

"2. States situated between the sea and a land-locked State shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the land-locked State, all matters relating to equal treatment in ports and freedom of transit".

#### (IV) Proposal by Bolivia

"Ships of a land-locked State shall have a special right of passage through the territorial sea and internal waters of the coastal State contiguous to its territory, for the purpose of entering or leaving ports of the latter State".

After exhaustive discussion of all these different proposals the Fifth Committee on 11th April, 1968, finally established a Working Group consisting of the representatives of Bolivia, Czechoslovakia, Nepal and Switzerland (land-locked States), Chile, the Federal Republic of Germany, Italy and Thailand (the States of transit), and Ceylon, Mexico, Tunisia, and the United Kingdom (States not included in the two preceding categories) with the following term of reference :

The Working Group held two meetings, on 11th and 12th April, 1958, with the late Mr. Perera (Ceylon) in the Chair.

The Working Group was unable to resolve many of the conflicts which raged in the Committee. At least one major achievement was that the Group focussed the attention of the Committee on the nature of the instruments in which the subject matter would be finally embodied.

The agreement that the subject-matter covered by the Swiss proposal be treated as suitable for inclusion in a convention was accepted by the Working Group.

It was on the basis of the work of the Working Group that the Fifth Committee finally succeeded in adopting unanimously to the conference the following proposal :

I. Draft Articles to be adopted by the Conference on the basis of the International Law Commission text. Articles 15, 17 and 28, to read as follows (the proposed additions are underlined).

#### Article 15, Paragraph 1

"Subject to the provisions of the present rules, ships of all States, *whether coastal or [not]*, shall enjoy the right of innocent passage through territorial sea".

#### Article 27

"The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas comprises, *inter alia both for coastal and non-coastal States* :

- (1) Freedom of navigation ;
- (2) Freedom of fishing ;
- (3) Freedom to lay submarine cables and pipelines ;
- (4) Freedom to fly over the high seas.

These freedoms, and others which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

#### Article 28

"Every State, whether coastal or not, has the right to sail ships under its flag on the high seas".

II. Insert the following new Article at an appropriate place in one of the conventions to be adopted by the Conference :

*"Access to the Sea for States having no sea coast*

## Article

"1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea coast shall, by common agreement with the latter, and in conformity with existing international conventions accord :

(a) To the State having no sea coast, on a basis of reciprocity, free transit through their territory ; and

(b) To ships flying the flag of that State, treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to sea ports and the use of such ports.

"2. States situated between the sea and the State having no sea coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions".

This proposal was adopted unanimously by the conference and was included as established rules of international law as Articles 2, 3 and 4 of the High Seas Convention. This was indeed a great legal milestone in favour of land-locked States.

## CHAPTER IV

**CONSIDERATION OF LAND-LOCKED PROBLEMS,  
UNDER ITEM 10 (e) OF THE AGENDA OF THE FIRST  
UNITED NATIONS CONFERENCE ON TRADE AND  
DEVELOPMENT (UNCTAD) 1964**

It was in the First UNCTAD Conference in 1964 that the problem of land-locked countries, both from the point of

view of theory and practice was tackled positively under Item 10 (e) of the agenda.

The Fifth Committee of that Conference established a Sub-Committee with the following terms of reference :

"To consider the proposal for the formulation of an adequate and effective International Convention, or other means to ensure the freedom of transit trade of land-locked countries and to formulate recommendations on this matter for consideration by the Committee".

The Fifth Committee also elected the following forty members to take part in the work of the said Committee : Afghanistan, Argentina, Bolivia, Burma, Burundi, Byelorussian S.S.R., Cameroon, Ceylon, Chad, Czechoslovakia, Dahomey, Federal Republic of Germany, France, Hungary, India, Indonesia, Iran, Israel, Italy, Laos, Mali, Mongolia, Nepal, Niger, Nigeria, Pakistan, Paraguay, Peru, Poland, Portugal, Republic of Viet-Nam, Romania, Spain, Switzerland, Thailand, Turkey, Union of Soviet Socialist Republics, United Kingdom, Upper Volta and Yugoslavia.

