



General Assembly

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SHARED NATURAL RESOURCES

Note on a preamble by the Special Rapporteur

1. At its 2958th and 2959th meetings, on 7 and 8 May 2008, the International Law Commission, respectively, referred draft articles 1-13 and 14-20, as proposed by the Special Rapporteur in his fifth report (A/CN.4/591) to the Drafting Committee. At the latter meeting, the Commission also requested the Special Rapporteur to prepare a preamble for consideration by the plenary.
2. The Annex to the present note contains a draft preamble, which has been prepared on the basis of previous precedents elaborated by the Commission, in particular the draft articles on Prevention of transboundary harms from hazardous activities and the draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, while bearing in mind various treaties and other legal instruments on groundwater resources.

Annex

DRAFT PREAMBLE

The General Assembly,

Conscious of the importance for humankind of life supporting groundwater resources in all regions of the world,

Bearing in mind Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Recalling its resolution 1803(XVII) of 14 December 1962 on Permanent sovereignty over the natural resources,

Recalling the principles and recommendations adopted by the United Nations Conference on Environment and Development of 1992 in the Rio Declaration on Environment and Development and Agenda 21,

Taking into account the need to protect groundwater resources from, among other things, increasing demands for water and against its pollution,

Mindful of the particular vulnerability of aquifers to pollution,

Convinced of the need to ensure the development, utilization, conservation, management and protection of groundwater resources in the context of the promotion of the optimal and sustainable development of water resources for present and future generations,

Affirming the importance of international cooperation and good neighbourliness in this field,

Aware of the special situation and needs of developing countries,

Recognizing the importance of promoting international cooperation,

Recommends as follows:
