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The Problems of Multilateral Cooperation between Landlocked Developing Countries

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The article examines the characteristic features of multilateral cooperation between the landlocked developing countries (LLDCs). It discusses the legal and political constraints of the collective influence of LLDCs in improving transit conditions, as well as compares the institutional basis for cooperation between these countries on various international platforms. Further, the article presents the impact of Armenia's involvement in the work of a group of LLDCs on country's foreign policy.

Keywords

Landlocked developing countries, multilateral diplomacy, transit issues, negotiating groups, UN, WTO

Introduction

Amid the spread of coronavirus, opinions were voiced in Armenia¹ that the problem of vulnerability of LLDCs should be raised on international platforms, taking into account the need for cargo transit and access to transport communication systems. Like several other countries, Armenia also addressed at the UN the need to "ensure the transit of vital goods and equipment" amid the regional and structural constraints². Though pandemic has exacerbated the economic hardships faced by all landlocked countries, they still encounter serious obstacles on international platforms. The article presents these obstacles by analyzing the shortcomings of LLDCs collective

¹ Marjanyan A., Locked Countries, "Orbeli" Analytical Research Center, 2020, https://orbeli.am (20.05.2020), (in Armenian); **Hovhannisyan H.,** It is necessary for Armenia to diversify the energy import trends, and to raise the issue of economic cooperation with Georgia. Ara Marjanyan, Tert.am, March 19, 2020, https://www.tert.am/am/news/2020/03/19/ara-marjanyan/3240822, (20.05.2020), (in Armenian).

² The Permanent Representative of Armenia participated in the online discussion with the UN Deputy Secretary-General, Permanent Mission of Armenia to the UN, April 3, 2020, https://un.mfa.am (20.05.2020), (in Armenian).

role. It is important to clarify the boundaries of multilateral cooperation between these countries to effectively address the lack of access to the sea and making a right choice of multilateral and bilateral tools.

Platform without foothold

The group of LLDCs (the Group), established under the UN in 1994, brought together countries* with varying features of civilizational and economic development³, as well as the foreign policy priorities. The geographical feature of the land blockade is the only factor unifying these countries⁴. However, the problems caused by this factor, mainly related to the transit conditions, have different level of significance in foreign policy agenda of the Group countries.

Apart from the lack of the access to the sea, these countries pursue different, and sometimes even mutually exclusive interests on other issues of international relations. They are adjacent to opposing geopolitical centers, and bilateral relations within the Group do not stand out for a particular partnership. Both Armenia and Azerbaijan are the Group members. Their presence on the same international platform makes the opportunities for constructive atmosphere seem unrealistic.

Interestingly, there are cases in history when multifaceted platforms proved to be able to overcome conflicts of interests and contradictions within themselves by dictating the rules of the game, even in relations with superpowers. However, whereas the insurance of stable oil prices has always been a top foreign policy priority for the Organization of Petroleum Exporting Countries, the lack of access to the sea is far less important in the foreign policy agendas of landlocked countries⁵. In one case, the oil is a vital

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^{*} Azerbaijan, Afghanistan, Botswana, Bolivia, Bhutan, Burkina Faso, Burundi, Ethiopia, Zambia, Zimbabwe, Turkmenistan, Laos, Lesotho, Central African Republic, Armenia, South Sudan, Northern Macedonia, Kazakhstan, Kyrgyzstan, Malawi, Mali, Moldova, Mongolia, Nepal, Niger, Chad, Paraguay, Rwanda, Swaziland, Tajikistan, Uganda, Uzbekistan.

³ UNOHRLLS, Financing Infrastructure in the Transport Sector in Landlocked Developing Countries: Trends, Challenges & Opportunities, 2018, pp. 2, 7-8.

⁴ **Uprety K.,** The Transit Regime for Landlocked States: International Law and Development Perspectives, World Bank, Washington, D.C., 2005, p. 7.

