



Asia - Pacific Centre *for* Environmental Law

***Report on the Asia-Pacific Centre for Environmental Law
(APCEL)***

**Second APCEL Report
1 September 1997 – 31 August 1998**

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Annual Report on the Asia-Pacific Centre for Environmental Law (APCEL)

1 September 1997 – 31 August 1998

Established in February 1996 by the Faculty of Law, National University of Singapore, at the initiative of the Faculty and the World Conservation Union - Commission on Environmental Law (IUCN - CEL), and in collaboration with the United Nations Environment Programme (UNEP), APCEL was launched on 1 July of the same year. This initiative was in response to the call in Agenda 21 to build capacity in environmental education and to promote awareness in environmental issues. One of APCEL's objectives is to develop itself as a centre of excellence in the region for capacity-building in environmental law and research. To further this objective, APCEL signed MOUs with IUCN on *Capacity -Building for Environmental Legal Education in the Asia and Pacific Region* and on *Environmental Law Information System*. An MOU was also signed with the Center for Environmental Legal Studies of the School of Law of Pace University on *Cooperation in Teaching and Research in the Field of Environmental Law*.

APCEL is served by an **Executive Committee** comprising the following members:

Professor Koh Kheng Lian, Director
Assoc Prof RC Beckman, Deputy Director
Assoc Prof Lye Lin Heng
Assoc Prof LR Penna
Simon SC Tay
Lim Lei Theng
Alan Tan Khee Jin

Its **Advisory Committee** members are:

Professor Tommy TB Koh, Ambassador-at-Large, Singapore and Executive-Director, Asia-Europe Foundation	} }	
Dr Parvez Hassan, Pakistan Former Chairman, IUCN-CEL	} }	} Co-chairs

Professor Ben Boer, Australia
Dr Wolfgang E Burhenne, Germany
Professor Koesnadi Hardjasoemantri, Indonesia
Mr Edwin TF Khew, Singapore
Professor Alexandre Kiss, France
Dr Bindu N Lohani, Asian Development Bank
Ms Mere Pulea, Fiji
Prof Nicholas A Robinson, USA
Mr Kasem Snidvongs, Thailand
Mr Sun Lin, China
Mr Tan Gee Paw, Singapore
Ambassador Amado S Tolentino, Philippines

I. ACTIVITIES AND PROGRAMMES - REGIONAL AND GLOBAL

A. Training Law Teachers

1. Teaching Environmental Law at University Level: IUCN/APCEL/UNEP Course on Capacity-Building for Environmental Legal Education in the Asia and Pacific Region, 8 June - 3 July 1998

This is the second of a four-week intensive training course for environmental law teachers in the Asia-Pacific region, jointly organised by IUCN, APCEL and UNEP. It was held from 8 June to 3 July 1998 at the National University of Singapore. There were thirty participants from the following countries, namely, Cambodia, Fiji, India, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, People's Republic of China, Pakistan, Papua New Guinea, Philippines, Sri Lanka, Thailand and Vietnam. There were some forty resource persons*, who are experts not only in the area of environmental law but also in other disciplines, zoology, engineering, etc.

Prof KL Koh, Assoc Prof RC Beckman, Assoc Prof Lye Lin Heng, Simon SC Tay and Ms LT Lim were among the resource persons and they lectured in various segments of the course.

The course was funded by the Asian Development Bank (ADB), the National University of Singapore (NUS), and supported by various organisations including the United Nations University (UNU) and the United Nations Institute for Training and Research (UNITAR).

At the end of the course the participants were each awarded a *Certificate of Accomplishment*.

The course was regarded as highly successful and the ADB has indicated an interest in a follow-up. IUCN and APCEL have drafted a follow-up programme for training environmental law teachers in Indonesia - *An Integrated Programme of Capacity Building for Natural Resources Management in Indonesia*.

2. Environmental Law and Sustainable Development – Training Programme for Environmental Law Teachers, 9 – 14 February 1998, Airlangga University, Surabaya, Indonesia

Prof KL Koh, Assoc Prof RC Beckman and Assoc Prof LH Lye served as resource persons

B. Seminars, Workshops for Government Officials

* The term "Resource Person" means a person delivering a paper/s, lecture/s or leading a discussion/s.

