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Surya Nath Upadhyay

Date of Birth	December 10, 1947
Nationality	Nepali
Education	LLM, London University, U.K., 1983
	M.A. Tribhuvan University, Kathmandu, Nepal, 1970
	B.L. Tribhuvan University, Kathmandu, Nepal, 1967
Other Training	<ul style="list-style-type: none"> ▪ International Water Resources Law and Management, University of Delft, The Netherlands, September 10 to October 1, 1989. ▪ International Project Procurement and Contract Negotiation, International Law Institute and Georgetown University, USA, July-August, 1986. ▪ Project Planning, Project Management and Evaluation etc., Tribhuvan University, Centre for Economic Development and Administration, Nepal, May-June, 1979. ▪ International Law including International River Law, University of British Columbia, Canada, January-June, 1976. ▪ Certificate of Study, Hague Academy of International Law, External Session, Bangkok, January, 1974. ▪ In service training on public administration, HMG, Department of General Administration, April-May, 1973. ▪ Pre-service training on public administration, HMG, Department of General Administration, August-December, 1971.
Association with Professional Societies	<ul style="list-style-type: none"> ▪ Steering Committee Member Global Water Partnership(GWP), Stockholm, Sweden. ▪ Representative North Asia, International Association for Water Law (AIDA), Rome, Italy. ▪ Chairman, Nepal Arbitration Council ▪ Secretary General, Jalsrot Vikas Sanstha(JVS) An Organization for Water Resources Development

<u>Employment Record</u>	
<u>A. Nov. 2006 to date</u>	
Self Employed	Free lancing professional
Area of specialization	<ol style="list-style-type: none"> 1) Arbitration. 2) Legal aspects of hydropower development. 3) International contracts for civil works and other kind of projects. 4) Claim analysis arising out contract execution. 5) Water Law 6) Drafting of Law and Regulations 7) Teaching international water law 8) Corruption control policy 9) Governnance and accountability
<u>B. Examples of some of the Tasks performed and engagements at hand.</u>	<p>i) National Legal advisor (Short term) FAO/TCP/NEP/3001, 2007</p> <p>ii) Short term sdvisor FAO/AGSND, 2007 Under the above assignments I completed the studies on the Cooperative laws and the Bioscurity laws of Nepal and prepared their Draft Bills.</p> <p>iii) Have successfully discharged the responsibility as Member/Chairman of more than 20 Arbitration Tribunals. As a Member/Chairman of the Tribunals I was the part of the proceedings and final award of the decision on those tribunals. The cases that those tribunals dealt with were related to construction contracts. The claimed amount ran to billions of Rupees. At present, I am member of one International Arbitration Tribunal relating to disputes on construction contract between the employer and the contractor. Claim amount runs to millions of \$ and Rupees.</p> <p>iv) Visiting faculty, International law on Watercourses, Nepal Engineering College, Kathmandu, under Pokhara University, Nepal</p> <p>V) Being a retired civil servant I have been involved as a paper writer, organizer or a participant in many workshops, seminars, symposium etc relating to the subjects of my past and present involvement and interest such as water resources, hydro-power, corruption control, ethics, arbitration etc.</p>
<u>C. Oct. 2001 to 2006</u>	
Employer	Commission for the Investigation of Abuse of Authority (CIAA) .
Position held	Chief Commissioner
Responsibilities	The Commission for the Investigation of Abuse of Authority is a constitutional body empowered to investigate and prosecute all public position holders including police and political bodies. Besides, CIAA is empowered to take departmental and other actions against the civil servants and other public position holders with a view to control corruption and improve governance. The Commission is also empowered to conduct activities relating to the whole array of preventive and promtional initiatives for the control of corruption and promotion of good governece. It is also an ombudsman institution besides an investigator and prosecutor in corruption cases. Being the chief of this body, the responsibilities included overall responsibility of planning, policymaking, directing and implementing functions of this body.

