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title: **Incorporating the quality dimension into the management of transboundary aquifers: determining the meeting point for International Law and Science**

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After nearly five years of concerted effort by the hydrogeological community working with legal specialists, in December 2008, the UN General Assembly adopted a Resolution (A/RES/63/124) on the law of transboundary aquifers. The Annex to the Resolution includes Draft Articles, prepared by the UN International Law Commission, with the scientific support arranged by UNESCO's IHP, collaborating closely with the IAH TARM Commission. There is rather limited precedence in international law on the regulation of groundwater resources, and there are only a few water resources treaties that explicitly include aquifers. There are however several bilateral treaties that address aquifers and their management, with the most striking one being the Haute Savoie–Geneva Agreement that ensure that the aquifer is maintained replenished to provide a constant water resource. However the quality aspects of the agreement are a matter of interest in developing international regulations.

The Draft Articles of the UN ILC were conceived for the regulation of the “utilization of transboundary aquifers or aquifer systems” (article 1a). However, as an innovative approach they also include provisions, on the protection of the recharge and the discharge areas of aquifers (article 11), the prevention, reduction and control of pollution of water in the aquifer body (article 12) and the protection of the environment of the aquifers dependent ecosystems. Since the legal definition of an aquifer could not encompass the “recharge” and “discharge” areas, nor the dependent ecosystems these critical elements were addressed through the regulation of “other activities” that impact on transboundary aquifers or aquifer systems (article 1b). The challenge now facing the practitioners of ground water resource management is to take the provisions for the protection, preservation and management of transboundary aquifers and convert them into practice.

The paper will briefly outline the processes adopted in the development of the Draft Articles, the preparations of the global transboundary aquifers inventory and the work that is now required to promote the Draft Articles into a new international legal instrument. Such an instrument would prove to be of great value in the regions of the world where important transboundary aquifers are unregulated and Countries sharing the aquifers are seeking guidance.



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