



Asia - Pacific Centre *for* Environmental Law

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

Sixth Annual Report

1 August 2001 – 31 July 2002

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**ASIA-PACIFIC CENTRE FOR ENVIRONMENTAL LAW
(APCEL)**

SIXTH ANNUAL REPORT

This Report covers the activities of APCEL from 1 August 2001 to 31 July 2002.

1. Organisation

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.

An **Executive Committee** serves APCEL. The members are:

Professor KOH Kheng-Lian, Director

Assoc. Professor Robert. C BECKMAN, Deputy Director

Assoc. Professor LYE Lin Heng, Deputy Director

Assoc. Professor LR PENNA

Assoc. Professor Simon TAY Seong Chee

Assoc. Professor Alan TAN Khee Jin

Asst. Professor Victor RAMRAJ

Asst. Professor LIM Chin Leng (on secondment)

Asst. Professor Michael EWING-CHOW

Asst. Professor Burton ONG Tze En

Its **Advisory Committee** members are:

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, Phillipines

Ex-Officio: Associate Professor TAN Cheng Han
Dean, Faculty of Law, NUS

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Executive Summary

- APCEL continued to play an important role in capacity building in environmental law as its members made significant contributions in various international / regional and local conferences/symposia/workshops/seminars held in Bangkok, Chiang Mai, Chile, Hong Kong, Kuala Lumpur, Limoges, Manila, New Hampshire, Sao Paulo, Singapore, Sydney, Vermont, Washington and New Haven (Yale). Altogether, its members participated in over thirty-five activities (see **Appendix I**).
- A significant event was the publication of *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources* (ADB: 2002), edited by Donna G. Craig, Nicolas A. Robinson and Koh Kheng-Lian (see **Appendix II**). Many APCEL members are contributors to the book.
- APCEL conducted two workshops for the Singapore Ministry of Foreign Affairs for administrators in environmental management in developing countries, and also two seminars on environmental law for senior officials from the Ministry of the Environment and other government agencies.
- Koh Kheng Lian, Lye Lin Heng and Simon S. C. Tay served in various Committees of the Singapore Green Plan 2012: Beyond Clean and Green – Towards Environmental Sustainability. Simon S. C. Tay was also the Chairman of one of the Focus Groups at a feedback session. The Singapore Green Plan 2012 was launched on 24 August 2002 by the Minister of the Environment.
- On 1 July 2002 Simon S. C. Tay, one of the members of APCEL, was appointed Executive Chairman of the newly established National Environmental Agency (NEA).
- The APCEL website has been updated: <http://law.nus.edu.sg/apcel/>

1. Launch of Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources (Donna G. Craig, Nicolas A. Robinson and Koh Kheng-Lian, editors (ADB: 2002). Vol 1 xxxi +820 pp; vol II xxxi 994 pp.

This book was developed from the basic materials used in the IUCN/APCEL/UNEP course on Capacity Building for Environmental Law in the Asia- Pacific Region: Teaching Environmental Law at University Level held in NUS in 1997 and 1998. These materials were updated and commentaries were included in this publication. APCEL together with IUCN CEL played a major role in the production of this book. The following are the APCEL members who have made a contribution to the book: K.L. Koh, RC Beckman, Lye Lin Heng, L.R. Penna, Simon S.C. Tay and Alan Tan Khee Jin.

This is the first comprehensive environmental law book based primarily on materials from the Asian and Pacific region.

The Singapore launch was one in a series of launches of the book with others held in Washington, Bonn, Lahore and a forthcoming launch to be held on 11 November 2002 in Tokyo. The 'global' launch of the book underlies the importance of this first of its kind pioneering work which has already been recognised throughout the world as facilitating capacity building in environmental law not only in the Asian and Pacific region but throughout the world. To this end, it has responded to one of the calls for capacity building under the United Nations Rio Agenda 21, 1992. The book has since been very well received and the publisher has since produced more of the CD Rom version for distribution.

The Guest-of Honour for the Singapore launch was Dr Balaji Sadasivan, Minister of State for Health and the Environment. Other presentations were made by the Dean of the Law Faculty, Associate Professor Tan Cheng Han, Dr Parvez Hassan, former Chair of IUCN CEL and co-chair of the APCEL Advisory Committee and Associate Professor Donna G. Craig, one of the editors of the book. Among the over eighty guests who attended the ceremony were members from the diplomatic service, government agencies and statutory boards, academics, NGOs and students (see **Appendix II**).