⁵ The only exception is Bolivia, the main foreign policy issue of which is access to the sea. However, unlike other Group countries, interested in improving transit conditions, Bolivia demands a sovereign access to the sea from Chile. (**St John R.**

factor for all members of the organization, whereas in the second case the problems related to transit are not equally important for all. High oil prices are in the interests of both Saudi Arabia and Iran, and the creation of unfavorable transit conditions for Armenia is one of Azerbaijan's strategic tasks.

Although some countries play more active role in the work of the Group, there is no common center to balance the multi-layered interests and priorities. Neither Mongolia, which played a key role in the formation of the Group⁶ and in subsequent establishment of the International Research Center for LLDCs⁷, nor Laos, which initiated⁸ the annual meeting of the Group's Foreign Ministers strive to be the Group Leader. The same is true for Paraguay, which has been empowered to represent the interests of the Group in trade and development issues⁹.

The collective efforts of LLDCs have limited potential to create favorable transit conditions for the Group countries. The multilateral cooperation between LLDCs has somehow lost its viability after the issues concerning these countries started to be regulated by International law. The universal recognition of transit and other rights required joint efforts, and in this regard, LLDCs managed to put aside their disagreements and speak with

B., Bolivia: Geopolitics of a Landlocked State, London, Routledge, 2019, pp. 208-209). In its 2018 Decision, the International Court of Justice rejected Bolivia's claim against Chile, which demanded negotiations over a sovereign access to the Pacific Ocean. (International Court of Justice, Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile), Judgement of 1 October, 2018, https://www.icjcij.org/files/case-related/153/153-20181001-JUD-01-00-EN.pdf (02.05.2020)).

⁶ Secretary-General's remarks at opening ceremony of the Think Tank on Trade and Land Locked Developing Countries [as prepared for delivery], 27 July 2009, Ulaanbaatar, https://www.un.org/sg/en/content/sg/statement/2009-07-27/secretary-generals-remarks-opening-ceremony-think-tank-trade-and (02.05.2020).

⁷ Report of The Inaugural Intergovernmental Meeting of the International Think Tank for LLDCs, Ulaanbaatar, Mongolia, 11-12 June 2018, p. v, http://unohrlls.org/custom-content/uploads/2019/04/Report-Inaugural-Meeting-ThinkTankFor-LLDCs-.pdf (02.05.2020).

⁸ Letter dated 2000/09/20 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations and Chairman of the Group of Landlocked Developing Countries addressed to the Secretary-General, United Nations Document, A/C.2/55/2, p. 2.

⁹ Letter dated 2005/08/25 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General, United Nations Document, A/60/308, p. 7.

one voice¹⁰. Nevertheless, the most important conventions balance the principle of free access to the sea with the principle of sovereignty of transit states. The UN Convention on the Law of the Sea (1982) stipulates that transit conditions are agreed between the landlocked and transit countries through bilateral, regional or sub-regional arrangements¹¹. The transit conditions depend, first of all, on the level of political relations with the transit country, whereas the support to the Group in that issue has merely a declarative nature.

"Increased visibility"

According to the rules of procedure, the Group provides a platform for its members to "shape and advance the collective economic interests, including, in particular, the effective implementation of globally agreed goals, objectives and action plans"¹². These global goals, in particular, "the 2030 Agenda for Sustainable Development"¹³, the Addis Ababa Action

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The interests of landlocked countries were not entirely in line with the Third UN Conference on the Law of the Sea. Developed countries were more concerned with the recognition of the right to use the resources of the ocean and to conduct researches. Some landlocked countries, which were meanwhile transit countries, had some reservations about the demand for unrestricted freedom of transit. Nevertheless, the landlocked developed and developing countries managed to unite and form a separate negotiating group with the countries in an unfavorable geographical position. (**Tuerk H.,** Forgotten Rights? Landlocked States and the Law of the Sea, Contemporary Developments in International Law Essays in Honour of Budislav Vukas, edited by R. Wolfrum, M. Seršić, T. Šošić, Boston, Brill Nijhoff, 2015, pp. 346, 348; **Hafner G.,** Die Gruppe der Binnen- und geographisch benachteiligten Staaten auf der Dritten Seerechtskonferenz der Vereinten Nationen, Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht, 1978, 38(3-4), p. 569).

