



**Permanent Mission of**  
**Malaysia**  
**to the United Nations**

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**STATEMENT BY MS. BAIZURA KAMAL, REPRESENTATIVE OF MALAYSIA AT THE SIXTH COMMITTEE OF THE SIXTY-THIRD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON THE AGENDA ITEM 75: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS SIXTIETH SESSION ON SHARED NATURAL RESOURCES, NEW YORK, 27 OCTOBER 2008.**

Mr. Chairman,

1. Malaysia applauds the work of the International Law Commission on Shared Natural Resources and appreciates the report presented by the Special Rapporteur, Mr. Chusei Yamada on transboundary aquifers.

2. Malaysia takes note that on 4 June 2008 the Commission had adopted on its second reading, the draft articles on the law of transboundary aquifers, consisting of one preamble and 19 articles.

3. Regarding draft Article 20 on the relationship of the draft articles to other conventions and international agreements which has been omitted by the Commission, Malaysia agrees with the omission as the article would be seen to be linked to the issue concerning the final form of the draft articles. In light of the differing views expressed by States on this matter, the issue of the final form of the draft articles should be left to States to be later negotiated upon, as it involves policy considerations.

4. Concerning the elaboration of a convention on the basis of the draft articles, the Special Rapporteur in his Fifth Report believes that the ultimate objective of the Commission should be to aim at a legally binding convention. However, it would not be reasonable that such an objective could be accomplished in a short period without a consensus from States. Malaysia acknowledges the importance of this topic taking into account the global water crisis, however Malaysia is of the view that at present the draft articles would be useful as guidelines for States to enter into appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, as recommended by the Commission, subject to the capacity and resources of States to carry it out.

5. Malaysia appreciates that this is a difficult and complex topic and the task of accommodating the needs of all countries is a daunting one. In view of this,

Malaysia would like to once again thank the Commission, and in particular the Special Rapporteur, for their work on this topic.

Thank you, Mr. Chairman.