



Statement of Portugal

at the 74th Session of Sixth Committee of the General Assembly

Agenda Item 85

The Law of Transboundary Aquifers

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Mr. Chairman,

In 2008, the International Law Commission adopted a Preamble and a set of 19 Draft Articles on transboundary aquifers under the topic "Shared Natural Resources". At its sixty-third session, the General Assembly accepted the Commission's recommendations, by taking note of the draft Articles and deciding to include them in the provisional agenda for its sixty-sixth session, intending to examining the question of the form that might be given to the draft Articles, in addition to other related issues.

The International Law Commission had also recommended that States concerned conclude appropriate bilateral or regional agreements for the proper management of their transboundary aquifers on the basis of the principles enunciated in the draft Articles. Moreover, the Commission has recommended that States consider, at a later stage, the elaboration of a convention on the basis of the draft Articles.

Mr. Chairman,

The transboundary sharing of water affects the relations of States, thus being an extremely relevant and particularly complex subject in today's international relations. The relevance of this subject is attested by the attention it is devoted to it, but also by the potential conflict inherent to shared water, its political and economic importance, and environmental issues related to this natural resource.

Portugal has already had the opportunity to praise the Commission's output on the subject. In our view, the draft Articles provide a valuable contribution for the proper management of existing transboundary aquifers all over the world and, by doing so, promoting peace.

The draft Articles incorporate principles of International Environmental Law and consider significant aspects relating to the human right to water – including through the references to “vital human needs”.

Mr. Chairman,

Without prejudice to the specific comments and observations over the previous years that Portugal has had the opportunity of sharing, we find that, on the overall, the solutions presented in the draft Articles are well balanced and in line with the evolution of contemporary International Law.

There are some resemblances with articles of the 1997 United Nations Watercourses Convention and with the 1982 United Nations Convention on the Law of the Sea, serving to demonstrate that these solutions are in line with the development of contemporary International Law. Moreover, the draft Articles are also compatible with existing European Union Law on this matter, which is binding on Portugal – namely the Directive establishing a framework for Community action in the field of water policy¹ and the Directive on the protection of groundwater against pollution and deterioration².

Mr. Chairman,

We thus encourage all States to actively contribute towards the development and universal codification of the Law of Transboundary Aquifers. In this context, Portugal reaffirms its belief that the draft Articles should evolve into a framework convention on the Law of Transboundary Aquifers.

Thank you, Mr. Chairman.

¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (this act has been changed, the latest consolidated version dating from 2014).

² Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (this act has been changed, the latest consolidated version dating from 2014).