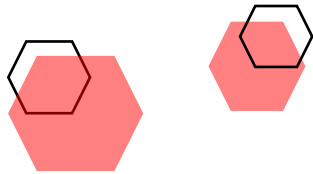


# Asia Pacific Institute of Experts NEWSLETTER

Issue 4/2026



Asia Pacific  
Institute of Experts



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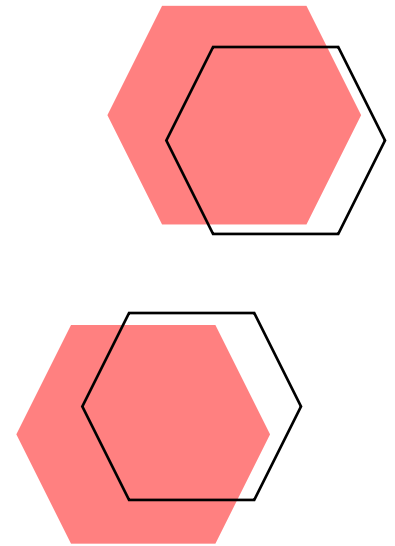
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## FOREWORD

UPDATE BY THE PRESIDENT, PROFESSOR LESLIE CHEW, PBM, SC

Dear Members,

Welcome to another issue of the APIEx newsletter. In this issue, we have two features. The first is another one of my brief overviews on expert evidence. This time, I focus on cross-examination, in particular, preparation of experts for cross-examination. The second is a very special article on climate change. This article is contributed by our member Koh Tieh Yong. Tieh Yong is an expert in climate studies and his views, I suggest, are extremely informative for lay persons like me. More importantly Koh's article is timely in this era of climate change and sustainability. I am sure readers will enjoy reading about climate change and its impact.

As always, I would encourage members to contribute articles to our Newsletter. It would be a good thing if you share our thoughts on your areas of expertise with all of us. In my view, this would be a wonderful way to connect with our members and more importantly contribute to the discourse in the expert space.

The **Committee** of the Asia Pacific Institute of Experts (APIEx) for the period from **2025 to 2027** comprise of the following individuals:

**President**

Prof Leslie Chew SC

**Vice President**

Gregory Vijayendran SC

**Secretary**

Paul Cheong Yuen

**Treasurer**

Jenny Teo

**Committee Member**

John Gibson

**Committee Member**

Jonathan Matthew Ellis

**Committee Member**

Iain Potter

**Committee Member**

Assoc Prof Tan Teng Hooi

**Committee Member**

Lim Cher Hui

## APIEX ANNUAL GENERAL MEETING 2026

The Institute held its Annual General Meeting on 28 January 2026 at Rajah & Tann Singapore LLP, chaired by President Leslie Chew SC with 25 members present. The meeting reviewed the previous AGM minutes, the Committee's Annual Report, audited financial accounts, and constitutional amendments.

At the AGM, the Chairman summarized the Committee's activities, including new member appointments, a successful Membership Accreditation Course with nearly 30 participants and 12 passing assessments, and a well-received Annual Symposium focused on technology and expert law featuring keynote and workshop sessions.

As there was the necessary quorum at the AGM, the Institute was finally able to insert a new Clause 7.10 to the Constitution to allow for general meetings to be held either physically, virtually or in hybrid modes with specified voting procedures. As planned also, the financial year was adjusted to align with the calendar year (1 January to 31 December). Both these amendments are of course, subject to Registry of Societies approval. Additionally, it was noted that the financial year change would simplify accounting and possibly reduce audit fees.

All in all, the AGM was successfully held with important and necessary amendments to the Constitution being adopted. There was also a very healthy discussion on the agenda items by members present.

# INAUGURAL INTERNATIONAL SYMPOSIUM IN KUALA LUMPUR, MALAYSIA

The Asia Pacific Institute of Experts (APIEx) is proud to have held its inaugural international symposium in Kuala Lumpur, Malaysia on 27 February 2026. The event was held at the prestigious and beautiful premises of the Asian International Arbitration Centre, which gave it full support to the event.

The Singapore APIEx representatives including President Prof Leslie Chew SC and Vice President Gregory Vijayendran SC were present. Prior to the Symposium itself, we were honoured to have had the opportunity to pay a courtesy call on AIAC's President of the Court of Arbitration, retired Federal Justice Dato' Mary Lim. Dato' Lim briefed us on the AIAC role in developing arbitration in Malaysia. Our APIEx colleagues apart from the President and Vice President, Darren Berger also attended as a panelist. The Symposium's theme was "Reimagining Expert Evidence in Construction Disputes: Protocols, Practice and Perspectives. The Programme involved several panels focusing on the different aspects of the theme. Overall, the Symposium saw engaging and active participation amongst panellists and attendees. Altogether some [ ] participants attended the Symposium. The general feeling amongst attendees and panellists is that the Symposium was a success.

