



**Commonwealth Seminar on Landlocked States in Africa –
Part II
Maseru, Lesotho**

November 28 – December 1, 2005

AG E N D A

MONDAY, NOVEMBER 28, 2005

- 10.00 – 10.15** - **WELCOME**
- Ms. C. Thompson-Barrow**
Adviser & Head, Law Development Section, LCAD
Commonwealth Secretariat
- 10.15 – 10.45** - **OPENING ADDRESS**
- The Hon Moses R Masemene**
Minister of Law & Constitutional Affairs
Lesotho
- 10.45 – 11.15** - **COFFEE/TEA BREAK – “MEET AND GREET”**
- 11.15 – 12.15** - **REVISION OF DISCUSSIONS ON SWAZILAND SEMINAR**
- Professor Stephen Vasciannie**
Consultant – Commonwealth Secretariat
- 12.15 – 1.15** - **Lunch**



MONDAY, NOVEMBER 28, 2005 (CONT'D)

- 1.15 – 3.15** - **THE CREATION OF “CORRIDORS” AND ACCESS TO THE SEA BY LANDLOCKED STATES**
- Ms. Cheryl Thompson-Barrow**
- 3.15 – 3.30** - **Coffee/Tea Break**
- 3.30 – 4.30** - **AN EXAMINATION OF TREATY LAW**
- Ms. Cheryl Thompson-Barrow**
- 4.30 – 5.15** - **AN EXAMINATION OF SOME UNCLOS IMPLEMENTAITON LEGISLATION**
- Ms Sardia Cenac**
Researcher, Law Development Section
Commonwealth Secretariat



TUESDAY, NOVEMBER 29, 2005

- 9.30 – 10.30 - TOWARDS DRAFTING A TREATY**
- Professor Stephen Vasciannie & Ms. Cheryl Thompson-Barrow**
- **PREAMBLE**
- 10.30 – 10.45 - Coffee/Tea Break**
- 10.45 – 12.15 - TOWARDS DRAFTING A TREATY CONT'D**
- **PREAMBLE**
 - **ARTICLE 1**
 - ***FREEDOM OF TRANSIT***
 - > **Definitions (Art 124)**
 - > **Creation of a “Corridor” through C S (Art 125)**
- 12.15 – 1.15 - Lunch**
- 1.15 – 3.30 - TOWARDS DRAFTING A TREATY CONT'D**
- ***FREEDOM OF TRANSIT***
 - > **Exemptions from fiscal structures (Art 127)**
 - > **Infrastructure arrangements to accommodate transit (free zones etc.) (Art 128)**
 - > **Arrangements to facilitate transport in transit (Art 129)**
- 3.30 – 3.45 - Coffee/Tea Break**



TUESDAY, NOVEMBER 29, 2005 (CONT'D)

3.45 – 5.15

- TOWARDS DRAFTING A TREATY CONT'D

- *FREEDOM OF TRANSIT***
 - > Duty to avoid delays in transit (Art 130)**
 - > Equal treatment of LLS flagged vessel in port (Art 131)**



WEDNESDAY NOVEMBER 30, 2005

- 9.30 – 10.30 - TOWARDS DRAFTING A TREATY CONT'D**
- **ARTICLE 2**
 - ***EXCLUSIVE ECONOMIC ZONE***
 - > **Access to the Living Resources (Art 69)**
- 10.30 – 10.45 - Coffee/Tea Break**
- 10.45 – 12.15 -**
- > **Determination and Agreement of surplus of living resources**
 - > **Modalities to determine fishing Agreement**
- 12.15 – 1.15 - Lunch**
- 1.15 – 3.30 -**
- > **Rights of vessels of LLS in waters of CS**
- **ARTICLE 3**
 - ***RIGHT OF INNOCENT PASSAGE (Art 17)***
- 3.30 – 3.45 - Coffee/Tea Break**
- 3.45 – 5.15 -**
- **ARTICLE 4**
 - ***DISPUTE SETTLEMENT***



THURSDAY, DECEMBER 01, 2005

- 9.30 – 10.30** - **TOWARDS DRAFTING A TREATY CONT'D**
- OTHER ARTICLES AND CLAUSES FOR CONSIDERATION**
- 10.30 – 10.45** - **Coffee/Tea Break**
- 10.45 – 12.15** - **OTHER ARTICLES AND CLAUSES FOR CONSIDERATION**
- 12.15 – 1.15** - **Lunch**
- 1.15 – 3.30** - **NEGOTIATION STRATEGIES**
- 3.30 – 3.45** - **Coffee/Tea Break**
- 3.45 – 5.15** - **CONCLUSIONS AND THE WAY FORWARD**

