

RIGHTS AND DUTIES FOR LANDLOCKED STATES

RIGHTS

- i. right of access(corridor) to the sea A.125(1)
- ii. right of innocent passage through the territorial sea and the EEZ
- iii. under the EEZ: right to exploit the surplus regarding living resources A.62
- iv. high seas: right to exploit living and non-living resources
- v. Right t to equal treatment to Maritime port
- vi. Freedom of navigation, over-flight, laying of submarine cables
- vii. Right not to be subjected to customs duties and other taxes not related to the transit. A.127
- viii. Right not to be subjected to charges higher than those ordinarily charged

DUTIES

- i. Mutual duty to cooperate in resolving difficulties that may occur by designating Competent Authorities.130(2)
- ii. To observe laws of coastal states passed in accordance with the convention A. 58(3)

RIGHTS AND DUTIES FOR COASTAL STATES

UNDER EEZ

RIGHTS

- sovereign right to explore and exploit resources for example: A.56(1)(a)
- Exclusive right to construct and establish artificial islands and installations A.56(1)(b) and A.60(1)
- undertake scientific research
- Right to pass and enforce its laws for the purpose of conserving and managing living resources e.g. to inspect, arrest and institute proceedings against transgressors A.73
- Right to protect their legitimate interests. A125

DUTIES:

- conserve and manage for example:
- protection and conservation of the marine environment A.56(1)(a)
- observe rights and duties of other states A.56(2)
- duty to comply with the provisions of the convention A.56(2)
- Duty to notify LLS in relation to construction of artificial Islands and other Installations. A. (60)(3)

- There should also be permanent means of giving warning to other states of the existence of such Islands
- To remove abandoned installation structures
- To ensure that the living resources in the EEZ are not endangered by over exploitation A.61(2)
- To ensure sustainable harvesting of species(61)(3)
- To give access to LLS the surplus to allowable catch A.62(2)
- Duty not to discriminate against LLS in maritime ports A. 131
- Duty to inform LLS of its capacity to harvest the entire allowable catch A.70(4)
- Duty not to charge fees higher than those ordinarily charged. A.127
- Duty to facilitate smooth and undisturbed travel by LLS A.130
- Duty to cooperate in resolving problems that might have occurred by designating Competent Authorities. A.130(2)

Areas of Cooperation by both Parties

Construction and Improvement of infrastructure including storage facilities, roads, and establishment of free zones A.129

**TREATY OF TRANSIT BETWEEN THE GOVERNMENT OF THE KINGDOM
OF LESOTHO AND THE GORVERNMENT OF THE REPUBLIC OF SOUTH
AFRICA**

Preamble that states the intentions of the Parties

Definitions

Objectives



GROUP B- BOTSWANA, MALAWI, UGANDA, SWAZILAND AND ZAMBIA

Prepare a draft treaty setting out the main rights and duties for your landlocked state and the main rights and duties for the neighbouring state.

TREATY OF TRANSIT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA AND THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA

The Government of the Republic of Botswana and the Government of the Republic of Namibia (hereinafter referred to as “the Contracting Parties”)

Desirous of strengthening cooperation and existing good relations between the two countries,

Recognising that Botswana as a landlocked country needs freedom of transit including permanent access to and from the sea, to promote its international trade

And recognising the need to facilitate the traffic –in-transit through their territories, through the creation of an agreed corridor,

Prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues related to the freedom of transit as envisaged by the UNCLOS

Have agreed as follows:

ARTICLE 1

The contracting parties agree that goods in transit to and from Botswana shall have free and unimpeded access to and from the Atlantic Ocean by rail or road and any other means of transportation. Traffic in transit shall not be subjected to undue delays or restrictions.

Traffic in transit shall not be subject to any customs duties or other charges except those charged in respect of services provided by Namibia.

ARTICLE 2

Namibia may take such action as it considers necessary to ensure that the freedom of transit accorded to the other party, on its territory, does not in any way infringe on its legitimate interests.

Either Contracting Party may take necessary measures to protect its security, health and environmental interests.

ARTICLE 3

The parties shall mutually agree on points of entry into or exit from the coast for traffic in transit. The parties agree to designate appropriate routes to be used by traffic in transit to and from the port.

The parties shall designate such free zones and other customs facilities, for traffic in transit, at the agreed ports of entry and such other places, on their territory as the parties may determine.

ARTICLE 4

The parties agree that ships flying the flag of Botswana shall be accorded treatment equal to that which Namibia accords to its own ships and that of the other foreign ships in its ports.

ARTICLE 5

The Contracting Parties shall establish a Joint Permanent Committee which shall implement the terms and conditions of this Treaty.

ARTICLE 6

The Contracting Parties agree to settle, amicably, any dispute that may arise from the implementation of this Treaty provided that where the Parties fail to reach an amicable settlement the Parties shall subject such dispute to mediation, arbitration or such other alternative dispute settlement mechanism as the parties may mutually agree.

This Treaty may be amended by mutual consent of the Contracting Parties.

This Treaty shall enter into force on the date of signing by the Contracting Parties.