

Transboundary Aquifers at the 6<sup>th</sup> Committee of the UN GA  
26-28 October 2005

Briefing Japanese Mission to the UN in New York  
28 October

*Mission report by Ms Raya Marina Stephan, UNESCO*

### **Background**

The work of the International Law Commission is commented and debated every year in the 6<sup>th</sup> Committee (legal) of the UN GA in New York. States delegates, usually legal advisers from the ministries of foreign affairs, are invited to give their opinion on the topics under study at the ILC. Among these is the topic of “Shared natural resources: transboundary aquifers” presented by Ambassador Yamada. This topic was evaluated from Wednesday, October 26 to Tuesday, November 1. Ms Alice Aureli and Ms Raya Marina Stephan from UNESCO attended the session from Wednesday October 26 till Friday October 28. Ms Michela Miletto from OAS joined on Friday October 28.

The topic was introduced by Mr Djamchid Momtaz, Chairman of the ILC. Mr Momtaz summarized the draft articles presented by Ambassador Yamada, as well as the issues which were raised during the debates at the last session of the ILC (May and July 2005) (The third report of Ambassador Yamada, as well as the report of ILC on its last session are available on the web site of the UN ILC). He also mentioned that the UN ILC established a Working Group to review the draft articles. The Working Group met during the last session of the UN ILC (May and July 2005), and will be reconvened at its next session (May and July 2006).

### **6<sup>th</sup> Committee main findings**

The delegates expressed their States’ acknowledgement of the importance of developing international rules for transboundary groundwaters and generally showed a good appreciation of the work of Ambassador Yamada. They encouraged its future development. Very few comments still translate a lack of understanding of groundwater and transboundary aquifers. The delegates also expressed their appreciation for the scientific advice provided to Ambassador Yamada by UNESCO.

From the comments, it was evident that different positions exist about the final form of the draft articles. It is not yet decided and fully agreed if the instrument will be shaped and presented as a convention, protocol or guidelines. This is a crucial issue that will be discussed most probably next year.

### **Briefing at the Japanese mission**

Ambassador Yamada organized a briefing on transboundary aquifers Friday 28 October during the lunch break of the 6<sup>th</sup> Committee. An invitation was sent to all the delegations. About 60 delegates attended. The briefing was introduced by Dr Shin’ichi Kitaoka, Ambassador, and Deputy Permanent Representative of Japan to the UN. The briefing started with the projection of a short movie on the Guarani Aquifer. It was followed by a presentation by Ambassador Yamada with digital slides on the “Codification of the law on Transboundary Groundwaters”. Ambassador Yamada explained the importance of groundwater, showed the numerous transboundary aquifers using maps provided to him

by UNESCO-IHP from the ISARM project and the Whymap. He also gave hydrogeological information such as the water cycle, the constitution of an aquifer, the different geological layers, and explained the difference between recharging and non-recharging aquifers. He gave the example of the agreement on the Franco-Genevese and concluded by showing the negative impacts on aquifers of human activities such as waste dumping.

The three experts were presented to the delegates by Ambassador Yamada, and were invited to complement his presentation. Since 2003, UNESCO has provided technical and scientific support to the Special Rapporteur Ambassador Yamada coordinating the work of international experts, and inviting the cooperation of international professional associations such as IAH, and contribution from other UN agencies such as FAO and UNECE.

Ms Alice Aureli congratulated Ambassador Yamada for his comprehensive talk. She mentioned the importance of groundwater for achieving the Millennium Development Goals, the priority given to water at UNESCO, the Internationally Shared Aquifers Resources Management (ISARM) project adopted by the Intergovernmental Council of IHP and being currently developed in the Americas, in Africa, in the Balkans and in the Middle East. She stressed on the need to develop the scientific and technical knowledge of aquifers.

Ms Michela Miletto presented the development of the ISARM project in the Americas. The project has established a scientific cooperation between groundwater experts from States sharing an aquifer. 72 transboundary aquifers were identified to date. The publication of the results of the first phase of the project, which is the inventory, is under preparation.

Ms Raya Stephan complemented Ambassador Yamada's talk from a legal point of view. She mentioned two other agreements on transboundary aquifers with a limited scope. These agreements concern data collection and exchange for aquifer modelling, and they establish a joint authority or consultation mechanism. These agreements are:

- The Agreement on the Nubian Sandstone Aquifer System, between Chad, Egypt, Libya and Sudan (5 October 2000)
- The Establishment of a Consultation Mechanism for the Northwestern Sahara Aquifer System (SASS) (2002)
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Time was spared for questions and answers, and Ambassador Yamada let the floor to the groundwater experts to answer the queries of the delegates. The delegates expressed their interest and their appreciation of the briefing and of the presence of the groundwater experts. Many questions were addressed to the experts.

Ambassador Yamada closed the meeting to allow the delegates to go back to the 6<sup>th</sup> Committee.

The briefing at the Japanese mission was a success. The presence of groundwater experts was important to provide the scientific answers to the queries of the delegates. A number of UNESCO-IHP material on groundwater and transboundary aquifers was provided.