



**REGIONAL CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE
STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE
ASIA-PACIFIC: DEVELOPING ENVIRONMENTAL CHAMPIONS
TRAIN-THE-TEACHERS PROGRAM**



**KATHMANDU, NEPAL
23 – 26 November 2018**

SESSION 6: TRANSBOUNDARY WATER LAW

GUIDED RESEARCH EXERCISE

You have already been given access to the following three instruments:

1. Mahakali Treaty 1996
2. Ganges Water Sharing Treaty 1996
3. Mekong River Basin Agreement 1995

You will be assigned to a group to consider one of the following issues arising from the treaty instruments:

1. Substantive Principles
2. Procedural Principles
3. Institutional Mechanisms

As you explore the following questions, and in light of your reading from the Flipped Classroom materials, please think about the potential for a sub-regional framework on transboundary water cooperation.

GROUP 1

Substantive principles (equitable utilisation, no harm and protection of the watercourse)

1) Which of the articles cover these principles in the various treaties?

2) Which factors of equity are common in all treaties, and which are missing in the Ganges and Mahakhali treaties?

3) Is the principle of no-harm reflected adequately in the Ganges and Mahakhali treaties?

4) Are any key environmental provisions missing from the Ganges and Mahakhali treaties?

GROUP TWO

Procedural principles (including EIA)

1) Which of the articles cover these principles in the various treaties?

2) Which are the common procedures in all treaties, and which are missing in the Ganges and Mahakhali treaties?

3) How adequate are the dispute settlement mechanisms in the Ganges and Mahakhali treaties?

4) Have the treaties adequately covered EIA obligations?

GROUP 3

Institutional Mechanisms for Implementation

1) Which of the articles cover these principles in the various treaties?

2) What are the forums and institutions identified in these treaties? Which are missing from the Ganges and Mahakhali treaties?

3) How adequate the institutional provisions are in the Ganges and Mahakhali treaties?

4) What should be the ideal format, mandate and authority of the commissions established in the G and MI treaty?