

**Fostering cooperation on transboundary aquifer resources: 2008 draft
Articles on the Law of Transboundary Aquifers and Model Provisions on
Transboundary Groundwaters**

WORKSHOP
THE UNECE CONVENTION FOR THE PROTECTION AND USE OF
TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES
KEY ASPECTS AND OPPORTUNITIES FOR LEBANON

4-5 FEBRUARY 2015
COUNCIL OF MINISTERS, BEIRUT, LEBANON

Raya Marina Stephan

Outline

- I. Introduction: Importance of TBA
- I. The DA on the law of TBA
- II. Influence of the DA
- III. Developing cooperation

I. Introduction

- **Importance of GW on earth**

➤ **Salt Water** **97.47%**

➤ **Fresh Water** **2.53%**

Polar Ice & Glacier **1.53%**

Available Fresh Water **1.00%**

Surface Water **0.01%**

Groundwater **0.99%**

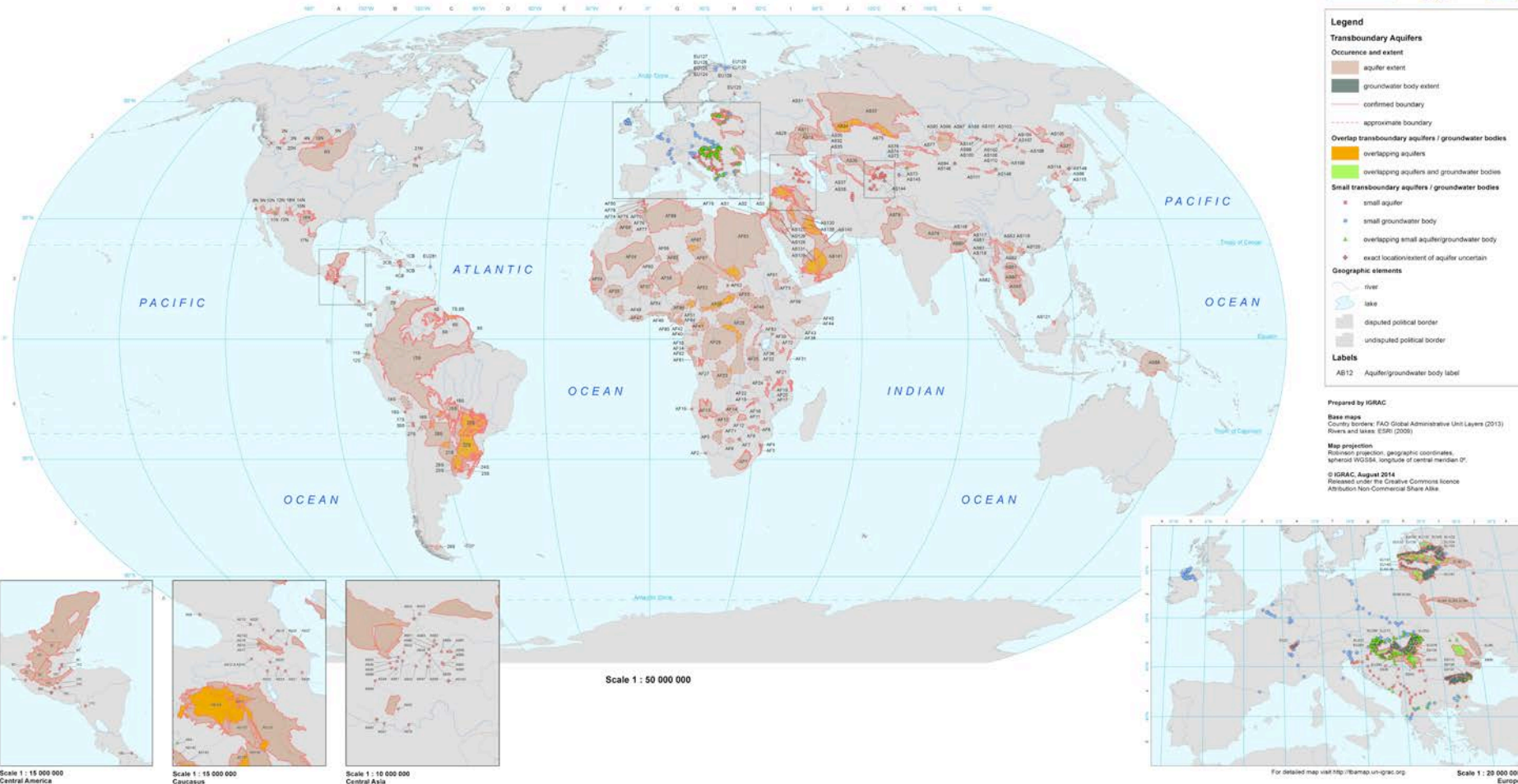
è **97% of the available freshwater** (*excluding water in polar ice and glacier*)

