second part then turns to transboundary haze in Southeast Asia, covering its causes and effects, cooperation under ASEAN, and also highlighting the differences between the ASEAN haze regime and the DSS cooperation. The final part of this paper focuses on the ATP as an umbrella mechanism for the DSS cooperation moving forward, particularly on how this would benefit both DSS cooperation in Northeast Asia, and ASEAN centrality. The scope of analysis of this paper will cover the period after the conclusion of the Asian Development Bank (ADB)/Global Environmental Facility (GEF) Project on Prevention and Control of Dust and Sandstorms² in 2005, up till present time.

DUST AND SANDSTORMS IN NORTHEAST ASIA

DSS in the Northeast Asian region originate primarily in arid areas along the Yellow River and deserts such as Inner Mongolia in China and the Gobi Desert in northern China and Mongolia.³ It is a phenomenon in which soil and mineral particles are picked up by the wind in these arid regions, and are carried to a height of several thousand meters.⁴ Westerly winds then carry these particles towards other parts of China, the Korean Peninsula and Japan, and sometimes even reaching the United States of America.⁵ It is known locally in China as 'yellow sand', 'hwangsa' in the Korean Peninsula, and 'kosa' in Japan.⁶ The phenomenon is often observed from early spring through to early summer (March to May) when low atmospheric pressure passes over Northeast Asia. When it occurs, the sky fills with a yellow haze.⁷

DSS episodes are not new. Chinese scholars reported the first major dust storm in 1150 B.C. while South Korean scholars wrote of 'dust falling like rain' in 174 A.D. In Japan, DSS was commonly reported from the 15^{th} century onwards.⁸ While DSS is originally a natural phenomenon, anthropogenic causes have rapidly expanded the desertification of source areas, resulting in increased frequency and intensity of these storms.⁹ These include population growth, urbanisation, and unsustainable land-use such as overgrazing by livestock, deforestation, the gathering of fuel-wood, and mismanagement of water resources. These anthropogenic activities affect the local topography, vegetation and snow ground cover, surface roughness, soil moisture and soil particle size, making these lands more susceptible to wind erosion.¹⁰ Gravity causes the relatively large particles to fall quickly, but winds can carry smaller particles (with diameters as small as 4μ) over great distances. These smaller particles have the potential to absorb anthropogenic air pollutants during transport.¹¹

DSS particles have significant impacts on human health, the environment, and the economy. In terms of health, DSS causes respiratory, dermatological, and ophthalmological diseases, and even deaths.¹² In terms of the economy, bad episodes of DSS can contaminate food, damage buildings and land, and paralyse infrastructure such as transportation hubs, communication networks, and power and water supply systems.¹³ The bigger particles have caused collapsed buildings, buried railways, fallen electric poles and trees, and buried fields and orchard resulting in agricultural losses close to the source in China.¹⁴ The smaller particles reaching South Korea and Japan have caused particulate matter (PM) concentrations of up to more than 20 times the environmental standard there.¹⁵ These smaller particles can penetrate lung tissues more easily and cause more long-lasting health effects. Bad DSS episodes have also caused thousands of schools to be closed, flights cancelled, and factories to cease operations. In South Korea alone, USD 3-5 billion of financial damages are incurred per year due to the DSS.¹⁶ The technologically advanced countries of South Korea and Japan face a further unique threat of damage caused to precision machines and electronics which require very clean conditions for optimum operation.¹⁷

While the Chinese government has been working to reverse desertification for decades, their efforts have been met with mixed success. Their tree planting and soil stabilisation campaigns suffered from inadequate funding and poor implementation, including planting unsuitable tree species, poor site selection, and insufficient care of the trees. In some places, these problems have made the areas even drier. The central government has passed a number of laws, including the Law of Prevention and Control of Desertification in 2001. However, the lack of specificity on how to implement this law has limited its effectiveness.¹⁸

Cooperation over Dust and Sandstorms

South Korea, the major recipient of DSS pollution from China, was one of the early movers in engaging China to combat DSS pollution. South Korea established bilateral agreements on environmental cooperation with China as early as 1993, focusing on forest plantation projects in China to combat deforestation and desertification, and constructing joint observation stations and monitoring points of DSS based in China. From this starting point, cooperation between the countries affected by DSS is presently proceeding along two main axes: multilateral bodies and bilateral initiatives. The two main multilateral bodies that include DSS in their remit are the

North-East Asian Sub-regional Programme for Environmental Cooperation (NEASPEC) and the Tripartite Environment Ministers' Meeting (TEMM). Notably, both of these initiatives were initially proposed by South Korea.¹⁹

