

HOW LANDLOCKED COUNTRIES ARE FACING REGIONAL PRESSURE IN ECONOMIC DEVELOPMENT: A CURSE TO ACCESSING WORLD MARKET

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ABSTRACT

Despite improved means of transportation, land-locked developing countries that have lacked access to the global economy still face systemic problems. By contrast, landlocked countries, many countries lag behind their maritime neighbors in the overall development and with respect to trade with other countries that are at sea. Dependency on transit neighbors in addition to the general geographical distance can explain the poor performance of landlocked countries. There are five possible forms of interdependence examined: dependence on the physical and geographic borders; political interdependence on sound borders; cross-border interdependence on stable relations; administrative dependence on the soundness of neighbors; and dependence on various facets of the neighbors. The conditions in various landlocked countries yield different sets of difficulties and problems.

INTRODUCTION

The landlocked States are specified in Article 124 (a) of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). When the word "sea-coast" is used, it means that countries surrounding a body of water that is landlocked in and of itself, even though it is referred to as a sea, are often considered landlocked and not coastal Statesⁱ. UNCLOS has been dubbed a "Constitution for the Oceans" because it establishes a comprehensive legal structure for the entire international community, governing all ocean space, uses, and resources.ⁱⁱ The Convention has 167 signatories, including 28 landlocked countries and the European Union as well as eight more landlocked countries that have signed the Convention but have yet to ratify it.ⁱⁱⁱ The United Nations has 44 landlocked countries, with 17 in Africa, 13 in Europe, 12 in Asia, and two in South America.^{iv}

It is fair to say that any Central Asian landlocked country has not joined UNCLOS. Despite the Convention's efforts to strike a careful balance among coastal States' rights and the liberties exercised by all countries, whether coastal or landlocked, it must be acknowledged that the balance of power has clearly shifted from the principle of *mare liberum* to that of *mare clausum*, with the recognition of vast sovereign rights and authority of coastal regions over the most valuable territory.^v In reality, UNCLOS represents the most considerable extension of territorial rights and authority in history, severely restricting landlocked states' access to maritime uses, including assets.^{vi}

Smith noted in his theory of *The Wealth of Nations*, 1776, that Africa and Asia were the least developed parts of the world in that era.^{vii} The 2002 Human Development Report also provided a powerful image for most of the world's land-locked countries two hundred and twenty-six years later.^{viii} Thirteen landlocked countries have a 'low population growth index,' and none of these countries is listed as 'high human development and are classified as 'high human development (UNDP, 2002).^{ix}

Why face such persistent obstacles to landlocked developing countries? Smith argued that geographically isolated areas have difficulties achieving specialization gains and related benefits because of the difficulty of trade. His research was focused on the issue of land transport over great distances – a problem that persists today, despite enormous technological advances. Usually, high costs of transport put landlocked countries at a clear disadvantage

when competing on global markets compared to their coastal neighborhoods.^x The fact that landlocked countries have disadvantages compared to similarly distant inland parts of large countries cannot be explained alone, however. In China, India, and Russia, for example, there are regions further from the coast than many countries with landlocks, such as Azerbaijan and Moldova. Although these domestic subnational regions do, in fact, face major cost disadvantages compared with their maritime counterparts, the challenges described by Smith are not met.^{xi}

In addition to long distances, landlocked countries often face difficulties as a dependency on an export transit region, one which their trade must travel over to access foreign trade routes. It should be remembered that the oceans and their marginal seas occupy nearly 71% of the surface of the earth and have played an important role in humanity's growth since the dawn of time, not only as a medium of communication or even as a source of living and non-living resources and a major focus of scientific inquiry.^{xii} It's also worth noting that sea transport accounts for roughly 90% of global trade.^{xiii}

OBJECTIVE

To ascertain why, despite improved modes of transport, land-locked developing countries that have historically been excluded from the global economy continue to face structural problems. By comparison, many landlocked countries lag behind their maritime neighbors in terms of overall growth and trade with other countries at sea. Moreover, attempt to account for landlocked countries' weak performance by citing their reliance on transit neighbors in addition to the general geographical gap.