¹¹ United Nations Convention on the Law of the Sea, Montego Bay, 1982, Article 125, United Nations, Treaty Series, vol. 1833, No. 31363.

¹² Note verbale dated 13 December 2017 from the Permanent Mission of Zambia to the United Nations addressed to the Secretary-General - Rules of procedure of the Group of Landlocked Developing Countries, United Nations Document, A/72/655, p. 3

p. 3. Transforming our world: the 2030 Agenda for Sustainable Development: resolution adopted by the General Assembly, United Nations Document, A/RES/70/1.

Agenda on financing issues¹⁴, and the Sendai Framework for Disaster Risk Reduction¹⁵, while not legally binding, recognize the particular challenges facing LLDCs and the urgency of international support. Increased international visibility on the special needs of the Group countries is reflected in the Vienna Programme of Action (VPoA) on LLDCs¹⁶. Regardless of the increased visibility, this global agenda envisages no mechanism to eliminate the main political obstacles to development, i.e. "closed borders, blockades, unduly discriminating trade regimes"¹⁷.

It is hard to expect that the countries the neighbors of which are obstructing the exercise of transit rights will receive unconditional support even within the Group. Armenia has repeatedly raised the issue of Turkey's blockade, both within the Group and on other international platforms. Nevertheless, it seems unrealistic that the country will gain the support of not only the Central Asian countries that are members of the Turkic Council (especially Azerbaijan), but also that of the other Group countries. No matter how strong Nepal's Permanent Representative to the UN condemned the creation of transit barriers regarding his country's blockade in 2015¹⁸, the Group countries are unlikely to act against India. Armenia, which

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¹⁴ Addis Ababa Action Agenda of the 3rd International Conference on Financing for Development (Addis Ababa Action Agenda): resolution adopted by the General Assembly, United Nations Document, A/RES/69/313.

¹⁵ Sendai Framework for Disaster Risk Reduction 2015-2030: resolution adopted by the General Assembly, United Nations Document, A/RES/69/283.

¹⁶ Programme of Action for Landlocked Developing Countries for the Decade 2014-2024: resolution adopted by the General Assembly, United Nations Document, A/RES/69/13.

¹⁷ "It is important that together with limitations in finance we look at the barriers to sustainable development as well – closed borders, blockades, unduly discriminating trade regimes. The fact that a highly important inter-state railway (Gyumri-Kars) between Armenia and Turkey is not being used in the vital interests of sustainable development and regional connectivity due to an ongoing illegal blockade is a vivid example...", Statement by the Minister of Foreign Affairs of Armenia at the "Financing the 2030 Agenda: A discussion on financing for the SDGs building on York. the Addis Ababa Action Agenda", New February https://www.mfa.am/hy/speeches/2016/02/24/min-2030agenda/5915 (02/05/2020): ¹⁸ Statement Delivered by HE Mr. Durga Prasad Bhattarai, Ambassador/Permanent Representative of Nepal to the United Nations at the 15th Annual Ministerial

Representative of Nepal to the United Nations at the 15thAnnual Ministerial Meeting of the LLDCs on the Sideline of the 71st session of the UNGA (New York, 22 September 2016), http://unohrlls.org/custom-content/uploads/2016/09/Nepal-LLDCs-MM-Statement.docx (02.05.2020).

established diplomatic relations with Northern Macedonia only in 2019¹⁹, will not jeopardize its relations with Greece if the latter, following the example of 1994²⁰, again refuses to provide access to the Macedonian goods by sea.