The Institute is indeed grateful to the sponsors of the Symposium and thank each of the following:





## FEATURE I



### The Expert Witness and Cross-examination

*By Prof Leslie Chew SC, Dean, SUSS School of Law, Consultant, Peter Low Chambers LLC*

In this brief article, I propose to examine and share some thoughts on what an expert witness should appreciate about cross-examination in the dispute process whether in a trial in court or in an arbitral hearing. I will examine and discuss three aspects. First, what cross-examination in the common law tradition involves and what it seeks to do. Second, what an expert witness should understand is his or her role in the dispute process in the context of cross-examination. Third, how should an expert witness approach cross-examination.

## *Some background*

I have been involved in disputes as a lawyer, judge, arbitrator and coach for trial advocacy over some 4 decades. I therefore propose to share some of my observations and thoughts on the subject matter in this article based on my experience over the years.

### *I. What is cross-examination in the dispute process: What does it seek to do?*

The process of cross-examination in the dispute process is, in a sense, more apt in the common law tradition. The common law system is an adversarial system of dispute resolution. This is to be contrasted with the civil law system's inquisitorial approach. In an adversarial system as the name suggests, the lawyer attempts through various methods to 'best' the opposing side based on the evidence. Evidence is provided through witnesses including expert witnesses. One usual way to challenge the other side's version of the case is to cross-examine their witnesses, that is question the opposing witnesses to undermine their version of the case. In many ways cross-examination of witnesses is the hallmark of the common law adversarial system. In the civil law system, the judge or arbiter does more if not most of the 'cross-examination'. It should be noted, however, that particularly in international arbitrations, the Anglo-American adversarial approach to dispute resolution has become the order of the day even where the opposing party comes from the Civil Law tradition.

Let's return to the question of what cross-examination is?

The purpose of trial and, in today's modern context, a dispute process is to discover the truth as near as possible for the adjudicator or tribunal to arrive at a rational and plausibly supportable conclusion for the parties in dispute. One writer refers to a syllogism to describe what a trial involves:

The Cross-examiner's Syllogism<sup>1</sup>

*The purpose of trial (dispute process) is the discovery of truth.  
Cross-examination is the best engine for the discovery of truth;  
Therefore, the purpose of trial is cross-examination.*

As the authors who referred to the syllogism concedes, cross-examination may not really be the purpose of trial. However, all of us who have been involved in the process will say it does come close to the truth.

I would suggest a working definition of cross-examination could be "an interrogative investigation of the witness's evidence with an emphasis on determining that witness's credibility". The investigation would in turn be based on determining the credibility of the evidence offered by the witness being cross-examined in the context of the factual scenario in which the cross-examination is situated.

Following on the above definition, several important features of cross-examination in the context of a dispute resolution process such as arbitration, emerge:

#### *1. The interrogative nature of the cross-examination*

Cross-examination involves the investigation of the credibility of the witness through the process of interrogation. In other words, cross-examination involves asking the witness relevant questions to determine her credibility. The process tests the validity of the witness's assertions and evidential positions adopted.

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<sup>1</sup> Cross-Examination: Science and Techniques, Larry S Pozner & Roger J Dodd, The Michie Company, 1993 at p 1.

## 2. *The destructive nature of cross-examination*

However, more than that, in an adversarial system, the cross-examination spoken of usually means a destructive form of examination of the witness. That is, the interrogative process seeks to at least create doubt over the credibility of the witness and her evidence. In extremely effective cross-examination, the interrogation destroys the credibility of the witness and her evidence.

### II. *The Expert witness: Her role generally and specifically under cross-examination.*

Although the two features referred here is more directly linked to witnesses of fact, these same features affect the cross-examination of expert witnesses as well. The expert witness' role is not to provide factual evidence to establish one side's truth. The expert witness' role is to help the tribunal to understand the technical underpinnings of the case. The easiest way one may approach expert evidence and expert witnesses, is to understand and appreciate that the role of the expert witness is to assist the tribunal to understand technical matters that may be scientific in nature or may be informed by the technical experience required in specific disciplines. As an example, under Singapore law, the expert can assist the tribunal to understand the technical and specific details of the subject matter under inquiry. Section 47(2) of Singapore's Evidence Act, 1893 ('the Evidence Act') provides as follows:

An expert is a person with such scientific, technical or other specialised knowledge based on training, study or experience.