METHODOLOGY

In this research, the doctrinal research method is followed. This research has relied on the previous,

1. Research publications,

2. Reports
3. Government policies,
4. Newspapers, reports, and articles.

LITERATURE REVIEW

An earlier paper on access to the ocean is addressed by Jayaraman and Shrestha (1976) is an investigation into the issues and potential solutions for landlocked Nepal's economy, which is significantly affected by its neighbor India and diversifies its economic base in order to regain its negotiating power.^{xiv}

Geographers such as Debie and Steck (2001) assert that in history, a country's central location can be viewed as an advantage if it provides direct and cheaper transit routes between different countries; moreover, with the advancement of the shipping industry, the same country can be viewed as a disadvantaged landlocked economy, despite the geographic characteristics.^{xv}

MacKellar et al. (2000) examine the economic consequences of being landlocked. They predict that landlocked economies develop at a 1.5 percent slower rate than non-landlocked economies using data from 92 low- and middle-income countries between 1960 and 1992. They advocate for the growth of alternative modes of transportation, industries that do not rely on physical transportation and regional trade agreements.^{xvi}

The Raballand (2003) empirical analysis measures the trade impact by using four land-locking measures. The first estimate is obtained by using a dummy variable. The second estimate is the shortest distance between the land-locked country and the closest principal port facility. The third indicates the coastal countries' number of borders. A fourth analyzes the additive effects. The study shows that, when it is calculated with a dummy variable, trade decreases by nearly 80%. They show that the impact is closely associated with the distance from major markets to geographical position, key trade flows, and central hub (airports or ports) facilities, as measured by additional transport costs and border crossing numbers.^{xvii} Furthermore, Arvis et al. (2010) report that landlocked economies face a cost penalization ranging between 8 and 250%, with a time penalty between 9 and 130 percent. Radelet and Sachs (1998) also research the

transportation costs problems using IMF CIF and FOB data in 97 developing countries, 17 of which are landlocked, and estimate that transport and insurance costs for landlocked countries are twice as high as coastal countries.^{xviii}

Faye et al. (2004) are looking at the infrastructure crisis and the country's reliance on transit neighbors. There are four key aspects of a country's landlocked county's reliance on a transit neighbor: reliance on the infrastructure of neighbors; reliance on strong cross-border policy relations; dependency on peace and stability for neighbors; and reliance on the administrative practice of neighbors. Their policy proposals for a landlocked state analyzing these aspects improve their local transport infrastructures, provide regional integration strategies, and emphasize the coordination of administration in regional integration strategies. They also say that landlocked countries should invest in emerging industries that are less expensive to carry.^{xix}

De (2006) estimates a systemic model for the impact assessment on the bilateral trade of selected Asian economies of infrastructure and transaction costs. He found that transaction costs are statistically relevant and necessary to explain changes in trade, with median landed counties having costs of transport 55 percent higher than the median coastal economy. This puts landlocked economies at a significant disadvantage compared to the coastal economies in foreign trade.^{xx} Similarly, Grigoriou (2007) finds that improving transit country infrastructure will increase landlocked country's foreign exchange by 52 percent. This paper's three critical policy implications are improving infrastructure, the administration through international cooperation of transit corridors as regional public goods, and the establishment of alternative transit routes to reduce the monopoly power of any coastal economy, which improves trade results for landless economies.^{xxi}

Shrestha and Upadhyay (2004) extended the standard gravity model to assess the position of non-economic factors such as political cooperation, cultural similarity, and geography, including landlocked characteristics of bilateral trade.^{xxii}

All of the above-mentioned writers emphasized economic concerns over legal ones. The irony is that the economic concern and profit alone cannot alter the circumstance in which the locked countries face a current circumstance. Moreover, the regional agreement will alter the destiny of these geologically deficient countries by existing treaties and conventions or new treaties. The building of good diplomatic ties as well as legal rights and procedures will remove this

geological isolation. In my paper, I will examine how economic issues can be addressed by legislation, treaties, and international law in order to promote economic prosperity in landlocked countries.

