Transboundary Aquifer Management: Does One Size Fit All?

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World Water Congress XV
May 27, 2015
Why is governance necessary?

- Avoid conflict
- Balance demands
- Exchange data
- Minimize harm
- 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)
- 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