
Economic and Social Commission for Asia and the Pacific

Subregional Meeting on the Development of Intergovernmental Agreement on Dry Ports

Item 4 of the provisional agenda

Working draft of an intergovernmental agreement on dry ports

Note by the secretariat*

I. INTRODUCTION

1. The Commission in its resolution 66/4 of 19 May 2010 and the second session of the Committee on Transport held in Bangkok during 1-3 November 2010 requested the secretariat to work on an intergovernmental agreement on dry ports. Further, the 67th session of the Commission held in Bangkok during 19-25 May 2011 also welcomed the progress made towards the development of an agreement.

2. The working draft of an intergovernmental agreement on the dry port is developed based on the outcome of the Regional Expert Group Meeting (EGM) on the Development of Dry Ports along the Asian Highway and Trans-Asian Railway Networks and the second session of the Committee on Transport held in Bangkok during 1-3 November 2010. The EGM discussed institutional, regulatory, technical and operational issues related to the development of dry ports and the Committee among others considered the proposed structure of an intergovernmental agreement on dry ports [E/ESCAP/CTR(2)3]¹.

3. The working draft of an intergovernmental agreement on dry ports (attachment-1) consists of: (i) a preamble; (ii) the main text of an agreement (Articles 1 to 17); (iii) Annex I-Dry ports of international importance; and (iv) Annex II-Guiding principles for the development and operation of dry ports.

4. The dry ports of international importance listed in Annex I include the names and locations of dry ports nominated by member States as of 20 June 2011. Member States who have not yet done so

* This document is issued without formal editing

¹ For details please refer to: http://www.unescap.org/ttdw/common/Meetings/dry_ports/iga-dp-dushanbe.asp

may wish to consider nominating the dry ports of international importance in their countries and provide the information to the secretariat for inclusion in the Annex I.

5. The working draft of the agreement has also been reviewed by the United Nations Office of Legal Affairs, Treaty Section, New York.

6. The working draft of the agreement will be discussed at a series of subregional meetings to be organized during 2011 and early 2012. It will then be further negotiated for adoption by one or two regional meetings to be held during 2012. After adoption it is planned to open the agreement for signature by members States in 2013.

**WORKING DRAFT OF AN
INTERGOVERNMENTAL AGREEMENT ON DRY PORTS**

THE CONTRACTING PARTIES,

CONSCIOUS of the need to promote and develop an international integrated intermodal transport and logistics system in Asia and with neighbouring regions,

MINDFUL of the expected increase in the international freight transport as a consequence of growing international trade in the ongoing process of globalization,

DETERMINED to facilitate increased efficiency and reduce the cost of international intermodal transport and logistics as well as to extend its reach to inland areas and wider hinterlands,

RECALLING the cooperation among members of the United Nations Economic and Social Commission for Asia and the Pacific in the formulation and operationalization of the Asian Highway and Trans-Asian Railway networks,

CONSIDERING that in order to strengthen relations and promote international trade among members of the United Nations Economic and Social Commission for Asia and the Pacific, it is essential to develop dry ports of international importance, to meet the needs of an international integrated intermodal transport and logistics system and reduce the impact of transport on the environment,

KEEPING also in view the role of dry ports as an important component of an effective and efficient international integrated intermodal transport and logistics system, especially in addressing the specific needs of landlocked and transit countries,

HAVE AGREED as follows:

Article 1

Definition of dry ports of international importance

For the purposes of the Intergovernmental Agreement on Dry Ports (the “Agreement”), the term "dry port of international importance" as described in Annex I shall refer to a secure inland location for handling, temporary storage, inspection and customs clearance of freight moving in international trade.

Article 2

Adoption of the dry ports of international importance

The Contracting Parties (the “Parties”) hereto adopt the dry ports of international importance described in Annex I to the Agreement as a coordinated plan for the development of important nodes in an international integrated intermodal transport and logistics system which they intend to develop within the framework of their national programmes.

Article 3

Development of the dry ports of international importance

The dry ports of international importance as listed in annex I to this Agreement should be brought into conformity with the guiding principles for the development and operation of dry ports as described in Annex II to the Agreement.

Article 4

Signature, ratification, acceptance, approval and accession

1. The Agreement shall be open for signature by States which are members of the United Nations Economic and Social Commission for Asia and the Pacific at **(name of city and country)** from **xx to xx xxxx 2013**, and thereafter at the United Nations Headquarters in New York from **xx xxxx 2013 to 31 December 2014**.
2. The Agreement shall be subject to ratification, acceptance or approval by signatory States.
3. The Agreement shall be open to accession by non-signatory States which are members of the United Nations Economic and Social Commission for Asia and the Pacific.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

Article 5

Entry into force

1. The Agreement shall enter into force on the ninetieth day following the date on which at least eight (8) States have deposited instruments of ratification, acceptance, approval of or accession to the Agreement pursuant to Article 4, paragraph 3 and 4.
2. For each State which deposits its instrument of ratification, acceptance, approval or accession after the date upon which the conditions for the entry into force of the Agreement have been met, the Agreement shall enter into force for that State ninety (90) days after the date of its deposit of the said instrument.

Article 6

Working Group on Dry Ports

1. A Working Group on Dry Ports (the “Working Group”) shall be established by the United Nations Economic and Social Commission for Asia and the Pacific to consider the implementation of the Agreement and to consider any amendments proposed. All States which are members of the United Nations Economic and Social Commission for Asia and the Pacific shall be members of the Working Group.
2. The Working Group shall meet biennially. Any Party may also, by a notification addressed to the secretariat, request that a special meeting of the Working Group be convened. The secretariat shall notify all members of the Working Group of the request and shall convene a special meeting of the Working Group if not less than one third of the Parties signify their assent to the request within a period of four (4) months from the date of the notification by the secretariat.