2. Government of Singapore/ APCEL Workshops on Environmental Management

APCEL continues to conduct seminars for the Government of Singapore under its technical assistance programme for sustainable development. Two workshops were conducted during 2001 and 2002:

- Workshop on Urban and Industrial Environmental Management, Peninsular Hotel, 6 - 30 November, 2001, Singapore

Director of Workshop: KL Koh.

This is an on-going project with the Singapore Ministry of Foreign Affairs. The participants were from Bhutan, Cambodia, China, Indonesia, Laos, Maldives and Thailand. The resource persons were drawn from members of APCEL (K.L. Koh, Lye Lin Heng, R.C. Beckman and Brady Coleman), the academia, the Ministry of the Environment and the private sector. Some field trips were included.

- Seminar on Role of Marine Protected Areas in Integrated Coastal Management, 25 February – 1 March 2002, Peninsular Hotel, Singapore

Director of Workshop: RC Beckman

This is an on-going project with the Ministry of Foreign Affairs, as in (1) above. The resource persons included two members from APCEL (R.C. Beckman and Lye Lin Heng) and the participants were from Brunei, Cambodia, East Timor, Haiti, Indonesia, Mauritius, Vietnam and Nauru.

3. Environmental Law Course for ENV and other Government Agencies: 27 - 28 August, 2001; 25 - 26 March 2002

Coordinator of Course: Victor Ramraj

This is an ongoing project for senior officials of ENV and other government agencies. It has run to the 9th and 10th course. The APCEL members who served as resource persons are K.L. Koh, Lye Lin Heng, RC Beckman, Alan Tan Khee Jin, Lim Chin Leng, Michael Ewing- Chow and Victor Ramraj. The topics covered are ASEAN cooperation in environmental management, Gulf War environmental claims, nature conservation, trade and environment, principles of international environmental law, environmental law and politics in South east Asia, and the administrative law framework of environmental law.

4. Singapore Green Plan 2012 (SGP)

Three APCEL members, namely, K.L. Koh, Lye Lin Heng and Simon Tay were invited to serve in various Committees of the SGP. Simon S.C. Tay was also one of the three focus group chairman for public participation of the SGP. The SGP was launched by the Ministry of the Environment on 24 August 2002.

5. Appointment of Simon SC Tay as Chairman of the National Environment Agency

On 1 July 2002, APCEL member, Simon S.C. Tay was appointed to head the newly established National Environment Agency (NEA), a government statutory agency under the Ministry of the Environment. NEA is responsible is charged with strategising and implementing environmental policies and regulations for pollution, public health, meteorological services and regional and international cooperation on environmental issues.

6. Conferences and Seminars, etc

During the year under review, APCEL participated in many international and local conferences and seminars; many of these dealt with current issues of importance. These topics include: regulating access to genetic resources - a Southeast Asian perspective, penal provisions and enforcement, environmental and development issues in Singapore and cross-

border environmental protection, environmental taxation in the regulation of traffic and the control of vehicular pollution in Singapore, the teaching of industrial ecology in Asia, law of the sea and the rights and obligations of small island developing states - implications for sustainable development and evaluation of ADB loan agreements for transport infrastructure : legal covenants, the sea transport industry and the challenges of state regulation, shipping and ports: partners in sustaining the environment or free riders (see **Appendix I**).

7. APCEL Website: <http://law.nus.edu.sg/apcel/>

APCEL has and is still in the process of updating its website.

8. Members

Asst. Prof. Burton Ong Tze En returned from his postgraduate studies in Harvard. Asst. Prof. Lim Chin Leng is on secondment to the Attorney General's Chambers.

Prof. Koh Kheng Lian
Director
Asia-Pacific Centre for Environmental Law

12 September 2002

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APPENDIX 1

Activity	Participants/ Resource Persons	Date	Venue/ Organisers
1. Participated in the U.S. Dept of State Bureau of Education and Cultural Affairs International Visitor Program: Global Environmental Issues	Prof. Koh Kheng Lian	1 August - 24 August 2001	Washington, Annapolis, Baton Rouge, Louisiana, Adirondacks
2. Participant in various meetings as member of the National Preparatory Process Committee for the World Summit on Sustainable Development (Focus Group II- International and Regional Issues)	Assoc. Prof. Lye Lin Heng	August - October 2001	Ministry of the Environment, Singapore
3. Participant in various meetings as member of the National Preparatory Process Committee for the World Summit on Sustainable Development (Focus Group III – Environment & Public Health Issues)	Prof. Koh Kheng Lian	August - October 2001	Ministry of the Environment, Singapore
4. MSc (Env Mgt) Seminar “Regulating Access to Genetic Resources – A Southeast Asian Perspective”	Mr Burton Ong Tze En (Speaker) Assoc. Prof. Lye Lin Heng (Chairperson)	18 August 2001	School of Design and the Environment, NUS
5. Training Course No. 9 for Senior Officers of the Ministry of the Environment • Principles of International Environmental Law	Assoc. Profs. Lye Lin Heng and RC Beckman Asst. Prof. Victor V. Ramraj Mr. B Coleman	27 - 28 August 2001	Singapore Ministry of Environment