At the first meeting, held on 5th April, 1964, the Sub-Committee elected by acclamation Dr. Abdul Hakim Tabibi (Afghanistan), who was at the same time Rapporteur of the Fifth Committee as Chairman and Mr. Yaya Diakite (Mali) as Rapporteur and Mr. Guido Brunner (Federal Republic of Germany) as Vice-Chairman.

The Sub-Committee had before it two documents issued in connection with Item 10 of the agenda of the Conference : a document entitled "Activities of Economic Commission for Asia and Far East related to the United Nations Conference on Trade and Development", which dealt in part with the question of transit trade of land-locked countries ; and a document entitled "Problems of Land-Locked Countries" containing a letter addressed to the Secretary-General of the Conference by Afghanistan, Laos and Nepal, and five annexes

with information required for the consideration of the question of transit rights of land-locked countries.

The following documents were issued at the request of the Sub-Committee :

List of land-locked countries which were members of the Conference ;

Memorandum submitted by the preliminary conference of land-locked countries in 1958 ;

List of transit countries submitted by land-locked countries in accordance with a decision taken by the Sub-Committee at its second meeting on 8th April, 1964 ;

Signatures, Ratifications and Accessions to the 1921 Barcelona Convention and Statute on Freedom of Transit.

The Sub-Committee had before it the following proposals :

A draft convention on transit trade, submitted by the representatives of Afghanistan, Laos and Nepal and later co-sponsored by Burundi, the Central African Republic, Chad, Mali, Niger, Rwanda, Uganda and Upper Volta ;

A joint draft resolution submitted by Bolivia and Paraguay with which Hungary associated itself ;

A draft recommendation submitted by the delegation of Italy, to which amendments were submitted jointly by Chile, the Federal Republic of Germany, Pakistan, Switzerland, Thailand and the United Kingdom ;

A declaration submitted by the land-locked countries of Africa (Burundi, Central African Republic, Chad, Mali, Niger, Rwanda, Uganda and Upper Volta) ;

A draft resolution submitted by Czechoslovakia ; and

A proposal submitted by the delegation of Switzerland.

**Principles relating to transit trade of land-locked countries :**

The Sub-Committee considered the principles submitted

by the first Working Group, the amendments submitted to them by the Union of Soviet Socialist Republics, by the United Kingdom, and other amendments submitted orally by some delegations. It adopted these principles unanimously with some modifications, together with a preamble and an Interpretative Note. The text, as adopted by the Sub-Committee and set forth in its interim report to the Fifth Committee reads as follows :

The United Nations Conference on Trade and Development :

Having regard to the various aspects of the problem of transit trade of land-locked States,

Considering that, for the promotion of the economic development of the land-locked States, it is essential to provide facilities to enable them to overcome the effects of their land-locked position on their trade,

Adopts the following principles together with the Interpretative Note :

#### **Principle I**

The recognition of the right of each land-locked State of free access to the sea is an essential principle for the expansion of international trade and economic development.

#### **Principle II**

In territorial and on internal waters, vessels flying the flag of land-locked countries should have identical rights, and enjoy treatment identical to that enjoyed by vessels flying the flag of coastal States other than the territorial State.

#### **Principle III**

In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea coast should have free access to the sea. To this end, States

situated between the sea and a State having no sea coast shall, by common agreement with the latter, and in conformity with existing international conventions, accord to ships flying the flag of that State treatment equal to that accorded to their own ships or to the ships of any other State as regards access to sea ports and the use of such ports.

#### Principle IV

In order to promote fully the economic development of the land-locked countries, the said countries should be afforded by all States, on the basis of reciprocity, free and unrestricted transit in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Goods in transit should not be subject to any customs duty.

Means of transport in transit should not be subject to special taxes or charges higher than those levied for the use of means of transport of the transit country.

#### Principle V

The State of transit, while maintaining full sovereignty over its territory, shall have the right to take all indispensable measures to ensure that the exercise of the right of free and unrestricted transit shall in no way infringe its legitimate interests of any kind.

#### Principle VI

In order to accelerate the evolution of a universal approach to the solution of the special and particular problems of trade and development of land-locked countries in the different geographical areas, the conclusion of regional and other international agreements in this regard should be encouraged by all States.