LANDLOCKED STATES AND MARITIME USES

The fact that not only coastal but landlocked states have maritime interests is sometimes ignored. While a lot of landlocked countries carry their own flags— Bolivia, Czech Republic, Luxembourg, Laos, Mongolia, and Turkmenistan — Luxembourg, and Mongolia fly theirs on the high seas, as well.^{xxiii} The landlocked States also belong in that context and have been drawn up in international treaties to include the International Organization of Maritime Affairs (IMO), which presently includes 18 landlocked members.^{xxiv} Apart from the fact that vessels sail under their banner, landlocked countries have also taken up other maritime interests.^{xxv} Many are members of the Intergovernmental Oceanographic Commission for a long time (IOC).^{xxvi} Landlocked states also undertake marine science research, and petroleum companies have been engaged for some time in offshore drilling and petroleum exploration. Several such States have also become parties, by disposal of waste or land-based sources, to the international conventions concerning pollution prevention.^{xxvii} Moreover, many landlocked countries have adopted domestic legislation which explicitly criminalizes maritime pirating – something that many coastal states have yet to do.^{xxviii}

A State's geographic position cannot be seen as a real obstacle to maritime uses and concerns. However, landlocked countries vary in one decisive respect from coastal countries: they require passage over other countries' territories since they do not surround the sea.^{xxix} The lack of an own coast often deprives them of exclusive rights to marine areas, which are coastal states' jurisdiction over the coast. Often the geographical position of landlocked States over 2,000 kilometers from the closest seaport sets them at a significant disadvantage position compared to their coastal counterparts.^{xxx}

As far as global development and growth are concerned, it is important to notice that all the landlocked countries in Africa, Asia, and two in Europe and one in South America have hard times as well as more than two countries in Central and Eastern Europe are developing. There are still significant constraints on global socio-economic growth, such as the lack of territorial

access to the sea, weak physical infrastructure, remoteness and distance from world markets, and high costs in transport. In the context of countries with coastlines and deep seas, it has been pointed out that landlocked development countries are on an inherently disadvantageous development path. Thus, it is not surprising that 17 of the 32 countries in the region are ranked as least developed, 12 of which are located in Africa.^{xxxii}

EVOLUTION THOROUGH HISTORY OF THE MARITIME RIGHTS OF LANDLOCKED STATES

Only gradually have maritime rights been established in the landlocked states. Treaty privileges were given to coastal lands at least as early as the 11th century, and some inland waterways were extended to foreign use, after the end of World War I, one result came out that landlocked states were allowed to fly their own flags on their sea-borne vessels for the first time after many countries made peace^{xxxii}, such as Austria, Hungary, and Czechoslovakia were granted their oceans, among them, the new States after the *Treaty of Versailles*, 1920.^{xxxiii} This was validated by the *Treaty of Paris* by recognized that the flag which is flown by vessels wherever there is no coast. It is a sorrow that the Barcelona Conference didn't specify the shape of a concept in place of the treaties because that choice emphasizes the importance of that conference's restatement of an established statute.^{xxxiv}

The 1921 *Barcelona Convention and the Statute on Freedom of Transit* provided a globally recognized but limited right of transit.^{xxxv} The Statute referred only to rail transport and waterways, except road transport, and did not address the special needs of the countries locked up in the country. It stipulated that no special duty should be applied to bus traffic in transit but only to the defraying of the oversight and management costs imposed on that transit.^{xxxvi} It mainly concentrated on Europe and exempted large parts of Africa and Asia, in the absence of road transport, where landlocked countries rely heavily on overland routes to and from the sea. Thus, the number of ratifications has been restricted.^{xxxvii}

Article v of the 1947 *General Convention on Tariffs and Trade (GATT)* established the concept of freedom of transit – applicable to all States without express reference to landlocked States.^{xxxviii} This article, in its version revised in 1994, stipulates two key obligations for the members of the World Trade Organization (WTO): the non-imposition of excessive delays or

restrictions on transit traffic, or the imposition of undue charges, and the provision of treatment for transitory products by the most favored country.^{xxxix}