*"An expert is a person with such scientific, technical or other specialised knowledge based on training, study or experience."*

Although under the very same Evidence Act, it declares that the Evidence Act does not apply to arbitrations, nevertheless, in the common law tradition it is accepted that the essence of the s 47(2) definition applies regardless. This is simply because under the common law tradition the expert witness is the exception to the general rule that a witness may not give opinion but is only to provide factual evidence. The expert witness on the other hand is said to be permitted to provide opinion. The evidence of the expert is described as opinion evidence.

The expert's role in the dispute resolution process is to help the tribunal understand the aspects of a particular technical, scientific specialised matter by reason of her education, training or experience.

That leads to the follow-on question as to what is the role of the expert under cross-examination? The general function and role of the expert witness do not change even under cross-examination. However, cross-examination brings into sharp focus the credibility of the expert as to her opinion in the technical context that she purports to be an expert. Under cross-examination, the expert witness must –

- a. Be able to justify her opinion both by the standards of her own expertise and as a matter of common sense.
- b. Be able to continue to be effective in explaining her opinion and its basis in the face of a challenge by the cross-examiner.

One of the key elements of the credibility of expert opinion is what is known as the basis rule. The basis rule, simply stated, requires that the expert's opinion though technical in nature must be based on fact. The "basis rule", where expert evidence is concerned, stipulates that the factual basis for the expert's opinion must itself be established on admissible evidence and not on hearsay (*Ramsay v Watson* (1961) 108 CLR 642).<sup>2</sup>

The factual basis of the expert's opinion must be either based on the expert's own factual experience or on facts that are provided by others whose factual presentations of a particular aspect or experience are generally accepted as legitimate. "The basis rule has often been relaxed in the interests of logistical practicality, such as to enable experts to rely on evidence from

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<sup>2</sup> *Anita Damu v PP* [2019] SGHC 233

authoritative publications or other extrinsic material customarily employed in their line of work (Jeffrey Pinsler, Evidence and the Litigation Process (LexisNexis, 6th Ed, 2017) (“Pinsler”) at para 8.044...”).<sup>3</sup>

The latter refers to what is known as general hearsay. For example, a medical expert may not have herself experienced a certain procedure which she is offering as an acceptable medical procedure, but she may rely on the work and research of other medical professionals who have experienced or used the said medical procedure, which has been reported in widely accepted professional literature, and accepted as uncontroversial.

So, under cross-examination, the expert witness must be able to defend her opinion without being undermined by the destructive effect of the cross-examination. Only then will the expert witness continue to be able to assist the tribunal in its understanding of the scientific, technical or experiential import of her evidence.

### III. How should an expert witness approach cross-examination?

#### a. Competence

While seemingly obvious, the most important aspect of an expert witness’ approach and preparation for cross-examination is her competence. A competent expert witness, competent and confident of her own expertise, is the key to surviving a destructive cross-examination. Competence includes both professional competence as well as an appreciation of the nature of dispute resolution processes, its sometimes-arcane rules and the ultimate purpose of expert evidence, which is to assist the tribunal in its understanding of technical information. It is not, as sometimes thought, to try and win the argument necessarily. Of course, if relevant and demonstrably effective in explaining the technical aspect of the evidence in terms favourable to one side, it may help that side to ultimately win the argument. At the end of the day, however, expert evidence does not decide the case even if it were to clearly show one side or the other is right in its argument. Ultimately, what decides a case is dependent on the evidence including expert evidence and the tribunal’s view of the evidence – that is their job. Thus, the basis rule is for the expert witness, but the ultimate rule refers to the ultimate decision of the tribunal based on all the evidence.

#### b. Clarity in communicating the expert’s opinion

It is not to be over-emphasized that while the expert witness may have the expertise, the knowledge and information of that expertise must be clearly and succinctly communicated to the tribunal and the other participants in the dispute resolution process, whether it is a trial or an arbitration. Not too infrequently, the expert who is recognized as the leading authority in a particular technical field is not as effective a witness as his less luminary counterpart. That is often due to the inability to communicate ideas in a comprehensible manner. Where lay listeners and these include the tribunal, are concerned, simplicity is preferred over strict technical accuracy.

#### c. Demeanour and conduct of the expert witness

One aspect of the expert witness’ effectiveness must not be overlooked. The truth is that in a dispute resolution process all participants are, to some extent, actors. Each must act out her role in an effective manner, including being clear and easily understood.

An important aspect relates to concessions by the expert on matters that are not all that clear or may be susceptible to a possible alternative interpretation. An expert who, on the witness stand, makes no concessions at all even in the face of rational and plausible alternative opinions risks a loss of credibility which will ultimately infect the credibility of her evidence. A competent and confident expert will readily concede opinions which have been shown to be not all that certain without necessarily affecting the main thrust of her own opinion. To fail to concede in such situations is to risk the perception that the

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<sup>3</sup> Anita Damu v PP, supra at [31]

expert is professionally unreasonable and therefore somewhat inflexible, leading to the consequential perception that the expert may not be all that reliable in her opinion.