#### Principle VII

The facilities and special rights accorded to land-

locked countries in view of their special geographical position are excluded from the operation of the most-favoured-nation clause.

#### Principle VIII

The principles which govern the right of free access to the sea of a land-locked State shall in no way abrogate existing agreements between two or more contracting parties concerning the problems, nor shall they raise an obstacle as regards the conclusion of such agreements in the future, provided that the latter do not establish a regime which is less favourable than, or opposed to, the abovementioned provisions.

#### Interpretative Note

These Principles are interrelated and each Principle should be construed in the context of the other Principles.

At its 17th and 18th meetings on 13th May, the Subcommittee, after consideration of the draft submitted by its second Working Group and an amendment thereto submitted by Afghanistan, adopted the following recommendation :

*The United Nations Conference on Trade and Development having regard to the various aspects of the problems of transit trade of land-locked States ;*

*Noting Resolution 1028 (XI) on the subject adopted by the United Nations General Assembly which recognized "...the need of land-locked countries for adequate transit facilities in promoting international trade . . ." and invited the Governments of Member States " . . . to give full recognition to the needs of land-locked Member States in the matter of transit and trade and, therefore, to accord them adequate facilities in terms of international law and practice in this regard, bearing in mind the future requirements resulting from the economic development of the land-locked countries" ;*

*Noting* Resolution of the Economic Commission for Asia and the Far East (ECAFE) Ministerial Conference of 1963 on Asian economic co-operation, "recognising the right of free transit for land-locked countries and the special considerations which apply to their transport and transit problems and the importance of the relationship of these problems to questions of regional co-operation and the expansion of inter-regional trade";

*Noting further* the ECAFE Resolution 51 (XX) on the transit trade of land-locked countries, which strongly recommended that the subject be given urgent and sympathetic consideration at the forthcoming United Nations Conference on Trade and Development with a view to formulating an adequate and effective international convention to ensure the freedom of transit trade of land-locked countries;

*Considering that*, for the promotion of the economic development of the land-locked States, it is essential to provide facilities to enable them to overcome the effects of the land-locked position on their trade;

*Taking into consideration* that the existing multi-lateral conventions relating to the transit trade of the land-locked countries needs to be brought up to date and it is therefore essential to formulate an adequate, effective international convention to ensure the freedom of transit trade of land-locked countries:

(1) *Requests* the Secretary-General of the United Nations to appoint a committee of twenty-four members representing land-locked, transit and other interested States as governmental experts and on the basis of equitable geographical distribution;

(2) *Requests* this committee to prepare a new draft convention treating the proposal made by Afro-Asian

land-locked countries as a basic text and taking into account the principles of international law, conventions and agreements in force and submissions by Governments in this regard, as well as the records of the Sub-Committee on land-locked countries established by this Conference, and to submit the new draft convention to a conference of plenipotentiaries for consideration and adoption;

(3) *Requests* the Secretary-General to prepare, in consultation with the specialized agencies or any other competent body of the United Nations, full preparatory documentation for circulation to the members of the said committee in sufficient time prior to the convening of the committee;

(4) *Recommends* that the said committee be convened during 1964 and the conference of plenipotentiaries be convened by the United Nations in the middle of 1965.

Among other observations made during the debates of the Sub-Committee, the following should be mentioned:

The Sub-Committee noted the propositions made by the delegations of Bolivia and Paraguay, mentioned in document E/CONF. 46/SC. 1/L.5, for the creation of a commission to study the special problems of each land-locked country, and thought that it merited further study.

The representatives of some countries considered that, should the Conference create an international trade organization or other standing body, elaboration of the convention should be entrusted to the Secretary-General of that organisation or body.

There was a general feeling that of the twenty-four members of the proposed committee, ten members should be from land-locked countries, ten from transit countries and four from other interested States.

The land-locked countries of Africa expressed their desire that the principles stated by the land-locked countries at Geneva on 14th February, 1958 should be reaffirmed at the Conference, and proclaimed their solemn adherence to those principles.