The 1923 *Convention and Statutes of the International Regime of Maritime Ports* set out the right of ships from landlocked States to enter maritime harbors. This Statute does not contain the concept of freedom of access to ports but - subject to reciprocity - merely fair treatment of such access, the use of the port, and complete use of the advantages of shipped, freight and passenger shipping, and commercial operations. This fairness is to be accomplished by national and favorite care of the people. It should be noted that the reciprocal requirement does not extend to member parties that do not have maritime ports.^{xi}

Article 4 of the 1958 *Geneva High Seas Convention* confirmed that landlocked states had the right to sail high seas ships under their flag.^{xli} Moreover, Article 3 of the Convention provides that 'States without seashore should have free access to the sea.' However, free transit was subject to a mutual agreement based on reciprocity between the States concerned, a condition that satisfied strong objections from landlocked countries.^{xlii}

In the early 1960s, the rapid process of decolonization resulted in a significant rise in the number of locked states in Africa, most of which were unstated under the 1965 *New York Convention on Transit Trade*.^{xliii} The principles set out in this initial multilateral agreement specifically for the special transit problems of landlocked include free access to the sea, equal treatment for vessels flying the flag of landlocked States and for ships flying the flag of landlocked states in the territorial and internal waters, as well as accessible and available transit, access and use of seaports.

Transit rights and services shall be exempt from the application of the most advantaged national provision but shall be focused on reciprocity and include separate transit States treaties.^{xliv} The Convention came into force in 1967 and has until now only been complied with by 41 States, including only 23 coastal countries, some not even bordering a landlocked country.^{xlv} Though its practical implications of that tool were minimal, they offered a strong basis in the negotiations leading to an end to these issues under UNCLOS.^{xlvi}

THE LANDLOCKED STATES AND UNCLOS

A massive reform of the law of the sea has taken place in the second half of the twentieth century, in reality, a major shift of the law from the time of Hugo Grotius^{xlvii}, which has had a direct impact on landlocked countries. The gradual expansion of sovereign rights and authority by coastal States in large sea zones put the landlocked States in an increasingly disadvantageous position, given their theoretical loss of rights.^{xlviii} Malta's initiative in 1967 to decree the seabed beyond national competence as a 'shared heritage of humanity' was thus strongly endorsed by the landlocked States. The seabed presented an opportunity to elaborate a new convention on the law of the sea.^{xlix}

The development of the maritime and coastal states following the third United Nations Law of the Sea Conference that occurred between 1973 and 1982 resulted in the landlocked states allying with the so-called "geographically disadvantaged States," i.e., coastal countries that got nothing but the bare sovereignty in exchange for coastal rights.¹ In the final analysis, this interest group comprises 55 nations, including 29 landslide and geographically disadvantaged states.^{li} The group, presided over by Austria and co-chaired by Singapore, was characterized by true solidarity among its developed and emerging members.^{lii}

Additionally, the interests of the landlocked States (excluding navigation rights) diverged greatly with respect to the current law of the sea.^{liii} In the developing landlocked countries, transit and connectivity were the main issues.^{liv} On developing landlocked States, mineral resources were at the forefront, and this was less of a concern. Landlocked states have recognized that their theoretical right to the aquatic resources in light of the growing levels of exploitation would have been pointless for them to have done so if they had created big seaside fishing fleets.^{lv}

It is currently in effect; what is the position of the landlocked states regarding the law of the sea? The new maritime law was enshrined in a package agreement in enclosures after lengthier and arduous negotiations that, by their very nature, did not fully meet all of the international Community's divergent expectations. However, since certain countries, such as the landlocked countries, are absent from the Convention, it includes a lot of references to landlocked states. This definition recognizes that attention must be paid to the desires and needs of the developing as well as the industrialized countries. A chapter of UNCLOS has a section dealing with the

“right of landlocked States to enter ports and to pass through them”. It is important to highlight the word “rights”. Moreover, UNCLOS deals with unique rights over landlocked States such as navigation; it also touches on "Marine Scientific Areas" regions and the "Maritime Area."^{lvi}