1. APCEL / Ministry of Foreign Affairs, Singapore / World Bank (Economic Development Institute) Seminar on Urban and Industrial Environmental Management in Asia,
23 – 28 March 1998, Singapore

A seminar on Urban and Industrial Environmental Management in Asia was organised by APCEL and jointly sponsored by MFA and the World Bank's EDI. Professor KL Koh was one of the two co-directors of the course. Some twenty-six senior government officials from China, India, Indonesia, Malaysia, Myanmar, Philippines, Sri Lanka, Thailand and Vietnam participated in the seminar. The resource persons were from the World Bank, the Singapore academic community (seven of whom were from NUS, including Assoc Prof LH Lye and Prof KL Koh), government officials and industry experts representing various disciplines such as law, economics, engineering and hydrology.

2. UNEP – Environmental Management Seminar for Southeast Asia, 6 – 17 October 1997, Cavite, Philippines

Prof KL Koh served as one of the resource persons.

3. Technical Working Group on Environmental Cooperation South China Seas Informal Working Group, 13 – 16 October 1997, Haikou, Hainan China

Assoc Prof RC Beckman served as one of the resource persons.

4. IUCN Workshop on Environmental Treaties, 25 – 26 November 1997, Hanoi, Vietnam

Prof KL Koh and Alan KJ Tan served as resource persons.

5. Legal Frameworks for Sustainable Urban Environmental Management, Asian Institute of Technology, 19 – 22 January 1998, Bangkok, Thailand

Assoc Prof LH Lye was one of the resource persons at this training course.

6. Global Environmental Governance: An Asian Perspective, United Nations University Environment and Multilateral Diplomacy Workshop, 21 – 24 July 1998, Kuala Lumpur, Malaysia

Simon SC Tay served as one of the resource persons and presented a paper on “Trade and the Environment: Principles, Problems and Possibilities”.

C. APCEL Research Project - A Study of the Environmental Law in the ASEAN Countries

APCEL members and research assistants have been gathering documents and information necessary for this research project. During the past year APCEL members have also made research trips to Malaysia, Thailand, Indonesia and the Philippines to collect documents and gather more information.

Ms Mary Ericson Waters has been working as a full-time research assistant on the project. A considerable amount of primary and secondary materials have been collected. Members have begun to analyse the materials and prepare their monographs. Some follow-up visits may be required to some countries.

The second monograph to come out of the project was published in July 1998. It was prepared by Alan KJ Tan, and is entitled *Environmental Laws of the Southeast Asian Countries: A Preliminary Assessment* (Asia-Pacific Centre for Environmental Law 1998).

The other monographs on the project will include comparative studies on the following subject areas:

- Institutions and framework laws
- Environmental impact legislation
- Pollution legislation
- Biodiversity and nature conservation legislation
- Implementation of major environmental treaties

D. APCEL Database Project

To further APCEL's goals of becoming a regional centre for research on environmental law in the Asia-Pacific, it is collaborating with the United Nations Environment Programme (UNEP) and the IUCN to develop an electronic database on environmental law. APCEL received a small grant from UNEP as seed money to begin the project. NUS has provided space on their sunsite computer and the Faculty of Law has also provided some support. The funds from UNEP are used to pay student research assistants to develop a home page on the world wide web and to pay part-time clerical staff to scan, key-in, format and proof-read documents.

The main focus of the database and web site will be to provide the text of primary legislation on environmental law from the ASEAN countries. Eventually, texts of selected legislation from other countries in the Asia-Pacific Region will be included. In addition, the database also include texts of some secondary materials and "links" to environmental sites, with a focus on major sites, Asia-Pacific sites and national sites in the ASEAN countries.

As from 10 September 1998, there will be two changes to the newly designed APCEL web page. First, new address will be (URL) to <http://www.apcel.org>. Second, the site will introduce a Members-Only Discussion Group on Teaching Environmental Law in the Asia-Pacific. The core members of the Discussion Group will be the law professors who have attended the IUCN/APCEL UNEP training programmes in June 1997 and June 1998. As part of this project a Directory of Environmental Law Teachers in the Asia-Pacific to the Web Site will be developed.

