



General Assembly

Seventy-first session

Official Records

Distr.: General
19 December 2016

Original: English

Sixth Committee

Summary record of the 19th meeting

Held at Headquarters, New York, on Thursday, 20 October 2016, at 3 p.m.

Chair: Mr. Danon..... (Israel)

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The meeting was called to order at 3.10 p.m.

Agenda item 86: The law of transboundary aquifers
(continued)

1. **Mr. Pham Ba Viet** (Viet Nam) said that water played a vital role in development, as had been recognized in the 2030 Agenda for Sustainable Development. Bilateral, subregional and regional cooperation was needed to ensure the sustainable development, use, conservation and management of water resources. Viet Nam had been working with other riparian countries of the Mekong River on the management of aquifers, including within the framework of the Mekong River Commission. The joint management of groundwater resources had made an important contribution to the sustainable use of water resources, helped to reduce transboundary harms and promoted socioeconomic development in the Mekong Basin.

2. His delegation considered it necessary to forge a framework for the proper management of water resources at the local and regional levels, hence its support for the development of the draft articles on the law of transboundary aquifers. With respect to the final form of the work on the topic, his delegation believed that the draft articles should be developed into an international framework convention. However, given the sophisticated nature of the subject and the underlying scientific issues involved, the draft articles required a thorough review by States, taking into account State practices at the bilateral and regional levels and relevant international instruments, such as the 1997 Convention on the Law of the Non-navigational Uses of International Watercourses.

3. Based on the agreed text and State practices, the General Assembly would be able to decide whether to formulate a convention on the basis of the draft articles. In the meantime, Member States should not be deterred from voluntarily and in good faith putting the draft articles into practice bilaterally and regionally.

4. **Mr. Remaoun** (Algeria) said that Algeria had numerous transboundary aquifers, including five major ones, and the topic was therefore of great importance to his delegation. The goal of his country's water legislation and regulations was to preserve its aquifers, both qualitatively and quantitatively. The Water Act of 2005, for example, aimed to establish the principles

and rules for the use, management and sustainable development of water resources. As indicated in the Secretary-General's first report on the law of transboundary aquifers (A/66/116), Algeria had previously highlighted the importance of bilateral and regional cooperation through the conclusion of agreements and the introduction of joint cooperation mechanisms between States sharing aquifers. It would be up to States to agree on specific measures relating to the management, use and protection of shared aquifers, since the draft articles were general in nature and merely provided principles to guide States in their negotiation of bilateral and regional agreements. The Consultation Mechanism for the North-Western Sahara Aquifer System was an important regional tool which had helped to improve knowledge and technical collaboration among water management institutions of Algeria, Libya and Tunisia.

5. His delegation noted that the definition of the term "aquifer" in draft article 2, paragraph (a), did not mention the details of aquifer typologies identified by specialists, nor did it differentiate between renewable and fossil aquifers. Regional cooperation frameworks would therefore need to supplement that definition in order to address specific requirements for the management of each type of aquifer. His delegation also wished to emphasize the importance of taking into account the environmental dimension in relation to the sustainable development of transboundary aquifers. National regulatory frameworks and bilateral and subregional cooperation should be strengthened in order to ensure effective protection of shared aquifer water resources against any form of pollution. To that end, Algeria intended to promote the establishment of mechanisms for the integrated management of shared aquifers. His delegation was of the view that draft article 18, which dealt with the protection of transboundary aquifers in time of armed conflict, should make specific mention of territories under foreign occupation or colonial domination in order to take account of their special situation. It stood ready to cooperate fully with other delegations in considering the best way to follow up on the draft articles.

6. **Ms. Pierce** (United States of America), recalling the statement made by her delegation on 22 October 2013 on the subject of transboundary aquifers (A/C.6/68/SR.16, paragraphs 36 and 37), said that her Government's position on the matter had not changed.