The central provision of Part x is Article 125, which through all means of transport, enshrines the right of access by and from landlocked States and the freedom to travel by sea via transit countries. These methods are described in the same way as they were under the 1965 *New York Trade Convention*, including train rolling stock, shore, lake, waterway ship, and road vehicles and carriers, and even carriers and packing animals, where the local conditions so require. However, such significant means as pipelines, gas lines, and aircraft are excluded. Special agreements between the landlocked and transit states are needed for the inclusion of these means of transport.^{lvii} Contrary to the 1965 Convention, access shall be granted under the terms, conditions, and means of exercising freedom of transit provided for bilateral, sub-regional, or regional agreements between landlocked states and transit States.^{lviii}

In addition, the right of access is limited to the intent of practicing the UNCLOS privileges, including those relating to high-seas freedom and the shared human heritage. At their absolute jurisdiction over their territories, transit States are permitted to take all steps to safeguard their legitimate interests. As long as the presumption of reciprocity has been dropped, the most-favored national provision on the exercise of the right of access from and to the sea has not been applicable; so this is, of course, a significant improvement on the *1958 Geneva High Seas Convention* and the *1965 New York Convention on Transit Trade*.^{lix}

The further provisions of Part x of UNCLOS concern the ban on the imposition, excluding fees imposed on specific facilities, of taxes and other fees on transit traffic, on the establishment of free zones in shipping ports, and the duty of the transit States to prevent and/or remove delays or other technical difficulties in the field of transit traffic. It is indirectly helped by the advent of transport facilities as both the transit and landlocked States must assist each other in the development and expansion of transportation means. Lastly, UNCLOS as a whole does not in any way reduce landlocked States' options or ability to conclude agreements with specific transit States.

In comparison with Part x of the UNCLOS terms of the *1958 Geneva High Seas Convention*, the legal position of landlocked States as regards entry from and to the sea is generally strengthened. In addition, this right is put in the broader sense by incorporating it into the

maritime law system.^{lx} However, the complete and unlimited right of entry to and from the sea of landlocked States did not fall within the scope of general agreement.^{lxi} In this sense, it must not be ignored that several landlocked States are simultaneously transit states and thus provide only eligible support for the consecration of such an unrestricted right in the Convention. However, it can be assumed that the x part, in general, constitutes a significant achievement for the land-locked countries by striking a certain balance between the interests of the landlocked States on the one side and those of the transit States on the other. Part x provisions found their final formulation in an informal setting only after complicated negotiations and the landlocked States emphasized that their freedom of access from and to the sea was one of the fundamental principles of sea law and an essential part of international law principles.^{lxii} The transit States were worried about their sovereignty restrictions and potential adverse economic consequences resulting from over-generous transit rights. The result of these talks was the generally acceptable solution, focused particularly on landlocked States' efforts, which are also transit countries.^{lxiii}

Several UNCLOS clauses apply to landlocked States' maritime rights: Article 17 states that ships under the flag of landlocked States shall enjoy the right, like those of coastal States, to innocent passage in the territorial sea of the other States. In Article 87, the high seas are open to all States, be it coastal or landlocked – all countries have exactly the same rights regarding the freedom of the high seas. Article 90 reiterates the landlocked States' freedom to sail ships flying their high seas flags. This equality was laid down in the Geneva Conventions of 1958 on the Territorial Sea, the Contiguous Area, and the High Seas and, of course, is a customary part of international law.^{lxiv}

In accordance with Article 131, landlocked ships are treated equally to other foreign ships in maritime ports, while Article 3 of the 1958 *Geneva Convention on the High Sea* provides for the most favorable combined country or national care. While this provision is a corollary of landlocked States having the right to sail under their maritime flag and not to be subjected to discrimination in maritime ports, it is still more favorable than Article 3 of the 1958 *Geneva Convention*: access to and use of ports does not depend on the prior conclusion of an agreement between the landlocked State.^{lxv}

Regarding the newly-created Exclusive Economic Zone (EEZ), the Landlocked States requested the right, equally and non-discriminatory, to explore and exploit live and non-living

resources in the economic zones of the coastal "neighboring countries" of the same area or sub-region, respectively.^{lxvi} With regard to EEZ's living capital, the balance enshrined in Article 69 UNCLOS may be achieved. This clause gives landlocked States the right to "equitably" take part in the exploitation and exploitation of the living resources of EEZs of coastal states within the same subregion or region. However, this right is constrained by additional conditions. It is, therefore, only in relation to the coastal State's "relevant portion" of living surplus, with a relatively narrow exceptional clause for the development of landlocked countries.^{lxvii} The right does not take precedence over other participating rights in the sub-region or region concerned but must contend with these and leave the final decision to the coastal State. It cannot even be enjoyed in the waters of the coastal States, which are heavily dependent on fisheries, or in the eggs of the developing countries.^{lxviii}

