



Asia - Pacific Centre *for* Environmental Law

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

Fifth Annual Report

1 August 2000 – 31 July 2001

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

FIFTH ANNUAL REPORT

This Report covers the activities of APCEL from 1 August 2000 to 31 July 2001.

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
Associate Professor RC Beckman, Deputy Director
Associate Professor Lye Lin Heng, Deputy Director

Associate Professor LR Penna
Associate Professor Simon SC Tay
Assistant Professor Alan Tan Khee Jin
Assistant Professor Victor Ramraj
Assistant Professor Lim Chin Leng
Assistant Professor Michael Ewing-Chow HK
Mr Burton Ong Tze En
Mr Brady Coleman

Its **Advisory Committee** members are:

His Excellency, Prof Tommy TB Koh, Co-Chair
Dr Parvez Hassan (Pakistan), Co-Chair

Professor Ben Boer, Australia
Mr Edwin TF Khew, Singapore

Professor Alexandre Kiss, France
Dr Bindu N Lohani, Asian Development Bank, Manila
Ms Mere Pulea, Fiji
Professor Nicholas Robinson, USA
Mr Kasem Snidvongs, Thailand
Mr Sun Lin, China
Mr Tan Gee Paw, Singapore
Ambassador Amado S Tolentino, Philippines
Mr Wolfgang E Burhenne, Germany

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

During the reporting period, APCEL engaged in some thirty wide-ranging activities (see **Appendix**) which have further developed APCEL's objectives as set out above.

1. APCEL AS PART OF A GLOBAL NETWORK OF REGIONAL CENTRES

APCEL is into its 5th year and is now firmly established as a centre of excellence for environmental law in the Asia-Pacific region. In line with Singapore's foreign policy towards "education diplomacy", it is noted that APCEL forms part of a network of "Regional Centres of Environmental Law"(see IUCN Newsletter, September-December 2000 at p. 24). These centres are working in close partnership with IUCN-CEL (the World Conservation Union - Commission on Environmental Law : it has Observer status in the United Nations), "to provide assistance and advice in training, education and capacity building, ... and foster direct networking among the Centres themselves (*ibid*)". There are currently six such regional centers, namely, APCEL, Centre of Environmental Law Excellence in Brazil, Centre for Environmental Law "Eurasia"(Moscow, Russia), the Mauritian Centre for Environmental Law, Regional Centre of Environmental Law in Wuhan and, the latest of such centers, the Arab Regional Centre for Environmental Law (ARCEL), established by the Faculty of Law of Kuwait University, follows closely the APCEL model. At the launch of ARCEL on 30 September 2000 in Kuwait, KL Koh presented a paper entitled "Environmental Legal Education in the Asia-Pacific Region: The APCEL Experience".

On 21 April 2001, APCEL signed an MOU with the Centre for Environmental Law (CEL) at MacQuarie University on Cooperation in Teaching and Research in the Field of Environmental Law. The main areas of cooperation between CEL and APCEL under the MOU are:

1. Linking the CEL and APCEL research sites by hyper-links on their home pages on the Internet, as well as by direct audio-visual Internet communications;
2. Designing an Asia Pacific comparative law course at the undergraduate and postgraduate level;
3. Developing research projects or programs on environmental law;
4. Exploring such other areas of cooperation in legal education as may be of mutual interest.

The IUCN-CEL's Working Group on Environmental Legal Education is working on a proposal for an International Academy for Environmental Law. LH Lye, member of IUCN, is chair of the group. Its

members are NA Robinson, Chairman of IUCN-CEL; Ben Boer, Vice Chair of IUCN-CEL; and KL Koh, IUCN-CEL Vice Chair for East Asia.

2. PARTICIPATION IN ACTIVITIES OF INTER-GOVERNMENTAL ORGANISATIONS

APCEL continues to be represented in activities of inter-governmental organisations.