E. Consultancy Work

1. Members of the APCEL team, headed by Prof KL Koh, are among the ADB consultants for the project on Capacity Building for Environmental Law Training in the Asia Pacific Region
2. Seminar on Teaching Environmental Law in India, organised by the Centre for Environmental Education Research and Advocacy (CEERA), 30 - 31 May - 1 June 1998, Bangalore, India. Prof KL Koh was one of the consultants who reviewed the draft curriculum for teaching environmental law in law schools in India. The project is financed by the World Bank
3. ASEAN Working Group on Nature Conservation (AWGNC) - 10th Meeting, 25 June 1998, Singapore. Prof KL Koh was one of two consultants to AWGNC and made a presentation before the meeting on the ratification of the ASEAN Agreement on the Conservation of Nature and Natural Resources. The other consultant was Dr Francoise Burhenne-Guilmin of IUCN-CEL
4. Prof KL Koh and Assoc Prof LH Lye are joint consultants for the United Nations Project on Strengthening Environmental Policy Management and Administration in the Asia Pacific Region: Country Study on Singapore
5. Encyclopedia of Life Support Systems (EOLSS)
 - Prof KL Koh and Assoc Prof LH Lye, will be jointly contributing to the UNESCO - EOLSS project, a UNESCO - EOLSS project. The topic of their research is Institutional and Infrastructure Resources: Governmental Organisations. This will be a chapter in the volume on *Perspectives and Overview of Life Support Systems and Sustainable Development* (Chapter 11f).
6. Simon SC Tay serves as Director for Research and Publications for the Singapore Environment Council
7. Simon SC Tay serves as a member of the board to the National Parks.
8. Simon SC Tay is a consultant for US-Asia Environment Programme project on Environment and Technology in Asia.

F. Attendance at International Conferences/Meetings

1. UNEP NETTLAP Third Regional Consultative Meeting on Environmental Training at Tertiary Level in Asia and the Pacific, 2 - 3 September 1997, Pattaya, Thailand

Prof KL Koh attended the above meeting. She is the specialist advisor to UNEP/NETTLAP.
2. Environmental Law Institute - Environmental Law Forum, 27 October 1997, Washington DC, USA

Prof KL Koh presented a paper on “ASEAN Air Plan: Up in Smoke”, which was published in the Environmental Forum, Vol. 15, No. 1, (1998) p. 50.

3. SEAPOL International Conference on Ocean Governance and System Compliance in the Asia-Pacific Context, 9 – 11 December 1997, Rayong, Thailand

Assoc Prof RC Beckman presented a paper on “The Role of Science and Ethics in the Regime Established in the 1972 London Convention”.

4. International Conference Towards Sustainable Asia, Musashi Institute of Technology, Yokohama, Japan, 11 – 13 December 1997

Prof KL Koh presented a paper on “Sustainable Singapore: A Model for Satellite Cities?”

5. South and Southeast Asia Regional Workshop on Access to Genetic Research & Traditional Knowledge, 22 – 25 February 1998, Madras, India

Prof KL Koh served as one of the resource persons.

6. Institutional Dimensions of Global Environmental Change (IDGEC)

There were two workshops on the IDGEC project:

- IDGEC Workshop, 14 – 17 December 1997, Stockholm

The purpose of this workshop is to consider a proposed table of contents and scope of the IDGEC Science Plan Project on Global Dimensions of Global Environmental Change.

- Scientific Planning Committee Meeting, 6 – 10 July 1998, Australian Institute of Marine Science, Townsville, Australia

Prof KL Koh is a member of the Scientific Planning Committee of the Science Plan project. A final draft on Institutional Dimensions of Global Environmental Change is ready for comments before publication.

7. ESCAP Subregional Expert Group Meeting for Pacific Islands: Integrating Environmental Considerations into Economic Policy Making Processes

- First Meeting, 30 March – 2 April 1997, Manila, Philippines
- Second Meeting (follow-up meeting) 20 – 24 July 1998, Bangkok, Thailand

The object of these meetings is to prepare modules for the training of policy and decision makers in the ESCAP region. Prof KL Koh is a member of the Expert Group.

8. Inception Workshop for the ADB - Regional Technical Assistance Project (RETA) on Strengthening the Capacity of ASEAN to Prevent and Mitigate Transboundary Atmospheric Pollution, 11 – 12 May 1998, Jakarta, Indonesia

The object of the workshop is to determine the strategic thrust and scope of work of ADB – RETA, and to consider the Work Programme.

Prof KL Koh participated at the meetings.

- ADB – ASEAN – Regional Technical Assistance in Strengthening ASEAN's Capacity to Prevent and Mitigate Transboundary Atmospheric Pollution, 1 – 2 September, Manila, Philippines

This is a follow-up of the ADB – RETA Inception Workshop Meeting in Jakarta.

Prof KL Koh participated at the workshop. APCEL has been invited to be a consultant on the Policy and Legislation aspects of the ADB-RETA project.