Moreover, the exercise of landlocked States' fishing rights is subject to additional arrangements with the coastal states involved. The ban on the redistribution to others of the privileges of participation shall be supplemented by its subordination under the provisions of Articles 61 and 62 of UNCLOS, allowing coastal States to decide, respectively, how to capture the live resources of EEZ and how to extract them. However, Coastal States are not prohibited from awarding equitable or superior privileges to landlocked States of the same subregion or region to use the living capital of EEZ. This provision represents a slight echo of the demand for regional economic areas, particularly by some landlocked African countries.^{lxix}

It is clear that some of the words used in Article 69 UNCLOS can be interpreted in divergent ways, such as what constitutes the "appropriate portion" of an EEZ surplus or what "area" and "sub-region" represent.^{lxx} Although the word "region" can be interpreted as relating to geographical areas served by United Nations regional economic commissions, the actual location of "sub-region" may not always be explicit. In this sense, it should also be considered that conflicts over the coastal state's territorial rights in respect of the EEZ's live capital or exercise are exempt from compulsory conflict resolution procedures under UNCLOS.^{lxxi}

The opposition determined by the overwhelming majority of coastal countries did not permit a right of UNCLOS involvement by landlocking countries to discover and develop the continental shelf's non-living wealth. The continental shelf theory assuming the coastal States' territorial claims to those properties was still heavily rooted in international law.^{lxxii} Regarding the landlocked States' interests outside the boundaries of domestic sovereignty, as described in

Part XI of UNCLOS, in a foreign seabed area, the central premise is to carry out operations for the good of the whole of civilization, regardless, whether coastal or landlocked, of the geographical position of States.^{lxxiii}

The Convention has many clauses expressly designed to promote the needs of landlocked States. Article 148 concerns the promotion of successful involvement of developed countries in "area" operations, in particular with due consideration for their peculiar need for overcoming challenges, including the remoteness of the "area" and links to and from the vulnerable, through the landlocked and geographically disadvantaged. In addition, Article 152 removes from the non-discrimination clause applicable by the International Seabed Authority (ISA) when exercising its powers and functions to create landlocked and geographically deprived States.^{lxxiv}

Under the ISA, certain unique privileges are often granted to the landlocked States. This enables the Assembly of ISA to address problems for States related to activities in the area due to their geographical position, particularly for landlocked and geographically vulnerable states.^{lxxv} Part XI of the Implementation Agreement of 1994 specifies that landlocked and physically backward states are to be included on the Council of the Authority, but in the same way as all other classes of States. The Assembly of the Authority shall, in appointing the Representatives of the Council, ensure that Landlocked and geographically backward States are reflected in a degree sufficiently proportionate to their representation in the Assembly.^{lxxvi} Though, this rule seems to have had a little notable impact on the makeup of the ISA's organs.^{lxxvii}

In general, UNCLOS Portion XI provisions on landlocked states do not allow them preferential treatment over coastal States as a sort of reward for their maritime disadvantages but are meant to secure that they take an equal part in the "region" activities and that the advantages, ideally, are extracted one day from it. This alone can now be seen as some achievement.^{lxxviii}

In Article 254 of UNCLOS, the interests of both landlocked and geographically deprived States concerning marine science research practices are very restricted. While these countries have the right to be consulted and engage in proposed marine science research programs, this privilege relies on additional conditions and criteria. It allows them to engage only in projects conducted by the third countries and relevant foreign organizations and to participate

"opportunity" in those experiments only "where possible" in the EEZ of the neighboring coastal states.

