LAND- LOCKED COUNTRIES OF AFRICA

The Scandinavian Institute of African Studies in Uppsala was started in 1962 as an element in the initial Scandinavian collaboration to collect and disseminate information about Africa and to promote a scholarly exchange of ideas on topics of central concern to the developing countries.

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Edited by

ZDENEK ČERVENKA

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The **Scandinavian Institute of African Studies** has served at Uppsala since 1962 as a **Scandinavian documentation** and research centre on **African affairs**

The **views** expressed in its **publications** are **entirely** those of the authors and do not **necessarily** reflect those of the **Institute** or the **institutions** where they are engaged at present

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Zdenek Cervenka

Preface

The seminar on the 'Land locked Countries of Africa' held in Oslo, September 24–28, 1972 was the seventh seminar organised by the Scandinavian Institute of African Studies since 1963. As a part of its function as a Scandinavian documentation and research centre on African problems, the Institute has tried to choose topics for these international seminars that would be of interest to academics as well as to planners, administrators and politicians. These topics have included refugee problems, boundary problems, problems of adult education, the role of mass media and co-operative development in East Africa. Scholars from abroad—mainly of course from Africa—have been invited to discuss their special topics with Scandinavian specialists and other interested persons. A current problems oriented seminar is difficult in that problems keep developing even after the analysis has gone to press. Since the seminar on land-locked countries was held in September 1972 several major developments have occurred which dramatized the precarious position of African countries without access to the sea or with their links with the outside world controlled by hostile neighbours.

The closing of the border between Zambia and Rhodesia on January 9, 1973 was justified by Rhodesia as a retaliation for the actions of the liberation movements allegedly operating from a base in Zambia. The response of Zambia was very firm. Instead of yielding it decided to keep the border closed and re-route all Zambian exports, freeze all payments due to Rhodesia and to take the matter before the Security Council of the United Nations. As was the case after the UDI, Zambia once again paid the highest price for its principles but its stand remained unshaken. When Salisbury announced in February 1973 that the border would be re-opened, Zambia kept it closed.

Other events, though not directly related to the problems of land locked countries further increased the tension in Southern Africa. The revelation in July 1973 of the massacre of the population of the Wiriyama village in Mozambique gave rise to such a wave of indignation in the world public opinion that it has already led to a re-thinking of policies towards Portugal by a number of Western countries. With

drawal of the support to Portugal, or Increase of aid to the liberation movement FRELIMO in Mozambique (or both) would of course have significant consequences on the power structure in the area where the access to the sea is still under the exclusive control of white minority regimes

Similarly, the shooting of eleven miners at Carletonville in South Africa in September 1973, among which five were from Lesotho, culminated in the worst crisis in Lesotho—South Africa relations in the last years Lesotho raised its complaint at the United Nations and ordered a stop to further recruitment of its nationals for work in South Africa

Among the encouraging developments was the UNCTAD meeting of the Expert Group on the Transport Infrastructure for Land Locked Developing Countries in May 1973 which worked out a transport strategy for land locked developing countries working out in detail many of the ideas raised at the seminar

Finally the declaration of Independence of Guinea Bissau on September 24, 1973 created, hopefully only temporarily, another land locked State Although most of Guinea Bissau's territory has been liberated, the Portuguese still control the access to the sea

However, it has never been the purpose of our seminars to dwell on the topicality of the chosen problems of Africa, but rather to provide a deeper insight into their backgrounds and consider possible prospects and aspects of their solutions Thus, while the building of air bridges to land locked countries to which some of the participants of the seminar attributed great Importance may still be a matter of decades, it is nevertheless one of the options deserving further study The completion of the TANZAM railway will dramatically change Zambia's dependency on the White South The near future will show whether this new link with the independent north will meet the expectations discussed at the seminar

The diversity of the problems of land locked countries is shown already by the different legal positions taken by Vratislav Pěchota on the one hand and Alfred Rubin on the other This is also shown by the conceptual approaches put forward by Tamas Szentes, Helge Hveem, Cohn Legum, Louis Sabourin and Robert McKinnell

They all amply demonstrate the variety of views which came out in the debate during the seminar The confrontation between schools of thinking and between attitudes to operational solutions made us decide upon including in this volumes even those contributions which were originally submitted only as comments on the main papers

The seminar coincided with the tenth anniversary of the Scandinavian Institute of African Studies Our main task over the years has

been to promote and sustain the Interest in Afrlcan affairs among Scandinavians

The seminars, as the one presented in this book, is one of the ways of doing so on an academic level. However, during these seminars we have also tried to offer another point of view on a variety of topics. The profile, strength and vigour of this institute depends, therefore to a great extent on our being able to call upon a large number of Scandinavian scholars with backgrounds, and views widely different from those held in other Afrlcan studies establishments to discuss with experts from Africa and abroad.

We feel that considerably more could be achieved in this direction of sustaining the general interest in Afrlcan affairs, if we could pool our resources not only with those of Afrlcan research institutions, but also with other institutions with a similar outlook, institutions detached from the heavy political centres of the world, such as for example those of Canada and the Netherlands. A joint effort to provide accurate information and analysis to overcome the barrier of the still stupefying Ignorance about Africa would rank high on our list of priorities.

Carl Gosta Widstrand

Uppsala October 1973

have to be crossed and by air overflying rights have to be obtained. Hence, because of **their geographic position**, land locked states are **deprived** of a **right** to enjoy a freedom **which is available** to all other **nations**. Denial of free access to the sea constitutes a violation of one of the fundamental **principles of international law on the sovereign equality** of all states.

The land locked developing countries are not only **without direct** access to the sea, but in many cases are also very remote from the sea. For example, the shortest route from Chad to the sea—from Fort Lamy to **Lagos**—is 2 050 kilometers. The other three **alternative** routes (Fort Lamy **Pointe Noire**, Fort Archambault **Pointe Noire**, and Abeche Port Sudan) are substantially longer **ranging** from 2 400 kilometres to 3 000 kilometres.

Many of the **economic problems** of land locked countries in **Africa** are common to **their neighbours** and are part of the general problem of the under development of the **continent**. Tamas Szentes has suggested that the problems of the land locked countries are of a structural character and are related to the **international division** of labour and its impact on local **economies and environment**. Because of **this effect**, all developing countries, whether land locked or not, have common development problems as 'satellites in the **international division** of labour system'. Helge Hveem contends that "the land locked states do not seem to be poorer or less developed than the coastal states", a **view which is contradicted** by the facts compiled by the Group of Experts of UNCTAD. In its report on the **special measures required** by the least developed among developing countries, the Group of Experts stated:

The land locked **situation** is not necessarily synonymous with being least developed. Some landlocked countries may not be least developed and some of the least developed are not land locked. However as a matter of **empirical observation**, it is found that most of the land locked developing countries would seem to belong to the category of the least developed.²

The land locked **situation** adds another **dimension of difficulty** to the economic development of the countries concerned. It may be said that the **position** of producers, exporters, and Importers in a land locked country is comparable with that of many of **their** counterparts in **inland** areas of a large coastal country such as the Federal Republic of **Nigeria**, where **eight** of the twelve states are land locked. There is one fundamental **difference**. Unlike the land locked country **depending** on the transit routes and port **facilities** of other states, the remote area of a large coastal state is an integral part of a **single political unit** with **identical** currency, regulations, and **tariffs**. Furthermore, a **single political unit** can compensate a remote **inland region** for any **additional costs**.

arising from its distance from the sea and can correct any inequality in income arising from that cause by means of preferential tariffs, credits, etc

Moreover, while the level of economic development of a particular land locked state might not be much different from that of a coastal state (in some instances it may be higher) the geographical isolation from the sea reduces its political options and subordinates its economic growth to that of its neighbours to a much greater degree than is the case of a coastal state, however poor. It can be argued that an under developed coastal state derives little advantage from a sea port for which it has very little use. However while the economic growth of the coastal state, which could be brought about by foreign aid and the mobilisation of its national resources, would have a direct impact on its own port through the country's entry into the world market, in the case of a land locked country even a spectacular expansion of its economy would be meaningless if not accompanied by a comparable improvement in the communication links of its neighbours on which it depends.

Countries with a low standard of living are also countries with inadequate means of transport. The reason for this correlation is that developing countries—both land locked and coastal states—which benefit from the technological, social and economic advancement of industrial societies in Europe and North America depend primarily on efficient communications and transportation. For a nation to supply itself with the necessities of life, transport is essential.³ And to the extent that inadequate transport curtails development, the land locked nations are the first to suffer. Douglas Anglin in his paper 'The Politics of Alternative Routes in Land locked Southern Africa' lists eighteen factors which stem from geographic position. He points out that the adverse effects of landlockedness are greater, 'the less efficient the transit routes and ports, the less the capability of the land locked state to absorb increased transport costs, and the less physically secure the transit routes'.

In Africa, rail, road and water borne systems still carry the largest volume of traffic while airlines and pipeline systems are at present relatively insignificant. Table I, 'Transportation Profiles of African Land locked Countries',⁴ clearly reveals the inadequacy of the present communication network. The obstacles in the way of its expansion are posed by the topography and climate, which magnify the scale of the investment required for improvements and maintenance. Of the three major systems, water borne transport (i.e. by rivers and lakes) is the most inefficient and it is most subject to weather conditions and other natural effects. One serious drawback with rail tran-

Table 1 Transportation profiles of African land locked countries

Country	Population (millions)	Climate	Topography	Road Mileage (miles)	Rail Mileage (miles)
Botswana	0 6	Tropical/ sub tropical	Plateau plus Kalahari Desert and swamps	5 015 of which 2 664 are main roads	394
Burundi	3 3	Temperate because of mountains	Very mountainous	3 700 of which 45 are paved	nil
Central African Republic	1 4	Equatorial	Open type savannah	11 325 of which 3 000 are improved	nil
Chad	3 5	Hot and humid	Savannah Mountains in extreme north	20 000 of which 4 500 are all weather	nil
Lesotho	1 0	Sub Tropical	Mountainous to 12 000 feet	1 240 of which 240 are main roads 600 district roads 400 local roads	Short branch line connects with South African Railways from Maseru
Malawi	4 0	Hot and humid	20 % lakes Rift valley end to end	6 411 of which 288 are paved	300 approximately New rail link from Liwonde to Nova Freixo Mozambique will give Malawi direct access to the port of Nacala

		Semi tropical rainfall up to 40" per annum in S W	Desert or semi desert	7 489 of which 600 are paved	416 Bamako – Konlikoro provides link to Dakar (Senegal)
Niger	3 5	Hot and dry Cold at night	Plateau savannah in S desert to N	4 474	nil
Rwanda	3 4	Temperate in mountains Heavy rains	Mountains up to 12 000 feet	3 500 of which 1 364 are main roads	nil
Swaziland	0 4	Sub tropical to temperate	Mountainous plains and savannah	1 200 of which 100 are paved	140 to Lourenço Marques Mozam bique
Uganda	8 0	Temperate – some drought	16 % agricultural land 18 % swamps	14 600	3 670
Upper Volta	5 0	Tropical and sub tropical	Dry plateau and some savannah	10 380	341 part of 712 mile route from Ouagadougou to Abidjan
Zambia	3 9	Tropical – semi tropical	High plateau	22 000 of which 1 600 are paved including highways to ports of Beira Mozambique and Dar es Salaam	655

sport is the lack of standardisation between the various **rail** networks. Other problems relate to **maintenance** and lack of rolling stock ⁵ In many cases there are **inadequate facilities** at the sea ports, namely lack of **mechanical handling equipment** and **warehousing** space

The **solution** of the technical problems of **transportation** in both land locked and **transit** states is largely a matter of Investment on a scale far beyond the reach of the countries concerned. Only a concerted **international** effort by **industrialised** countries **willing** to **assist** the land locked and **transit** countries to **build** an efficient Integrated transport system could produce a **significant** change. The results of all three United Nations Conferences on Trade and Development (UNCTAD) were very **disappointing**. Robert McKinnell, who analyses the UNCTAD efforts in his paper, "Land-locked Countries and UNCTAD" makes the following comment about the last **session** of UNCTAD in **Santiago (Chile)** in May 1972: "There were no break throughs, however, and no **significant** headway was made on such **traditional** issues as **financial assistance** from the donor **countries**."

Because the **rich** nations are **unwilling** to **alleviate** the **economic** and **social** burdens of the poor, the search for a **solution** has been left to each land-locked country concerned. Each **African** land locked country has problems in common with other land-locked countries as well as those **which** are **peculiar** to its own **geographic location**, its **political** and **economic** situation, and the **policies** of its **neighbours**. A problem common to all land locked countries, namely the **question** of the right of access to the sea, is discussed by Vratislav Pěchota in "The Right of Access to the Sea in **International Law**" and by Alfred P. Rubin in "Land locked African Countries and the **Right** of Access to the Sea". These authors are at variance on whether the **right** of access to the sea is an accepted legal rule **derived** from the principle of the freedom of the **high** seas or whether it is merely accorded by common agreement on a **basis** of **reciprocity**. This schism reflects the actual **division** between the land locked countries **which** claim access to the sea as their **right** and the transit and coastal states **which** insist that it is of a contractual (and therefore revocable) nature.

The importance of **air** traffic for **African** land locked countries is **examined** by Austin Amisssah, who is **pessimistic** about the **potentiality** of **air traffic** in Africa because of its costs and dependence on **highly** qualified **technical** personnel. No **African** land locked country can afford to tie its scarce **technical** manpower to **air traffic** when almost all other spheres of the country's **activity** are still **lacking** **similarly** **qualified** personnel. Besides, **competition** from the non **African** airlines is **formidable**. (At a recent count, there were 39 non-African airlines, including PANAM, AIR FRANCE, BOAC and LUFTHANSA, operating

on African routes) In the case of Lesotho, an **air bridge** appears to be an **attractive** alternative to the absolute control of **its communications** by South Africa Alas, the **existing** international agreement states that "there can be no movement of a land locked country's aircraft beyond any of its frontiers without the permission of a **transit state**" However, a working party at the Oslo seminar **which** considered the special problems of land locked countries stated in its report In the case of the land locked African states in southern Africa, **air** transport will be of great importance The problem will be to structure export so that it **is** valuable enough to pay the **expensive** air transport

Similarly, the report of the Group of Experts **appointed** by the Secretary General of UNCTAD to study the problems of developing land locked **countries**, lists the following advantages of **air** transport ⁶

1 It **minimizes** the legal and **administrative** problems of **transit rights** Once the **transit rights** of **flying** across other **s** territory have been granted the movement of goods by **air** across a **neighbouring** state **is** **virtually** free and unencumbered by the numerous rules and **regulations** **which** often beset surface transit

2 It overcomes **physical barriers** and **inadequate** transport **infrastructure** While **air** transport has **higher operating** costs than surface transport, it **requires** much lower **capital** investment It costs about \$18 million to **build** a **kilometre** of **railway** track in the open savannah land in **countries like** Upper Volta and Mali and as much as \$25-30 million in the **tropical** areas of Chad and the Central African Republic Asphalt roads cost almost the same In the same areas **building** an **airport** with a three kilometres long runway capable of **receiving** long haul **jets** would cost about \$3 million

3 Speed **is** **important** for the **shipment** of **perishable** goods or goods the value of **which** deteriorates **with time** Because of fewer **separate links** in **air shipment** than in surface **transportation** there **is** less **handling** of the goods (e.g. **packing** storage etc) ⁷

However, unless **air** traffic is introduced on a large scale for **which** huge investment **is** required and which no African country is in a position to make **available** its role **will** remain very marginal for a long time to come

The problems of the seven French speaking African land locked countries examined by Pierre Alexandre and Louis Sabourin illustrate the **formidable economic** handicap of these "forgotten territories", where there has been little progress since Independence However, while the lack of **direct** access to the sea has been an important factor **influencing** their **policies** it has never been a **determining** factor The coastal states of French speaking Africa were never really in a position to **dominate** their land locked neighbours The latter have always had the **possibility** (though at cost) of using another route to the sea Besides, the dependence on France of the coastal states **is** not substantially dif

Principal transit and access routes to the sea

Map I Mali Upper Volta Niger Chad
and Central African Republic

- Boundaries
- Railways
- Roads
- Rivers

0 100 200 400 600 800 1 000 Kilometres

ferent from that of the landlocked states. As **Louis Sabourin** points out, the presence of the French **in** their former **colonies** **is** overwhelming and, **in** numbers of personnel and volume of aid, surpasses the **colonial period**.

Rwanda and **Burundi** can be regarded as **special** cases among the landlocked states of Africa, **being** so dependent upon their neighbours. Rwanda **is** doubly landlocked. **Burundi** **is** dependent upon the poorest and least developed parts of Tanzania and **Zaire**. If this area is **going** to undergo some development, **this** must include an agreement with Tanzania. A special problem for these two countries **is** that they cannot assume an automatic spread of **communications**, **since** they are very remote from any developed area.

In southern **Africa**, where **six** of the **remaining** landlocked states are located, the situation **is** totally **different**. The great **political** division of **Africa** **is** at the **River** Zambezi. North of the river, there are more than 250 **million** **Africans** in 35 independent African states. South of the river, the minority governments of South **Africa**, Rhodesia, and Portugal are **determined** to **remain** in power. The landlocked countries of southern Africa—Zambia, Botswana, Lesotho, Swaziland, **Malawi**, and Zimbabwe (Rhodesia)—play an important role **in** this confrontation between independent Africa north of the Zambezi and the white supremacy south of the river. Should the confrontation erupt in an open **conflict**, it would **inevitably** inflame all Africa and **directly** or **in** directly **involve** the whole world.

Colin Legum discusses the following main features of the international sub-system of southern Africa, **dominated** by South **Africa** to a degree unprecedented anywhere else on the African continent.

1 The dominating influence of the white minority regimes. Of Africa's white population 90% live in southern Africa.

2 The clash of national interests between the Independent African and the white minority regimes in the area. This produces a permanent tension between them.

3 The sub-system is dominated by the economic and military power of the Republic of South Africa.

4 The weaker Independent African states, as well as Rhodesia, are all landlocked and dependent to some degree on the policies of the white minority regimes, two of which control all the immediate outlets to the sea.

Perhaps most precarious **is** the **position** of Botswana, Lesotho, and Swaziland, which are still coming to terms with the **inheritance** of their past. During the **eighty** years of **British** colonial rule, the former **High** Commissioner Territories **received** assistance no more substantial than **British** **protection**. They were merely strategic real estate, **retained** to **limit** the expansion of the Boers but to be dispensed with as soon as

they lost their bargaining value with South Africa. From the onset of the British protection, the territories were not permitted to cost Britain anything. Since their only asset was labour available for export, the British government encouraged the recruitment of migrant labour for use by South African mines, factories and farms. This served a dual purpose. Firstly, it alleviated the British burden of responsibility for assisting their economies in order to provide employment. Secondly, it yielded profit in terms of British interests in South African industrial enterprises which were provided with the cheap labour. Thus, due to the British policy of disregard, weighted down by poverty, ignorance and disease, the three countries remained without any prospects for political change other than in the direction of incorporation into South Africa. Although they very narrowly escaped this fate, they remained mere economic satellites of South Africa.^{7A} As Botswana's chief economic planner H. C. L. Hermans, author of the paper 'Botswana's Options for Independent Existence', states: 'To be land locked is difficult enough. To be black and land locked in southern Africa is a lonely and expensive experience.'

One of the most debated questions at the Oslo seminar was the nature of the Western interests in southern Africa. It was argued, for example, that the Western interests in the area cannot be defined as an interest in maintaining the inequitable system of white supremacy in South Africa. This is true. The interests of any major power in any area of the world are and always have been their own interests and which transcend the interests of any other country. All major powers have a multiplicity of interests, depending on their particular international involvement at a particular time and on the governments in power within the countries or regions in which they work. As their international priorities change, so do their commitments to certain policies with the Third World. As far as southern Africa is concerned, there is no doubt that should the Western powers see the transition from white minority rule to African majority rule as leaving their interests unimpaired, they would cease to support South Africa and Rhodesia. In other words, if they could buy themselves another 'Banda type' of government which would offer reasonable prospects of permanence and guarantee compliance with the Western economic interests in the area, the days of *apartheid* would be numbered. So far, however, rather than take the risk of instituting pro-Western black governments in South Africa and Rhodesia, they continue to support the status quo. Their profound economic relationship with South Africa—despite all the rhetoric of hostility to *apartheid*—is not balanced by any commitment to the cause of the guerrillas.

The United States lifted the embargo on imports of Rhodesian chrome

on the flimsy excuse that otherwise it would depend upon the Soviet Union for the importation of chrome which is supposedly vital to the defence of the United States. This contention was contrary to the Senate hearings which revealed that the United States does not need to import chrome for defence purposes.⁸ Another example of US economic involvement is Dunlop (South Africa) Limited which is the largest vehicle and aircraft tyre manufacturer in South Africa. In 1969, the Dunlop Company embarked on a £14 million expansion programme with the object of providing all the tyres needed in South Africa for civil and military purposes. Some of the finance was raised through a Eurodollar loan. British firms have established two electronics factories in South Africa. The first was Marconi factory, established in 1968, which produces a range of products including the ADF 370 radio compass for Impala jet training aircraft. The second was International Aeradio (Southern Africa) Ltd established in 1969 in close cooperation with the EMI Electronics Division of N V Philips Telecommunications and Racal Electronics Ltd. In a more general context, the Western powers on the United Nations Security Council have blocked all efforts to extend economic sanctions beyond Rhodesia. This has allowed South Africa and Portugal to act as entrepreneurial suppliers to Rhodesia.

It has been the military assistance of the Western powers, notably France, which has determined the balance of power in southern Africa and established South Africa as a first rate military power. South Africa's military budget rose from \$472 million in 1972 to \$360 million in 1973. This is 20 times more than the average defence expenditure of the independent African states. The military build up in South Africa took place despite the Security Council's resolution of 7th August 1963, which called for an arms embargo on South Africa. Italy and France were more than willing to defy the embargo. During the years 1965-69, France supplied about 45% of South Africa's total import of arms.⁹ To day, South Africa has 17 300 regular servicemen and 92 000 reservists. The 1973 call up is expected to induct 33 000 recruits. There is no shortage of military equipment. The regular army of 10 000 men has more than 1 100 vehicles including tanks, armoured cars and troops carriers. The navy is equipped with submarines, destroyers, mine sweepers, and other vessels. The air force has 166 combat aircraft.

Far more significant than the supply of arms has been the assistance provided to build up South Africa's own arms industry. In 1972, the Defence Minister Botha stated that South Africa needed no outside help for its weapons procurement. However, self-sufficiency usually means the capacity to produce, not necessarily that all components are indigenously designed. Militarily speaking, the most important section of

South Africa's arms industry is in licensed production. To provide a licence is to take a step further than the mere sale of a consignment of arms: it means providing the know-how. In 1965, the Defence Minister Botha announced that he had acquired 127 licences for local manufacture after the UN embargo. The government-owned Atlas Aircraft Corporation was set up in 1965 with French assistance at an initial cost of \$42 million. The first important purchase was the product-on-licence for the Italian Aermacchi MB 326M armed training aircraft. Initially, 300 aircraft were planned for a production run which began in 1967. The aim was to manufacture at least 80 % of the aircraft components locally. This has probably been achieved. The aircraft, known as the 'Atlas Impala', is particularly suitable for counter-insurgency operations. For instance, it can carry two napalm tanks. It has a British-designed engine produced under licence in Italy and sub-licensed from Italy to South Africa. The British Government maintains it has no legal power to prevent the re-export of British-designed equipment which reveals one of the loopholes in the present embargo. South Africa has plans in hand to develop a more advanced version of the aircraft. In 1971, the Atlas Corporation acquired a product-on-licence for the French Mirage III fighter, and also for the advanced supersonic Mirage F1 all-weather Interceptor. The initial production run will be for fifty of each type.

South Africa has also made considerable advances in the field of rocketry. A Rocket Research and Development Institute was established in 1963. This Institute developed the Thomson CFS Crotale surface-to-air missile, which was undertaken as a collaborative project with the French Government but financed from South African funds. The Crotale system called Cactus in South Africa began to be delivered from France in 1971. In 1972, the Soviet military daily Krasnaya Zvezda reported that the USA will acquire the product-on-licence for Cactus from South Africa¹⁰, which illustrates the extent of interlocking interests between the two countries. The Lucia missile range in Natal was inaugurated in 1969 by the launching of a short-range rocket. During the same year, the Defence Minister announced that South Africa had developed and successfully tested an air-to-air missile. In 1971, the successful testing of a supersonic air-to-air missile was announced. The Defence Minister disclosed that it can be used effectively against Mach 2 aircraft and uses an automatic homing device. The missile is to be produced in quantity and is likely to be exported. It is expected that Rhodesia and Portugal will be among the first customers.

Considering the military strength of South Africa and its supremacy over the armies of all African states south of the Sahara, the situation in southern Africa would not seem to offer any scope for change, es

pecially in military terms. Thus, the extension since 1972 in the operations of FRELIMO, the liberation movement in Mozambique, is an unexpected development. FRELIMO now exercises effective control over the two northern provinces of the Portuguese colony. Hospitals, schools, and trading posts are functioning in the liberated areas. Operating from bases in Zambia, FRELIMO has been able to achieve a considerable thrust forward into Tete province, which lies between Rhodesia, Zambia and Malawi and where the Cabora Bassa Dam is being built. Although FRELIMO has been unable to interrupt the construction of the dam, it has disrupted communications in this area.

Presently, FRELIMO forces are still inhibited in their campaign by the difficulties of Malawi and Zambia and by the long insecure supply lines from Tanzania. More efficient supply lines and the removal of political constraints on Zambia will make possible some effective guerrilla activity in Rhodesia. Furthermore, an effective East African-Zambian link will also provide unrestricted access to Botswana, and thus widen the political options of that state, as well as improve the liberation prospects of Namibia and South Africa.

The operations of FRELIMO now threaten the security of Rhodesia to the extent that insurance companies have imposed a "war risk" on transit traffic between Rhodesia and Mozambique ports. Indeed, Portuguese rule in Mozambique has become so precarious that the white minority regime in Rhodesia has embarrassed Lisbon with public utterances of alarm and rebuke.

FRELIMO now also operates from Malawi and it has the support of the Malawi Youth Congress. The President of Malawi, Dr Banda, is aware of this situation but the FRELIMO operations have not been suppressed. Malawi's national interest is threatened because unlike neighbouring states, plans have not been made for an alternative route to the sea. Malawian transit traffic is being affected by the FRELIMO operations as trains passing through Mozambique are sabotaged.

FRELIMO has opened a new front at a place called Guro, which is only 80 miles north of the port of Lourenço Marques. Thus, the Tete province will assume crucial significance during the next few years. It is crossed with key transport routes which cannot be denied to the Portuguese and their allies while they supply independent African states. The Cabora Bassa Dam, which is of great economic significance to South Africa, Rhodesia and Portugal, is scheduled for completion about the same time as the TANZAM railway. As Lionel Cliffe points out, 'once the TANZAM railway is completed, the situation in the whole area will be radically changed. Loans, private investment, and military supplies—granted to Portugal through NATO for solely domestic use but dispatched to the colonial fronts nonetheless—

have helped to save Portugal from defeat. They do not ensure victory.

Soon, a new element **will** be introduced **into** the **situation**. It will be in the form of a reaction from South Africa. **Will** South African forces be moved **into** the areas threatened by the guerrillas? The late leader of FRELIMO, Dr Modiane, said he saw the success of the FRELIMO struggle to the point when **it** would threaten Lourenço Marques. He **believed** that the **situation will** then change, the **guerrillas becoming** involved in a direct power struggle **with** South Africa. The weakness of the **white** South African position lies **within its** buffer allies. To abandon Rhodesia and the Portuguese colonies in favour of a fortress policy for South Africa would be to **provide** adjacent sanctuaries for the **indigenous guerrilla** movement. Yet for South Africa to assume **direct responsibility** for the **survival** of **white** rule beyond **its** frontiers would dangerously expand the terrain of warfare, **adding** many **millions** of **hostile** Africans for the **gain** of a few hundred thousand **supporting** whites. And a related challenge **is** at hand. Tanzania and Zambia are sanctuaries for Mozambique, Angolan, Rhodesian, Namibian, and South African guerrillas. To leave the sanctuaries alone is to encourage the movements that utilise them. To attack the sanctuaries would **be** to **bring** Tanzania and Zambia **directly into** the **conflict**, and probably other African states too.

In South Africa at the present **time**, there **is** a struggle for the leadership of the Afrikaner National Party. The **main** challenger to Dr Vorster advocates that South Africa must **withdraw** all **its** forces and **its** **interests** from the area and resume the 'laager' policy. The counter argument **is** that South Africa's interests and **security** can be **maintained** only **if** the current **policy** **is** pursued. This **disagreement** about **tactics** among South African **politicians** **will** eventually produce a **reaction** from the Western powers.

In the near future, change in southern Africa **is** linked with the outcome of the confrontation between the independent land-locked states **of the region and their powerful neighbours**. How soon **these independent** states **will** be able to extricate themselves from South Africa's sphere of influence **will** largely depend upon the volume of **assistance** they receive from external sources. However, the **potential** donors of aid are the same **countries** which have made it possible for Rhodesia's UDI to **survive**, for South Africa to continue with its **apartheid** policies, and for Portugal to **withstand** the pressure of the **liberation** movements. Thus, **until** there is **significant** external aid for the independent land-locked states, **which is accompanied** by a **withdrawal** of Western investments in South Africa, Rhodesia and the Portuguese colonies, the economic and **political stability** of the region **will** remain most **precarious**. If the 40 million Africans in Rhodesia, Namibia, the Portuguese colonies, and South Africa, supported by Africans throughout the con-

tinent, abandon hope of **international action** to help them secure **their** independence peacefully, **if** they become **convinced** that the Western powers are **allies** of the white **minority** regimes, **if** as a consequence they resort to violence, then the bloodshed, cruelty and **suffering will** be horrible. The advantages **which** accrue from support of the **white minority regimes** will in due course be greatly outweighed by the **alienation** of the Afro Asian world. **Nigeria**, for example, **with its massive oil** resources and **growing market** stemming from a **population** much larger than that of Great **Britain**, may soon be more **important** to the Western powers than South Africa. But the case for change in southern **Africa** should not be based on the **probability** of profit or loss. It should be based on the **humanitarian** need to **avoid racial conflict**. The time has come for the Western powers to resolve **their inescapable dilemma** they must **either** abandon **their** support of **white minority** rule in **Africa** or attempt to **sustain it** by **military force in alliance with** South Africa, Portugal and **Rhodesia**. To adopt the latter course would be to court **disaster**. Alas, **it is** by no means certain that this option will be rejected.

Notes

1 The other land locked states are **Afghanistan**, **Austria**, **Bolivia**, **Czechoslovakia**, **Hungary**, **Laos**, **Lichtenstein**, **Luxembourg**, **Mongolia**, **Nepal**, **Paraguay**, **San Marino**, **Switzerland** and the **Vatican**.

2 TD/B/288, 18 December 1969.

3 W. Owen, **Transport and Technology** in G. Fromm (ed), *Transport Investment and Economic Development*, Washington: The **Brookings Institution**, 1956, p. 69.

4 Source: **Transport Facilities and their Organisation in the Developing Landlocked and the relevant Transit Countries**, Background Paper No. 3 requested by the Group of Experts appointed by the Secretary General of UNCTAD to study the problems of the **developing landlocked countries**, April 1970.

5 K. Kampfe, *Technical and Economic Study of Railway Linkages in the African Region*, Addis Ababa: Economic Commission for Africa, Doc. E/CN.14/TRANS/WP.25, December 1966.

6 Paper No. 10, **Technological Progress in Surface Transport and the Relevance of Air Transport**, January 1970.

7 Meat is the major **commodity** exported by **air** from Mali, accounting for two thirds of **air** exports by **weight** and by value. In fact, about 75 % of **Mali's** meat exports are **shipped by air**, mainly to **neighbouring countries** where the **climate is** not suitable for livestock **production**. Traditionally, **Malian** cattle have been moved live (on the hoof) to the slaughterhouses of **Abidjan** and **Kumasi** (Ghana). But **in** travelling enormous **distances** on foot, the cattle lose 2 %–6 % of **their weight** and so of **their** value, and more **distant** markets in **Equatorial Africa** cannot be reached at all. **Commercially**, it is more profitable to market meat than **live** cattle. The **Malian Meat Marketing Board** tried **using refrigerated**

lorries but poor roads and mechanical problems with the refrigeration created serious delays. Helped by a very low specific commodity rate it was decided to transport the meat by air and meat exports are thus growing rapidly. The same situation exists in Chad which supplies meat to many of the towns of Equatorial Africa. In 1967, meat exports by air amounted to nearly 5 000 tons (ten times as great as Mali's meat exports) equivalent to about 45 % of its total air exports. Most of this meat went to Kinshasa (1 500 tons) Brazzaville (1 200 tons) Libreville (800 tons) and Port Gentil (400 tons) (Source *Technological Progress in Surface Transport and the Relevance of Air Transport* opus cit pp 28-29)

7A. Ronald Segal in his introduction to J. Halpern *South Africa's Hostages* London: Penguin African Library 1965

8. The arguments in support of the Bill introduced by Senator Byrd of Virginia were refuted by Senator Brooke of Massachusetts as follows:

First of all, we are not dependent upon the Soviet Union for chrome. Even prior to the imposition of sanctions on Southern Rhodesia we imported 30 per cent of our chrome ore from the Soviet Union and we did so because in basic commercial terms the quality of the ore was good and the price was right. The percentage of our chrome which we import from the Soviet Union has now doubled as has the price. But chrome is still available to us and is purchased from allied nations such as Turkey and the Philippines and the price for their output has also risen considerably.

