

**FOREST FIRES IN SUMATRA AND
AIR POLLUTION IN MALAYSIA: THE LAW AND POLICIES**

By

Mohamed Shah Reza Bin Noor Azman (2003344900)
Nurul Ezaezrin Binti Mohd Ali (2004614800)
Dayang Nor Emilia Binti Azman Shah (2004614601)

Submitted in Partial Fulfillment of the Requirements
For the Bachelor in Legal Studies (Hons.)

**Universiti Teknologi MARA
Faculty of Law**

October 2006

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where references has been made to the work of others.

ACKNOWLEDGEMENT

We would like to thank Miss Wan Portia Hamzah, a Senior Analyst from the Institute of Strategic and International Studies, Malaysia for her generosity in providing us with beneficial information during the interviews conducted. We would also like to express our gratitude to Mr. Rusdin Laiman, the lecturer for Environmental Science of the Faculty of Applied Science, University Technology MARA UiTM.

We would like to thank the faculty of law for their help and guidance on the procedure of submitting this research paper. Greatest appreciation to the lecturers for their invaluable considerations all along the course in completing this research.

Special thanks to our beloved supervisor Pn. Norha Abu Hanifah for her support, advise, and guidance from her vast experience in the field of Environmental Law which heldded us a lot in completing this research.

And last but not least to our family, friends and those who were directly or indirectly involved in the course of completing this research for their support and view of our research paper.

Thank you.

ABSTRACT

This project studies the role and function of the Environmental Quality Act (EQA) 1974 and the ASEAN Treaties in dealing with the forest fires in Sumatra and the air pollution in Malaysia. Compensation and fines is not enough compared to the damage done. The aims of the research are to indicate the function and mechanism of the EQA and the ASEAN Treaty in dealing with the issue of the regional forest fires and air pollution. The methods used in this research were through interviews and literature review among others. This research tries to find out what are the weaknesses in the enforcement of the law i.e. the EQA and the ASEAN Treaties regarding the issue of forest fires in Sumatra. We have looked at the previous and current situation in some of the cases and data significant to the research. Lack of financial resources to maintain and enhance the prevention of forest fire which caused several relevant bodies to ceased their duty. The polluter-pays principle is a good approach by the government but paying compensation had not stopped polluters. Thus, the research recommends various steps and solution in dealing with the issue of forest fires and the air pollution including reviewing the laws.

TABLE OF CONTENTS

Acknowledgement	i
Abstract	ii
Table of Contents	iii
List of Abbreviation	vi

CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
1.1	What is Pollution?	2
1.2	Definition of Air Pollution	3
1.3	Forest Fires	3
1.4	Transboundary Air Pollution	4
1.5	Forest Fires as one of the Sources of Air Pollution	6
1.6	Effect of Air Pollution and Forest Fires	6
1.7	Problem Identification	7
1.8	Objective of the Study	8
1.9	Limitation of the Study	8
1.10	Distribution of Chapters	9
1.11	Conclusion	10

CHAPTER TWO: LITERATURE REVIEW

2.0	Introduction	11
2.1	The Cause of Forest Fires	13
2.2	The Effect of Forest Fires	14
2.3	ASEAN's Limitation Dealing with the Haze	14
2.4	Conclusion	16

**CHAPTER THREE: LAW IN INDONESIA, MALAYSIA AND ASEAN
POLICIES REGARDING FOREST FIRES AND AIR
POLLUTION**

3.0	Introduction	17
3.1	Law in Indonesia	18
3.1.1	Undang-Undang Republik Indonesia Nomor 4 Tahun 1999 Tentang Kehutanan	18
3.2	Law in Malaysia	22
3.2.1	Introduction: Environmental Quality Act 1974 and Department of Environmental	22
3.2.2	Law Relates to Air Pollution in the EQA 1974	23
3.2.3	Law Relates to Forest Fires in Malaysia	24
3.2.3.1	EQA 1974	25
3.2.3.2	Environmental Quality (Declared Activities)	25
3.2.3.3	(Open Burning) Order 2003	
3.3	ASEAN Policies Regarding Air Pollution and Transboundary Air Pollution	27
3.3.1	ASEAN Cooperation Plan Transboundary Pollution (1995)	27
3.3.2	ASEAN Regional Haze Action Plan (1997)	29
3.3.3	Hanoi Plan of Action (1997)	29
3.3.4	ASEAN Agreement On Transboundary Haze Pollution (2002)	30
3.4	Conclusion	31