UNCLOS in its entirety thus represents a relatively restricted way in the law of the sea the rights and interests of landlocked States. However, the Convention provides the only basis for a future coastal compromise that takes the legal demands of landlocked states to some degree into account. Besides, one of the Convention's significant and enduring effects is the recognition of the relevance and the interest of maritime law in these States, as well.^{lxxxix}

ENSHRINING IN LAW THE PRINCIPLE OF MARITIME RIGHTS FOR LANDLOCKED STATES

To what degree have landlocked States' maritime rights been implemented in effect under UNCLOS? One thing to bear in mind is that in recent decades there have been significant improvements in regional economic integration in a number of parts of the world. In addition to the bilateral or regional agreement, this mechanism has undeniably helped alleviate the difficulties faced by the landless countries by creating new ground for accessing and leaving the sea.^{lxxx} For advanced land-locked countries, especially the five which became members of the European Union, this is particularly true. In relation to these States, anyone can correctly point out that there has been a radical shift and that they are not in practice but it is in theory.^{lxxxii}

In this respect, it should be stated that EU law extends to the whole territory under Member States' jurisdiction, and so four fundamental freedoms – freedom of mobility for individuals, products, services, and resources – apply: any discrimination against citizens of Member States is forbidden. If a Member State expands its sphere of competence, it automatically extends the field of applicability of EU law and this also applies to the EEZ and the mainland shelf.^{lxxxiii} In addition, the Common European Fisheries Policy allows for the allocation to different Member States of the quotas for the overall permissible catch.^{lxxxiii} Whilst it is true that, in theory, the conditions underlying the distribution of the quotas, including the conventional fishing trends, do not favor fishing practices by citizens of the landlocked countries. Instead, coastal Member States are barred from limiting the fishing operations conducted on the territories by coastal States of citizens of other Member States, including landlocked States.^{lxxxiv}

The developed countries are nevertheless in a different position, as many of them continue to face serious obstacles in their geographical location for growth and development.^{lxxxv} Their distress is also, to some degree, alleviated by increased regional economic integration. The Common Market for Eastern and Southern Africa (COMESA) is the largest regional economic group in Africa and includes 19 States, including eight landlocked nations. The Western African Economic Community (ECOWAS) comprises 15 States, including three landlocked countries. The Southern African Development Community (SADC) consist of 15 nations, six of which are landlocked. The East African Community (EAC) includes not only Kenya and Tanzania but also landlocked Uganda, Rwanda, and Burundi.^{lxxxvi}

It should be remembered outside the African plateau that Bolivia has entered the Andean Community like Colombia, Ecuador, and Peru. Along with Brazil, Argentina, Uruguay, and Venezuela, Paraguay has been accessing Mercosur (Southern Common Market), Bolivia. These two treaties also created customs unions, which are part of the ongoing phase of unification in South America. In Asia, Nepal and Bhutan are part of the South Asian Free Trade Area (SAFTA), and Laos has entered the ASEAN Association, which aims at speeding up economic development. A free trade agreement with Russia, providing for a stage-by-step economic union formation, is signed between Azerbaijan, Armenia, Belarus, and Moldova, as well as the five countries of Central Asia – Kazakhstan, Uzbekistan, Tajikistan, and the Kyrgyz Republic – in Eastern Europe. Moldova also concluded the Association Agreement with the European Union in 2014.^{lxxxvii}

The UNCLOS' transit provisions seem to have been positive for reciprocal mutual and regional agreements signed between landlocked and transit States. These arrangements also allow for merchant ships traveling under landlocked nations of navigation, port entry, and usage for the most favored country care. Sometimes they supplement the terms of the international development treaties.^{lxxxviii}

Peru and Bolivia have possibly signed the most far-reaching deals, which give Bolivia free use of port installations and an economical and unique free trade zone in Ilo, Peru, and free travel from and to that zone. Unrestricted access from and to the sea was given to Paraguay by Brazil, and Argentina provided such access through Paraguay, Paraná, and de la Plata rivers.^{lxxxix} In Asia, Mongolia, and China, an arrangement has been reached on the access and transit from and to Mongolia through China. Nepal and Bhutan are parties to current trade and transit

arrangements with India that partially replace older treaties. Nepal has also concluded with Bangladesh a related deal. The APTTA respects Afghanistan's right to freedom of entry to the sea as an integral concept in expanding its foreign commerce and economic growth.^{xc}