But most importantly we do not need to import chrome at all to maintain our defense. According to testimony offered before the House Foreign Affairs Committee earlier this year by William N. Lawrence, chief of the Stockpile Policy Division of the Office of Emergency Preparedness, our stockpile objective for metallurgical grade chromite was reduced in March of 1970 from 3.6 million short tons to 3.1 million short tons. As of June 1, 1971, our uncommitted stockpile inventory was 5.3 million short tons, or nearly twice our total national need. For this reason, the OEP has authorized the release of nearly 1 million short tons of chrome ore, or one half of our excess supply, over the next three years. Therefore, we could maintain a stockpile sufficient to meet any contingency that might arise in an emergency and still release chrome ore at the rate of more than 300 000 tons per year for the next 6 years without having to import more chrome from any source.

This situation can hardly be defined as a state of national emergency requiring the immediate passage of an amendment authorizing yet another source of supply. (Source: Hearings on S1404 *UN Sanctions against Rhodesia* Chrome before the Senate Committee on Foreign Relations, 92d Cong. 1st session 1-101 passim (1971))

9. For a detailed analysis of the involvement of the Western powers in arms trade with Africa, see *The Arms Trade with the Third World*, Stockholm: Almqvist & Wiksell, 1971, 910 pages.

10. *Krasnaya Zvezda*, Moscow, 1 August 1972.

Free access to the sea and the right
of transit on land and by air

The right of access to the sea

The legal **right** of access to the sea of land locked countries can be assessed from several **standpoints**. One is to view the **right** as a **generalized** legal rule **similar** to the **undisputed** legal **principle** regarding the freedom of the **high** seas. Another is to place the **right** in the category of **contractual rights** accorded on the **basis** of a **quid pro quo** and therefore revocable. Yet another is to look upon the **right** as a legal **relationship** between the land locked country and its coastal **neighbour**, developed **within** the framework of relevant legal **principles** and **political** and **economic realities**. The first **alternative** reflects the **position** taken by most of the land locked countries at the **time** of the 1958 Conference on the law of the sea.¹ The second **alternative** reflects the **position** taken by the coastal states **which** opposed the **claim** of the land locked countries. It is the **third alternative** which seems to **provide** the best **basis** for an **objective** and **dynamic inquiry** into the problem.

The **period** immediately preceding the 1958 Conference on the Law of the Sea was one of **inflated ambitions**. Twelve land locked countries, none of them **African**, **decided** to act. They convened a **preliminary** conference in Geneva in February 1958 to formulate an agreed **position** of the land locked countries in respect of the law in force **relating** to access to the sea by countries **having** no seacoast of their own. The Conference drafted a proposal for **codification** (sometimes **unofficially** called the 'Magna Charta of Land Locked Countries'²) **which** included the **following** seven **articles** and purported to be the **basis** of a future **convention** on the **right** of access to the sea of land locked countries.

1 Right of Free Access to The Sea The **right** of each land locked State of free access to the sea derives from the fundamental **principle** of freedom of the **high** seas.

2 Rights to Fly a Maritime Flag Each land locked State enjoys **while** on a **footing** of complete equal treatment with the **maritime** State the right to fly its flag on its vessels **which** are duly **registered** in a specific place on **their** territory.

3 Right of Navigation The vessels flying the flag of a land locked State enjoy on the **high** seas a **regime** **which** is identical to the one that is enjoyed by vessels of **maritime** countries in territorial and on **internal** waters. They enjoy a regime **which** is identical to the one that is enjoyed by the vessels **flying** the flag of **maritime** States other than the territorial State.

4 Regime to be Applied in Ports Each land locked State is entitled to the most favoured treatment and should under no circumstances receive a treatment less favourable than the one accorded to the vessels of the maritime State as regards access to the latter's maritime ports, use of these ports and facilities of any kind that are usually accorded

5 Right of Free Transit The transit of persons and goods from a land locked country towards the sea and vice versa by all means of transportation and communication must be freely accorded subject to existing special agreements and conventions

6 Rights of States of Transit The State of transit while maintaining full jurisdiction over the means of communication and everything related to the facilities accorded shall have the right to take all indispensable measures to ensure that the exercise of the right of free access to the sea shall in no way infringe on its legitimate interests of any kind, especially with regard to security and public health

7 Existing and Future Agreements The provisions codifying the principles which govern the right of free access to the sea of the land locked State shall in no way abrogate existing agreements between two or more contracting parties concerning the problems which will be the object of the codification envisaged nor shall they raise an obstacle as regards the conclusion of such agreements in the future provided that the latter do not establish a regime which is less favourable than or opposed to the above mentioned provisions

This collective initiative left its imprint on the subsequent developments. For instance, it was debated by the main Conference and served as a basis for the adoption of Article 3 of the Convention on the High Seas of 29 April 1958, namely

1 In order to enjoy the freedom of the seas on equal terms with coastal States States having no sea coast should have free access to the sea To this end States situated between the sea and a State having no sea coast shall by common agreement with the latter and in conformity with existing international convention accord

(a) To the State having no sea coast on a basis of reciprocity free transit through their territory and

(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or the ships of any other States as regards access to seaports and the use of such ports

2 States situated between the sea and a State having no seacoast shall settle by mutual agreement with the latter, and taking into account the rights of the coastal State or of transit and the special conditions of the State having no sea coast all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions³

Yet, as a whole, the initiative was not successful in achieving its main objective, the adoption of a special convention setting out in detail legal rules on the subject. The reasons for the failure included the following

(i) an inadequate diplomatic preparation of the initiative (ii) the novelty of the problem, (iii) a suspicion by coastal states of duplicity (iv) the lack of co ordination among the land locked countries themselves which reflected the prevailing political dichotomy (v) the insistence on the concept of access to the sea being acknowledge as an inalienable right of absolute character as embodied in the freedom of the high seas

Article 3 of the Convention on the High Seas was an anticlimax a far cry from what had been demanded. Moreover the draft left much to be desired in terms of legislative precision and accuracy. Its main weakness is perhaps the deliberate reference to the concepts of common agreement and reciprocity in a context which might invite expectations of a different kind. As a last minute compromise between opposing viewpoints Article 3 not only reflected the imperfections to the legal concept prevailing at the time but also failed to define clearly its scope and nature. Fortunately there is a general principle in international law which states that an international instrument has to be interpreted and applied within the framework of the entire legal system prevailing at the time of the interpretation.¹

What are the legal principles and concepts relevant to the interpretation and application of Article 3 of the Convention on the High Seas? In my view it is especially (i) the principle of general international law regarding the freedom of the high seas (ii) the principle of sovereign equality of all states as stated in the Charter of the United Nations (iii) the duty of states to co operate with one another in accordance with the Charter as enunciated in the Declaration on Principles of International Law concerning Friendly Relations and Co operation among States in accordance with the Charter of the United Nations.² All of these are part of international law already in force and together with the concept of non discrimination they provide a framework within which to develop the legal relationship between the land locked and coastal states known as the right of access to the sea.

The freedom of the seas includes two distinct sets of legal rights which maintain the balance between the various interests of the users of the sea. One set comprises common or general rights enjoyed equally by all countries (e.g. the right to navigation to fishing to exploring and exploiting the resources of the sea bed beyond the limits of national jurisdiction the right of innocent passage through the territorial waters of any state etc.) The other set includes specific rights conferred upon a state by virtue of its geographical position. While the coastal states enjoy sovereignty over territorial waters the right of pursuit certain exclusive or preferential rights in adjacent zones the right to continental shelf and the like the land locked countries are accorded on the same grounds

certain specific rights enabling them to enjoy effectively the freedom of the seas. These specific rights will now be discussed.

The present state of the law on the subject reflects adjustment of interests and purpose. For example, a paper submitted by seven states^b to the Committee on the Peaceful Uses of the Sea bed and the Ocean Floor beyond the Limits of National Jurisdiction contained a proposal to be included in a International Sea bed Convention which would codify facilities for land locked States.⁷ According to the proposal, the International Authority would 'in accordance with the right of free access of land locked countries to the sea—recommend arrangements between the land locked State and one or more other member States designed to ensure effective freedom of communication between the land locked State and the area under license, for the purpose of exploration, exploitation including storage and processing and marketing of the mineral resources of that area. The example shows how the rights of land locked states have become recognized by the international community, are guaranteed under general international law, and how their infringement may become a matter of public concern calling for involvement by an appropriate international body. The claims of land locked states cannot therefore be regarded as subordinate to the requirements of the sovereignty of the coastal states but should be treated as of equal value. In my view, it would frustrate the purpose of the right of access if its implementation were to be left completely to the discretion of coastal states which did not acknowledge a duty to facilitate the exercise of this right.

The issue of free access to the sea of land locked countries opens up a highly complex range of problems. The consequences of unimpeded transit through the territory of adjacent states is at the core of the matter. Yet the right to free transit is not the whole of the matter. The Chairman of the Fifth Committee of the 1958 Conference on the Law of the Sea, Professor Jaroslav Zourek, stated in reply to a question from a delegate of the Netherlands:

In view of the land locked countries the right of free access to the sea included all rights that would enable such countries to enjoy any of the advantages inherent in the freedom of the high seas and that therefore it was much broader in scope than the right of free transit.⁸

In addition to access by land, internal waterways and air, it also included the use of port facilities and free passage through the coastal waters of the adjacent state. As a matter of general application, it may be doubted whether as yet there is a legal duty to accord privileges of transit by land across national territory. In the specific case of land

locked **countries** however such a duty is deemed to be in existence As **pointed** out by C Hyde

It must be apparent that the strength of the claim to a **privilege** of transit across **foreign** territory depends upon the nature and Importance of the channel of **communication** to the **domain** of a State and that it vanes according to the **geographical position** and relative isolation of the territory of the claimant Thus the demands for **privileges** of transit to and from Switzerland over the **territories** of States adjacent to it could be pressed with greater force than demands for **like privileges** across American territory from the Atlantic to the Pacific ⁹

In 1919, it was forcefully argued that the concept of free transit for land locked **countries** depends on an assertion of **right** which arises from an asserted **principle** that a nation ought not to be barred from the sea, the common property and **highway** of mankind and thus **deprived** of the **opportunity** to engage in ocean borne commerce ⁹ As can be seen from these and other **testimonies** the need for **ensuring** the transit rights of land locked **countries** by more than contractual commitments subject to **revocation** was **recognized** long before the 1958 Geneva Conference on the Law of the Sea and the 1965 Convention on Transit Trade of Land Locked Countries

There is one **specific point** which must be mentioned in connection with the **issue** of free transit It is widely held that **since** the purpose of the **right** of access to the sea is to compensate the land locked countries for gross **inequality** created as a result of **their** unfavourable geographical position, the **transit facilities** accorded to them by **virtue** of that right are excepted from the **operation** of the most favoured nation clause The general problem of the clause is currently **being studied** by the **International Law Commission** and it is hoped that **this problem** will be resolved in a manner **which** is **satisfactory** to both the land-locked and the coastal states

The right of access also **entails** legal duties for the land locked states They include the duty to defray **all direct costs** involved in the **provision** of **transit facilities** the duty to **participate** in the **construction** and **maintenance** of transit routes, and the duty to respect the **rights** and interests of the **transited** state etc However to attempt to **weigh** the rights and **duties** of the land locked and the **transited** states against each other is bound to be difficult To seek **reciprocity** at all costs would not only be untenable from the **practical point of view**, but would also have a frustrating effect on the legal **relationship**

The rights of land-locked countries, **despite their recognition**, would be illusory if they were not supported by a system of **international co operation** Indeed, it can be argued that **co operation** is the Instrument by which the **principle** acquires **operative dimensions** and the **rights arising** thereof become effective It is against **this** background that we ought to Interpret the meaning of the phrases 'by common agreement' and

'on the basis of reciprocity' employed in Article 3 of the Convention on the High Seas

A system of mutually advantageous co operation seems to be the only **easible** means of achieving equal and beneficial participation of land **locked** states in the manifold uses of the high seas including navigation as well as the **exploitation** of the oceanic resources. Since the land **ocked** countries will always rely on the co operation of the coastal states, they must not put too much **emphasis** on their own **rights** and too little on those of the coastal states when asserting their demands in respect of access to the sea. Where a neat balance is achieved the system of co operation works and there is usually no problem of having the **rights** of land-locked countries put into effect. Conversely, a failure of the system foreshadows serious problems in the implementation of the **rights**. That is why a smooth operation of the system of international co operation at regional and sub regional levels becomes essential for the countinuanace of friendly relations between the coastal and land locked states. Its maintenance should therefore become a matter of concern to the United Nations and other international agencies engaged in the promotion of peaceful relations, economic and social welfare and general prosperity in the world.

The system of international co operation can best be established through appropriate bilateral and multilateral arrangements which pay regard to the **rights and duties** of the partners under international law. So far, such arrangements have been concerned mainly with the transit trade of land locked countries, which for practical reasons seeks support in established usages and reciprocal concessions rather than recognized legal rights. A shift of emphasis to the latter may occur if and when the land locked states decide to participate in a joint venture aimed at the exploration and exploitation of the resources of the sea bed. Therefore, it seems relevant to grve this matter consideration in the light of the anticipated developments in the above field, with special regard to the urgent needs of the developing land locked countries.

The above observatrions lead inevitably to the conclusion that the preparation and adoption of a regional convention may prove to be the procedure best suited to furthering the long term common interests of both the coastal and land locked countries.

Such a convention could be conceived as an Instrument declaratory of the main principles governing the co operation between coastal and land-locked states—members of the OAU in the spirit of the OAU Charter. The following specific points might be considered for inclusion.

1. The right of all States including the land locked countries to participate on the basis of equality and non discrimination, in any legally permissible activities on the high seas and the sea bed: a clear expression of common resolve

to see to it that these rights are effectively exercised in the interest of the economic and social advancement of the region as a whole

2 The right of all States including the land locked countries to participate in any above mentioned activity in their own name and under their own flag

3 The right of land locked States to use any seaports their facilities and installations accessible to other nations

4 The right of free transit through the territory of adjacent States subject to the rules and regulations normally applicable to perrons goods and vehicles in transit

5 No customs duties to be levied from such transit

6 Exclusion of the transit facilities from the application of the most favoured nation clause

7 The undertaking of land locked States to participate if need be and the resources of the land locked country permitting in joint projects relating to the construction and maintenance of transit routes and installations

8 The duty of land locked States to refrain from any infringement of the rights and legitimate interests of the coastal States

9 The right of transited states to protect themselves against possible abuses of the freedom of transit

Unless the distinction between coastal states and land locked states in regard to their right to use the sea is eliminated both in legal terms and in practice, the whole concept of equal sovereign rights and of the freedom of the high seas is illusory

Notes

1 For the Summary of the proceedings of the Fifth Committee of the United Nations Conference on the Law of the Sea held in Geneva 24 February – 27 April 1958 see Doc A/CONF 13/43 Volume VII Fifth Committee (Question of Free Access to the Sea of Land locked Countries)

2 Ibid Doc A/CONF 13/C 5/L 1 Annex 7

3 450 United Nations Treaty Series (U N T S) 82–

4 International Court of Justice Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 1970 Advisory Opinion of June 21 1971 para 53

5 UN General Assembly Resolution 2625 (xxv) of 24 October 1970

6 Afghanistan Austria Belgium Hungary Nepal Netherlands and Singapore

7 Doc A/AC 138155 of 19 August 1971

8 Doc A/CONF 13/43 Vol VII quoted in footnote 1 p 33

9 Hyde C *International Law Chiefly as Interpreted and Applied by the United States* Boston Little Brown and Co 1951 Vol I Second Revised Edition p 618 Robert Lansing in Some Legal Questions of the Peace Conference quoted by C Hyde op cit p 618

Alfred P *Rubin*

Land-locked african countries and rights of access to the sea

I Theory

A *Territoriality and Jurisdiction*

It has been observed that "The mission and purpose of traditional international law has been the **delimitation** of the **exercise** of sovereign power on a **territorial basis**"¹ While there are many situations in which two or more states assert concurrent jurisdiction to prescribe conduct, such as the obvious case of the national of state A physically present in state B, the **instant** the territorial sovereign refuses to **co** operate, the **sovereign** with some other basis for **asserting jurisdiction** finds his **prescription** to be not **directly** enforceable. **Jurisdiction** in international law, then, seems to be composed of two elements. Jurisdiction to prescribe, **which** many states may have in a particular case, and **jurisdiction** to enforce, **which** the state in whose territory the enforcement (or any part of it) occurs must at least **impliedly** agree to if the **enforcing** state **is** to conform to the norms of general international law²

This territorial aspect of general **international** law is reflected in the pre-emptory norm of **Article 2 (4)** of the United Nations Charter, **requir**ing members of the United Nations 'in their international relations to refrain from **threatening** the use of force "against the territorial integrity" of any state. As so often happens in **codifications** of **principle**, the **price paid** for reducing an **implied** postulate to a formula of words has been to make **complicated** what had hitherto been thought simple. Only two uncertainties need be **pointed** out now. (1) The Charter formula **is** restricted to the case of international relations. (2) The formula does not **proscribe** threats of force against **territory**, but only threats of force **against** territorial **integrity**. These **uncertainties** **dominate** the legal **picture** when **applying** the formula of **Article 2 (4)** of the Charter to the case of a right to transit foreign **territory** a right necessary if a landlocked state is to be able to avail itself of any **claimed** right of over land access to the sea. Is **it** international relations, if the transited state forbids all foreign access to **its own** **territory**? Is **it** a threat **against territorial integrity** if the state with a right of transit sends a military force solely to maintain that right

in the territory of the transited state? The International Court of Justice at the Hague has held that it is no violation of international law for a territorial sovereign to limit almost to the vanishing point rights of access to enclaves in its territory.³ While a theoretical argument may be maintained against that view, arguments supporting absolute rights in the territorial sovereign are more likely to seem persuasive to those whose territory is to be transited. Furthermore, in an argument over the extent to which Article 2 (4) of the United Nations Charter ought to be regarded as limiting recourse to force, the consensus of those opposed to force the bulk of the international community, it is to be hoped is likely to regard the movement of troops across territorial boundary lines as illegal regardless of claimed rights of transit. It may be concluded that Article 2 (4) places the territorial sovereign in a political position in which it can extinguish foreign rights of transit, perhaps even illegally without appearing to justify the kind of reprisals, e.g. armed counteraction by the transiting state that are needed to uphold the right of transit.

B Sovereign Equality

Another provision of the United Nations Charter Article 2 (1) affirms the "sovereign equality" of member states of the organization as a basic principle. It can be argued that an aspect of this sovereign equality implies legal rights of access to the sea, the sea being *res communis* the property of all sovereign and equal states. Looked at this way it is no answer to reply that 'sovereign equality' does not imply equality of resources that each state may be equal before the law without each having access to mineral deposits or strategic positions granted by nature and history to others. What is at issue is not the distribution of property rights in specific resources, but reasonable access to resources that without dissent are considered to belong to all not the resources of the sea, but access to the sea as a resource itself. If the territorial sea is subject to universal rights of innocent passage⁴ in recognition of this universal right of access to the sea does not the same logic compel recognition of a right of innocent passage across land territory to reach the sea?

This argument, which is both subtle and legally more compelling than its opponents are likely to concede, has not proved convincing in practice. Without meeting it directly, the territorial sovereigns have merely refused to permit asserted rights of access to be exercised on land without prior agreement. A nice summary of the position is that of the Economic Commission for Africa

International practice as well as international law proceed from the assumption that freedom of transit although a natural right and prerequisite of relations between all countries can be exercised only under the terms of some international convention or bilateral agreement

Although the need for an agreement must include the idea that agreement can be withheld it is possible to argue that withholding agreement in some cases is wrongful an abuse of right Nevertheless the threat of choking off transit trade even unlawfully while the legalities are lengthily argued is a strong negotiating tool and without being tactless, it is possible to say that refusals of transit and consents to transit only subject to onerous conditions are not unknown Recourse against the arguable illegality of such refusals cannot be effective without the threat of force in most cases and the international law and practical politics embodied in Article 2 (4) of the UN Charter make it unlikely that such recourse would be effective No arbitrations or adjudications precisely on this point are known Perhaps this is testimony to the uncertainty of the case of land locked states in the face of Article 2 (4) of the Charter and, historically, the territorial bias of traditional law

Indeed, the very absence of evidence highlights a jurisprudential facet of international law that is pertinent to this analysis Legal systems based on statutes or codes emphasize logic based upon a few principles set out as fundamental by the legislator The United Nations Charter and its underlying principles can be interpreted as a code and the logic of a code system leads one to conclude that land locked states have not pressed their best case in negotiation, and that some states to be transited have been violating their international obligations for many years by not agreeing to reasonable transit arrangements On the other hand legal systems based on generalities derived by induction from experience, such as the Anglo American common law system and most African and Asian customary law systems interpret the failure of a claimant to press a claim as evidence that the claim may not be very strongly based in morals or the inherent underlying law The United Nations Charter can be interpreted in its first two Articles as codifying underlying general international law Thus the analyst is free to re-interpret the words of the codification as the evidence mounts that the underlying law was not quite what the words of codification seemed to imply From that point of view the failure of land locked countries to press claims based on 'sovereign equality', and the failure of coastal states to accord free transit in the absence of express agreement, are evidence that the principles of sovereign equality and equal rights to the high seas are not regarded by the international community as reaching far enough to derogate from principles of territorial supremacy Seen that

way the delicate wording of the Economic Commission for Africa might even be taken to overstate the case in favour of land locked countries. Since international law jurisprudence today emphasizes practice as evidence of a custom accepted as law⁶ as the basis of obligation that cannot be derived directly from international agreement and since the UN Charter's first two Articles are normally regarded as attempts to codify general law and are normally interpreted in that light refined arguments based on theory derived solely from the words of Article 2 (1) are likely to seem unconvincing to common law and customary law jurists.

Most of the readers of this paper will be aware that it takes more than a strong legal argument to win a case.

C The European Background

If the principle of sovereign equality does not reach far enough to place the asserted rights of land locked states beyond legal dispute and the territorial basis of international law as codified in the United Nations Charter makes the outcome of the legal dispute likely to favour the coastal states attempting to forbid foreign activity on their territory is the legal situation theoretically hopeless for land locked states. No. Even with Article 2 (4) of the Charter assuming an exaggerated place in international relations it is really impossible to argue that it must remain so. There have long been derogations from territorial supremacy not only in a general acknowledgment of jurisdiction to prescribe which knows no national boundaries when addressed to nationals of the prescribing state or foreigners abroad in many circumstances,⁷ but also in the constant interplay of interests that make reliance on strict legal rights bad policy even where rights are beyond question. The existence of legal doubt does not necessarily mean that the doubt must be resolved in favour of a defending party. Many other factors come into play to compromise disputes when the legalities are doubtful occasionally even when the legalities seem beyond doubt.⁸ Furthermore it has been recognised that stability security and welfare which international law is supposed to support are disserved by rigid adherence to principles of territorial inviolability.⁹ The speed of this evolution and the likely result of compromises between the interests of land locked countries and coastal states cannot be predicted.

On the other hand there are clues to the direction of the legal consensus. The most important are treaties and conventions adhered to by both land locked states and coastal states with land locked neighbours which fix as between the parties the respective rights on territory that must be transited in order that the land locked countries have access to the sea. A strong jurisprudential argument can be made that those

agreements are evidence of where the compromise of interests ought to **be** struck by states whose **legal positions** are typical of a broader class, i.e. that the agreements are **evidence** of an **emerging** general **international** law that in due course may well **require** that the **competing** interests be **compromised** in a **similar** way by other states in analogous **positions**.¹⁰ Moreover, there are conventions, or parts of conventions, **which** may be **viewed** by the **international** community as **codifying** an **underlying** general **international** law, **which** can then be cited to support a **particular position** against a non party who, if not bound by the specific **conventional** formulation, may be **convincingly** argued to be found by the general **international** law that underlies it. Finally, in **reviewing** the **existing** **in** **ternational** agreements concerning the access of land locked states to the sea, it can be noted that many African states are **parties** to these agreements, or had the agreements applied to **their territories** by **their** former colonial **regimes**. With regard to those conventions that clearly bind African parties today, obviously there is direct legal evidence of **respective** rights in **transit** situations. With regard to the older conventions, one can not easily **determine** the legal **persuasiveness** in the abstract, **since** the interests of a **discrete** parcel of land and group of people as **determined** by a former colonial government with a seat in Europe are not **necessarily** reflected in the **conventional** compromises. Various legal **rationales** exist for **declaring** the older conventions **inapplicable**,¹¹ yet there are cases in which the older conventions are seen by all concerned as **continuing** to be valid.¹² It would be important legally to note in any particular case of transit being denied whether the **denial** is **inconsistent** with treaty obligations so that an amicable **discussion** **seeking** a solution to the **particular** problem can proceed with a focus on the real dispute, of **which** the **denial** of transit rights may be merely symptomatic. That is, where a **denial** of transit stems from ignorance of the former **obligation**, new **information** may solve the problem, where **it** stems from an **unwillingness** to conform **blindly** to obligations undertaken by former colonial regimes a new treaty or adherence may solve the problem, where a long **continued** practice has evolved under an old **convention**, various legal arguments based on prescription or estoppel may resolve the **issues** without even **requiring** the **parties** to pronounce a **position** on the old **convention**.¹³

It will surely be noted that the discussion of **international** conventions which follows is based almost **entirely** on European and **American** practice. This is not to **imply** that European practice is always reasonable or that European problems are always analogous to those of Africa. But the **analogies** are closer than most people—Europeans as well as Africans—realise. The needs of land locked areas for external trade are felt just as deeply in Europe as in Africa. **Boundaries** drawn by history

are at times just as arbitrary when viewed from economic linguistic cultural and other vantage points. Feelings about the unity of Christendom have been just as influential in Europe as feelings about African unity are in Africa. Antagonisms resulting in massacres and oppression between competing power groups racial groups and economic groups have been if anything sharper in European history than in African history. Of course, one should not press the analogy too far and especially when the particular problems of access to the sea by land locked countries are unique but at least the European experience should be respected for the lessons it contains and should certainly not be rejected without careful consideration.

II Territory and Commerce

A *Rivers and Harbours*

In Europe, as commerce changed from the local exchange of goods to a wider ranging economic interdependence ¹⁴ the accidents of tribal settlement and feudal agglomeration began to be felt. The island of Britain, the strip of coast that is Portugal the peninsula of Spain, the delta settlements of the Netherlands became the centres of the new commerce. Into the twentieth century it was still possible to consider Russia as economically crippled for lack of direct year round access to the oceans ¹⁵. Access to wider commerce by inland settlements was thought to be dependent upon the seizure of port by a territorial sovereign who could unite both the producing and consuming inland place with the transit points for access to world markets.

In due course the difficulties of territorial expansion and unification forced a shift in commercial focus from acquisitive uses of force to cooperation in the use of existing access routes, primarily rivers ¹⁶. Austria, the upper riparian as early as 1699 ¹⁷ and those rights were confirmed and expanded until the river was placed under the control of two international Commissions (one composed of representatives of European user states, the other of representatives of the riparian states in 1856 ¹⁸). The later vicissitudes of the Danube lie beyond the scope of this paper. However it is worth noting that resurgent nationalism in the twentieth century resulted in the abolition of the international Commissions and their replacement by national commitments to maintain free navigation ¹⁹. Similar vicissitudes have marked the struggles of many other European states which sought access to ocean trade or direct access to inland markets ²⁰. The principle of free access was

made **positive** law in the **Final Act** of the Congress of Vienna, 1815²¹ but despite its general language it seems from later arguments that the **positive** law was not conceived as a **codification** of **existing** general law. It was binding on the parties to the Vienna Act only as a matter of express consent and only in respect of rivers to which the principles of the Act were expressly agreed to be applicable.²²

The next major multilateral effort to ease problems of land locked states **seeking** access to bulk markets resulted in two **conventions** and statutes and the first protocol of the Barcelona Conference concluded on 20 April 1921. The first convention and statute **will** be discussed in the Section B below. The second **convention** and its appended statute, the Convention and Statute on the **Regime** of Navigable Waterways of International **Concern**,²³ provided that each of the **contracting** states would accord free **navigation** on waterways of international concern to the merchant vessel of any other contracting state **in time** of peace.²⁴ **Navigable** waterways of **international** concern were defined in a rather complicated formula to include waterways, **rivers**, lakes and canals that touched or led to more than one **riparian** state. Although over forty states **signed** the Convention and Statute, only twenty seven **ratified** or acceded to it (including the **British Empire**). India subsequently denounced it **in 1956**.²⁵ The Protocol extended the same **rights** on condition of **reciprocity** with regard to navigable waterways not of international concern. Twenty five states adhered to the Protocol.²⁶ It was never supposed that the **provisions** of the Convention and Statute or Protocol **codified** general **international** law. As Latin American representatives at Barcelona **pointed out** the regime of rivers mentioned in the Treaty of **Versailles** was essentially **different**, as a result of that Treaty to the **regime** applicable to American river systems. The European **rivers** were believed to be more **liberally** open to navigation than others.²⁷ This approach **viewing** each river system as **unique** subject totally to the territorial jurisdiction to prescribe and enforcement by the **riparian** states and thus **requiring** the consent of the **riparians** for any transit or trade facility is clearly inconsistent with a view **prefiguring** free access to **international** waterways. The refusal of many **riparian** states to ratify the Barcelona Convention must be attributed in part to their governments' dissatisfaction with its implied derogation from their asserted **rights**.

Questions of access to the oceans by land locked states were raised in the Geneva Conference that culminated in two more Conventions and Statutes and a Protocol on 9 December 1923. One of those **conventions** and its accompanying statute will be discussed below. The second dealt with the International Regime of **Maritime Ports**.²⁸ It defined "maritime ports" as all ports which are normally frequented by sea

going vessels and used for **foreign** trade" In sweeping terms the Statute then **obliged** contracting states, on condition of reciprocity, to accord equality of treatment with their own nationals' ships to vessels of "other **Contracting States** or those of any other State whatsoever This equality was **specifically** to include equality with regard to access and use of the maritime port, allocation of berths, loading and unloading facilities and charges ²⁹ Other Articles limited these terms by **reiterating** the condition of reciprocity and removing **fishing** vessels, warships and coastal trade from the "equality of access" **provision** The Protocol of **signature** contained a number of interpretive agreements, **including one**³⁰ **which** specified that the **condition** of **reciprocity** was not to be **applied** so as to exclude states without ports from the benefits of the Statute By 1946 this Convention and its appended Statute was **ratified** or adhered to by twenty three **parties** including Great **Britain** for **Gambia**, the **Gold Coast**, **Kenya**, **Nigeria**, **Southern Rhodesia**, **Sierra Leone**, **Somaliland**, **Tanganyika** and **Zanzibar** Perhaps it is noteworthy that the French adherence again apparently did not include any **African territories** except those **which** France regarded as part of the **metropolis** and the **Belgian** ratification specifically excluded the **Belgian Congo** and **Ruanda Urundi** Thus, while the form of the Convention and Statute might encourage one to suppose its drafters **intended** to **codify** the **general** international law **making** maritime ports open to all a basis of **national** equality, the immediate practice of the **parties** refutes that interpretation **Belgium** for example, by being a flag state **which** opened its **maritime** ports in Europe, gained rights of access and discharged its **reciprocal** obligations as a party **while** apparently maintaining a **right** to close Kinshasa to **foreign** traders **if** and when it chose ³¹

B *Overland*

Free access to the commerce of inland territory was agreed among European powers as part of the legal **regime** for European **countries** in **Africa** under the General Act of the Congo Conference at Berlin in 1885 ³² But the access that was guaranteed appears to have been regarded as a contractual matter among European states only, and not an expression of general **international** law or even a **regional** international law applicable to all people or states in **Africa** ³³ On the other hand, **specific** rights of access were granted in the form of express territorial concessions among European powers **acting** in Africa in the late nineteenth century to **minimize** the risks of clashes during the European territorial and **commercial** expansion there ³⁴ But while examples of extending the **territories** of littoral states **inland** to nodal points of trade abound, such

s the extension of Cameroon to Lake Chad and the creation of the Caprivi Strip to give Namibia access to the Zambesi River, little significant concern was paid to the converse need of the inland areas for access to the sea. A rare example is the French lease of trade lodgement in German Africa in 1911.³⁵ On the other hand, in Europe the lease arrangement was used in the period immediately after the First World War to secure access to ocean commerce by some of the land locked states created, or re created, by the Treaty of Versailles, particularly Czechoslovakia (via Germany and Italy), Poland (via Danzig) and Bulgaria (access to the Mediterranean via Greece).³⁶

The Barcelona Conference of 1921 devoted its first convention and statute to overland problems. The Convention and Statute on Freedom of Transit.³⁷ Not directed at waterways in particular but concerned with the more general problem of peaceful trade transiting the territory of a state other than the state of origin or destination, this Convention and Statute was signed by forty states. As in the case of the Vienna Act and the second Convention and Statute of Barcelona this Convention and Statute was applicable only as a matter of contract among the participating states. It did not purport to be a codification of general law. Thirty six states eventually acceded to the Convention and Statute including the British Empire.³⁸ Until 1946 the adherence of the British Empire did not include any commitment in respect of African territories.

The 1923 Geneva Conference focussed its attention on the overland transport of goods by rail from inland points as part of a general problem of access to world markets (and, as in the earlier discussions, access of world traders to inland points). As noted above, and as was the case in Barcelona waterborne trade and overland trade were separated, since the first Convention and Statute dealt with the International Regime of Railways.³⁹ Article 4 of the Railways Statute bound the contracting parties to undertake to give reasonable facilities to international traffic and to refrain from all discrimination of an unfair nature directed against other Contracting States, their nationals or their vessels". The Statute did not define "fair" discrimination and Article 31 made explicit the intent of the parties that its effects be limited to contracting parties thus it may be inferred that they did not regard it as a codification of general law. This Convention and Statute was signed by 33 states but by 1946 only 26 had deposited ratifications or final notices of adherence. Of those twenty six one, the British Empire, included the territories of present Zambia Rhodesia Gambia, Ghana, Nigeria Malawi Sierra Leone and Tanzania.