<p>(RC Beckman)</p> <ul style="list-style-type: none"> • Marine Environmental Law (RC Beckman) • Nature Conservation Laws (Lye LH) • ASEAN Cooperation in the Environment (Lye LH) • Penal Provisions and Enforcement (Victor V Ramraj) • Climate Change (B Coleman) 			
<p>6. International Conference on ASEAN Legal Systems and Regional Integration</p> <ul style="list-style-type: none"> • Presentation: Environmental and Development Issues in Singapore and Cross-Border Environmental Protection in ASEAN 	Assoc. Prof. Alan Tan Khee Jin	3 - 4 September 2001	Asia-Europe Institute University of Malaya Kula Lumpur
<p>7. Participants in Discussion on “Urban Sustainability Index” 7. chaired by Prof Tommy Koh</p>	Prof. Koh Kheng Lian Assoc. Profs. Lye Lin Heng and Simon SC Tay	6 Sept 2001	Institute of Policy Studies, Singapore
<p>8. Chaired MSc (Env Mgt) Seminar “A Proposal for the E.A.R.T.H Charter” by Assoc Prof Clive Briffett and members of the Nature Society</p>	Assoc. Prof. Lye Lin Heng	15 September 2001	School of Design and the Environment, NUS, Singapore
<p>9. (i) ADB meeting to discuss forthcoming publication in which I am one of the three editors, <i>Capacity Building for Environmental Law in the Asian-Pacific Region: Approaches and Resources</i> (ii) Seminar to ADB officers</p> <ul style="list-style-type: none"> • Presentation to ADB Officials: “Evaluation of ADB Loan Agreements for Transport Infrastructure: Legal Covenants” 	Prof. Koh Kheng Lian	8 - 14 September 2001	Manila

10. Seminar on Environmental Protection in the South-east Asian Countries: Law, Institutions and Politics	Assoc. Prof. Alan Tan Khee Jin	22 - 23 September 2001	University of Sydney, Sydney
11. National Preparatory Process Workshop: Summary of strategies, programmes and or/ initiatives recommended by Focus Groups 1, II and III Assoc. Prof. Simon SC Tay (Chairman) for Group II; Lye Lin Heng member of Group II, and Prof. Koh Kheng Lian member of Group III	Prof. Koh Kheng Lian; Assoc. Profs Lye Lin Heng and Simon SC Tay	1 October 2001	Singapore Orchid Country Club, Singapore
12. 2nd International Conference on the Malacca Straits • The Sea Transport Industry and the Challenges of State Regulation	Assoc. Prof. Alan Tan Khee Jin	15 - 18 October 2001	Penang, Malaysia
13. Chaired MSc (Env Mgt) Seminar, "Public-Private Partnership in Infrastructure Development in Asia" by Mr Edwin Khew, Executive Director, Vivendi Asia Pacific & Chairman, SAFECO	Assoc. Prof Lye Lin Heng	27 October 2001	School of Design and the Environment, NUS, Singapore
14. Worldwide Conference of Associations and Lawyers of Environmental Law • Presentation: Singapore National Report Implementation of Rio 1992: Progress and Difficulties	Prof. Koh Kheng Lian	9 - 10 November 2001	University of Limoges
15. OECD Programme of Co-operation with Emerging Asian Economies: Workshop on Promoting Environmentally	Prof. Koh Kheng Lian	22 - 23 November 2001	Shangrila Hotel, Singapore

