



Asia - Pacific Centre *for* Environmental Law

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

February 1996 - September 1997

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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	}	
	}	Co-chairs
Dr Parvez Hassan, Pakistan	}	
Former Chairman, IUCN-CEL	}	

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 and Government Officials

(i) Teaching Environmental Law at University Level: IUCN/APCEL/UNEP Course on Capacity-Building for Environmental Legal Education in the Asia and Pacific Region, 9 June - 4 July 1997

The first of its kind in the Asia-Pacific region and other parts of the world, this one month intensive training course was held at the National University of Singapore from 9 June - 4 July 1997. Organised by IUCN, APCEL and UNEP, it was attended by thirty-three participants, many of whom were law professors/teachers of environmental law from fifteen countries in the Asia-Pacific region. They actively participated in discussions and exchanged views both on substantive environmental law as well as on various methodologies and techniques used in the teaching of it. There were over thirty resource persons including members of the IUCN-CEL, APCEL and UNEP team. A number of resource persons were from other disciplines and served as panelists and discussants in various segments of the course. Interspersed throughout the course were guest speakers from the region as well as from Europe, United States of America and New Zealand.

The course was divided into two sections. The main thrust of the first two weeks was on *Teaching Environmental Law in the National and Regional Context*. The topics included the following:

- The Role of Science and Technology; Economic Approaches and Mechanisms in Developing, Implementing and Teaching Environmental Law
- Overview of the Legal Framework and Systems through which Environmental Law Functions
- Comparative Environmental Law: Processes
- Comparative Environmental Law: Jurisdictions - Overview of Methodology for a National Synthesis (India, Indonesia, China, Pacific)
- Environmental Law, Processes and Institutions in Singapore: A Case Study in Sustainable Development
- Overview of Singapore's Laws for Planning, Air and Water Pollution Control, Waste Management and Administration
- Comparative EIA Case Studies (Indonesia, Philippines)
- The Role of Lawyers, Scientists, and other Experts in EIA
- The Agenda for Sustainable Development (ASEAN, SPREP)
- Law Reform, Legislative Revision & Legal Education for Sustainable Development
- Case Study: New Zealand's Resource Management Act
- Survey of Key Elements of Environmental Law in Legal Systems
- Administrative Systems for Standard Setting; Regulations and Economic Incentives / Disincentives; Voluntary Codes and Audits
- Judicial Enforcement of Environmental Law
- Simulation of the "Song San" Vessel - Marine Pollution Case
- Presentation by Industry on Industrial Management and Training for Compliance with Environmental Laws
- Introduction to Alternative Dispute Resolution
- Evaluation of Alternative Dispute Resolution Simulation and its Use in Legal Education
- Curriculum Development and Collaborative Teaching

- Live Internet Lecture and interactive discussion from Pace University School of Law (NewYork) for Participants in Singapore, on Curriculum Development (Demonstration of Distance Teaching)

The theme of the third and fourth weeks was focused on *Teaching Environmental Law in the International Context*. Some of the topics included the following:

- Introduction to International Environmental Law Teaching Problem
- Review of Public International Law in Pre-Stockholm Context
- Re-evaluation and Critique of International Law and Teaching Problem
- Post-Stockholm to "Rio+ 5": Evolving International Environmental Law Norms
- Panel on the Law of Treaties and the System of Multilateral Environmental Agreements and Other Instruments
- Economic Development Assistance and the Environment: Evolution of Development Aid and Multilateral Financing Institutions and Mechanisms
- Overview of Trade & Environment Institutions and Issues
- Coordinating Environmental and Trade Policy
- Case Study and Critique of Sardar Sarovar Dam
- Case Study and Critique of Three Gorges Dam
- Overview of Biodiversity and Law
- Overview of the Convention on Biological Diversity / Critique of National Laws Relevant to CBD
- Climate / Ozone MEAs, Defining "Common but Differentiated Responsibilities"
- Basel Convention and Regional and National Implementation of Transboundary Waste Management Obligation
- Overview of Natural Resources Law
- Marine Pollution Law
- Presentation on the Xiamen Project and Batangas Bay
- Discussion of Xiamen Project and Batangas Bay