The NEASPEC was established in 1993 to promote comprehensive environmental cooperation in the region and includes six member countries (China, Japan, Mongolia, Russia, South Korea and North South Korea) and the United Nations Economic and Social Commission for Asia Pacific (UNESCAP). Apart from DSS, the NEASPEC is also involved in dealing with other environmental issues including nature conservation, marine protection, and also establishing eco-efficient partnerships between member states.²⁰ One of its major projects involves the implementation of the regional master plan for the prevention and control of DSS.²¹

The TEMM in turn has held annual meetings between China, Japan and South Korea since 1999, and has identified nine priority areas, with DSS being one of them. With respect to DSS in particular, the TEMM launched a large-scale joint project under a Tripartite Director-General Meeting (TDGM) on DSS. The activities under this project included establishing monitoring and early warning networks, and providing scientific knowledge for decision-makers.²² While the monitoring and early warning networks have stalled, there has been some progress on the scientific research cooperation, with the three ministers agreeing to promote systematic research cooperation and build a network to examine technical issues related to DSS.²³ This culminated in the creation of the Joint Research Steering Committee on DSS.²⁴

Japan has also engaged bilaterally with China over DSS, when the Sino-Japanese Friendship Centre for Environmental Protection was established in 1996. The Centre has initiated various DSS related research, including on-site studies to ascertain transport routes and measurement methods, and also a joint Aeolian Dust Experiment on Climate project.²⁵ Like South Korea, Japan has also spent an enormous amount of money on combating desertification in China.²⁶

Challenges to Cooperation in Northeast Asia

Unfortunately, the performance of these multilateral and bilateral efforts has been far below expectations.²⁷ Scholars have noted that the NEASPEC has not succeeded in showing any great leadership in turning the Northeast Asian region into a hotbed for environmental solutions and cooperation. Furthermore, the limitations of the TEMM are serious, not least in terms of information sharing activities, where guidelines and formats have not been agreed upon. This had resulted in countries only taking voluntary and spontaneous actions to combat DSS, not sustained ones. The TEMM also still does not have any agreements on specific responsibilities and action plans.²⁸

In addition, due to the broad mandates of both bodies, the work of NEASPEC and the TEMM tend to overlap with each other and with other bilateral initiatives, which has led to inefficiency due to duplications of efforts and inconsistency of approaches.²⁹ There is a dire lack of a coordination mechanism that can eliminate such project overlap.³⁰ For example, both the NEASPEC and TEMM have a similar 'master plan' and 'large-scale joint project' to address DSS. This has been made worse by the lack of communication between ministries, both at the

local and regional level. While both multilateral initiatives were initiated by South Korea, NEASPEC was initiated by the Ministry of Foreign Affairs, while the TEMM was initiated by the Ministry of Environment. And within NEASPEC, there is an inconsistency of responsible ministries within the different countries. While the Foreign Ministry is responsible in the case of South Korea, responsibility in China and Japan lies within the Environment Ministry.³¹

Northeast Asian observers have also identified four other important elements that are currently absent from Northeast Asian cooperation over DSS: (1) a mechanism for policy dialogues, (2) a mechanism for translating science-based input into initiatives, (3) channels for engagement with related stakeholders, and (4) an atmosphere of shared ownership. Firstly, sovereignty concerns have discouraged open dialogues on policy between the Northeast Asian countries (explained further below). Secondly, despite the establishment of a Joint Research Committee under the TEMM, there is still little scientific consensus over DSS, hindering effective translation into policy or other initiatives.³² Thirdly, the initiatives thus far have been very much focused on the elite governmental level, and have not made much effort to establish relationships with other actors, such as the academia, the business community, or environmental NGOs. And fourthly, as detailed above, the historical competition and distrust between the three countries have prevented the development of a feeling of shared ownership over the DSS mechanisms.³³

Due to these limitations, progress in Northeast Asia on DSS cooperation has generally been slow, consultative, and mainly focusing around information sharing. They have failed to produce concrete outcomes which would lead to the improvement of the DSS situation.³⁴ These limitations can be traced back to two points that are descriptive of Northeast Asia: under-institutionalisation and disjointedness.³⁵

Under-institutionalisation has been caused by historical mistrust and power rivalry as a result from the legacy of the Cold War ³⁶ where neighbouring countries of different ideological blocs competed and confronted each other. This situation caused suspicion and distrust even in the less political areas of environmental cooperation, and now the vestiges of that confrontational relationship remain in the form of rivalry.³⁷As detailed in the previous section, South Korea has been the country most actively pushing for the intensification of multilateral cooperation between the tripartite countries to address DSS. This is because it has a strong incentive to pursue binding environmental cooperation that would impose some constraints on its two powerful neighbours. However, comparatively greater powers of Japan and China are not as eager for such multilateral cooperation.³⁸

Japan has always been particularly cautious about regional programmes that consist of Northeast Asian countries alone, for fear of antagonising its ally and defence provider, the United States.³⁹ China's lack of eagerness in this respect is also related to national interests. China's main focus is not on the consequences of environmental damage in neighbouring countries, but rather on its own domestic environmental problems. Thus, while China is eager to take a leading role in economic cooperation in the region, it is rather inactive in environmental cooperation.⁴⁰

Disjointedness is a result of the lack of systematic linkages. Instead of prioritising overarching institutional arrangements, Northeast Asian institutions have evolved in decentralised, overlapping and sometimes contradictory regionalism (evidenced by the various overlapping but disconnected mechanisms to address DSS as described in the previous section). This has led to marginal adjustments, insistence on state sovereignty, and a preference for bilateralism. For example, China prefers bilateral engagement with Japan and Korea because it believes this will enable it to have more leverage during negotiations. Japan also regards the multilateral framework as a redundant form of development aid which Japan has already been actively involved in bilaterally. This is especially obvious when it comes to financial contributions, for example the NEASPEC Core Fund where Japanese contribution has been steadily declining year to year.⁴¹

As a direct result of under-institutionalisation and disjointedness, cooperation in the Northeast Asian region over DSS is lacking in terms of binding regimes. The situation over DSS in Northeast Asia can still be defined as a regulatory 'non-regime'; a "transnational policy arena characterised by the absence of multilateral agreements for policy coordination among states".⁴² There is no regional environmental convention in Northeast Asia relating to DSS that establishes a long-term vision coupled with binding regulations to achieve it. China is generally reluctant to commit to binding conventions over DSS, because it fears that it will be saddled with disproportionate responsibility due to the origin of DSS from within its territory,⁴³ and also it is afraid these agreements would supersede their sovereign control over environmental decision making.⁴⁴

The successful case of the European experience in resolving transboundary pollution through the 1979 Convention on Long-Range Transboundary Air Pollution (CLRTAP) has often been offered as a potential model for cooperation over DSS in Northeast Asia. However, the CLRTAP experience is not likely to be transplanted successfully to this region due to substantially different political and economic systems between the region's countries, and various levels of economic development (situations not faced by European countries). Furthermore, unlike Europe, there is little political empathy among Northeast Asian countries due to historical memories.⁴⁵ Hence, Northeast Asia must look elsewhere for a more appropriate model for DSS cooperation; possibly the transboundary haze model under ASEAN in Southeast Asia.

TRANSBOUNDARY HAZE IN SOUTHEAST ASIA

The transboundary problem of haze in Southeast Asia is strikingly similar to the DSS problem in Northeast Asia, in both cause and effects. Like the Northeast Asian DSS, transboundary haze in Southeast Asia also originates largely from one country (the lesser-developed Indonesia) and travels across borders to reach neighbouring countries in the region (particularly the richer and more developed countries of Singapore and Malaysia).

Haze is a result of smoke emitted from peat and forest fires. While fires have been naturally occurring during the dry seasons (around August to October) in Indonesia for generations, these fires have grown in severity and intensity over the years due to anthropogenic activities.⁴⁶ Disturbances to the landscape, either on a small scale by swidden farmers, or on a

large scale due to commercial plantation activity, have caused the drying out of the land, making it more susceptible to fires. Fires are also sometimes intentionally set as a fast and cheap way to clear land.⁴⁷ Sometimes these fires go out of control, resulting in a belching of excessive smoke into the atmosphere which is then carried by the wind to the rest of the region. Similarly to China, internal shortcomings of laws, governance and implementation coupled with a culture of corruption have limited the effectiveness of the various internal measures taken by the Indonesian government to address the haze at national level.⁴⁸

Like the DSS, transboundary haze also has serious impacts on human, health, the environment, and the economy. Bad haze episodes can affect the economies of up to six Southeast Asian countries, and 75 million people at a time.⁴⁹ The minute particles (as small as 2.5μ) also easily penetrate lung tissue of those exposed to the haze, causing respiratory, dermatology and ophthalmology problems, and even deaths. It casts a gray pall over the atmosphere, blocking sunlight and affecting agriculture by reducing the rate of photosynthesis among plants. Reduced visibility also affects transportation systems (cancelled flights and closed airports), and tourism numbers to the region typically fall during the haze months.⁵⁰ Indonesians living closest to the fires suffer the brunt of the haze pollution, from direct health impacts, economic losses due to out-of-control fires, and loss in man-hours due to low visibility or sickness. Recent figures by the World Bank have estimated that the haze costs Indonesia about USD16 billion or 2% of their yearly GDP.⁵¹ The haze has caused affected governments to declare repeated emergencies at worst hit areas, closing schools for days on end and restricting outdoor activities.⁵²

Cooperation over Transboundary Haze

Unlike the DSS however, regional cooperation over transboundary haze has been relatively more streamlined under the ASEAN framework. ASEAN as an organisation began to acknowledge haze as a regional concern in 1985, with the adoption of the Agreement on the Conservation of Nature and Natural Resources, which specifically referred to air pollution and 'transfrontier environmental effects'. Following this, the first Workshop on Transboundary Pollution and Haze in ASEAN Countries was held in Balikpapan, Indonesia in September 1992, specifically addressing the haze as an individual problem in the region.⁵³

At the suggestion of the ASEAN Chair of Environmental Affairs in 1997, the ASEAN Ministerial Meeting on Haze was established. This marked the beginning of the specific regionalism of haze mitigation at the ASEAN level, with the haze being given a special status of importance in the organisation, separate from other transboundary environmental issues. The Meeting formulated the Regional Haze Action Plan (RHAP) under the HTTF to provide further commitments and detail to the Cooperation Plan.⁵⁴ In the spirit of the ASEAN Way, the RHAP was designed to overcome the haze problem with concerns of culture, economy and individual governments in mind. It was a soft-law, non-binding instrument which stood on three pillars: the spirit of voluntarism, the no-fault finding rule, and the offering of assistance based on capability and expertise.⁵⁵ Under the RHAP, member parties were obliged to develop their own guidelines, plans, and other measures to prevent and monitor fires that could cause transboundary haze pollution.

In 1998, the ASEAN Summit in Vietnam issued the Hanoi Plan of Action that called for full implementation of the RHAP by 2001.⁵⁶ It established a mechanism to pool fire-fighting resources for regional operations.⁵⁷ Specifically, it established two Sub-Regional Fire-Fighting Arrangements (SRFA) for Borneo and the Sumatra/Riau provinces in Indonesia under the RHAP to facilitate the movement of resources from one member country to the other in order to mitigate the haze problem.⁵⁸ To complement the SRFA, a SRFA Legal Group was established in 2000 to examine the legislative and enforcement issues in the region related to curbing forest and land fires.⁵⁹

Up till this point, member states generally avoided legally binding agreements on environmental and haze matters.⁶⁰ However, the 1997-1998 haze episode, which was the most severe the region had seen, sparked renewed outcry from the public and civil society. This backlash prompted member states to agree to establish a legally binding mechanism to address haze and appease civil society. Therefore, in 2001 the ASEAN Agreement on Transboundary Haze (ATHP) was proposed to provide legally binding support for the RHAP.⁶¹ Hence, the ATHP is notable for being one of the few legally binding ASEAN environmental agreements to be entered into force.⁶²

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'. The treaty upheld states' sovereign rights to exploit their own resources as they see fit, in the pursuit of their own developmental and environmental policies,⁶³ among other international law principles (Article 3).⁶⁴ 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, 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'.⁶⁵

With the entry into force of the ATHP in 2003, the Working Group on Haze was elevated to the ministerial level, with a Conference of the Parties held on an annual basis. Under the working group were the Northern and Southern Ministerial Steering Committees (MSC), supported by their respective Technical Working Groups. The Technical Working Groups were tasked to develop the Comprehensive ASEAN Plan of Action (POA) on Transboundary Haze Pollution.⁶⁶ The resulting POA included a cooperation mechanism for members to help Indonesia prevent haze by controlling fires, creating early warning systems, offering mutual assistance, and sharing technology and information.⁶⁷ The ATHP obtained full ratification by all 10 ASEAN member states with the final ratification by Indonesia in September 2014.⁶⁸

The ASEAN Transboundary Haze Regime

Another unfortunate similarity that ASEAN haze cooperation shares with cooperation over DSS is that ASEAN cooperation over haze has not been able to conclusively bring haze episodes to an end within the region. However, while it has its shortcomings, many scholars have praised ASEAN's efforts to foster cooperation over this tricky issue. For example, the United Nations Environment Programme (UNEP) hailed the ASEAN Way of haze collaboration (enshrining sovereignty and non-interference) as a pioneering achievement that could become a global model

for handling transboundary issues.⁶⁹ Haze cooperation within ASEAN can definitely be said to be more institutionalised compared to its Northeast Asian counterpart. While DSS cooperation is still at a 'non-regime' stage,⁷⁰ ASEAN haze cooperation is well on its way to being a full-fledged regulatory regime.

Right off the bat, in terms of the terms of reference to their respective phenomena, it becomes clear that there is more consensus among ASEAN member countries compared to the Northeast Asian countries. 'Haze' is a term collectively accepted and used by all ASEAN member states, and is formally defined at the ASEAN level as "sufficient smoke, dust, moisture, and vapour suspended in air to impair visibility". It is transboundary when "its density and extent is so great at the source that it remains at measurable levels after crossing into another country's airspace".⁷¹ In contrast, there are no standardised terms of reference or definition of the DSS in Northeast Asia, with each country referring to it in its own localised form.

As mentioned above, observers of environmental cooperation have identified four criteria that are lacking in the DSS cooperation mechanisms: (1) a mechanism for policy dialogues, (2) a mechanism for translating science-based input into initiatives, (3) channels for engagement with related stakeholders, and (4) an atmosphere of shared ownership. All four of these criteria are in fact present in the ASEAN haze regime.

Firstly, in terms of strong policy dialogues, Article 9 of the ATHP calls for the development of 'appropriate policies to curb activities that may lead to land and/or forest fires'.⁷² This gives ASEAN the capacity to advise on appropriate fire and haze mitigation policies in ratifying states. Indonesia, which has recently ratified the ATHP, will now be subject to such policy dialogues, which should help improve its own internal regulatory shortcomings.

Secondly, in terms of the science-policy interface, the ASEAN haze regime also includes a project called the ASEAN Peatland Management Initiative (APMI), which was proposed at the 9th ASEAN Ministerial Meeting on Haze in 2002. The goals of the APMI are 'to promote sustainable management of peatlands through collective efforts and enhanced cooperation among ASEAN Member Countries towards achieving local support and sustaining livelihood options, regional benefits through reduced risk of fire and its associated haze, and contributing globally in minimising impacts of climate change' as a result of carbon release from peatlands. This initiative was to complement other haze initiatives by providing science-based policy solutions to issues of fire prevention and control in the region's peatlands. The initiative was established in collaboration with the Global Environment Centre (GEC), an NGO focusing on peatland conservation in the region.⁷³

Thirdly, in terms of stakeholder engagement, ASEAN haze cooperation has long involved various stakeholders from academia, the business community, and NGOs. One good example of this engagement is the Panel of Experts (POE) that was established to support the implementation of the POA under the ATHP. The POE consists of 29 nominated experts from various fields, including academia, business, and NGOs. According to the ATHP, the POE 'may be utilized 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'.⁷⁴ This move was meant to engage and empower regional experts.⁷⁵ ASEAN also has a long-standing relationship with the GEC, as mentioned above.

Fourthly, ASEAN has successfully been able to develop its haze regime in an atmosphere of shared ownership. Like China today, Indonesia was also initially reluctant to commit to ASEAN haze initiatives. Similarly to DSS within China, Indonesia was also the major source of the haze affecting the larger region. Indonesia was also wary that it would be saddled with disproportionate responsibility over haze mitigation, and was also worried that ASEAN mechanisms would supersede their sovereign control over environmental decision making. ASEAN has been exceptionally accommodating to Indonesia's concerns, for example, the ATHP was very carefully worded as to not place blame on any particular country. Furthermore, the ATHP also explicitly mentions the member states' sovereign rights to exploit their own resources as they see fit, in the pursuit of their own developmental and environmental policies.⁷⁶ All this contributed towards Indonesia finally agreeing to sign the ATHP in 2002, and finally, after over a decade of slow but steady encouragement by ASEAN and its member states, ratify it in 2014.⁷⁷ In this sense, the ASEAN haze regime truly reflects a spirit of shared ownership and responsibility.

And while the process of DSS cooperation in Northeast Asia is characterised by underinstitutionalisation and disjointedness, this is not the case for cooperation over haze in Southeast Asia. Indeed, the Southeast Asian states also have a history of historical rivalries and mistrust between them. However, Southeast Asian states were able to put these rivalries aside as a result of years of normalisation and socialisation through ASEAN. This was guided by the 'ASEAN Way norms' enshrined in the organisation's guiding document, the Treaty of Amity and Cooperation, which prescribes how regional interactions should be carried out. This includes the search for consensus, the principles of sensitivity and politeness, a non-confrontational negotiation process, behind-the-scenes discussions, an emphasis on informal and non-legalistic procedures, non-interference and flexibility.⁷⁸

As a result, environmental cooperation in ASEAN, and over haze in particular, can be characterised as well-institutionalised and centralised. ASEAN has prioritised overarching institutional agreements over haze, and any bilateral mechanisms are subsumed under the regional mechanisms (for example, the Singapore-Jambi and Malaysia-Riau collaboration under the ATHP's Adopt-A-District programmes).⁷⁹ Each haze-related ASEAN mechanism attempts to build upon and complement the earlier ones, and this has helped to avoid overlapping or contradictory regionalism. And while state sovereignty is still paramount, the region's preference for non-binding regimes is slowly but surely moving towards more legally binding ones, as member states raised their level of comfort and commitment with each other. The ATHP thus establishes a long-term vision for a haze-free ASEAN coupled with binding regulations to achieve it.

ASEAN PLUS THREE (APT) AS AN UMBRELLA MECHANISM

When comparing the ASEAN haze regime with the present DSS mechanisms in Northeast Asia, it is clear that a more holistic approach is needed to cover all components necessary for more effective DSS management.⁸⁰ An effective governance system should be designed to respond to

new and changing situations, reflecting specific characteristics of environmental cooperation in Northeast Asia. Scholars have identified two options moving forward: the launch of an umbrella mechanism, or entrusting one mechanism to play a leading role in organically interconnecting existing mechanisms.⁸¹ Due to the under-institutionalised and disjointed nature of Northeast Asian regionalism, entrusting one existing mechanism to play a leading role in connecting the other mechanisms would be likely to fail, as the same old issues will arise again.