At the invitation of the World Trade Organisation Committee on Trade and Environment (WTO CTE), Simon SC Tay participated at its meeting on “Compliance, Enforcement and Dispute Settlement in Multilateral Environmental Agreements (MEAs) and WTO ” from 27 to 28 June 2001, Geneva.

At the ADB (Asian Development Bank) Workshop on "AEO 2001" (Asian Environmental Outlook 2001) held from 23 to 25 August 2000 in Manila, KL Koh chaired one of the plenary sessions, was a member of one of the workgroups established at the Workshop and also served as one of the panelists at the closing session. Some fifty experts (government and NGOs representatives and other stakeholders) from ADB developing member countries, and international organisations were represented. The output of the workshop, *The Asian Environment Outlook 2001*, has since been published.

KL Koh also participated in the UN ESCAP (Economic, Social and Commission for Asia and the Pacific) project on “Integrating Environmental Considerations into Economic Making Processes (Phase II).” This Subregional Workshop for East and Southeast Asia was held from 19 to 21 March 2001 in Manila. This Workshop is the second phase of the project in which an exchange –of-experience programme for the Asia-Pacific region was being developed using web-site type media. The first phase of the project focused on identification of the issues and collection of information in the area of (i) institutional arrangements and mechanisms and (ii) modalities for environmental assessment toward integrated policy making. Various country studies were conducted which resulted in the publication by the ESCAP secretariat of four volumes of background studies in both hard copies as well as in electronic format. KL Koh contributed both to the publication and homepage in the first phase of the project. In the second phase, held from 19-21 March 2001, Manila, she also participated and contributed to the development of the website project by the revision of some of the modules (e.g. the section on regional cooperation – ASEAN, and also on Singapore’s freshwater supply and wastewater treatment. The second phase programme is on website URL <http://www.unescap.org>.

3. PERMANENT COURT OF ARBITRATION, THE HAGUE

In May 2001, KL Koh was appointed to serve on the Panel of Experts in Environmental Law.

4. CONSULTANCY

APCEL provided consultancy services at the request of various international organisations:

- WWF's (World Wildlife Fund) TRAFFIC Vietnam invited KL Koh and LH Lye to advise on the Vietnam Draft legislation to implement the Convention on Trade in Endangered Species (CITES). LH Lye and KL Koh each made a presentation on the Vietnam draft CITES legislation to over 20 officials from various relevant ministries in Vietnam (see **Appendix**):

- The Wildlife Conservation Society, Cambodia requested KL Koh to comment on the Cambodian Wildlife Law;
- KL Koh and LH Lye were invited by the Asian Development Bank to be consultants in its pilot project on Environment and Social Development Legal Action Plan (ESDLAP) headed by Attorney Antonio Oposa of the Philippines and assisted by Lal Kurukurasuriya of UNEP (United Nations Environment Programme). The countries under study in the pilot project are Philippines, Thailand and Vietnam. KL Koh and LH Lye prepared the reports on Thailand and Vietnam. The reports were submitted to ADB in May 2001. ADB's officials will use these reports.

5. TRAINING COURSES CONDUCTED BY APCEL

In August 2000 and March 2001, members of APCEL organized and conducted a two-day capacity building courses on environmental law for senior officers in the Ministry of the Environment.

(i) 7th Training Course for Senior Officers, Ministry of the Environment, Singapore 25 – 26 August 2000

The following are the APCEL members who conducted the above course.

Co-ordinator of Course: Victor Ramraj.

- Principles of International Environmental Law (RC Beckman)
- Transboundary Movement of Hazardous Waste (RC Beckman)
- Marine Environmental Law (RC Beckman)
- Climate Change and the Law (Brady Coleman)
- Trade and the Environment (Michael Ewing-Chow HK)
- ASEAN Cooperation in the Environment (KL Koh)
- Penal Provisions and Enforcement (Victor Ramraj)
- Relevance of Environmental Law to the Biotechnology Industry: Accessing Indigenous Genetic Resources and Biotechnology (Burton Ong)

(ii) 8th Training Course for Senior Officers, Ministry of the Environment, Singapore 7-8 March 2001

Coordinator of Course: Victor Ramraj.