Joint negotiating capacities

The Group aims to "enhance its joint negotiating capacity on major international economic issues within the UN system, the World Trade Organization (WTO), and on all international and multilateral platforms". One of the formats to ensure the continued cooperation of the Group at the UN is the annual ministerial meeting in New York, which takes place during the opening session of the General Assembly's high-level week. Less than half of the Group Ministers generally attend these meetings. Others give priority to some other events and bilateral contacts. The level of participation is a clear indicator of how much the Group countries contribute to this platform of multilateral cooperation or, in general, to the issues of land blockade.

The Group elects the Bureau among its members on a two-year period to coordinate the cooperation and to discuss joint actions ahead of ministerial meetings. In the aftermath of the last elections of the Bureau in 2019, it was not possible to gather a full staff again, and 1 seat allocated to the Eastern European subgroup still remains vacant²¹. One can easily guess the reason for the lack of consensus, given the presence of Armenia and Azerbaijan in the subgroup of three countries.

¹⁹ Armenia established diplomatic relations with Northern Macedonia, RA MFA, September 27, 2019, https://www.mfa.am/hy/press-releases/2019/09/27/fm north macedonia/9873 (02.05.2020), (in Armenian).

²⁰ **Syrigos A. M.,** Landlocked States and Access to the Sea: The Greek Blockade of the Former Yugoslav Republic of Macedonia, Revue Hellenique de Droit International, 1996, 49, 107-126.

²¹ Summary Report of the First Meeting of the LLDCs Group at the Ambassadorial Level, 22 January 2020, p. 5, http://unohrlls.org/custom-content/uploads/2020/03/Summary-Report-of-the-LLDC-Ambassadorial-Level-Meeting 22January.pdf (02.05.2020).

Table 1Participation level of Foreign Ministers in the annual Group meetings (2016-2019) and high-level midterm review summit of VPoA (2019)

	VPoA	2019	2018	2017	2016
Azerbaijan	-	-	Third Secretary	Third Secretary	Minister
Afghanistan	$PR^{\square *}$	-	-	Deputy Minister	Advisor
Botswana	<i>Deputy PS</i> ^{□**}	Minister	HOD [□] ***	Advisor	-
Bolivia	-	Deputy Minister	First Secretary	PR	Minister
Bhutan	Secretary of foreign affairs	Minister	Minister	Minister	Minister
Burkina Faso	-	HOD	Advisor	Advisor	Minister
Burundi	-	-	-	-	General Director
Ethiopia	PR	-	Deputy Minister	HOD	Minister
Zambia	Minister	Minister	Minister	Minister	PS
Zimbabwe	PR	-	Deputy	PS	Minister

** Permanent Representative to the UN (PR)

^{***} Permanent Secretary of Ministry of Investment, Trade and Industry (PS)

^{****} Head of Department (HOD)

			PR		
Eswatini	Minister	-	-	-	-
Turkmenista n	-	-	-	Third Secretary	-
Laos	Deputy Minister	Minister	HOD	Minister	Minister
Lesotho	HOD	Minister	Minister	Minister	Advisor
Central African Republic	-	-	-	Minister	Minister
Armenia	PR	-	HOD	HOD	HOD
South Sudan	-	Minister	HOD	Advisor	Minister
Northern Macedonia	-	-	-	-	-
Kazakhstan	Deputy Minister	Minister	Minister	Minister	Deputy Minister
Kyrgyzstan	PR	-	Minister	-	Minister
Malawi	Minister	Minister	Minister	Minister	Minister
Mali	HOD	PR	-	-	-
Moldova	-	-	-	-	Deputy Minister
Mongolia	PR	PR	Minister	Minister	Minister
Nepal	PR	Minister	Minister	Minister	PR
Nigeria	-	-	-	HOD	-

Chad	Secretary of State	-	-	-	-
Paraguay	PR	Minister	Minister	Minister	Minister
Rwanda	PR	-	-	-	-
Tajikstan	Deputy Minister	-	PR	-	Minister
Uganda	Deputy PR	Minister of State	PS	-	HOD
Uzbekistan	PR	-	-	-	-
Minister	3	10	9	10	14

