

## **Guarani Aquifer Agreement**

The Republic of Argentina, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay,

In the spirit of cooperation and integration that presides over their relations, and with the purpose of expanding the scope of their concerted actions for the conservation and sustainable utilization of the Guarani Aquifer System transboundary water resources, which is located in their territories;

Taking into consideration the Resolution 1803 (XVII) of the United Nations General Assembly, related to the permanent sovereignty over natural resources;

Taking into account also the Resolution 63/124 of the United Nations General Assembly on the Law of Transboundary Aquifers;

Bearing in mind the principles of natural resources protection, and the sovereign responsibility of States regarding their reasonable utilization, as expressed in the Declaration of the United Nations Conference on the Human Environment, Stockholm, 1972;

Conscious of the responsibility to promote the sustainable development in benefit of present and future generations, in agreement with the Rio Declaration on Environment and Development, 1992;

Taking into account the conclusions from the Summit of the Americas on Sustainable Development, Santa Cruz de la Sierra, 1996, and the conclusions from the World Summit on Sustainable Development, Johannesburg, 2002;

Considering the progress made with respect to the harmonious development of water resources and physical integration, in accordance with the objectives of the Treaty of the Plata River Basin, signed in Brasilia, 1969;

Supported by the integration process strengthened by the Framework Agreement on the Environment of MERCOSUR, signed in Asuncion, 2001;

Motivated by the desire to expand the levels of cooperation with regard to a greater scientific understanding on the Guarani Aquifer System, and the responsible management of its water resources;

Taking into consideration the valuable results from the "Project for Environmental Protection and Sustainable Development of the Guarani Aquifer System,"

Have agreed on the following:

#### Article 1

The Guarani Aquifer System is a transboundary water resource that integrates the sovereign territories of the Republic of Argentina, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, which are the sole owners of this resource, and hereinafter will be referred to as "Parties."

#### Article 2

Each Party exercises sovereign territorial control over their respective portions of the Guarani Aquifer System, in accordance with their constitutional and legal arrangements, and in agreement with the norms of applicable international law.

#### Article 3

The Parties exercise in their respective territories the sovereign right to promote the management, monitoring, and sustainable utilization of the Guarani Aquifer System water resources, and shall use such resources on the basis of reasonable and sustainable uses criteria, respecting the obligation of not causing significant harm to the other Parties or the environment.

#### Article 4

The Parties shall promote the conservation and environmental protection of the Guarani Aquifer System so as to ensure multiple, reasonable, sustainable, and equitable use of its water resources.

#### Article 5

When the Parties intend to undertake studies, activities or work related to parts of the Guarani Aquifer System that are located in their respective territories, and that may have effects beyond their respective boundaries, they shall act in agreement with the principles and norms of applicable international law.

#### Article 6

Parties that perform activities or work for utilizing the water resources of the Guarani Aquifer System, in their respective territories, shall adopt all the necessary measures to avoid causing significant harm to the other Parties or the environment.

## Article 7

When causing significant harm to one or more Parties or the environment, the Party who caused the significant harm shall adopt all the necessary measures to eliminate or mitigate such harm.

## Article 8

The Parties shall proceed to adequately exchange technical information about studies, activities and works that contemplate the sustainable utilization of the Guarani Aquifer System water resources.

## Article 9

Each Party shall inform the other Parties about all the activities and work referenced in the previous Article that are intended to be executed or authorized in their territory, which may have effects on the Guarani Aquifer System beyond their boundaries. The information shall be accompanied with technical data available, including results from an evaluation of environmental effects; so that, the Parties receiving the information could evaluate the potential effects of the activities and work.

## Article 10

1. The Party that considers an activity or work referenced in Article 8, that is intended to be authorized or executed by a second Party, may, in its view, cause significant harm, shall request to the second Party the technical data available, including the results from an evaluation of environmental effects.
2. Each Party shall provide the appropriate data and information required by other Party, or Parties, with respect to the projected activities and work in their respective territory that may have effects beyond their boundaries.

