

## **Resolution 69/7**

### **Intergovernmental Agreement on Dry Ports**

*The Economic and Social Commission for Asia and the Pacific,*

*Recognizing* the vital role of transport in promoting international trade and economic and social development,

*Also recognizing* that transport is central to sustainable development and that sustainable transport achieves better integration of the economy, as affirmed in the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in June 2012, entitled “The future we want”,<sup>1</sup>

*Further recognizing* the importance of the Joint Project on Developing Euro-Asian Transport Linkages, which is aimed at facilitating access to markets, economic opportunities and social services for the countries situated along the Euro-Asian transport routes, including landlocked and transit developing countries,

*Acknowledging* that dry ports of international importance along with the Asian Highway and the Trans-Asian Railway networks constitute important building blocks of a sustainable international integrated intermodal transport and logistics system,

*Keeping in view* the role of dry ports in integrating modes of transport, reducing border-crossing and transit delays and associated costs, facilitating the use of energy-efficient and environmentally sustainable means of transport and creating new opportunities for the growth and establishment of development clusters in inland areas, and addressing the specific needs of landlocked, transit and coastal States,

*Recalling* its resolution 66/4 on the implementation of the Bangkok Declaration on Transport Development in Asia and the request contained therein to work towards the development of an intergovernmental agreement on dry ports,

*Also recalling* the Regional Expert Group Meeting on the Development of Dry Ports along the Asian Highway and Trans-Asian Railway Networks and the second session of the Committee on Transport, both held in Bangkok from 1 to 3 November 2010, which initiated the process of drafting an intergovernmental agreement on dry ports,<sup>2</sup>

*Further recalling* the outcomes of negotiations and consultations held among member States on the draft agreement during three subregional meetings held in 2011 — for South-East Asia in Vientiane, for South and South-West Asia in Dhaka, and for Central and North-East Asia in Dushanbe,<sup>3</sup>

*Welcoming* the finalization of the draft intergovernmental agreement on dry ports by the Ad hoc Intergovernmental Meeting on an Intergovernmental

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<sup>1</sup> General Assembly resolution 66/288, annex.

<sup>2</sup> See E/ESCAP/67/7, para. 4.

<sup>3</sup> See E/ESCAP/IADP/IGM.1/1, para. 14.

Agreement on Dry Ports, held in Bangkok from 20 to 22 June 2012,<sup>4</sup> and the subsequent approval of the finalized draft agreement by the Committee on Transport at its third session, held in Bangkok from 10 to 12 October 2012,<sup>5</sup>

*Expressing its appreciation* to the Government of the Russian Federation for the valuable support it provided in the process of developing the intergovernmental agreement on dry ports, including the convening of the expert group meeting, the subregional meetings and the Ad hoc Intergovernmental Meeting,

*Encouraged* by continued commitment of member States to coordinated development of the regional transport networks, within the framework of the Intergovernmental Agreement on the Asian Highway Network<sup>6</sup> and the Intergovernmental Agreement on the Trans-Asian Railway Network,<sup>7</sup>

*Welcoming* the proposal to organize a signing ceremony for the Intergovernmental Agreement on Dry Ports<sup>8</sup> during the second session of the Forum of Asian Ministers of Transport, which will be held in Bangkok from 6 to 8 November 2013,<sup>9</sup>

*Convinced* that the Intergovernmental Agreement on Dry Ports will strengthen regional cooperation among member States to promote inclusive and sustainable development through coordinated development of the transport and logistics system and have a substantial positive impact on the region by helping to achieve the internationally agreed development goals, including those contained in the United Nations Millennium Declaration,<sup>10</sup>

1. *Adopts* the Intergovernmental Agreement on Dry Ports, the text of which is contained in the annex to the present resolution;

2. *Invites* all relevant members of the Commission to become parties to the Agreement in order to ensure its rapid entry into force;

3. *Invites* the international and regional financing institutions and multilateral and bilateral donors to consider providing financial and technical support for the development and operation of dry ports of international importance;

4. *Invites* international organizations to continue to collaborate with members of the Commission to promote the development and operation of dry ports of international importance;

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<sup>4</sup> See E/ESCAP/IADP/IGM.1/3.

<sup>5</sup> See E/ESCAP/69/8, para. 1.

<sup>6</sup> United Nations, *Treaty Series*, vol. 2323, No. 41607.

<sup>7</sup> United Nations, *Treaty Series*, vol. 2596, No. 46171.

<sup>8</sup> E/ESCAP/69/8/Add.1.

<sup>9</sup> See E/ESCAP/69/8, para. 27.

<sup>10</sup> General Assembly resolution 55/2.

5. *Encourages* member States to develop dry ports of international importance as a means of facilitating the implementation of the Almaty Programme of Action;<sup>11</sup>

6. *Requests* the Executive Secretary:

(a) To assist member States in the process of becoming parties to the Agreement;

(b) To accord priority to the development of dry ports of international importance within the programme of work of the Commission;

(c) To collaborate effectively with international and regional financing institutions, multilateral and bilateral donors and international and subregional organizations for the development and operation of dry ports of international importance;

(d) To continue to work towards the development of a sustainable, international, integrated, intermodal transport and logistics system for the region, including through the development of the Asian Highway, the Trans-Asian Railway and dry ports of international importance, as appropriate;

(e) To discharge effectively the functions of the secretariat of the Agreement;

(f) To report to the Commission at its seventy-first session on the implementation of the present resolution.