- Principles of International Environmental Law (RC Beckman)
- Marine Environmental Law (RC Beckman)
- Climate Change (Brady Coleman)
- Penal Provisions and Enforcement (V. Ramraj)
- Collective Security and Environmental Liability (Lim Chin Leng)
- Nature Conservation Laws (LH Lye)
- ASEAN Co-operation in the Environment (KL Koh)
- Trade and the Environment (Ewing-Chow HK)

In view of the success of the above two and also other previous courses, Acting Minister of State for the Environment has agreed to open future courses to officers from other ministries.

- **APCEL and Ministry of Foreign Affairs (Singapore) Workshop on the Role of Protected Areas in Integrated Coastal Management 19-23 February 2001, Allson Hotel, Singapore**

Director of Workshop: RC Beckman

This is an on-going project with the Singapore Ministry of Foreign Affairs. The above five-day Workshop was attended by participants who came within three programmes of the Ministry of Foreign Affairs Technical Cooperation Directorate. One group was from the programme for Small Island Developing States Technical Cooperation (SIDSTEC). Another group was from the Singapore Technical Assistance Programme for Sustainable Development (STAPSD). Finally, the participants from Vietnam were from the Denmark–Third World Training Programme, under which the Government of Singapore provided technical assistance in collaboration with the Danish Government. The participating countries were: Brunei, Barbados, Belize, Cambodia, China, Jordan, Kenya, Malaysia, Maldives, Malta, Mauritius, Myanmar, Pakistan, Philippines, Sri Lanka, South Africa, Thailand, Vanuatu and Vietnam. The approach at the seminar was highly interactive and the following topics were covered:

- Major Challenges facing Marine Protected Areas
- Identification of Common Challenges facing Marine Protected Areas
- The Planning Process
- Science of Conservation in the Coastal Zone
- Marine Protected Areas in the context of ICM and international instruments
- Institutional, legal and management issues and
- Marine Protected Areas and Sustainable Tourism.

The course was multidisciplinary and the five resource persons who conducted the Workshop were from different disciplines.

6. CONFERENCES, FORUMS, etc

During the year under review, APCEL members presented papers and participated in international and local conferences, workshops and seminars (see **Appendix**). The topics include “Long-Term Environmental Policies for Sustainable Cities”, “Public Participation in the Environment in South-east Asia”, and the “Role of ASEAN in Global Change and Sustainable Development”.

7. MISCELLANEOUS

- APCEL members served as resource persons in courses organised by the United Nations Institute for Training and Research (UNITAR) and the School of Mechanical and Production Engineering of Nanyang Technological University.
- NA Robinson (Chairman of IUCN-CEL and Professor of Environmental Law at Pace University), Donna Craig (IUCN-CEL member and Assoc Professor of Environmental Law at MacQuarie University, Sydney) and KL Koh, editors of the forthcoming publication, *Capacity Building in Environmental Legal Education in the Asia-Pacific Region: Approaches and Resources* held a meeting in Singapore from 9 to 12 April 2001 to discuss the manuscript.

- APCEL continued its efforts to network with other organizations. KL Koh assisted the IUCN Regional Environmental Law Programme , Asia, headed by Patti Moore (based in Pakistan) to 'brainstorm' a regionalisation programme for Asia. APCEL also worked with IUCN office in Vietnam on the Vietnam draft legislation to implement CITES. At a recent conference of IUCN WCPA (World Commission on Protected Areas), KL Koh, in her role as Vice Chair of IUCN-CEL for East Asia, together with NA Robinson, Chairman of IUCN-CEL, had discussions with the Korean delegates and developed some strategies to coordinate work with the IUCN Korean counterparts.
- At the request of UNITAR (United Nations Institute for Training and Research), KL Koh did a "Review Exercise" to evaluate the "UNITAR/Kushiro Institute of Wetlands Centre Training Workshops for the Asia-Pacific Region on the Implementation of Multilateral Agreements Related to Biological Diversity, 1998, 1999 and 2001".