CLOSE OF SEMINAR

**Commonwealth Seminar on Landlocked States in Africa Part II
28th November – 1st December 2005, Maseru, Lesotho**

Participants List

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<p>Commonwealth Secretariat</p>	<p>Ms Cheryl Thompson-Barrow Adviser & Head, Law Development Section Legal and Constitutional Affairs Division Commonwealth Secretariat Marlborough House Pall Mall London SW1Y 5HX</p> <p>Tel: 00 44 020 7747 6121 Fax: 00 44 020 7747 6406 Email: c.thompsonbarrow@commonwealth.int</p> <p>Ms. Sardia Cenac Researcher, Law Development Section - LCAD Commonwealth Secretariat Marlborough House Pall Mall London SW1Y 5HX</p> <p>Tel: 00 44 020 7747 6493 Fax: 00 44 020 7747 6406 Email: s.cenac@commonwealth.int</p>
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Honourable Attorney-General,
Distinguished Consultant and Resource Person, Dr. Stephen Vasciannie,
Distinguished Representatives of the Commonwealth Secretariat,
Distinguished Participants,
Ladies and Gentlemen,

It is my great honour and privilege to stand before this august gathering for the opening of the Commonwealth Seminar on Landlocked States in Africa. On behalf of His Majesty and His Majesty's Government of Lesotho I extend a word of profound gratitude to the Commonwealth Secretariat, in particular the Legal and Constitutional Affairs Division for their decision to hold this important Seminar in the Kingdom of Lesotho. As a Small Commonwealth Jurisdiction, we feel greatly honoured.

To all the delegates, you are welcome to our country. It is my fervent wish and hope that you will find a spare time to explore, even if from a distance, the beauty of our mountain ranges. But it is not only mountains, but also criss-crossing rivers and a network of meandering valleys. We are very close to nature here, and please enjoy yourselves.

In October 2004 at the Ninth Meeting of Law Ministers and Attorneys-General of Small Commonwealth Jurisdictions, the Law Ministers had encouraged and mandated the Commonwealth Secretariat to undertake work to offer technical assistance to Landlocked States in the Commonwealth with a view to giving effect to the provisions of the United Nations Convention on the Law of the Sea (UNCLOS), and to enable such States to make use of the beneficial provisions of the Convention in order to enhance their economic development. It is against this backdrop that the Legal and Constitutional Affairs Division of the Commonwealth Secretariat is today launching this Seminar here in Lesotho. The first Seminar was held in Swaziland in June 2005, and the reports I have received indicate that the Seminar was a great success. I am looking forward to the same pattern of developments for the next five days and I am confident of the same success that was achieved in Swaziland. As the country, we interact with the Commonwealth Secretariat in a number of other activities and projects, and they have proven themselves over time to be a formidable team of experts in their own right and in what they do. Success for this Seminar is thus assured.

One central facet of this Seminar will be to continue to engender consciousness and political will on the part of Landlocked States to ratify the Convention in order to be able to utilise beneficial provisions thereof, which hold grave potential for advancement of developing economies of your respective countries. I am very happy to learn that during the course of your deliberations and tuition by the experts here present you will have occasion to be taken down the memory lane of the Swaziland meeting under a very important topic titled "REVISION OF DISCUSSIONS ON SWAZILAND SEMINAR". I applaud the organisers of this Seminar for their wisdom to find it fit to refer back to the Swaziland meeting. It was the first meeting of its kind, and laid a firm foundation for future endeavours by the Commonwealth Secretariat to execute their mandate

entrusted to them by the Law Ministers and Attorneys-General. The Swaziland meeting is also significant in another important respect: it dealt with the basic elements of the law of the sea, thus laying a solid foundation for the way forward. For that we thank the Secretariat, and the Consultant in particular, Dr. Stephen Vasciannie. It was due to their skill, competence and ability that Swaziland was such a success.

I expect that the organisers and the resource person will be guiding you through the myriad facets of the law of the sea, specifically the Convention, treating you to some detailed analysis thereof. From the tone of the Law Ministers and Attorneys-Generals London Meeting in October 2004, and considering how successful the Swaziland meeting was, I am confident of the bright future for our respective countries. But there is still a lot to be done and the starting point is to speed up the process of ratification for those of us who have not yet ratified the treaty.

You will shortly hear and learn as to how fascinating and at times intriguing is the subject of the law of the sea. I do not want to pre-empt our experts, but suffice it to say that the Seminar has an interesting dimension about it which makes for an occasion with a difference. The larger part of the deliberations will be introducing you to treaty drafting, thus theory will meet practice. It is this unique combination that makes the Seminar most exciting. I implore you to cherish every moment of it, and as you cruise through the sea of knowledge and analysis brought forth by the able stewardship of the learned Dr. Stephen Vasciannie, think deeply and seriously about the issues arising. Subject them to open and frank consideration and debate. You are pioneers, and in your hands lies the future of your respective countries. The knowledge that you will acquire will empower you to contribute and guide effectively continuing and humble efforts of your respective countries to improve the economic lot of your nationals.

I therefore once more wish to take this opportunity to thank most heartily the Commonwealth Secretariat and the Consultant for their dedication and commitment towards improvement of the lives of our nations in the developing countries. Further I wish all of you very fruitful deliberations during the next few days and a very pleasant stay in Lesotho.

I thank you.