

## Abstract

The laws of international watercourses have been developed, from the past to present, to reflect the various needs of huge consumption following the rapid growth of global population. Begun since the middle of 18s, the increment the law of international watercourses non-navigational uses also have sufficient pressure that the relevant laws must be properly improved and updated to respond to the current changes. The rights and duties for using of international watercourses, in principle, base on the rule of reasonable and equitable. The rule itself, however, is highly flexible and changeable to an individual circumstance and makes its several issues unclear. In particular, the using without gross damage which is the significant and necessary duty and also the cooperative duty, which activities are comprised; notification in advance, consultation, negotiation and information exchange, will contribute the mutual and international benefits as long as the cooperation of riparian states remain existed.

With the long since and close cooperation, the four countries in lower part of Mekong Sub-region, Thai, Cambodia, Laos and Vietnam namely, signed in year 1995 the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin. This multilateral agreement has its objectives to identify the cooperative will in all areas of riparian countries, the management and conservation of water and Mekong river related natural resources. Mekong is the 10<sup>th</sup> length international river in the world. It originates in the Tibet plateau, China which flows downward through Myanmar, Thai, Laos, Cambodia and Vietnam where more than 60 millions of riverine population rely on. As it is the most prosperous and productive river, each of 6 countries needs its contribution to their economic development. Particularly, the hydroelectric dam, and agricultural and industrial irrigation for example are much needed. Unfortunately, the great extension of water consumption may lead into relevant problems such as water shortage, flood and insufficiency of water supply.

The Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin 1995 is merely an overview framework for state parties to accept first and then comply with or negotiate later on. The Agreement, thereof, provides the

rights and duties of state parties on using of watercourse unclearly. To solve the problems, the Joint committee of the Mekong River Commission has held the meeting and negotiation forums for solving the unclear matters of the 1995 Agreement. In this regard, the Procedures for Notification Prior Consultation and Agreement including the Procedures for Data and Information Exchange and Sharing as well as the Procedures for Water Use Monitoring were issued.

The inexplicit rights and duties for state parties in using of water providing by the Agreement have brought the interpretative problem into the light. This vague matter is exploited by the parties as to gain their own benefits. Consequently, as the growth of water consumption in the state parties is increasing, the recourse of Agreement is seem unable to control and prevent the problems of water using of the parties' projects. Further, any procedure are unable to be issued unless the unanimity votes given by the meeting in which no party will never give their voices to make them disadvantaged. By these reasons, the procedures have remained technical and unclear and unable to solve the 1995 Agreement based problems finally.