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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION

Letter dated 10 July 1973 from the Permanent Representative of
Bolivia addressed to the Chairman of the Committee on
the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond
the Limits of National Jurisdiction

I have the honour to transmit to you herewith, in your capacity as Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, a document containing some draft articles concerning land-locked countries which my delegation is formally presenting, with the request that it should be circulated in the Committee as an official Bolivian communication.

Accept, etc.

(Signed): ALFREDO OIMEDO VIRREIRA
 AMBASSADOR
 PERMANENT REPRESENTATIVE OF BOLIVIA

GE.73-48270

B O L I V I A

DRAFT ARTICLES RELATING TO LAND-LOCKED COUNTRIES

ARTICLE

The right of land-locked States to free access to the sea (whatever the origin and nature of their land-locked conditions) is one of the basic principles of the law of the sea and forms an integral part of the principles of international law.

ARTICLE

States situated between the sea and one or more land-locked States retain full sovereignty over their territory and have the right to adopt such measures as may be necessary to ensure that the right of land-locked States to free access to the sea in no way prejudices their legitimate interests.

ARTICLE

For the purpose of enjoying the freedom of the sea and participating in the exploitation of the resources of the sea-bed and the ocean floor, and the sub-soil thereof, beyond the limits of national jurisdiction on an equal footing with coastal States, land-locked States shall exercise the right of free access to the sea in the manner and subject to the conditions established in this Convention.

ARTICLE

(1) The existence and the nature of the right of land-locked States to free access to the sea derive from the application of the principles of the freedom of the sea and the designation of the sea-bed and the ocean floor, and the sub-soil thereof, beyond the limits of national jurisdiction, as well as the resources of that area, as the common heritage of mankind.

(2) Its validity and application do not depend exclusively on the unilateral will (or national laws) of States situated between the sea and one or more land-locked States, but concern the community of nations as a whole.

(3) Depending on the nature of each case, its exercise shall be governed by agreement between the land-locked States and the States situated between them and the sea.

ARTICLE

Conventions or other international agreements governing the exercise of this right shall not contain any clauses or provisions which limit the rights recognized by this Convention as an integral part of the right of land-locked States to free access to the sea.

ARTICLE

The lack or inadequacy of conventions or other international agreements to cover particular cases of the right of land-locked States to free access to the sea shall neither nullify that right as recognized in this Convention nor restrict the exercise thereof in the manner set out herein. (articles etc.).

ARTICLE

States situated between the sea and one or more land-locked countries shall, without discriminating between the latter and in accordance with the principles (articles) of this Convention, guarantee to the land-locked State or States:

- (a) Free and unrestricted transit through their territory (for all classes of movable goods, livestock, objects, merchandise and persons);
- (b) for vessels flying the flag of the land-locked State, the same treatment as that given to their own vessels or vessels of any other State in respect of entry into and departure from seaports;
- (c) the use of such ports, installations and equipment as may be appropriate for the movement of traffic in transit, under the same conditions as for themselves;
- (d) alternatively, free zones in the aforesaid ports in which land-locked States may, at their own expense, erect or construct warehouses or stores, facilities for the separation of cargoes, goods-yards and railway sidings, oil or gas tanks and pipes for the loading of tank vessels, office and residential buildings, etc.;
- (e) the right to appoint, in the ports of transit or free zones, national customs officials who may, without prior notice and without control or supervision by the local authorities, authorize the docking of vessels whose cargo is destined for, or originates primarily in, the land-locked country, and organize and supervise the loading and unloading of such vessels, as well as such port or free zone services as may be necessary for that purpose, without restrictions other than those relating to security, public health and the police regulations of the coastal transit State;
- (f) the use of the means of transport and communication existing in their territory, under the same conditions as for themselves.

ARTICLE

When means of transport and communication in the States situated between the sea and one or more land-locked States are insufficient to give effect to the right of land-locked States to free access to the sea or when the aforesaid means of transport and communication or the port installations and equipment are inadequate or may be improved in any respect, the land-locked States may construct, modify or improve them at their own expense.

ARTICLE

If the port installations and equipment and the means of transport and communication existing in the country of transit are used in a proportion equal to or greater than fifty per cent of their capacity by the land-locked State or States, any tariffs, fees or other charges for services rendered shall be fixed by agreement among the States concerned.

ARTICLE

Goods and passengers in transit traffic to or from the land-locked State shall not be subject to the jurisdiction or competence of the judicial authorities of the coastal transit State.

ARTICLE

The reciprocity of free transit, when this concept is embodied in the right of land-locked States to free access to the sea, is not an essential principle but may be agreed among the parties.

ARTICLE

The rights and facilities established by this Convention as inherent in the right of land-locked States to free access to the sea by reason of special geographical situation, shall be excluded from application of the most-favoured-nation clause.

AMENDMENT

Amend the last line of Principles 7 and 8 of the Declaration of Principles (General Assembly resolution 2749 (XXV)) to read:

"... and taking into particular consideration the interests and needs of the developing countries, especially those which are land-locked".

ARTICLE

The land-locked (developing) countries shall have the same obligations and rights as contiguous (developing) coastal States with regard to participation in the live resources of the seas adjacent to the region, the natural resources of the continental shelf and those lying in the sea-bed or the sub-soil thereof within the limits of the jurisdictional sea (Exclusive Economic Zone).