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The law of transboundary aquifers

Report of the Sixth Committee

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I. Introduction

1. The item entitled “The law of transboundary aquifers” was included in the provisional agenda of the sixty-sixth session of the General Assembly pursuant to Assembly resolution 63/124 of 11 December 2008.
2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 16th and 29th meetings, on 18 October and 9 November 2011. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records (A/C.6/66/SR.16 and 29).
4. For its consideration of the item, the Committee had before it a report of the Secretary-General containing comments and observations of Governments on the draft articles on the law of transboundary aquifers (A/66/116 and Add.1).

II. Consideration of draft resolution A/C.6/66/L.24

5. At the 29th meeting, on 9 November, the representative of Japan, on behalf of the Bureau, introduced a draft resolution entitled “The law of transboundary aquifers” (A/C.6/66/L.24) and orally revised it as follows:
 - (a) In the second preambular paragraph, the word “equitable” was replaced with the word “proper”;
 - (b) Operative paragraph 1, which read:

“1. *Recommends* that the draft articles annexed to its resolution 63/124 be considered by Member States when negotiating future agreements or arrangements for the management of their transboundary aquifers, as appropriate”,

was replaced by:

“1. *Further encourages* the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles annexed to its resolution 63/124”;

(c) In operative paragraph 3, the words “to further examine, inter alia, the question of the form” were replaced with the words “to continue to examine, inter alia, the question of the final form”.

6. At the same meeting, the Committee adopted draft resolution A/C.6/66/L.24, as orally revised, without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The law of transboundary aquifers

The General Assembly,

Recalling its resolution 63/124 of 11 December 2008, in which it took note of the draft articles on the law of transboundary aquifers formulated by the International Law Commission,

Noting the major importance of the subject of the law of transboundary aquifers in the relations of States and the need for reasonable and proper management of transboundary aquifers, a vitally important natural resource, through international cooperation,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Taking note of the comments of Governments and the discussions in the Sixth Committee at its sixty-third and sixty-sixth sessions on this topic,¹

1. *Further encourages* the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles annexed to its resolution 63/124;

2. *Encourages* the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization, whose contribution was noted in resolution 63/124, to offer further scientific and technical assistance to the States concerned;

3. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled “The law of transboundary aquifers” and, in the light of written comments of Governments, as well as views expressed in the debates of the Sixth Committee held at its sixty-third and sixty-sixth sessions, to continue to examine, inter alia, the question of the final form that might be given to the draft articles.

¹ *Official Records of the General Assembly, Sixty-third Session, Sixth Committee, 26th meeting (A/C.6/63/SR.26), and corrigendum; and ibid., Sixty-sixth Session, Sixth Committee, 16th and 29th meetings (A/C.6/66/SR.16 and 29), and corrigendum.*