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Agenda item 86

The law of transboundary aquifers

Report of the Sixth Committee

Rapporteur: Ms. Sarah Zahirah **Ruhama** (Malaysia)

I. Introduction

1. The item entitled “The law of transboundary aquifers” was included in the provisional agenda of the seventy-seventh session of the General Assembly pursuant to Assembly resolution [74/193](#) of 18 December 2019.
2. At its 3rd plenary meeting, on 16 September 2022, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 18th, 19th, 34th and 35th meetings, on 19 and 20 October and 7 and 10 November 2022. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.¹

II. Consideration of draft resolution [A/C.6/77/L.12](#)

4. At the 34th meeting, on 7 November, the representative of Israel, on behalf of the Bureau, introduced a draft resolution entitled “The law of transboundary aquifers” ([A/C.6/77/L.12](#)).
5. At the 35th meeting, on 10 November, the Committee adopted draft resolution [A/C.6/77/L.12](#) without a vote (see para. 7).
6. The representative of Brazil made a statement in explanation of position after the adoption of the draft resolution.

¹ [A/C.6/77/SR.18](#), [A/C.6/77/SR.19](#), [A/C.6/77/SR.34](#) and [A/C.6/77/SR.35](#).



III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The law of transboundary aquifers

The General Assembly,

Recalling its resolutions [63/124](#) of 11 December 2008, [66/104](#) of 9 December 2011, [68/118](#) of 16 December 2013, [71/150](#) of 13 December 2016 and [74/193](#) of 18 December 2019,

Noting the major importance of the subject of the law of transboundary aquifers in the relations of States and the need for reasonable and proper management of transboundary aquifers, a vitally important natural resource, through international cooperation for present and future generations,

Noting also that the provisions of the draft articles on the law of transboundary aquifers have been taken into account in relevant instruments such as the Guarani Aquifer Agreement signed by Argentina, Brazil, Paraguay and Uruguay on 2 August 2010, and the Model Provisions on Transboundary Groundwaters adopted by the sixth Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes on 29 November 2012,

Recognizing that the 2030 Agenda for Sustainable Development¹ includes a goal on ensuring availability and sustainable management of water and sanitation for all,

Taking note of the High-level Panel on Water outcome document,²

Commending the efforts made by the Intergovernmental Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization in order for the Member States to draw more attention to and to deepen understanding of the draft articles on the law of transboundary aquifers,³ in particular through organizing a series of training courses on the application of the draft articles as well as compiling an inventory of and evaluating the world's transboundary aquifer systems,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting the comments of Governments and the discussions held in the Sixth Committee at the sixty-third, sixty-sixth, sixty-eighth, seventy-first, seventy-fourth and seventy-seventh sessions of the General Assembly on this topic,⁴

1. *Commends* to the attention of Governments the draft articles on the law of transboundary aquifers annexed to its resolution [68/118](#) as guidance for bilateral or regional agreements and arrangements for the proper management of transboundary aquifers;

¹ Resolution [70/1](#).

² High-level Panel on Water, "Making every drop count: an agenda for water action" (14 March 2018).

³ Resolution [68/118](#), annex.

⁴ See [A/C.6/63/SR.16](#), [A/C.6/63/SR.17](#), [A/C.6/63/SR.18](#), [A/C.6/63/SR.19](#) and [A/C.6/63/SR.26](#); [A/C.6/66/SR.16](#) and [A/C.6/66/SR.29](#); [A/C.6/68/SR.16](#) and [A/C.6/68/SR.29](#); [A/C.6/71/SR.18](#), [A/C.6/71/SR.19](#) and [A/C.6/71/SR.33](#); [A/C.6/74/SR.21](#); and [A/C.6/77/SR.18](#), [A/C.6/77/SR.19](#), [A/C.6/77/SR.34](#) and [A/C.6/77/SR.35](#). See also [A/66/116](#), [A/66/116/Add.1](#) and [A/68/172](#).

2. *Encourages* the Intergovernmental Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization to continue its contribution by providing further scientific and technical assistance upon the consent of the recipient State and within its mandate;

3. *Decides* to include in the provisional agenda of its eighty-first session the item entitled “The law of transboundary aquifers”.