This paper instead proposes that a new umbrella mechanism would be the preferred way forward. Two decades ago, in December 1997, East Asian countries held the first APT Summit which consisted of the ASEAN members, China, Japan and South Korea. The APT mechanism was originally developed as a comprehensive forum to discuss economic, political, and security issues in the broader East Asian region. Sentiment was generally quite positive about the potential of the APT framework to develop as the central organ for regional cooperation in the broader East Asia.⁸²

THE APT has now evolved into other areas, including the environment, specifically through the APT Environment Ministers' Meeting. This meeting is an annual ministerial meeting among the Environment Ministers of the APT countries, established in 2002. At the fifth meeting, the ministers updated their original list of priority areas to focus on five specific areas: environmental education, dissemination and promotion of environmentally sound technologies and cleaner production, climate change issues, biodiversity management, and integrated water resource management. ASEAN Environment senior officials have conducted separate consultation visits to all three Plus Three countries to establish working level contacts with relevant officials and institutions to further implement specific activities agreed upon by the Ministers.⁸³

However, at present, there are currently no projects housed under the auspices of the APT Environment Ministers' Meeting.⁸⁴ An umbrella mechanism to subsume DSS cooperation in Northeast Asia may be such a suitable project. There is actually some precedence for this: at the second APT Environmental Ministers' Meeting in 2003, ASEAN had already expressed its intention to participate in the TEMM.⁸⁵ Such a development should be beneficial not only to the Northeast Asian countries in terms of combating DSS, but also to the larger East Asian region in terms of overall ASEAN centrality.

Potential Benefits for Dust and Sandstorm Cooperation

In terms of the benefits to Northeast Asian countries, such an umbrella mechanism would (1) overcome immediate stumbling blocks to cooperation, (2) facilitate the learning process between the regions, and (3) encourage cooperation in other areas in the long run. Firstly, the subsuming of DSS cooperation within the APT framework should be able to overcome the political leadership tensions that exist between the parties, which have been the main stumbling block to cooperation. With two great powers and one middle power awkwardly jostling for leadership (or at least, refusing to take the back seat), cooperation over DSS has been under-institutionalised and disjointed, which has resulted in a lack of a common vision for a DSS-free region.⁸⁶

Japan, China and South Korea have all already acceded to ASEAN's Treaty of Amity and Cooperation, and by extension, the ASEAN Way.⁸⁷ As mentioned above, this ASEAN Way emphasises ad hoc consensual decision-making through flexible consultation. This 'way' or engagement often lacks a formal agenda, and members can participate in the gathering as equal partners in a frank atmosphere.⁸⁸ Hence, by transferring leadership outside the immediate Northeast Asian region to the APT mechanism that is governed by TAC norms, this should remove leadership tensions and allow the three countries to engage with each other on equal grounds. It will also promote a common purpose, mutual identity and shared ownership, between the parties, which will be particularly useful in garnering committed Chinese participation to combating DSS.

Furthermore, as has been seen in the ASEAN haze regime, what starts out as informal arrangements can eventually become more formalised and institutionalised (as evidenced by the legally binding ATHP). Under the ASEAN Way, when members begin cooperative initiatives, the 'logic of argumentation' is usually at play to socialise members to the idea of cooperating with each other. This is useful to accumulate common knowledge about the situation from each country and to utilise informal dialogues and argumentation. After a shared understanding has been achieved, members will begin to incorporate the 'logic of appropriateness' which usually involves more concrete directions and actions to be pursued for cooperation.⁸⁹ This pattern will be useful to overcome the problem of under-institutionalisation within the Northeast Asian DSS 'non-regime', by socialising the countries involved to develop more concrete directions and actions to address DSS, possibly also including legally binding ones when the countries involved are well and ready.

Secondly, this umbrella mechanism can facilitate the sharing of best practices between the regions over these similar transboundary pollution issues. It is interesting to note that ASEAN's initial request to participate in the TEMM was actually so that ASEAN members could learn from the preceding cooperation activities conducted at the TEMM level.⁹⁰ However, from the preceding discussion, it would seem that Northeast Asian APT members may in fact have more to learn from the ASEAN countries in the realm of cooperation over transboundary haze.

