



Asia - Pacific Centre *for* Environmental Law

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

Eighth Annual Report

1 August 2005 – 31 July 2006

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This Report covers the activities of APCEL from 1 August 2005 to 31 July 2006.

ORGANIZATION

The Asia-Pacific Centre for Environmental Law was established on 15 February 1996 by the Faculty of Law, National University of Singapore (NUS), 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's objectives include:

- To serve as a regional training centre for the teaching of environmental law;
- To organise conferences, seminars and other programmes on environmental issues;
- To establish and develop a collection of materials on environmental law and policy, and maintain an electronic database; and
- To cooperate and collaborate with law schools, institutes, centres and such other organisations to further its objectives.

Executive Committee:

Professor KOH Kheng-Lian, Director
Assoc. Professor LYE Lin Heng, Deputy Director
Assoc. Professor Robert. C BECKMAN
Assoc. Professor LIM Chin Leng
Assoc. Professor LR PENNA (up to 31 December 2005)
Assoc. Professor Simon TAY Seong Chee (up to 31 December 2005)
Assoc. Professor Alan TAN Khee Jin
Assoc. Professor Victor RAMRAJ
Asst. Professor LIM Lei Theng (as at 15 June 2006)
Asst. Professor Michael EWING-CHOW
Asst. Professor Burton ONG Tze En

Associate Members:

Mr LR PENNA (as at 15 June 2006)
Ms Jolene LIN Shu Wen (as at 27 April 2006)

Advisory Committee:

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
Professor Nicholas A ROBINSON, USA
Mr Kasem SNIDVONGS, Thailand
Mr Sun LIN, China
Mr TAN Gee Paw, Singapore
Amado S TOLENTINO, Philippines

Ex-Officio: Professor TAN Cheng Han, S.C.
Dean, Faculty of Law, NUS

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INTRODUCTION

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. The initiative was in response to the call in Agenda 21 to build capacity in environmental law and to promote awareness of environmental issues. APCEL has established itself as a centre of excellence in the region for capacity-building in environmental law, and is highly regarded worldwide.

The objectives of APCEL are:

- To serve as a regional training centre for the teaching of environmental law;
- To organise conferences, seminars and other programmes on environmental issues;
- To serve as a regional centre for research, including multi-disciplinary research on international, regional and national environmental law and policy;
- To establish and develop a collection of materials on environmental law and policy, and maintain an electronic database;
- To promote the exchange of information on international, regional and national environmental law and policy;
- To publish studies, reports and course materials on international, regional and national environmental law and policy;
- To cooperate and collaborate with law schools, institutes, centres and such other organizations to further its objectives; and
- To undertake such other programmes and activities as the Executive Committee may determine from time to time.

CAPACITY BUILDING

APCEL has continued to take a leadership role and has been recognized worldwide as a premier environmental law centre. In 2005 three of its members, KL Koh, LH Lye and Simon SC Tay, were invited to give courses in leading universities in Australia, Mexico and the United States of America. The courses include Asia-Pacific Environmental Law, Comparative Environmental Law, WTO and Sustainable Development, International Environmental Law with focus on ASEAN, and Critical Issues in Environmental law in South East Asia.

At the invitation of the Ministry of Environment and Water Resources' (MEWR) Singapore Environment Institute (SEI), APCEL conducted a 2-day course on "Understanding Environmental Laws: Singapore and International Perspectives", 21-22 July 2005. This is a continuation of a series of capacity building courses which started from 1997. Prof KL Koh, A/P LH Lye, A/P Alan KJ Tan and Asst/P LT Lim conducted this course.

In August 2005, the NUS School of Design and Environment, at the request of Mr Tan Yong Soon, Permanent Secretary, MEWR, organized an intensive Environmental Management Executive Programme for senior personnel of MEWR, NEA and PUB. Three APCEL members, Prof KL Koh, A/P LH Lye and A/P M Ewing-Chow conducted seminars on environmental law for some thirty top officials. The course was held at the SDE (School of Design and Environment), which hosts the MSc (Env Mgt) programme. The course was a great success and it was highly recommended by the participants, for other government agencies. The participants included the Permanent Secretary of the Ministry, directors and deputy directors, heads of department, chief executives from MEWR, NEA (National Environment Agency) and PUB (Public Utilities Board).

On 28 October 2005, eight Singapore organizations and institutions, including APCEL, entered into a Memorandum of Understanding (MOU) to formalise their commitment to jointly promote Singapore's capacity-building efforts through environmentally related training and technology transfer to the region and beyond, under the Singapore Environmental Training Programme (SETP). "No single organisation holds all the answers to the environmental issues that we face. While sharing knowledge with our counterparts in other countries is important, it is also important for us to share among ourselves so that we can have a more integrated understanding of Singapore's environmental experience and leverage on each other's strengths and expertise. Singapore has learnt and benefited from the sound environmental practices of many countries. While we still have much to learn, we are now in a position to share our unique experiences with our neighbours and friends," said Mr Lee Yuen Hee, CEO of the National Environment Agency, in his address at the MOU signing ceremony held at the Singapore Environment Institute.