The land-locked countries of Africa and Asia expressed their dissatisfaction because the Sub-Committee had not had time to discuss the draft convention submitted by them as a working document in accordance with the Sub-Committee's terms of reference. Their views were expressed in a note which was brought to the attention of the Fifth Committee.

The report of the Sub-Committee was submitted to the Fifth Committee at its 31st and 32nd meetings on 19th and 22nd May, 1964 and the Committee took note of it and decided to incorporate it in a committee's report, for submission to the Conference and it also proposed that the Conference adopt the Declaration of Principles of International Economic Co-operation with its Interpretative Note and recommended that participating governments take these Principles into account in their trade relations.

The Committee also adopted the recommendation of the Sub-Committee on the preparation of a convention at a Conference of Plenipotentiaries in the middle of 1965. All these recommendations which were in the body of the report of the Fifth Committee of UNCTAD-I were adopted by the Conference on 15th June, 1964 and became a part of the Final Act of the First UNCTAD.

#### **The Preparation and Adoption of the Convention on Transit Trade of Land-Locked Countries**

##### **A. Preparation for the Convention**

The Committee on the Preparation of a Draft Convention relating to Transit Trade of Land-locked Countries was established by the Secretary-General in pursuance of the recommendation contained in Annex A.VI

1 of the Final Act of the United Nations Conference on Trade and Development (UNCTAD), in the following terms:

"RECOMMENDS that the United Nations;

"1. Request the Secretary-General of the United Nations to appoint a committee of twenty-four members representing land-locked, transit, and other interested States as governmental experts and on the basis of equitable geographical distribution and to convene the said committee during 1964;

"2. Request the said committee to prepare a new draft convention treating the proposal made by African-Asian land-locked countries as a basic text and taking into account the principles of international law, conventions and agreements in force and submissions by Governments in this regard, as well as the records of the Sub-Committee on Land-locked Countries established by the Conference, and to submit the new draft convention to the Secretary-General for presentation to the Conference of Plenipotentiaries to be convened in accordance with paragraph 4 below;

"3. Request the Secretary-General to prepare, in consultation with the specialized agencies or any other competent body of the United Nations, full preparatory documentation for circulation to the members of the said committee in sufficient time prior to the convening of that committee; and

"4. Decide to convene a Conference of Plenipotentiaries in the middle of 1965, for consideration of the draft and adoption of the convention".

In accordance with paragraph 1 of the above resolution, the Secretary-General designated the following States as members of the Committee: Afghanistan, Argentina, Austria, Bolivia, Chile, Czechoslovakia, India, Ivory Coast, Japan, Liberia, Mali, Nepal, Netherlands, Niger, Nigeria, Pakistan, Paraguay, Senegal, Switzerland, Union of Soviet

Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta and Yugoslavia.

The Committee met at the United Nations Headquarters, New York, from 26th October to 20th November, 1964 and held thirty public meetings.

In their statements, representatives recalled efforts which have been made on the international level for the improvement of the position of the land-locked countries in respect of access to the sea from the Barcelona Convention to the Geneva Convention on the High Seas, culminating in the adoption of the general principles by UNCTAD and the various bilateral arrangements which have been concluded between specific land-locked countries and neighbouring transit States. The task before the Committee was, in accordance with the resolution adopted at UNCTAD, to elaborate a general convention to ensure the international acceptance of the basic arrangements which have been evolved over the past four decades to assist the land-locked countries.

As to the content of the Convention to be drafted there was general agreement that it should harmonize the general principles adopted unanimously at UNCTAD with the draft submitted by the African-Asian land-locked countries. It was agreed that the provisions of the draft Convention should generally be in accord with the principles adopted at Geneva by UNCTAD and with existing general conventions; in particular there was general agreement that, while emphasizing the need for freedom of transit of land-locked countries, the sovereign rights of the transit States should be taken into account. It also generally concerned the transit trade of land-locked countries, the development of which was clearly recognized as essential for accelerating their economic development through international trade.

In accordance with paragraph 2 of the recommendations of UNCTAD the representatives decided that the draft Con-

vention of the African-Asian land-locked countries should serve as the basic text for the discussions of the Committee and in the light of comments already made by representatives on specific articles, amendments and other improvements thereto could also be considered.