The United Nations convened an international ministerial conference in Almaty, Kazakhstan, in 2003, which adopted a Declaration and Program of Action to improve transit transport cooperation between landlocked and transit emerging nations.^{xcⁱ} The so-called So Paolo Consensus, which was adopted by the United Nations Conference on Trade and Development (UNCTAD) in 2004, addresses the unique challenges that landlocked developing countries face, as well as the challenges that transit developing countries face. UNCTAD's priorities in addressing these issues are outlined in the paper, which is part of a new global structure for transit transport cooperation between landlocked and transit developing countries.^{xcⁱⁱ}

As for the navigation privileges of landlocked Member States as enshrined in UNCLOS, the same applies to entry to and usage of ports. However, concerning maritime science study, coastal States seem not to have considered the rights of landlocked States in their national laws. Regarding fishing privileges, it seems that the coastal countries have violated UNCLOS rules for the distribution of surplus living capital in their national EEZ legislation.^{xcⁱⁱⁱ} In this sense, it is essential to take account of the steadily decreasing returns generated by overfishing harvesting and the population demand for fish, and subsequent economic difficulties for many coastal states. In either event, the fishing privileges given by UNCLOS to landlocked States in effect are a *nudum ius*.^{xc^{iv}}

There are several exceptions to this in the development of landlocked countries, which do, however, seem largely questionable for practical purposes. Bolivia and Peru have reached an agreement that includes the possibility of Bolivia forming joint ventures with Peruvian companies to conduct fishing operations in the Peruvian EEZ.^{xc^v} Brazil has given Paraguayan nationals or businesses fishing rights in its maritime areas, according to the terms of bilateral treaties.^{xc^{vi}} Morocco and Togo have indicated their willingness to give neighboring landlocked countries access to the living resources of their EEZs in related legislation relating to African solidarity.^{xc^{vii}} It is also worth noting that African countries bordering the Atlantic Ocean have adopted a Regional Convention on Fisheries Cooperation, which currently has 13 signatories and in which they confirmed their unity with African landlocked and geographically backward countries with whom they strongly cooperate.^{xc^{viii}}

LIMITATION OF THE STUDY

I completely relied on the Secondary data.

CONCLUSION

A comprehensive evaluation of landlocked States' rights under the law of the sea, as acknowledged by UNCLOS, has been realized results in a mixed conclusion. These states seem to have no difficulties with navigation or port access.^{xcix} Landlocked States' rights to engage in the exploitation of the exclusive economic zones' living resources, and their rights on research of marine science, seem to have largely, if not entirely, lapsed into obscurity. In terms of the right to profit from the international seabed "Region," landlocked states – like the rest of the international community – are still in a holding pattern, with no end in sight at the moment.^c

However, as mentioned above, it should also be remembered that significant progress has been made in transit from and to landlocked states, notably because of enhanced coordination and rapid economic integration of the respective geographical regions.^{ci} This has contributed to a marked change in many of these States' economic conditions. In addition, attention should be provided to the Belt and Road Initiative (BRI), which is well underway. Initiated in 2013, this initiative was followed by China in 2015 by the release of 'Visions and Actions on the Popular Building of a Silk Road Belt and the Maritime Silk Road of the 21st century.'^{cii}

Policies and activities that enable landlocked countries to turn into "land-linked" countries are funded, including improving communication and collaboration in transport and infrastructure arrangements.^{ciii} In this context, the significance of trans-regional transport and logistics road growth, including inland waterways in landlocked countries, is highlighted.^{civ} A substantial number of intergovernmental partnership agreements have already been signed under this program, referring to various geographical areas, of which landlocked states such as Mongolia, Laos, Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, and Afghanistan are a member.^{cv}

The provisions of UNCLOS, which, although not always completely complied with, enshrine considerable rights for landlocked states, may also be viewed as an invitation to the global community to actively explore ways to address, particularly, the fate of the developing countries among them. One hopes that still more landlocked Nations will comply with

UNCLOS, which, as a structural treaty, will provide a sound foundation for their attempts to overcome the difficulties arising from their disadvantageous position, both on a regional and a global scale.

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