

Guaraní Aquifer System Agreement

Alberto Manganelli
Regional Center for Groundwater Management
CeReGAS - Uruguay



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Guaraní Aquifer System

The Guaraní Aquifer System is located in the central-eastern part of South America

It underlies in the territories of Argentina, Brazil, Paraguay and Uruguay and it covers an area of 1,087,879 km²

The population located on the System is estimated at 90,000,000 inhabitants.

The GAS has specific and complex physical, geological, chemical and hydraulic characteristics that were defined as part of the GEF International Waters project “Environmental Protection and Sustainable Development of the Guarani Aquifer System”.

The project led to the formulation and adoption by the aquifer countries of a Strategic Action Program (SAP) aimed at the long-term sustainability of this huge freshwater resource. Following the adoption of the SAP, the aquifer countries negotiated and signed the “Guarani Aquifer Agreement” - the first shared-management agreement for a transboundary aquifer in Latin America



The Guarani Aquifer Agreement (GAA)

First of all it is important to highlight that the four countries sharing the GAS decided to negotiate an agreement in the absence of serious conflict over the natural resource

The agreement has not yet entered into force as the last instrument of ratification remains to be deposited

The GAA sets out a general management framework containing the general rules of international law applicable to transboundary water resources.

Art. 2: "Each Party exercises **sovereign territorial domain** over their respective portions of the SAG"

Art. 4: Countries must use the aquifer in an **equitable** and **reasonable** form. There is no definition what equitable and reasonable means.

Art. 6: Countries, although sovereign, have an obligation to **not to cause significant harm** to neighboring states or the environment.

Art. 8: Obligation to **exchange information** about studies, activities and works that contemplate the use of the aquifer.

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Art. 9: Obligation to **notify** other States if a planned activity may lead to cause significant harm. Notification is then followed by an environmental impact assessment (Art. 10.1).

Art. 10.2: **Each Party shall provide the data and adequate information** that is required by one or more other Parties regarding activities and works planned in their respective territory and that may have effects beyond their borders.

Art. 11.3: The Party that provides the information will not execute or allow the execution of planned activities or works, provided that the receiving Party proves prima facie that these planned activities or works will cause significant damage to its territorial space or environment. In this case, the Party that intends to carry out the activities and works will refrain from starting or following them for the duration of the consultations and negotiations, which must be concluded within a maximum period of six months.

Art. 14: A further provision that is worth highlighting is the reference to **critical transboundary areas**, which may warrant particular attention.

Article 15 indicates that a **Commission** will be established in the La Plata Basin treaty framework to implement the objectives and goals of the GAA.

Challenges

The main challenges facing the entry into force of the Agreement are:

- The **regulation** of the articles for their real application, since the agreement contains general provisions
- The **definition** of the integration of the Commission (political, technical, a combination of both, etc.) and its operation and tasks

Final remarks

- The absence of conflict, although it was a positive factor in generating a preventive project and the subsequent agreement, has also been a factor of "slowdown" in the implementation of coordinated or shared management
- Shared ownership does not guarantee shared use, or even sharing an opinion on how this resource will be treated, and, the feeling of loss of sovereignty makes it difficult for countries to implement the agreement.
- But the process is already started and it is a matter of time for the different implementation phases to take place.



Thank you for your attention!