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THE INTERNATIONAL LEGAL REGIME OF TRANSBOUNDARY AQUIFERS

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ABSTRACT: Which is the international legal regime for groundwater? Customary international law, and agreements among countries are the only efficient sources of international law used to manage transboundary groundwater. The trend of countries to manage transboundary aquifers is through customary international law. The International Law Commission (ILC) has codified international customary rules in the UN Convention on the Law of the Non-navigational Uses of International Watercourses 1997, Resolution 51/229, fifty-first Session, Supplement No. 49 (A/51/49) (May 21, 1997). The 2008 draft articles on "The Law of Transboundary Aquifers", is annexed to United Nations General Assembly Resolution 63/124 of 11 December 2008. "Confined aquifers" is the only form of groundwater not covered by the 1997 U.N. Convention. A large number of the aquifers in the world are connected to surface water. This is an interesting fact which makes the 1997 U.N. Convention applicable to these aquifers. Therefore, this article provides an overview of the current international legal situation for groundwater and analysis of the 1997 U.N. Convention on the Law of the Non-navigational Uses of International Watercourses, the 2008 draft articles on The Law of Transboundary Aquifers, and agreements among countries.

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