#### IV. Final thoughts

The role of the expert witness under cross-examination is really to ensure that her opinion is defensible and justifiable within the context of the factual matrix of the dispute resolution process. When that is achieved the expert evidence provided by the expert is of both great importance as well as useful in the ultimate resolution of the conflict rather than adding muddle to the process. It should also be noted that an expert witness is generally treated with respect, at least, where her conduct is professionally appropriate and reflects competence. Even under the most withering cross-examination, an expert witness should and can rely on her own professional expertise and defend her opinion based on her professional competence and knowledge. Indeed, by sticking to her own professional competence and standards, there is no reason why any lawyer however aggressive or confrontational, should get the better of the expert!

## FEATURE II



### Extreme Weather, Climate Change, Loss and Litigation

*Koh Tieh Yong, PhD (MIT), MAST (Cambridge), BSc Hons I (Imperial)*

#### 1. Introduction

On 25 November 2025, an ominous pattern of rotating winds appeared in the weather charts in the Strait of Malacca as a result of a recent surge in monsoon winds. The monsoon surge had already brought a week of heavy rains in southern Thailand and triggered floods and landslides that had killed scores while affecting more than 2 million people<sup>1</sup>. Hat Yai, a southern Thai city, observed its heaviest rainfall in 300 years: all 335mm of it in a single day on 21 November 2025<sup>2</sup>. Such magnitude of rainfall is usually received on average over the entire month.

Things were about to turn much worse. The spinning winds intensified rapidly over 24 hours, fuelled by moisture over the Strait. It became Cyclone Senyar and made landfall in northern Sumatra wreaking havoc there. Two days later, it had backtracked and was driving eastward across the Malay Peninsula<sup>3</sup>. It only dissipated over the South China Sea on 1 December. Death tolls continued to mount as the floods took time to ebb. Eventually more than a thousand lives were lost across Indonesia, Malaysia and Thailand, while houses, roads and bridges were devastated across the region<sup>4</sup>.

Whenever extreme weather extorts life and destroys infrastructure today, society faces a tough question. Senyar brings to mind Typhoon Vamei, a historic event on 27 December 2001 that holds the world's record of the tropical cyclone forming nearest the equator at 1.5°N. Vamei passed less than 200km north of Singapore, a city-state that had never before felt the effects of any

tropical cyclone. Some scientists estimated that the chance of an equatorial cyclone like Vamei is about once in 300 to 400 years. So, are record-breaking rains and equatorial cyclones expected as part of a new normal with the on-going climate change? Loss of life and damage to infrastructure have always accompanied natural hazards since time immemorial. Extreme weather events manifest and bring destruction from time to time even if there is no climate change, because the atmosphere is inherently “chaotic” – a scientific jargon meaning that small unobserved atmospheric disturbances can evolve naturally into extreme weather much different from the stable mean environment. However, climate change brings an added element of uncertainty in the probabilities of extreme weather. Statistics of extreme weather gathered in long past records can no longer reliably represent the occurrence frequency, duration or severity of similar events in future.

In economics, it is well understood that more uncertainty means heightened risk. When the risks of climate-related hazards realise negatively, the accompanying loss and damage become a hot topic of debate at the annual Conference of Parties (COP) under the United Nations Framework Convention on Climate Change (UNFCCC). These harms inflicted on the poorest nations least responsible for climate change must be alleviated by financial assistance in the name of climate justice. On 23 July 2025, the International Court of Justice (ICJ) issued an advisory opinion that, “States have an obligation to protect the environment from greenhouse gas (GHG) emissions and act with due diligence and cooperation to fulfil this obligation.”<sup>6</sup> While advisory opinions are not legally binding, the ICJ’s ruling carries legal and moral authority which can be referenced in future claims for reparations in legal suits pertaining to loss and damage from climate-related disasters.

## 2. Extreme Weather under Climate Change

Despite the clear language of the ICJ’s ruling, there is an immediate challenge when it comes to attributing loss and damage from extreme weather events to anthropogenic GHG emissions. Because we have only one planet Earth, to adduce an alternative world where there were no climate change and a disaster was less damaging is at best a hypothetical argument in loss attribution, albeit one well illustrated by many “virtual Earths”. These simulations use computer models that have been developed to incorporate GHG effects and adapted to reflect the real Earth in the first place. Thus, removing anthropogenic GHG effects to get significantly different virtual Earths from the real one is not surprising. The logic is doubtful at its core: the climates of virtual Earths are intrinsically unverifiable and unfalsifiable. Therefore, even as scholarly ways to compute the percent enhancement of the severity or chance of occurrence of an extreme weather event find publication amongst the academia (such as for the recent European heatwave in summer 2025<sup>7</sup>), it may yet be legally unsound to attribute damages caused by one specific extreme weather event to climate change.