In addition to course materials, some twenty books were donated to each participant (for his/her institution) by various organizations including IUCN, Pace University, UNEP, UNU and APCEL. These books and course materials will enable the participants to upgrade or introduce an environmental law course. During the course, the *Asia Pacific Journal of Environmental Law* was launched. The Journal provides a forum for building up an environmental law jurisprudence in the Asia-Pacific region. Lim Lei Theng is on the Editorial Board and Koh KL, the Editorial Advisory Board.

The participants were each awarded a *Certificate of Accomplishment*. The "Keynote Remarks" at the opening ceremony were delivered by Professor Tommy Koh, Singapore's Ambassador-at-Large. Dr Kazi F Jalal of the Asia Development Bank (ADB) delivered the "Closing Remarks". The course was funded by ADB and NUS with support from IUCN, Pace University, UNU, UNITAR and APCEL.

This training course will be repeated in June/July 1998. Letters of invitation to participate in the 1998 course have been sent to potential participants in the following countries: Bangladesh, Cambodia, China, India, Indonesia, South Korea, Laos, Malaysia, Nepal, Pakistan, Philippines, Thailand and Vietnam.

- (ii) IMO/APCEL/MPA Workshop on the Ratification and Implementation of MARPOL 73/78 in the East Asian Seas, 30 October - 2 November 1996

This three-day workshop was co-organised by APCEL, the International Maritime Organization (IMO) and the Maritime and Port Authority of Singapore (MPA), and held at the Faculty of Law. Persons from these organisations served as speakers and resource persons at the Workshop. Participants were government officials from Vietnam, Cambodia, Indonesia and the Philippines. The subject of the workshop was the problems of the ratification and implementation of the International Convention on the Prevention of Pollution from Ships, or MARPOL 73/78. The Workshop enabled APCEL to establish valuable links with key persons from the IMO Secretariat in London, the IMO/UNDP Regional Programme in Manila, and the Maritime and Port Authority of Singapore, as well as with government officials from the participating countries. The Proceedings of the Workshop were published by the IMO/UNDP Regional Programme in Manila.

- (iii) UNEP/APCEL/MRLC Workshop on National Legislation and Sustainable Development, 9-17 December 1996

This ten-day workshop on environmental law and policy was co-organised by APCEL, the United Nations Environment Programme (UNEP) and the Mekong Region Law Centre (MRLC). It was held at the Faculty of Law and was co-sponsored and funded by UNEP and the Ministry of Foreign Affairs, Singapore. It was also supported by the Ministry of the Environment, Singapore and other international organisations. Participants were government officials from Vietnam, Cambodia, Laos, Myanmar, and Brunei. APCEL members served as a co-chair, as resource persons and speakers, and as country research scholars. Throughout the workshop, one APCEL member worked as a team with two government officials from one of the five participating countries. Through this arrangement, APCEL members were able to learn a great deal about the state of environmental law and policy in those countries and to establish close personal relationships with key government officials in those countries. The workshop also enabled APCEL to establish close links with UNEP and to enhance its reputation in the region as a centre for training and research. The report of the workshop was published by APCEL and UNEP as Robert Beckman & Lal Kurukulasuriya (eds.), *Environmental Legislation and Sustainable Development: Workshop Report* (UNEP/APCEL Publication Series No.1 (August 1997, 155 pages)).

B. 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. A development which greatly aided our research was the fact that APCEL hosted and co-organised two sub-regional workshops on environmental law for government officials from the target countries (above-mentioned). APCEL team members worked very closely with government officials from participating countries during the workshops. This enabled them to collect documents and conduct informal interviews. It also gave APCEL contacts in the relevant ministries which will be invaluable when we need further documents and information. APCEL members have also made research trips to Vietnam, Thailand, Indonesia and the Philippines to collect documents and gather more information.