There were no further developments regarding ocean or land borne commerce significant to this study between the conclusion of the Geneva

Conventions of 1923 and the international efforts to regulate normal intercourse following the Second World War

III Post-World War II Developments

The first post World War II positive commitment regarding freedom of transit is Article 5 of the General Agreement on Tariffs and Trade concluded at Geneva on 30 October 1947.⁴⁰ That Article in its second paragraph provides that 'There shall be freedom of transit through the territory of each contracting party' and the next paragraph provides for exemptions from customs duties and all transit duties or other charges imposed in respect of transit except charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered. These provisions are clearly intended to be contractual not declaratory of a general international law according free transit since the Protocol of Provisional Application of the Agreement provides that the parties undertake to apply them (among many other provisions) only 'to the fullest extent not inconsistent with existing legislation'. If legislation existing at the time of adherence is permissible but derogates from the obligations assumed, it is difficult to see how the obligations can be regarded as legally binding in the absence of special agreement. Furthermore the GATT formula appears to permit the transited state to add whatever formalities it thinks reasonable to transit trade and charge the costs to the transiting traders. Even without abuse high charges may be involved.

The special problems of land locked countries received organized attention in the United Nations when consideration was given to codifying and clarifying the law of the sea by international agreement. The General Assembly unanimously passed Resolution 1028 (XI) at its 656th Plenary meeting on 20 February 1957. That Resolution invited the governments of member states 'to give full recognition to the needs of land locked Member States in the matter of transit trade and to accord them adequate facilities in terms of international law and practice' for that trade. Precisely what legal facilities were in mind is not clear. Presumably the drafters of the Resolution had in mind requiring transited states to recognize that whatever facilities were rendered in practice would be a legal precedent that such facilities were required as a matter of law and therefore could not be unilaterally withdrawn. They would have to be supplied elsewhere if a convincing analogy could be drawn.

However, it was a hollow victory if the drafters were seeking legal precedents in what the governments of the **transited** states would undoubtedly prefer to regard as **ex gratia** donations of a right to **ad hoc facilities**. As the value of the **donation** increases in legal coin, the willingness of the donor to part with it might be expected to decrease. If a **friendly donation** of **facilities** for transit trade were to be **viewed** as **requiring** more **donations** and **forbidding** the **withdrawal** of **facilities** once donated, the **limits** of **friendship** would be **rapidly** approached, if not exceeded.

The next day, 21 February 1957, the General Assembly passed **Resolution 1105 (XI)**, **directing** the **convening** of an **international** conference to **examine** the law of the sea and **recommending** in that **connection** that the conference 'study the **question** of free access to the sea of land locked countries, as **established** by **international practice** or **treaties**'. Once again, the hand of the drafters **favouring** land-locked countries is clear in the reference to access **being** 'established'. Since the conference was to draft a general **convention** that would, it was hoped, be acceptable to all states, the **inclusion** of **provisions** based on **existing international practice** or **treaties** in particular contexts would make those **particulars** **applicable** **universally**.

In any case, the conference did study the Barcelona **Conventions** and **Statutes** and **Protocol**, and the Geneva **Convention** and **Statute** on the **International Regime** of **Maritime Ports** dated 9 December 1923, mentioned above, and eventually agreed on a **provision** which was **included** in the Geneva **Convention** on the **High Seas** of 29 April 1958⁴¹ (**Article 3**).

The debt of the drafters of this language to the drafters of the 1921 and 1923 **Conventions** and **Statutes** is obvious. As of this writing there were 44 **parties** to the **High Seas Convention**. The African **parties** are the land locked states of the **Central African Republic**, **Malawi**, **Swaziland**, **Uganda** and **Upper Volta**, and the coastal states of **Kenya**, **Malagasy**, **Nigeria**, **Senegal** and **Sierra Leone**, in addition to the rather **special** cases of **South Africa** and those **territories** regarded by **Portugal** as part of its **metropolis**.

It may be asserted that this **sampling** of coastal and land locked states is **evidence** of a general consensus that the rule of **Article 3** of the 1958 Geneva **Convention** on the **High Seas** have entered **into** general **international law** that the **failures** of other states to adhere to the **Convention** be more in their **objection** to other **provisions** than in **Article 3**. On the other hand, a very close reading of **Article 3** and the background documents reveal so many **ambiguities** that it would be far from **convincing** to allege on the basis of **Article 3** alone that there is a general **international law** **requiring** coastal states to **give** **transit facilities** to their land locked **neighbours**, even if **Article 3** were regarded as **basically** **codifying**

the **underlying** law. For example, the first sentence does not say that land-locked states do have access to the sea as a matter of law, but "should have such access for a **specific** purpose. In order to enjoy the freedom of the seas on equal terms **with** coastal states. They have the 'freedom of the seas' by **operation** of law, but why should freedom of the seas be regarded as **including** freedom to transit *goods* over a neighbour's territory? The **right** of transit seems to be envisaged as morally **owing** to the land-locked states, but to be accorded 'by common agreement' and on a **basis** of reciprocity. Failing 'common agreement' or the 'mutual agreement' required by paragraph 2 with regard to **facilities**, Article 3 does **not** seem to **give** rights to the land-locked state. Counter arguments may be raised **supporting** a reading of Article 3 to **require** coastal states to yield **reasonable facilities** for meaningful access to the sea. But as long as **jurisdiction** to enforce rests in the **territorial sovereign** of the coastal state, asserted **violations** of the law arguably **embodied in** Article 3 cannot be redressed **without** a forcible encroachment on the **territory** of the coastal state, thus raising the problems noted at the **beginning** of this paper and involving interpretations of Article 2 (4) of the United Nations Charter. It would thus appear that the law must be **viewed** as unclear. To take an arguable **position with** regard to **Article 3** of the **High Seas Convention** and use force to **maintain** that **position in** such a way as to raise questions about the true meaning of Article 2 (4) of the United Nations Charter is to attempt to resolve argument by force rather than debate. The attempt may be made and may be **justifiable** to some, but cannot be expected to seem justifiable to the bulk of the **international community** despite a general sympathy **with** the **position** of the land-locked states. In short, the arguable **positions** on both sides are **inconclusive** and, in the jockeying for political **position** to strengthen the **international consensus**, it is at least **inadvisable** to resort to force. Therefore, the land-locked states must lose the legal battle in the absence of a stronger consensus than can be mustered out of the language of Article 3 of the 1958 Geneva Convention.

The land-locked states have been **trying** since 1958 to muster that consensus. **Firstly**, further attempts are being made to achieve **agreement to positive commitments** to supplement those of the **Barcelona and Geneva Conventions**. I shall discuss that attempt and the UN **Conventions on International Road Traffic** (1949) and **Transit Trade of Land Locked Countries** (1965) in a moment. **Secondly**, it has been suggested that the **positive commitments** should be reviewed to establish whether the problem is in fact a legal problem. **Thirdly**, the existing **commitments** and the moral force of consensus are being used at the **United Nations General Assembly**, the **United Nations Conference on Trade and Development** and various **regional organizations** in an at

tempt to obtain a right to transit trade through general international law. In this last connection the evidence is that the moral obligation raised (or the legal obligation reaffirmed, if one is convinced by that view) in **General Assembly Resolution 1028 (XI)** has been cited in debate in the United Nations General Assembly,⁴² as has Article 3 of the **1958 Geneva Convention on the High Seas**.⁴³ The United Nations Conference on Trade and Development has been consistently involved in attempting to improve the trade position of land locked countries.⁴⁴ It is unnecessary to provide a comprehensive list of instances in this paper. However the constant moral pressure and the reiteration of assertions of legal right have not convinced many littoral states.

The **1949 International Road Traffic Convention**⁴⁵ like the **1923 Geneva Railways Convention**, is only of peripheral interest to this study. Essentially it obliges each contracting party to permit its own roads to be used for vehicular traffic that crosses national frontiers subject to various provisions for uniformity of rules and safety.⁴⁶ There are many African parties to the Convention.⁴⁷

The most significant recent attempt to codify the law regarding transit trade of land locked countries is the **Convention on Transit Trade of Land Locked Countries** dated 8 July 1965.⁴⁸ This Convention cites **U N General Assembly Resolution 1028 (XI)** and Article 3 of the **1958 Geneva Convention on the High Seas**, then reaffirms eight principles adopted by UNCTAD supporting the right of each land locked State of free access to the Sea.⁴⁹ Once again, however, the actual obligations of the littoral states are apparently envisaged as moral rather than legal as the principles contain circumlocutions and qualifications said countries should be afforded on the basis of reciprocity free and unrestricted transit in such a manner that they have free access to regional and international trade. The State of transit, while maintaining full sovereignty over its territory shall have the right to take all indispensable measures to ensure that the exercise of the right of free and unrestricted transits shall in no way infringe its legitimate interests of any kind. the conclusion of regional and other international agreements in this regard should be encouraged by all States.⁵⁰ Furthermore the Convention itself and the Resolution adopted by the drafting Conference on 8 July 1965 recommending all states to examine the possibility of becoming parties seem to imply that the Convention establishes new positive law and does not codify existing general International law. For example, Article 2 of the Convention states "Freedom of transit shall be granted under the terms of this Convention for transit traffic, ' Consistent with the terms of this Convention, no discrimination shall be exercised which is based on the place of origin. Article 4 states The Contracting States under

take to **provide** adequate means of transport and handling equipment for the movement of **traffic in transit** without unnecessary delay Customs free zone, are not mandatory but may be **provided** by agreement between those (transit) States and land locked States ⁵² **Reciprocity** is apparently a condition ⁵³

In short the land locked state⁴ seeking positive agreement at a Conference dominated by the territorial sovereigns of their littoral neighbours,⁵⁴ seem to have felt that the adoption of the UNCTAD principles was an adequate means to obtain agreement about the substance of transit rights without emphasizing the general international law claim that such rights exist regardless of the absence of an express agreement An examination of the proposals made at the Conference reveals considerable disagreement about the degree to which the UNCTAD principles were accepted as codifying law Indeed a proposal by Bolivia and Paraguay amended by Afghanistan which would have had the Conference expressly refer to the UNCTAD principles as reaffirming various rights of access by land locked states was rejected specifically Many of the countries represented maintained that no such rights existed as a matter of law The Conference was not convened to codify the general law but only to draft a document that would bind its parties regardless of the state of the underlying law ⁵⁵ Other proposals with a similar aim⁵⁶ met a similar fate This series of arguments at the Conference makes it clear that regardless of possible legal argument the bulk of the international community regards UNCTAD and UN General Assembly Resolutions concerning the needs and even the rights of landlocked countries as insufficient to overcome the legal presumption of absolute and complete jurisdiction on the part of the territorial sovereign Whatever the jurisdiction to prescribe that may be assumed by the land locked countries the General Assembly or the UNCTAD the concurrent territorial jurisdiction to prescribe and enforce make⁴ the prescriptions of others ineffective

IV Local Focus

No summary of the positive law can be complete without a reference to the many local agreements permitting transit in Africa Some are mentioned in the rather out of date study by the Secretariat of the United Nations for the Economic and Social Council Transit Problems of Eastern African Land Locked States ⁵⁷ Others are implied if not expressed in such recent economic cooperation arrangements as the East African Cooperation Treaty of 1967⁵⁸ which gives Uganda some transit

rights through Tanzania and Kenya but specifically allows for goods in transit to be subject to the customs law of the transited state and non discriminatory charges for services rendered during the transit ⁵⁹ But it would be beyond the scope of this paper to analyze all the bilateral and regional arrangements of particular groupings of Afr~can states

I have now reviewed all the major general international agreements pertinent to the problem of access to world markets for land locked African states It is possible to conclude that despite the vast complexity of the positive law on the subject it would be difficult to convince any littoral states that rights of access in derogation of their territorial jurisdiction to enforce are contained in general international law The positive agreements do not purport to codify general international law Some statements of the general law have been made by small bodies dominated by representatives of land locked states, and by organizations such as UNCTAD and the Economic Commission for Africa but whose competence is regarded as economic rather than legal ⁶⁰ Other organizations have made statements but whose resolutions are merely recommendatory ⁶¹ In all cases, the statements can be regarded as not binding as a matter of positive law In disputes between the territorial sovereign and anybody else over rights to be exercised within a particular territory, regardless of the ambiguities in Article 2 (4) of the UN Charter, the territorial sovereign is bound to win Furthermore a consensus is in favour of that dominance by the territorial sovereign

On the other hand, the positive commitments are very significant Afr~can states are bound together in many cases by either direct contractual obligations to permit a significant amount of transit trade, such as the general overflight rights embodied in the 1944 Chicago Convention and, in some additional cases, the Air Services Transit Agreement The lists of Afr~can parties to the Barcelona Convention on Freedom of Transit, the International Traffic Regulations, and the Convention on the International Regime of Railways are not uniform, but may be so in respect of land transit The lists pertinent to the Barcelona Convention on the International Regime of Maritime Ports, and the 1958 Geneva High Seas Convention are longer but still incomplete None of these agreements is wholly free of questions of interpretation The meaning of the General Agreement on Tariffs and Trade is not clear in view of the exception made for pre existing trade barriers The 1965 Convention on the Transit Trade of Land Locked States has been ratified by only one Afr~can littoral state, Nigeria Other multi-partite International agreements to facilitate transit trade, such as the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets, ⁶² have few or no Afr~can parties

V Conclusions and Caution

Since it has proved impossible to create an international consensus affirming that sweeping rights of transit and stationing exist in the absence of positive agreement derogating from the rights of a territorial sovereign to impede access to and from its land locked neighbours, the problem can no longer usefully be viewed as a purely legal problem. It is now a problem of encouraging states to adhere to the appropriate positive agreements. The results of the efforts of ECA and UNCTAD along that line are not encouraging. Perhaps bilateral and regional arrangements could be expanded along the lines of the East African Cooperation Treaty of 1967. A return to the pattern of specific problem segment agreements—the Barcelona and Geneva approaches—might also be considered.

A final caution, which may be out of place. The problem seems to be a problem of neighbourliness. Every help given to a land locked state to secure rights of transit through a neighbour's territory will be regarded as pressure on territorial integrity by that neighbour. The littoral African states are no less African and no less sovereign for having sea coasts. To derogate their territorial integrity would surely appear to them as a sort of "neo colonialist" search for more markets.

Notes

1 Jennings *The Acquisition of Territory in International Law* Manchester 1963 p 2

2 Cf *U.S. v. Imperial Chemical Industries* (D.C.S.D. N.Y.) 100 F. Supp. 504 (1951) Ryan J. *British Nylon Spinners Ltd v. Imperial Chemical Industries* [1952] 2 All Eng. L.R. 88 opinions of Sir Raymond Evershed M.R. and Lord Denning *British Nylon Spinners Ltd v. Imperial Chemical Industries* [1954] 3 All Eng. L.R. 780 opinion of Dankwerts J.

3 *Right of Passage over Indian Territory* (Portugal v. India) (Merits) ICJ Reports 1960 Cf I O'Connell *International Law* (London 1965) p 612–613

4 1958 Geneva Convention on the Territorial Sea and Contiguous Zone 516 UNTS 205 Section III

5 U.N. Doc E/CN.14/INR/44 dated 6 November 1963 at p 8. This document for reasons that are not at all self-evident is not available through normal channels. A copy was procured at exorbitant cost through the U.S. Library of Congress from State Department archives with the help of Congressman Delenback of Oregon for use in preparing this study.

6 Statute of the ICJ Article 38(1) (b)

7 Cf *The Lotus Case* (France v. Turkey) PCIJ Ser. A No. 10 (1927)

8 E.g. the resolution in the United Nations on impasse brought by the refusal of the USSR and France to pay the assessment that was felt by the International Court of Justice to be binding. See the *Advisory Opinion on Certain Expenses of the United Nations* ICJ Reports 1962 Goodrich, Hambro and Simons *Charter of the United Nations* (3rd and revised ed.) 179–181 (New York 1969).

9 Wilkes Territorial Stability and Conflict in Black and Falk eds, *The Future of the International Legal Order Conflict Management* Princeton, 1971 p 165

10 See D Amato *The Concept of Custom in International Law* Ithaca, N Y (U S A) 1971 Part II

11 E.g. the doctrine of *rebus sic stantibus* changed circumstances going to the heart of the agreement the idea of some treaties being personal to the treaty-makers and not directly applicable to the land or people they may seem to effect most immediately such as military base agreements in some cases etc

12 The subject is far too complex to attempt a summary here See O Connell *The Law of State Succession* Cambridge 1956 *passim* O Connell *State Succession in Municipal Law and International Law* Cambridge, 1967, Vol II J Mallamud Optional Succession to Treaties by Newly Independent States 63 A J I L 782 (1969)

13 Once again, it is necessary to cut short a very complex topic All possible legal arguments that might prove persuasive in particular cases cannot be set out in a short space

14 Of course long range commerce occurred in the most ancient times But until the sixteenth century in Europe long range commerce was of more cultural and social significance than economic Cf Tawney *Religion and the Rise of Capitalism* London 1926 at pp 66 *et seq* This is not the place to express all the exceptions and explanations that are necessary for a full understanding nor do I pretend to complete understanding of the transformation of Europe by the revolution in trade involving the history of Venice and Florence the Hanseatic League the rise of the Dutch Republic and particulars too complex to even hint at here

15 A T Mahan *The Problem of Asia* London 1900 pp 43-45

16 Again a tremendous amount of history is being ignored in this summary Battles did not stop but the underlying causes shifted from commercial rivalries and drives to acquire entrepôts in Europe to nationalism and demands to free trade from national shackles among many other things This is not the place to analyze these exceedingly complex developments

17 Armistice of Carlowitz Article II 7 (2) Dumont 448 22 Parry *Consolidated Treaty Series* 219 at pp 237-238

18 Treaty of Paris Oakes and Mowat *Great European Treaties of the Nineteenth Century* Oxford 1918 p 176 at articles XV-XIX

19 An excellent disentangling of the threads is in Verzijl *International Law in Historical Perspective* Leyden 1970 at pp 143-156

20 *Id* pp 126 *et seq*

21 Oakes and Mowat *op cit* pp 37 *et seq* articles CVIII-CXVII

22 Cf articles XCVI making the regime applicable to the Po CXVI requiring general agreement to settle all matters relating to the principle of freedom of navigation and its incidents and CXVII creating a special status for regulations concerning the Rhine Neckar Maine Moselle Meuse and Scheldt See also article XIV applying the same principles but only in part to the rivers of Poland Some other European rivers fitting the language of Vienna have never been considered ruled by the Vienna formula e.g., the Weser and the Oder See Verzijl *op cit* pp 159-162 164-166

23 7 L N T S 35

24 Articles 3 15 and 17

25 Samuel *India Treaty Manual 1966* Kerala, 1967 p 52 The British Empire adherence included the present territories of Malawi and Tanzania with regard to natural navigable waterways only and Gambia Sierra Leone Nigeria Ghana

Kenya Uganda and **Zanzibar** with regard to all **navigable** waterways The French **ratification** does not mention overseas **territories** 50 L N T S 160

26 7 L N T S 67 All **parties** to the Convention and **Statute** adhered to the Protocol except France and **Romania**

27 Baxter **The Law of International Waterways** Harvard 1964 note 219 at p 134

28 58 L N T S 285

29 **Article 2**

30 Number 4

31 It may be remembered that the legal issue presented in the Oscar Chinn Case (1934) PCIJ A/B No 63 involved the interpretation of the Treaty of St Germaine not the Convention and Statute of 9 December 1923 or some general international law favourable to foreign traders That case in any event did not involve the normal sort of discrimination only Belgium giving special aid to a single state owned enterprise to the detriment of its national as well as foreign competitors

32 Hertslet *Commercial Treaties* 62

33 The evolution of the Berlin arrangement and the effects of revisions wrought by the Treaty of St Germaine 1919 (8 L N T S 27) are beyond the scope of this paper

34 Cf Verzijl op cit pp 398-400

35 Id p 405

36 Id pp 405-406

37 7 L N T S 11

38 Samuel loc cit

39 47 L N T S 55

40 55-61 U N T S passim African parties at this writing include Burundi Cameroon Central African Republic Chad Congo Dahomey Gabon Gambia Ghana Ivory Coast Kenya Malagasy Malawi Niger Nigeria Rhodesia Rwanda Senegal Sierra Leone South Africa Tanzania Togo Uganda and Upper Volta In addition GATT is being applied de facto by Botswana Zaire Equatorial Guinea Lesotho Mali and Zambia

41 45 U N T S 82

42 Cf U N Doc A/PV 1127 dated 21 September 1962 paragraph 22 remarks by the Representative of Afghanistan

43 Cf U N Doc A/C 6/Sr 814 dated 19 November 1963 p 178 remarks by the Representative of Argentina

44 See e g Action Programme submitted by the Secretariat of UNCTAD on 9 March 1972 U N Doc TD/136

45 125 U N T S 22

46 Article 1 and 4

47 As this is written Botswana Central African Republic Zaire Congo Dahomey, Gambia Ghana Ivory Coast Malagasy Malawi Mali Niger Rwanda Senegal Sierra Leone South Africa Swaziland Tanzania Togo Uganda Zambia and the Portuguese territories There is particular doubt about the continued effect of colonial adherence in respect of Burundi Cameroon Equatorial Guinea and Zanzibar (Zanzibar is not included in Tanzania's adherence inherited from Tanganyika)

48 59 U N T S 42 U N Doc TD/TRANSIT/9 As of this writing African parties are Burundi Chad Lesotho Mali Malawi Niger Nigeria Rwanda Swaziland and Zambia Of these of course only Nigeria is a littoral state Other landlocked parties include Czechoslovakia Hungary Laos Mongolian People's Republic Nepal and San Marino Yugoslavia and Belgium seem to

be the only littoral parties other than **Nigeria** which have a land locked neighbour

49 **Principle I**

50 **Principles IV V and VI**

51 U N Doc TD/TRANSIT/10/Add I

52 **Article 8**

53 **Article 15**

54 **Ignoring the Ukraine and White Russia** there were 58 states represented at the Conference of which 21 were land locked

55 Cf U N Doc A/5906 pp 18 et seq

56 E.g. the Czechoslovak proposal of 28 October 1964 U N Doc E/CONF 46/AC 2/L 2

57 U N Doc E/CN 14/INR/44 dated 6 November 1963 pp 14-17

58 6 **International Legal Materials** 932 (1967)

59 Article 9 (2) and (3)

60 E.g. remarks of **Nigeria**, Pakistan and the **United Kingdom** U N Doc A/5906 at pp 22-23

61 Such as the U N General Assembly See Goodrich **Hambro** and **Simon** The Charter of the United *Nations* (3rd and revised ed) New York 1969 pp 111 *et seq*

62 348 U N T S 13

Air transport in Africa and its importance for African land-locked countries

I Air transport in Africa

The first plenary session of the African Civil Aviation Commission (AFCAC) was held in Dakar between February and March of 1971. The need for such a body to deal with air transport problems of special concern to the continent of Africa had been felt for some time.¹ Its mandate is to organise for the continent an adequate system to meet the requirements of air navigation and safety and efficient and economic air transportation operations. At the meeting the potential of air transport in Africa was given by the representative of the Institute of Air Transport in the following words:

Firstly, most if not all Africa's regions offer a privileged field for air transport. The vast distances and huge size of the continent (Kisangani—formerly Stanleyville—is 100 miles from the nearest coast and Gao 750 while Frankfurt in Europe is only 235) the climatic conditions, the vegetation, the distribution of population—often round the edges of States—and the existence of enormous scarcely populated areas, Africa's economy and its commercial centres frequently based on a single product—all these make civil aviation especially useful and in many cases an absolute necessity.²

There is no doubt about the potential. But the problems are also large. Air transport problems of the land-locked African countries are the air transport problems of Africa as a whole aggravated by the geographical and economic position of the land-locked countries.

It is relevant to first consider air transport in Africa generally. Two factors determine most of Africa's air transport issues, Africa's poverty and its political complexion. The relative poverty of the Independent States of Africa retards the development of an efficient continental air transport system. Air transport costs money. Though mile for mile the capital outlay required may not be as heavy as for road or rail transportation, large amounts are still needed for the building and maintenance of the necessary air transport infrastructure— aerodromes, radio and tele communications equipment, etc. As was pointed out in an E C A Report.⁵

Many remote areas in most of the countries have an outstanding need for air transportation in order to enjoy the ready accessibility to urban centres so as

sential in the growing economy but it would appear that the lack of aerodromes or the cost of maintaining those available will be much more than the traffic revenue derived from such services

Therefore, unless decided as a matter of policy that losses arising out of the building or maintenance of an aerodrome are justified from a broad national standpoint, the aerodrome is not built. And in those which are built, often the lack of funds means inadequate air communication links with other African countries for the exchange of air traffic and meteorological data or poor technical facilities for safe take off and landing. The provision and servicing of aircraft, the recruitment, continuous employment and training of highly specialised staff (e.g. pilots and engineers), as well as the large body of unspecialised staff for the operation of an air transport system is an expensive business. Some of the services are more sophisticated than can be demanded by many African countries from their own nationals, thus imposing an additional cost burden in the employment of expatriates. Because of this cost burden, airlines and air services in Africa are run exclusively or with heavy participation, by Governments. Private African Investment in this area is non-existent. The Governments recoup their outlay for the building and maintenance of their aerodromes by imposing landing and other charges on aircraft using the aerodromes. The airlines often complain that these charges are too high. And there may be some truth in this where the charges are fixed not with a view to defraying the costs of the services provided but to boosting the general revenue of the country. These charges become a significant component—the cost of aircraft, employment of staff and services, and fuel tax being others—in the calculation of fares and freight charges to be paid by users of the airlines on whom, of course, the ultimate cost burden is thrown.

Fares in Africa are high. This is because of the relatively high cost of operating the airlines on the continent. The volume of traffic on the North American route and over Europe, for example, helps to reduce operation costs. Traffic on most African routes is still inadequate in this respect. A very high percentage of the passenger traffic⁴ is paid for by the employers of the passengers, whether government or private business. This type of traffic cannot be increased significantly by incentives. For this rather limited traffic and for the cargo and mail services, the African airlines have to compete with the larger airlines of Europe and America. By December 1969 there were 39 non-African airlines operating in Africa.⁵ Tourism, which can be stimulated, at the moment accounts for only a small share of the traffic. Thus, fare reduction is viewed by the airline operators with distaste. It would, they argue, make the operation of the airlines uneconomic.

The emphasis which most airlines place on operating economic routes,

coupled with the political legacy of colonialism in Africa has resulted in a large proportion of the traffic moving between Africa and Europe. Many newly Independent countries are primarily linked with the former metropolitan countries. Thus the bulk of the international traffic of the ex British colonial territories is between their capitals and London. To an even greater extent the traffic of the ex French colonial territories flows to and from Paris. During the colonial period although there was considerable co operation among the various territories of the two French colonial federations in West and Central Africa there was virtually none between them and other African countries. As a result passengers of to day encounter great difficulties and inconvenience when trying to obtain reasonable connections between one part of Africa and another. Sometimes travel from one point to another within the continent is possible only through Europe because the flow of traffic is mainly on a north south axis. Of the African carriers only Ethiopian Airlines operate coast to coast services linking the eastern parts of Africa with the West coast.⁶ Some new services linking African countries have been introduced since Independence. Sometimes political considerations, e.g. a desire to bring African countries together to force recognition on other States or simply for prestige override the economic considerations. But it is difficult to maintain this position for long against the force of the economic argument. It is not always the economic argument, however, which prevents inter African air traffic links. Some airlines claim that the main reasons preventing them from extending their routes to other parts of Africa stem from the commercial and political problems involved in the exchange of traffic rights. AFCAC has emerged at an opportune time to serve as a forum for the exchange of ideas and the solution of these problems.⁷

It is generally agreed that development in two areas would help immensely to reduce costs which may then be reflected in the fares. One is tourism, the other is airline integration or co operation. The high level of fares is a hindrance to the development of tourist traffic. Its development may therefore involve a wide network of charter traffic, moving large numbers of passengers paying cheap fares to the various centres. However, charter flights are frowned upon by some states on the ground that at times they lend themselves to fraud and that their safety measures may not be up to standard. The established airlines disapprove of their competition, the fares charged being considered a threat to the schedule services. The trend, therefore is for the established airlines to operate excursion flights during the holiday seasons. Tourism however, requires other facilities besides cheap air transport. For example accommodation must be available for the tourists at their destination. A substantial injection of capital, which may not be available to poor

countrles, is necessary for the provision of such facilities. Presently the tourist encounters a number of difficulties on entry into some of the African countries. Airport formalities in the form of the documentation to be presented—passports, health certificates and currency declarations—are tedious. Visa requirements are so cumbersome it has been suggested that they be either abolished altogether or issued to the traveler at the destination. Customs inspection of incoming baggage is sometimes excessive. Some of these procedures apply to departures as well, and until they are drastically reduced the casual visitor will not be attracted to the countries insisting on them. On the other hand there are problems of security, foreign exchange, taxation and health with which the receiving states have to contend. The problem is how the reception of the visitor can be reconciled with the need for greater security at airports.

Much needs to be done in respect of integration or co-operation between airlines. With two major exceptions, the Independent African states operate their own airlines. Each has its separate organisation with the necessary support programme to maintain it. There is no co-ordinated effort to solve problems, the duplication of effort is wasteful. Formerly, the British West African countries, before Ghana became independent, operated the West African Airways Corporation (W A A C). Ghana withdrew after Independence in 1957, just as it withdrew from a number of other joint projects with her sister countries which were still under colonial rule. It appeared that Ghana's continued association with colonial territories diminished her Independent status. W A A C did not long survive the Independence of Nigeria. Now both Nigeria and Ghana operate their own international services and have to pursue their own individual programmes, purchase their equipment, recruit and train staff, negotiate traffic agreements, and even compete with each other on some routes. Substantial savings could be made through the integration or co-operation of these airlines. This also applies to the individual national airlines of Africa.

There has been greater co-operation amongst the French speaking African countries.⁸ In March 1961, eleven of them, namely, Cameroon, Central African Republic, Congo, Ivory Coast, Dahomey, Gabon, Upper Volta, Mauritania, Niger, Senegal and Chad concluded at Yaounde the Treaty Relating to Air Transport in Africa. Under its terms, a joint Air Transport Corporation was set up. Togo subsequently joined, making the total twelve. The Corporation was to be registered in each of the contracting states under the name Air Afrique for the purpose of exercising their rights with respect to air traffic between their countries and with those outside.⁹ Air Afrique began long haul service in October 1961 and is at present one of the major operators of the American DC 8

jet aircraft in the world. The Charter of the Afro Malagasy Common Organisation (O C A M) identifies the multinational airline as one of the joint enterprises whose supervision is a primary function of its Administrative General Secretariat.¹⁰ Unfortunately there are problems. Earlier this year, Cameroon left Air Afrique to establish its own independent airline. Chad, because of the removal of the airline's headquarters from Fort-Lamy, threatened to leave the organisation.

Before independence in these countries, air navigation services designed to guarantee air safety had been operative under French aegis. In 1959, ASECNA¹¹ was created as an Independent common organisation to provide these services e.g. air navigation facilities, telecommunications, air traffic control, flight information, meteorological observations and their transmission, as well the services required for approach and landing at various airports of the African member countries.¹² The participating states to the ASECNA Convention were the same as were later to form Air Afrique and in addition France and the Malagasy Republic. At that time Mali was a federation consisting of Senegal and the present Republic of Mali which then went by the name of Sudan. Upon the break up of the federation Senegal continued as a member while Mali withdrew but subsequently made an Independent arrangement with ASECNA. It was open to member states to transfer the administration and upkeep of any of their own air navigation services to ASECNA. Each of the member states made a contract with ASECNA entrusting it with the administration, upkeep, and operation of all or part of the air navigation services within their territories.

The historical development of the former French colonial territories, their common interests and aims both political and economic, and also their geographical contiguity have facilitated the creation and maintenance of these joint institutions in air transportation. Similar historical circumstances have been the basis of other major co-operative institutions in this field in Africa, namely Central African Airways,¹³ East African Airways Corporation (E A A C), and the East African Civil Aviation Board. The latter two bodies are institutions of the East African Community.¹⁴ E A A C operates services within the member states and international air services. The Civil Aviation Board is responsible, inter alia, for the licensing of air services. It advises the Community about the formulation of joint policy e.g. on the negotiation of air services agreements which the member states have authorised the Community to undertake.¹⁵

Co-operative effort is needed to establish common-user stores of spare parts on African soil and also to arrange for the joint procurement and maintenance of aircraft. This should reduce unnecessary duplication and expense.

Though it is accepted that **civil aviation integration** and **co-operation** would lead to lower **operating costs**, the problems of **implementation** due to **political, geographical and economic considerations** are quite formidable. Different **political aspirations** or **historical connections** prevent states otherwise well placed (e.g. **geographically**) for **co-operative effort** from coming together. When the **political considerations** are favourable, others may not be. A difficulty to be overcome is the **standardisation of equipment** and the **centralisation of maintenance** in view of the **diversity of equipment** now employed in Africa. With the **introduction** of such large and **expensive** aircraft as the **Boeing 747** and the **VC 10**, the **question of airline co-operation and integration** assumes even greater importance if the **African countries** are to keep abreast in the **highly competitive world of civil aviation**. Small **national airlines** will become even more difficult to operate. It is a matter for urgent **consideration** whether the problem should now be dealt with on a **sub regional basis**. It is encouraging that the **Economic Commission for Africa** has been devoting some **attention** to the matter.

