

## The draft articles on the law of transboundary aquifers

At its 60th session (May-July 2008) the UN International Law Commission (ILC) adopted at second reading a full set of draft articles on the law of transboundary aquifers, including a preamble and the commentaries. The ILC completed a task it had started five years ago under the topic of “Shared Natural Resources”.

The draft articles are intended to offer States a framework for their agreements on transboundary aquifers. They are divided into four parts: Introduction, General principles, Protection, preservation and management, Miscellaneous provisions. The text is available at <http://untreaty.un.org/ilc/reports/2008/2008report.htm> (Chapter Shared Natural Resources, in all UN languages). Since 2003 UNESCO-IHP provided scientific and technical assistance to the UN ILC on hydrogeology and transboundary aquifers. It has mobilized and coordinated action with other United Nations agencies, such as FAO, the ECE, and United Nations Environment Programme/Global Environmental Fund (UNEP/GEF), International Groundwater Resources Assessment Centre (IGRAC), IAH, the Organization of American States (OAS), the French-Swiss Geneva Aquifer Authority and Guarani Aquifer System Project. The ILC transmitted the draft articles to the UN General Assembly (GA) with the following recommendation :

1. a. To adopt a resolution taking note of the draft articles on the law of transboundary aquifers and to annex these articles to the resolution;
- b. To recommend to States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers on the basis of the principles enunciated in these articles;
2. To consider, at a later stage, the elaboration of a convention on the basis of the draft articles.

At its last session (6 October to 14 November 2008), the 6<sup>th</sup> Committee (Legal) of the General Assembly more than forty States commented the achievement of the ILC on the law of transboundary aquifers, expressed their satisfaction and their support of the two steps approach recommended by the ILC.

**A draft resolution following the recommendation of the ILC ad including the draft articles as an annex was submitted to the GA, and was adopted on 11 December 2008. It is Resolution A/RES/63/124.**

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