As indicated above, the Committee took as a basis of discussion the draft Convention submitted by the African-Asian land-locked countries.

At its 26th meeting on 18th November, the Committee agreed that, where requested, observations or reservations of members indicating their positions in respect of the various articles of the draft Convention referred by the Committee to the Plenipotentiary Conference would be recorded in the final report. It had also been pointed out by the Chairman that the States represented at the future Conference of Plenipotentiaries would not necessarily be bound by the statements made by their representatives in the Committee.

#### **B. Convening of the United Nations Conference for the Adoption of the Convention**

The General Assembly of the United Nations at its 1328th plenary meeting on 10th February, 1965 decided to convene an International Conference of Plenipotentiaries to consider the question of transit trade of land-locked countries and to embody the results of its work in an international convention and such other instruments as it might deem appropriate. This decision was taken in pursuance of a resolution adopted by the First United Nations Conference on Trade and Development at Geneva in June 1964 as we have explained in detail in the previous section.

The United Nations Conference on Transit Trade of Land-locked Countries met at the Headquarters of the United Nations in New York from 7th June, 1965 to 8th July, 1965.

The Governments of the following sixty States were represented at the Conference: Afghanistan, Argentina,

Austria, Belgium, Bolivia, Brazil, Burundi, Byelorussian, Soviet Socialist Republic, Cameroon, Central African Republic, Chile, Congo (Brazzaville), Czechoslovakia, Federal Republic of Germany, France, Greece, Holy See, Hungary, India, Ivory Coast, Japan, Kenya, Laos, Liberia, Luxemburg, Malawi, Mali, Mongolia, Nepal, The Netherlands, Niger, Nigeria, Pakistan, Paraguay, Poland, Portugal, Republic of Korea, Republic of Viet-Nam, Romania, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Yugoslavia and Zambia.

The Governments of Australia, Congo (Democratic Republic of), Cuba, Denmark, Ghana, Iran, Iraq, Israel, Mauritania, Peru and Venezuela designated observers to the Conference.

The Inter-governmental Maritime Consultative Organization participated in the Conference as an observer in accordance with Rule 57 of the Rules of Procedure of the Conference.

The following non-governmental organizations participated in the Conference as observers in accordance with Rule 58 of the Rules of Procedure of the Conference: International Chamber of Commerce and International Confederation of Free Trade Unions.

The Conference elected Mr. Paul Reugger (Switzerland) as President. Mr. A.A.O. Ezenwa (Nigeria) served as Acting President from 6th to 8th July.

The Conference elected the following representatives as Vice-Presidents: Dr. Abdul Hakim Tabibi (Afghanistan); Mr. D. Lucio Garcia del Solar (Argentina); Mr. Fernando Ortiz Sanz (Bolivia); Mr. J. B. Beleoken (Cameroon); Mr. Josef Smejkal (India); Mr. Yaya Diakite (Mali); Mr. A.A.O. Ezenwa (Nigeria); Mr. Jaime de Pinies (Spain);

Mr. G. S. Gurguchev (Union of Soviet Socialist Republics); and Mr. A. B. C. Danieli (United Republic of Tanzania).

The Conference had before it as the basis for its work the report of the Committee on the Preparation of a Draft Convention relating to Transit Trade of Land-locked Countries (A-5906). The draft Convention transmitted by the Committee, the Afro-Asian draft Convention, as well as all the amendments, were annexed to the report.

On the basis of its deliberations, as recorded in the summary records of the plenary meetings, the Conference prepared the Convention entitled "Convention on Transit Trade of Land-locked States".

This Convention, which was adopted by the Conference on 8th July, 1965, was opened for signature on that day, until 31st December, 1965, at the United Nations Headquarters in New York. The Convention provides for ratification and accession, in accordance with its terms.

In addition, the Conference adopted two resolutions which are annexed to the Final Act of the New York 1965 Conference.

This Convention, which consists of a detailed preamble stating the legal right of the land-locked States and 23 Articles came into force on 9th June, 1967, and was a final legal and practical step for the solution of the problems which the land-locked countries were facing.

