



Groundwater Management: Model Provisions on Transboundary Groundwaters

Session 5: How the Conventions promote implementation and cooperation on the ground?

1. Relevant obligations under the Conventions to Groundwater

- Geographic scope
 - “Transboundary waters” as per article 1(1) of ECE water Convention is “any surface or ground waters which mark, cross or are located on boundaries between two or more States”
 - In the guide to Implementing the convention under geographic scope “As for groundwaters, the Convention includes both confined and unconfined aquifers.”
 - Under UN Watercourses convention, article 2(a), groundwater must be connected with surface waters so as to constitute a unitary whole
- Relevant core obligations:
 - Protection of transboundary water by preventing, controlling and reducing significant transboundary impacts (“no harm rule”)
 - Equitable and reasonable utilization of transboundary water
 - Principle of cooperation through agreements and joint institutions

2. Model Provisions on Transboundary Groundwaters

- Specific non-binding guidance for transboundary groundwater
- To be used by Parties and other states when entering into or reviewing bilateral or multilateral agreements on transboundary groundwaters in the form of an additional protocol to an existing agreement or a new and separate specific agreement on groundwaters
- Serves as a guidance for drafting bilateral or multilateral agreements or protocols on transboundary groundwater
- Developed by a Core Group on Groundwater composed of legal and water experts with participation of several organizations such as IHP-UNESCO and IAH
- Builds on the United Nations International Law Commission Draft Articles on The Law of Transboundary Aquifers
- Adopted by Meeting of the Parties in 2012

2. Model Provisions on Transboundary Groundwaters

- Provision 1 (*no-harm rule + equitable and reasonable utilization*)
 - obligation to take all appropriate measures to prevent, control and reduce any transboundary impact
 - obligation to use transboundary groundwaters in an equitable and reasonable manner, taking into account all relevant factors
- Provision 2 (*principle of sustainable management*)
 - obligation to use transboundary groundwaters in a sustainable manner both quantity and quality wise (renewable and non-renewable resources)
- Provision 3
 - Obligation of cooperation in the common identification, delineation and characterization of transboundary groundwaters
 - Shall establish programmes for the joint monitoring and assessment of quantity and quality of transboundary groundwaters

2. Model Provisions on Transboundary Groundwaters

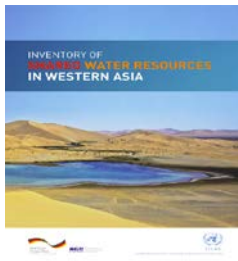
- Provision 4
 - Parties to cooperate on the integrated management of transboundary groundwaters and surface waters
- Provision 5
 - Prevent, control and reduce the pollution of transboundary groundwaters following the precautionary principle (protection zones, regulation of land use, groundwater quality criteria, prevent or limit release of pollutants)
- Provision 6
 - Exchange of information and available data on transboundary groundwaters (condition, Provision 3 agreed parameters, status of use)

2. Model Provisions on Transboundary Groundwaters

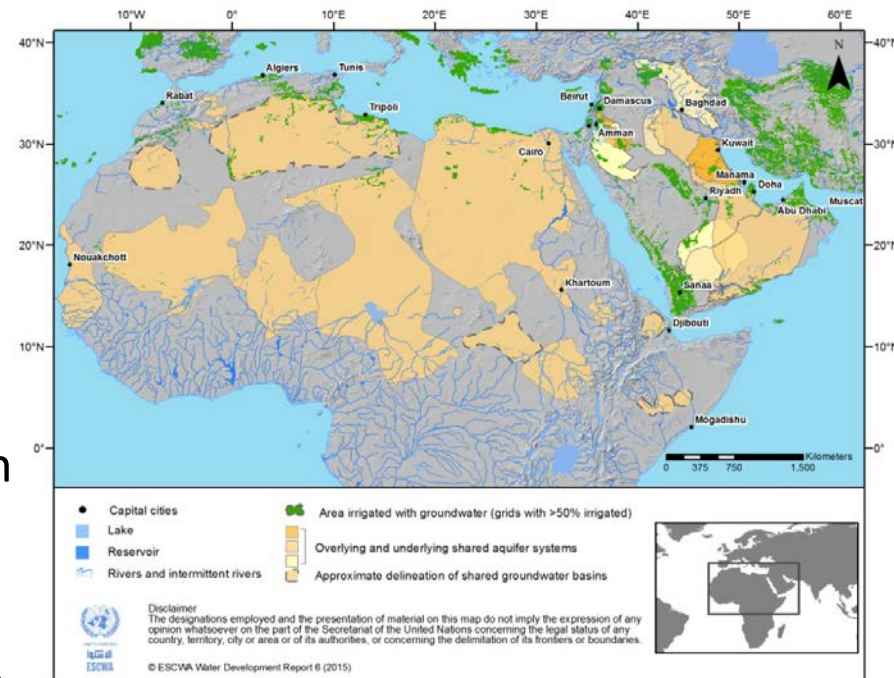
- Provision 7
 - Joint or coordinated plans for the proper management of the transboundary groundwaters (allocation, abstraction volumes, prior authorization, pumping limitations, measures for preserving and rehabilitating groundwater quality and quantity)
- Provision 8
 - Environmental impact assessment for planned activities of likely significant effect including large scale abstractions or groundwater recharge
 - Notification of the other Party and consultations
 - Awareness raising, access to information, public participation and access to justice with respect to the conditions of transboundary groundwaters
- Provision 9
 - Parties to establish a Joint body

3. Usefulness of the Model Provisions on Transboundary Groundwaters in ESCWA region

- Transboundary waters is a pillar of ESCWA Water Resources Section work



- Two-thirds of the Arab region freshwater resources cross one or more country boundaries
- 40 shared aquifers present in 21 out of 22 Arab countries
- At least 4 Arab countries considering accession to the UNECE water Convention



Source: Redrawn from UN-ESCWA and BGR (United Nations Economic and Social Commission for Western Asia; Bundesanstalt für Geowissenschaften und Rohstoffe) (2013). *Inventory of Shared Water Resources in Western Asia*. Beirut. E/ESCWA/SDPD/2013/Inventory; IGRAC (2015). *Transboundary Aquifers of the World*. Available from http://www.un-igrac.org/dynamics/modules/SFI0100/view.php?fil_id=318. Accessed 20 May 2015; FAO (2013). FAO AQUASTAT database – Food and Agriculture Organization of the United Nations (FAO). Available from http://www.fao.org/nr/water/aquastat/irrigationmap/gmia_v5_aeisw_pct_aei_asc.zip.