	During my tenure the CIAA under my leadership made fundamental improvement in all respect be it legal regime with more power and stature, instutional restructuring, capacity building, physical infrastructure improvement, research, awareness building, civil society collaboration,etc which earned it a name with high acclaim and an institution of excellence in the country and beyond.
<u>C. Sept. 1999 till Oct. 2001</u>	
Employer	Law and Development Associates (P) Ltd.
Position Held	Chairman
Responsibilities	Legal advice and studies for private clients and govermental agencies
Association	Jalsrot Vikas Sanstha (Water Resources Development Association), an NGO working in the sector of water resources including hydropower development.
Position Held	General Secretary (Honorary)
Responsibilities	Worked as a Coordinator for Nepal Water Partnership, involved in the Preparation of Nepal Water Vision and Framework for Acton for Global Water Partnership (GWP). Presented Nepal Water Vision and Framework for Action in the 2nd World Water Forum at The Hague.
<u>D. July 1997 to March 1999</u>	
Employer	His Majesty's Government of Nepal
Position Held	Permanent Secretary, Ministry of Agriculture
Responsibilities	Being the chief executive of the Ministry the responsibilities include planning, executing and directing all activities of the government regarding Agriculture.
	During this period deregulated the fertilizer trade in the country, developed implementing strategy for Agriculture Perspective Plan, introduced marketing and commercialization policy in agriculture production and introduced laws on animal health protection, veterinary services, establishment of veterinary council etc.
<u>E. Nov. 1995 to Feb. 1997</u>	
Employer	His Majesty's Government of Nepal
Position Held	Permanent Secretary to the Ministry of Population and Environment and briefly to the Ministry of Commerce.
Responsibilities	Being the chief executive of the ministry the responsibilities include planning executing and directing all activities of the government regarding environment.
	During this period established the new Ministry of Population and Environment, created the institutional framework for the Ministry, drafted the law on environment with the participation of all the concerned agencies and the stakeholders, developed guidelines on environment impact assessment for various development activities.
<u>F. Nov. 1992 to Nov. 1995</u>	
Employer	His Majesty's Government of Nepal
Position Held	Permanent Secretary, Ministry of Water Resources
Responsibilities	Being the Chief Executive of the Ministry the responsibilities include planning, executing and directing of all activities of the government regarding water resources development and

	<p>management.</p> <p>During this period prepared hydropower development policy, deregulated the energy sector of the country, prepared new legal regime for foreign private investment in hydropower development, introduced commercialization policy in the government owned electricity authority, created institutions required for helping and facilitating the process of private investment in hydropower development in the country, drafted and negotiated a multipurpose mega-project agreement with India on water resource aimed at producing hydropower, regulating water for irrigation, flood control etc.</p>
<u>G. May to Aug. 1991</u>	
Employer	Appointed by His Majesty the King of Nepal.
Position Held	Secretary, Constitution Recommendation Commission
Responsibilities	This is a special assignment by His Majesty the King of Nepal on the recommendation of the Council of Ministers, which was formed after a people's movement in the country. The commission prepared a draft Constitution, which was finally promulgated as the Constitution of the Kingdom of Nepal by abrogating the earlier Constitution. The Draft Constitution was produced by the Commission within a period of three months from May 31 st to August 31 st of 1990. The Secretary being the Chief of the Secretariat of the Commission was responsible for organising, directing and providing all technical, and administrative expertise required by the Commission to accomplish its work.
<u>H. 1983 to 1992</u>	
Employer	Water and Energy Commission Secretariat HMG Nepal
Position Held	Executive Director, Laws and International Programme Division.
Responsibilities	The Water and Energy Commission Secretariat is responsible for issues identification, analysis, co-ordination and advice to the government, on the development of plans and policies in all matters concerning water and energy. As the chief of the Laws and International Programme Division my responsibilities were to advise the government on all important legal issues, to prepare draft law and regulating instruments, to participate in all international negotiations and to prepare legal instruments on sharing and uses of water etc.
<u>I. 1979 to 1983</u>	
Employer	His Majesty's Government of Nepal, Ministry of Law and Justice
Position Held	Under Secretary, International Law Division.
Responsibilities	Advising the government on matters relating to international law and treaties. Participating in all kinds of negotiations from the side of the government as legal officer of the negotiation team.
<u>J. 1970 to 1976</u>	
Employer	His Majesty's Government of Nepal, Ministry of Law and Justice
Position Held	Section Officer, Legislative drafting and international division.
Responsibilities	Preparing draft of various legislation.
<u>K. 1967 to 1970</u>	
Employer	Self employed
Responsibilities	Legal Practitioner.

<u>Expatriate Experience</u>	Worked in the Republic of Kyrghyzstan, Swaziland, Sri Lanka and Namibia as short-term Water Law Consultant for DAI, - a consulting company based in the USA, and FAO, Rome. The area of my consulting job was on water resources law.
<u>Publications</u>	Writing and making presentations on subjects such as water resources, hydro-power, corruption and governance etc in various seminars and local publications. Authored a book in Nepali language entitled <i>Akhtiyar Ma Chha Barsh</i> . This book is a memoir of six years in CIAA as its Chief Commissioner. Recently authored a book entitled International Watercourses Law and A Perspective on Nepal-India Cooperation . Published by Ekata Publication, Kathmandu.