8. MEMBERS

APCEL welcomes two new members, Asst Prof Lim Chin Leng and Asst Prof Michael Ewing - Chow HK.

Asst Prof Alan Tan returned from study leave, after completing his SJD at Yale University's School of Law.

9. WORK IN PROGRESS

APCEL is continuing its work on its research project on *A Study of the Environmental Laws in the ASEAN Countries* (coordinated by RC Beckman).

10. VISITORS

APCEL had some ten visitors during the reporting period. Among them were Professor NA Robinson (Chairman of IUCN-CEL); Professor Michael Jeffrey, Chairman, Centre for Environmental Law, MacQuarie University; and Assoc Prof Donna Craig of MacQuarie University - during their visit they had discussions with President and Vice-Chancellor Shih Choon Fong, Dean Tan Cheng Han and HE Ambassador Professor Tommy Koh.

11. APPENDIX

See Appendix for further reference.

Koh Kheng Lian
 Director
 Asia-Pacific Centre for Environmental Law
 September 2001

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APPENDIX

Activity	Participants/ Resource Persons	Date	Venue/ Organisers
1. Regional Workshop on Asian Environmental Outlook <ul style="list-style-type: none"> • Chairperson, Plenary Session III: Responding to the Challenge: Presentation of Break-Out Sessions • Member of Working Group 4 – ADB’s Environmental Policy Review: Responding to the Challenge: A New Sustainable Development Trajectory for the Region – the DMCs Perspective • Discussion of the Conclusions of the Workshop: Panelist • Participant in all Plenary Sessions 	Prof. Koh Kheng Lian	23 – 25 August 2000	Manila
2. Training Course No. 7 for Senior Officers of the Ministry of the Environment <ul style="list-style-type: none"> • Principles of International Environmental Law } • Transboundary Movement of Hazardous Waste } RC Beckman • Marine Environmental Law } • Climate Change (B Coleman) • ASEAN Cooperation in the Environment” (KL Koh) • Training Course No. 7 for Senior Officers of the Ministry of the Environment : Penal Provisions and Enforcement (Victor V Ramraj) • Relevance of Environmental Law to the Biotechnology Industry: Accessing Indigenous Genetic Resources and Bio-Piracy (Burton Ong) 	Prof. Koh Kheng Lian Assoc. Prof. RC Beckman Asst. Prof. Victor V. Ramraj Burton Ong B Coleman	25 August 2000	Singapore Ministry of Environment
3. IUCN Workshop on a Regionalisation Programme <ul style="list-style-type: none"> • To assist in drafting an IUCN Regionalisation Programme 	Prof. Koh Kheng Lian	3 – 4 September 2000	Bangkok

<p>4. Launch of the Arab Regional Commission on Environmental Law (ARCEL) Conference</p> <ul style="list-style-type: none"> • Presentation: Environmental Legal Education in the Asia-Pacific Region: the APCEL Experience 	Prof. Koh Kheng Lian	30 September – 1 October 2000	Kuwait
<p>5. IUCN Congress</p> <ul style="list-style-type: none"> • Both KL Koh & Lye LH participated and assisted IUCN-CEL in a number of activities. They also made presentations at two forums. 	Prof. Koh Kheng Lian Assoc. Prof. Lye Lin Heng	2-10 October 2000	Amman
<p>6. IUCN-CEL Steering Committee Meeting</p> <ul style="list-style-type: none"> • Presented IUCN-CEL East Asia Report 	Prof. Koh Kheng Lian	4 October 2000	Amman
<p>7. UNITAR/DSE Workshop for Lao PDR. Presentation : International Environmental Law Related to Climate Change and Atmosphere</p>	Coleman, Brady	9 – 12 October 2000	Vientiane
<p>8. UNITAR Workshop on Environmental Law Presentation : Multilateral Agreements on Biodiversity, including ASEAN Instruments</p>	Prof. Koh Kheng Lian	17 -19 October	Hanoi
<p>9. PECC Meeting on Sustainable Cities:</p> <ul style="list-style-type: none"> • Presentation : Singapore – Long-Term Urban Environmental Policies 	Assoc. Prof. Lye Lin Heng	17 – 18 October 2000	Bangkok
<p>10. Pre-Conference Meeting on Mega-cities</p>	Assoc. Prof. Lye Lin Heng	22 – 24 November 2000	Asia-Europe Environmental Technology Centre, Bangkok