II Air transport in African land-locked countries

The land locked **countries of Africa** fall into distinct groups. Firstly, the **French speaking countries consisting of the Central African Republic, Chad, Niger and Upper Volta**. They are rather poor and mostly dependent on a groundnut and cattle economy but some have **potential mineral wealth**. They have **joined with other francophone countries in Africa** to form **Air Afrique**. **Mali**, which used to be part of this group, broke away from it and has pursued an Independent course which entailed the **establishment of Air Mali**. **Uganda**, richer in **agricultural produce** like coffee, cotton and bananas, is part of the **East African Community** which operates the **E A A C**. **Rwanda and Burundi**, are small former **Belgian colonies** and have no **registered national airlines**. **Zambia**, formerly **Northern Rhodesia**, used to be part of the **Central African Federation with Malawi (then Nyasaland) and Southern Rhodesia**, and which had a joint airline. **Zambia** now has its own airline, **Zambian Airways** while **Malawi** has **Air Malawi**. Finally there are the countries within the frontiers of the **Republic of South Africa-Botswana, Lesotho and Swaziland**—very poor but each with a small airline. As will be recalled, each state either **individually** or in **partnership**, had established traffic patterns from the **political, economic and cultural ties** developed during the **period of the colonial regime**. These land locked countries have to contend with the **air transport problems which concern Africa**.

as a whole, as well as those **which arise** out of **their** land-locked **position** The fact that **Africa** has more **land** locked **countries** than any other **continent** makes **their** **peculiar** problems of greater Importance to her

Distances from the heart of **Africa** to the **coast** are greater than in most other **continents** In this poor **continent** most of the land locked **countries** belong to the poorer group The cost of **air** **transportaion** is an **additional** burden on **their** weak economies Yet conditions make the use of **air** **transportation** an **imperative** of **their** survival and development Mr Kraiem Secretary General of the Association of African Airlines speaking at the AFCAC meeting in 1971 put the point this way

As you well know **air** transport is the only method of travel **available** in many **African** countries **especially** those south of the Sahara **which** have no access to the sea no railways and a poor road network For them the aero plane is no luxury but an **essential** method of trade and tourism

African airlines **which** are either **entirely** State owned or in **which** the Government is at least a **majority** shareholder are aware of **this** They know that **their** **main** concern is not **with** profits alone but that they must **provide** a **service** **which** takes account of the **public** **interest** even if that involves **financial** risks in **certain** cases We are the Instruments of our Governments **policies** and while attempting to achieve the **financial** balance needed for the **survival** and **expansion** of our **airlines**—**which** are subject to **increasing** **competition** from non African **competitors** and to the results of **rapid** and **gigantic** **evolution** in the **air** **craft** **industry**—we do not forget that our **chief** concern **remains** the **economic** development of our countries

Land-locked countries suffer **considerably** more from **their** **position** in respect of cargo traffic than of passenger traffic Passenger **traffic** by sea is on the **decline** due to **its** **time** **consuming** nature and the fact that **it** is not much cheaper than **air** transport In bulk **carriage** of cargo a **substantial** **price** **difference** **exists** between **air** and surface transport Speed may not be of great Importance but there is the need for a **continuous** flow Thus the **international** trade of land locked **countries** is **substantially** effected by **their** **ability** to transport by sea If there is a good road, **rail** or **river** transport system and agreement **with** **transit** states, the cost of **imports** is bound to be cheaper and exports will be more **competitive** on **international** markets But many of the **African** countries have no railway and poor road systems Hence **their** need for the development of **air** **transportation** in order to overcome **their** natural geographical **handicap** Due **recognition** of **this** and of the fact that most land locked countries in **Africa** belong to the **developing** countries of the world, was accorded by the **United Nations** Conference on Trade and Development (UNCTAD) in the **resolution** on land-

locked developing countries unanimously adopted at its 1972 meeting held in Santiago, Chile ¹⁶ The conference requested developed countries and component international organisations to provide technical and financial assistance to these land locked countries Feasibility studies and Investment are needed to assist them in their economic development and to enable them to adapt to their particular geographical situation There needs to be a thorough consideration of the possibilities of marketing goods by air transport, including the establishment of special institutions to seek ways of marketing products through air transport delivery The resolution also urges the developed countries and the institutions concerned to provide assistance so that each land locked developing country has at least one airport equipped in accordance with the required international standards

What are the problems in air transportation in the land-locked countries of Africa? The most important, other than the general problems in Africa as a whole, is transit In this, their plight is substantially caused by the state of the law The combined development of two principles of international law has had a crucial effect on land-locked countries By the principle of territorial sovereignty, every state has, to the exclusion of all other states, the unilateral and absolute right to permit or deny entry into the area recognised as its territory and a similar right to control all movement within such territory Secondly, by the principle of national airspace, the territory of a sovereign state is three dimensional, including within such territory the airspace above its national lands and its internal and territorial waters ¹⁷ Though flight above the high seas, the freedom of the air does not match the freedom of the high seas As Professor Lissitzyn put it Freedom of the Air has long been an alluring but elusive goal ¹⁸ In fact, the principle of national airspace is in customary international law somewhat stricter in application than that relating to territorial waters Foreign vessels have by long recognised custom certain rights of passage through territorial waters, a right which does not extend to foreign aircraft flying through the national airspace above such territorial waters

Early attempts to permit complete freedom of air traffic by analogy with freedom of navigation on the seas failed The Paris Convention of 1919¹⁹ established the rule as a matter of positive legislation that each state has "complete and exclusive sovereignty over the air space above its territory" ²⁰ When the Paris Convention was superseded by the Chicago Convention of 1944²¹ the exclusive and complete sovereignty of each state over the airspace above its territory was reaffirmed by Article 1

The contracting States recognise that every State has complete and exclusive sovereignty over the airspace above its territory

Article 2 states that

For the purpose of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State

Article 6 expressly, even if unnecessarily forbids scheduled international air service over or into the territory of a contracting state except with the special permission or authorisation of that state and according to the terms of that permission or authorisation. By August 1970 119 States had ratified or adhered to the Chicago Convention of 1944. Amongst them were the land locked African countries of Burundi, Uganda, Upper Volta, Central African Republic, Chad, Malawi, Mali, Niger, Rwanda and Zambia. Only Botswana, Lesotho and Swaziland had not acceded. Rhodesia, technically still a British colony, is bound by the Convention to which Britain acceded also on Rhodesia's behalf. Furthermore these four states are not members of the International Civil Aviation Organisation (ICAO) the institution created by the Convention 'to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport'.²² For the land locked state the sum total of these provisions is that there can be no movement of its aircraft on scheduled flights beyond any of its frontiers without the permission of a transit state. Yet it is universally recognised that its survival and development may often depend on its ability to reach markets and to obtain supplies from beyond its immediate neighbours. The possession of transit rights is vital to it. If both the land-locked and the transit states are contracting states to the Convention then aircraft of the one state not engaged in scheduled international services has the right, subject to the observance of the terms of the Convention, to make flights into or in transit, non stop over, the territory of the other without prior permission.²³ This right is limited in value. The land locked country needs regular service carrying passengers, mail or cargo between two or more points. And this would constitute a scheduled international service requiring permission. Further, if either the transit state or the land locked state is not a contracting party to the Convention—as in the case of Botswana, Lesotho and Swaziland—then even this limited right is not available.

The International Air Service Transit Agreement, a product of the Chicago Convention of 1944²⁴ makes some advance in international air commerce. States adhering to it agree to grant each other what is known as the 'Two Freedoms', namely the freedom of non stop transit and the freedom to make non traffic stops. It has been ratified by a majority of states but of land locked African States only Burundi, Niger, Rwan

da and Zambia had ratified it by 1970. This Agreement and Article 5 of the Convention constitute a major step forward in achieving freedom of transit.

It should be emphasized that the overflight and non-traffic landing rights given in the 1944 Convention and Agreement have consistently been regarded as contractual derogations from general international law, while the affirmation of complete and exclusive sovereignty over territorial airspace has been regarded as a codification of general international law. For example, until the Soviet Union adhered to the Chicago Convention, no overflights by non-scheduled or scheduled civil aircraft were regarded as permissible over Soviet territory without the prior permission of the government, which was recognized as having the right to enforce law in that territory. For those states which have not ratified the transit agreement, political and economic considerations will play a part in the negotiation of their transit rights. It is unlikely that South Africa and Portugal will permit flights by the land-locked status within their frontiers without imposing conditions on the nature of the **traffic**. Negotiations for transit rights cannot be on an equal footing when the land-locked country is economically dependent on the transit state or is so poor as to have nothing to offer in return. In any case, "bilateral bargaining for air transport privileges has been characterised by a tendency to segregate it from bargaining with respect to the exchanges of other services and of goods. Typically, air transport privileges are exchanged, at least formally, only for reciprocal and equivalent air transport **privileges**."²⁵ Some land-locked countries of Africa, like Botswana, Lesotho and Swaziland, are either dependent economically on the transit states or have no equivalent reciprocal **right** of interest to them.

The problem of **cost** has been touched upon. In this respect it is of interest to note that of the fourteen land-locked African countries, five belong to the two joint airlines. Central African Republic, Chad, Niger, and Upper Volta are Yaounde Treaty States which operate Air Afrique. Uganda is part-owner of E.A.A.C. The others, in so far as they have them, operate national airlines. Each has to maintain within its budgetary limits the services and the equipment for the airlines. Lack of radar and other modern equipment for safe take-off and landing, inadequate loading and unloading facilities, and **defective** runways are a source of complaint in some of the countries. Each has to negotiate its transit rights from a position of relative weakness. In this respect the groups of land-locked countries which run joint airline and civil aviation services have a tremendous advantage. E.A.A.C., for example, has been able to provide East African states with services which are superior to anything that an airline of any one of the states could have provided. Moreover, it has been operating at a profit since 1955.²⁶

What prevents the **formation** of a **regional** group which would include the present East African **Community** countries, Rwanda, **Burundi**, **Zambia** and **Malawi**? They form a **contiguous** block. They are all **within** the Eastern sub region of **Africa** **designated** by ICAO. It would as **sociate** the land locked countries amongst them **with their neighbours** by the sea. The **airline** would not belong **exclusively** to a land locked country. As far as **air** transport **is** concerned, the land locked partners would be in no worse **position** than **their** coastal partners. The **problem** is largely one of **colonial history**. While the others were once under **British administration**, Rwanda and **Burundi** were under Belgian **administration**. In spite of calls for **African unity**, it has not been **possible** in many cases for the **countries** to break completely **with their colonial** past to form new **alliances**. In **this** connection, the entry of **Britain** into the European Common Market may accelerate the progress of **African unity**. If there is the political will amongst the leaders, there should not be much **difficulty** in the way of an **association** between **Zambia** and **Malawi** and the East African **Community**. Indeed, **Zambia** is **working** towards such an **association** and has applied for **membership** or as **sociation** of a **substantial kind** ²⁷. Already she **maintains** some **partnership** services **with** E A A C, flying Super VC10s and DC9s to Dar es Salaam and **Nairobi**. If there is a complete merger, some **rationalisation** in the **equipment** will be necessary. Apart from Super VC10s which are used on the European and **Indian** routes and DC9s on **flights within Africa**, E A A C uses the Dutch Fokker F27 and the **Canadian** De Havilland **DH6** for its short-haul services. **Zambia Airways** uses the DC8 for its **long-distance international flights** to Europe, the BAC 111 on the longer routes **in** and near **Africa** and the Hawker **Siddeley** 748 on the short haul services.

While **Zambia** looks towards the **African countries** in the East African **Community**, **Malawi** at present looks to South Africa, Mozambique and **Rhodesia**. **Malawi's** present attitude is dictated by the **economic situation** which causes so many of the adult male **population** to seek employment **in** the South African mines. But **Malawi** **maintains** some co-operative effort **with** **Zambia** **in** air services. Twice weekly, **Zambia Airways** and **Air Malawi** operate a joint **service** between Lusaka and Blantyre. Apart from the BAC 111 and the Hawker **Siddeley** 748 which **Air Malawi** also uses on the **Beira**, Johannesburg, **Salisbury**, Lusaka and **Nairobi** routes, use is made of the Vickers Viscount and the very small Bntten Norman Islander. It **will** be noted that while **Zambia Airways** **maintains** direct services to Europe and E A A C to Europe and India, **Air Malawi's** flights are confined to **Africa**. To fly out of **Malawi**, passengers have to go **via** **Nairobi**, Lusaka or Johannesburg.

A **regional** group **comprising** East and Central **Africa** could include

Rhodesia But for obvious reasons this is now quite unacceptable to independent **Africa** Since the break up of **Central African Airways**, **Rhodesia** has been providing services by **Vickers Viscounts**, mainly to **South Africa**, **Malawi** and **Mozambique** **Air Rhodesia** also uses the **DC3** internally **Rhodesia** has maintained its international flights since the illegal declaration of Independence Until there is a radical political change in the country, its connections are bound to continue with **South Africa** and **Portugal**, with **Malawi** providing its tenuous link with **Independent Africa**

In **West Africa**, only **Mali** amongst land locked countries pursues an Independent course Latterly, she has sought association with the other former **French colonial territories** in the region But she retains the equipment purchased from the **Soviet Union** during her period of estrangement with **Senegal** and **France** While the **Yaounde Treaty** countries use the **DC8** on international flights outside **Africa** and the **French Caravelle** on flights within **Africa**, **Air Mali** uses the **Ilyushin 11-18** on its flights to **Paris** and the **American Boeing 727** on shorter flights within **Africa** If **Mali** merged its air services with those of these other countries, it would probably entail replacing these aircraft

Even though **Chad**, the **Central African Republic** and **Niger** are partners in **Air Afrique**, each has its own small airline operating small aircraft like the **DC3**, the **DC4** the **Beacher Baron** and the **Cherokee** for internal flights Thus, there is **Air Centrafrique**, **Air Chad** and **Air Niger** apart from the jointly sponsored **Air Afrique**

Most of the scheduled services carry passengers as well as cargo, but some airlines run exclusively cargo services with a special version of the **DC8 (DC8F)** ²⁸ **Air Afrique** operates a service six times per week between points in **West Africa**, three of which connect with **Paris** Further cargo connections with **Paris** are provided by the **French airline UTA** **Zambia Airways** operates a twice weekly all-cargo service from **Lusaka** via **Rome** to **London** Nearly two thirds of the international freight traffic of **African airlines** is performed by carriers of the **Eastern sub region** (including **Zambia**) and the **Yaounde Treaty States** ²⁹ The highest tonnage in the whole of independent **Africa** is handled at **Fort-Lamy** The **West African freight** market must make a substantial profit for the carriers because the region was on grounds of prevailing profitability exempted in 1969 from an **IATA decision** to raise cargo rates from **Europe** to **Africa** by 5 per cent ³⁰ **Air freighting** is a quick and simple method of transporting goods, especially for land locked countries, with their difficulties of over-land transport With the special freighters it is possible to carry a variety of items—medicines, office equipment, car spares, day old chicks, clothing, cut flowers and fruit But compared with surface transport it is in general

an **expensive** form of transportation. Nevertheless, **it is competitive** in the carriage of goods **having a high value per unit of weight**. Where the commodity **is** unprocessed material, a **substantial** part of which **will** be wasted when finished, e.g. **ores and timber** or where the commodity **is** heavy compared **with its value** e.g. **oil** (and **it must be remembered** that a very large part of the total **weight** carried in **international** trade with Africa consists of such **materials**) **air freighting is** an extremely **uneconomic** form of **transportation**. In such cases, other means have to be found. **According to an ICAO Circular** on the subject, "Air exports from **Africa** are to a large extent low rated **perishable items** while air imports are to an equally large extent **high** rated manufactured **articles**. Thus the **weight**, value and even revenue **yield** of air imports far exceed those of air exports so that the **airlines** concerned are faced with serious problems of traffic and revenue imbalance."³¹ The **traffic** to Europe and **within Africa** is expected to **continue to consist** largely of **perishable** foodstuffs, flowers and other **animal** and vegetable products, but as **African countries increase their manufacturing capacity**, there may be an **increasing** flow of manufactured products.³² Indeed, the Secretary General of UNCTAD recently suggested that many **landlocked countries** may find that their most **promising** future export **possibilities** lie in **specialisation** in goods that can be sent to the markets by **air** as **air transport** provides the one means whereby they can overcome their **geographic handicap** and compete **ultimately** on equal terms with their neighbours in the same **geographic** area.³³

Due to **their geographical position**, Botswana, Lesotho and Swaziland depend on South Africa for the **exportation** of their cattle and the wages of **their** male subjects. And 'As the whole **machinery** of South Africa depends upon **effectively** controlling the African and **isolating him—**with, **increasingly** the whites as well—from the **outside** world, the **Nationalist Government** clearly cannot afford to have **liberal enclaves** **within** or on **their** borders."³⁴ In the **circumstances** it is not only **international air** law which forces the three countries to be on **friendly** terms **with** South Africa but also **economic necessity**. Their isolation from the rest of Independent Africa **is** almost total. **According to the principle** of **national airspace** no aircraft **belonging** to the three countries may travel to any chosen **destination** **without the permission** of their neighbours: none may link up **with** Independent Africa **without** such consent. Because the three countries are not members of the **Chicago Convention**, or the **Air Transit Agreement** to which both South Africa and Portugal are **parties**, even the **limited privilege** of passage **without permission** for **unscheduled flights** cannot be utilised. They are completely at the mercy of the advocates of African **inferiority** and subjection. Botswana and **Swaziland** have small national airlines **which** commenced

operations in November 1965 Lesotho established her own even more recently, in 1969 But the only direct connection with Independent Africa is between Lusaka and Gaborone Botswana Airways operates a weekly service between the two places while Zambia Airways operates one between Lusaka and Francistown Otherwise, the services connect with Johannesburg or are internal Entry into Botswana, Lesotho, and Swaziland by air is normally via South Africa, a person who is denied entry there may be thus prevented from reaching those three countries What are the possibilities of the establishment of air bridges with the rest of Independent Africa? Botswana has the brightest prospect Already it has had direct air communication with Zambia On the northern border the narrow Caprivi Strip of South West Africa separates it from Zambia With UN pressure on South Africa to quit South West Africa, there is some hope that that border will cease to be completely controlled by the South African administration Even now there is that point in the Chobe District at the tip of the Caprivi Strip where Botswana meets South West Africa and Southern Rhodesia, and shares a short common border with Zambia This could be utilised without the need for permission to fly over an unfriendly state But this is no consolation to Lesotho or Swaziland, which have no link with the other states of Independent Africa, not even with Botswana For them, the three dimensional rule of national sovereignty operates most harshly Not being parties to the international air agreements, they derive no benefit from them As long as they depend on South Africa for their existence and for permission to associate with the outside world, they feel constrained to accept Interference from South Africa however abhorrent its policies are to them or other African states

Notes

1 Such a body was strongly recommended by a report of the Economic Commission for Africa (E.C.A.) in 1964 See report on Joint Activities with the International Civil Aviation Organisation Towards the Development of Air Transport in Africa E/CN 14/INR250/Rev 1 2 January 1964 Annex E/CN 14/INR/43 p 3 In July 1964 the formation of AFCAC was agreed upon at the Conference of African Heads of States held in Cairo AFCAC was actually established in January 1969 at a meeting of 32 African States held in Addis Ababa

2 See African Civil Aviation Commission First Plenary Session Report AFCAC/1 Statement by the Observer from the Institute of Air Transport on behalf of Mr J. Mercier Director General (Annex F p 90)

3 E/CN 14/INR/43 p 2

4 In 1967 as much as 90 % according to ICAO Circular 80 AT113 on Development of International Air Passenger Travel—Africa See p ix

5 ICAO Circular No 104 AT/25 on Air Freight and Mail in Africa Appendix 6

6 East **African Airways** for a short **period** went into such service Perhaps the traffic **did** not **justify** the continuation of the **service** Pan **American Airlines** is the only other **carrier** operating between west and east Africa

7 By 11th January, 1972 the following states had deposited their instruments of **ratification** of the AFCAC Constitution with the O A U Algeria Cameroon Central African Republic, Egypt Ghana Ivory Coast Kenya Malawi, Mali Morocco, **Niger, Nigeria** Senegal Sudan **Swaziland** Tanzania **Togo**, Uganda, Upper Volta and Zambia

The Constitution has therefore come into force

8 This is not a general argument of preference for *francophone* things in Africa

9 See Bin Cheng Nationality of Aircraft Operated by Joint or **International Agencies** 1966 *Yearbook of Air and Space Law* 5 at p 8 Air Afrique is not to be confused with the Societe de Transports Aeriens en Afrique **jointly** established by Air France and UAT in September 1969 with headquarters in Paris, which was also registered under the name Air Afrique Under the Protocol annexed to the Treaty which sets out an agreement between the **contracting** States to the Treaty and Societe de Transports Aerien en Afrique the latter *inter alia* gave up the name Air Afrique in favour of the new Corporation acquired 34 % of its stock, and undertook to **provide it** with technical advice and operational **assistance** including staff **training** supply of equipment and aeronautical news on a temporary basis The French company subsequently assumed the name Societe pour le Developpement du Transport Aerien en Afrique (SODETRAF)

10 Charter of the **Afro** Malagasy Common Organisation (O C A M) 1966 Article 17

11 Agence pour la **Securite** de Navigation Aeriene en Afrique The ASECNA **Convention** was **drafted** in Saint Louis Senegal in December 1959 See ASECNA **Convention** and Related Documents in 1965 *Yearbook of Air and Space Law* (Y A S L) 116 and notes in 1965 (Y A S L 230 and 1966 Y A S L 249

12 ASECNA convention schedule to Article 2 Douala Garoua Bangui **Brazzaville**, Pointe Noire Abidjan Cotonou Libreville Port Gentil Ouagadougou Bobo **Dioulasso** Nouakchott, Arivonimamo Ivato **Mayunga** Niamey Dakar, Fort **Lamy** and Fort Archambault

13 Before the break up of the Federation of Rhodesia and Nyasaland and the independence of Zambia and **Malawi** the three **British** administered territories in Central Africa operated Central African Airways Now each has its own **national airline**

14 The East African Common Services Organisation, the precursor of the Community was created in 1961 to assume most of the functions and powers of the East African High Commission E A A C which was established in 1946 was one of the **organisations** taken over When the Agreement came into force **Tanzania** was independent Kenya and Uganda were not but were empowered by the **United Kingdom** the **administering** State to enter into the Agreement Subsequently both became independent The **organisation** was empowered to **administer certain** services common to the three Territories and to provide **machinery** to co-ordinate matters of common interest to the Territories It could **legislate** through its Central **Legislative** Assembly on **certain** matters **including civil aviation** and its **legislation** has the force of law throughout the Territories See East **African** Common Institutions (Kenya Uganda Tanzania) 1965 Y A S L 232 The **community** was formed in 1967 **Article** 67 of the Treaty for East African Co-operation 1967 names E A A C as one of the **institutions** of the community By the Treaty Councils of the Community were substituted for Committees of the Organisation

15 The **practice is** for the **Executive Officer** of the Communications Council to handle the actual **negotiations** for each State **After** approval by the Council, each State **signs** the agreement negotiated on **its** behalf See 1965 Y A S L 232

16 Resolution dated 19th May 1972

17 On the statement of the law see J C Cooper *Backgrounds of International Public Air Law* 1965 Y A S L 3

18 Lissitzyn Freedom of the Air Scheduled and Non Scheduled Air Services in *Freedom of the Air* ed McWinney and Bradley, Leyden Sythoff & Dobbs Ferry N Y Oceana Publications Inc 1968 p 89

19 11 League of Nations Treaty Series (L N T S) 173

20 Article I

21 51 United Nations Treaty Series (U N T S) 295

22 Chicago Convention Article 44

23 Chicago Convention, Article 5 This right is qualified by the right of the state flown over to require landing and for reasons of safety aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities must follow prescribed routes or obtain special permission for such flights

24 48 U N T S 389

25 Lissitzyn Opus cit p 94

26 ICAO Circular No 100 AT/21 Report on East African Airways Corporation p 1

27 Brownlie *Basic Documents on African Affairs* London Oxford University Press 1971 p 63 Burundi and Rwanda have also applied for a limited form of association

28 In 1968 the African airlines operated 327 transport aircraft—75 Jets 71 turbo props and 181 piston engine types—but about 90 per cent of the freight tonne kilometres were carried in the jets (compared to 53 per cent in 1963) According to information filed with ICAO only 5 of these 327 aircraft were all cargo types but these handled about 20 per cent of the international freight tonne kilometres performed by African airlines ICAO Circular 104 AT/225 Air Freight and Air Mail—Africa (1971) p vii

29 ICAO Circular 104 AT/25 p ix

30 West Africa 24th April 1969

31 Circular 104 AT/25, ix

32 See *ibid* xii

33 UNCTAD Paper TD/136 9th March 1972 p 5

34 J Halpern *South Africa's Hostages* London Penguin African Library 1965 p 29

The transit problems of Uganda within the East African Community

In discussing the transit problems of Uganda within the East African Community, there are three levels of analysis that should be borne in mind. Firstly, there are the legal and technical problems relating to transit facilities for the land-locked state. The central issue here is whether the land-locked state enjoys an unrestricted movement of its imports and exports across the territory of a neighbouring coastal state and up to the port. This is the level of analysis that a former Minister of Commerce and Industry of Uganda, Mr S. Mayanja Nkangi, had in mind when he told an UNCTAD meeting in Geneva in April 1964:

Finally, there is the very important issue of land-locked countries: the need for international recognition of the rights of land-locked countries to free transit through other countries for purposes of their trade. Uganda is right at the centre of Africa—it is a completely land-locked country. Fortunately, we form part of the East African Common Services Organization and we have no problems of transit.¹

No problems! What Mayanja Nkangi had in mind was simply that Uganda had free access to the port of Mombasa through Kenya's territory as a result of membership of EACSO, which is now integrated into the East African Community. Indeed, Uganda owns, jointly with Kenya and Tanzania, the East African Railways which carries the bulk of Uganda's imports and exports, as well as the East African Harbours which handles the cargo. There may be technical problems in the actual operation of the Railways and the Harbours, but these are the problems of the East African Community and not just of Uganda. As far as Uganda is concerned, the port of Mombasa is freely available and no barriers exist on the borders for free movement of goods. That is the privilege or right Mayanja Nkangi inferred the membership of EACSO conferred upon Uganda.

The second level of analysis of the transit problems of land-locked states relates to the costs—measured in political/economic terms—of being land-locked. These costs refer not just to those that arise as a result of moving goods in transit through the territory of a neighbouring coastal state. Such costs are, of course, an important factor in measuring the accrued value to a country of its international trade. But some of these costs, such as transportation costs, are associated with the

remoteness of the area and not necessarily to the situation of being land-locked. For the districts in eastern Zaire, the cost of reaching Kinshasa and Matadi are probably even higher than for Uganda to reach the port of Mombasa. Only if Uganda had to pay special levies or transfer taxes to Kenya for transporting goods through Kenya would Uganda have higher "transit" costs than eastern Zaire. This distinction—between costs arising because of remoteness from the sea and those arising as a direct result of being land locked—seems to have been missed out or obfuscated in the resolution on the "Special Problems of the Land-locked Countries" adopted by UNCTAD at its second session, for it reads at one place

The special problems involved in the promotion of the trade and economic development of the land locked developing countries, in particular of the high cost of transportation due to distance from sea the poor state of transportation and communications and other factors inhibiting the execution of their trade expansion and economic development programmes call for special attention and require special solutions, ²

Special solutions may be required to mitigate the disadvantages of distance and poor state of transportation and communications, but the coastal state of Somalia, for example, may require these solutions as much as the land-locked state of Uganda.

The political/economic cost of being land-locked must be measured not only in terms of present costs but also in terms of history. In the history of economic relations between Uganda and Kenya, for example, Uganda has always been regarded as the hinterland market for Kenya's produce and semi-manufactured goods. Would the position have been different if Uganda was a coastal state? For Tanzania, a coastal state, the position was no different, for it too became a market for Kenya's growing industry. However, as in the years 1965–67, Tanzania can if necessary erect barriers against Kenya and carry on with international trade through the ports of Dar es Salaam and Tanga. But not Uganda. Uganda has no alternative but to remain dependent on the facilities offered by Kenya. Her geographic location has made her Kenya's hinterland in perpetuity. Could the costs of being land-locked for Uganda be measured in terms of missed economic opportunities for earlier industrialization?

The third level of analysis of the problems of land locked states is the most difficult. What happens if Kenya denies Uganda transit facilities and the use of the port of Mombasa? Threats have sometimes been made by the dockworkers in Mombasa not to handle goods bound for Uganda.³ Uganda is a transit country for yet another land-locked state, Rwanda, and on 22 August 1972 Uganda cut off transit facilities to

Rwanda for one day ⁴ The case of **Zambia** is different, for she made a **choice** in favour of **using** the ports of **Tanzania** rather than those of **Mozambique** and South Africa Nevertheless the **decision** to do so arose as a result of **political considerations** Could **similar considerations** apply to Uganda at some future **date**?

While **Mayanja** Nkangi in his statement quoted above was conscious only of the first degree problem and he **decided** that at **this** level there was "no problem of **transit** for Uganda **Foreign Minister** Mr Sam Odaka, in his statement quoted below showed an acute awareness of the third degree problem of being land locked

The fact that Uganda is a land locked country is a serious set back to be **recognized** and accepted There is little we can do about it

This means therefore that Uganda must establish and **maintain** cordial relationships with her neighbours in order to ensure that our exports reach foreign markets and **imports** reach us by the speediest and most economic means

To put it frankly this means in short that Uganda has to ensure that her **relationship** with Kenya enables her trade to move freely but also in the long run it means that we must find other outlets ⁵

Historical Consequences of Landlockedness

There is an odd **historical twist** in the **relations** between Uganda and Kenya Uganda did not come under the **British** sphere of **influence** as an **economic satellite** of Kenya On the contrary it was Kenya that was created, under the **curious title** of "East Africa Protectorate", as a necessary **concomittant** to **British** imperial **designs** over Uganda which had the **strategically** important source of **River Nile** within its **frontiers** As the Kenyan **historian** Bethwell A Ogot writes

The declaration on 1 July 1895 of a protectorate over the small area between Mombasa and the **Rift Valley** came as a by product of British involvement and **activities in Zanzibar and Uganda** To the **British** Government the East Africa Protectorate to **give it** its official name appeared in itself to be of little **economic** or **strategic** significance But **since Zanzibar** and the coast formed a necessary base for British operations in East Africa and in the **Indian Ocean** complex the Protectorate a kind of Zanzibar **backyard** had to be made safe In the same way the **security** of the East Africa Protectorate was regarded by the British as an essential part of the major **strategic** consideration for retaining control of Uganda and the Nile Valley ⁶

The East **Africa** Protectorate was transformed into the subsequently Important colony of Kenya as a result of three developments **which** were all related to Uganda The first was the **decision** to **build** the "Uganda Railway", **linking** the port of Mombasa **with** the source of **River Nile** The reason for the **railway** appears to have been **strategic** rather than economic, though subsequently and after the **introduction** of cotton in

Kenya Under the British, 1895 to 1963

The evolution of the Western Boundary of Kenya

Uganda in 1904, the railways were vindicated also as an economic proposition

While for Uganda the **significance** of the railways was in respect of **international** trade (by **making** exports of cotton more **competitive** in the world market through reduced transportation costs), the **significance** for Kenya was **domestic** ⁷ The railways opened up Kenya for **economic exploitation**. As B. A. Ogot put it "Instead of **being** regarded simply as a 'barren country' through **which** one had, of **necessity**, to pass on the way to Uganda, the Protectorate was beginning to **acquire** a character of **its own**" ⁸

The second development that led to the emergence of Kenya as a more

Important **colonial acquisition** than Uganda was the **British decision** in 1902 to transfer large tracts of Uganda territory to the East Africa Protectorate. These tracts **included** some of the best highlands of latter day Kenya around Eldoret, Nakuru and Naivasha. The **idea** behind the transfer appears to have been related to the need to strengthen the **administration** of the East Africa Protectorate and to place the **building** of the railway under one **administration** ⁹

The **third** development was an almost natural sequel to the other two **with** the opening of the highlands by the railway and the transfer of these highlands to Kenya, Kenya became an attractive place for **white** settlers. Whereas in Uganda it was difficult to sequester land from the **Africans** made even more **difficult** by the 1900 Uganda Agreement between Baganda **chiefs** and the **British Administration**, the highlands transferred from Uganda to Kenya were reserved only for **white** settlers. Thus while Uganda developed a cash crop economy based on peasant small holdings, the **British** in Kenya developed a **plantation** economy. The **white** settlers in Kenya also thought of federating Uganda and Kenya, an **idea** that was rejected by Uganda.

What **significance** has all **this** to Uganda's **position** as a land locked state? After all, **it is** not only Uganda in Africa which suffered loss of territory through the **capricious designs** of imperial powers. **Besides** if Uganda lost the skill and capital of **white** settlers who laid the basis for Kenya's **economic** development, she also **gained** by **escaping** the **complications** of racial conflict that **characterized** much of Kenya's colonial **history**. In another age, and **if** political events had evolved **differently**, Kenya could **easily** have turned into a **Rhodesia** dominated by a small **community** of **white** settlers. It was **fortuitous** for the **Africans** in Kenya that by the **time** they sought 'Uhuru' the **international** political situation was not the same as **existed** at the **time** (1923) when the Rhodesian settlers were granted self government by Britain. Uganda **avoided this** (not that it was consulted) but an adverse consequence was the loss of some of the best **agricultural** land in East and Central Africa.

Loss of territory **in itself is** however not the **point** of the argument. The **point** of **understanding** the **historical** development of the **geographical** boundaries of Uganda and Kenya, and the **shaping** of their **respective economies**, is that they have a **significant bearing** on the **transit relationship** that **exists** between land locked Uganda and coastal Kenya. **This relationship** is partly the result of **their common colonial** past. If Uganda had retained her eastern **provinces** together with the highlands and the settlers, then the **transit relationship** between the two **countries** would have been **quite different** from what **it is** now. The **relationship** between a large and economically powerful land locked

country and a **relatively** small and weak coastal state is very **different** from that **which exists** between a land locked state and its equally or more powerful transit state. The **situation of being** land-locked is a problem for Uganda because it is in no **position** to coerce Kenya into **granting** free and **unrestricted** access to the sea. In other words, **being without** a part is not in **itself** a serious **constraint** on Uganda. It is a **serious constraint** when it is combined with the fact that Uganda is surrounded by **neighbours** who are bigger and **economically** more powerful--excepting, of course, Rwanda, which also happens to be a land-locked state and dependent on Uganda for **transit facilities**. Had Uganda been in the fortunate **situation of Ethiopia**, with a coastal Kenya of the **size** and strength of Eritrea, it would by now have **acquired** a part on the Indian Ocean or at least a free **transit corridor** to the sea.¹⁰ The cogency of the above argument is that in **analysing** the consequences for a state in a landlocked **situation**, we have to **examine** the **relativity of power** between it and its **principal transit state**.