<p>Sustainable Development</p> <ul style="list-style-type: none"> • Participant • Presentation of Recommendations of the Workshop 			
<p>16. Attended Pacific Economic Cooperation Council's Sustainable Cities Taskforce Meeting on Sustainable Urban Services, as Panel Discussant and Chair of Session on Waste Management in Thailand and Philippines</p>	<p>Assoc. Prof. Lye Lin Heng</p>	<p>23 - 24 November 2001</p>	<p>Hong Kong</p>
<p>17. Government of Singapore – Asia-Pacific Centre for Environment Law: Seminar on Urban and Industrial Environmental Management</p>	<p>Director of Seminar: Prof. Koh Kheng Lian Resource Persons include: Prof Koh Kheng Lian; Assoc. Profs. Lye Lin Heng; RC Beckman and Brady Coleman</p>	<p>26 - 30 November 2001</p>	<p>Peninsula Hotel, Singapore</p>
<p>18. Alliance of Small Island States Inter-regional Preparatory Meeting for the World Summit on Sustainable Development</p> <ul style="list-style-type: none"> • Presentation: Law of the Sea and the Rights and Obligations of Small Island Developing States – Implications for Sustainable Development 	<p>Assoc. Prof. Robert Beckman</p>	<p>7 - 11 January 2002</p>	<p>M Hotel, Singapore</p>
<p>19. Chaired MSc (Environment Management) Seminar, "Nature Conservation in Singapore: The Question of Values" Dr Ho Hua Chew, Chairman, Conservation Group, Nature Society.</p>	<p>Assoc. Prof. Lye Lin Heng</p>	<p>19 January – 17 February 2002</p>	<p>School of Design & the Environment, NUS, Singapore</p>
<p>20. IUCN-CEL Steering Committee Meeting</p> <ul style="list-style-type: none"> • Presentation: IUCN- 	<p>Prof. Koh Kheng Lian</p>	<p>23 - 26 January 2002</p>	<p>Bonn</p>

CEL Report on South East Asia			
21. Chaired MSc (Env Mgt) Seminar, “Media Skills for Disaster Management” by Mr Iain Ewing, CEO and Principal Trainer, Ewing Communications	Assoc. Prof. Lye Lin Heng	2 February 2002	SDE, NUS, Singapore
22. Gave seminar on “Law and the Environment” to students in NUS Scholars Programme in Civil Society in Singapore	Assoc. Prof. Lye Lin Heng	4 February 2002	NUS
23. Chiang Mai Workshop on Sustainability Science: knowledge, technology and institution for sustainability transitions in Asia <ul style="list-style-type: none"> • Participant at Plenary and Workshops • Conclusion Session: Panelist 	Prof. Koh Kheng Lian	4 - 6 February 2002	Chiang Mai
24. Government of Singapore – Asia-Pacific Centre for Environmental Law: Seminar on the Role of Marine Protected Areas in Integrated Coastal Management	Director of Seminar: Assoc. Prof. RC Beckman Resource Persons include: Assoc. Profs RC Beckman and Assoc. Prof. Lye Lin Heng	25 Feb – 1 March 2002	Peninsula Hotel, Singapore
25. Workshop on Sustainable Urban Infrastructure <ul style="list-style-type: none"> • Presentation: Liability for Environmental Pollution in Spore 	Assoc. Prof Lye Lin Heng	26 February 2002	Faculty of Engineering , NUS
26. United Nations Institute for Training and Research (UNITAR) Conference on the Seas and Security <ul style="list-style-type: none"> • The Sea Transport Industry and the Challenges of State Regulation 	Assoc. Prof. Alan Tan Khee Jin	7 - 9 March 2002	Hiroshima, Japan

<p>27. Training Course No. 10 for Senior Officers of the Ministry of the Environment and other Ministries</p> <p>Course Coordinator: Victor V Ramraj</p> <ul style="list-style-type: none"> • ASEAN Cooperation and the Environment (Koh KL) • Gulf War Environmental Claims (Lim CL) • Nature Conservation Law (Lye LH) • Trade and the Environment (Michael EC) • Principles of International Environmental Law (RC Beckman) • Marine Environmental Law (RC Beckman) • Environmental Law and Politics in SE Asia (Tan KJ) • The Administrative Law Framework of Environmental Law (Victor V Ramraj) 	<p>Prof Koh Kheng Lian Assoc. Profs. Lye Lin Heng; RC Beckman and Alan Tan Khee Jin; Asst. Profs Lim Chin Leng; Michael Ewing-Chow and Victor Ramraj</p>	<p>25 - 26 March 2002</p>	<p>Singapore Ministry of Environment</p>
<p>28. "Authors Workshop" on Strengthening Global Environmental Governance: Options and Opportunities</p> <ul style="list-style-type: none"> • Presentation: <i>Regional Environmental Governance: The Association of Southeast Asian Nations</i> (jointly written with Nick Robinson) 	<p>Prof. Koh Kheng Lian</p>	<p>4 - 6 April 2002</p>	<p>Yale University, USA</p>
<p>29. 3rd Global Conference on Environmental Taxation</p> <ul style="list-style-type: none"> • Presentation: Environmental Taxation in the 	<p>Assoc. Prof. Lye Lin Heng</p>	<p>12 - 13 April 2002</p>	<p>Vermont, USA</p>

