

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

# Model Provisions on Transboundary Groundwaters



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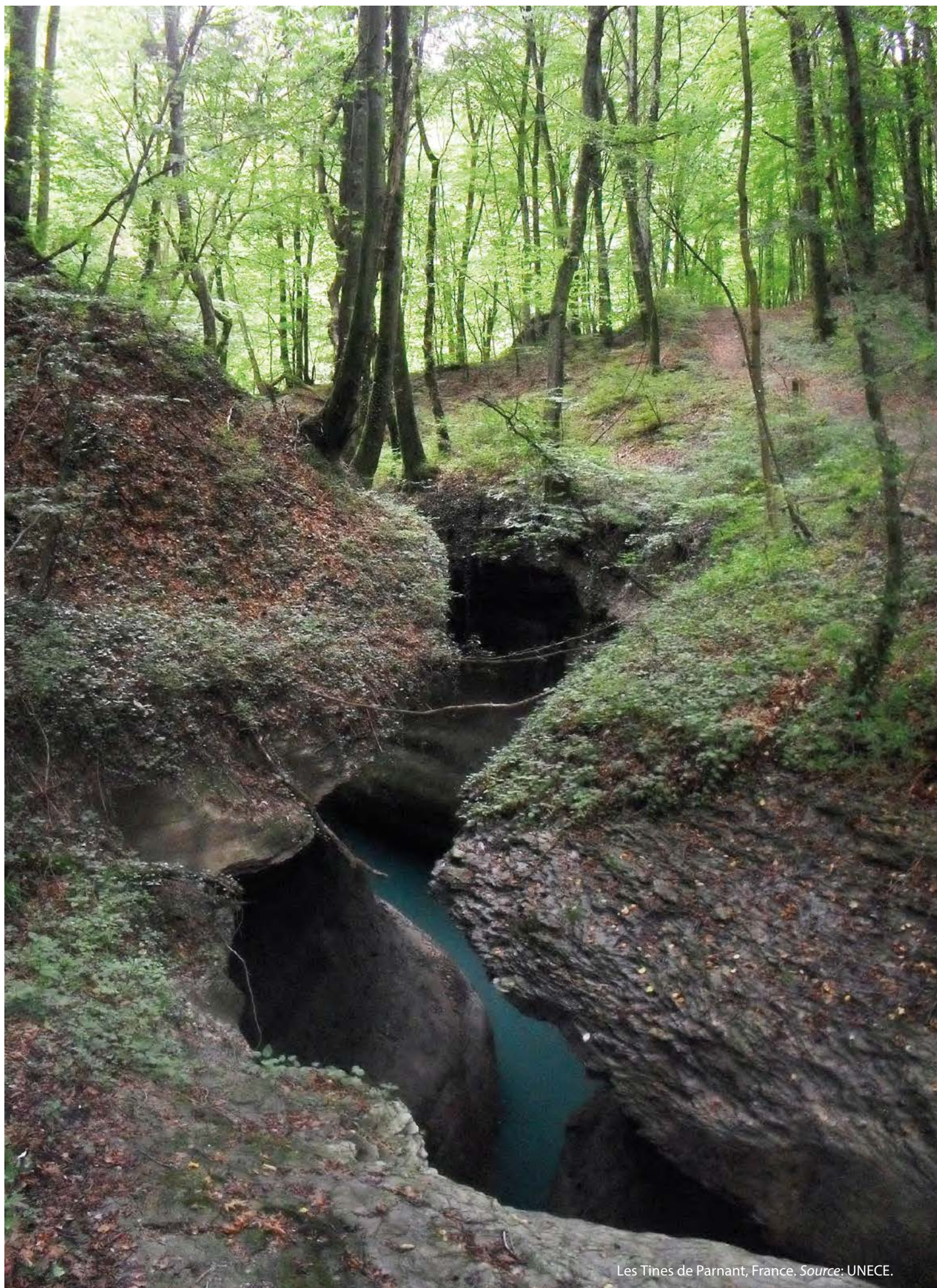
# **Model Provisions** **on Transboundary Groundwaters**



**UNITED NATIONS**

New York and Geneva, 2014





Les Tines de Parnant, France. *Source:* UNECE.