But power is a complex concept. It is not to be measured **simply** in terms of guns, though guns may well be the **ultimate sanction**. Short of the **ultimate sanction**, states may influence each other through **their** economic, **ethnic** or **ideological ties**, or through common **membership** of **international organizations**.

In the case of Uganda, **its relations** with Kenya have been **mainly** through **their association** in the **East African Community** (or whatever the **Community** was known before it was formalised in a Treaty in 1967). Both states are also members of the **Organization of African Unity** and the **United Nations** and there are **certain** consequences that follow from **this**, though these are of secondary importance.

This is not the place to **review** the **evolution** of the **East African Community**.¹¹ Some **points** that govern the **relations** between Uganda and Kenya should suffice. The first is that Kenya and Uganda have much more long standing **relations** than either of them has with **Tanzania**. Uganda **Railways** (a **misnomer**, because most of the railway passes through Kenya) and the transfer of Ugandan territory to Kenya in 1902, have already been **mentioned**. Furthermore, Uganda **joined** an external customs **union** and common market with Kenya in 1917. Tanganyika had problems. After the German defeat in the First World War, it was handed over to **Britain** as a Mandated **Territory** under League of Nations **supervision**, and as such it could not **easily** be integrated **into** an external customs **union**. It was not **until** after the Second World War, in 1949, that **Tanganyika joined** the customs union.

So it was Uganda which **carried** the **initial** burden of Kenya's **experiments** with the **processing industries**, besides the consumers of

Kenya In 1924, Kenya imposed an external protective **tariff** of between 30 and 50 per cent on sugar, timber, wheat and wheat flour, butter, cheese, ghee, ham and bacon **which** helped the white settlers of Kenya to start **their** processing Industries In 1929, a **Tariff** Committee reported that Uganda did not benefit from this arrangement Kenyan goods were of high price and low **quality**, and they could not meet the demand in Kenya and Uganda ¹² However there was nothing Uganda **could** do about **this** It could have left the customs union, but **it** could not control the tariffs Kenya would then impose on goods entering through Mombasa In any case Uganda was as much a colony as Kenya and **Britain** **ordained** that the Interests of the **Uganda** consumers were a small **price** to pay for **building** an **economic** common market

A second point to bear in **mind** is that a **kind** of **division** of labour evolved **in** the **economies** of Uganda and Kenya as a product of cumulative factors such as the opening up of the Kenyan **highlands** by the **railway**, the transfer of territory to Kenya **white** settler skill and **capital**, Kenya's access to the sea and Uganda's land locked **situation**, and **Britain's** preference for building a common market that helped Kenya's processing industries rather than those of Uganda In **this** **division** of labour, Uganda produced cotton and coffee (with smaller amounts of other **commodities like tin**) for the world market **sending** all these products through Mombasa whereas Kenya produced butter and cheese (and such like) for the domestic East African market

One consequence of this is that Kenya is much more dependent on her East African trade than is either Uganda or **Tanzania** In 1968, for instance, Kenya exported **K£57.8** million to overseas markets and **K£26.3** million to Uganda and Tanzania alone ¹³ In the same year Uganda exported **U£66.3** million to overseas markets and **U£10.6** million to her Community partners, of **which** **£8.6** million was to Kenya ¹⁴ Another consequence is that Kenya is the dominant trade partner within the East African Common Market 90 per cent of this trade consists of Kenya's export to and imports from the other two partner states who engage in only 10 per cent of the trade Furthermore a breakdown of the **commodity** composition of the Interstate trade in East Africa shows that whereas Uganda's exports to Kenya are concentrated mostly in **sections 0, 1 and 6** of the SITC commodity classification system i.e. food, beverages and tobacco and manufactured goods **classified chiefly** by material, Kenya's exports are not only more substantial but also more **diversified**

The Importance of this division of **production** between Kenya and Uganda, in the context of transit problems is that Kenya is most **unlikely** to take such action as would prejudice her trading relations **with** Uganda The products that Kenya sells to Uganda are of a kind that are

unlikely to find markets overseas, although it should be added that, in recognition of this fact, Kenya has mounted a major campaign in recent years to find alternative markets for its products ¹⁵

A third point about Kenya-Uganda relations is that for historical and geographical reasons, Kenya has been the chief beneficiary of a whole range of side effects stemming from the common market and the common services. Thus, most major international banks, insurance companies and finance corporations are located in Nairobi, as are the large international corporations of Europe, America and Japan. New industrial enterprises have tended therefore to polarize around Nairobi and Mombasa. Furthermore, until recently the headquarters of all the East African Common Services such as the railways, the airways, posts and telecommunications, and harbours, were in Nairobi. This provided further attraction to new economic activity as well as employment for Kenyans.

It is this imbalanced growth of Kenya that has led to several attempts to restructure the economic relations between the three countries, the most recent of which was the Treaty for East African Co-operation signed in 1967. It is not necessary to detail the remedial measures proposed in the Treaty to rectify this imbalance. ¹⁶ However, it is important to note that if the Treaty succeeds, it should create a greater trade interdependence between the three countries instead of the present rather imbalanced dependence of Kenya on Ugandan and Tanzanian markets, and a more equitable distribution of the benefits on the common market. If the Treaty should fail, however, the consequences could be quite disastrous, particularly if the three countries begin to pursue vigorously autarchic policies. The saving grace is that Uganda, because of its landlocked situation, is unlikely to pursue fully autarchic policies, since Kenya can apply pressure at the port of Mombasa, even though the port belongs to the East African Community.

A fourth point about Kenya-Uganda relations is that Uganda supplies electric power to Kenya from the Owen Falls power station at Jinja. The following table indicates the degree of Kenya's dependence on electric power from Uganda. ¹⁷

Until 1970, therefore, the quantity of electricity imported from Uganda has remained about 32 per cent of the total. It is expected, however, that with the completion of the Seven Forks hydro electric complex in Kenya (which is likely to take some years) Kenya's dependence on Uganda for electricity will be considerably reduced. In the Third Five Year Development Plan of Uganda "no increase in the sales of electricity to Kenya is expected. Sales to Kenya are expected to amount to 240 million KWh in 1971, and to remain fairly steady at around 200 million KWh per annum thereafter." ¹⁸

	1966	1967	1968	1969	1970
Domestically Generated	346 431	339 365	401 710	459 342	512 943
Imported from Uganda	203 042	241 982	224 248	218 147	247 220
Total	549473	581347	625958	677489	760163

Thus, Kenya's situation is not comparable to that of Zambia in relation to Rhodesia. Nevertheless, Uganda's supply of electricity to Kenya is not insignificant, and if suddenly withheld could damage Kenya's economy, especially in Western Kenya.

Being land locked is not in itself a serious constraint unless it is juxtaposed with other factors such as the distance from the sea, the size and power of the transit state, and the relations of the land locked state with the transit state. In theory it is possible to have a land locked state only 50 miles from the sea, and with a weak and obliging coastal neighbour. Such a state will have no problems especially resulting from its land locked character.

For Uganda, history and geography have made her land lockedness a serious constraint. Although Uganda's dependence on external trade in relation to its Gross Domestic Product has been declining over the years,¹⁹ it is never likely to come down to a level which will make the need for access to the sea a relatively less important factor in its foreign trade. Therefore it must preserve good neighbourly relations with Kenya given the historical facts: (a) that Kenya is now larger in size and industrial potential than Uganda;²⁰ (b) that through accidents of history Uganda's only reliable route to the sea passes through Kenya, and (c) that although it owns jointly with Kenya and Tanzania the port at Mombasa and the East African Railways, there is little it can do to stop Kenya from manipulating of these services to Kenya's advantage. On the other hand, Kenya sells more to Uganda than Uganda to Kenya and in a buyer's market for the kinds of goods Kenya supplies, Uganda may have a slight influence on Kenya augmented by Kenya's dependence on Uganda for about a third of her total consumption of electric power. If there were a conflict between Uganda and Kenya, it is difficult to predict the degree to which each would pressurize the other. So much depends on the circumstances of each case, as well as the personalities of the major decision-makers involved, as the following examples will show. So far, however, the relations between Uganda and Kenya have in general

been characterized by cordiality and mutual self respect. There has been no major crisis of the kind that brought Uganda and Tanzania to a near-war situation in **1971**. Nevertheless, the conflicts between states, however **cordial** their relations, are unavoidable. They happen some **times** through chance, or accident, and sometimes through a clash of state interests. In the two cases discussed below, the first occurred as a result of an accident, the second through a clash of interests.

Arms and the Men: Sovereignty and Diplomacy

The first major challenge to Uganda's **claim** to **unrestricted** and free transit through Kenya came in May **1965**, two years after Kenya's independence and three after that of Uganda. On **15 May 1965**, the Kenya police seized at **Kisumu** (near Lake Victoria) a convoy of 11 lorries **containing** **75** tons of rocket launchers, **anti-tank** guns, **machine** guns, **land mines** and other weapons, and arrested **47** men **including** **2** officers and 20 men of the Ugandan Army. The arms were destined for Uganda. President Kenyatta **described** this illegal transporting of arms as "**criminal folly** and a serious violation of Kenya's territorial integrity."

Serious though it was, the violation of Kenya's territorial integrity had occurred **quite** innocently, and through accidental factors. These arms were purchased from **China** and delivered to the **Tanzanian** port of Dar es Salaam. Arrangements were made to transport the arms by rail to Mwanza (in Tanzania) and then to Uganda by steamer or by lorries. On arrival at Mwanza, a steamer was unavailable, and therefore **it** was decided to **hire** lorries. However, a return journey was made **impossible** because the **lorries** could not use the ferry west of Mwanza, which was under repair. So the convoy returned to Mwanza, and the officer in charge decided, **without** consulting the Ugandan Government or the Army Headquarters, to transport the arms to Uganda through Kenya round Lake **Victoria**. The convoy was intercepted at **Kisumu** by the Kenya police.²¹

In the Ugandan officer's decision to pass through Kenya **without** reference to **his** Headquarters lies an important **indicator** of the changed **situation** in East **Africa** since Independence. It is probable that the officer never really understood the **significance** of "sovereignty" that independence conferred upon a state. It probably never occurred to him that he was "**violating** the territorial **integrity**" of Kenya. The arms fiasco brought home the **point** for the first **time**, not only to the officer **involved** but also to the public of East **Africa** at large, that East African states were sovereign and that entry **into** each other's **territory** ought not to be taken for granted.

The Kenyan Government viewed the matter gravely. **Firstly**, the **incident** related to arms. Even if it was assumed that Uganda had an

automatic transit right through Kenya did this right extend to arms? Should not Uganda have asked for Kenya's **prior authorization** before **transiting** arms? Besides it was not a **transit** right **exercised** from the port of Mombasa to the border of Uganda. The arms seemed to be in **surreptitious transit** through Kenya after arrival in **Tanzania**.

The second factor that **irritated** the Kenyan Government relates to the **ethnic** overlap between the peoples of Uganda and Kenya especially the 'Luo factor'. It was **said** of the Obote Government in Uganda that it was a **predominantly** Luo Government. Even those **Ministers** in Obote's **cabinet** who were not really Luos, but whose names began with an 'O' such as Onama (**Felix**) and Odaka (Sam) the Defence and **Foreign Ministers respectively**, were often deemed in popular and press **opinion** to be part of the Luo **clique**. In Kenya, on the other hand it was the Luos, led by Oginga Odinga who were in the **Opposition**, and who were cleverly outmanoeuvred by the ruling **Kikuyu "clique"**. Whether there **existed** a natural **alliance**, between the Luos of the two **countries is difficult** to say, but Oginga Odinga was often seen to cross the border **into** Uganda to **deliver** speeches to win support among the more radical, though not **necessarily** Luo elements in Uganda. This was enough to make the Kenyan Government nervous about a **possible affiliation** between the Ugandan Government and the Luo **opposition** in Kenya. Could it be that the arms were meant for the Luos in Kenya?

Thirdly, the arms were of **Chinese** manufacture. What use were they to the Ugandan Army **which** was **equipped** with **British** arms? Oginga Odinga's **leftist inclinations** were only too well known. Surely, it was argued by many in Kenya, the arms were **received in Tanzania** and now were **being clandestinely supplied** to **opposition** elements in Kenya.

The **situation** was potentially dangerous. Only three weeks **earlier**, on 22 **April, 1965** the Kenyan **authorities** had sent back a **consignment** of arms from the **Soviet Union** that had landed at Mombasa. Now there were **Chinese** arms at **Kisumu**.

The Ugandan Government **hurriedly** sent a top level **mission** to **Nairobi** to explain the **situation**. But the talks were broken off following reports that Ugandan and **Tanzanian** members of the Central **Legislative** Assembly (of EACSO) had **decided** not to take part in the **discussions** unless the Kenyan Government released both the arms and the **prisoners** to Uganda. It was an unwarranted means of **exerting** pressure on Kenya, **diplomacy** would have been more appropriate.

On 26 May 1965 therefore, **Prime Minister Milton Obote** went to meet President Kenyatta in **Nairobi**, and the next day the arms and the **prisoners** were released. As Obote had **earlier explained** to his **Parliament**, Uganda was "extremely sorry about the entry **into** Kenya of these 11 lorries **without prior information** to Kenya and before the

approval was obtained Assurance was also **given** that the Government of Uganda would be the last to allow any **clandestine** plan or **operation** to be arranged or done against Kenya ”²²

The **crisis** was thus **amicably** resolved But **did this** then mean that Uganda has to seek Kenya's **permission**, as Obote's above statement would imply, for **transit** of arms to Uganda? If such an **understanding** had not **existed prior** to the **crisis**, it could now be argued **legitimately** that the arms **incident** of May 1965 has created a precedent on Kenya's **prior** approval for arms **transit**, which a future Uganda Government would find **difficult** to challenge

Another **crisis in** the **relations** between Kenya and Uganda concerned the **mobility** of **unskilled** labour between the partner states of the East African Community By some strange economic logic, even though Kenya is **relatively** the most **industrialized** country of the three East African states, it is also the **biggest** exporter of surplus labour to Tanzania and Uganda, **especially** to the latter ²³

In March 1970, an agreement was reached between the Labour Ministers of the three countries that each would **devise its** own policies with regard to **unskilled** labour Not much **attention** was **paid** to the agreement at the **time** But four months later, when Uganda's Minister of Labour **issued instructions** that **in line with** the Government's policy of ' Ugandans First ' for **unskilled** labour all employers should replace **their** non Ugandan labour **with citizens** of the country by the end of September, 1970 angry protests were **raised in** Kenya, both **officially** and **unofficially** The Kenya press **published** many letters **denouncing** the Ugandan **action** as being contrary to the **spirit** of the East African Community, and some even argued that it was a breach of the Treaty for East African Co operation There were reports that thousands of Kenyans were deprived of their homes and jobs (and some harassed by the Ugandan Army **in** the process) and that they were **returning** to Kenya practically destitute It was estimated that 5 000 of them had **arrived** on the Kenyan border on one day, and there were 15 000 more to come Kenya's Labour Minister, Mr E N Mwendwa, declared that Kenya must **retaliate**

In any **conflict** between the East African countries, it is usually the institutions of the East African Community that are **criticised** first, because they are the most vulnerable **During** the May 1965 arms crisis, for instance, Ugandan and **Tanzanian** members of the Central Legislative Assembly refused to **sit** in the Assembly until **their** demands were met by Kenya In the labour crisis of July 1970, **similarly**, the Secretary General of the Kenya Central Organization of Trade Unions (COTU) threatened that in **retaliation** of Uganda's **action**, the dockworkers in Mombasa would refuse to handle Ugandan goods As a counteraction

to this, a trade **union** leader in Uganda suggested that Uganda should cut off the **electricity** supply to Kenya. Popular **feeling** in both Uganda and Kenya was thus extremely **nationalistic**, and people were prepared to go to **considerable** lengths to suggest means of **exerting** pressure on the **neighbouring** state.

In this public outcry, the official **reaction** in both Uganda and Kenya was cool, except for the **initial** outbursts by the Kenyan Minister of Labour. Uganda **explained** that each country's **primary responsibility** lay with **its** own **citizens** **especially** in terms of **finding** employment for them. Furthermore, although the Treaty for East African Co-operation **provided** for a completely free trade in respect of goods transferred from one partner state to another (**Article 11**), there was no **provision** made for a free **mobility** of labour. Kenya had **tried** during the negotiations of the Treaty to **include** a clause providing for the free **mobility** of labour, but this was unacceptable to her two partner states. And finally, Uganda argued, it could not afford the large amount of **foreign** exchange **required** in the form of remittances to Kenya by its labour force in Uganda.²⁴ Eventually the Ugandan and Kenyan Governments prevailed over the more **militant** elements in their countries. The Ugandan Government **decided** to prosecute the trade **union** leader who had suggested **cutting** off **electricity** to Kenya in **violation** of a clear contractual **obligation** (although no such action was taken) whereas Kenya's **Minister** of Labour was reprimanded.

It is **characteristic** of the **cordial** relations between the East African countries that in spite of the **crisis** the **situation** seemed to revert to where it was before. Very few Kenyans actually left Uganda and those who did returned later. So the Uganda labour force still includes a large number of Kenyans. And the **traditional** **privilege** of free mobility of the East African labour force **continues** to be respected in **practice**, even though it **is** not supported by any **legislation** or treaty.²⁵

Two conclusions emerge from the above case **studies** of conflict between Uganda and Kenya related to transit **rights** of Uganda and the use of the port **facilities**. The first is that Uganda **obviously** does not enjoy an absolute right of **transit** through Kenya. According to **Article 9** of the Treaty for East African Co-operation

2 Each of the Partner States shall grant full and **unrestricted** freedom of transit through its **territory** for goods **proceeding** to or from a **foreign** country **in** **directly** through that **territory** to or from another Partner State and such **transit** shall not be subject to any **discrimination**, **quantitative** **restrictions** **duties** or other charges levied on transit

3 Notwithstanding paragraph 2 of this Article—

- (a) goods in transit shall be subject to the custom laws and
- (b) goods in transit shall be **liable** to the charges usually made for any **services** Which may be rendered provided such changes are not discriminatory

To these we must now add, **in view** of the 1965 arms **crisis**, that transit of arms to Uganda by land would seem to **require** the **prior** approval of the Kenyan Government, and **in view** of the 1970 labour **crisis**, that the **transit** and port **facilities** can be subject, under **certain circum**stances, to **political sanctions**

The second **conclusion** that emerges **is** that although both Kenya and Uganda have a number of sanctions **which** they can use, they have been very loath to use them to **pressurize** each other. Good sense and reasonableness should **characterize** all future dealings between the two **coun**tries, the land locked **position** of Uganda, **which** makes **it considerably** more vulnerable than Kenya, should not cause Uganda undue concern

On the other hand, **diplomatic relations** between states have been known to change **radically with time**. After 20 or 50 years, when factors such as a shared fellow **feeling** **acquired during** the struggle for **independ**ence, and a **comradeship** **acquired** through joint **education** of the **elite** of the two **countries** at **Makerere University**, have receded **into** the background, the reasonableness that **characterizes** the present **diplo**matic relations between Uganda and Kenya could disappear. Further more, the **hostility** that developed between Uganda and **Tanzania** in 1971,²⁶ is an **indication** that good **neighbourly** relations between Uganda and Kenya cannot be taken for granted **in** perpetuity

Federalism and National Alternatives

In the long run the best **solution** for Uganda's land-locked **situation** is **federatlon with Kenya (with or without Tanzania)**. In a sense **this is** really a 'semantic **solution**'. In a **genuine** **federatlon**, Uganda would **dis**appear as a **sovereign** state, and her land locked **position** would also **disappear**. Uganda would then become a **province**, or perhaps several **provinces**, of a larger **federatlon** with the same problems in **relation** to access to the sea as the present **Western province** of Kenya. There would be problems of **transportation** and of **attracting industrial** development to that part of the new **federation**, **since** the **attractiveness** of Mombasa and **Nairobi** for potential investors **will** remain

Whether such a **federation** is a **feasible proposition** is another question and a **difficult** one. The **idea** of an **East African** **federatlon** has a long and chequered **history**. The **imperatives** of economics, and the general trend towards **Integration** in the world, would seem to be in favour of **federatlon**. But present **indications** in **East Africa** **point** clearly in the **opposite direction**. Until the present mood changes in **East Africa**, and demands for **national self expression** are **satiated**, there **is** not much **point in** hoping for a **federation** in **East Africa** except as a **distant mil**

lennium It is more **realistic** to **recognize this** and to prepare for **alternatives** to **federation** rather than to base **policy** on the **assumption** that the **federation will** soon take place

If **this** argument is acceptable then Uganda has only three other **alternatives** to an **exclusive** dependence on Kenya for access to the sea. She could reduce **this** dependence by

(a) **seeking other routes to the sea**

(b) **utilizing means of transport other than the railways and the harbours and**

(c) **restructuring her economy so as to be less dependent on access to the sea**

These **alternatives** raise wider and also **technical issues**. It is too easy to suggest that Uganda must seek to open up routes to the sea through its other **neighbours**—Tanzania, the Sudan and Zaire. A **considered recommendation** must be supported by a proper **feasibility** study and a cost benefit **analysis** of the alternative routes and modes of **transportation**. It is not **economical**, for **instance** to embark on the development of any **particular** route or mode of **transportation without making** a study of the volume and type of traffic on such a route. For example, most **railways** do not pay unless they can carry 300 000 to 400 000 tons of freight per annum. The East **African Railways** transported 562 700 tons of **freight** in 1968 from Mombasa to **stations and ports in** Uganda, and yet the **Railways** have almost always shown a **deficit**. What effect would it have on E A R if Uganda were to transport half **its freight** on an **alternative** route? Indeed, would a new route be **viable**? On the other hand, if Uganda had a choice of at least two routes to the sea, then **it** would not only be **politically** less vulnerable than **it is** presently but also **it** would be able to take advantage of **competition** between the **different** routes and force a reduction **in freight** charges for **its imports** and exports. However **if** two **competing** routes only succeed **in** each **taking** only half the **business** then both routes may become **uneconomical**, and they may then **raise freight** charges to meet **their** costs or seek **subsidies** from the Government of South **Africa**. In **either** case there **is** no **gain** in the **economic** sense although Uganda would have the advantage of an **alternative route in** case of trouble with Kenya.

There **is** also the problem of **co operation** from other **transit** states in **building** alternative routes. Thus, Uganda has to **wait** for **Zaire** to **link Kisangani** with **Kinshasa** **either** by a good all weather road or by a **rail way** before **it** can use the western route as an alternative to the **Mombasa** route. Presently the **agricultural** crops and **minerals** of eastern **Zaire** reach the sea by the Uganda–Mombasa route through **Kisangani**, Mambasa (not to be confused with Mombasa) and **Beni**. Thus, the **transportation** problem for a land locked African state is really an **international** problem for the whole of **Africa**, and must be solved through a **regional** effort.

There is another reservation one must make before suggesting investment in alternative routes to the sea. It relates to the need to build an international communication system. It is paradoxical that the existing railway network in Africa protects foreign rather than local producers. Almost all railway lines in Africa lead from the sea ports to the interior with little or no spread in the interior itself. The result is that transportation costs for foreign producers, once their goods have been landed at a port, are often less than transportation costs for local producers. There is a vital need for a complex of rail and road communications linking the interior of Africa.

There are a few hopeful signs. The most encouraging is the projected Trans African Highway which will link Mombasa with Lagos, and pass through Kenya, Uganda, Zaire, the Central African Republic, Cameroun and Nigeria. The Highway in a sense already exists in the form of national transport networks, and only needs to be connected across the missing or weak links. The distance to be covered is estimated to be 7 059 km. Of this 5 595 km consists of all weather roads.²⁷ Work needs to be done over about one twentieth of the total distance. Some countries, such as Japan, have already expressed an interest in undertaking a preliminary survey of the project and in providing finance and technical assistance for it. They too stand to gain from an increase in the market potential of the interior of Africa.

However, from Uganda's point of view, the Trans African Highway does not provide a viable alternative route to the sea. The port of Lagos is too far away, except in time of absolute emergency. For Uganda, the critical missing link is within Zaire, between Kinshasa and Kisangani. Nevertheless the Highway should help to promote Uganda-Zaire trade, and increase their market potential.

The route to the sea through Zaire would have the advantage of linking Uganda with the Atlantic Ocean.

In this connection, it is important to remember that almost all of Uganda's coffee, which provides between 52 and 56 per cent of Uganda's export earnings, is sold to the United States. In any feasibility study of the route to the Atlantic, it would be useful to calculate if Uganda would make a saving on transportation costs by avoiding the long sea journey round the Cape by cutting across the continent to the Atlantic Ocean.

As for the other routes to the sea, the one through the Sudan is not really worth considering. It has the disadvantage of distance that the route through Zaire would have without having the advantage of linking Uganda to the Atlantic Ocean. The route through Tanzania to Dar es Salaam in a sense already exists, but it is little used because of lack of transportation facilities, and the distance and costs involved. There is a

steamer **service** around Lake **Victoria** only twice a week, which links Port Bell **in** Uganda with Mwanza **in** Tanzania. Mwanza **is linked** to Dar es Salaam by **railway** through Tabora, **which is an awkward way of getting** to Dar es Salaam. However, **in** the development plans of the East African **Railways** there is a proposal to **build 300 miles of railway line** to **link** Musoma on Lake **Victoria** to Arusha **which** already has a **railway** running through to Tanga.²⁸ Tanga furthermore, is less congested than Dar es Salaam, **which is** now **handling** a lot of **Zambian freight** and probably cannot expand to handle the Ugandan **freight**. But the **railway** link between Musoma and Arusha **will not be sufficient** to make **this** route **operative**. The EAC **will** have to make vast improvements **in** the port, storage and steamer **facilities** at Musoma and Port Bell.

In respect of the other two alternatives—namely, **utilizing** means of transport other than the **railways** and the harbours, and **restructuring** Uganda's economy so as to be less dependent on access to the sea—**feasibility** and cost benefit **studies** **continue** to be pertinent. It is clear that the Ugandan **authorities** should consider how **air** transport could be used to export **high value and/or low weight** goods to overseas markets. Presently, **this is** done by **individual enterprises** **in** Uganda on a very small scale, and **without** much support from the Government. **While it is** true that **air** transport **is expensive**, one must **weigh against this** such advantages as speed and **regularity of delivery** and **reduction in transit formalities**. For example, Kenya has a **thriving carnations** market **in** Europe based on **air** transport at **special rates**.

Another **alternative** mode of transport that Uganda ought to consider is a **pipeline** from Mombasa for petroleum products. A Shell Caltex **feasibility** study **in** 1969–70 stated that a **pipeline** was not a **feasible proposition** because the market for petroleum **in** Uganda was not large enough. On the other hand, another study by the **Italian ENI organisation** stated that **it was a feasible proposition, particularly** if one also **included** the petroleum **requirements** of Rwanda, **Burundi** and eastern **Zaire**. No **action** was taken. Yet another survey **is** needed to **establish** the cost-benefit of such a **pipeline**.

As **indicated earlier**, there has been a steady **decline in** the share of Uganda's external trade in the gross **domestic product**.²⁹ To that extent, Uganda **is** **relatively** less dependent on access to the sea than before. But **foreign** trade cannot be reduced in **quantitative** terms **if** Uganda **is** to develop **economically**. Uganda must make sure that **it is** not dependent on **foreign** trade for **certain vital** products, such as staple foods and **certain** processed goods, and that the local market **is** developed **sufficiently** to employ more people for the **provision** of goods and **services internally**, rather than for the **provision** of coffee and cotton for overseas markets. In other words, less people need to be **involved in producing** coffee and

cotton, even **if** the share of these two commodities in the exports of Uganda **remains** as **high** as 70 % Once **again**, it is a task for the **economic** planners of Uganda

Notes

1 UNCTAD Annex 5 to 2/Conf 46/SR 18 (E/CONF 46/STA/88) 7 April 1964 pp 11–12

2 UNCTAD TD/B/308 Annex I Paragraph (b) of Section B **Emphasis added**

3 See p 92

4 See *Uganda Argus* 22 August 1972 President Amin alleged that Rwanda was **providing** as base for Israel to subvert **his regime** in Uganda

5 *Uganda Argus* 12 August 1968

6 B A Ogot Kenya Under The **British** 1895 to 1963 in B A Ogot and J A Kieran (eds) *Zamani A Survey of East African History* Kenya EAPH 1968 p 255

7 For Uganda's internal economic development the **revolutionary** mode of transportation was the bicycle, not the railways The railways **did** not reach Kampala **until** 1931 and **Soroti** until 1929, whereas the peasant based **cultivation** of cotton that put Uganda on the modern **economic** path **relied** on the **bicycle** (and later, motor trucks) for **domestic** transportation of cotton from Shambas to the mills

8 B A Ogot *loc cit* p 258

9 Kenneth Ingham, *The Making of Modern Uganda* London George Allen & Unwin Ltd 1958, pp 100–102

10 Entrea was governed as a separate colony by Italy before the Second World War **After** Italy's defeat **in** the War it was proposed to settle **Entrea's** future as also that of Italy's other colonies Libya and **Somaliland** by reference to the UN After considerable **diplomatic haggling** and **Ethiopian lobbying** **in** the UN Entrea was federated with **Ethiopia** and one of the **main** reasons **behind** **this** was to satisfy **Ethiopia's** demand for a port **in** the Indian Ocean Now **Ethiopia** has a **guerrilla** style liberation war by Moslem Entreans to contend with, but it has at least the benefit of a good port

11 For a review of the East Africa Community see Philip Ndegwa *The Common Market and Development in East Africa* Nairobi East African Publishing House 1968

12 Uganda *Report of the Tariff Committee* Entebbe November 1929 P 3

13 Republic of Kenya, *Economic Survey 1971* p 40, Table 3 11

14 Republic of Uganda, *1969 Statistical Abstract* p 19 Table UD 2

15 The first All **Africa** Trade **Fair** organized by the OAU was held **in** **Nairobi** **in** March, 1972 and was dominated by numerous Kenya **pavilions**

16 See, however papers presented on the East **African** Community at the **Universities Social Sciences** Conference held at **Makerere** in December 1971

17 Source Kenya, *Economic Survey 1971*, p 116 Table 6 6 crosschecked with Uganda, *Third Five Year Development Plan* p 290, Table XU 1

18 Uganda *Third Five Year Development Plan* p 289

19 In 1964, the percentage of exports to Gross Domestic Product was 27 3 per cent and **since** then it has **declined** each year to 19 7 per cent **in** 1969 In

1965 imports as a percentage of GDP were 18.5 per cent while in 1969 they had declined to 15.4 per cent See Republic of Uganda *Background to the Budget* 1970-71 p. 33

20 According to the Composite Index of Development compiled by UNCTAD for measuring the relative development of 90 less developed states Uganda's rating is 69 whereas Kenya's is 53 See UNCTAD *Identification of the Least Developed Among the Developing Countries* TD/B/269

21 This is the version of the story presented by the then Prime Minister Milton Obote of Uganda to Parliament and it was not challenged by Kenya or by the press See Uganda National Assembly *Hansard* 2nd series volume 45 pp. 1764-66

22 *Ibid*

23 It is not so strange after all given that thoughtless mechanization usually creates unemployment and that Kenya does not have the kind of agriculture that Uganda and Tanzania have which can provide employment in rural areas

24 According to the editorial of the *Uganda Argus* of the 20 July 1970 shs 200 000 left Uganda every week as money repatriated by non Ugandan workers of whom a vast majority were Kenyans Of the total of some 260 000 wage earners in Uganda in 1966 some 37 % were non Ugandans according to Uganda's then Deputy Minister of Labour See *Uganda Argus* of 11 July 1970

25 It is significant to note that there is a racial element in this freedom of mobility Only black Ugandans and Kenyans can move freely across each other's territory others have to carry travel documents Also black Ugandans and Kenyans can work in either country without a work permit Brown and white Ugandan citizens have to have a work permit before they can obtain employment in Kenya

26 See Y Tandon The East African Community A Perspective from 1971 Paper presented at the U S S C Conference Makerere December 1971

27 Economic Commission for Africa Press Release No. 537 24 August 1971

28 *East African Standard* Nairobi 20 April 1970

29 See note 19 above

The politics of transit routes in land-locked southern Africa

Nearly a quarter of the land locked states of the world are located in southern Africa. These are the three constituent territories of the former Federation of Rhodesia and Nyasaland—Zambia, Malawi and Rhodesia—and the three former High Commission Territories of Botswana, Lesotho and Swaziland (BLS).¹ A major concern of each is inevitably the availability of assured, efficient and economical access to the sea. In terms of these criteria, a single maritime outlet is unlikely to prove adequate. Hence the search for alternative routes which transit different neighbouring states and/or terminate in different ports.

Three principal fears account for the emphasis in land-locked countries on diversifying their external transport arrangements: 1) inadequate capacity, 2) monopolistic control and 3) political blackmail. As economic development proceeds, existing routes and ports may prove physically incapable of meeting the needs of the hinterland they serve. Moreover, absence of competition invites exploitation in the form of excessive charges and inferior service. In any case, land-locked states have an obvious interest in the benefits of more direct routes and improved modes of transport as they become available. Finally, simple prudence dictates that such states should seek to escape the political hegemony, actual or potential, of powerful neighbours. This is particularly compelling where, as in southern Africa, many of the transit states are ideological opponents.

I Patterns of alternative routes

Statistics on the overseas, transit and total external trade of the six land-locked countries of southern Africa are summarized in Table I in the appendix. The transit trade as a proportion of total trade varies from 97 % in the case of Zambia to 14 % for Lesotho.