<p>11. Executive Program on Energy Management: Industrial Energy Modules – taught module on</p> <ul style="list-style-type: none"> Executive Level: Energy and Environmental Regulations 	<p>Assoc. Prof. Lye Lin Heng</p>	<p>27 November 2000</p>	<p>NTU Executive Centre</p> <p>School of Mechanical & Production Engineering of NTU, PUB and ENV</p>
<p>12. Executive Program on Energy Management: Industrial Energy Modules – taught module on</p> <ul style="list-style-type: none"> Executive Level: Energy and Environmental Regulations 	<p>Coleman, Brady</p>	<p>27 November 2000</p>	<p>NTU Executive Centre</p> <p>School of Mechanical & Production Engineering of NTU, PUB and ENV</p>
<p>13. Meeting on Consultation on Environmental Review: US-Singapore Free Trade Agreement (USSFTA)</p>	<p>Prof. Koh Kheng Lian</p> <p>Assoc. Prof. Lye Lin Heng</p>	<p>1 December 2000</p>	<p>Singapore Ministry of Environment</p>
<p>14. International Symposium on Protection and Management of Coastal Marine Ecosystems</p>	<p>Assoc. Prof. RC Beckman</p>	<p>12 – 13 December 2000</p>	<p>Bangkok</p>

			EAS/RCU of UNEP and EMECS
15. Global Change and Sustainable Development in Southeast Asia: A Regional Science-Policy Conference <ul style="list-style-type: none"> • Presentation : The Role of ASEAN in Global Change and Sustainable Development: An Evaluation in Sub-Regional Cooperation 	Prof. Koh Kheng Lian	17 – 19 February 2001	Chang Mai, Thailand
16. Seminar on the Role of Marine Protected Areas in Integrated Coastal Management for 25 to 30 government officials from small islands states and from states in the Asian region	Assoc. Prof. RC Beckman	19 – 23 February 2001	Singapore Technical Cooperation Directorate of MFA
17. Training Course No. 8 for Senior Officials of the Ministry of the Environment <ul style="list-style-type: none"> • Principles of International Environment Law (RC Beckman) • Climate Change (B Coleman) • Penal Provisions and Enforcement (Victor Ramraj) • Collective Security and Environmental Liability (Lim Chin Leng) • Nature Conservation Laws (LH Lye) • Trade and Environment (M Ewing-Chow) • ASEAN Cooperation and the Environment (KL Koh) 	Prof. Koh Kheng Lian; Assoc. Profs. RC Beckman and Lye Lin Heng Asst. Profs. Victor Ramraj; Lim Chin Leng; and M Ewing-Chow. Brady Coleman	7-8 March 2001	Ministry of the Environment
18. ESCAP project Integrating Environmental Considerations into Economic Policy Making Processes (Phase II) – Subregional Workshop for East and South-East Asia Manila. Contributions : <ul style="list-style-type: none"> • ASEAN Environmental Cooperation • Freshwater Supply and Wastewater Treatment • Comments on Various Parts of the ESCAP Virtual Conference 	Prof. Koh Kheng Lian	19 – 21 March 2001	Manila
19. ADB Project - Environment and Social Development Action Plan for Asia <ul style="list-style-type: none"> • Prepared papers on Environmental and Social Development Laws for Thailand and Vietnam 	Prof. Koh Kheng Lian Assoc. Prof. Lye Lin Heng	10 – 12 March 2001	Bangkok
20. Consultant to advise on the Vietnam Draft Legislation on Convention on Trade in Endangered Species	Prof. Koh Kheng Lian Assoc. Prof. Lye Lin	1 – 4 April 2001	Vietnam, Hanoi