7. **Mr. Atlassi** (Morocco) said that Morocco had taken a number of measures with a view to protecting and preserving groundwater resources for future generations, including the adoption of Act No. 10-95 and its implementing legislation, which had established a general framework for the regulation of both surface and underground water. In addition, Morocco had acceded to the Convention on the Law of the Non-navigational Uses of International Watercourses in 2011. Morocco considered the adoption of General Assembly resolution 66/104, and the desire for an international legal framework relating to the law of transboundary aquifers, to be of undeniable importance. In addition to promoting rational management, the resolution encouraged States to make the bilateral or regional arrangements necessary for the proper management of their transboundary aquifers and could help to reinforce measures taken at the national level. The question of transboundary aquifers was unquestionably linked to that of permanent sovereignty over natural resources, as recognized in General Assembly resolution 1803 (XVII) and recalled in the third preambular paragraph of the draft articles. In that context, international cooperation on transboundary aquifers could not be confined only to criteria for the rational and sustainable use of such aquifers and the obligation of each State not to cause harm to the groundwater resources of other States, but would also have to take account of the sovereign rights of each State in relation to the management, control and use of its aquifers.

Agenda item 76: Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session (continued)
(A/C.6/71/L.10, A/C.6/71/L.11, A/C.6/71/L.12 and A/C.6/71/L.13)

Draft resolution A/C.6/71/L.10: Report of the United Nations Commission on International Trade Law on the work of its forty-ninth session

8. **Ms. Kalb** (Austria), introducing the draft resolution on behalf of the sponsors, said that Australia, Ireland, New Zealand, the Russian Federation, Singapore and Switzerland had also become sponsors. The draft resolution stressed the importance of international trade law and recalled the mandate, work and coordinating role of the United Nations Commission on International Trade Law

(UNCITRAL). It endorsed the Commission's efforts and initiatives as the core legal body within the United Nations system in the field of international trade law aimed at increasing coordination and cooperation, as well as promoting the rule of law at the national and international levels. It noted the Commission's progress in finalizing the UNCITRAL Model Law on Secured Transactions, the 2016 UNCITRAL Notes on Organizing Arbitral Proceedings and the Technical Notes on Online Dispute Resolution. It also reaffirmed the importance, in particular for developing countries, of the Commission's technical assistance and cooperation in the field of international trade law reform and development and welcomed the activities of the UNCITRAL regional centres. The draft resolution further took note of the Commission's role in promoting the rule of law at the international and national levels in the field of international trade law and stressed the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law.

Draft resolution A/C.6/71/L.11: Model Law on Secured Transactions of the United Nations Commission on International Trade Law

9. **Ms. Kalb** (Austria), introducing the draft resolution on behalf of the Bureau, said that it recognized that an efficient secured transactions regime with a publicly accessible security rights registry of the kind provided for in the Model Law was likely to increase access to affordable secured credit and thus contribute to economic growth, sustainable development, the rule of law and financial inclusion and also assist in combating poverty. The draft resolution recommended that all States should give favourable consideration to the Model Law when revising or adopting legislation relative to secured transactions and also requested the Secretary-General to publish the Model Law and disseminate it widely.

Draft resolution A/C.6/71/L.12: 2016 Notes on Organizing Arbitral Proceedings of the United Nations Commission on International Trade Law

10. **Ms. Kalb** (Austria), introducing the draft resolution on behalf of the Bureau, said that the text recognized the need for revising the Notes on Organizing Arbitral Proceedings to conform to current

arbitral practices, and recommended their use, including by parties to arbitration, arbitral tribunals and arbitral institutions, as well as for academic and training purposes with respect to international commercial dispute settlement.

Draft resolution A/C.6/71/L.13: Technical Notes on Online Dispute Resolution of the United Nations Commission on International Trade Law

11. **Ms. Kalb** (Austria), introducing the draft resolution on behalf of the Bureau, said that the text recognized that the sharp increase in online cross-border transactions had raised a need for mechanisms for resolving disputes that arose from such transactions. It recommended that all States and other stakeholders should use the technical notes in designing and implementing online dispute resolution systems for cross-border commercial transactions.

The meeting rose at 3.30 p.m.