1 Pattern of Dependence

Zambia has access along more routes to more ports in more countries than any other land-locked country in southern Africa (Table IV).

Nevertheless as a result of **its geographical** location and political situation, in some respects **it remains** the most **isolated** of the **six**. Not only **is it** the most developed **economically** and the most dependent on overseas trade but also **it is** the farthest from the sea (Table II). Its Copperbelt **is** two thousand kilometres in any **direction** from an ocean port. Moreover, most of the routes available to **Zambia** involve **transiting** two **countries**, including one or more with a **white minority regime**.

Apart from the **oil imported by pipeline** the bulk of **Zambian** traffic traverses three routes: the southern route **via Rhodesian Railways** to **Beira in Mozambique**, the western route through **Zaire** and **Angola** to **Lobito**, and the north-eastern route along the Great North Road to **Dar es Salaam**. Secondary ports—used **primarily** for **imports**—are **Nacala** and **Lourenço Marques in Mozambique**, **Durban in South Africa**, **Matadi in Zaire**, **Mtwara in Tanzania** and **Mosambasa in Kenya**. During the 1966–68 crisis, rather more circuitous routes were used, i.e. through **Albertville** or **Mpulungu** across **Lake Tanganyika** to **Kigoma** and thence to **Dar es Salaam**.

In **addition** to **cop**ing with the **immediate** emergency resulting from **Rhodesia's unilateral declaration of Independence**, **Zambia** took steps to effect a permanent **reorientation** of its transport routes away from dependence on the **white minority regimes**. Until 1965, virtually all its overseas trade passed through **their** ports.² Yet by 1969 only 41 % (by **weight**) used these routes (Table III). The **turning point** came in 1968 with the **opening** of the **Dar es Salaam–Ndola oil pipeline** which released transport for other urgent purposes. Then in 1974 the era of the **Hell Run** will come to an end with the completion of the surfacing of the Great North Road. Finally, construction of the **Tanzam Railway** is proceeding apace and it is expected that it will be **operational** by 1976. At that time **Zambia–Tanzania Road Services**, having served as a **lifeline** for a decade, will become redundant.

The government of **Malawi** prefers to **continue** its dependence on the ports of the **white minority regimes** (Table V). Its major transport project since independence—the **rail link** to **Nacala in Mozambique** completed in 1970—is a reflection of domestic priorities (i.e. development of the neglected Central and Northern Regions) and practical necessity (i.e. congestion in the port of **Beira**) rather than political motives. As a result, **Malawi** is now more dependent than ever on the goodwill of her southern neighbours, especially the Portuguese. President Banda is not unaware of the risks involved in his policy of coexistence with the **regimes** in the south, and this is indicated by his frequent bids to link the **Malawi Railway** to the **Tanzam line**. Furthermore, he has now declared that a railway line will be constructed up to the **Zambian** border in the hope that **Zambia** will take over from there.

Rhodesia has made radical changes in its trade routes in an attempt to evade UN sanctions (Table VI). As a result the use of Beira, once the major outlet, has been restricted though not abandoned, and the traffic diverted to Lourenço Marques (which is twice the distance from Salisbury) and Durban (four times as far away). In doing so, Rhodesia has had the full cooperation of Portugal and South Africa, both of which have powerful political and economic incentives for ensuring that Rhodesia survives the sanctions.

The economies of Botswana, Lesotho and Swaziland have traditionally been almost totally dependent on South Africa, with which they have been linked in a Customs Union since 1910. This hegemonic relationship extends equally to the transport sphere (Tables VII-IX). Only Swaziland, with the completion of its rail outlet to Lourenço Marques in 1964 (and the prospect of new ports at Dobela and Richard's Bay), has any real freedom of manoeuvre, and at present this is limited to the export of iron ore. Most imports continue to come from or through South Africa.

2 *Prospects for Change*

Two related factors could affect the stability of the present pattern of political and economic dependence throughout landlocked southern Africa: improved prospects of majority rule in the whole of southern Africa, and the opening up of additional routes and ports. While it may appear optimistic to forecast early Independence for any more territories in southern Africa, it would be too pessimistic to dismiss completely the possibility of significant political changes in the course of the next few years. If these occurred, they would ease the political constraints on the use of existing southern routes and revive interest in a number of other projects which, for political reasons, are presently not feasible.

Among the imaginative proposals that could be of significant assistance to Zambia, for instance, are:

- (1) a road or railway providing access to Walvis Bay (for Botswana and Rhodesia as well as Zambia);
- (2) a direct rail link from the Copperbelt to Lobito (or alternatively Moçamedes or Tiger Bay), thus eliminating the present detour through Zaïre;
- (3) a railway extension from Lusaka to Zambia or to Tete (bypassing Rhodesia) to provide a shortcut to the sea at Beira.

Another speculative possibility is an outlet for Lesotho through an Independent Transkei. This would, however, require not only major political concessions by the South African government, including the transfer of jurisdiction over Port St Johns (currently a 'white area'),

to the Transkei government but also the construction of a road through the formidable Drakensberg mountains. Even more intriguing are the implications for Swaziland of Kwazulu's bold (but unrealizable) claim to the new port of Richard's Bay.

II Freedom of transit

Land locked states judge the adequacy of their outlets to the sea and formulate their transport strategies primarily on the basis of three criteria. These are 1) the extent to which transit rights are politically assured, 2) the capabilities of the available routes and port facilities in relation to national needs, and 3) the costs involved.

The bargaining power of land locked states is never great, but neither is it necessarily negligible. They may be able to exert a limited amount of diplomatic influence directly or indirectly. Moreover, some of the land locked states, notably Zambia, constitute a potential military threat to the white minority regimes to the extent that they acquiesce in the activities of freedom fighters operating from their territory. At times, this has been the crucial factor in defining transit agreements. But the most powerful sanction of the land locked states is the financial one. Few transit states can afford to forego the considerable profit realized from the transit trade. Mozambique, for example, at one time received nearly half its revenue from this source. In the case of Rhodesia, Zambian and Zairian traffic has been a major source of the foreign exchange needed to sustain its rebellion. In certain circumstances, therefore, intense competition can develop among transit states for the custom of the inland countries.

In general, however, land locked states are at a disadvantage, and their governments have to take whatever political action they can to protect their interests. Four principal approaches have been adopted in an effort to ensure a reasonable measure of national control, or at least freedom of action, with respect to the available transport routes: diversification, disengagement, ownership, and legal rights.

1 Diversification

The only real security for a land locked state rests on the availability of a sufficient number of alternative routes of adequate capacity so that it need never be dependent on any one route or country.³ Few states manage to achieve this ideal, but all of them are constantly striving to approach it as closely as possible. Zambia is not the only country which will benefit from the completion of the Tanzam link to Dar es Salaam.

Botswana, with its projected road to Kazungulu will also have an outlet through Independent Africa, and it is possible that even Malawi will be connected to the Tanzam rail link

In terms of their dependence on any one neighbour, the land locked countries of southern Africa vary a great deal, Lesotho having the least room to manoeuvre and Zambia the most. As already indicated, the potential for Improvement also varies with Lesotho again in the weakest position. A third aspect of the problem is the degree of reliance on routes through the states with white minority regimes. In this case, political ideology reinforces national interest as a source of conflict. The extent to which this issue finds expression varies with the availability of alternative routes. Zambia the only country among the six with reasonably secure outlets through Independent Africa, is the most vociferous in its condemnation of racialism and oppression in South Africa, Rhodesia and the Portuguese colonies. To this extent, Zambia's protest is political and not so much a matter of economic deprivation.

Even without any dramatic political changes, opportunities for substantial Improvements in transportation arrangements in southern Africa exist. Indeed, President Nyerere has bitterly complained that 'the world has never seen such a profusion of railways projects in southern Africa as those which are now being canvassed—all of them designed to try and stop (the Tanzam railway) from being built'.⁴ One scheme he had in mind was the all rail 'voie nationale' through Zaïre to Matadi, which briefly attracted interest in the West after it became clear that the Chinese were definitely committed to the Tanzam project.

2 *Disengagement*

Diversification is based on the assumption that permanent friendships between even the closest neighbours can never be guaranteed, disengagement recognizes that national differences may be so fundamental that continued cooperation is politically unacceptable and any degree of dependence disadvantageous, if not dangerous. Only Zambia has opted for disengagement—or has been in a position to do so—and its motives have had as much to do with overriding political considerations as with concern for a sound transport strategy. Moreover, Zambia's recent pronouncements have become more moderate. Despite the remarkable progress achieved in implementing disengagement, it is no longer considered in absolutist terms. Disengagement is beginning to conflict with the aims of diversification.

Zambian nationalists have long been committed to eliminating their dependence on the white minority regimes. Nevertheless, it was principally the unilateral declaration of independency by Rhodesia which

translated aspiration into action. The policy was first applied in conjunction with the United Nations sanctions against Rhodesia, and found its fullest expression in the field of trade. But Zambia's most dramatic act of defiance was the payments crisis of May 1966 which led to the abrupt severance of rail connections between the two countries. Unfortunately, it quickly became apparent that the gamble had failed. An effective international rescue operation did not materialise, and without external assistance Zambia could not survive economically. Consequently, ten days after the Rhodesians had instituted retaliatory measures, the Zambian Government was compelled to demur. Nevertheless short term emergency measures were taken and long term plans laid which have enabled Zambia to diminish its reliance relatively if not always absolutely, on supplies from the white minority regimes. In the process, however, Zambia has become even more dependent on overseas imports and hence on ocean ports. Therefore to the extent that disengagement has increased transit trade, it has also aggravated rather than eased Zambia's plight as a landlocked state. This will continue to be the case until the completion of the Tanzam railway in 1975, when it will be possible though perhaps not policy to dispense entirely^{4A} with the southern routes.

3 Ownership

Ownership of the means of communication within state frontiers and beyond constitutes an instrument of political control. Yet in the case of railways in landlocked southern Africa state ownership has for historical reasons been a relatively recent development. However now only Botswana has not nationalized its railway which continues to be owned and operated by Rhodesian Railways.⁶ The Zambian and Rhodesian Railways, formed in 1964 as a common service, was for all practical purposes disbanded in 1967 even though it exists formally pending final agreement on the division of assets. Lesotho is also a technical exception: its one mile of spur line forms part of South African Railways. (For a survey of ownership of railways see Table X.)

While nationalization has given governments greater control of the railways within their borders it has also encouraged the transit states to tighten controls in their own sectors. Thus after the nationalization of the Rhodesian Railways in 1947 the Portuguese Government acquired ownership of the Beira-Umtali line (and the port of Beira) from the British South Africa Company in 1949. The South African Government acquired the Vryburg-Ramathlabama line in 1959. It is significant therefore, that Zambia has insisted despite its experience of a common service with Rhodesia that the Tanzam railway should be jointly owned and operated throughout its length.

4 *Legal Rights*

International law provides a fourth approach to the problem of protecting the transit interests of land locked states. The most comprehensive attempt to secure international recognition of these rights has been through the United Nations culminating in the 1965 Convention on Transit Trade of Land locked States.

However while all the land locked southern African states (except Botswana and Rhodesia) quickly ratified it, not one of the transit states has yet done so.

South Africa and Portugal have justified their inaction on the grounds that bilateral agreements exist which render the UN Convention superfluous. Thus the 1969 revision of the Southern African Customs Union Agreement guarantees freedom of transit for Botswana, Lesotho, Swaziland, and Namibia.⁸ Similarly the Beira Convention of 1950 permits goods to move 'without any interference or restriction' between Zambia, Malawi, Rhodesia and Mozambique (as well as between Zaire and Mozambique).⁹ A similar agreement governs Swaziland's access to Lourenço Marques.¹⁰ Zambia could also acquire full and unrestricted freedom of transit through East Africa by joining the East African Community.¹¹

A related problem concerns the rights of land locked states in ocean ports. The Beira Convention provides no explicit undertaking in this respect, but the maintenance of adequate facilities at the Port of Beira is acknowledged as a 'vital Interest' of Zambia, Malawi and Rhodesia and provision is made to protect it. Moreover the three land locked countries are entitled to a 'free zone' for their goods in Beira and representation on the Beira Port Traffic Advisory Committee.¹² A Nacala Port Coordinating Committee also exists. In Dar es Salaam Zaire, Burundi and Rwanda inherited a deepwater berth built at Belgian expense and leased in perpetuity for their exclusive use under a 1951 Convention.¹³ However, in February 1971, Tanzania suddenly nationalized the Belgian facilities claiming that it constituted an infringement of national sovereignty and in any case was needed to relieve the congestion created by the growing Zambian traffic. The new agreement negotiated in August 1971 and intended to grant the three former Belgian colonies (and Zambia) guaranteed access to the sea is much less satisfactory. A few years earlier a tentative suggestion that Mtwara be designated a free port for Zambia evoked little enthusiasm in Tanzanian government circles.

III Interference with Zambian transit traffic

The political changes that have transformed southern Africa during the past decade—notably Independence in five of the land locked states,

the unilateral declaration of independence in Rhodesia and the liberation struggles being waged in the Portuguese colonies—have inevitably imposed severe strains on the smooth functioning of the integrated transport system developed during the colonial era. The intrusion of politics is now a major impediment to freedom of transit in southern Africa.

The most obvious restriction on trade has been the institution of sanctions against Rhodesia. Its geographical position rendered it particularly vulnerable to pressure of this kind. Yet paradoxically its landlocked position has proved to be an asset, since neither South Africa nor Portugal has supported sanctions in any way. Only Botswana has imposed restrictions on Rhodesian transit traffic, and these are limited to petroleum, arms and ammunition.¹ Even Rhodesia's trade with Zaïre through Zambia is protected by the Beira Convention and Zaïre's power of retaliation against Zambian traffic through Lobito.

1 *Rhodesian Restrictions*

The principal victim of the sanctions against Rhodesia has been Zambia—because of its historical dependence on the white minority regimes, its conscientious efforts to respect its U.N. obligations, and its support for Zimbabwean freedom fighters. On two occasions prior to UDI, the Rhodesian Government offered Zambia immunity, provided there would not be a hostile reaction to his planned rebellion, but President Kaunda repudiated the deal as unworthy. Besides, any interference with Zambian rights would have been illegal and any assurance would have been worthless. Indeed, at the very time the Rhodesian Government was professing its good faith, it was refusing to release a consignment of arms for Zambia which had been seized in transit from Beira in contravention of existing treaty obligations. Shortly after the British Government imposed an oil embargo on Rhodesia, the Rhodesian Government retaliated by cutting off all oil supplies to Zambia.

The following day, Smith announced a hundred fold increase in the royalty on Wankie coal, essential to the continued operation of the Zambian copper mines. Technically, this did not constitute interference with Zambian traffic and, in fact, was carefully calculated not to reduce imports by keeping the gross cost marginally below that of coal obtainable from more distant sources. Moreover, when Kaunda refused to comply, Smith quickly retracted. Nevertheless, it did represent the first of many politically inspired attempts by Rhodesia to exploit for maximum economic advantage Zambia's dependence on transit trade.

Subsequent actions by the Rhodesian authorities which tampered with northbound traffic were more subtle. Repeated instances occurred on Zambian goods being unduly delayed for considerable periods. In most

cases the explanations offered had some substance, though they were rarely convincing. Early in 1967 for example, an accumulation of 80 000 tons of **Zambian** freight developed south of the border, allegedly because of the shortage of locomotives on the **Zamb~an** section of the then unified railway system. Accordingly **Rhodesian Railways** placed an embargo on the acceptance of goods for **Zambia**. This lasted for nearly a month—until pressure was brought to bear on the railway authorities to allocate to **Zambia** a more equitable share of the available locomotives. The one for-one rule for the exchange of railway trucks at the border also disrupted the free flow of **Zambian** traffic through **Rhodesia**.

Another device which the **Rhodesian** Government continues to employ is to refuse transit rights to road transport hauling freight from **South Africa** through **Rhodesia** to **Zambia**.¹⁵ This is one reason why **Zambia** was compelled in 1971 to buy maize from **Rhodesia**.

2 *Portuguese Interference*

Portuguese Interference with Zamb~an traffic has been even more explicitly political. The reason for this is alleged **Zamb~an** involvement in their colonial wars. **Portuguese** retaliation has taken a variety of forms including the closing of the frontier, the looting of **Zamb~an** goods, dock strikes, border raids, and aerial bombardment.

In **April 1967**, following a series of guerrilla attacks on the **Benguela Railway**, **Portugal** abruptly severed all rail communications between **Angola** and the hinterland as 'a protest and a warning to the countries from whose borders the saboteurs were believed to have infiltrated'.¹⁶ Although the order was lifted three days later (much to the relief of the **Zambian** Government since it was simultaneously grappling with a **Rhodes~an Railways** crisis), the **Portuguese** authorities warned that future interruptions would last longer unless terrorist activity ceased. Transit traffic was, in fact, suspended for several weeks in 1968 and again in 1969. Then, on 25th March 1970, two trains carrying **Zambian** goods were systematically looted at points 900 kilometres apart. Although the **Portuguese** authorities were adamant that these incidents were the spontaneous reactions of outraged citizens following a terrorist attack on a border post, it seems probable that there was an element of official encouragement.

The most blatant violation of the principle of freedom of transit occurred in 1971 when dock workers in the four ports of **Beira**, **Lourenço Marques**, **Nacala** and **Lobito** refused over a period of several months to handle imports of maize and wheat destined for **Zambia** and at a time when it was suffering from a critical shortage. When pressed, the **Portuguese** authorities invariably protested their helplessness, insisting that the 'go slow' was a spontaneous expression of popular indignation.

and beyond **their capacity** to control. Nevertheless, once an **inter governmental settlement** had been **negotiated in June**, the dockers **quickly** responded to government **advice** to abandon **their strike**.

While the political issues in dispute are largely irrelevant to **this discussion**, nevertheless they **highlight** a number of basic features in the **relationship** between land locked and translt states in southern Africa. The most **obvious** is the **vulnerability** of even the most powerful of the **inland states** to economic and military pressures (e.g. the **Zambian Government** felt compelled to **negotiate** after an **invasion** of its **North western Province** in May 19 by a band of **opposition dissidents trained in Angola**). A second feature is the ruthlessness of the **Portuguese authorities**, who are prepared to **sacrifice** the benefits of the translt trade for **political ends**. It is **significant** that one aim of **Portuguese policy** was to compel **Zambia** to **direct** a larger **proportion** of its copper exports through **Lobito** rather than **Dar es Salaam** and that agreement on **this** was reached almost **simultaneously** with the **lifting** of the embargo in 1971. Finally, the **Interests of third parties** should be noted. **Paradoxically**, **Zambia** was saved from humiliation by the intervention of **Rhodesia** and **South Africa** whose railway wagons were stranded in **Beira** and **Lourenço Marques**. There were also representations from nations whose ships were delayed in harbour. **Repercussions** from sanctions invariably prove to be more far reaching than originally anticipated.

IV Cost and capacity

The **political security** of outlets to the sea is not the only preoccupation of land locked states. They are also greatly concerned with **physical capacity**, **functional efficiency** and costs. **Inland countries** desire routes and ports capable of **handling their Imports and exports expeditiously**, safely and cheaply.

In seeking to secure these **objectives**, the land locked states **begin** from a weak **bargaining position**, **exploitation** is not only **possible** but also assumed to be **inevitable**. Three issues will be examined to determine the extent to which **Zambia**, as the strongest of the **six states**, has been able to secure **equitable** treatment and adequate **service** as a result of **negotiations with the translt states**. The three issues are 1) the **fixing of rail charges** on translt traffic through **Rhodesia**, 2) the **allocation of copper traffic** to the **competing routes** and 3) the **choice** of **Dar es Salaam** as the **terminus** of the **Tanzam railway**. In each case the **substantive issue** is non political, but the **decisions taken** reflected **political considerations**.

1 *Rhodesian Railways Charges*

Although the Beira Convention explicitly prohibits 'any discrimination in railway freight rates and charges on Zambian imports or exports through Rhodesia',¹⁷ the most striking characteristic of the tariff structure of Rhodesian Railways is its built in bias in favour of Rhodesia at the expense of Zambia. Zambian copper is high rated to realize a profit with which to subsidize the European agricultural community in Rhodesia whose exports are carried at a loss. The unilateral declaration of Independence by Rhodesia upset this arrangement. Not only did Zambia seek to divert much of its copper to alternative routes but also the balance of imports and exports carried on the Rhodesian Railways was seriously affected. This was particularly severe in 1970 when Zambia was compelled to import massive quantities of low rated maize through Rhodesia. The rebel regime regarded these and other shifts in the pattern of Zambia's transit trade as threats to the financial viability of its railway and to a major source of foreign exchange. Accordingly it reacted sharply if somewhat erratically. Although there has been no general increase in railway rates since 1962, there have been a series of discriminatory measures directed specifically against Zambia. The following are the principal revisions in Rhodesia's transport and related charges since its unilateral declaration of Independence.

The fifty fold increase in the coal royalty in 1965 was certainly exploitation but it was only indirectly a freight charge and in the event was quickly abandoned. Similarly the revision of the freight rates which followed the disbandment of the unitary rail system in mid 1967 can be justified technically, if not economically. However, each of the subsequent surcharges was a carefully calculated manoeuvre designed to extract the maximum out of Zambia. A most callous measure was the massive increase in the freight charge for maize imported into Zambia for emergency relief during 1970. The claim of the Rhodesian Government that the 1968 Increases represented 'a purely defensive policy against Zambia's attempts to bankrupt the Rhodesian Railways'¹⁸ is deliberately misleading. The complaint of the copper companies that the coal levy was 'selective punitive and does not fall within the normal patterns of rail rate Increases' was nearer to the truth. This judgement is also applicable to the other surcharges.

2 *Copper Export Routes*

The profitable copper traffic in central Africa is a prize for which railways and governments have competed fiercely and even ruthlessly. In this sphere of negotiation, the land locked states and the transit states are more evenly matched.

Before the unilateral declaration of independence by Rhodesia all **Zambian** copper was exported through Beira¹¹ under arrangements concluded between Rhodesian Railways and the copper companies. During the crisis years of 1966–1968 every alternative outlet, however uneconomic, was utilized. Nevertheless, the residual tonnage which remained to be transported south was considerable (Table XII). The completion of the Dar es Salaam Ndola oil pipeline in September 1968 changed this, or at least provided the potential to do so. Since that time the combined capacities of Zambia's alternative routes have considerably exceeded its needs. Accordingly, the more uneconomic routes were gradually phased out. The Albertville route, which stretched for 3 200 kilometres through eastern Zaire, across Lake Tanganyika and along the Tanzanian Central Railway, was abandoned in January 1968. Then in September 1968 shipments to Mtwara by road ended. In November 1968 operations through Malawi ceased, and in February 1969 air freighting ceased. Nevertheless, the problem of allocating exports to the major outlets—Beira, Lobito and Dar es Salaam—remained.

With the increased capacity available on alternative routes, the Zambian Government's overriding concern since the unilateral declaration of Independence by Rhodesia—to get its copper to overseas markets—no longer posed a major problem. Besides, the earlier threat of a complete severance of rail communications with Rhodesia had passed. The Zambian Government could therefore afford to give greater emphasis to its political objective of disengagement. This entailed diverting an increasing proportion of traffic to Dar es Salaam. In March 1967 and again in June 1968 the Government issued lists of goods which could be imported only through Dar es Salaam. However, the condition of the Great North Road (known as the 'Hell Run') rendered this route difficult and at times impassable. Furthermore, goods were frequently lost or damaged in transit. The port of Dar es Salaam had serious deficiencies; it was short of berths, they were inadequately equipped and permanently congested. Conditions have improved during the past few years, port charges are now competitive (Table XIII) and the Great North Road is now by far the quickest route. Nevertheless, the indirect costs associated with the port remain considerable. The port of Lobito, on the other hand, was not only capable of handling a greater volume of traffic but also provided the shortest sea route to European markets. However, this did not represent the saving (except in time) that might be imagined because, under international shipping agreements, ocean freight rates from east and west coast ports were the same—even though Beira is 5 600 kilometres farther from Europe than Lobito. Moreover, use of the Benguela Railway entails a greater expenditure of foreign exchange than the other routes as only a fraction of the line runs through Zambian

territory (Table XIV) Also, any traffic **diverted** away from Zamblan Railways **Increases its operating deficit** and the **size** of the government **subsidy** Zamblan Railways clearly has a vested **interest** in the southern route **Politically**, the Benguela Railway is only **marginally** more acceptable than Rhodesian Railways as it **still entails** dependence on and **financial assistance** to the Portuguese authorities **In addition**, the west cost route passes through an **active** theatre of **guerrilla operations** and hence **is exposed** to the **risks** of sabotage, **retaliation** and delay

A further **constraint** on **disengagement** was that the **Zambian** Government was not yet in a **position** to **dispense entirely** with the southern route It was not **simply** a matter of the **capacity** of the **alternative** routes **Certain Imports** (e.g. **mining equipment**) still had to come from South **Africa** **either** because they were manufactured there or because special port **facilities** were **required** which **did not exist** elsewhere The Rhodesian Government accepted **this import traffic**, but it also **insisted** on **receiving** a comparable share of the export traffic for the return journey

A **persistent** Imbalance between the volume of **imports** and exports **is** a major **characteristic** of the **economics** of all of Zambia's **alternative** routes Its exports are of low bulk and **high** value **while its** Imports are of **high** bulk and low value **This** has been **particularly** true **in** recent years **with** the **massive imports** of foodstuffs Consequently, the Zamblan Government must for the present **maintain** its flow of imports through **Rhodesia** at a **comparatively high** level It would prefer to **direct** its copper exports to other routes but the Rhodesian Government has refused to allow **this**

In August and September 1968, the export of copper southward fell below 12 000 tons per month, half the average of the **previous** year The Rhodesian **authorities** reacted by **offering** a rate **reduction** in return for a **substantial** increase in copper **allocations** to the southern route When the Zamblan Government **failed** to respond promptly to **this** proposal, the Rhodesian Government **imposed** a 50 % rail surcharge on all low rated goods **crossing** the **Zambesi** ²¹ In the **ensuing negotiations**, the Rhodesian Government undertook to **waive** the surcharge in any month if, **during** the **previous** month, copper traffic south exceeded 25 000 short tons There was **little** the Zamblan Government could do but comply As a result, the surcharge has been **applied** on only three **occasions**—in March, **April** and May 1971 At the same **time**, the Zamblan Government resolved to regard the quota as a **maximum** and, since 1970, has generally managed to keep **within it** On **occasions**, **this** has **entailed** holding up railway wagons at the **Victoria Falls Bridge**

Another demand for copper traffic came from **Zambia Tanzania Road Services** which operates the Dar es Salaam route It argued **persuasively**

that it needed an adequate allocation to balance its **growing** volume of imports **if** it was to avoid **operating** at a loss. Accordingly, in early 1970 ZTRS was assigned 22 000 tons per month.

Meanwhile, the Benguela **Railway authorities** had been **pressing** for more generous **treatment** and, in September 1968, they received an **encouraging letter of intent** from the **Zambian Government** which envisaged a progressive Increase in its monthly **allocation** to 19 000 and eventually 24 000 tons. These targets proved to be **unattainable**, during 1969 and 1970, copper exports westward averaged less than 12 000 tons per month. There was **simply** not enough copper being exported, especially following the **Mufulira mine disaster** in September 1970 which reduced the **Lobito** traffic to a mere 3 500 tons that month. **With** ZTRS and especially **Rhodesian Railways** able to exert considerable **financial** pressure on the **Zambian Government**, the Benguela **Railway** was **inevitably** left as the **residual** beneficiary. However by mid 1971 the **position** had changed. As a result of **congestion** in the port at Dar es Salaam, the Portuguese boycott on **maize** and wheat **deliveries**, and a gradual increase in copper **production**, the **Zambian Government** agreed to a formula which **provides** for a modest surcharge **if** the monthly **allocation** to the Benguela **Railway** falls below 20 % of copper exports and a small rebate of it exceeds 21½%. In practice, the 20% allocation **is** adhered to very closely. As a consequence the Great North Road **is** now **effectively** the **residual** route.

3 Dar es Salaam and Mtwara

The **choice** of Dar es Salaam rather than Mtwara as the terminus of the **Tanzam railway** was primarily a **Tanzanian decision**. The **Zambian Government** expressed doubts about the **capacity** of the harbour at Dar es Salaam. **President Nyerere dismissed** all such doubts as the inevitable outcry of **imperialist** and **capitalist** forces.²² Nevertheless, **despite** the **increase** in the number of deepwater berths available,²³ port **congestion** continues to be a major problem. Nor is the **Zambian Government** **entirely convinced** by assurances that the port will be fully equipped to handle the five fold Increase in **Zambian** traffic forecast for 1976 when the **Tanzam railway** becomes **operational**.

Mtwara first came to the **attention** of the **Zambian Government** in 1966 during the search for **alternative** routes. **President Kaunda** visited there in May 1966 and was **impressed with its potentialities**. A **British** team of consultants was then **commissioned** to survey it, and road and air routes for the export of copper were opened up. Consideration was also **given** to its long-term development, **possibly** as a free port for **Zambia's exclusive** use—in contrast to Dar es Salaam which **is** shared with four other **inland** states.

The **Tanzanian** Government cooperated in the emergency measures and even financed part of the road Improvements but, for **various** economic, **political** and **security** reasons, it **insisted** that the **railway** should **terminate** at Dar es Salaam This **decision** was supported by a **series** of **economic** reports, including the **British Canadian** survey of the **Tanzam** project, all of **which** **claimed** that the port of Dar es Salaam was capable of **handling** the **anticipated** volume of traffic **if** modern methods were adopted

In the **circumstances** therefore **Zambia** had no **alternative** but to become reconciled to the **political** realities Perhaps the **decisive** argument was that it was safer to be dependent on a port **which** the **Tanzanian** Government shared a **vital** Interest in **improving** than on one **which** was of only **marginal** concern to it

V Conclusion

The measure of 'landlockedness', or the extent to **which** a country suffers economically or **otherwise** from its land-locked **situation** depends upon a complex combination of **geographical**, **economic**, **political** and **psychological** factors Each of these factors **is** **analytically** **distinct**, yet closely **interrelated** in **practice** In **particular**, "**political** landlockedness", or the consequences--primarily **economic**--of **political** relationships with **neighbouring** transit states, **is** an **unavoidable** corollary of the land locked condition

The conclusions emerging from this paper are **summarized** below in a **series** of **propositions**, **beginning** with the **geographical** and **economic** determinants and **proceeding** to the **psychological** and **political** variables It **is** not **possible** to **systematically** assess the **relative** potency of these factors However an attempt has been made to place the **six** land locked countries of southern Africa in order of **their** **relative** land lockedness (Table XV)

1 Landlockedness varies with effective distance from the sea

The greater the **distance** **inside** and **outside** the borders of the land locked country, the greater the cost of Imports and the less the return on exports ²⁴

As **indicated** in Table IV, the **Zambian** Copperbelt is two thousand **kilometres** from the nearest ocean port, whereas the **Kadake** **iron** **deposits** in **Swaziland** are only three hundred kilometres from the coast

2 Landlockedness varies with the length of the external sectors of transit routes

The greater the distance beyond the borders of the land locked country the greater the drain on foreign reserves and the greater the burden arising from any freight rate increase. In terms of existing routes, Zambia and Botswana are both a thousand kilometres inland. However, Botswana (along with Lesotho and Swaziland) is a member of the Rand currency union and hence only indirectly concerned with foreign exchange.

3 Landlockedness varies with the economic stake of the landlocked country in alternative routes

The greater the difference in the domestic sectors of major routes the more a country is likely to patronize the longest.²⁵ Thus, as indicated in Table XIV, Zambian Railways has a vested interest in the maintenance of the route to Beira in preference to that of Lobito.

4 Landlockedness varies with the volume or value of the transit trade

The greater a country's transit trade in absolute terms the greater its dependence on transit routes. As is apparent from Table I, Zambia's transit trade is substantially greater than the total trade of the other five countries combined.

5 Landlockedness varies with the ratio of external trade to gross national product

A country with a mainly subsistence economy, or which produces primarily for the domestic market and is substantially able to meet its own requirements, is less reliant on transit routes than a country which is integrated into the international market economy.

6 Landlockedness varies with the proportion of transit trade to total trade

The more the economy of a country is linked to its transit trade, the greater that country's reliance on traffic through neighbouring states. Zambia with 97 % is according to this index relatively the most landlocked state in southern Africa, while Malawi with 80 % ranks second (Table I).

7 Landlockedness varies inversely with the operational efficiency of transit routes and facilities

In this context, efficiency is conceived as an aggregate of capacity, quality of service and adaptability to national needs. For example the

efficiency of Zambia's Great North Road route has in the past been adversely affected by **disintegration** of the road surface, heavy losses through **pilfering** and damage and congestion at the port of Dar es Salaam. Similarly the decrease in the operational efficiency of Rhodesian Railways as a result of UN sanctions, and its consequent inability to replace rolling stock is another factor **aggravating** the landlocked position of not only Rhodesia but also Zambia and Botswana.

8 *Landlockedness varies inversely with the availability of alternative routes and ports*

The more a country is able to **diversify** its trade routes (actually or potentially) the greater its freedom of action. In this respect, Zambia has the most freedom and Lesotho the least (Table II).

9 *Landlockedness varies inversely with the degree of dependence on any particular transit route*

A country that can **dispense entirely** with the use of any particular major route is less constrained than one that is unable to do so. Zambia is the only country in southern Africa able to exercise this option, and then only following the completion of the Tanzam railway. In the meantime, the southern route **remains indispensable** because the combined capacity of alternative routes is still inadequate and because of the superior facilities at the port of Beira. It should be noted that if a country pursues a policy of disengagement, it limits its capacity to diversify (proposition 8).

