

Emulate Singapore in haze action

THE haze problem is no longer a domestic issue as it has become one of the causes of international disputes among neighbouring countries.

It is an international duty for every nation to take responsibility for causing trans-boundary injury to another country.

There is an international principle called *sic utere tuo alienum non laedas* (one must use his own so as not to damage that of another) to address this.

The principle, used mainly in international environmental law, reaffirms the sovereign right of states to conduct any activity within their own territories, but such state has no right to conduct its activities in such manner that will cause injury to other states.

Recently, Singapore took the bold step of taking legal action against several Indonesian companies responsible for the farm and

plantation fires that have created a thick pall of haze over the city state for many weeks. The move followed the Indonesian authorities' failure to stop the burning in these farms and plantations.

This legal action was taken under the newly-enforced Transboundary Haze Pollution Act 2014, which came into operation on Sept 25 last year. The 2014 Act is considered by many to be a dramatic piece of legislation in Singapore that creates "extra-territorial liability" for entities engaged in setting fires abroad that cause transboundary smoke or "haze" to pollute the country.

This particular Act gives the authorities in Singapore power to go after companies which cause the haze in the city state even if they have no operations whatsoever or are not registered as a company in Singapore.

According to Section 5 of the

2014 Act, Singapore authorities can impose a fine of SGD\$100,000 (RM308,000) for each day that a local or foreign company contributes to unhealthy levels of haze pollution in Singapore, subject to a maximum total of SGD\$2mil (RM8mil).

Numerous discussions and meetings were held over the years with Indonesia but the haze is still happening.

The Malaysian legislature should seriously look at what Singapore has done as we can no longer sit around and wait for the haze problem to resolve by itself.

Malaysia can emulate Singapore's move and pass its own specific legislation similar to Singapore's Transboundary Haze Pollution Act 2014.

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