If climate science cannot reliably identify the role of climate change in any instance of natural hazards, what does it actually say about the influence of climate change on extreme weather that has occurred? A defensible scientific statement on this topic relates not one but one set of extreme weather events over a long period of time, usually more than 30 years, to the underlying observed climatic trend. This line of reasoning essentially makes inductions from two sets of real-world data by force of statistical significance and supported by the laws of physics. However, the strength of such a statement varies with the type of weather hazard, such as extreme temperature or rainfall, and with the size of the region of interest and its geographical location.

The assessment reports published by the Intergovernmental Panel on Climate Change (IPCC) appointed by the UNFCCC are the most recognised compilation of climate science literature. The synthesis report of the latest Sixth Assessment Report (AR6)<sup>8</sup> reaffirms in its opening statement that, “Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020.” While this refers to the worldwide and temporally averaged temperature, the Technical Summary from Working Group I (WG1) of the IPCC revealed that 39 out of 45 inhabited regions of the world have already seen an increase in hot extremes, with medium to high confidence that humans have contributed to this change<sup>9</sup>. Thus, the risk of heat injuries like heat stroke is likely to rise globally. Some governments have already taken precautionary action: in July 2025, the National Environment Agency in Singapore released a new heat stress advisory to the public based on an objective measure, the “wet-bulb globe temperature”<sup>10</sup>.

As regards to precipitation, an increase in the mean quantity received is irrelevant to most human activities because rain or snow never manifests an “average” quantity; otherwise, it would be constantly drizzling rain or dusting snow! Instead, society is concerned with heavy rainfall or prolonged drought because they lead to devastating floods or agricultural failure. In July 2025, a summer rainstorm flooded entire districts in Beijing and shocked the Chinese nation. An initial study found that the rains were accentuated by higher evaporation rate in the Yellow Sea which was undergoing a marine heatwave<sup>11</sup>. With global warming, the sea is not spared: warmer extremes in sea surface temperature are expected to become more frequent. Taken together with the

Clausius-Clapeyron law – that warmer air can hold more moisture – it is often inferred by experts outside atmospheric science that a warmer atmosphere

must have a more active water cycle and hence more intense rainfall. But such simplistic reasoning belies a more complicated reality.

In January 2026, the Australian summer brought weeks of uncontrolled bushfires in the state of Victoria<sup>12</sup>, bringing to mind the Black Summer burning of 2019-2020 when similar fires destroyed much of the country. At the opposite end of the Pacific Ocean, burned areas by forest fires in California are estimated to have increased fivefold in 1996 - 2021 compared to the prior 25 years<sup>13</sup>. Increased forest fires due to hot dry weather evidently contradicts the simple argument based the Clausius-Clapeyron law. In fact, for more than a decade, climate scientists have understood and warned with medium confidence that the world's subtropical belt (including much of Australia, southwest USA, the Sahel in Africa, the Mediterranean, central Asia and western China) is getting drier<sup>9</sup> because of adjustments to the Hadley circulation – the primary dynamical pattern in the tropics. Thus, another popular mantra emerged amongst populist climate-change literature: “wet becomes wetter, dry becomes drier”.

The full picture of how human activities alters the tail ends of rainfall distribution is even more nuanced. Tropical rainfall arrives in clusters of deep convective clouds. Depending on season, the cloud clusters can be further organised by monsoon winds or tropical cyclones. WG1's Technical Summary (WG1TS) in IPCC AR6 revealed much uncertainty for rainfall in Southeast Asia: although it showed with high confidence that there has been an increase in heavy rainfall events, there is low confidence in attributing the trend to man-made GHG emissions; whereas there is low agreement among studies whether droughts have increased or decreased<sup>9</sup>. The reason is that two natural modes of variability, namely Indian Ocean Dipole and El Nino-Southern Oscillation, greatly affect the monsoon and are jointly responsible for 79% of rainfall fluctuations in this region, but there is respectively no detection or low confidence that human activities have influenced these modes.

WG1TS states further that, “Event attribution studies of specific strong tropical cyclones provide limited evidence for anthropogenic effects on tropical cyclone intensifications so far” in the world. In tropical South America and Africa, observational data are so limited, or studies disagree so much that WG1TS makes no statement on the trend of heavy precipitation and droughts or attaches low confidence to human contribution to the observed changes. Therefore, asserting that GHG emissions has led to “wet becomes wetter, dry becomes drier” in the global tropics is premature at best, or misleading at worst, in the current state of climate science.