# Foreword

With the increasing use of groundwater resources worldwide, the need for stronger specific cooperation on transboundary groundwaters has become ever more evident and urgent. Governments are beginning to realize the need to develop bilateral and multilateral cooperation on the use and protection of their transboundary groundwaters, including exchange of data and information on their status and pressures, joint delineation and status assessment and development of methodologies for joint monitoring, as well as plans for management and protection of these resources.

Taking the lead in this area, Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) developed a study on the specific application of the Convention's principles to transboundary groundwater. Subsequently, they decided to further support progress towards achieving improved cooperation by developing these Model Provisions on Transboundary Groundwaters.

The Water Convention requires Governments to enter into agreements and other arrangements concerning the management and protection of their transboundary waters — both surface waters and groundwaters. The Model Provisions on Transboundary Groundwaters are a basis on which specific groundwater agreements could be developed by riparian States, either in the form of an additional protocol to an existing water agreement, or in form of a transboundary water agreement focusing on groundwater or addressing groundwater along with surface waters.

The Model Provisions are a product of an inspiring collaboration of legal and technical experts who worked assiduously and enthusiastically to find a common language in order to apply often rigorous legal theory to complicated hydrological phenomena and physical processes.

The Model Provisions reflect the current state of international water law with regard to transboundary groundwaters and also show, in the commentaries, the practical ways and examples of its application in inter-State practice. Needless to say, the Model Provisions are a living document, which can be adapted to the needs of cooperating States as well as further developed in the future. Moreover, the Water Convention, through its working and technical bodies, stands ready to further help Governments and interested stakeholders in formulating additional legal and technical details and finding solutions for sustainable management of their transboundary surface waters and groundwater resources.

We encourage both Parties and non-Parties to the Water Convention to use the Model Provisions in order to strengthen transboundary cooperation on groundwaters, as well as on integrated management of transboundary surface waters and groundwaters. In particular, we suggest that Governments analyse their transboundary water cooperation agreements in force in order to clarify their scope in relation to transboundary groundwaters. Such analyses would be instrumental to assess the needs for revising existing agreements or entering into new agreements in order to ensure that adequate legal and institutional frameworks for the management and protection of transboundary groundwaters are in place.



Attila Tanzi  
Chair  
Legal Board (2010–2012)



Heide Jekel  
Chair  
Working Group on Integrated  
Water Resources Management (2010–2012)



Sample collection from an observation well. Source: Boris Korolev.





# Preface

The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was adopted in Helsinki, Finland, in 1992 and entered into force in 1996. It serves as a mechanism to strengthen national measures and international cooperation for the ecologically sound management and protection of transboundary surface waters and groundwaters. As of 31 October 2013, the Water Convention has 39 Parties in the United Nations Economic Commission for Europe (ECE) region, and is expected to achieve broader participation with its global opening to all United Nations Member States.

At its fifth session, in 2009, the Meeting of the Parties to the Water Convention mandated its Legal Board and the Working Group on Integrated Water Resources Management to prepare a preliminary study on the application of the principles of the Convention to transboundary groundwaters.

The study was discussed in 2011 first by the Legal Board and then by the Working Group on Integrated Water Resources Management. The two bodies agreed that the work should also aim at developing draft model provisions on transboundary groundwaters, in order to provide specific non-binding guidance for the implementation of the Convention in that area and to facilitate the application of the principles of the Convention to transboundary groundwaters. The Working Group therefore created a Core Group on Groundwater to develop the model provisions.

The Model Provisions on Transboundary Groundwaters, developed by the Core Group on the basis of a draft prepared by the Chair and the Vice-Chair of the Legal Board, reflect the outcomes of the two meetings of the Core Group on Groundwater in 2012. They also reflect the comments from subsequent rounds of commenting by members of the Core Group, as well as input from the participants at the joint meeting of the Working Group on Monitoring and Assessment and Working Group on Integrated Water Resources Management in July 2012 and by the Convention's focal points following the joint meeting. The resulting document comprises an introduction followed by nine model provisions, each accompanied by a commentary.

