

**APCEL News**  
**Advisory and Executive Committees**

**Highlights: August – December 2009**

**The report is prepared on information supplied by its members**

**Advisory Committee Member**

**Wolfgang Burhenne**

**Draft International Covenant on Environment and Development: 3rd Revision**

In 2008, the 4th IUCN World Conservation Congress (WCC-4) mandated the IUCN Commission on Environmental Law (IUCN-CEL) in cooperation with the International Council of Environmental Law (ICEL) to update the provisions and explanatory text of the *Draft International Covenant on Environment and Development* following Resolution 4.101. Soon thereafter, ICEL under the direction of Dr. Wolfgang E. Burhenne called upon all members of IUCN-CEL to make proposals for amendments to the second revision. Following more than a year of preparation, compilation and review, ICEL in cooperation with the IUCN Environmental Law Centre (IUCN-ELC) invited 18 experts who had taken part in the process to a meeting in early 2010 in Bonn (Germany) where amendments were deliberated and finalized. The provisional draft (now containing 79 articles) reflecting the most recent developments in international law and practice will soon be circulated for final comment. Publication is slated for autumn 2010 and the 3<sup>rd</sup> Revision will then be conveyed to all UN Member States.

The text of the 2<sup>nd</sup> Revision of the Draft Covenant is accessible online at: <http://www.i-c-e-l.org/indexen.html>

**A. APCEL's activities and those of its members**

**1. APCEL/Ministry of Foreign Affairs (MFA) Workshop on Urban and Industrial Environmental Management: The Singapore Model, 9 -15 December 2009**

This is the 10<sup>th</sup> MFA/APCEL workshop on *Urban and Industrial Environmental Management: The Singapore Model*, held from 9 to 15 December 2009 at the Faculty of Law. KL Koh was the Course Director and served as a resource person, together with others including members of APCEL, the NUS academia from other faculties, the private and government sectors. They were Lye Lin Heng (Faculty of Law, NUS), Penna Lakshmikanth (Lee & Lee, Advocates & Solicitors), Asanga Gunawansa (School of Design and Environment, NUS), Adhityan Appan (GEMS Singapore; HYFLUX, Singapore; LBW Consultants, Singapore), Christophe Inglin (Phoenix Solar Pte Ltd), Jeff Obbard (Division of Environmental Science & Engineering, NUS), Kog Yue

Choong (East West Engineering Consultants), Malone-Lee Lai Choo (School of Design and Environment, NUS), Richard C. Reidinger (ENSR Environmental International Inc), Simon John Longman (National Parks Board), Victor Savage (Faculty of Arts and Social Science, NUS) and Yong Wei Hin (Public Utilities Board).

There were 22 participants from 17 countries in Africa, Europe and Asia. The topics covered were wide ranging demonstrating Singapore's efforts in environment and development – brown, green and blue issues that have progressively turned Singapore into a success story in sustainable development. The Workshop considered the many challenges that Singapore faces, including the impact of climate change and adaptation. The role of Singapore in the regional and global context was also considered.

## **2. APCEL/LKYSPP Course on Water Governance and Management in Asia: Law, Policy and Infrastructure Financing of Water Supply**

In this first joint project with Lee Kuan Yew School of Public Policy (LKYSPP), APCEL is preparing the above water course to be launched in the next academic year 2010/2011 for students of the LKYSPP. A two- day meeting of consultants was held at the Law Faculty from 3 to 4 December 2009. The Director of the LKYSPP Institute of Water Policy, Prof Seetharam Kallidaikurichi attended some of the sessions. The meeting mapped out the syllabus and discussed the six case studies in the Asian region to be included in the syllabus - these case studies are from Cambodia, China, India, Indonesia, Philippines and Singapore. The members of the Planning Committee are KL Koh & Lye Lin Heng (co-chairs) and Asanga Gunawansa.

## **3. APCEL's new publications:**

- (i) *Crucial Issues in Climate Change and the Kyoto Protocol- Asia and the World* (edited by KL Koh, LH Lye & Jolene Lin). Publisher: World Scientific, pp 576.
- (ii) The proceedings of the 9<sup>th</sup> Global Conference on Environmental Taxation, hosted by APCEL in November 2008, were published as *Critical Issues in Environmental Taxation* Volume VII, by Oxford University Press in October 2009, (Lin-Heng Lye, Janet Milne, Hope Ashiabor, Kurt Deketelaere, Larry Kreiser eds.), pp. 682

