

Mr. Chairman,

The topic of the *law of Transboundary Aquifers* figures on the agenda of the Sixth Committee of the General Assembly for its discussion today for the first time. We take this opportunity to take note of the Secretary-General's Report on the Law of Transboundary Aquifers, prepared pursuant to General Assembly Resolution 63/124, and to address the subject matter which is of great importance for humankind.

It is significant to emphasise the continuing importance of the codification and progressive development of international law, to which the International Law Commission (ILC) has contributed extensively. My delegation would like to express in this context its appreciation to the ILC for the conclusion of its work on the Draft Articles on the Law of Transboundary Aquifers, in particular to Ambassadors Yamada and Candioti, as well as to the distinguished delegation of Japan for its initiative today.

The Secretary-General's report contained in document A/66/116 sheds light on the views so far expressed by various Member States, as well as the League of Arab States, on both the substance of the draft articles, and on the question of the form they may take. My delegation's position being detailed in paragraphs 52 to 67 of the report, the observations to follow shall be of a more general nature.

Mr. Chairman,

The meaning of "aquifer" as defined in draft article 2(b) could benefit from further elaboration in light of the existence of various types of aquifers referred to in the literature, such as confined, unconfined, renewable, and fossil aquifers. The definition of an "aquifer State" also stands to gain from the inclusion of "recharge and discharge zones" elements, in order to give States where such zones are located a clearer role in sound and comprehensive water management.

My delegation notes that some draft articles are similar, and some even identical, to provisions of the 1997 UN Convention on the Non-navigational Uses of International Watercourses (the 1997 Convention). In draft article 2(c), the word "transboundary" is used, whereas the term employed in the 1997 Convention is "international." The definition adopted in both texts being the same, unified terminology ought to be used to ensure clarity, consistency and accuracy. Additionally, in the draft articles, "discharge zone" has the same definition as "international aquifers" that was adopted in the 1997 Convention, and should therefore be amended to avoid duplication or conflicting application of the two instruments.

The underlying assumption of the draft articles is that participating States are at peace and enjoy good neighbourly relations with each other, and does not address States in conflict. While we acknowledge that this is the case for the majority of international legal instruments, and that the protection of aquifers in time of armed conflict is provided for in draft article 18, the