10 *Landlockedness varies inversely with the benefits the transit states derive from the transit trade*

The economic interests of the landlocked and transit states in the transit traffic are interdependent. Thus, Zambia's copper and, to a lesser extent, Swaziland's iron ore are important bargaining assets. Competition for the copper traffic is particularly keen between the Rhodesian, the Portuguese and the Tanzanian authorities. In the case of Mozambique, transit traffic is especially important to its economy.

11 *Landlockedness varies inversely with the economic capability of the landlocked state*

The weaker the economy of a country measured in terms of gross national product per capita, the more vulnerable it is to increased transportation charges. In practice, only Zambia and Rhodesia have the resources to absorb heavy additional costs and, with the collapse of world copper prices in 1971, even Zambia has been compelled to react to challenges with greater caution.

12 *Landlockedness varies inversely with the degree of public support a government can command*

The more the **population** of a land locked state is prepared to accept **sacrifices**, the stronger the government in resisting the unreasonable demands of transit states. An important **consideration**, in addition to electoral support, is the extent to which certain sections of the **population** are dependent on imported consumer goods, and this in turn is likely to reflect the degree of **urbanization** and the size of the **expatriate community**. The **reactions** of Europeans and certain sections of the African **population** continue to limit the actions of the **Zambian** Government. Even in **Rhodesia**, there appear to be **limits** to what Europeans are prepared to endure.

13 *Landlockedness varies inversely with the land locked country's retaliatory capability*

Following UDI, the **Rhodesian** Government cut off Zambia's oil supply in retaliation for the **Zambian** Government's involvement in the UN **sanctions**. The **Zambian** Government was unable to **retaliate**. It could not withhold its copper traffic or (until 1972) cut off imports of **Wankie** coal. Nor was a threat to unleash **Zimbabwean** freedom fighters fully credible. To tamper with the transit trade between **Rhodesia** and **Zaire** across **Zambian** territory would be to risk **Zairen** interference with traffic on the **Benguela** route. Similarly the **Zambian** Government was powerless in 1971 to **retaliate** when the **Rhodesian** Government banned the importation of maize through Rhodesia. Nevertheless, Zambia's power to **retaliate** is probably greater than that of any other land locked southern **African** state.

14 *Landlockedness varies inversely with the legal security of a country's transit rights*

Even if legal **claims** are weak or ambiguous, and can only be enforced **politically**, they are **significant**. Botswana, Lesotho and **Swaziland** with the guarantees contained in the Southern **African** Customs Union Agreement, are in a stronger legal **position** than any of the other countries in the area.

15 *Landlockedness varies inversely with the degree of control a land locked state exercises over the transport systems and ports it utilizes*

At one extreme, there is **Zambia** which owns jointly with **Tanzania** all its major transport **links** to Dar es Salaam and at the other, Botswana and Lesotho which neither own nor operate the railways on their territories.

16 *Landlockedness varies with the number of countries which individual access routes transit*

Zambia alone is "double landlocked" in the sense that its southern, western and eastern routes (though not its northeastern route) all pass through at least two transit states

17 *Landlockedness varies with the degree of dependence on a single transit state or port*

For example, at the present time Malawi has a choice between Beira and Nacala, but both are Mozambique ports and therefore not alter natives in a political sense. This situation may change with the completion of the Tanzam railway (see Table V). Similarly, Zambia's alternative route through Malawi bypasses Rhodesia, but not Mozambique

18 *Landlockedness varies inversely with the physical security of the transport routes*

Interruption of transit service may result from political instability (as in Zaïre in 1967), the activities of freedom fighters (notably in Angola), sabotage by reactionary groups, theft, or looting

19 *Landlockedness varies with the current level of political and ideological conflict between the land locked and transit states*

Economic cooperation is frequently a reflection of the prevailing state of political relations

20 *Landlockedness varies with dependence on transit routes across the racial frontier*

The distinctive characteristic of the division between land-locked and transit states in southern Africa is its close correspondence to the division along racial lines. Currently, only Zambia has a major access route to the sea through Independent Africa, though Botswana and Malawi may each have one soon. The Rhodesian Government, of course, can rely on the goodwill of minority regimes in South Africa and the Portuguese colonies

21 *Landlockedness varies inversely with the interest of third parties in the transit trade*

Overseas suppliers and customers, multinational corporations and shipping companies as well as various governments all have economic or political interests in promoting free trade

If they are able and willing to exert political, economic or even military pressure on the transit states, the bargaining power of the land-locked states is enhanced

Table XV represents an attempt to operate the above **propositions** and to rank the **six countries** in terms of each of the twenty one **indicators**. The **cumulative** rank score **is** then used as an **index** of relative landlockedness. Botswana emerges as the most land-locked state and **Rhodesia** as the least (Table XVI). These measures of landlockedness are not **scientifically precise**. The problems **associated** with the **operation** of the independent **variables** the **availability**, **reliability** and **interpretation** of the data, the judgement **involved in** the case of **indicators** that cannot be **quantified**,²⁶ and the assumptions **made**²⁷ support the arguments of the **sceptic**. Nevertheless, the results may have a **limited validity**, even **if not conclusive**, they are at least **suggestive**. Moreover, **with the possible exception of Zambia** the ranks **assigned** are consistent **with** expectations.

Three **points of special interest** emerge. **Firstly**, the range of mean ranks **is quite** narrow **suggesting** that **variations** among southern **African** countries **in** the extent to **which** they are land locked **is** not great. Secondly, rank congruency is low. Out of twenty-one **indicators**, **Zambia** ranks **highest** on eleven and lowest on **eight**. Moreover, a breakdown of **indicators** into those that are **essentially** economic and **geographical** (nos 1–11) and those that are more **explicitly political** (nos 12–21) results in only **minor** changes **in** rank. However, **in** terms of **relative** rank, **Zambia** **is** revealed as less land locked **politically** than **it is economically** or **geographically**, while Swaziland **is** the **opposite** (Table XVI).

This suggests that, once the **Tanzam** railway is **operational** the **Zambian** Government could escalate **its** **political** confrontation **with** the **white minority regimes** of southern **Africa** without any **deterioration** in **its** overall land locked **condition**.

The **ideological** aspect of the **conflict** of **Interests** between land locked states and **transit** states in southern **Africa** **is** not **unique**, but it **is** more intense and fundamental than elsewhere. It **partially** accounts for the **variations in** the behaviour of **individual** land-locked states in southern **Africa**. Nevertheless, the **importance** of race and **colonialism** should not be allowed to obscure other **significant** variables **in** the transit problem (e.g. general economic **stability**, the **availability** of **alternative** routes, the value of the transit trade to the transit states and **third** parties). The **bargaining** power of the coastal countries is **invariably** great and often **decisive**, but **it** is rarely absolute. Even **in a hegemonic relationship**, a **client** state may have some scope for manoeuvre.

Notes

1 **Rhodesia**, Malawi, Botswana and **Zambia** are also transit states while the **maritime** states of South **Africa** and **Zaire** rely heavily on ports **in neighbouring**

states There is also considerable **Zambian** traffic through the **Zaire Pedicle** between the Copperbelt and **Luapala Province** and some Mozambique traffic through southern **Malawi** between Tete **Province** and Nacala

2 Overseas trade accounts for **53 %** of total external trade by **weight** (Table III) but **84%** by value (Table I) The **ratio** of exports to imports is **0.41** by **weight** yet **2.88** by value

3 There is an analogy with a balance of power strategy which seeks to ensure that the **assistance** available from **friendly** states is always adequate to **neutralize** any **potential** threat

4 TANU Conference May 28, 1969, **Tanzanian Information Service Press Release 48/69**

4A Following Rhodesia's **punitive** action in closing its northern border in January 1973 the **Zambian** Government resolved to end its **reliance** on **Rhodesian** routes **immediately** completely and permanently whatever the cost

5 One example of the Influence of **ownership** on transport **policy** is provided by the **railway line** built in 1909 by **Tanganyika Concessions Limited** from Kabwe to the **Zaire** border In 1929, **Rhodesian** Rulways exercised its **right** of purchase This proved ' a key factor in **determining** routes for Northern **Rhodesia** copper Had TCL continued as owner of the **Rhodesia Katanga Junction Railway** the **bargaining** power of TCL on behalf of the Benguela **Railway** as a **transporter** of **Rhodesian** minerals would have been substantially strengthened ' Edwin T Haefele and Eleanor B **Steinberg** **Government Controls of Transport** An African Case (**Washington Booking Institution 1965**) p 13

6 South African Rulways operated the southern half of the Botswana line until September 1966 when **Rhodesian** Railways took over full **responsibility** Botswana was represented on the Board of **Rhodesian Railways** from 1949 to 1963

7 United Nations Treaty Series, Volume 579 No 8641

8 Agreement Between the Government of the Republic of Botswana the Government of the **Kingdom** of Lesotho the Government of the Republic of South Africa, and the Government of the **Kingdom** of **Swaziland** **Terminating the Customs Agreement of 1910 and Concluding a New Customs Agreement**, Together with a Memorandum of Understanding **Relating** Thereto 11 December 1969

9 Convention between the Government of the United **Kingdom** and the Government of the **Republic** of Portugal relative to the Port of Beira and **Connected** Railways Lisbon 17th June 1950 London HMSO, 1950 Cmd 8061 **Article VI** The **Anglo** Portuguese Agreement of 14th November 1890 provides for freedom of navigation of the Zambesi river This might become **significant** if as is planned the **Zambezi** becomes **navigable** below the Cabora Bassa Dam

10 Convention between the Government of the United Kingdom and the Government of the **Republic** of Portugal **Relative to the Construction of Connecting** Rulways between Swaziland and **Mozambique** Lisbon 7 April 1964 United Nations Treaty Series Vol 539 No 7830

11 Treaty for East African **Cooperation** 6th June 1967 Article 9 (2)

12 Preamble **Articles VII, X**

13 United Nations Treaty Series Volume 110, No 1496 April 6, 1951

14 It is not clear how effectively these can be enforced as the **Rhodesian** Government controls the **railway** through Botswana

15 **Rhodesia, Parliamentary** Debates, Vol 79 (1971), cols 591 2 1564 South Africa and **Mozambique** pursue **similar** policies Report of the **Transportation Commission 1969** (Salisbury Government Printer 1969) p 16

16 **Tanganyika Concessions Limited** Report of the **Directors** and Statement of Accounts for the year ended 31st July 1967 p 6

17 **Article II (a) (i) of the Beira Convention**

18 Statement by **Minister** of Transport and Power October 17 1968

19 Letter to General Manager **Rhodesian Railways** March 7 1968

20 Except **during** the years 1957-1960 when **Lobito** was allowed a small quota

21 Statement by **Minister** of Transport and Power October 17 1968

22 *Times of Zambia* June 11 1971 p 3

23 Until 1971, there were only three deepwater berths **Since** then five more have been completed and a further three are planned for 1975

24 This assumes that the bulk of a country's **transit** trade **comprises** over seas trade **an assumption** that **is substantially** confirmed by Table I

25 **This is** a measure of the extent to **which alternative** routes are **economically** acceptable It **is** operated by **calculating** the **differential** between the longest and shortest **domestic** sectors on major routes

26 **Especially** the **political indicators** In each case, the ranks **assigned** reflect the author's personal assessments

27 In particular, the equal **weighting** accorded the variables and the **ordinal** scale **applied** to at best **relative** ranks

Table 1 Trade of landlocked Southern Africa countries 1970

(value in millions of US dollars)

	Overseas trade ^a				Total transit trade ^b				External trade		
	Imports	Exports	Total	% Total trade	Imports	Exports	Total	% Total trade	Imports	Exports	Total
Zambia	2574	9812	12387	838	437 1	993 6	1 430 7	96 7	477,2	1 001 0	1 478 2
Malawi	60 1	59 5	1196	707	73 1	62 2	135 3	79 9	100 1	69 2	169 3
Rhodesia	160	220	380	54 4	280	290	570	81 0	328 9	371 4	700 3
Botswana (1969)	n a	n a	n a	n a	11	14	25	40 6	43 2	18 3	61 5
Swaziland	4 8	53 3	58 1	44 6	4 8	54 3	59 1	45 4	59 8	70 3	130 1
Lesotho	n a	n a	n a	n a	4 8	0 3	5 1	13 7	32 0	5 2	37 2
Total					811	1 464	2 225	86 4	1 041 2	1 535 4	2 576 6

Based on *Annual Statement of External Trade 1970* (Lusaka Central Statistical Office 1972) *Annual Statement of External Trade 1970* (Zomba National Statistical Office 1971) *Economrc Survey of Rhodesra for 1971* (Salisbury Government Printer 1972) *Statistical Abstracts 1970* (Gaborone Central Statistics Office 1970) *Statistical News and Economics Indicators* No 24 August 1971 (Mbabane Central Statistical Office 1971) *Annual Revrew Botswana Lesotho Swaziland November 1971* (London Standard Bank 1971) *Statistical Yearbook 1971* (New York United Nations 1972) Figures are in some cases approximate and possibly incomplete

^a Overseas trade is trade through ports

^b Transit trade includes overseas trade and transit trade within Africa but excludes trade with immediate neighbours Figures for Rhodesia are estimates

Table II *Alternative routes and ports utilized by land locked Southern Africa*

	Maritime neigh bours	Major routes					Major & Minor	
		Routes	Ports	Average drst (km) within			Routes	Ports
				Land locked country	Transit coun tries	Total		
Zambra	5	3	3	570	1 650	2 220	18	10
Malawi	2	2	2	200	530	730	5	5
Rhodesra	2	2	2	500	470	930	6	3
Botswana	2	1	1	130	1110	1240	6	3
Swaziland	2	2	2	140	500	640	6	2
Lesotho	1	1	1	—	740	740	4	2

Table III *Zambian overseas trade for 1969 route analysis*

(gross short tons)

Port	Route	Method	Imports	Exports	Total	%
Beira/Lourenço Marques	via Rhodesia	road or rail	213 800	493 400	707 200	40.5
Beura	via Malawi	road or rail	1 700	4 600	6 300	0.4
South African ports	via Rhodesia	road or rail	10 900	100	11 000	0.6
Lobito	via Zaire	rail	122 400	125 900	248 300	14.2
Tanzanian ports		road	106 400	266 200	372 600	21.4
		pipeline	386 000	—	386 000	22.1
Mombasa		road	13 400	—	13 400	0.8
Total overseas trade			854 600	890 200	1 744 800	100.0
% total external trade			36.5 %	93.0 %	53.0 % ²	
Total external trade			2 336 700	956 800	3 293 500	

Based on **External Trade Route Analysis** for the Year 1969 (Lusaka Central Statistical Office 1971) **Figures** exclude overland trade with neighbouring countries notably Rhodesia and South Africa and also air freight

Table IV *Zambia access to the sea*

Port	Importance	Date established	Route	Distance (km)	Method	Comments
<i>Mozambique</i>						
1 Beira	Major	1909	Ndola Bulawayo Salisbury Beira	2 360	rail	1 000 km in direct line
2 Beira	Secondary	1954	Ndola-Chirundu Salisbury Beira	1 350	road	
3 Beira	Minor	1935	Lusaka Chipata-Salima/Balaka Beira	2 050	road-rail	Great East Road surfaced to Malawi border 1972
4 Beira	Potential		Ndola Lusaka Zawi Salisbury Beira	1 450	rail	350 km Lusaka Zawi rail gap
5 Beira	Potential		Ndola Kafue Tete Beira	c 1 650	rail	Bypasses Rhodesia & Malawi
6 Lourenço Marques	Secondary	1955	Ndola Bulawayo Lourenço Marques	2 330	rail	
7 Lourenço Marques	Secondary	1954	Ndola Salisbury Beitbridge Lourenço Marques	2 160	road	
8 Nacala	Secondary	1970	Ndola-Chipata Salima/Balaka Nacala	2 030	road rail	Great East Road to Malawi
9 Nacala	Potential	—	Ndola Kapiri Mposhi Chipata Lilongwe Nacala	1 640	rail	1 660 km to Beira
10 Nacala	Potential	—	Ndola Kafue Tete Blantyre Nacala	c 2 100	rail	
<i>South Africa</i>						
11 Durban	Secondary	1909	Ndola Bulawayo Mafeking Durban	3 130	rail	Also East London (3 195 km) Port Elizabeth (3 535 km) Cape Town (3 435 km)
12 Durban	Secondary	1954	Ndola Chirundu Salisbury Beitbridge Durban	2520	road	
13 Walvis Bay	Proposed	—	Ndola Livingstone Katimo Muhlo Walvis Bay	2250	road rail	Livingstone Seshekeroad 1973 Grootfontein Katimo mulolo road under active consideration

Angola

14	Lobito	Major	1931	Ndola Lubumbashi Lobito	2 375	rail	Transits Zaire
15	Lobito	Potential	-	Ndola Chingola Mwinlungu Muccussueje Lobito	c 2 300	rail	Bypasses Zaire
16	Moçamedes	Potential	-	Lusaka Mongu Serpa Pinto Moçamedes	c 2 200	rail	Alternative outlet Tiger Bay

Zaire

17	Matadi	Secondary	1928	Ndola Lubumbashi Port Francqui Kinshasa Matadi	3 050	rail barge	Voie nationale'
18	Banana	Potential	-	Ndola Port Francqui Kinshasa Banana	3 200	rail	Project now postponed

Tanzania

19	Dares Salaam	Major	-	Ndola Kapin Mposhi Tunduma Dar es Salaam	1 940	road	Great North Road hard topped by 1974
20	Dares Salaam	Projected	1976	Ndola Kapiri Mposhi Kasama Mbeya Dar es Salaam	1 990	rail	Tanzam railway (TAZARA)
21	Dar es Salaam	Minor	1956	Ndola Lubumbashi Albertville Kigoma Dar es Salaam	3 200	rail barge	Emergency route, 1966-68
22	Dar es Salaam	Minor	-	Ndola Kapiri Mposhi Mbeya Mbunga Mtwara Dar es Salaam	2 700	road barge	Emergency route 1966-68
23	Dar es Salaam	Minor	-	Ndola Kapin Mposhi Mbala Mpandu Dar es Salaam	2 500	road rail	Emergency route 1966-68
24	Dar es Salaam	Major	1958	Ndola Tunduma Dar es Salaam	1 700	pipeline	Tanzama pipeline
25	Mtwara	Minor	-	Ndola Kapiri Mposhi Tunduma Songea Mtwara	2 230	road	
26	Mtwara	Potential	-	Ndola Kapiri Mphoshi Mbeya Mbunga Mtwara	c 2 200	rail	
27	Mtwara	Potential	-	Ndola Chipata Nkhata Bay Mkamba Bay Songea Mtwara	c 2 500	road barge	Alternative route Chinsali Chilumba Mkamba Bay
28	Tanga	Minor	-	Ndola Kapiri Mposhi Tunduma Kilosa Tanga	2050	road	
Kenya							
29	Mombasa	Minor	-	Ndola Kapin Mposhi Tunduma Kilosa Mombasa	2 200	road	

Table V *Malawr access to the sea*

Port	Importance	Date established	Route	Distance (km)	Method	Comments
Mozambique						
1 Beira	Major	1935	Blantyre Nsanje Beira	650	rail	Shortest route to central and northern Malawi
2 Nacala	Major	1970	Blantyre Nkaya Nacala	810	rail	
3 Quebmene	Minor	-	Blantyre Mlanje Quehmene	390	road	
Tanzania						
4 Dares Salaam	Minor	-	Lilongwe Tunduma Dares Salaam	1 800	road	Link with Tanzam Railway shorter if junction at Serenje or Mpika
5 Dares Salaam	Potential	-	Lilongwe Chipata Kapiri Mposhi Mbeya Dar es Salaam	2 400	rail	
6 Mtwara	Potential	-	Lilongwe Nkhata Bay Mkamba Bay Songea-Mtwara	c 1 430	road	
South Africa						
7 Durban	Secondary	-	Blantyre Tete Salisbury Beitbridge Durban	2 350	road	Barge across Lake Malawi

Table VI Rhodesia access to the sea

Port	Importance	Date established	Route	Distance (km)	Method	Comments
Mozambique						
1 Beira	Major	1899	Salisbury Umtali Beira	600	rail	Beira naval blockade
2 Beua	Minor	-	Salisbury Umtali Beira	560	road	Beira naval blockade
3 Beira	Major	1964	Umtali Beira	290	pipeline	closed
4 Lourenço Marques	Major	1955	Sahsbury Malvernia Lourenço Marques	1 260	rail	
5 Lourenço Marques	Minor	-	Sahsbury Beitbridge Lourenço Marques	1 370	road	
6 Nacala	Potential	-	Salisbury Shamvu Tete Blantyre Nacala	c 1 500	rail	
South Africa						
7 Durban	Secondary	1906	Salisbury Bulawayo Mafeking Johannesburg Durban	2 350	rail	Also use East London Port Elizabeth and Cape Town
8 Durban	Secondary	-	Salisbury Beitbridge Durban	1 730	road	
9 Durban	Projected	1976	Salisbury Rutenga Beitbridge Durban	2 170	rail	160 km rail gap Rutenga Beitbridge
10 Walvis Bay	Potential	-	Salisbury Plumtree Gobabis Walvis Bay	c 2 300	rail	Transits Botswana and Namibia

Table VII Botswana access to the sea

Port	Importance	Date established	Route	Distance (km)	Method	Comments
<i>South Africa</i>						
1 Durban	Major	1906	Gaborone Mafeking Johannesburg Durban	1 240	rail	Came about 85 % of traffic Also use East London Port Elizabeth Cape Town
2 Durban	Minor	-	Gaborone Johannesburg Durban	1 000	road	
3 Walvis Bay	Potential	-	Francistown Gobabis Walvis Bay	c 1 650	rail	Transrts Namibia
<i>Mozambique</i>						
4 Beira	Secondary	1902	Francistown Bulawayo Salisbury Beira	1 280	rail	
5 Lourenço Marques	Secondary	1955	Francistown Bulawayo Lourenço Marques	1 270	rail	
5 Lourenço Marques	Secondary	1906	Gaborone Johannesburg Lourenço Marques	1 100	rail	
7 Lourenço Marques	Minor	-	Gaborone Pretoria Lourenço Marques	930	road	
<i>Tanzania</i>						
8 Dares Salaam	Projected	1975	Francistown Kazungula Kapiri Mposhi Dar es Salaam	3 200	road	
9 Dares Salaam	Projected	1976	Francistown Kazungula Kapiri Mposhi Dar es Salaam	3 100	road rail	Also Lobito route 3 700 km

Table VIII Swaziland access to the sea

Port	Importance	Date established	Route	Distance (km)	Method	Comments
Mozambique						
1 Lourenço Marques	Major	1944	Kadake Goba Lourenço Marques	300	rail	Main export route (new port at Dobela 1979)
2 Lourenço Marques	Secondary	1979	Havelock Barberton Lourenço Marques	240	cable rail	Asbestos exports
3 Lourenço Marques	Minor	1944	Manzani Nomahasha Lourenço Marques	180	road	
South Africa						
4 Durban	Major	-	Manzani Breyten Durban	980	road rail	Major import route
5 Durban	Minor	-	Manzani Mbabana Golela Durban	560	road	
6 Durban	Minor	1928	Golela Durban	390	rail	
7 Richard s Bay	Potential	-	Kadake Lothair Vryheid Richard s Bay	c 620	rail	Richard s Bay available in 1976
8 Richard s Bay	Potential	-	Manzani Golela Richard s Bay	c 410	rail	

Table IX Lesotho access to the sea

Port	Importance	Date established	Route	Distance (km)	Method	Comments
South Africa						
1 Durban	Major	1906	Maseru Bethlehem Durban	740	rail	
2 Durban	Minor	—	Maseru Bethlehem Durban	610	road	
3 East London	Minor	1906	Maseru Bloemfontein East London	750	rail	
4 East London	Minor	—	Maseru Wepener East London	600	road	
5 Port St Johns	Potential	—	Maseru Port St Johns	c 500	road	Outlet through Transkei

Table X *Ownership and operation of railways in land locked Southern Africa*

Country	Ownership	Operation
Zambia	Zambian Government	Zambian Railways
Malawi	Malawi Government	Malawi Railways
Rhodesia	Rhodesian Government	Rhodesian Railways
Botswana	Rhodesian Government	Rhodesian Railways
Swaziland	Swaziland Government	Mozambique Railways
Lesotho	South African Government	South African Railways

Table XI *Zambian transit traffic revision of Rhodesian Railways and other charges 1965-71 (US dollars)*

	Low rated commodities		High rated commodities		
	Coal	Maze	Other high bulk low value	Low bulk high value	Copper
Dec 19 1965 (withdrawn Jan 1 1966)	Royalty increased from 14 £ to \$14 00 per ton	—	—	—	—
Aug 1 1967	Revision of rates on sector basis following division of Rhodesian Railways involved an approx 25 % Increase in Zambia Beira rates				
Oct 1 1967	—	—	—	—	25 % increase
Mar 15 1968	Increased from \$1 05 to \$3 85 per ton	—	—	—	—
Nov 1 1968	—	50 % surcharge if copper traffic below 25 000 tons per month	—	—	—
Aug 17 1970	—	Increased from \$26 to \$40 per ton	—	—	—

Table XII *Export routes for Zambian copper 1966-70*
(short tons)

Port	Route	Method	1966		1967		1968		1969		1970	
			Tons	%	Tons	%	Tons	%	Tons	%	Tons	%
Dar es Salaam	Great North Road	road	46 100	7.3	172 300	25.5	193 500	27.0	258 900	33.1	285 000	38.0
	Mpanda Mpulungu	road rail	1 800	0.3	2 900	0.4	3 600	0.5	2 700	0.3	3 399	0.4
		road barge	300	0.0	1 300	0.2	36 900	5.2	—	—	—	—
	Albertville Ndola	rail barge	—	—	200	0.0	500	0.1	—	—	—	—
		air	20 200	3.2	28 200	4.2	27 600	3.9	2 800	0.4	—	—
Mtwara		road	—	—	6 400	1.0	8 700	1.2	—	—	—	—
Total Tanzania			68 400	10.8	211 300	31.3	270 800	37.9	264 400	33.8	288 300	38.4
Lobito	Zaire	riul	114 800	18.1	124 800	18.5	174 200	24.4	131 000	16.8	150 000	20.0
Beira	Malawi	road riul	16 400	2.6	45 500	6.7	34 300	4.8	—	—	—	—
	Rhodesia	road	2 100	0.3	1 500	0.2	—	—	—	—	—	—
Beira/Lourenço Marques	Rhodesia	rail	433 300	68.2	292 300	43.3	235 500	32.9	386 700	49.4	313 100	41.6
Total			635 000	100.0	675 400	100.0	714 800	100.0	782 000	100.0	751 400	100.0

Table XIII *Comparative route costs for Zambian copper exports to main European ports 1971*

(In US dollars per metric ton ex Nkana)

	Beira	Lourenço Marques	Lobito	Dar es Salaam
Transport to port	65 85	65 91	68 33	64 82
Port charges	6 20	7 03	2 13	6 01
Sea Freight	17 14	17 14	17 36 ^a	19 33 ^b
Total	89 19	90 08	87 82	90 16

^a Includes 5 % bunker fuel surcharge on contract rate effective from 1st March 1971

^b Includes \$2 20 Suez Canal surcharge

Table XIV *Length of domestic and foreign sectors of Zambia's alternative routes (km)*

Sector	From Ndola to			
	Lobito (rail)	Beira (rail)	Nacala (road rail)	Dar-es Salaam ^a (road)
Zambia	13 (1 %)	793 (34 %)	935 (46 %) ^b	920 (48 %)
Zaire	1 014	—	—	—
Angola	1 348	—	—	—
Rhodesia	—	1 246	—	—
Malawi	—	—	497	—
Mozambique	—	319	618	—
Tanzania	—	—	—	1 020
Total	2 375	2 358	2 050	1 940

^a Zambia Tanzania Road Services Limited like the Tanzam railway is jointly owned by the two countries

^b As road charges per km are higher than rail charges the proportion of cost incurred in Zambia exceeds 46 %

Table XV *Relative landlockedness in Southern Africa*

Indicators ^a	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	Cumulative Rank Score	Mean Rank
Rhodesia	4	1	5	5	3	5	5	2	2	2	2	2	2	4	2	4	2	5	1	1	2	61	2.9
Swaziland	1	2	3	3	6	3	1	3	4	3	3	5	3	2	4	3	3	2	4	5	3	66	3.1
Malawi	2	3	4	4	1	4	3	4	3	4	5	1	4	5	3	2	4	4	2	4	4	70	3.3
Lesotho	3	4	1	1	2	1	2	6	6	6	6	4	6	1	6	1	6	1	3	6	6	78	3.7
Zambia	6	6	6	6	5	6	6	1	1	1	1	6	1	6	1	6	1	6	6	2	1	81	3.8
Botswana	5	5	2	2	4	2	4	5	5	5	4	3	5	3	5	5	5	3	5	3	5	85	4.0

^a Correspond to the 21 propositions

Table XVI Relative landlockedness of Southern African countries

Economic and geographical indicators (nos 1-11)	All indicators	Political indicators (nos 12-21)
Swaziland		
Rhodesia	Rhodesia	Rhodesia
	Swaziland	
Malawi	Malawi	Malawi
		Swaziland
		Zambia
Lesotho	Lesotho	Lesotho
	Zambia	
Botswana	Botswana	
Zambia		Botswana

**The patterns of dependence of
land-locked African countries
''d'expression française''**

Pierre Alexandre

The land-locked countries of Afrique Occidentale Française (AOF) Mali, Upper Volta and Niger

The general framework of AOF

That the present overall **situation** of the states **issuing** from the former **colonies** of French West **Africa** cannot be fully understood without constant reference to the French **colonial** system may seem a rather obvious **truism**. It is nevertheless a necessary statement in **view** of the **misleading descriptions** of that system **often** found **in** French texts. Thus, even **official** sources speak of a "French West **African** Federation" (**Federation de l'AOF**). There was, in fact, no such **thing**. Until 1956 the so-called federation was **nothing** more than a **decentralized—or** rather **diluted—administrative** system. The component **colonies** had far less political and economic autonomy **vis a-vis** the Gouverneur General, **Haut-Commissaire in Dakar** than the **Nigerian regions vis a-vis** the Governor General and the **High Commissioner in Lagos**. The **colonial boundaries within** AOF had no **validity** in **international law**. They could be, and were quite often, redrawn by mere **administrative** order (a "decret", roughly equivalent to the **British order in-council**), without Parliamentary **sanction**. The most extreme case was that of Upper **Volta**, whose **territory** was completely dismembered and shared between its **neighbours**, Niger, French Sudan and Ivory Coast, in 1932 only to be reconstructed as a separate colony in 1946. The by laws and regulations in each colony were drawn up **within** a common framework decreed by the Governor General upon **instructions** from **Paris**, and on the whole this resulted in a very **high** degree of **uniformity**. In concrete terms this means that there were far fewer **differences in administrative** routine and practice between a coastal **rainforest district in** Guinea for instance and a **semidesert one in** **Niger**, than obtained between the Northern Territories and the colony in the Gold Coast, or between Iboland and Sokoto in Nigeria. Or to take an example on the other coast there was far more in common between Senegal and Niger than between Uganda and Kenya.

There were, of course, **differences** between inland and coastal **territories**, but they were due to **geographic** and in part, **historical circumstances**, rather than man made. In fact, the general trend of the **French colonial** policy was to try and **minimize** the **differences**.

The inland colonies—French Sudan, Upper Volta and Niger—were in the semi-desert savannah belt, 'AOF **seche**' (dry West Africa) as opposed to 'AOF **utile**' (useful West Africa), i.e. the well watered rain-forest area closer to the coast. This meant that the former had fewer **agricultural** resources and that **transportation** costs were higher. **Historically**, they had come **within** the sphere of Moslem influence at an early stage, **which** meant that **mission** schools had far less success than in the pagan areas on the coast and the people showed more resistance to Western **indoctrination** and **innovation**.

The French tried to reduce **inequalities** by **collecting** the **main** financial resources and **apportioning** the heaviest expenses at the "federal" rather than at the territorial level. Thus, the coastal **territories** were made to **subsidise** the inland **territories**. Similarly, the railway system was subsidised by "federal" funds to lighten transportation costs for the benefit of inland colonies and, after 1946, **metropolitan aid** for the poorer and more remote **territories** was, on the whole, more generous.

This **situation** led to resentment on the part of the coastal **territories**, a resentment which, from 1946 onward, found expression in the French parliament, in the 'federal' assembly ("Grand **conseil**"), and even more so in the **territorial assemblies**, where local interests were **pre eminent**. The existence of an all-AOF anti **colonialist**, **nationalist** party, RDA (Rassemblement Democratique **African**) tended to moderate the coastal protesters, but **it** did not silence them. On the other hand, the **railway** strike called by the RDA in 1948 was far more **embarrassing** for the inland **territories** than for the coastal territories.

In 1956, the *loi* cadre granted a measure of self government to the **African** colonies (rather than to the "federation") and **deprived** Dakar and the federal assembly of an important share of **their** power, especially as regards taxation and **economic** control. The **architect** of the law, on the **African** side, was Dr F. Houphouet Boigny (then **minister** of Health and Welfare in the French **cabinet**), who had acted, as it seems now, more as an Ivory Coast politician than as **president** of the all-AOF RDA. In fact, the RDA branches in Sudan and **Niger** had been more or less reticent about the new **organization**, since **their** local finances stood to lose more in "federal" **subsidies** than they gained by **keeping** all the **monies** from local **taxation** in their own coffers. At this **time**, however, what had been retained of the former powers of the "federal" **administration** in Dakar still allowed for a good deal of remedial **action**, supplemented by an increase in metropolitan aid.