The two part-time research assistants who were working on the project have completed their contracts. A new research assistant, Ms Mary Ericson Waters, was hired as a part-time research

assistant in June 1997. Ms Waters has a J.D. from Cornell Law School and has seven years' experience with prestigious law firms in Washington, D.C. Her main area of practice was in environmental law. We have applied to have Mary converted to a full-time research assistant from 1 October 1997.

As a background to this research project, Prof KL Koh published a compilation on *Selected ASEAN Documents on the Environment (APCEL Document Series No.1* (1996, 248+ vii pages)).

C. APCEL Database Project

To further our goal of becoming a regional centre for research on environmental law in the Asia-Pacific, APCEL 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 computer and the Faculty of Law has also provided some support. The funds from UNEP were used to pay student research assistants to develop a home page on the world wide web. We have begun to put documents on the web site, but the work has been sporadic because we have had to rely on student research assistants, and they are only available during holidays.

We hope to be able to put many of the documents we have acquired as part of the research project on the electronic database. We recently hired a temporary clerk to begin scanning and keying-in documents, as we have found that we are not able to hire student research assistants for such tasks.

We currently have an MOU with the IUCN to collaborate on the database. UNEP has recently proposed that we also enter into an MOU with them to develop a regional database. We are currently studying the situation to determine ways and means to provide us the long-term financial and administrative support we need to establish and maintain the database. The database project has the potential to help us establish our name as a world-class centre for research in environmental law. However, this cannot be done unless we have the administrative and financial support required to maintain a world-class site on the world-wide web. We have found that it cannot be done by using only student research assistants.

D. The Asia Conference on Trade and the Environment

The Asia Conference on Trade and the Environment was held from 27 - 28 June 1996 in Singapore, as a run-up to the first ministerial meeting of the World Trade Organization held in December 1996.

The above Conference was organised by APCEL, the Global Environment & Trade Study (GETS) of the Regional Institute of Environmental Technology (RIET) and the US-Asia Environmental Partnership (US-AEP). APCEL published an essay by Simon SC Tay entitled *International Trade and the Environment in Asia: Business and Environmental Cooperation Across Regions (1996)* which gives an introduction to the issues in Trade and the Environment which were to be discussed at the Conference.

The proceedings of the Conference were published by Simon SC Tay and Daniel C Esty (eds.) *Asian Dragons and Green Trade: Environment, Economics and International Law* (1996, 206 pages).

E. Consultancy Work

- 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 Project.
- Assoc Prof RC Beckman and Mr Alan Tan were consultants for the UNDP, Government of Vietnam Project on Strengthening the Legal Capacity in Vietnam.
- Mr Alan Tan was a member of the UNEP Study Mission to Vietnam on the Legal Framework for Environmental Protection.
- Ms Lim Lei Theng served as one of the consultants to the drafting of Myanmar's Agenda 21.
- Assoc Prof RC Beckman was a member of the First Group of Experts Meeting on Marine Environmental Protection in the South China Sea.
- Mr Alan Tan is the Singapore Country Representative of the IMO Regional Network on the Legal Aspects of Marine Pollution (on-going project).
- Mr Simon SC Tay was invited to brief the Ministry of Planning and Investment on the implications of environmental concerns in relation to trade and investment in Vietnam.
- APCEL was represented by Mr Simon SC Tay at the World Trade Organisation First Ministerial Meeting in Singapore, December 1996. He also served as Singapore's representative on the Non-Governmental Organisations' informal steering committee.
- Assoc Prof Lye Lin Heng authored a monograph *Environmental Law & Enforcement in Singapore* (1996) which was commissioned by the Institute of Developing Economies, Tokyo, Japan.
- Prof KL Koh was one of the members of the Advisory Board to the World Bank Study on *Environmental Management in the Newly Industrialising Countries: Lessons from East Asia* (1996).
- Mr Simon SC Tay serves on the International Experts Working Group on Trade and the Environment for UNEP and UNCTAD.
- Prof KL Koh is advisor to UNEP / NETTLAP's Environmental Law Thematic Network.