9. Strengthening Global Environmental Governance, 4 – 5 June 1998, New York, USA

Prof KL Koh attended the meeting headed by Prof Dan Esty of the Centre for Environmental Law and Policy, Yale University. The meeting made recommendations on the restructuring of UNEP, and these were submitted to the United Nations Task Force on Environment and Human Settlements which met in Geneva on 15 June 1998.

10. US-ASEAN-Japan Policy Dialogue, John Hopkins University School of Advanced International Studies, Washington DC, 7 to 9 June 1998

Simon SC Tay presented a paper on “Environmental Deterioration: Trade, Investment and Sustainable Development in South East Asia”.

11. Asia-Pacific Roundtable, Kuala Lumpur, Malaysia, 31 May – 4 June 1998

Simon SC Tay presented a paper on “What Should We Do About the Haze?”

II. APCEL'S ACTIVITIES IN SINGAPORE

APCEL members conducted training courses, workshops and seminars for government officials and others in Singapore. Some of these include:

1. ENV: Prof KL Koh, Assoc Prof RC Beckman, Assoc Prof LH Lye, Simon SC Tay, LT Lim and Alan KJ Tan have conducted regular seminars on Environmental Law for ENV senior officials. This is an on-going project.
2. RIET: Assoc Prof LH Lye conducts regular courses organised by RIET on Environmental Law for environmental auditors. This is an ongoing project.

3. Assoc Prof LH Lye presented a paper on “The Development of Environmental Law in Southeast Asia” at the Wastewater Seminar Series, *Business Laws and Technology*, organised by the Wastewater BioTreatment Group, Department of Civil Engineering, National University of Singapore, 27 September 1997.
4. Assoc Prof LH Lye gave a talk on “Nature Conservation Laws in Singapore” organised by the Nature Society of Singapore, 22 October 1997.
5. Assoc Prof LH Lye gave a keynote address entitled “Industry, Nature Conservation and You” to Matsushita Electronics at their opening of Environmental Awareness Week, 3 November 1997.
6. APCEL/SAFE/CO/CIS: Seminar on Environmental Law and Business, 7 November 1997, Singapore. Prof KL Koh, Assoc Prof RC Beckman, Assoc Prof LH Lye, Simon SC Tay, LT Lim and Alan KJ Tan conducted a seminar on various aspects of Environmental Law.
7. RIET and TUV Rhinelands – Assoc Prof LH Lye conducted a course on Environmental Law for Lead Auditors, 11 March 1998.
8. Assoc Prof LH Lye gave a lecture “Introduction to Environmental Law” to staff and students of the Civil Engineering and Building Department, Singapore Polytechnic, 21 March 1998.
9. GARD Seminar on Marine Pollution, Goodwood Park Hotel, 26 March 1998, Singapore.

Assoc Prof RC Beckman, spoke on the role of IMO Conventions in Preventing Marine Pollution From Ships in Southeast Asia.

10. Workshop on Southeast Asian Land / Forest Fire: Science and Policy, 30 April – 2 May 1998.

The following APCEL members participated at this Workshop:

- Simon SC Tay, “The Relevance of International Environmental Law and the Role of ASEAN and other International Bodies”.
 - Simon SC Tay chaired the closing half-day discussion at the workshop on “ASEAN Action Plans”.
 - Alan KJ Tan, “The Indonesian Legal System and the Problem of Enforcement”.
 - Prof KL Koh and Assoc Prof RC Beckman served as lead commentators on the forum “ASEAN Action Plans”.
11. Assoc Prof LH Lye conducted a workshop on “Singapore Environmental Law and ISO 14000 Certification” for industry personnel. Organised by RIET, 13 May 1998.
 12. Asia-Pacific Regional Workshop on Transboundary Atmospheric Pollution, 27 – 28 May 1998, Singapore.

-Simon SC Tay presented a paper on “Modes of a Regional Agreement on Transboundary Atmospheric Pollution – ASEAN Perspective”

13. Singapore Environment Council: International Policy Dialogue on the South East Asian Fires, 4 – 5 June 1998, Singapore.

Simon SC Tay served as chairman.

14. Maritime and Port Authority Seminar on the Accession and Implementation of the 1992 Civil Liability and Fund Conventions, Pan Pacific Hotel, 20 June 1998, Singapore.

Assoc Prof RC Beckman was Seminar Chairman.