Policy dialogues, science-policy interfaces, and stakeholder engagement are all important areas that have been identified above, that are absent within Northeast Asian DSS cooperation, but present within the ASEAN haze regime. Firstly, since there have been difficulties in making tangible outcomes out of environmental cooperation among Northeast Asian countries, a softer approach, such as policy dialogues as outlined in the ATHP may be more effective and practical in influencing a counterpart's policies.⁹¹ Secondly, using the APMI as a model, Northeast Asia could garner ideas to achieve more scientific consensus through its Joint Research Committee under the TEMM. And thirdly, the DSS initiatives that have been very much focused thus far on the elite government level, can be expanded to engage other important stakeholders like academia, the business community, and environmental NGOs, all actors that have been important in developing a more holistic approach to haze mitigation in the Southeast Asian region.

Finally, in the long run, such cooperation in this 'softer' area of the environment may serve as a means by which to alleviate broader political tensions in other 'harder' areas like politics and economy in Northeast Asia.⁹² By normalising interaction under such a 'soft' atmosphere, this would presumably increase trust and raise the level of comfort between the three parties, which may help to overcome any remaining psychological barriers to cooperation in other areas. Indeed, the APT framework has thus far already shown positive record in helping Northeast Asian government officials to build a sense of common purpose and identity,⁹³ and this should be encouraged to expand to as broad a remit as possible.

Potential for Enhancing ASEAN Centrality

For the past 50 years, ASEAN has been the most prominent regional organisation in the broader Northeast Asian region, and arguably in the whole of Asia. Throughout its history, the organisation and its members have slowly and steadily focused on the long-term project of ASEAN centrality. ASEAN centrality can be defined by ASEAN's growing leadership role in Asia's regional architecture, and its role as the main node in dense and overlapping networks connecting multiple stakeholders in the region. It also includes the ability to influence events and decisions, and to mobilise collective resources, energies, and wills.⁹⁴ The ASEAN Charter in turn stresses the need to "maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent, and exclusive".

ASEAN has placed increasing emphasis on the concept of ASEAN centrality because of its importance to regional stability. In the broader East Asian environment driven by great power competition, there are very real fears of great power influence and manipulation among ASEAN member states.⁹⁵ Furthermore, a regional crisis among any of the three Northeast Asian states could easily spill over into Southeast Asia.⁹⁶ Being in the region's driver's seat is seen as a way to effectively manage Sino-Japanese rivalries, and to ensure that their partners remain committed to peace and stability.⁹⁷ Hence, it becomes imperative that ASEAN coordinates its efforts to engage, lock-in and enmesh major powers into its regionally led frameworks⁹⁸ moving forward into the next 50 years and beyond. Indeed, building an East Asian community based on ASEAN norms would be preferable to a regional order predicated primarily on power calculations. Hence, what ASEAN lacks in material power and size, the group is making up for it by utilising its centrality, underlying legitimacy, and trust to maintain broader regional stability for all.⁹⁹

Alongside the other regional institutional networks like the ASEAN Regional Forum (ARF) and East Asia Summit (EAS), the APT mechanism is an important element of ASEAN centrality, where ASEAN looks to stamp its imprint on regional agendas and strategies.¹⁰⁰ Subsuming such an important element of environmental management under the APT mechanism would be important to further enhance, as well as maintain ASEAN centrality for the benefit of the region. Scholars have suggested two key ways that ASEAN centrality can be further enhanced: (1) by showing greater leadership in developing the regional architecture to arrive at solutions to regional issues and, (2) by enhancing its internal unity and common voice on key regional and global issues.¹⁰¹

Firstly, ASEAN centrality can be enhanced by ASEAN showing greater leadership in developing the regional architecture to promote solutions to regional issues. This includes helping to initiate and coordinate collective action over such issues. While DSS does not directly reach any of the countries in Southeast Asia, nevertheless it can be seen as a broader regional issue, because it is an issue affecting several of ASEAN's most important dialogue partners. By proposing solutions to this issue based on an internal model of environmental cooperation (the haze), ASEAN would be portraying the role not only of regional agenda-setter,¹⁰² but more importantly, of a proactive intellectual facilitator and a progenitor of good, actionable policy ideas.¹⁰³ By being the fulcrum of the evolving regional architecture¹⁰⁴ (in this, case, expanding the remit of the APT), ASEAN can reinforce their position as being in the driver's seat central to the region's long-term designs.¹⁰⁵ In the long run, this will also of course increase Northeast Asia's confidence of ASEAN centrality in the broader East Asian region.

Secondly, and more specifically to haze, ASEAN centrality can be strengthened by enhancing its internal unity and common voice on this key regional issue.¹⁰⁶ As mentioned above, the haze is a good example of ASEAN countries cooperating on a key regional issue. While the ASEAN haze regime is quite extensive, especially when compared to DSS mechanisms, this does not mean that it is without its weaknesses. Significantly, as noted above, haze events have not abated in the region. Furthermore, a few recent events related to transboundary haze cooperation have threatened internal unity: Indonesia's non-ratification of the ATHP, and Singapore's unilateral passing of their Transboundary Haze Pollution Act 2014.

