



UNITED STATES MISSION TO THE UNITED NATIONS

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**Statement of the United States of America
68th Session of the UN General Assembly
Sixth Committee – Agenda Item 87
The Law of Transboundary Aquifers
Governor Ted Strickland, Senior Adviser
October 22, 2013**

Thank you, Mister Chairman.

The United States continues to believe that the International Law Commission's work on transboundary aquifers has constituted an important advance in providing a possible framework for the reasonable use and protection of underground aquifers, which are playing an increasingly important role as water sources for human populations. For all States, and especially those struggling to cope with pressures on transboundary aquifers, the Commission's effort to develop a set of flexible tools for using and protecting these aquifers has been a very useful contribution.

With respect to next steps, there is still much to learn about transboundary aquifers in general. Specific aquifer conditions and State practices vary widely. Moreover, many aspects of the draft articles clearly go beyond current law and practice. For these reasons, the United States continues to believe that context-specific arrangements provide the best way to address pressures on transboundary groundwaters in aquifers, as opposed to refashioning the draft articles into a global framework treaty or into principles. States concerned should take into account the provisions of these draft articles when negotiating appropriate bilateral or regional arrangements for the proper management of transboundary aquifers.

Numerous factors might appropriately be taken into account in any specific negotiation, such as hydrological characteristics of the aquifer at issue; present uses and expectations regarding future uses; climate conditions and expectations; and economic, social and cultural considerations. These factors will vary in each particular set of circumstances, and maintaining the articles as a resource in draft form seems to us the best way of ensuring that the draft articles will be a useful resource for States in all circumstances.

If the draft articles were fashioned into a global convention or principles, we remain unconvinced that they would garner sufficient support. We also note that the draft articles seem to cover some waters that are already within the scope of the 1997 Watercourses Convention, such that the existence of two overlapping framework conventions could lead to confusion.

Instead, we would support commending the draft articles to the attention of governments, and encouraging States concerned to make appropriate bilateral or regional agreements or arrangements for the proper management of their transboundary aquifers, taking into account the provisions of the draft articles.

Thank you, Mister Chairman.