

Statement of Portugal

at the 77th Session of Sixth Committee of the General Assembly

Agenda Item 86

The Law of Transboundary Aquifers

Check against delivery

Mr. Chairman,

The transboundary sharing of water affects the relations of States and, therefore, it is an extremely relevant and particularly complex subject in today's international relations.

The relevance of this subject is attested, not only 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 more than once praised the work of the Commission on this subject and the resulting outcome. We believe that 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 and cooperation amongst countries.

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 made in previous years by Portugal, it is our understanding that, in general, 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.

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).

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, once more, its belief that the draft Articles should evolve into a framework convention on the Law of Transboundary Aquifers.

Thank you, Mr. Chairman.