Source: UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States

Whereas at the UN, the cooperation between the Group countries is institutionalized, a separate negotiating group of LLDCs has not yet been set up at the WTO - an important interstate platform on international trade issues²². This is a common feature of developing countries. They feel more confident under the UN system adopting mostly declaratory documents than the WTO establishing contractual obligations²³. The Group's trade representatives hold regular consultations, trade ministers traditionally meet and issue joint statements ahead of WTO conferences. Nevertheless, apart from trade facilitation²⁴, the Group does not take a common position in

²² **Erdenetsogt O.,** The Importance of Multilateral Trade Negotiations for LLDCs and Mongolia in Particular, The Northeast Asian Economic Review, 2016, 4, 2, p. 62.

²³ **Narlikar A.,** International Trade and Developing Countries: Bargaining Coalitions in the GATT & WTO, London, Routledge, 2003, p. 25.

²⁴ In the long-running negotiations on the WTO Agreement on Trade Facilitation (Protocol amending the Marrakesh Agreement establishing the World Trade

negotiations. Within WTO, LLDCs have an active engagement in various negotiating groups, that have rich experience in advancing collective interests²⁵. More than half of the Group countries are among the least developed countries that have operated as a separate negotiating group in the WTO for decades and have received privileges based on their status²⁶. The principles of special and differentiated approach apply to both the least developed and developing countries, but there is no separate regime under the WTO due to the lack of access to the sea²⁷.

On another international platform - the UN Framework Convention on Climate Change²⁸ - Armenia, Kyrgyzstan, Tajikistan and Afghanistan have formed a group of developing mountainous landlocked countries. Despite the calls, Nepal refused to join these countries and initiated another group pursuing the interests of the mountainous countries. In contrast to the first four countries, which believe the interconnection of the geographical features of the mountainous terrain and the lack of access to the sea to be fundamental, Nepal stands for the unification of all mountainous countries²⁹.

Organization, Geneva, 2014, WTO Documents, WT/L/940) the Group countries have made efforts to incorporate important principles on transit (**Neufeld N.**, The long and winding road: How WTO members finally reached a trade facilitation agreement, WTO Staff Working Papers ERSD-2014-06, WTO, Economic Research and Statistics Division, 2014, p. 4). However, in the final year of the negotiations, the WTO General-Director's Chief of Staff urged LLDCs to "play a *more* [the author's emphasis — T. Z.] active role in the negotiations" (Arancha Gonzalez urges landlocked poor countries to play active role in trade facilitation talks, WTO, 20 March, 2013, https://www.wto.org/english/news_e/news13_e/lldc_20mar13_e.htm (30.04.2020)).

²⁵ It is noteworthy that historically landlocked developing countries were the first among developing countries to be classified as a separate group. (**Fialho Dj., Van Bergeijk P. A. G.,** The Proliferation of Developing Country Classifications, The Journal of Development Studies, 2017, **53**, 1, p. 100):

²⁶ **Priyadarshi Sh., Rahman T.,** Least-Developed Countries in the WTO: Growing Voice in The Oxford Handbook on the World Trade Organization, edited by Narlikar A., Daunton M., and Stern R., Oxford, Oxford University Press, 2012, pp. 288-299.

288-299.

Trade Negotiations and LLDCs: A handbook for negotiators and practitioners of LLDCs, 2015, pp. 93, 194-195.

²⁸ United Nations Framework Convention on Climate Change, New York, 1992, United Nations, Treaty Series, vol. 1771, No. 30822.

