



Asia-Pacific Centre for
Environmental Law
Faculty of Law, National
University of Singapore



SINGAPORE
ACADEMY OF LAW

Warming Up to Climate Change – Opportunities for Legal Practice

Tuesday, 1 July 2008 • 2.30pm to 5.00pm • Mediation Chambers 1, Supreme Court Building

INTRODUCTION



Whether or not we are convinced that climate change is happening, the Kyoto Protocol on Climate Change has undoubtedly created a market for carbon credits as a commodity. With the creation of the market, numerous businesses have

entered the climate change space and with them, including clean energy technology developers and suppliers, debt and equity investors in climate change projects, technical consultants, project developers, carbon exchanges, carbon brokers. Each of these aspects has a legal dimension that needs legal support.

In Singapore, the government is pushing strongly to develop the clean energy sector. Singapore has already produced its first emissions reduction purchase agreement (ERPA) under the Kyoto Protocol, with reportedly more such projects in the pipeline.

Ms Susan de Silva, who advised on the first ERPA, will deal with Climate Change and its opportunities for lawyers. She will provide an overview of topics including:

- The Kyoto Protocol – what it does, how it works, and the accompanying terms used in Climate Change.
- Voluntary emissions reduction.
- The risks around the market for carbon trading.
- How carbon credits are traded, with particular focus on bilateral deals through ERPAs.

Ms de Silva will then consider the opportunities for legal work in Climate Change for lawyers in Singapore. These opportunities go beyond the obvious need for, which go beyond environmental law work into, for example, intellectual property, M&A and corporate finance work.

On the intellectual property front, there is a race to develop new technology for clean energy and many of the companies involved in this sector are heavily engaged in R&D to develop new technology for clean

energy. Legal work arising from these companies includes protection of their intellectual property, licensing of the intellectual property and technology transfer and collaboration. Freedom to operate strategies and IP infringement advice are also likely to be required.

There is also associated capital raising activity for the clean energy sector in Singapore and the region, requiring deal structuring, due diligence, debt/equity investments for sustainable energy projects, as well as mergers & acquisitions work as investors move into this sector and businesses consolidate by acquiring complementary clean energy businesses.

ABOUT THE SPEAKER

Ms Susan de Silva is a founding partner of the Singapore law firm of Alban Tay Mahtani & de Silva LLP (ATMD) and heads the firm's Corporate and Commercial Group. She has more than 20 years experience as a corporate and commercial lawyer. Ms de Silva has been named as a leading individual for Corporate/Mergers and Acquisitions as well as for Employment Law.

She is also one of the few recognised environmental lawyers in Singapore having been named as a leading individual in Environmental Law in the *AsiaLaw Leading Lawyers 2003* as well as *The International Who's Who of Environment Lawyers (2004 & 2006 editions)* and *The International Who's Who of Business Lawyers (Environment) (2004/2005 & 2006 editions)*.

Ms de Silva graduated from the National University of Singapore with a Bachelor of Laws (LL.B Hons) in 1983. She was admitted as an Advocate & Solicitor of the Supreme Court of Singapore in 1984 and as an Advocate & Solicitor in Malaysia in 1994.

Between 1987 and 1989, Ms de Silva worked in the London office of an international law firm, handling mainly public and private mergers and acquisitions. In 1998, she was also admitted as a solicitor of the Supreme Court of England & Wales.

Ms de Silva has worked on various environmental projects including advising on the first successful sale of Certified Emission Reduction Certificates (CERs) or carbon credits generated from a Clean Development Mechanism project under the

Kyoto Protocol. She has also advised multinational companies on environmental issues and projects.

ABOUT THE CHAIRPERSON

Assoc Prof Lye Lin Heng graduated in law from the University of Singapore, and holds Masters' degrees in law from the University of London and Harvard University. She is an Advocate & Solicitor of the Supreme Court of Singapore and Deputy Director of the NUS Law Faculty's Asia-Pacific Centre for Environmental Law (APCEL).

She teaches environmental law and property law; and chairs the University's Programme Management Committee for the multi-disciplinary M.Sc. (Env. Mgt.) programme hosted by the School of Design and Environment, which involves the collaboration of seven faculties/schools (see www.sde.nus.edu.sg/mem).

She is a member of the Board of Governors, International Union for the Conservation of Nature (IUCN) Academy of Environmental Law, and co-chair

of its Teaching and Capacity-Building Committee. She is consultant-trainer to the Regional Institute for Environmental Technology (RIET) and conducts regular workshops on Environmental, Health and Safety Laws for industry personnel.

She was consultant to TRAFFIC SEAsia on wildlife trade laws for Vietnam and Cambodia. She is a resource person in capacity-building programs conducted by the World Bank, the Asian Development Bank and the Singapore Environment Institute, Ministry of Environment & Water Resources. She has published and presented papers on environmental law at conferences worldwide. She also teaches intensive courses on environmental law at the Yale School of Forestry and Environmental Studies and at the Law Faculty, University of Sydney. She is a member of the Land Titles (Strata) Board, and was a former board member of the Housing Development Board and the Tenants' Compensation Board.

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(Closing date: 26 June 2008)

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 - (c) by mail to: LES Department, Singapore Academy of Law, 1 Supreme Court Lane, Level 6, Singapore 178879.
 - Registrations received on or before the closing date are confirmed unless otherwise notified.
 - A sum of **S\$21.40 (inclusive of 7% GST)** will be levied for administrative charges for any cancellation received in writing on or before the closing date.
 - For enquiries, please call Tel: (65) 6332 4149 or email les@sal.org.sg.
 - SAL's usual terms and conditions apply. See <http://www.sal.org.sg/RegistrationTermsNconditions.aspx> for details
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Registration Fees

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SAL Members S\$64.20; Non-Members S\$96.30; Full-time Students# S\$32.10

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