## Article 11

1. If the Party receiving the information in the terms expressed in Article 10, paragraph 1, concludes that the implementation of the projected activities or work may cause significant harm, it shall indicate its conclusions to the other Party with a documented explanation of the reasons on which such findings are based.
2. In this case, both Parties shall analyze the issue to reach, through common agreement and within the least time possible, compatible with the nature of the significant harm and its analysis, an equitable solution based on the principle of good faith, and considering the rights and legitimate interests of the second Party.

3. The Party providing the information shall not implement or allow the execution of planned activities or work, if the Party receiving the information demonstrates prima facie evidence that the proposed activities or work may cause significant harm in its territory or environment. In such case, the Party that intends to perform the activities or work shall refrain from their initiation or continuation during the length of the consultations and negotiations, which shall be concluded within a maximum term of six months.

#### Article 12

The Parties shall establish cooperation programs with the purpose of extending the technical and scientific knowledge on the Guarani Aquifer System, promoting the exchange of information and management practices, and developing joint projects.

#### Article 13

Cooperation between the Parties shall be without detriment of projects or undertakings decided to be implemented in their respective territories, in agreement with international law.

#### Article 14

The Parties shall cooperate in the identification of critical areas, especially boundary areas that require specific treatment measurements.

#### Article 15

It is established under the Treaty of the Plata River Basin, and in accordance with the Article VI of such Treaty, a Commission comprised by the four Parties, which shall coordinate the cooperation among such Parties for complying with the principles and objectives of this Agreement. The Commission shall elaborate its own regulations.

#### Article 16

The Parties shall settle disputes concerning the interpretation or application of the present Agreement in which they are part, through direct negotiations, and shall inform the body referred to in the previous Article over such negotiations.

#### Article 17

If through direct negotiations an agreement is not reached within a reasonable period, or if the dispute is only partially resolved, the Parties in the controversy shall, through mutual agreement, solicit the Commission related in Article 15 to, upon a

presentation of the respective positions, evaluate the situation and, if appropriate, formulate recommendations.

#### Article 18

The procedure described in the preceding Article shall not be extended beyond a term of sixty days from the date on which the Parties solicit the intervention of the Commission.

#### Article 19

1. When the dispute is not resolved in accordance with the procedures presented in the previous Articles, the Parties shall use the arbitration procedure referred to in paragraph 2 of this Article, and shall communicate their decision to the body mentioned in Article 15.
2. The Parties shall establish an arbitration procedure to resolve disputes in an additional protocol to this Agreement.

#### Article 20

The present Agreement will not admit reservations.

#### Article 21

1. The present Agreement shall enter into force on the thirtieth day following the date of deposit of the fourth instrument of ratification.
2. The present Agreement shall have unlimited duration.
3. The Federative Republic of Brazil shall be the depositary of the present Agreement and the ratification instruments; it shall notify the dates of the deposit of such instruments, and send a duly authenticated copy of the present Agreement to the other Parties.

#### Article 22

1. The Parties may denounce the present Agreement through written notification to the depositary. The denunciation shall take effect one year following the date in which the notification is received, unless such notification specifies a later date.
2. The denunciation shall not affect any right, obligation or legal situation of the Party created by the implementation of the Agreement, before it is terminated with respect to that Party.

3. The denunciation shall not exempt the Party that formulates it from obligations related with resolution of disputes specified in the present Agreement. The procedures for dispute settlement in course shall continue until completion, and until the agreements reached, (or) the decisions (or verdicts) are attained.

Done in San Juan, Republic of Argentina, August 2<sup>nd</sup> of 2010. Originals are available in Spanish and Portuguese.

Note: This is a unofficial translation provided by Luiz Amore. Please refer to the official documents of the Guarani Aquifer Agreement in Portuguese and Spanish.