15. APCEL/The Singapore Law Society: Seminar on Trade Law and Environmental Law, 27 June 1998. APCEL jointly organised the seminar with the Law Society. Alan KJ Tan was one of the commentators.

16. On behalf of SEC International Policy Dialogue, Simon SC Tay presented recommendations to the ASEAN Senior Officials on the Environment and ASEAN Regional Haze Action Task Force, on 18 July 1998.

17. In addition, Assoc Prof RC Beckman gave a number of talks on marine pollution organised by the Singapore Shipping Association, Maritime and Port Authority of Singapore and others.

18. IUCN-CEL Steering Committee Meeting in Gland, 21 - 24 April 1998, Gland. Prof KL Koh attended as Vice-chair of IUCN East Asia and a member of its Steering Committee.

III. LINKAGES

APCEL continued to work with local, regional and global organisations in various of its activities. Among the institutions are:

Foreign

- IUCN
- UN Bodies, Programmes: World Bank, UNEP/ROAP, UNEP/NETTLAP, UNDP, UNDP/IMO Programmes in Manila, UNITAR and UNU
- Regional Organisations: ASEAN, SPREP
- Academic Institutions: ACEL, ICEL, Centre for Environmental Law in India, Pace University - Center for Environmental Legal Studies and Wuhan University - Research Institute of Environmental Law

Singapore

- Government Agencies: ENV, MFA, MPA
- Others: ETI, Nature Society (Singapore), RIET, SEC, SAFECO, SCI, Singapore Law Society, US-AEP and various departments in NUS

The members of the APCEL Advisory Committee are eminent environmental lawyers, government officers and industry personnel from 12 countries. They serve as important point persons for APCEL.

IUCN and UNEP are two of APCEL's most important linkages. All APCEL members are members of IUCN-CEL. Prof KL Koh is the Vice Chair of IUCN-CEL for East Asia and a member of its Steering Committee. As such, she and the other APCEL members are forging and strengthening links with individuals and institutions in the East Asian region to work closely with APCEL and to further develop its future activities. As advisor to UNEP/NETTLAP's Environmental Thematic Network, APCEL will collaborate further with UNEP.

From July 1997 to August 1998 APCEL has had over 60 visitors.

IV. MISCELLANEOUS

1. Prof KL Koh was appointed a member of the Regional Biodiversity Advisory Group
2. Prof KL Koh serves as a member of the following advisory editorial boards:
 - Asia Pacific Journal of Environmental Law
 - International Environmental Law Reports (University of Cambridge, Lauterpacht Research Centre for Environmental Law).
 - The Australian Journal of Asian Law: International Advisory Board (Asian Law Centre, The University of Melbourne)
3. Prof KL Koh is editor and coordinator of the *IUCN-Environmental Law Programme Newsletter: East Asia Supplement*
4. Prof KL Koh, member, Research Committee, Institute for Global Environmental Strategies (IGES).
5. LT Lim is one of the editors of the Asia Pacific Journal of Environmental Law
6. Assoc Prof LH Lye is honorary editor of the Encyclopedia of Life Support Systems

Professor KL Koh
Director, **APCEL**

September 1998

Abbreviations

ACEL	-	Australian Centre for Environmental Law
ADB	-	Asian Development Bank
APCEL	-	Asia-Pacific Centre for Environmental Law
ENV	-	Ministry of the Environment
ESCAP	-	Economic and Social Commission for Asia and the Pacific
ETI	-	Environmental Technology Institute
IMO	-	International Maritime Organization
IUCN	-	The World Conservation Union
IUCN-CEL	-	The World Conservation Union - Centre for Environmental Law
MFA	-	Ministry of Foreign Affairs
MPA	-	Maritime and Port Authority of Singapore
RIET	-	Regional Institute of Environmental Technology
SAFECO	-	Singapore Association for Environmental Companies
SCI	-	Singapore Confederation of Industries
SEAPOL	-	Southeast Asian Programme in Ocean Law Policy and Management
SPREP	-	South Pacific Regional Environment Programme
SEC	-	Singapore Environment Council
UNDP	-	United Nations Development Programme
UNEP/NETTLAP	-	Network for Environmental Training at Tertiary Level in Asia and the Pacific
UNEP/ROAP	-	United Nations Environment Programme / Regional Office for Asia and the Pacific
UNITAR	-	United Nations Institute for Training and Research
UNU	-	United Nations University
US-AEP	-	United States-Asia Environmental Partnership