

## 1 Introduction

- ‘Historically, international water law was not particularly concerned with environmental problems.’とのことだが、では国際法は何に関心を持っていたのか？

### 1(1) The scope of international watercourse law

- [1992 UNECE Watercourses Convention](#)
- [1994 Danube Convention](#)
- [1994 Agreement on the Meuse](#) (International Meuse Agreement)
- [1994 Agreement on the Scheldt](#)
- [1999 Rhine Convention](#)
- Helsinki Declaration ([ECE/MP.WAT/2](#), Annex I (p. 16))
- ‘a basin-wide approach’とは？
- 1997 Watercourses Convention

### 1(2) Water resources: principles of allocation

#### (a) Territorial sovereignty

- Harmon doctrine の根拠、およびそれが支持されていない理由は？
- [Indus Waters Kishenganga Arbitration](#) 【ケースブック国際環境法 15】

#### (b) Territorial integrity

- この根拠、およびそれが支持されていない理由は？

#### (c) Equitable utilization

- [Gabčíkovo-Nagymaros](#) 【判例国際法（第3版）112、国際法判例百選（第3版）65】
- [Pulp Mills 事件](#) 【判例国際法（第3版）132、国際法判例百選（第2版）（別冊ジュリスト 204号）79】
- [Lac Lanoux](#) 【判例国際法（第3版）130】【国際法判例百選（第3版）79】
- ‘What constitutes “reasonable and equitable” utilization is not capable of precise definition.’ならばどうすればいいのか。

#### (d) Common management

- ‘The 1997 Convention is thus an optional framework code or “guideline”’とはどういうことか。

## 2 Protection of watercourse ecosystems

### 2(1) Pollution and permissible uses of watercourses

- 全体の傾向をまとめるとどうなるか。

### 2(2) Environmental harm and equitable utilization

- 上流国が equitable utilization の考え方を支持していたのはなぜか。
- ‘four problems giving equitable utilization priority over obligations to prevent harm’を説明せよ。
- ‘as a basis for comprehensive environmental protection of those water courses [equitable utilization] is a principle of only modest utility’なのはなぜか。
- ‘equitable utilization is generally workable on a multilateral basis only if supported by appropriate institutions and coordinated policies’なのはなぜか。

### 2(3) Prevention of transboundary pollution and environmental harm

- ‘the obligation to prevent’の意味は？
- [Border Activities/San Juan River](#) 【ケースブック国際環境法 5】

### 2(4) Protection of watercourse ecosystems

- ‘watercourse ecosystem’と‘watercourse environment’とでは何がどう違うのか。
- ‘the question of whose ecosystem it protects’にはどう答えるべきか。
- ‘the 1997 Watercourses Convention is [...] confused, in the scope and depth of its commitment’とはどういうことか。

### 2(5) The relevance of other environmental agreements

### 2(6) Sustainability and conservation of water resources

#### (a) Sustainable development and water resources law

- ‘The implications of sustainable development are thus primarily procedural’とはどういうことか。

#### (b) Sustainable utilization and the right to water

- ‘but sustainable for what purpose?’という問いにはどう答えるべきか。

### 2(7) Transboundary environmental cooperation

#### (a) Notification, consultation, and negotiation in cases of environmental risk

**(b) Information exchange**

**(c) Emergency cooperation**

**3 Regional cooperation and environmental regulation**

**3(1) The international Commission for the Protection of the Rhine**

- [委員会サイト](#)

**3(2) The US-Canadian International Joint Commission**

- [委員会サイト](#)

**3(3) Shared Watercourses in the Southern Africa Development Community**

- [SADC Protocol](#)

**4 Conclusions**

- ‘international watercourses are not the subject of a separate and wholly self-contained body of law’ とはどういうことか。
- ‘the limited utility of the principle of equitable utilization’ と言える根拠は？