Mr. Chairman,

As I am speaking for the first time in this Committee, I take this opportunity to congratulate you on assuming the chairmanship of this important Committee. I also congratulate other members of the Bureau on their election.

Mr. Chairman,

It may be recalled that in resolution 63/124, the General Assembly took note of the recommendation of the International Law Commission (ILC) and commended the Draft Articles on Trans-boundary Aquifers to the attention of governments, without prejudice to the question of their future adoption or other appropriate action. The General Assembly also encouraged States to make appropriate bilateral or regional arrangements for the proper management of their trans-boundary aquifers taking into account the draft articles.

Aquifers are important as life-supporting groundwater resources for mankind, particularly in view of the increasing demand for freshwater around the world. There is certainly a need to protect and manage the underground water ensuring availability of fresh water to all through proper utilization thereof. Draft article 3 expressly recognizes the sovereignty of an aquifer State over the portion of trans-boundary aquifers or aquifer system located within its territory.

Mr. Chairman,

The draft articles have tried to balance the equitable and reasonable utilization of aquifer systems with the obligation to prevent causing significant harm to other aquifer States and in cases where harm has been caused, to take measures to eliminate or mitigate such harm. The draft articles contain a number of useful provisions such as the factors relevant to equitable and reasonable utilization, the obligation to cooperate, regular exchange of data as well as the obligation of protection, preservation and management of aquifer system. We are convinced that the draft articles can serve as a useful guide for States in concluding their bilateral or regional arrangements on this subject.

Mr. Chairman,
We appreciate the efforts of the delegation of Japan in introducing the draft resolution on this important subject, with a view to examining the possibility of adopting the draft articles as a framework convention.

We note that the debates in the ILC as well as in the Sixth Committee have also highlighted the lack of adequate scientific knowledge in the field of management and protection of aquifers and that there was further need to study these aspects before coming to a firm conclusion on the nature of the outcome of the draft articles.

Given the complex nature of the subject, and the lack of state practice, it is necessary that States are provided with further scientific and technical assistance in understanding the complex issues associated with the management and protection of aquifer systems and based upon the state practice through bilateral and regional arrangements between states, the General Assembly will, at a later stage, be able to decide whether the time is ripe to develop a legally binding instrument, such as a convention, based on the draft articles adopted by the ILC.

Thank you Mr. Chairman.

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