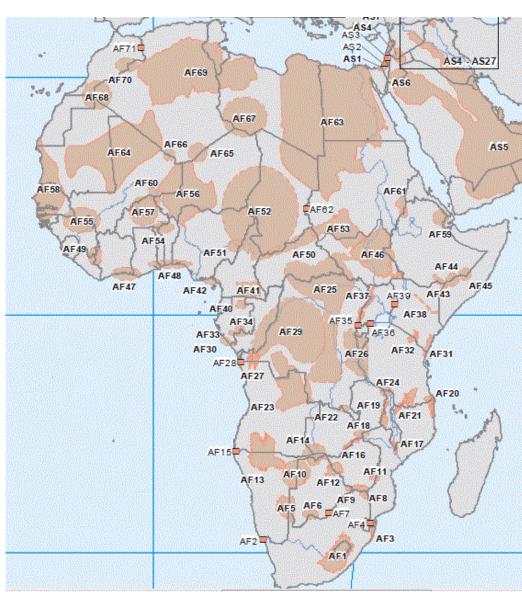


Transboundary Aquifer Management: Does One Size Fit All?

Renee Martin-Nagle Strathclyde Centre for Environmental Law and Governance Environmental Law Institute World Water Congress XV May 27, 2015



Why is governance necessary?



Avoid conflict



Exchange data

Balance demands 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"

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Social Sciences

- 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

