



MISSÃO PERMANENTE DE PORTUGAL  
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*Item 87*

**The Law of Transboundary Aquifers**

Statement by

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**Ministry of Foreign Affairs of Portugal**

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*Please check against delivery*

Mr. Chairman,

The International Law Commission adopted in 2008 a preamble as well as a set of 19 draft Articles on transboundary aquifers. Portugal would like to take this opportunity to commend once more the International Law Commission for its valuable work on the topic.

Access to freshwater is vital. Water is the most extracted natural resource in the planet, from which one-half of the world's population is dependent. Studies show that aquifers contain around 96% of the world's freshwater.

There is a growing conscience of the relevance of transboundary aquifers regarding development, as well of its political and economical positive implications. It is worth recalling, for instance, that the sustainable access to safe drinking water is part of the Millennium Development Goals. At the same time, the potential conflict inherent to shared water is also very present. Moreover, pollution and overexploitation constitute a massive pressure to groundwater.

The sustainable governance of transboundary aquifers is essential in reducing those pressures and in potentiating the considerable positive impacts of a sound and equitable management of transboundary aquifers.

Mr. Chairman,

Portugal believes that the draft Articles could provide a positive contribution to the proper governance of the existing transboundary aquifers around the world and hence to the promotion of peace. We would like in this context to underline the inclusion in the draft Articles of the reference to the human right to water and of principles of International Environmental Law.

Mr. Chairman,

Notwithstanding the specific comments and observations Portugal has had the opportunity of sharing over the previous years, we find that, on the overall, the solutions presented in the draft Articles are well balanced and in line with the progression of contemporary International Law.

There are some similarities between them and the Articles of the 1997 Watercourses Convention and with the UNCLOS, as well as with core principles of International Environmental Law. This demonstrates that the draft Articles are in line with already existing legal regimes governing water and natural resources in general.

Mr. Chairman,

For all these reasons, we view the draft Articles as a good general legal basis for a sustainable governance of transboundary aquifers. Therefore, Portugal reaffirms its belief that the draft Articles on the Law of Transboundary Aquifers should evolve into an international framework convention.

A convention that would systematize and formulate in a more precise form common principles and, as a consequence, it would be a legal framework for the development of specific regimes. Thus, a convention that neither would go beyond bilateral or regional agreements nor would restrict the capacity of States to establish elaborated specific regimes suitable to their specific contexts.

Having said that, and always with the framework convention on the horizon, at this stage we see the adoption of the draft Articles as guiding principles as being a consensual solution and a step forward that has to be taken.

Thank you, Mr. Chairman.