²⁹ **Bhandary R. R.,** Coalition strategies in the climate negotiations: an analysis of mountain-related coalitions, International Environmental Agreements: Politics, Law and Economics, 2015, 17, p. 186; **Roberts J. T.,** Multipolarity and the new world

Measurable support: The problem of attracting financial and technical means

The issue of attracting financial and technical means from the international donor community is among the regulatory goals of the Group. Back in 1995, the representative of Nepal rightly noted that "if the issues related to transit are resolved and can be resolved at the bilateral level [the author's emphasis – T. Z.], international financial assistance will be needed to improve transit infrastructure"³⁰. Group membership, i.e. the status of a vulnerable country, provides an additional opportunity to receive formal development assistance. For most LLDCs, formal development assistance is the major source of external funding. In 2017, the Group received a total of \$ 28 billion, or 17% of total assistance provided to developing countries. However, this financial flow is not evenly distributed among the members; it is highly concentrated on a few less developed countries³¹. It is noteworthy that the field of infrastructure, which seems so important, is not the primary target for the Group countries. In 2015, only 22% of total flows were directed to infrastructure development, which is lower compared to other developing countries³².

The economies of LLDCs are particularly vulnerable amid COVID-19 outbreak. Though at the UN LLDCs have raised the issue of uninterrupted operation of transport routes and supply chains³³, the support

(dis)order: US hegemonic decline and the fragmentation of the global climate regime, *Global Environmental Change*, 2011, 21, 3, p. 779.

Implementation of the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014-2024: report of the Secretary-General, United Nations Document, A/74/113, p. 12.

³⁰ Report of the 2nd Meeting of Governmental Experts from Land-locked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions, held at United Nations Headquarters, New York, from 19 to 22 June 1995, United Nations Document, TD/B/42(1)/11 TD/B/LDC/AC.1/7, p. 6.

³² Development Assistance Committee, OECD, Financing for development: the case of Landlocked Developing Countries. The Contribution of External Finance, https://www.oecd.org/dac/financing-sustainable-development/development-finance-topics/Financing%20for%20development%20the%20case%20of%20Landlocked%20Developing%20Countries.pdf (02.05.2020).

³³ COVID-19: For the first time we're talking about a development emergency response, UNOHRLLS, New York, 6 April 2020, http://unohrlls.org/news/covid-19-for-the-first-time-were-talking-about-a-development-emergency-response/ (02.05.2020). The need to maintain transit cargo was also stressed in the UN Secretary-General's report on the socio-economic response to pandemic. (Shared responsibility, global solidarity: Responding to the socio-economic impacts of COVID-19, Report by UN Secretary-General, March 2020,

of the international community will be realistic and measurable in terms of financial flows to overcome the socio-economic impact of the pandemic, whereas the maintenance of transit cargo depends mainly on bilateral agreement with transit countries.

Conclusion

The issues on the lack of access to the sea have not become a significant component capable to form collective identity between the countries of the Group. The only factor unifying these 32 landlocked countries is not a lever but a vulnerability that does not provide means of influence. So, how does Armenia's involvement in the work of the Group influences its foreign policy?

- 1. No matter how unrealistic the Group's collective support in unblocking Armenia may seem, it is important to study the experience of other landlocked countries and the transit arrangements agreed with their neighbors.
- 2. Armenia's presence and proper involvement becomes an imperative amid the membership of Azerbaijan in the campaign against the interests of Armenia in all international platforms.
- 3. The Group provides a platform to deal with countries with which the bilateral agenda is not rich in other spheres of common interest. Armenia gains an opportunity to ensure the votes of member states in terms of important votings at the UN and support to Armenia's candidates in the elections of international bodies.
- 4. Group membership is meaningful in the context of geopolitical developments. As a result of the realignment of power poles, the problems of landlocked countries may become the subject of interest of the great powers. The countries of the Group are already beneficiaries of the Chinese "One Belt, One Road" initiative³⁴.

https://unsdg.un.org/resources/shared-responsibility-global-solidarity-responding-socio-economic-impacts-covid-19 (02.05.2020)):

³⁴ Strengthening the capacity of Landlocked Developing Countries under the "Belt and Road Initiative" to design and implement policies that promote transport connectivity for the achievement of the SDGs, project by UN-OHRLLS, http://unohrlls.org/project-2019-2021/(22.05.2020).