## **B. APCEL members' activities**

### **Koh Kheng Lian**

#### **Conferences, Workshops and Publications**

- “Connecting Environmental Discourses in International and Public Law: the ASEAN Context” (Presented a paper at the CIPL-ACEL Environmental Discourses Workshop: 13 -15 August 2009, Australian National University, Canberra).
- A Copenhagen Adaptation Framework? What Role Can ASEAN Play in its Formulation" (Conducted a Video Conference with Asst Prof Asanga Gunawansa with the University of Indonesia, organized by Indonesian students, 7 October 2009, NUS Faculty of Law).
- Participated, and chaired a panel session at the 10<sup>th</sup> Annual Global Conference on Environmental Taxation, 23-25 September 2009, Lisbon, Portugal.
- “Water/Freshwater Resources: Law, Policy and Governance: Singapore Case Study” (Presented a paper at the 7th Colloquium of the IUCN Academy of Environmental Law, 1- 5 November 2009, Wuhan, China).
- Participated, and was also a moderator in the session on “Environment” at the World Justice Forum 2009, 11- 14 November 2009, Vienna, Austria.
- Participated, and chaired a session on Environment at the “Conference on Networked Regionalism versus Institutional Regionalism: Managing Complexities in Regional Cooperation and Global Governance”, 6 to 8 December 2009, Singapore.
- “Adaptation to Climate Change in Cities: What role Can ASEAN Play? And “Environmentally Sustainable cities in ASEAN: ASEAN Working Group on Sustainable Cities” (Presented Paper and also Course Director of the APCEL/MFA “Workshop on Urban and Industrial Environmental Management: The Singapore Model”, 9 to 15 December 2009, Singapore).
- Co-authored with Shobha K Y, “The Management of POPS (Persistent Organic Pollutants) Pesticides in Nepal” *Macquarie Journal of International and Comparative Environmental Law* (2009) Vol 6 (Australia), pp 217 – 236.
- Published an article, “Towards an Effective ASEAN Environmental Governance for Sustainable Development?”, *Asian Review of Public Administration*, Vol XX, Numbers 1-2 (January – December 2008), pp 35 – 59. The 2008 issue has just been published.

- Published an article, “Singapore” in *2009 Top News on Environment in Asia* (Institute of Global Environmental Strategies, Japan), pages 62-63 (co-authored with G Asanga).

## **Lye Lin Heng**

### **Conferences, Workshops and Publications**

- “Land law in a Changed World: Re-examining the concept of Ownership in the context of Environmental Concerns “ - Invited paper presented at the International Conference on the New Trends of Land Law Reform, Faculty of Law, University of Macau, 8 October 2009.
- Presented paper “Applying the Polluter Pays Principle in the Management of Road Transportation in Singapore” and chaired a session at the IUCN Academy of Environmental Law 7th Annual Colloquium on *Environmental Governance and Sustainability* , 2-6 November 2009, University of Wuhan, China.
- Presented 2 seminars on Air Pollution Management, and Compliance and Enforcement at the APCEL/MFA “Workshop on Urban and Industrial Environmental Management: The Singapore Model”, 9 to 15 December 2009, Singapore).
- Published chapter “Environmental Taxation and the Management of Traffic in Singapore” in *Critical Issues in Environmental Taxation: International and Comparative Perspectives – Vol. VII.*, Lin-Heng Lye, Janet Milne, Kurt Deketelaere, Lawrence Kreiser, Hope Ashiabor, 205 – 225 (Oxford University Press, 2009).  
Jointly with Victor Savage, Introductory chapter to *Sustainability Matters: Environmental Management in Asia*, book of essays by students of the NUS MSc (Env Mgt) program , Lye Lin Heng, Lai-Choo Malone-Lee, George Ofori, Victor Savage and Ting Yen Peng, eds. to be published by World Scientific Publishers, 2010.
- Published article “Land Law and the Environment - Re-examining the Concept of Ownership and Forging New Rights and Obligations in a Changed World” (2009) *Sing Ac. LJ* [accepted for publication, Special issue on Land Law, edited by Kevin Gray].

## **C. APCEL's Associate Members**

### **Jolene Lin**

#### **Conferences, Workshops and Publications**

- 'Creating a Market for Clean Air: The Air Pollution Control (Amendment) Ordinance 2008' 2009 39(2) Hong Kong Law Journal 269-284.
- 'The Clean Development Mechanism in Southeast Asia' in "Climate Change and the Kyoto Protocol: Asia and the World", K.L. Koh, L.H. Lye & J. Lin (eds.), World Scientific Press, 2009.
- 'Private Actors in International and Domestic Emissions Trading Schemes' in "Legal Aspects of Carbon Trading: Kyoto, Copenhagen and beyond", D. Freestone & C. Streck (eds.), Oxford University Press, 2009.
- 'Supporting Adaptation in Developing Countries at the National and Global Levels' in "Climate Law and Developing Countries: Legal and Policy Challenges for the World Economy", B. Richardson, S. Wood, H. McLeod-Kilmurray & Y. Le Bouthillier (eds.), Edward Elgar Publishing, 2009.
- Talk: International Law and Climate Change: Making Carbon Markets Work Organised by Singapore Society of International Law and Singapore Management University, 23 July 2009, Singapore.
- Presented a paper "China, International Law and Climate Change" 88th Annual Meeting of the American Branch of the International Law Association 22-24 October 2009, New York City.
- Presented a paper "The Role of Courts in Climate Change Governance" The European Union, Climate Change and Global and Environmental Governance, 13 November 2009, Faculty of Law, University of Edinburgh.