
Attila Tanzi
University of Bologna, Italy
attila.tanzi@unibo.it

Alice Aureli
UNESCO
a.aureli@unesco.org
Transboundary groundwaters: Challenges (1)

Legal

• Different concepts across the region: groundwater bodies (EU) vs. aquifer;
• Different geological settings and national approaches to the definition of groundwater bodies have slowed down the process of identifying transboundary ones;
• No specific groundwater agreements in UNECE region except Franco-Swiss;
• Limited reference to groundwater in existing transboundary water agreements: often included in scope, but little cooperation in practice.
Transboundary groundwaters: Challenges (2)

Institutional

• In many countries, groundwater is under different authority than surface waters; low integration;
• Low availability of information, poor groundwater monitoring in some parts of the region (e.g. the Caucasus and parts of Central Asia);
• Poorly developed transboundary cooperation (lack of exchange of information, joint delineation and status assessment, methodologies and programmes for joint monitoring);
• Limited involvement of groundwater experts in the work of existing joint bodies – at best working groups on groundwater.
Transboundary groundwaters: Legal obligations

- Equitable and reasonable utilization, incl. sustainability;

- Obligation not to cause significant harm;

- Obligation to cooperate (enter into specific agreements, exchange information, notify and consult, establish management plans, etc…);

- **ILC Draft Articles (2008)**: aquifer States are encouraged to enter into bilateral and multilateral agreements; aquifer States should establish joint mechanisms of cooperation (similar to 1997 UN Watercourses Convention);

- **UNECE Water Convention (1992)**: Riparian Parties shall enter into bilateral or multilateral agreements which shall provide for the establishment of joint bodies.
UNECE Model Provisions on Transboundary Groundwaters (1)

- Challenges in practical implementation of Water Convention’s obligations, together with specificity of groundwater => Meeting of the Parties to UNECE Water Convention (2009) mandated the Legal Board together with Working Group on IWRM to elaborate study with proposals for future action;

- Active participation of UNESCO and International Association of Hydrogeologists;

- Preliminary study on the application of the principles of the Convention to transboundary groundwater (2010);

UNECE Model Provisions on Transboundary Groundwaters (2)

• Non-binding guidance;

• Build on the ILC Draft Articles;

• To be used by Parties and non-Parties 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);

• Accompanied by commentaries with references to international commitments and existing State practice.
UNECE Model Provisions on Transboundary Groundwaters (3)

Provision 1

- 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

- Obligation to use transboundary groundwaters in a sustainable manner.
UNECE Model Provisions on Transboundary Groundwaters (4)

Provision 3

- Obligation of cooperation in the common identification, delineation and characterization of their transboundary groundwaters;
- Programmes for the joint monitoring and assessment of quantity and quality of transboundary groundwaters.

Provision 4

- Integrated management of transboundary groundwaters and surface waters.
Unece Model Provisions on Transboundary Groundwaters (5)

Provision 5

- Prevention, control and reduction of the pollution of transboundary groundwaters.

Provision 6

- Exchange of information and available data on transboundary groundwaters.

Provision 7

- Joint or coordinated plans for the proper management of their transboundary groundwaters.
Provision 8

- Environmental impact assessment;
- Notification of the other Party and consultations;
- Access to information, public participation and access to justice with respect to the conditions of transboundary groundwaters.

Provision 9

- Joint body.
Next steps

✓ Translate the Model Provisions into practice – protocols to existing agreements, new agreements;
✓ Raising capacity for implementation;
✓ Cooperation with partners - UNESCO, joint bodies for transboundary water cooperation, governments, stakeholders…

…contributing to improved groundwater governance!
THANK YOU