



البعثة المراقبة الدائمة لدولة فلسطين لدى الأمم المتحدة
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***Statement by Mr. Yousef N. Zeidan, Legal Adviser, before the Sixth Committee,
Agenda item 87: the law of transboundary aquifers, New York, 22 October 2013***

Mr. Chairman,

The State of Palestine aligns itself with the statement made by Bahrain on behalf of the Group of Arab States; and would like to make additional country specific remarks.

Mr. Chairman,

Water is an existential concern for the State of Palestine, reflected in the fact that it is actually one of the core final status issues that must be justly and comprehensively resolved for a lasting resolution of the Israeli-Palestinian conflict. For the State of Palestine, the scarcity of water has been compounded by the exploitation and diversion of water resources by Israel, the occupying Power, in addition to its contamination and destruction of water and sanitation systems throughout its 46-year occupation, including during military assaults on the Occupied Palestinian Territory, including East Jerusalem, the territory constituting the State of Palestine. Israel's illegal colonization via the Wall and settlements has also entailed the seizure of and obstruction of access to water aquifers, further reducing the water supply available to the Palestinian civilian population.

Mr. Chairman,

Turing to the draft articles formulated by the International Law Commission, the State of Palestine emphasizes that the draft articles cannot be considered for the purposes of formulating a convention, but they may be used as a voluntary guide for bilateral or regional agreements and arrangements for the management of transboundary aquifers, as appropriate.

Draft article 3 on the sovereignty of aquifer States, would take the international community back nearly 118 years to the Harmon Doctrine of 1895, which, among other things, encouraged States to use the guise of sovereignty over transboundary non-navigational watercourses to justify harmful practices toward neighboring States.

The State of Palestine considers draft article 3 to be in contradiction with the principle of equitable and reasonable utilization and participation, which is the cornerstone of the 1997 Convention on the Law of the Non-Navigational Uses of International Watercourses, as codified in its article 5. The 1997 Convention should remain the authoritative legal instrument that is universally applicable governing shared freshwater resources.

Mr. Chairman,

It is only based on this principle of equitable and reasonable utilization and participation which the State of Palestine and Israel can truly resolve the water crisis between the two States as part of the long overdue achievement of a just two-State solution based on the pre-1967 borders, in accordance with the relevant terms of reference, including the Arab Peace Initiative. Thank you