

Transboundary Aquifer Management: Does One Size Fit All?

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Why is governance necessary?

Avoid
conflict



Exchange
data

Minimize
harm

Balance
demands

Protect ecosystems

Guidance on TBA governance



- 1989 Bellagio Model Agreement
- 1997 UN Watercourses Convention
- 2008 UN ILC Draft Articles
- 2012 UNECE Model Provisions on Transboundary Groundwater



TBA “customary law” components

- Reasonable/equitable/sustainable use
- No significant harm
- Sharing data/information
- Cooperation
- Prior notification
- Environmental protection



TBAs with “agreements”

- **Franco-Swiss Genevese Aquifer (1977, 2008)**
- **Nubian Sandstone Aquifer System (1992, 2000, 2013)**
- **North Western Sahara Aquifer System (2002, 2007)**
- *Iullemeden Aquifer (2009)*
- *Guarani Aquifer System (2010)*
- *Iullemeden, Taoudeni/Tanezrouft System (2014)*



Provisions in current agreements

- Data sharing
- Cooperation

PLUS → Creation of coordinating bodies

- **Franco-Genevese:** Genevois Aquifer Management Commission
- **NSAS:** Joint Authority
- **NWSAS, Iullemeden:** Consultation Mechanism (OSS)
- **Guarani:** Commission





Conclusions



- Focus on TBA agreements is increasing
- TBA nations prefer local coordinating bodies
- “Customary law” provisions are not yet customary in TBA agreements
- BUT → External funding has led to draft agreements with those provisions
- One size does not fit all





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