## **Annex**

### **Intergovernmental agreement on dry ports**

*The Parties to this Agreement,*

*Recalling* Economic and Social Commission for Asia and the Pacific resolution 66/4 of 19 May 2010 on the implementation of the Bangkok Declaration on Transport Development in Asia and the request contained therein to work towards the development of an intergovernmental agreement on dry ports,

*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 international goods transport as a consequence of growing international trade in the ongoing process of globalization,

*Determined* to strengthen connectivity and seamless international movement of goods, facilitate increased efficiency and reduce the cost of transport and logistics as well as to extend its reach to inland areas and wider hinterlands,

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<sup>11</sup> *Report of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation, Almaty, Kazakhstan, 28 and 29 August 2003 (A/CONF.202/3), annex I.*

*Encouraged* by the successful regional cooperation that led to the entry into force of the Intergovernmental Agreement on the Asian Highway Network<sup>12</sup> and the Intergovernmental Agreement on the Trans-Asian Railway Network,<sup>13</sup>

*Considering* that, in order to strengthen relations and promote international trade among members of the Economic and Social Commission for Asia and the Pacific, it is essential to develop dry ports of international importance to the requirement of international transport and to reduce the adverse impact of transport on the environment,

*Recognizing* the need to develop guiding principles for the development and operation of dry ports of international importance for harmonization and facilitation of intermodal transport in Asia and the Pacific,

*Keeping in view* the role of dry ports of international importance as an important component of an effective and efficient international integrated intermodal transport and logistics system, especially in addressing the specific needs of landlocked, transit and coastal States,

*Have agreed* as follows:

## **Article 1**

### **Definition**

For the purposes of the Intergovernmental Agreement on Dry Ports (the “Agreement”), a dry port of international importance (“dry port”) shall refer to an inland location as a logistics centre connected to one or more modes of transport for the handling, storage and regulatory inspection of goods moving in international trade and the execution of applicable customs control and formalities.

## **Article 2**

### **Identification of dry ports**

The Parties hereby adopt the list of dry ports, contained in annex I to the Agreement, as the basis for the coordinated development of important nodes in an international integrated intermodal transport and logistics system. The Parties intend to develop these dry ports within the framework of their national programmes and in accordance with national laws and regulations.

## **Article 3**

### **Development of the dry ports**

The dry ports listed in annex I to the 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 to States that are members of the United Nations Economic and Social Commission for Asia and

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<sup>12</sup> United Nations, *Treaty Series*, vol. 2323, No. 41607.

<sup>13</sup> United Nations, *Treaty Series*, vol. 2596, No. 46171.

the Pacific at Bangkok, Thailand, on 7 and 8 November 2013, and thereafter at United Nations Headquarters in New York from 11 November 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 of or accession to the Agreement shall be deposited in good and due form with the Secretary-General of the United Nations.

#### **Article 5**

##### **Entry into force**

1. The Agreement shall enter into force on the thirtieth day following the date on which the eighth instrument of ratification, acceptance, approval of or accession to the Agreement is deposited pursuant to Article 4, paragraph 4 of the Agreement.

2. For each State which deposits its instrument of ratification, acceptance, approval of or accession to the Agreement after the date on which the eighth instrument of ratification, acceptance, approval of or accession to the Agreement is deposited, the Agreement shall enter into force for that State thirty (30) 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 shall 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 a two-thirds majority of the Parties to the Agreement present and voting at the meeting of the Working Group. 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 thirty (30) days 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 thirty (30) days after the date of deposit of the said instrument.

#### **Article 8** **Procedures for amending annex I**

1. Annex I to the Agreement shall be amended by the procedure specified in this Article.

2. Amendments shall be proposed by any Party in whose territory the subject of the proposed amendment is located.

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. The proposed amendment shall be deemed adopted if the Party in whose territory the subject of the proposed amendment is located reconfirms the proposal after consideration of the proposal at the Working Group meeting. 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. The amendment adopted in accordance with paragraph 4 of the present article shall be deemed accepted and shall enter into force for all Parties after a period of forty-five (45) days following the date of the circular notification of the Secretary-General of the United Nations.

#### **Article 9** **Procedures for amending annex II**

1. Annex II to the Agreement shall 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 a two-thirds majority of the Parties to the Agreement present and voting at the meeting of the Working Group. 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 ninety (90) days 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 thirty (30) days after the expiry of the period of ninety (90) days 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 of the Agreement.

#### **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. The provisions of the Agreement shall again become operative thirty (30) days after the number of Parties reaches eight (8). In such situations, the Secretary-General of the United Nations shall notify the Parties.

#### **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 to be mutually agreed by the Parties in dispute. If the Parties in dispute fail to agree on the choice of conciliator or conciliators within ninety (90) days 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. 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 as excluding 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. Each Party shall make every possible effort to develop the dry ports in accordance with national laws and regulations in a manner that is 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 goods across its territory.

#### **Article 15** **Annexes**

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

#### **Article 16** **Secretariat**

The United Nations Economic and Social Commission for Asia and the Pacific shall be designated the secretariat of the Agreement.

#### **Article 17**

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