The Meeting of the Parties, at its sixth session, held in Rome, Italy, in 2012, adopted the Model Provisions on Transboundary Groundwaters and their commentary and invited Parties to the Convention and other States to use them when entering into or reviewing bilateral or multilateral agreements or arrangements on transboundary groundwaters.

# Acknowledgements

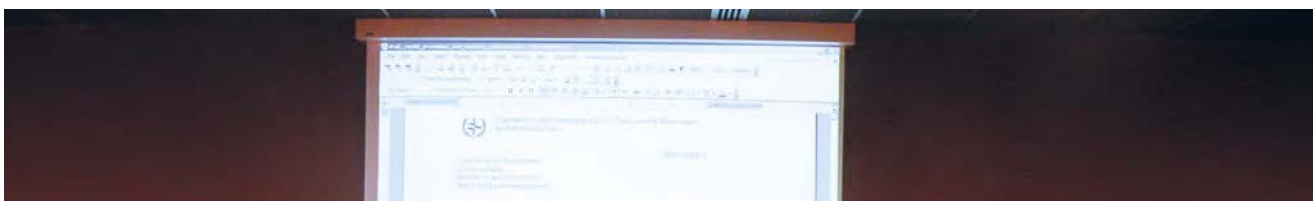
The UNECE secretariat gratefully acknowledges the substantive contributions provided by the members of the Water Convention's Legal Board and the Working Group on Integrated Water Resources Management to the development of the Model Provisions.

The Model Provisions were developed by the Core Group on Groundwater on the basis of a draft prepared by Mr. Attila Tanzi (Italy), Chair of the Legal Board, and Mr. Alexandros Kolliopoulos (Greece), Vice-Chair of the Legal Board.

The Core Group on Groundwater was chaired by Mr. Attila Tanzi (Italy) and was composed of legal and water experts from the following countries and organizations: Ms. Naira Kachyants (Armenia), Mr. Andreas Scheidleder (Austria), Mr. Adishirin Alakbarov (Azerbaijan), Ms. Volha Biarozka (Belarus), Mr. Boban Jolovic (Bosnia and Herzegovina), Ms. Anca Leroy (France), Mr. Antti Belinskij (Finland), Mr. Ivane Shvelidze (Georgia), Ms. Heide Jekel (Germany), Mr. Alexandros Kolliopoulos (Greece), Ms. Reka Gaul (Hungary), Mr. Oleg Podolny (Kazakhstan), Mr. Tom Schaul (Luxembourg), Ms. Tamara Guvir and Ms. Veronica Josu (Republic of Moldova), Ms. Ruxandra Balaet (Romania), Mr. Boris Korolev (Russian Federation), Ms. Dragana Milovanovic (Serbia), Mr. Peter Malik (Slovakia), Ms. Maria Casado and Mr. Antonio Pérez Baviera (Spain), Mr. Ronald Kozel (Switzerland), Ms. Ljupka Dimoska Zajkov (the former Yugoslav Republic of Macedonia), Mr. Grygorii Petruk and Ms. Svitlana Masliienko (Ukraine), Mr. Farkhod Khakimov (Uzbekistan), Mr. John Chilton (International Association of Hydrogeologists), Mr. Serhiy Vykhryst (European ECO-Forum), Ms. Ghene Jalalite (Eco-TIRAS International Environmental Association of River Keepers), Ms. Francesca Bernardini, Ms. Iulia Trombitcaia, Ms. Annukka Lipponen, Ms. Nataliya Nikiforova and Mr. Leonid Kalashnyk from UNECE secretariat.

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Ms. Iulia Trombitcaia of the UNECE secretariat prepared the publication. The publication was edited by Ms. Amy Edgar. Mr. Serhiy Vykhryst translated the publication into Russian. Ms. Cammile Marcelo of the UNECE secretariat provided general support to the preparation of the publication.



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