### 3. Loss and Damage Fund at the UN

Notwithstanding the nuances surrounding different weather hazards under climate change, the negotiation at the COPs mostly proceeds with the consensus that climate change is already causing some loss and damage, especially to Least Developed Countries and Small Island Developing States. The perception is that climate-related damages are less controversial when pertaining to slow but inexorable environmental degradation, e.g. sea-level rise leading to land salination and submergence, glacial retreat restricting freshwater resource, frequent droughts worsening desertification of once-arable land, and warming oceans killing off coral reefs. However, other factors still play a role to different extents, such as natural variability on multi-decadal timescale, over-exploitation of groundwater, black carbon pollution, deforestation, over-farming and over-tourism in the above examples.

There is no official definition of “loss and damage” under the UNFCCC<sup>14</sup>. Informally, the term refers to harms to society beyond its capacity to adapt to climate-change impacts and includes both economic and non-economic damages such as the loss of traditional culture. After years of debate and arduous negotiation, COP27 (Sharm El-Shiekh, Egypt, 2022) achieved a breakthrough agreement to establish a loss and damage fund for vulnerable countries<sup>15</sup>. The Fund for Responding to Loss and Damage (FRLD) was operationalised the next year at COP28 (Dubai, UAE, 2023), appointing the World Bank as the interim host for FRLD and the Philippines as the host country.

The final report of COP28 explicitly states in Decision 1/CP.28<sup>16</sup> that “funding arrangements [...] are based on cooperation and facilitation and do not involve liability or compensation”. This decision does not impose obligations but serves to “invite financial contributions with developed country Parties continuing to take the lead”. In this way, rich nations which historically have emitted the most GHGs contribute voluntarily to the fund without accepting responsibility for causing climate change. As of mid-2025, a total of less than US\$0.8 billion has been pledged to the FRLD, a stark contrast to the US\$580 billion that vulnerable countries are estimated to require by 2030<sup>14</sup>, demonstrating the Herculean feat of actual fund-raising.

Suggested activities that can be supported by the FRLD include humanitarian aid for relief and rehabilitation, weather-indexed insurance and micro-credit facilities for smallholders to rebuild after disasters, disaster-risk management packages for local communities, and public-private collaborations for infrastructure reconstruction. Funds can also be made available for assistance programmes for relocation and re-skilling of climate migrants – people whose homes or livelihoods are permanently destroyed by climate change impacts.

#### 4. Global Rise in Climate Litigations

While the decision under the UNFCCC to establish the FRLD was carefully worded to avoid exposing the fund's contributors to major lawsuits for reparations in future, the legally binding Paris Agreement<sup>17</sup> signed by 195 countries at COP21 (Paris, France, 2015) admits "common but differentiated responsibilities". The 2025 advisory opinion issued by the ICJ, the main judicial body of the UN, underlines the responsibility of nation states to take positive climate action. In fact, a year earlier in April 2024, a legal milestone was crossed in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* at the European Court of Human Rights (ECtHR)<sup>18</sup>. The Grand Chamber of ECtHR found that under the European Convention on Human Rights, the plaintiffs – Senior Women for Climate Protection Switzerland – have "a right to effective protection by the State authorities from the serious adverse effects of climate change on lives, health, well-being and quality of life". It ruled that "Switzerland failed to comply with its positive obligations under the Convention concerning climate change, with critical gaps in establishing a relevant regulatory framework, including through a carbon budget or national GHG emissions limitations".

A report by London School of Economics (LSE) on global trends in climate-change litigation noted that in 2024 alone, at least 226 new cases were filed in about 60 countries. While about 7 in 10 cases were filed in the USA, the number of cases is fast-growing in the Global South: 60% of these cases were filed in 2020 - 2024. For example, in the on-going case of *Pari Island Residents v. Holcim*, four residents of Pari Island took Switzerland-based cement company, Holcim, to court in January 2023<sup>19</sup>. 11% of this 42ha-island located off Java, Indonesia, has reportedly submerged due to sea-level rise, inflicting damages to property and infrastructure. The plaintiffs each seeks compensation equivalent to US\$4,500, which corresponds to 0.42% of the costs of damages and adaptation measures. That is the percentage for which environmentalists estimated Holcim is responsible in the global anthropogenic GHG emissions since 1750. Holcim owned cementing-producing facilities on Pari Island before 2019 and ranks 71<sup>st</sup> among the world's top GHG-emitting investor-owned companies or state-owned entities by total historical emissions<sup>20</sup>. In December 2025, the Swiss court ruled to accept the complaint in its entirety. While the case is still has not concluded, as governments in Europe have a legal responsibility to limit GHG emissions according to ECtHR, it would be surprising that large emitters of GHGs in Switzerland do not have an a priori share of that responsibility.