	Heng		
21. Meeting to edit final manuscript on IUCN/APCEL/UNEP Teaching Materials for Environmental Legal Education	Prof. Koh Kheng Lian, Prof. Nicholas Robinson & Professor Donna Craig	9 – 12 April 2001	Singapore NUS Faculty of Law
22. Visited Paris and Berlin, as Board member of HDB – noted that presentations on public housing invariably had a focus on the environment, collected relevant materials on planning and the environment.	Assoc. Prof. Lye Lin Heng	1 – 11 April 2001	France and Germany
23. Institute of Policy Studies Meeting to discuss Environmental Standards in Singapore and the Region; and Rio + 10 : Singapore’s Achievements and Failures. KL Koh and LH Lye participated in the discussions.	Prof. Koh Kheng Lian Assoc. Prof. Lye Lin Heng	10 May 2001	Singapore
24. German – Singapore Lawyers’ Association : Annual Conference 2001 • Presentation : The Role of the Asia-Pacific Centre for Environmental law and the ‘German/Singapore Initiative’ at ‘Rio Plus Five’, 1997	Prof. Koh Kheng Lian	25-27 May 2001	Singapore
25. International Bar Association’s Section on Energy and Natural Resources Law, Academic Advisory Group’s Conference on <i>The Human Dimension in 21st Century Mining and Resource Development : The New Law of Public Rights in Private Development</i> Presentation : Public Participation in the Environment: A South-East Asian Perspective	Assoc. Prof. Lye Lin Heng	25 – 27 May 2001	Vermont Law School, USA
26. Visit to Yale School of Forestry and Environmental Studies, New Haven, to establish links and collaboration for the MSc (Env Mgt) Programme and possible staff & student exchanges with NUS.	Assoc. Prof. Lye Lin Heng	28-30 May 2001	Connecticut, USA
27. Visit to Environmental Technology 2001 Exhibition in Birmingham, with delegates of Singapore-British Business Council and Joint Environmental Markets Unit (JEMU), to S Grundon (Services) Ltd to see incineration and waste recycling facility, to the Institute of Wastes Management Annual Conference and Exhibition, Torquay	Assoc. Prof. Lye Lin Heng	6-12 June 2001	England
28. Participant : WCPA East Asia Conference	Prof. Koh Kheng Lian	12-15 June 2001	Hong Kong
29. Overview and Presentation on International Environmental Law, Transnational Law and Business University, Seoul, Korea June 18.	Brady Coleman	18 June 2001	Seoul, S Korea
30. IUCN-CEL Steering Committee Meeting	Prof. Koh Kheng Lian	26-29 June 2001	Bonn

• Presentation of IUCN-CEL Report on East Asia			
31. World Trade Organisation Committee on Trade and Environment : “Compliance, Enforcement and Dispute Settlement in MEAs and WTO”. Simon Tay participated at the meeting.	Assoc. Prof. Simon SC Tay	27-28 June 2001	Geneva
32. Participant - EM 2001 National Environmental Management Seminar	Assoc. Prof. Lye Lin Heng	27-28 June 2001	Kuala Lumpur, Malaysia
30. 33. Chaired Seminar by Assoc Prof David Grinlinton, University of Auckland “Integrating Sustainability into New Zealand’s Environmental Law”	Assoc. Prof. Lye Lin Heng	11 July 2001	Law Faculty NUS
34. Delivered Introductory Address at Launch of NUS graduate programme MSc (Env Mgt) programme, as Chair of the Steering and Executive Committee	Assoc. Prof. Lye Lin Heng	27 July 2001	School of Design and the Environment, NUS
35. Participant at Conference on Teaching and Researching International Law in Asia	Assoc. Prof. Lye Lin Heng	30-31 July 2001	Society of International Law (SILA) and Foundation for Devmt of International Law (DILA)/ Singapore