Source: <http://www.nea.gov.sg/cms/sei/Events.html>

VISIT OF JUDGES FROM NEPAL

On 9 January 2006, the Faculty's Asia-Pacific Centre for Environmental Law (APCEL) hosted a Study Visit of judges and lawyers from Nepal, who said that the purpose of their visit to Singapore was to visit APCEL (and MEWR) "to study the status of environmental law in the Asia - Pacific region." The delegation of eight comprised four Supreme Court judges (Hon. Justices Mr Kedar Prasad Giri, Mr Min Bahadur Raymajhi, Mr Khilraj Regmi, and Mr Kalyan Shrestha) a District Court judge (Mr Binod Prasad Sharma), their Joint Registrar (Mr Til Prasad Shrestha), a senior environmental lawyer, Mr Narayan Belbase, and Mr Shiva Prasad Acharya, Director, Forum for Justice. The visit was arranged by Parliamentary Counsel/Principal Senior State Counsel, Mr Ter Kim Cheu and Mr Lim Jit Hee of the Attorney General's Chambers.

The party was briefed on the Law School by Vice-Dean A/P RC Beckman, and on APCEL by its Director, Prof KL Koh. A/P LH Lye, Deputy Director of APCEL also informed them of the NUS multi-disciplinary Master's programme in Environmental Management (the MSc (Env Mgt)). In addition, Prof KL Koh informed them of the IUCN – Commission on Environmental Law (CEL) and the IUCN International Academy of Environmental Law, of which APCEL is a member. A/P RC Beckman, A/P LH Lye, and Prof KL Koh then made presentations on various aspects of environmental law.

The judges and APCEL members discussed a number of environmental issues including the marine environment, environmental governance and avian flu, and the role of judges in environmental law. The judges emphasized that the environment was of grave concern in Nepal and the countries of South Asia, and that capacity-building in environmental law was crucial. They said that the judges

in Nepal played an important role in capacity building in environmental law and often gave “directives” on important environmental issues. Their visit to Singapore was sponsored by the Forum for Justice in Kathmandu, Nepal – this Forum is committed to, *inter alia*, the promotion of environmental justice and equity. They requested APCEL to conduct courses for judges in Nepal and said they would raise some funding for this. They would also like to network with APCEL and the IUCN Academy of Environmental Law.

Prof KL Koh presented the delegation with publications by APCEL members as well as the UNEP Judicial Handbook on Environmental Law.

APCEL / MFA 9th SEMINAR ON URBAN AND INDUSTRIAL ENVIRONMENTAL MANAGEMENT, 6-12 June 2006

APCEL has continued to organize seminars for the Singapore Ministry of Foreign Affairs for senior officials in developing countries. The purpose was to build capacity in urban and industrial environmental management. The main objective was to enable administrators and managers of urban and industrial environmental management from developing countries to learn and exchange skills and techniques in urban and industrial management. The 9th course was held from 6 – 12 June 2006. Prof KL Koh, A/P LH Lye, A/P RC Beckman were part of the resource team. The 26 participants were from the following countries, Bahrain, Bhutan, Bulgaria, China, Ghana, Jamaica, Lesotho, Macedonia, Maldives, Mauritius, Nepal, Palau, Qatar, Saint Lucia, Samoa, Saudi Arabia, Serbia and Montenegro, Seychelles, South Africa, Sri Lanka and Thailand.

CONFERENCES

APCEL members have been represented in numerous conferences on critical environmental issues. They have attended conferences not only in Singapore but also in Australia, Sri Lanka (Colombo), Belgium, Brazil, Cambodia, Hong Kong, Mexico, Japan, China (Shanghai) and the United States of America. See Appendix I.

RESEARCH

APCEL members have been robust in their research activities and have engaged in many cutting-edge issues in environmental law (see listings by individual APCEL members, in Faculty of Law *Research Profile 2006*.)

TEACHING

1. Teaching the MSc (Env Mgt) & other NUS Programmes, 2005:

- *Teaching Environmental Law in the MSc (Env Mgt) Programme*

Apart from the teaching of law students in the Law Faculty, APCEL continues to play an active role in this graduate programme, now in its fifth year, hosted by the School of Design and the Environment. APCEL members teach in the compulsory core course, “Environmental Law” (LX5130), and A/P LH Lye continues to chair the Programme Management Committee. Teaching

staff involved are: A/P RC Beckman, As/P M Ewing-Chow, Prof KL Koh, Asst/P LT Lim, A/P LH Lye, Asst/P Burton Ong and A/P Alan KJ Tan.