The case of *Pari Island Residents v. Holcim* is just one indication of the rising tide of climate litigation in Asia-Pacific. A landmark case is *Do-Hyun Kim et al. v. South Korea* filed in 2020 by the "Youth 4 Climate Action Group" on the basis that inadequate action by their government in tackling climate change is a violation of their fundamental rights<sup>21</sup>. On 29 August 2024, South Korea's Constitutional Court ruled unanimously that because their country's Framework Act on Carbon Neutrality and Green Growth did not prescribe any targets or plans from 2031 to 2049, the State has not met its obligation to protect the plaintiffs' right to a healthy environment under the Constitution. There will be more and more such legal suits against nation states or big corporations challenging insufficient climate action in Asia-Pacific. But just like what is already happening in the US, there will also be more reactions from big corporations challenging governments on the legality of climate policies.

#### 5. Conclusion

Climate justice is a theme rising in importance in Asia-Pacific. Amidst the hyperbole of climate activism, the resistance of industrial lobbies and the volatile socio-politics of the day, the courts must tread a careful path based on scientific facts, dispassionate reasoning and international standards. Their work involves establishing loss and damages attributable to anthropogenic climate change and the extent of legal responsibility of nation states and large GHG-emitters. While climate is unequivocally changing, its impacts range from the evident to the uncertain. Hot extremes are clearly on the rise globally because GHGs enhances infrared radiation that warms the Earth's surface. But the scientific link between GHG emissions and intense rainfall or prolonged droughts in the tropics remain a tough question. Even so, the key lies in understanding that climate-change increases the uncertainty in these naturally occurring hazards and so heightens the risks they pose to society.

• *Koh Tieh Yong is an adjunct associate professor at Department of Physics, National University of Singapore. He has taught and researched in atmospheric science for more than 25 years and is an experienced weather and climate consultant. He was a*

contributor to the ASEAN State of Climate Change Report in 2020 and often shares his views on weather science and climate change in local and international media.

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# CALL FOR CONTRIBUTIONS

## APIEX INVITES MEMBERS TO WRITE FOR THE APIEX E-NEWSLETTER



PHOTO: PIXABAY

The Asia Pacific Institute of Experts (APIEx) invites all APIEx members or their contacts to consider contributing a feature article to the APIEx e-Newsletter. The APIEx e-Newsletter is a bi-annual publication of the APIEx. We are looking for contributors to contribute articles on a topical expert witness and/or expert evidence issue, preferably between 1,200-1,500 words, with an upper limit of 2,000 words.

The APIEx Committee's decision to accept the article for publication is final, although we will be sure to clear any changes with you before publication. Please note that there is an editorial process that can take some time, as it involves the Committee.

The APIEx e-Newsletter working group is made up of the following members:

- Prof Leslie Chew SC (interim Editor)
- Assoc Prof Tan Teng Hooi
- Ben Chester Cheong (on leave)

# SPONSORS

## APIEX IS GRATEFUL TO ALL ITS SPONSORS

The Asia Pacific Institute of Experts (APIEx) is an ambitious start up Society that seeks to plug a gap in Singapore's role as a leading disputes resolution hub, as there is no organisation or group that addresses the needs of the community of Experts who provide expert evidence in the courts and in other tribunals. APIEx's work would not be possible without the generous support of our Term Sponsors, to whom we owe a debt of gratitude. We acknowledge them here:



# PREVIOUS APIEX NEWSLETTERS

OUR PREVIOUS APIEX NEWSLETTERS, PRODUCED TWICE A YEAR

The Asia Pacific Institute of Experts (APIEx) e-Newsletter working group has produced five newsletters since December 2022:

December 2022

July 2023

January 2024



**Asia Pacific Institute of Experts NEWSLETTER**  
Issue 12/2022

**INSIDE THIS ISSUE**

**PG. 6-7**  
An author tells us the historical updates on how smart vehicles in the Singapore Courts are regulated by the revised Rules of Court.

**PG. 8-10**  
Are there any known test cases made on the perception and registration of experts?

**FOREWORD**  
LETTERS BY THE PRESIDENT, PROFESSOR LEE JIA CHEN, FBA, FCJ

**Dear Members,**  
It is a privilege and an honour for me to be invited to write the foreword to this issue. It is also my hope that all of us will contribute to our Newsletter by reporting on cases and activities.

**Dear Members,**  
I hope that members will contribute articles based on actual experience and practice, based on professional views and opinions as subject matter in such of your specialist report areas.