F. Attendance at International Conferences, Workshops and Seminars

APCEL members have represented APCEL and presented papers on topics relating to environmental law at international conferences / workshops / seminars organised by ESCAP, Government of Myanmar, Hong Kong University - Faculty of Law, IUCN, IDE, SEAPOL, UNEP/NETTLAP, UNEP/SACEP, UNU and other organisations. A number of conference papers have been published, for example, Lye LH, "The Enforcement of Environmental Law in Singapore", Koh KL, "Teaching Environmental Law : Trends in the Asia-Pacific Region".

II. APCEL'S ACTIVITIES IN SINGAPORE

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

MPA: Assoc Prof RC Beckman conducted an intensive 30-hour course on Law of the Sea and Marine Environmental Law for officials in the MPA (1997).

ENV: APCEL members have conducted regular seminars on Environmental Law for ENV officials. This is an on-going project.

RIET: Assoc Prof LH Lye conducts regular courses organised by RIET on Environmental Law for environmental auditors. This is an ongoing project.

ETI: Assoc Prof LH Lye and Mr Simon SC Tay presented papers on Environmental Law at a seminar on "*A Strategic Framework for Sound Environmental Management*" organised by ETI (1996).

IPS: APCEL jointly organised with IPS several environmental law forums of a multi-disciplinary nature for participants from business, government agencies, NGO's and academia. Some APCEL members also participated in the IPS /IMO Conference on Navigational Safety and Control of Pollution in the Straits of Malacca and Singapore (1996).

Singapore Academy of Law / APCEL: APCEL jointly organised with the Singapore Academy of Law a seminar on *Environmental Law in the Local, Regional and Global Context* (1997).

CAS: Prof KL Koh conducted a seminar on ASEAN and the Environment (1997).

Nature Society (Singapore): Assoc Prof LH Lye presented a paper, "Legal Protection of the Natural Environment - 5 Years After UNCED at Rio" (1997) at a seminar organised by the Nature Society (Singapore).

NUS / Environmental Engineering Society of Singapore: Assoc Prof LH Lye presented a paper, "The Development of Environmental Law in Southeast Asia" at the Wastewater Seminar Series "The Business, Law and Technology" (1997) organised by the National University of Singapore / Environmental Engineering Society of Singapore.

III. ESTABLISHING LINKAGES

Many of APCEL's activities and programmes depend on joint initiatives with other individuals and institutions. APCEL has established many linkages with individual environmental experts as well as with institutions. Among the institutions are:

Foreign

- IUCN
- UN Bodies, Programmes: UNEP/ROAP, UNEP/NETTLAP, UNDP, UNDP/IMO Programmes in Manila, UNITAR and UNU
- Regional Organisations: ASEAN, SACEP, SPREP

- Academic Institutions: ACEL, ICEL, MRLC, 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, SMI, Singapore Academy of Law, Singapore Law Society, US-AEP, Various Departments in NUS

The members of the APCEL Advisory Committee are eminent environmental lawyers 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.

Since its establishment, APCEL has had over 140 visitors.

IV. DONATIONS

The following donations were received:

Professor Tommy Koh, Ambassador-at-Large, Singapore: \$3,000, being part of his Elizabeth Haub Prize.

Professor NA Robinson, Chairman, IUCN-CEL and Professor of Law and Co-Director, Center for Environmental Legal Studies of the School of Law, Pace University:

- \$300, being examination fee as an NUS external examiner
- \$800, being honorarium from the Singapore Academy of Law for his lecture

APCEL has also received donation of books, materials on environmental law from various institutions. APCEL has in turn donated these to the Law Library, National University of Singapore.

