

STATEMENT BY MR. TAKERO AOYAMA
REPRESENTATIVE OF JAPAN
AT THE MEETING OF THE SIXTH COMMITTEE
ON THE LAW OF TRANSBOUNDARY AQUIFERS

22 October 2013

(Check Against Delivery)

Thank you, Mr. Chairman.

Mr. Chairman,
Distinguished Delegates,

It has been two years since the last meeting on this topic was held in the Sixth Committee. I should emphasize that the necessity of establishing a legal framework in the field of transboundary aquifers has significantly increased since then. I should also note that the main theme of this Sixty-eighth General Assembly is “The Post-2015 Development Agenda: Setting the Stage”, and I believe that our discussion on the topic of transboundary aquifers would set the stage in the field of water management, which is a critical issue under the agenda of the Millennium Development Goals (MDGs).

The Japanese delegation would like to reiterate the importance of proper management of underground aquifers. As all of you are aware, demand for fresh water has dramatically increased over many decades, particularly where rapid socio-economic development has taken place. It should be stressed that a large portion of fresh water is located in underground aquifers, which frequently exist across national boundaries. We have to recognize the fact that, despite the need for proper management mechanisms, a number of transboundary aquifers are heavily

over-exploited, seriously depleted and damaged by pollution. Therefore, developing legal instruments for regulating the use of transboundary aquifers is an urgent task for all members in the world in order to achieve the common goal of sustainable development.

From that standpoint, the Government of Japan believes that the draft articles on the law of transboundary aquifers provide a valuable platform for countries concerned with establishing bilateral or regional legal frameworks to manage their particular aquifer systems. I should explain why I say this. Firstly, the draft articles adequately reflect a wide range of state practices, accurately describing established practices in this field. Secondly, they are well supported by scientific evidence through cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), which gave valuable support to the ILC with scientific and technical expertise. Thirdly, the provisions in the draft articles lay out the essential elements of a possible legal framework, thus allowing them to serve as a general and common basis in negotiations on particular bilateral or regional conventions. Indeed, there are several examples which have employed the rules prescribed in the draft articles. The Guarani Aquifer Agreement in South America was drafted with due regard to the draft articles. Also, the Meeting of the Parties of the UNECE Water Convention adopted model provisions on Transboundary Groundwaters based on the draft articles last November. I should remind everyone here that the General Assembly adopted resolutions 63/124 and 66/104, encouraging the States concerned to make arrangements, taking into account the provisions of the draft articles. These are the concrete state practices as part of the implementation of those resolutions.

The reason why the Government of Japan decided to take the lead in discussions on this topic is based on what I have explained. As a responsible member of the international community, we believe that the draft articles should be placed in an appropriate position and the Sixty-eighth session would be a desirable opportunity to reach a conclusion due to the importance and urgency of this issue.

Therefore, Mr. Chairman, the delegation of Japan would like to propose that the Sixth Committee hold a discussion on this topic on the basis of the draft resolution on the law of transboundary aquifers.

I would like to briefly explain the main ideas of the draft resolution. First and foremost, the resolution was drafted from the point of view to seek a wide-range of support from member states including those which have certain concerns about the draft articles in terms of sensitivity of their particular issues. This is why Japan doesn't intend to hold meetings on negotiations for a possible convention. It is clear that passing this draft resolution doesn't mean the establishment of legally binding instruments immediately. This is because we observed in past sessions that some member states showed unwillingness to negotiate for a future convention based on the text of the draft articles with their own legitimate interests. Of course, as I mentioned earlier, we would like to place the draft articles in an appropriate position as the achievement of serious deliberation done by the most influential and legitimate body for the development of international law. Thus, we believe that the draft resolution should have certain wordings which attach significance to the draft articles. I believe that the draft resolution is crafted with the consideration of every possible concern from member states and I hope that this would be positively taken by your delegations.

Mr. Chairman and distinguished delegates,

Even though I am confident that the draft resolution provides a good basis for gaining a wide range of support, the delegation of Japan is ready and willing to consult widely with delegations on the text of the draft resolution, and will be eager to seek your support. I sincerely hope that we can work together to move this important project forward.

Thank you, Mr. Chairman.