Issue representation: Mr. Lee Jia Chen, President (2022-2023)



**Asia Pacific Institute of Experts NEWSLETTER**  
Issue 1/2023

**INSIDE THIS ISSUE**

**PG. 5-6**  
Dr. Guo Qian Yuan, Honorary Chair, Advisory Panel discusses the independence of experts in the main proceedings aspect of an expert's independence.

**PG. 7-9**  
Has anyone in Asia Prof Guo Qian Yuan who visited zone on atmospheric physics and sustainability science.

**FOREWORD**  
LETTERS BY THE PRESIDENT, PROFESSOR LEE JIA CHEN, FBA, FCJ

**Dear Members,**  
It is another year for the Institute and I'm happy that we were able to have our 2nd Anniversary Gala on 17 April. This was held at the Singapore University of Social Sciences (SUSS). It was a whole day affair. This year like we had many activities compared to our first one. We had 20 participants from 10 different countries. It is time to look at the general view on the Singaporean legal system and the law relating to expert evidence in Singapore, we had two special topics for participants to discuss. One specialist track was about evidence in Civil Engineering and the other was about Arbitration. The Civil Engineering specialist track was conducted by Assoc Prof Tan Eng Han, who is a well-known expert in this field. The Arbitration specialist track was conducted by Assoc Prof Tan Eng Han, who is a well-known expert in this field.

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Issue representation: Mr. Lee Jia Chen, President (2022-2023)



**Asia Pacific Institute of Experts NEWSLETTER**  
Issue 2/2024

**INSIDE THIS ISSUE**

**PG. 5-7**  
Assoc Prof Shaleh Ghani from SUSS shares his views on expert evidence in court proceedings.

**PG. 8-10**  
Assoc Prof Shaleh Ghani from SUSS shares his views on expert evidence in court proceedings.

**FOREWORD**  
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Issue representation: Mr. Lee Jia Chen, President (2022-2023)

August 2024

August 2025



**Asia Pacific Institute of Experts NEWSLETTER**  
Issue 8/2024

**INSIDE THIS ISSUE**

**PG. 4-7**  
Assoc Prof Shaleh Ghani from SUSS shares his views on expert evidence in court proceedings.

**PG. 7-11**  
Assoc Prof Shaleh Ghani from SUSS shares his views on expert evidence in court proceedings.

**FOREWORD**  
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Issue representation: Mr. Lee Jia Chen, President (2022-2023)



**Asia Pacific Institute of Experts NEWSLETTER**  
Issue 9/2025

**INSIDE THIS ISSUE**

**PG. 4-7**  
Assoc Prof Shaleh Ghani from SUSS shares his views on expert evidence in court proceedings.

**PG. 7-11**  
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Issue representation: Mr. Lee Jia Chen, President (2022-2023)

PHOTOS: APIEX

# WELCOME TO NEW MEMBERS

APIEX WELCOMES NEW MEMBERS WHO JOINED SINCE AUGUST 2025 – MARCH 2026

The Asia Pacific Institute of Experts (APIEx) warmly welcome the following new members (in no particular order):

1. Alexander Joseph Woon Wei-Ming
2. Wong Jian Bei
3. Yvonne Foo
4. Nigel Andrew Simon Barnard
5. Jonathan Randall Shakes
6. Peter Benson
7. John Wood
8. Gary Tescher
9. Eric Ong



PHOTO: PIXABAY

# CALLING FOR MEMBERS

APIEX INVITES INTERESTED INDIVIDUALS IN EXPERT EVIDENCE TO JOIN OUR GROWING NETWORK

The Asia Pacific Institute of Experts (APIEx) is a Singapore-based registered society which aims to spearhead the development of professional expertise in the field of Expert evidence both locally and in the Asia Pacific region. A core mission of the society is to develop and provide a framework for the accreditation of Experts to meet international standards. This mission will be achieved through education, training and collaboration in local and regional conferences and workshops in the Asia Pacific region. APIEx will provide an avenue for practicing Experts and those who aspire to become accredited practicing Experts, to develop their expertise and to connect with other Experts and consumers of expert evidence.

APIEx members enjoy benefits such as discounted rates at APIEx webinars, seminars, training courses, conferences and networking events, discounted rates at partner events to which APIEx members have been extended preferential rates, listing on the APIEx Membership Directory, opportunity to participate in the work of APIEx through working on or with the Committee, Sub-Committees, working groups and task forces, and opportunity to be consulted on any APIEx consultation papers, research and surveys, and to have your views represented to key stakeholders. APIEx members can also use the member logos based on their current membership category. For more details on the membership logos, please visit: <https://apiex.org/membership/apiex-member-logo>.

For more information on our membership categories and signing-up procedures, please visit: <https://apiex.org/membership>. If you have any queries, please reach out to our APIEx Secretariat at: [secretariat@apiex.org](mailto:secretariat@apiex.org).