As a matter of fact, the most positive action which the UNCTAD-I took towards the development of international trade was the decision on the right of transit trade of land-locked countries. The preamble of the Convention lays the legal foundation of the right of transit for land-locked States, and the main body of the Convention which consists of 23 Articles explains the practical rules of transit for mutual benefit of land-locked as well as transit countries. But



legally speaking this Convention establishes principles of most-favoured treatment in favour of the land-locked countries of the world.

**Consideration of Land-Locked Problems under Item 9 (g) of the Agenda of the United Nations Conference on Trade and Development**

The following are the relevant extracts from U. N. Document No. A/AC. 138/37 :

187. The second session of the United Nations Conference on Trade and Development, held in 1968, included on its agenda as item 9 (g) the question of the "special problems of the land-locked countries". Resolution II (II), which was adopted unanimously by the Conference, urged in part A that States which had not already done so to become parties to the Convention on Transit Trade of Land-locked States. The operative provisions of part B of the resolution, among other matters, recommended that, in view of the special problems of land-locked developing countries, the land-locked situation should be considered as a factor in determining the criteria for the identification of the least developed among the developing countries (operative paragraph 1); that appropriate attention be accorded to the special needs of land-locked developing countries with respect to projects for the development of the transport and communications infrastructure (including joint projects with transit countries) (operative paragraph 4); and called on transit countries to extend their co-operation to the formulation and execution of such projects (operative paragraph 4). The Conference also recommended that land-locked developing countries and transit countries should enter into consultations, whether bilaterally or on a regional or sub-regional basis, with a view to examining the special difficulties of land-locked countries, in particular as regards facilities for transit trade (operative paragraph 5). Developed countries and the international organizations concerned were asked to

consider the granting of loans on favourable terms to assist the development of the transport and communications facilities referred to (inoperative paragraph 6). It was also suggested that Liners Conference and insurance companies should be asked to bear in mind the special problems of land-locked countries in forming their tariff policies (operative paragraph 7). The economic commissions concerned with the developing regions were asked to pay special attention to the problems of land-locked countries in the field of trade expansion and economic development, particular reference being made in this connexion to regional and sub-regional groupings and to the need for greater participation by land-locked developing countries in regional and international trade (operative paragraph 9).

188. Part B of the resolution also requested the Secretary-General of UNCTAD

"... to establish a group of experts to carry out a comprehensive examination of, and to report upon, the special problems involved in the promotion of the trade and economic development of the land-locked countries, a special study to be made in this examination of the transport problems, outlining possible ways by which the adverse effects of higher transportation costs on the trade position, production costs and execution of economic development programmes of the land-locked developing countries might be minimized".

**2. Eighth session of the Trade and Development Board, 1969**

189. During its eighth session the UNCTAD Trade and Development Board adopted, on 17 May 1969, a statement on the contribution of UNCTAD to the Second United Nations Development Decade. The statement made provision for the elaboration of special measures in favour of land-locked developing countries, within the context of UNCTAD's contribution to the international strategy for

development. Section C of the appendix to the statement provided, *inter alia*, that, in the light of the general recommendations made in Conference resolution 11 (II), specific measures in favour of these countries would be elaborated by the Board after its consideration of the report of the Group of Experts. It was also stated that, when any agreement was discussed and elaborated in the field of trade and development, it was desirable that any special problems of the land-locked developing countries receive due attention.

**3. General Assembly resolution 2569 (XXIV) of 13 December 1969 on special measures in favour of the land-locked developing countries**

190. Following its consideration of the report of the eighth session of the Trade and Development Board, the General Assembly adopted resolution 2569 (XXIV) of 13 December, 1969, on "special measures in favour of the land-locked developing countries". The General Assembly welcomed the agreement reached in the Board whereby specific measures in favour of these countries would be elaborated in the context of UNCTAD's contribution in the international development strategy; requested the Board to consider, on the basis, *inter alia*, of the report to be submitted by the Group of Experts, the adoption of practical measures for the implementation of resolution 11 (II) of the second session of the Conference; and further urged all States which had not done so to become parties to the Convention on the Transit Trade of Land-locked States.