V. FUTURE ACTIVITIES

The following are some future activities of APCEL :

- In response to ADB's request, APCEL will be making recommendations for follow-up activities in respect of the "capacity-building" programme.
- In response to MFA's request, APCEL has submitted recommendations to provide training in environmental law for government officials in developing countries under MFA's Singapore Technical Assistance Programme for Sustainable Development (STAPSD), pursuant to the joint initiative of Germany, Singapore, Brazil and South Africa at the last Special Session of the UN General Assembly on 24 June 1997.

- Some APCEL members will be involved in the World Bank project on capacity-building in Environmental Legal Education in India.
- APCEL will assist IUCN in providing technical assistance in the implementation of the following IUCN Montreal Resolutions (1996) :
 - Resolution 1.60 ASEAN Agreement on the Conservation of Nature and Natural Resources
 - Resolution 1.71 UN Fish Agreement and other Marine Biodiversity Instruments and Initiatives
 - Resolution 1.103 Environmentally Sustainable Development of the Mekong River Basin
- Research Projects with IUCN Oceania:
 - Draft International Convention on Environment and Development: Human Rights and Humanitarian Law Considerations (LR Penna and Donna Craig)
 - Environmental Rights in Various Constitutions (LR Penna and Donna Craig)
- Teaching Environmental Law in Asia (KL Koh)
- APCEL/SAFECO/SMI Seminar on Environmental Law for Industry:
 - APCEL is organising a joint seminar with SAFECO and SMI on this subject to be held on 7 November 1997.
- APCEL is conducting a two-day seminar on Environmental Law for Senior ENV officers to be held on 14-15 November 1997
- APCEL/Law Society of Singapore:
 - APCEL is organising a joint seminar with the Law Society of Singapore on Environmental Law in February 1998.
- Environmental Management Seminar for Southeast Asia in Cavite, Philippines, 6-17 October 1997 (organised by UNEP-NETTAP / ILLR): Prof KL Koh is presenting the following papers:
 - Capacity-Building in Environmental Law and Sustainable Development: The Role of the Asia-Pacific Centre for Environmental Law (APCEL)
 - The Inter-Relationship Between the ASEAN Agreement for the Conservation of Nature and Natural Resources and Some Allied Global Conventions
- IUCN Steering Committee Meeting, Washington, 20-23 October 1997: a Report on East Asia will be presented by Prof KL Koh; she will also participate in a *Policy Forum on Environmental Law*, organised by the Environmental Law Institute.

- Conference on *Toward Sustainable Asia* at the Musashi Institute of Technology, Yokohama, 11-13 December, 1997: Prof KL Koh to present a paper on "Sustainable Singapore - An Experience for Satellite Cities?"
- Second Meeting of the Technical Working Group on Marine Environmental Protection in the South China Sea, Haikou, Hainan, China from 14-17 October 1997: Assoc Prof RC Beckman will be serving as a resource person.
- Prof KL Koh will be attending the Institutional Dimension of Global Change (IDGC) Workshop in Stockholm, 13 - 17 December 1997.
- World Bank EDI: Two Workshops.
 - (i) Coastal Zone Management and (ii) Urban-Industrial Environmental Management in March 1998. APCEL will co-direct the workshops with EDI and the Ministry of Foreign Affairs, Singapore.

Professor KL Koh
 Director
APCEL
 November 1997

Abbreviations

ACEL	-	Australian Centre for Environmental Law
ADB	-	Asian Development Bank
APCEL	-	Asia-Pacific Centre for Environmental Law
CAS	-	Centre for Advanced Studies, NUS
ENV	-	Ministry of the Environment
ESCAP	-	Economic and Social Commission for Asia and the Pacific
ETI	-	Environmental Technology Institute
ICEL	-	Indonesia Centre for Environmental Law
IDE	-	Institute of Developing Economies
IIRR	-	International Institute of Rural Reconstruction
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
MRLC	-	Mekong Region Law Center
RIET	-	Regional Institute of Environmental Technology
SACEP	-	South Asia Co-operative Environment Programme
SAFECO	-	Singapore Association for Environmental Companies
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