Most of it is in TBA → 382 TBA + 226 TB GW bodies (IGRAC 2014)



I. Introduction

Transboundary Aquifers of the World - Update 2014 -



II. the Draft Articles on the law of TBA

Before adoption of DA, what instruments for TBA:

At the global level:

- UN Watercourses Convention (1997)
- ➔ Limited consideration of GW:
 - Related to surface water
 - *And* common terminus

Exclusion of a great number of TBA



At the regional level:

UNECE Water Convention: covers all GW “which mark, cross or are located on boundaries between two or more States”

II. the Draft Articles on the law of TBA

The process:

UN International Law Commission

✧ Introduces in its programme of work the topic of **“Shared Natural Resources” (2002)**

- Transboundary groundwaters
- Oil
- Natural gas



✧ 2008 : the ILC adopts the draft articles on the law of TB aquifers at second reading → *Deferred to the UN GA*

II. the Draft Articles on the law of TBA

Unique process: Support from UNESCO-IHP

Within the frame of its ISARM project: 

- Scientific and technical advice on the issues related to hydrogeology
- Invitation, coordination and support of contributions from international experts, international and national institutions, and centres on groundwater resources,

II. the Draft Articles on the law of TBA

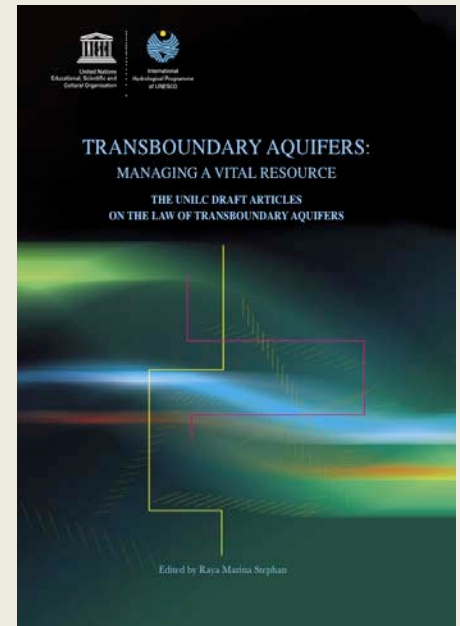
Four parts:

Introduction: Scope & Definitions

General principles: Core principles of IWL

Protection, preservation and management: specific provisions for TBA

Miscellaneous provisions



II. the Draft Articles on the law of TBA

UN GA Resolutions on the law of TBA ((63/124 (2008); 66/104 (2011); 68/118 (2013))) :

- Non binding instrument
- Only instrument covering TBA

- Resolutions 63/124 (2008) & 66/104 (2011):
encourages the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles

II. the Draft Articles on the law of TBA

Resolution 68/118 (2013): change in language:
Commends to the attention of Governments the draft articles on the law of transboundary aquifers (...) as guidance for bilateral or regional agreements and arrangements for the proper management of transboundary aquifers;

➔ Will to promote the DA
as declaration of principles



III. Influence of the DA

- Guarani Aquifer System (Argentina, Brazil, Paraguay, Uruguay):

Agreement signed 2 Aug. 2010

Refers to Resolution 63/124 (2008)



III. Influence of the DA

- Model Provisions on TB GW (2012) under the UNECE Water Convention :
 - Builds on the DA
 - Basis for basis specific groundwater agreements,



III. Influence of the DA

9 Model Provisions:

- Application of core principles of IWL to the specificities of GW
- Sustainable management
- Joint characterization and monitoring
- Integrated management surface and GW
- Prevention & control of pollution/
precautionary principle
- Exchange of data
- Joint management plans
- Planned activities
- Joint body



IV Available instruments for TBA

- UN Watercourses Convention (1997):

Ratified by Lebanon (1999), & by neighbours: Syria (1998), Jordan (1999), Palestine (2015).

- DA on the law of TBA

Non-binding, available for guidance/reference

- UNECE Water Convention (1992)

Opened global in 2013

Model Provisions on TB GW

Thank you for your attention