

TRANSBOUNDARY RECHARGE AREAS: LINKAGES BETWEEN THE GUARANI AQUIFER AGREEMENT AND THE UNILC DRAFT ARTICLES ON THE LAW OF TRANSBOUNDARY AQUIFERS

Francesco Sindico

ABSTRACT

The goal of this paper is to critically assess the legal options available for the countries that share the Guarani Aquifer System (GAS) to devise ad-hoc measures to regulate transboundary recharge areas. Groundwater pollution is often caused by pollutants entering the aquifer through the recharge areas. Therefore, managing adequately recharge areas is paramount for the sustainable management of an aquifer. When a recharge area straddles an international border, its management requires a high degree of interstate cooperation. In this paper I argue that transboundary recharge areas within the GAS could receive special attention through the joint application of Article 13 of the 2010 Guarani Aquifer Agreement and of rules of treaty interpretation present in International Law. The latter enable GAS countries to interpret provisions within the Guarani Aquifer Agreement in the light of the UN International Law Commission Draft Articles of the Law of Transboundary Aquifers.

PALAVRA-CHAVE: Transboundary Aquifers, Guarani Aquifer System, International Law