US-MX Border Water Governance and Management

- US water governance is decentralized
  - By jurisdiction (federal government versus states)
  - By type of water
- MX water governance is centralized
- Long history of working two countries working together through the International Boundary and Water Commission on surface water and wastewater issues (IBWC)
- IBWC Commissioners authorized to approve Minutes to the 1944 treaty governing binational Colorado River and Rio Grande management
- Limited involvement of IBWC on groundwater governance and management
The Transboundary Aquifer Assessment Program (TAAP)

Transboundary Aquifer Assessment Program Aquifers of Focus

TAAP Joint Cooperative Framework

Development of the cooperative framework document took considerable time.

Photo taken 19 August 2009
Consistent with 2008 Draft Articles on the Law of Transboundary Aquifers

- Article 7, §2: General Obligation to Cooperate – establishment of joint mechanisms of cooperation
- Article 8, §2: Regular exchange of data and information – Where knowledge about the nature and extent of a transboundary aquifer or aquifer system is inadequate, aquifer States…shall take such action individually or jointly and, where appropriate, together with or through international organizations.

The Joint Cooperative Framework Provisions

- The International Boundary and Water Commission is the Binational Coordinating Agency
- The IBWC, United States and Mexican Sections, are aware of the interest on both sides of the border to preserve and understand the aquifers used by both countries, whereby it is considered necessary to develop a team of binational experts to assess aquifers, exchange data, and if needed, develop new datasets.
- The IBWC, under this joint cooperative process, will provide the framework for coordination of binational assessment activities conducted by U.S. and Mexican agencies, universities, and others participating in the program.
Joint Cooperative Framework (cont.)

• Focus of the effort is “to improve the knowledge base of transboundary aquifers between the United States and Mexico”.

• Assuring the concurrence both countries of transboundary aquifer assessment activities is paramount.

• Specifies that binational technical advisory committees will be established for each identified transboundary aquifer.

• IBWC will be the official repository for binational project reports, which will be published in Spanish and English.

Joint Cooperative Framework (cont.)

• IBWC is responsible for determining whether a proposed aquifer study is in the interest of both countries, and to develop a joint program.

• IBWC coordinates with agencies for both countries in defining the scope of the assessment and facilitating concurrence of work plans,

• Funding provisions states that “each country will be responsible for any costs on projects conducted in its territory, in addition to selecting the participants and consultants to carry out the studies in that country. Each country may contribute to costs for work done in the other country” (IBWC 2009, p.2), with the IBWC coordinating any flow of funds across the border.
Six Principles of Agreement

1. Activities described under this agreement should be beneficial to both countries.
2. Aquifers to be jointly studied, as well as the scope of the studies or activities to be done on each aquifer, should be agreed upon with the framework of the IBWC.
3. The activities should respect the legal framework and jurisdictional requirements of each country.
4. No provisions set forth in this agreement will limit what either country can do independently in its own territory.
5. Nothing in this agreement may contravene what has been stipulated in the Boundary and Water Treaties between the two countries.
6. The information generated from these projects is solely for the purpose of expanding knowledge of the aquifers and should not be used by one country to require that the other country modify its water management and use.

Arizona-Sonora Aquifer Work

Transboundary Aquifer Assessment Program Aquifers of Focus
Completion of the San Pedro Report
¡Muchas Gracias!

Thank you!

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