- *Teaching Environmental Law for Non-Law Undergraduate Students*: APCEL continues to offer an undergraduate course “Introduction to Environmental Law (LL 4040)”, targeted at BSc (Env Eng) students, but open to all non-law undergraduates.
- *M Med (Public Health Medicine) and M Med (Occupational Medicine), Medical Faculty*: A/P LH Lye continues to conduct a seminar on “Environmental Public Health Laws in Singapore” to graduate medical students.
- *M Sc (Biological Science)*: A/P LH Lye conducted a seminar on “Nature Conservation and the Preservation of Biological Diversity Laws” for graduate students in the Science Faculty.
- *Faculty of Arts & Social Sciences*: A/P LH Lye conducted a seminar on “The Role of Environmental Law in Sustainable Development - Issues of Governance and Management in South-East Asia”, for students in the Geography Department.

2. Other activities

- KL Koh served as a member of the NEA (National Environmental Agency) Focus Group on Air and Climate Change. The Group made many recommendations and this is now contained in the Report of the Group.
- A/P LH Lye continues to serve as a member of the Singapore Green Plan Action Programme Committee for International Environmental Relations (APCIER) and is co-chair of its Environmental Training Programmes Sub-Committee. She is also a Committee member of the Ministry’s Inter-Agency Task Force for the Singapore Environmental Training Programme, led by the Singapore Environment Institute.
- A/P LH Lye continues to be a member of the Singapore Environment Council’s Committee on the Singapore Environmental Achievement Award.
- A/P LH Lye continues to be a member of the Panel of Judges for the ACCA (Association of Chartered and Certified Accountants) Singapore Environmental Reporting Awards.
- At NUS, A/P LH Lye continues to chair the Programme Management Committee (formerly known as the Executive Committee) of the multi-disciplinary programme, the MSc (Env Mgt), hosted by the School of Design and the Environment. The programme is into its fifth year.
- A/P LH Lye is also Vice-Chair of the NUS Campus Green Committee, and heads its Environmental Education Sub-Group.
- A/P LH Lye continues to be Consultant-Trainer to the Regional Institute of Environmental Technology for its courses on Environmental, Health and Safety Laws.
- A/P Simon SC Tay continues to be the Executive Director of the National Environmental Agency.

FAREWELL

APCEL would like to record its thanks for the valuable contributions of A/P LR Penna and A/P Simon SC Tay whose membership expired on 31 December 2005.

WELCOME

APCEL welcomes the following:

Ms Jolene Lin Shu Wen, Associate Member (as at 27 April 2006)

Mr LR Penna, Associate Member (as at 15 June 2006)

Asst Prof Lim Lei Theng, Ordinary Member (as at 15 June 2006)

VISITORS

APCEL received the following visitors:

- Prof Shabaz Khan, Griffith North South Wales, Australia
- Ms Monina De-vera – Hewlett-Packard Asia Pacific
- Ms Lynn Loh, Hewlett-Packard Asia Pacific
- Mr Hafiji Islam Khan, Bangladesh Environmental Lawyers Association (BELA), Bangladesh
- Mr Shakel Ahamd Khan, Bangladesh Environmental Lawyers Association (BELA), Bangladesh
- Dr Lorne Kriwoken, University of Tasmania
- Prof Alexander I. Korobeev, Far Eastern National University, Russia
- Judges and lawyers of the Supreme Court, Nepal (*supra*)
- Emeritus Prof Mary Hiscock, Bond University, Australia

DONATIONS

Donations were received from A/P LH Lye from her consultation work on environment.

Prof Koh Kheng Lian
Director
Asia-Pacific Centre for Environmental Law
22 August 2006

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Activities	Participants/ Resource Persons	Date	Venue/Organisers
1. Executive Programme for the Ministry of Environment and Water Resources Topics presented were "ASEAN Cooperation on the Environment" (K L Koh); "Introduction to Environmental Law (L H Lye); & "Trade & the Environment" (M. Ewing-Chow)	Prof Koh Kheng Lian; Assoc Prof Lye Lin Heng and Asst Prof Michael Ewing-Chow	4-13 August 2005	School of Design & Environment, NUS
2. Presented a keynote address on "Capacity Building for Environmental Law in the Asian and Pacific Region, and Research on Avian Flu	Prof Koh Kheng Lian	16-19 August 2005	Phnom Penh, Cambodia
3. Presented a paper on "Avian Flu and SARS: Biosecurity, Conservation and Sustainable Development - the Role of ASEAN and other Organisations" at the International Conference on Legal Issues Relating to the Protection of Bio-safety	Prof Koh Kheng Lian	22-25 August 2005	Hong Kong
4. Presented seminar on "Public Health Laws" for graduate medical students in the M.Med (Public Health) and M.Med (Occupational Medicine) programmes	Assoc Prof Lye Lin Heng	23 August 2005	School of Community and Family Medicine, Faculty of Medicine, NUS Singapore
5. Taught an intensive 1-day seminar on Environmental Health and Safety Laws for the Regional Institute of Environmental Technology (RIET)	Assoc Prof Lye Lin Heng	8 September 2005	Singapore

6. Presented paper “Recent Developments in the Use of Energy & Environmental Taxes in the Asia-Pacific”, at the 6 th Global Conference on Environmental Taxation, <i>The Promotion of Renewable Energy Resources through Tax & other Market-Based Measures – Challenges & Obstacles,</i>	Assoc Prof Lye Lin Heng	21-24 September 2005	Leuven, Belgium
7. Co-taught an intensive course on Asia-Pacific Environmental Law with Assoc Prof Rosemary Lyster	Assoc Prof Lye Lin Heng	6-11 October 2005	Faculty of Law, University of Sydney, NSW, Australia
8. The Singapore Environmental Training Programme (SETP) MOU	APCEL signed MOU as one of the eight partners	28 October 2005	NEA, Singapore
9. Taught an intensive environmental law course at the University of Hawaii, School of Law	Prof Koh Kheng Lian	7 November – 10 December 2005	Hawaii
10. Talk on “Avian Flu - Biosecurity, Biodiversity Conservation and Sustainable Development: The Role of ASEAN and other Organisations” to the East West Center, and the Nature Resource Section of the Hawaiian Bar Association	Prof Koh Kheng Lian	8 & 18 November 2005	Hawaii
11. Talk on “Jazzing –up” Capacity Building in Environmental Law: The Role of the Asia-Pacific Centre for Environmental Law (APCEL)	Prof Koh Kheng Lian	2 December 2005	Hawaii
12. Taught on the World Trade Organization and Sustainable Development for the IDLO Center	Assoc Prof Simon Tay	10 & 11 November 2005	Sydney

13. Taught an intensive 1-day seminar on Environmental Health and Safety Laws for the Regional Institute of Environmental Technology (RIET)	Assoc Prof Lye Lin Heng	8 December 2005	Copthorne Riverview Hotel, Singapore
14. Study Visit of judges and lawyers from Nepal to study the status of environmental law in the Asia-Pacific region	Prof Koh Kheng Lian; A/P RC Beckman and A/P Lye In Heng	9 January 2006	NUS
15. Participated in the High Level Meeting on Envisioning the Next Steps for Compliance with and Enforcement of MEAs	Prof Koh Kheng Lian	21-22 January 2006	Colombo, Sri Lanka
16. Taught intensive course on Comparative Environmental Law with Prof N Robinson	A/P Lye Lin Heng	14-24 February 2006	Yale University School of Forestry & Environmental Studies, USA
17. Presented a paper on “Legal Frameworks Relating to Public Health and Avian Flu in the Asia Pacific Basin”, at seminar on Public Health & the Environment In the Pacific Basin, jointly organized by the M.Sc (Environmental Management) Programme, School of Design and Environment; Department of Community, Occupational and Family Medicine; the Asia-Pacific Centre for Environmental Law, NUS; Pacific Basin Consortium for Environment and Health Sciences & School of Population Health, University of Auckland	Prof Koh Kheng Lian	22 April 2006	School of Design & Environment, NUS
18. Attended the Inaugural Meeting of the IUCN Academy of Environmental Law Meeting - represented APCEL as a Director	Prof Koh Kheng Lian	1-3 May 2006	Ottawa, Canada

19. Attended the Inaugural Meeting of the IUCN Academy of Environmental Law Meeting as a member of the Governing Council	A/P Lye Lin Heng	1-3 May 2006	Ottawa, Canada
20. Presented a paper on “ASEAN Environmental Protection in Natural Resources Sustainable Development: Divergence and Convergence”, at 3 rd ASLI Conference 2006 – The Development of Law in Asia: Convergence Versus Divergence	Prof Koh Kheng Lian	25 & 26 May 2006	Shanghai
21. Jolene presented a paper on Climate Change: Key Issues & Opportunities for Singapore Companies	Jolene Lin	30 May 2006	Singapore Environment Institute
22. MFA-APCEL Seminar on Urban and Industrial Environmental Management. Topics presented were “The Role of ASEAN in Urban and Industrial Environmental Management and Governance” (KL Koh); “Air-Pollution Management – The Singapore Experience”, Transport-Based Air Pollution Management and Compliance and Enforcement (LH Lye) and “Basel Convention on the Transboundary Movement of Toxic Wastes” (RC Beckman)	Director of Seminar: Prof Koh Kheng Lian Resource Persons include: Prof Koh Kheng Lian; Assoc Profs Lye Lin Heng and RC Beckman	6 -12 June 2006	Hotel Rendezvous, Singapore