

УКРАЇНА



UKRAINE

Please check against delivery

STATEMENT

By

**Mr. Volodymyr Puzyrko
Director-General for Treaties and Legal Affairs,
Ministry of Foreign Affairs of Ukraine**

on Agenda item 87

"The law of transboundary aquifers"

at the Sixth Committee

68th session of the UN General Assembly

New York, 22 October 2013

Mr. Chairman,

The Delegation of Ukraine took note of the reports of the Secretary-General which contain comments and observations of Governments on the law of transboundary aquifers, and wishes to express the following points in this regard.

First of all, I would like to note that Ukraine is not a party to any bilateral or regional agreements concerning transboundary aquifers.

My Delegation has no objection in respect of initiating a negotiation process on concluding a convention based on the draft articles on the law of transboundary aquifers presented by the Commission of International Law.

At the same time we would like to note that the draft articles establish that relations between aquifer States are founded on the joint management of dynamic aquifer resources. Meanwhile, in most cases, the exploitation of confined aquifers is accompanied by a reduction in aquifer storage capacity associated with layer compression, which could lead to reduced water levels in transboundary aquifers in other States. Given that it is practically impossible to reverse that process using technological means, it is noteworthy that the draft articles does not provide for a mechanism to offset the resulting financial losses.

Although draft article 6 concerns the “obligation not to cause significant harm”, the concept of “harm” is not defined. The drafting of a convention would require such a definition, separating the concepts of “harm caused by aquifer depletion” and “harm caused by aquifer pollution”. The criteria for what constitutes significant or insignificant harm would also need to be defined.

I thank you.