Article 7

Procedures for amending the main text

1. The main text of the Agreement may be amended by the procedure specified in this Article.
2. Amendments to the Agreement may be proposed by any Party.
3. The text of any proposed amendment shall be circulated to all members of the Working Group by the secretariat at least forty-five (45) days before the Working Group meeting at which it is proposed for adoption.
4. An amendment shall be adopted by the Working Group by a two-thirds majority of the Parties present and voting. The amendment as adopted shall be communicated by the secretariat to the Secretary-General of the United Nations, who shall circulate it to all Parties for acceptance.
5. An amendment adopted in accordance with paragraph 4 of the present Article shall enter into force twelve (12) months after it has been accepted by two-thirds of the number of States which are Parties to the Agreement at the time of adoption of the amendment. The amendment shall enter into force with respect to all Parties except those which, have not accepted the amendment. Any Party which does not accept an amendment adopted in accordance with this paragraph may at any time thereafter deposit an instrument of acceptance of such amendment with the Secretary-General of the United Nations. The amendment shall enter into force for that State twelve (12) months after the date of deposit of the said instrument.

Article 8

Procedures for amending annex I

1. Annex I to the Agreement may be amended by the procedure specified in this Article.
2. Amendments may be proposed by any Party in whose territory the subject of the proposed amendment is located.
3. Amendments other than those specified in paragraph 2 may be proposed by any Party after consulting with and obtaining the written consent of the State in whose territory the subject of the proposed amendment is located.
4. The text of any proposed amendment shall be circulated to all members of the Working Group by the secretariat at least forty-five (45) days before the Working Group meeting at which it is proposed for adoption.
5. An amendment shall be adopted by the Working Group by a majority of the Parties present and voting. The amendment as adopted shall be communicated by the secretariat to the Secretary-General of the United Nations, who shall circulate it to all Parties.
6. An amendment adopted in accordance with paragraph 5 of the present Article shall be deemed accepted if during a period of six (6) months from the date of the notification, less than one third of the Parties notifies the Secretary-General of the United Nations of their objection to the amendment.
7. An amendment accepted in accordance with paragraph 6 of the present Article shall enter into force for all Parties three (3) months after the expiry of the period of six (6) months referred to in paragraph 6 of the present Article.

Article 9

Procedures for amending annex II

1. Annexe II to the Agreement may be amended by the procedure specified in this Article.
2. Amendments may be proposed by any Party.
3. The text of any proposed amendment shall be circulated to all members of the Working Group by the secretariat at least forty-five (45) days before the Working Group meeting at which it is proposed for adoption.
4. An amendment shall be adopted by the Working Group by a majority of the Parties present and voting. The amendment as adopted shall be communicated by the secretariat to the Secretary-General of the United Nations, who shall circulate it to all Parties.

5. An amendment adopted in accordance with paragraph 4 of the present Article shall be deemed accepted if during a period of six (6) months from the date of the notification, less than one third of the Parties notifies the Secretary-General of the United Nations of their objection to the amendment.

6. An amendment accepted in accordance with paragraph 5 of the present Article shall enter into force for all Parties three (3) months after the expiry of the period of six (6) months referred to in paragraph 5 of the present Article.

Article 10

Reservations

Reservations may not be made with respect to any of the provisions of the Agreement, except as provided in Article 13, paragraph 5.

Article 11

Withdrawal

Any Party may withdraw from the Agreement by written notification addressed to the Secretary-General of the United Nations. The withdrawal shall take effect twelve (12) months after the date of receipt by the Secretary-General of such notification.

Article 12

Suspension of validity

The operation of the Agreement shall be suspended if the number of Parties becomes less than eight (8) for any period of twelve (12) consecutive months. In such a situation the secretariat shall notify the Parties. The provisions of the Agreement shall again become operative if the number of Parties reaches eight (8).

Article 13

Settlement of disputes

1. Any dispute between two or more Parties which relates to the interpretation or application of the Agreement and which the Parties in dispute are unable to settle by negotiation or consultation shall be referred to conciliation if any of the Parties in dispute so requests and shall, to that end, be submitted to one or more conciliators selected by mutual agreement between the Parties in dispute. If the Parties in dispute fail to agree on the choice of conciliator or conciliators within three (3) months after the request for conciliation, any of those Parties may request the Secretary-General of the United Nations, to appoint a single independent conciliator to whom the dispute shall be submitted.

2. The recommendation of the conciliator or conciliators appointed in accordance with paragraph 1 of this Article, while not binding in character, shall become the basis of renewed consideration by the Parties in dispute.

3. By mutual agreement, the Parties in dispute may agree in advance to accept the recommendation of the conciliator or conciliators as binding.

4. Paragraphs 1, 2 and 3 of the present Article shall not be construed to exclude other measures for the settlement of disputes mutually agreed between the Parties in dispute.

5. Any State may, at the time of depositing its instrument of ratification, acceptance, approval or accession, deposit a reservation stating that it does not consider itself bound by the provisions of the present Article relating to conciliation. Other Parties shall not be bound by the provisions of the present Article relating to conciliation with respect to any Party which has deposited such a reservation.

Article 14

Limits to the application

1. Nothing in the Agreement shall be construed as preventing a Party from taking such action, compatible with the provisions of the Charter of the United Nations and limited to the exigencies of the situation, as it considers necessary for its external or internal security.

2. A Party shall make every possible effort to develop the dry ports of international importance consistent with the Agreement. However, nothing in the Agreement shall be construed as acceptance of an obligation by any Party to permit the movement of freight across its territory.

Article 15

Annexes

Annexes I and II to the Agreement shall form an integral part of the Agreement.

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_7949