ASEAN cooperation over transboundary haze almost came to an impasse when Indonesia, one of the signatories of the ATHP, refused to ratify the ATHP for over a decade. Due to Indonesia's unwillingness to ratify the agreement, haze cooperation was severely limited in three important ways: (1) member countries were unable to deploy firefighting assistance immediately when a fire was detected in Indonesia, and had to instead go through the slower diplomatic clearance channels, (2) the establishment of the ASEAN Coordination Centre for Haze and its dedicated Secretariat that was to be in Riau was delayed indefinitely, and (3) member states were not able to comment on Indonesia's forest and fire policies, and the implementation of their laws, as was allowed for under Article 9 of the agreement.¹⁰⁷ Indonesia finally ratified the ATHP after 12 years, at the end of 2014. While this is promising, it is still early days and Indonesia's progress on the three items mentioned here is still slow.

Singapore's Transboundary Haze Pollution Act 2014 is a domestic statute that provides for criminal and civil liability for any Singaporean or non-Singaporean entity causing or contributing to transboundary haze pollution in Singapore.¹⁰⁸ This was a marked departure from the traditional ASEAN approach to resolving regional issues, which prioritises diplomatic over legal solutions.¹⁰⁹ The Singaporean government used this Act in 2016 to obtain a court warrant against the director of an Indonesian company linked to haze-causing fires which resulted in a diplomatic row where Indonesia's Environment and Forestry Minister, Siti Nurbaya Bakar declared that what Singapore had done was 'controversial' and did not show 'mutual respect', an important component in the regional's ASEAN Way of engagement.¹¹⁰ She reminded Singapore that the ATHP had precedence over haze related matters, and that as parties of the ATHP, they need to respect each other's sovereignty over haze issues.¹¹¹

Both of these events have threatened ASEAN's internal unity, and further challenged the idea of ASEAN developing into a fully-fledged community after 50 years of community-building. Indonesia's decade-long non-ratification led states to question whether ASEAN is really unified in its quest to resolve the haze issue once and for all. Singapore's unilateral law indicated that Singapore may have lost confidence in ASEAN's 'way' of approaching regional issues. While Singapore has since clarified that the Act did not mean that Singapore was giving up on the agreement,¹¹² this again raises questions as to whether ASEAN is capable of acting in a unified manner, and with a common voice. Acting in unity and with a common voice is important for ASEAN centrality because only a united ASEAN can show its external dialogue partners that it is capable of playing a central role and offer regional leadership.¹¹³

Hence, if the ASEAN haze regime is adopted as a model for DSS cooperation within the APT umbrella mechanism, countries from outside the region would now look to ASEAN as displaying exemplary environmental cooperation. This would serve as a confidence booster for ASEAN member states, especially the wavering ones like Indonesia and Singapore, to continue to put their support behind the ASEAN haze regime. Furthermore, this would provide additional motivation to Indonesia, which has just ratified the ATHP, to quickly put into place all the measures that were outstanding before ratification, to serve as an example for Northeast Asia over DSS. By extension, this would help ASEAN, at this significant 50 year mark, to rebuild its consensus and united voice on this key regional issue, to further enhance its position of centrality in the East Asian region.

CONCLUSION

This paper has been an exploration of the possibility of both the Northeast Asian and Southeast Asian regions mutually benefiting from each other in the process of resolving a common environmental issue; that of transboundary air pollution. The overwhelming similarities between the causes and effects of DSS and haze would suggest that parallels should also exist in the efforts towards solving them. Hence, the fact that the mechanisms developed to address these issues in both regions have evolved in very different directions definitely warranted further investigation.

This paper has argued that ASEAN's 50-year history of general cooperation and decades of experience in cooperation over air pollution issues in particular, offers important lessons for the Northeast Asian region in resolving its own air pollution issues. Furthermore, an existing regional mechanism, the APT, could provide a suitable umbrella mechanism to facilitate such learning. Such an arrangement would not only inject new confidence into the ASEAN haze regime, but also serve to enhance ASEAN centrality for the benefit of the broader East Asian region moving forward. While more research needs to be done on how such an umbrella mechanism would actually look like (in terms of secretariat, funding, specific programmes etc.), this paper intends to provide a starting point for consideration in that direction.

Acknowledgement:

The author would like to thank the ASEAN University Network and the Korean Association of Southeast Asian Studies for sponsoring the author to participate and present a preliminary version of this paper at the AUN-KASEAS Conference 2016 and ASEAN-Korea Academic Exchange Program 2016, 26-27 August at Sogang University, Seoul, South Korea. The theme of the conference was "ASEAN Centrality in the multilateral regional architecture of East Asia".

NOTES

¹ While the extent of the DSS includes other countries like Mongolia and North Korea, this paper is limiting its geographic scope to China, South Korea and Japan, because these countries are the ones that have been comparatively more actively involved in DSS cooperation thus far.

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