Regulation of Traffic and the Control of Vehicular Pollution in Singapore			
30. Launch of book on <i>Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources</i> (edited by Donna G. Craig, Nicholas A. Robinson & Koh Kheng-Lian)	Prof. Koh Kheng Lian	3 May 2002	Raffles Town Club, Singapore
31. IEMA Approved Advanced EMS Auditing Course for Quality Personnel – taught the course on “Environmental Law in Singapore”	Assoc. Prof. Lye Lin Heng	14 May 2002	Allsons Hotel, Singapore
32. 6 th International Conference on Environmental Law: Ten years after Rio 92: Law and Sustainable Development <ul style="list-style-type: none"> • Presentation: Capacity Building in Environmental Law in the Asia-Pacific Region: A Vital Pillar in Sustainable Development 	Prof. Koh Kheng Lian	3 - 6 June 2002	Sao Paulo, Brazil
33. i) Discussed further cooperation with Asian Development Bank ii) ‘Green Bag’ Seminar <ul style="list-style-type: none"> • Presentation: Environmental Governance and Capacity Building under Agenda 21 	Prof. Koh Kheng Lian	10 - 13 June 2002	Manila
34. 3 rd Gordon Conference on Industrial Ecology <ul style="list-style-type: none"> • Presentation: The Teaching of Industrial Ecology in Asia 	Assoc. Prof. Lye Lin Heng	10 - 14 June 2002	New Hampshire
35. Singapore Institute of Biology’s Public Forum “Do We Still Need Environmental Protection?” <ul style="list-style-type: none"> • Panel member 	Assoc. Prof. Lye Lin Heng	27 June 2002	Orchard Hotel, Singapore
36. Pacific Economic Cooperation Council’s	Assoc. Prof. Lye Lin Heng	10 - 12 July 2002	Santiago, Chile

<p>Sustainable Cities Task Force Second Seminar on Sustainable Urban Services</p> <ul style="list-style-type: none"> • Presentation: The Role of Regulatory Systems – The Environmental Dimension through the Experience of 4 Asian Cities (Manila, Jakarta, Bangkok and Hong Kong) • Discussant 			
<p>37. MSc (Env Mgt) Welcome Tea Programme</p> <ul style="list-style-type: none"> • Presentation: Sustainable Development & Agenda 21: From Rio to Johannesburg 	<p>Prof. Koh Kheng Lian</p>	<p>19 July 2002</p>	<p>School of Design & the Environment, NUS, Singapore</p>



APPENDIX II

Donna G. Craig, Nicholas A. Robinson & Koh Kheng-Lian, eds

*Capacity Building for Environmental Law in
the Asian and Pacific Region: Approaches and Resources*

Published by the Asian Development Bank, 2002

Date : Friday, 3 May 2002

Time: 5.30 pm - 7.30 pm

Venue: Dunearn 1, Level 1, Raffles Town Club
1 Plymouth Avenue
Singapore 297759

PROGRAMME

- 5.30 pm Arrival of Guests
- 6.00 pm Arrival of Guest-of-Honour, Dr Balaji Sadasivan,
Minister of State for Health and the Environment
- 6.05 pm Welcome Address by Assoc Prof Tan Cheng Han,
Dean, Faculty of Law, National University of Singapore;
Ex-officio member, Asia - Pacific Centre for Environmental Law
(APCEL)
- 6.10 pm Opening Remarks by Mr John Boyd, Asian Development Bank,
Manila. Presentation on *ADB's Role in Capacity Building in
Environmental Law*
- 6.15 pm *Work of the Asia-Pacific Forum on Environment and
Development - On the Road to Johannesburg* by Dr Parvez Hassan,
Co-Chair Advisory Committee, Asia-Pacific Centre for
Environmental Law, former Chair, The World Conservation Union,
Commission on Environmental Law (IUCN CEL)
- 6.20 pm Speech by Guest-of-Honour, Dr Balaji Sadasivan,
Minister of State for Health and the Environment
- 6.30 pm Book Presentation to Dr Balaji Sadasivan by Mr John Boyd
- 6.35 pm *Capacity Building for Environmental Law in the Asian and Pacific
Region: Approaches and Resources* (edited by Craig, Robinson and
Koh), ADB Publication, 2002. Presentation by Assoc Prof Donna
Craig, former IUCN Vice-Chair (Oceania) 1994 to 2001; Faculty of
Law, Macquarie University, Australia
- 6.45 pm Cocktails
- 7.30 pm End of Programme