**4. Report of the Group of Experts on special problems of the land-locked countries**

191. The Group of Experts which was convened by the Secretary-General of UNCTAD pursuant to resolution 11 (II) met in Geneva from 11 May to 4 June 1970. Their report contained three chapters. The first, entitled "The nature and significance of the problems confronting land-

locked countries" described in turn the geographical characteristics and the economic environment of the land-locked developing countries, problems in the fields of transport, trade and payments, and development; legal, administrative and political issues; and the over-all significance of the land-locked position. Chapter II, "Policy areas and measures in relation to the problems of the land-locked developing countries", dealt, *inter alia*, with modes of transport; trade relationships; the structure of production; services, industries and marketing; the regional approach; and the question of foreign finance and aid. The concluding chapter listed a series of "specific policy measures for land-locked developing countries". The recommendations were divided into three broad groups; administrative and other measures not requiring investment; measures requiring investment in the transport and communications infrastructure; and measures directed towards adapting the economic structure of the land-locked developing countries to their land-locked position. In putting forward its recommendations, the Group also indicated the reasons which had guided its choice and the factors to be considered in the application of the proposals. Whilst it is difficult therefore to give a full account of the recommendations, the following points may be noted. As regards administrative and other measures, the Group recommended that agreements should be concluded between land-locked developing countries and their transit neighbours with respect to the appointment of representatives in transit ports, the establishment of procedures for inter-governmental consultation, and the simplification of customs and other formalities. As regards transport facilities, agreements should be sought between neighbouring countries which would facilitate the free circulation of road vehicles on a reciprocal basis, the free movement of rolling stock, and secure the freedom of navigation on inland waters. With respect to the transport infrastructure, it was pointed out that all the measures proposed would require investment,

often on a heavy scale. Financial and technical assistance would be needed by both land-locked developing countries and their transit neighbours. The suggestions put forward accordingly envisaged that steps be taken for the evaluation, installation and maintenance of transport facilities in transit as well as in land-locked States. Amongst the specific recommendations made was a proposal that consideration should be given to the establishment of alternative transport routes to the sea from land-locked countries where this was economically feasible, specific attention being given in this connexion to the establishment of trunk routes which all countries within a region could use. It was also proposed that

“... technical and financial assistance should be given for the investigation, and the establishment where economically feasible, of new forms of transport, with particular reference to pipelines for oil, natural gas and other suitable products.”

192. The recommendations made with regard to the economic structure referred to the need for feasibility studies and investment to adapt the economies of the States concerned to their land-locked situation: the steps to be taken included the development of import substitute industries, the processing of raw materials for export, and thorough exploration to determine the resource endowment of minerals of land-locked countries.

193. Having regard to the comprehensive nature of the study made by the Group of Experts, it may be of interest to note the accent placed in the conclusion of the report on the need for regional measures. The two final paragraphs of the report of the Group of Experts are as follows:

“129. In all of the policy measures suggested particular emphasis must be placed on regional co-operation and integration, and this is most important in the measures relating to economic structure. Most of the

eighteen land-locked developing countries are too small and too little developed to be able to achieve significant results acting independently. We wish to emphasize that the development strategy of a land-locked developing country will frequently call for combined efforts by these countries themselves, their transit neighbours and the international community. In this context there are in all regions multinational projects for the improvement of the regional infrastructure and the common exploitation of natural resources from which both a land-locked country and its neighbours could greatly benefit.

130. Where particular groups of land-locked developing and transit countries decide that the best strategy lies in joint enterprises in transport and other fields, in preferential trade and tariff agreements, or in closer arrangements for economic co-operation and integration, it is imperative that there should exist some regular machinery for approaching the problems of the land-locked developing countries on a regional or subregional basis. In this respect the three regional economic commissions of the United Nations, regional and subregional economic organizations and regional development banks have an important role to play in providing a forum for discussion and a platform for action.”

194. Lastly, the report contains, in its series of annexes, an annex III which gives data on the transport methods and access to the sea of the land-locked developing countries. Annex IV, describing the arrangements made in the field of transport related to land-locked developing countries, has already been referred to.

##### 5. Tenth session of the Trade and Development Board, 1970

195. During the first part of its tenth session (26 August—