“UNCLOS and Landlocked States”

Julio A. Baez
Senior Legal Officer
Division for Ocean Affairs and the Law of the Sea (DOALOS)
Office of Legal Affairs
1 June 2012
UNCLOS overview

- Landlocked States under UNCLOS regime
  - Preamble,
  - Territorial sea, EEZ, high sea, the Area
- Part X. Right of Access of Land-locked State to and from the Sea and Freedom of Transit
The Preamble of the Convention recognizes the necessity to take into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or landlocked.
Navigational Rights

Innocent passage in the territorial sea

- Article 17 (“right of innocent passage”)

Other navigational rights

- Right of transit passage used for international navigation
- Right of innocent passage through archipelagic waters
- Article 62(2)
- Article 69 ("right of land-locked States")
- Article 70 ("right of geographically disadvantaged States")
High Sea

- Article 87 ("freedom of the high seas")
- Article 90 ("right of navigation")
Part X, UNCLOS

- Article 125: Right of access to and from the sea and freedom of transit
- Article 126: Exclusion of application of the most-favoured-nation clause
- Article 127: Customs duties, taxes and other charges
- Article 128: Free zones and other customs faculties
- Article 129: Cooperation in the construction and improvement of means of transport
- Article 130: Measure to avoid or eliminate delays or other difficulties of a technical nature in traffics in transit
- Article 131: Equal treatment in maritime ports
- Article 132: Grant of greater transit facilities
UNCLOS defines a landlocked State as a State which has no sea-coast (article 124(1)(a))
Right of transit

- Rights of transit across the territory of neighbouring States so as to obtain access to the sea (article 125, “Right of access to and from the sea and freedom of transit”)

- Right of access is made contingent upon bilateral, sub-regional or regional agreements (article 125(2)).
Right of transit (cont’d)

• Transit States shall take necessary measure to protect their sovereignty if transit threatens to infringe their legitimate interest (article 125(3))

• Non-applicability of the most-favoured nation clause regarding the exercise of the right of access to and from the sea (article 126)
Traffic in transit

- Customs duties, taxes and other charges (Article 127)
- Free zones and other customs facilities (Article 128)
- Cooperation in the construction and improvement of means of transport (Article 129)
- Measures to avoid or eliminate delays or other difficulties of a technical nature in traffic in transit (Article 130)
Ships flying the flag of landlocked States shall enjoy treatment equal to that accorded to other foreign ships in maritime ports (article 131)
the Area

- Article 140 ("benefit of mankind")
- Article 141 ("use of the Area exclusively for peaceful purpose")
- Article 148 ("participation of developing States in activities in the Area")
Marine scientific research activities

- Article 253 ("rights of neighbouring land-locked and geographically disadvantaged States")
30th Anniversary
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA
30ème Anniversaire
CONVENTION DES NATIONS UNIES SUR LE DROIT DE LA MER
THANK YOU