A trend had been set nevertheless, **which** was to result in all the former **colonies** of the "federation" **going it** alone after independence. **Their** relationships henceforth **pertained** to the field of foreign **policy**, despite the fact that attempts were made, **sometimes** successful, to keep a few

common **services going**, with the help of the former colonial ruler. From **1960** onward, the problems of the three land locked countries were **mainly political**, their **geographic position being** but a **contributing factor**, if an **important one**. For instance, it was due to **political (in part ideological)** reasons that **Mali** (the former French Sudan) had a more **difficult time**, in terms of standard of **living, prices** etc., than **Niger**, despite the fact that the latter lacked the former's **rail link** to the sea. Conversely, **Guinea**, with **direct access** to the sea and an excellent harbour, could **afford** a much more **radical and militant foreign policy** than **Mali** because it did not risk **denial** of the right of **transit**, as **did** a land locked country.

Shortly before independence, the seven **Community members** (that is the component **colonies** of AOF except **Guinea**) had set up a customs **union (UDAO)** with **provisions similar** to those of the **colonial tariff regulations**. At the **time** of Independence there were two attempts to **regroup** some of the former **colonies** the close **knit**, and **ill fated**, **Federation of Mali** (Senegal and French Sudan), and the loose **Entente** (Ivory Coast, Upper Volta, Dahomey and **Niger**) **which**, probably because it was far less **institutionalized** and far more **flexible**, endures to **this day**. Those **regroupings** were also **in line with** a recurrent trend of the **colonial period**. There had been, from **1919** onward, several proposals to cut down the huge AOF **into** two or three **Federations** of a more manageable **size**, each with its own **coastline** and **railway** to the **interior**. The proposal most **seriously considered** would have **divided** AOF on **lines** very **similar** to what actually occurred in 1960 to the west, a **Senegal Niger federation** consisting of **Mauretania**, Senegal, French Sudan and **Guinea** with **Dakar** as the **capital** (OERS, **Organisation des Etats Riverains du Fleuve-Sénégal**), to the east **Benin**, consisting of the present **Entente** states, with **Abidjan** as the capital.

While this kind of **regrouping** was contemplated or actually attempted with the express **view** of **alleviating** the **plight** of the **inland territories**, the fact **remains** that the coastal states **retained** the **ultimate sanction**. This is more **significant in West Africa** than in **East Africa**, insofar as a country like **Uganda** has natural resources **quite** as **important** as that of its coastal **neighbours**, **which is** far from **being** the case with the land-locked countries of the former ' **federation**.

The **following** tables **provide** an **impressionistic** rather than a **scientific** summary of the **positions** of the West African states concerned (**Guinea Bissau** is purposely **omitted**) on some **important issues** **which** may be used as **indices** of their general **politics** and **policies**. While this **tabulation** is certainly not a very **convincing** one, it shows nevertheless **significant discrepancies** between the general **political** stance of some states and the **quality** of their **relationships** with some of their **neighbours**, a very **characteristic** example **being** that of "revolutionary" **Mali** and

'conservative Ivory Coast It **is** of course, more relevant to **examine** the **situation** of each **inland** state and to try to **determine** if, and how, **it** was affected by the **geographical handicap** of **lacking** direct access to the sea

Mali

After its breach **with** Senegal, **Mali** (formerly French Sudan) found **itself** in a **difficult situation** The **Dakar–Niger railway**, modernized shortly before independence, was cut by the Senegalese, the tracks torn up near the border, and the **rolling stock** confiscated The most **likely** alternate route seemed at first to be through Guinea, **via** the Conakry–Kankan **railway** and the international (formerly **inter colonial**) road from Kankan to Bamako **Guinea** had chosen the same **political options** before **independence** as Mali—in fact, after the breach **with** Senegal, **Mali** **nominally** adhered to the **Ghana–Guinea union**—and welcomed **Mali** back among the so called **revolutionary** states as a **prodigal son** But sympathy was not enough The **Guinean railway**, **laid** on difficult ground, **with** a steep **gradient** from the coast up the Fouta **Djalon hills**, never had the carrying **capacity** of the **Dakar Niger railway** Furthermore, it had been **disorganized** by the sudden, withdrawal of all French **technicians** and engineers after Guinea's **negative vote** in the 1958 **constitutional** referendum, and the ensuing lack of French made spare parts **Finally**, the motor road, rarely used before Independence, was not properly **laid** and deteriorated very **quickly** under heavy traffic

In **addition** to these **technical** problems, there were economic ones the **nationalized import trade** in Guinea was (and **still is**) highly **inefficient** and **quite** unable to **provide** for the needs of both countries Only a trickle of traffic could pass through **Guinea**

The other **possibility** was through Ivory Coast The **route from Bamako** to the excellent harbour of **Abidjan** **is** about 200 km longer than that to Conakry, but across far easier ground The **Abidjan–Ouagadougou railway** **is** very modern and **efficient**, and Mali **is** linked **with** it by a strategic road, hard surfaced on **its Ivory Coast section** and **which** can bear much **heavier** traffic than the Kankan–Bamako road The **hitch** was—or might have been—that Ivory Coast's **politics** were—and **are**—**diametrically** opposed to those of **Mali** in nearly all respects And yet it was along the Ivory Coast route that **Mali's** most important **imports** passed as long as the **Dakar–Niger railway** remained closed (i.e. up to 1964)

The **explanation** lies partly in the warm personal **relationship** between President **Modibo Keita** (Mali) and President **Houphouët-Boigny** (Ivory Coast), and also in the latter's coolness towards President Senghor

	Mali	Senegal	Guinea	Ivory Coast
1 Official ideology	Marxist socialism	African socialism (non Marxist)	Marxist socialism	Liberal
2 Relations with France	Cool	Very close	Bad	Very close
3 Relations with the West	Cold	Good	Cold to bad	Very good
4 Relations with the East	Good	Rather good	Very good	Very bad
Relations with Mali		Broken then cool	Good but inefficient	Good, efficient

(Senegal) More Important, in all probability, is President Houphouët Boigny's perennial wish to act as a mediator or go-between when there is confrontation (cf. his recent stand on South Africa). By helping Mali to survive the consequences of the breach with Senegal, he was able to prevent escalation of the conflict. He was also able to acquire discreet control over Mali's foreign policy, which was very useful in view of the very tense relationship between Ivory Coast and Ghana. Guinea could afford to support Ghana, Mali could not. Finally, even after the reconciliation between Dakar and Bamako, part of the Malian trade (in cattle, for instance) continued to flow through Ivory Coast, and Senegal was never to resume the near monopolistic position it formerly held.

Upper Volta

With the Upper Volta Republic the situation was somewhat different. Upper Volta had long felt "a colony's colony", insofar as its main, indeed sole, role in the colonial system was to provide soldiers for the Pioneer Corps and labour for Ivory Coast.

It was to facilitate labour recruitment that the colony as such was suppressed in 1932. In 1959 President Yameogo hesitated for several weeks between joining Mali or the Entente. He took the logical step in joining the latter: the Abidjan-Ouagadougou railway has been called Upper Volta's windpipe, and there are nearly half a million of Upper Volta's citizens working in southern Ivory Coast. The politics of the two countries were rather close. With a well preserved system of traditional chiefdoms, more than 60 000 well disciplined and proud veterans from the French army, and a strong and influential Roman Catholic Church, the Voltaic Republic was anything but "revolutionary" even if there was a temporary estrangement from France just after Independence. (Upper Volta refused to sign a defence agreement, arguing it had more than

	Upper Volta	Ivory Coast	Ghana	Togo	Dahomey
1 Official ideology	Christian democrat then military	Liberal	Left wing socialism	Liberal	Confused
2 Relations with France	Close	Very close	Bad	Correct then close	Very close
3 Relations with the West	Good	Very good	Bad then rather good	Very good	Good
4 Relations with the East	Rather cool	Very bad	Good then bad	Rather bad	Cool
Relations with Upper Volta		Tense to fair	Tense	Correct	Correct

enough commissioned and non-commissioned officers to organize its own army without French assistance) Yet, in many respects, poverty made its citizens feel closer to those of equally poor Mali than to relatively wealthy Ivory Coast. They were not entirely wrong since their two rich neighbours were, in years to come, to use their wealth to influence people if not always to win friends.

Following Independence there was a period of difficulties with Ivory Coast. This was in part due to the rising xenophobia of the Ivory Coast populace (which was officially discouraged and censored by both government and party). While this was chiefly aimed at the Dahomean and Togolese migrants, who held influential posts with the foreign firms and even the government, it also embraced a number of Voltaic settlers who had bought farms and plantations in the south. The official reasons, however, were of a more technical nature: a dispute about railway management, customs, and the statute on migrant workers. This led to a rapprochement between Upper Volta and Ghana. The wisdom of this move can well be doubted in view of the great differences between the politics of the two countries, of the fact that Ghana was quite unable to offer the same communication facilities as Ivory Coast. Moreover, while Upper Volta's migrants in Ghana had for a long time fared better than those who had gone to Ivory Coast, this ceased to be true when Ghana began to decline into bankruptcy. The rapprochement was short-lived and gave way to acute hostility, with Ghanaian troops at one time occupying some of Upper Volta's border villages. So the Upper Volta Republic returned to the Entente and was welcomed all the more readily as Ivory Coast had been somewhat alarmed by the abortive alliance with Ghana. The finances of Ivory Coast were sound enough for Abidjan to grant Ouagadougou some of the litigious points graciously. Moreover,

in contrast to **Ghanaian policies** Ivory Coast diplomacy **studiously avoided** any move likely to give the impression that **it** sought to turn Entente members into satellites (President Houphouët **Boigny** attempted to create an Entente citizenship for **migrants** living in Ivory Coast but **this** was rejected by an **irate Ivory Coast populace**) **Ivory Coast was—still is—** the **dominant partner** in the Entente but has been **wise** enough not to emphasize it

It may seem strange that Upper Volta has not sought an **alternative** route through **Togo** via the permanent **hard surfaced** Sokode–Tenkodougou road and the Lomé **Blitta** railway This **is** of course, far less **convenient** than the regular route through Ivory Coast but, **in** most respects, a better proposition than the **Ghanaian** route While **Togo** is not a member of the Entente **as** a former trust territory it has retained a certain tradition of aloofness—it has always been on good terms with **its** northern **neighbour** President Sylvanus **Olympio** had a solid reputation **as** a sound businessman and would have probably been able to **devise** some kind of deal to the benefit of both **countries** One is tempted to **think** that the Ghana–Upper Volta rapprochement was to a degree, a kind of **blackmail** or at least a **warning** to the effect that, **if** Ivory Coast intended to make too much of **its position** Upper Volta could and would retaliate in terms of foreign policy And it worked

Nzger

The **Niger Republic** has been called a **geographic** monster Its western part, the predominantly Zerma **Songhai** Niger valley borders upon Dahomey, while **its** far **wider** eastern part can be considered a human and **geographic** extension of Northern **Nigeria** **Historically** the dry savannah and pre desert belt of eastern Niger was part of the Hausa **Fulani** and **Kanuri** kingdoms till the **colonial** conquest Before the Second World War, it was serviced through Lagos and the **Nigerian railways** **This line** of **communication** was interrupted when AOF refused to become **Gaullist** **in** 1940 and never fully restored Instead **traffic** passed by a dry-season road to Parakou, **in** northern Dahomey and thence by the **Benin railway** to the wharf-and roadstead at Cotonou—a rather slow, costly and **inefficient** arrangement at the best of times, **which** became very much **overstrained** at the time of the annual operation **Swallow** (operation **hirondelle**) when the groundnut harvest of **Niger** had to be evacuated **within** a few weeks

The **situation** was wholly to the advantage of Dahomey whose railway would have had very **little** to carry but for the patronage of **Niger Politics** **in** Dahomey are a fine art, or a national **pastime**, for home **consumption** only, and there was, at first, no reason for any **kind** of **strife with Niger** On the other hand, a real **malaise** **existed** between Niger

	Niger	Dahomey	Nigeria
1 Official ideology	Manly Moslem	Confused	Mixed
2 Relations with France	Close	Very close	Cold
3 Relations with the West	Good	Good	Far
4 Relations with the East	Cold	Cool	Far
Relations with Niger		Alternately cold and far	Cold to far

and **Nigeria**. The "ayes" barely had it at the 1958 referendum, the then **Premier**, Djibo Bakary, who had called for a **negative** vote was ousted and sought refuge in Accra, making frequent trips to Kaduna. His Sawaba party was seen as a Hausa machine seeking to re-incorporate eastern Niger into the Sokoto empire, Djibo Bakary himself being viewed as both Nkrumah's and Ahmadu Bello's stooge. There were several attempts at Sawaba infiltration from Northern Nigeria, resulting in bloody fights (especially in 1964). The Sawaba terrorists, trained and equipped by Ghana, were, to say the least, tolerated by the Northern Nigeria authorities as long as they did not meddle in local (Nigerian) politics—or did so only according to the instructions of National Party Congress.

All this meant that Niamey could hardly seek to use the Nigeria route in the event of a conflict with Dahomey. Yet such a conflict was allowed to develop in 1963–1964, at a time when relations with Nigeria were nearly at their worst.

The official cause of the Dahomey–Niger conflict was a dispute as to who held the sovereign rights on Lete island, in the Niger river. Lete is uninhabited and submerged for about five months every year, which may explain why, despite the fact that it produces very tasty sweet onions, the colonial administration had never bothered to adjudicate in favour of either Niger or Dahomey. In point of fact, this border dispute was but a pretext, and the causes of tension were deeper. On the one hand Niger complained about being exploited by Dahomey, on the other, Dahomey accused Niger of harassing Dahomean settlers. Both accusations were true—there was a kind of dialectical process, with perpetual feed back of grievances and reprisals. It took arbitration by Ivory Coast—and several discreet interventions from Paris—to bring about a reconciliation between the two states. Despite the fact that their ideologies and general politics were not in conflict, and that they shared the same powerful and rather menacing neighbour, they nevertheless stood on the brink of a breach which would have seriously inconvenienced both of them.

5 Conclusions

It seems that there has been a three stage development

1 During the colonial period communication problems were dealt with by a **centralized** ('federal') **administration**, whose **aim** was to alleviate the difficulties **incurred** by the land locked **colonies**. The coastal **colonies** resented the expense—or the loss of **profit**—implied by this policy

2 After independence, the 'federal' **regulations** gave way to **international** agreements between the former colonies. The coastal states used their geographical advantage to wield **political** influence over the land-locked countries. The latter tried to find alternative supply routes, **which** were generally less **efficient**. The only **exception is** in the case of **Niger**, where economic common sense seemed to **dictate** the use of the route through Nigeria—which was refused for **political** reasons

3 The third stage was one of **compromise**. The coastal states demonstrated their geographic **superiority**, the inland states **their** will to **resist** blackmail (or to use counter blackmail). The 'federal' technical agencies were re activated to restore a **kind** of balance

It is worth noting how much the former colonial **political boundaries** **remain significant** in purely geographical terms. One could well have expected a shift of communication **links** to the benefit of former **British colonies**. Yet the only attempt on this line was a total failure. Most conflicts resembled **family** disputes, the contestants avoiding the involvement of **foreigners**.

As suggested before, the lack of direct access to the sea seems to be important but not **determinant** in **political decisions**. It certainly gives more **political** advantage to the coastal states, but, at least in West Africa, does not enable them to dictate **their** will to inland countries, since, due to the **size** and geographic locations of the former colonies, there **is** always the **possibility**—at a cost—of **finding** another more or less devious route to the sea (a **situation** wholly different from that in South Africa).

Finally there are some problems **which** stem more from mere **distance** (and terrain) than from the existence of a **political** border. Equatoria and Katanga can thus be **considered** landlocked even if Sudan and Zaire are not, and some of the consequences of their geographical situation, with regard to **internal politics**, are probably comparable to those of the position of land locked states as regards **inter African** relations.

Louis Sabourin

Problems and prospects of the seven land-locked countries of French-speaking Africa Central African Republic, Chad, Mali, Niger, Upper Volta, Rwanda and Burundi

En Afrique tout bouge sans changer
Boubou Hama **President** of the
National Assembly of Niger

Any analysis of the seven French speaking land locked countries of Africa (Central African Republic, Chad, Mali, Niger Upper Volta Rwanda and Burundi) must take into account two fundamental geographical and historical facts Firstly, these land locked countries have not been blessed with natural resources Secondly, and as a direct consequence of the first phenomenon, they were, during the colonial period the hardship posts the forgotten territories which received much less than the coastal territories from France and Belgium For many observers their survival, twelve years after independence is either a miracle or an anachronism

I Basic problems

A General situation

The French speaking land locked countries of Africa have a population of about twenty five million people Four of them border on the Sahara desert the three others, the Central African Republic Rwanda and Burundi, are located in Central Africa their standard of living and their level of literacy are extremely low

All of these countries, except Mali and Burundi are members of OCAM (Organisation Commune Afrique et Malgache) They are also members of the Zone Franc (a monetary arrangement similar to the Sterling Area) except the two former Belgian colonies Rwanda and Burundi The seven countries are associated with the European Common Market They are mainly producers and exporters of agricultural products

Even though a certain amount of economic development has taken place in these countries since Independence the rate of economic development has been very disappointing In reality, these seven coun

Country	Population	GNP per capita (\$)
Central African Republic	2250000	120
Upper Volta	5100000	50
Niger	3000000	90
Rwanda	3 500 000	70
Chad	3 600 000	50
Mali	4 800 000	50
Burundi	3000000	50

tries have all the characteristics of the so called underdeveloped countries rural societies with a very high birth rate and a high level of unemployment lack of infrastructure in almost every field, economies based on very few commodities in a word states which cannot expect to achieve economic stability in the near future

B Characteristics

Aside from the generalized state of underdevelopment five points should be raised in order to fully convey the situation that prevails in the seven countries

- 1 Dependency syndrome
- 2 Lack of social cohesion
- 3 Over centralization of the decision making process
- 4 Imposed political status quo
- 5 High degree of stimulated pride in the state

1 Dependency syndrome

A striking factor is what one could term the dependency syndrome. Some of these countries while wishing to break with the past are neither ready nor able to achieve this goal. They all have French inspired political institutions and educational systems civil services closely modelled on that of France an elite and intellectual groups trained in the Schools of High Learning and Universities of France they also depend on France for aid and technical assistance. Even to day, twelve years after their Independence, the presence of France is overwhelming and, in many cases absolutely necessary despite a number of attempts by some of these states to diversify their co operation. In the case of the two former Belgian colonies the situation is somewhat different, because Belgium's influence is not so evident

2 Lack of Social Cohesion

A second factor, present in all these countries and which has had **considerable** effects, is the lack of social cohesion. The **boundaries** drawn up by the **colonial** powers took no account of socio-cultural factors. Every one of these states is made up of a mosaic of tribes and ethnic groups. **tribal** quarrels have often been a central element in the **political** history of these **countries**. For example, both Chad and **Burundi** have been troubled for some time by civil strife. Besides, the lack of social cohesion is not **conducive** to a concerted national effort in the field of development.

3 Over centralization of the Decision-Making Process

A third factor is the over centralization of the **decision-making** process in a geographical, **administrative** and **political** sense. Power, in most of these countries, is extremely personalized at the very top. The **decision-making** process **is** also **centralized** in the **national capitals**, within the control of very few people and where the military play a **decisive** role. Thus, it **is** remote from the needs of the vast **majority** of the population **living** in rural areas. **Given** the **primary** role of the state in the development of these countries, it has often led to very poor **decision-making** in the economic field.

4 Imposed Political Status Quo

A fourth factor is the imposed **political** status quo. Most of these countries have had fewer changes of government than **is** usually believed, but there **is** constant **political** and social **agitation** that often has its roots in tribalism. The **authoritarian** and often harsh nature of some of these **regimes—such** as those of the Central African **Republic**, **Burundi** and Chad—has led to **civil disturbances** that sometimes have reached major **proportions**.

5 High Degree of Stimulated Pride in the State

Another factor **which** has an impact on internal and external **relations**, in particular with neighbours and coastal states, is the **high** degree of patriotism that exists in each of these states. This **is** often generated **artificially** by **national** leaders, but in most cases the populations are extremely jealous of **their** independence. In several instances, **national pride** has been the cause of **friction** between neighbours and has **jeopardized** the participation of a few states in **institutions** such as **Air Afrique**.

These five phenomena **exist**, to **various** degrees, in all seven French speaking land locked **countries** of Africa. They are not the only factors that influence the arrangements for access to the sea but they have a

bearing upon them. One must add, of course, that the attitude of the coastal states is fundamental **in this** regard. These arrangements will now be **reviewed**.

II Agreements and arrangements for access to the sea by the land-locked states of French-speaking Africa

Two basic kinds of agreement **exist**. The first derives from the membership of **regional** organizations like **Organisation Commune Afrique et Malgache (OCAM)**, **Union d'Etat des Etats de l'Afrique centrale (UDEAC)**, **Communauté économique de l'Afrique de l'Ouest (CEAO)**. The second, often based on **historical** usage, stems from **bilateral** agreements.

A Regional Agreements

OCAM's main objective is, "in the **spirit** of the **Organisation** of African **Unity**, to foster **co-operation** and **solidarity** between member states, in order to accelerate **their** economic, **social**, **technical** and cultural development." ¹ As members of **this organisation**, the **Central African Republic**, **Upper Volta**, **Niger**, **Rwanda** and **Chad** **might** have had good access to the sea, and thus have had a better **opportunity** to develop. However, ten years after its **creation**, **OCAM** is far from being a success. It has been unable to foster the economic development of **its** members, **especially** the land locked members.

However, even **if** **OCAM** has **failed in this** field, there does not seem to be any other **alternative** to **regional** economic union. For example, **UDEAC**² **is** an economic union **within** the framework of **which** the **Central African Republic** has been able to solve some of **its** economic problems.

In West Africa the **establishment** of **CEAO** in June 1972 gave rise to much hope in the land locked **countries** of this area. Seven states have initiated the agreement that has yet to come **into** force. **Ivory Coast**, **Dahomey**, **Upper Volta**, **Mali**, **Mauritania**, **Niger** and **Senegal**. The **Community's** area is more than 4 million square kilometres, and it encompasses more than 29 million people.

Amongst the objectives of the Community, as **laid** out in **its** Convention, **is** the "improvement of the **infrastructure** in the fields of **marketing**, transportation, transit and **communications**, by **facilitating** the transport of national produce through the easing of **administrative** procedures and the **setting** up of **appropriate** tariffs, by giving preference to

the **national** conveyers and by reserving, whenever possible, **inter state traffic** to **companies** of the **interior** states, and by **assisting** transit operations to and from the interior states ' 3

These measures could **immensely** improve the situation of the land locked **countries**. In addition, a programme aimed at the harmonization of industrial development, and of **specialization** in **this** field should foster **cooperation** between the coastal and landlocked countries. If the **Convention** is Implemented, Upper Volta, Mali and Niger among the poorest **countries** in the world, would **certainly** benefit in the field of **economic** development. Further comments on CEAO will follow in the third part of this paper. The arrangements on a country by country basis will now be examined.

B Bilateral Arrangements

1 Central African Republic

The agreements that have given the Central African Republic access to the sea stem from **this** country's membership of ATEC (Agence transequatoriale de **Communications**), **established** in 1959. Congo, Gabon and Chad are members of this inter state **organisation** whose supreme authority **is** the Conference of Heads of State. ATEC's mission is to **coordinate** the various **organisations** engaged in transportation and communication of common interest, such as the Congo Ocean **Railway**, the harbours of Pointe **Noire**, Brazzaville and Bangui, and the service responsible for the upkeep of **certain** inter state roads.

ATEC has just collapsed, however, several agreements between CAR, Congo and Chad ensure that all the **previous** agreements concerning the transit of produce from CAR and Chad through the Congolese port of Pointe **Noire** retain their validity.

As a member state of UDEAC, CAR is **entitled** to use the harbour of Douala.

The harbour of Bangui, on the **Oubangui River**, is well equipped, and ensure the **effective** passage of the **import-export** trade to and from CAR. The river provides the main access to the sea, linking up with the Congo–Ocean Railway in Brazzaville. The journey to the ocean is divided **into** two parts: 1) the Oubangui–Congo river system, 1 200 km long and 2) the **Brazzaville–Pointe Noire** railway, 500 km long. The possibility of linking CAR to the Trans Cameroon **Railway** is being **studied** at the present **time**. Three projects are under **consideration**: an **improvement** of the **existing river communication**, a road and a **rail way** **linking** Bangui to the northern **terminal** of the Trans Cameroon **Railway**.

In the field of air transport since 1960 the Central African Republic has been serviced by UTA and Air Afrique. However on the 13th of August 1971 the Central African Republic withdrew from Air Afrique and established its own airline Air Centrafrique. Following the signing of agreements with Zaïre, Congo and Chad Air Centrafrique operates services to these three countries.

2 Upper Volta

According to the Upper Volta-Ivory Coast agreement of April 1959 concerning the railway connecting the two countries Upper Volta's main means of access to the sea is the Abidjan-Niger Railway 1 147 km long the railhead of which is Ouagadougou. The line is to be extended to Dori in Upper Volta in order to transport manganese mined at Tamboá.

Ouagadougou is 1 209 km from Abidjan and 1 000 km from Lomé (Togo) by road. In addition agreements have been signed in recent years between Ghana and Upper Volta dealing with road transport of public interest.⁴ Upper Volta could take advantage of the harbours of Tema and Accra only 846 km from Ouagadougou but does not make great use of them.

Upper Volta possesses two international airports in the 'A' category Ouagadougou and Bobo Dioulasso serviced by UTA Air Afrique and Air Ghana.

3 Niger

OCDN (Organisation commune Dahomey-Niger des chemins de fer et des transports) established in 1959 operates a railway to Northern Dahomey (Parakou) from there the Organisation is responsible for road transport into Niger. The railway was built in 1952-1953 in order to reduce Niger's dependence on Nigeria for the export of its produce. The railway and the road are not in very good condition.

The authorities of Niamey expect that the Niger River will soon provide a satisfactory route for Niger's exports. Canadian engineers have canalized part of the Niger River, so that year long navigation of bigger barges between Niamey and Port Harcourt will be possible which will considerably improve Niger's access to the Atlantic Ocean.

Niamey used to be an important stop over for Trans African flights. It has a first class international airport. It is serviced by Air Afrique UTA, SABENA, and some other airlines. Niger like Upper Volta is a member of Air Afrique.

4 Chad

Belonging to the now defunct ATEC, Chad's main access to the sea had always been the Congolese port of Pointe Noire. Although all of the

ATEC facilities have now been nationalized, and although Chad has withdrawn from UDEAC, the previously existing agreements concerning Chad's access to the sea have been continued with Congo and the Central African Republic. The trans equatorial route Fort Lamy-Bangui-Brazzaville-Pointe Noire thus remains the main Chad's access route.

A number of other agreements with surrounding countries ensure Chad of its access to the sea. Three main routes are used, pursuant to these bilateral arrangements: the Cameroon route (2 057 km from Fort Lamy to the sea), the Niger route (2 000 km), the Sudan route (2 650 km).

A number of projects have been proposed with a view to improving Chad's access to the sea. At the present time, the Nigeria Railway's railhead at Maidiguri is only 250 km from Fort Archambault. An extension of the line to the Chad border is being planned. Sudan is also planning an extension of its railway to El Guenima, only a few kilometres from the Chad border.

Another project is being discussed: the extension of the Trans Cameroon railway from Ngaoundere to Fort Archambault (550 km). Chad would thus be only 1 500 km from the sea. However, this extension would be very expensive and although it has been discussed since 1962, no effective progress has been made.

Fort Lamy has an excellent international airport. It handles more freight than any airport of the other OCAM countries (14 000 tons). Fort Lamy is serviced by Air Afrique, Air Zaire, UTA, Cameroon Air Lines, and Air Centrafrique.

5 Mali

At the present time, Mali's only means of access to the sea is the Dakar-Niger Railway, linking Dakar and Bamako. 645 km of the line's 1 290 km are in Mali. However, with the establishment of CEAO, Mali should also be able to gain access to the sea through Togo and Dahomey, which would reduce the excessive traffic placed on the single line leading out of the country. In 1968, the line's freight traffic reached 102 million ton km. The Senegal River is navigable from Kayes in Mali to Podor in Senegal, and the Niger River can be used for freight traffic from east of Bamako to Kouroussa in Guinea.

Mali has a national airline, equipped with Soviet aircraft, that links Bamako to most African capitals and to Paris. UTA and Air Afrique also service Bamako airport, as do various East European airlines.

6 Rwanda

Formerly under Belgian Trusteeship, Rwanda has preserved the links dating from colonial times that provided it with access to the sea through

its powerful neighbour, Zaire at Matadi Despite the poor state of the roads, Rwanda also has access to the Indian Ocean at Mombasa and Dar es Salaam, recently however these two ports have become the main Rwandan outlets for its exports

There is also some traffic on Lake Kivu between the small Rwandan ports of Cyangugu, Kibuye, and Gizenye and the Zaire harbours of Goma and Bukavu Two shipping lines provide a regular service on the lake

There are two international airports in Rwanda, at Kigali and Kanombe, serviced by SABENA

7 Burundi

Burundi's access to the sea is tenuous at the present time Most of Burundi's trade is shipped across Lake Tanganyika, from there, it is transported to Mombasa in Kenya The poor state of the roads does not ease the situation

Three airlines service Bujumbura's international airport SABENA, Air Zaire and East African Airways

III Prospects

A Possibilities

Faced with all these difficulties what are the alternatives? To do nothing at all would be disastrous Some countries (e.g. Mali) for fear of being re colonized tried a radical change, but this did not go beyond verbal propositions Other alternatives are 1) to find access to the sea other than in the colonial tradition 2) diversify the export trade so as to export goods which can absorb the additional costs and still remain competitive, 3) 'Further efforts should be made to promote regional co operation of politics between land locked countries and their transit neighbours, at least with respect to basic transport routes, from ports through transit neighbours to each land locked country'

If one excepts the particularly difficult situation of Rwanda and Burundi most of the land locked French speaking countries have gained access to the sea within the framework of agreements signed before Independence The main preoccupation of those who conceived the existing system was to furnish these countries with access to the sea that was Independent of the English speaking countries surrounding some of them Alternative shorter routes could be used Chad, for example, could gain access to the sea through Nigeria The same is true for Niger the work being done on the Niger River opening it up on a

year long basis from Niamey to Port Harcourt in Nigeria, should considerably improve this country's export potential. However, this is the only case where a major breakthrough will occur in the near future. For the other countries, although regional unions such as CEAO could improve the situation, no short term improvements are imminent.

A major impediment to these countries' access to the sea, besides the length of the lines of communication, is often the very poor state of the facilities. Most of the rolling stock of the railways linking the coastal cities to the land locked countries dates from before Independence, and has not been properly serviced during the last ten years. The line from Cotonou to Parakou in Dahomey is an example of such neglect, Niger was thus left with little choice: it had to obtain better access to the sea through Nigeria.

Although significant progress has been made in the last ten years in the field of road improvement, the condition of most of the international truck routes is not very good. This takes a heavy toll on the vehicles.

There are brighter prospects in the field of aviation. All the land locked countries have first class international airports although in some cases this has been done for strategic reasons. They are well serviced by their national carrier and a number of foreign airlines. However, due to the small amount of cargo that can be transported economically this way, the importance of aviation is in the field of passenger transportation.

Rwanda and Burundi are extreme cases. Although substantial quantities of their produce used to be exported through Zaïre, disorder in this country and oft strained relations between Kinshasa and the two land locked states have seriously hampered trade and transit. These two countries now use the Kenyan port of Mombasa as their main outlet to the sea. Given the poor state of the roads both within these countries and in Kenya, immense difficulties confront these states in their efforts to increase export trade.

B New Initiatives

Although most of these countries have access to the sea, and although they are well serviced by air, their general situation is unsatisfactory. During the next few years there will be some major changes that will give these countries more rational access to the sea. New efforts will be made at the multilateral, regional and bilateral levels.

Firstly, the United Nations and UNCTAD have recommended that special measures be taken in favour of the twenty five poorest countries in the world.

Secondly new initiatives will appear at the regional level. As previously mentioned, an indication of this was given at the conference held in Bamako in June 1972. Most of the land locked countries with Niger as their spokesman vented their dissatisfaction with the existing arrangements concerning their access to the sea through the coastal countries. President Diouri said he could see little advantage in the proposed union given that most of his country's trade would soon be passing through Nigeria as soon as the work on the Niger River was completed.

The geographic situation of my country at the extreme east of the CEAO is by itself a major factor which prevents us from partaking with you in the joy resulting from the birth of this child that we all desired and shaped. No matter how much we would like to act politically, no matter how much we would be prepared to pay, we are prisoners of our environment and we will be for a long time that is such that we cannot enter into any agreement that is not collective that is to say that is not open to certain of our neighbours with which we are closely tied. In any case, I do not doubt that the situation is going to change soon.

President Diouri let it be known that if Algeria, Nigeria and Libya could not become members of the new Union, Niger was not interested in ratifying it. It is likely that Upper Volta felt the same way about Ghana.

Thus it seems that several countries previously prevented for political reasons from entering into agreements with countries that were not part of the former French Union will now attempt to do so. This will provoke a fair amount of discussion amongst francophone countries as many leaders hesitate to weaken the advantages they derive from these ties.

A third factor that may improve the plight of the land locked countries is the opening of several mines in the interior. The discovery of manganese at Tambova in Upper Volta and at Ansongo in Mali has led to the formation of a number of companies that intend to open mines in these areas. To transport the ore, a number of railway lines have been planned that will link Niamey, Ansongo and Ouagadougou thus considerably improving access to the sea. The development of uranium mining in Niger in the Air Mountains should also result in the building of a railway from Niamey to the northern areas of the country. As mining develops in these landlocked countries, the rail network necessary to transport the mineral ore to the ocean ports will be expanded since rail transport would seem to be the cheapest means of transporting large quantities of ore over long distances. Minor disadvantages of these developments are that they tend to perpetuate existing patterns of transport and as most of the mining companies will be French, it follows that most of the financing will be done by French banks.

However there is little hope in the near future of a major break through in this field, most of the land locked countries economic development is lagging behind the development of the coastal countries. Major improvements in access to the sea will require large amounts of capital that these countries cannot raise by themselves, and the international financiers do not seem to be interested. The case of Niger and its Niger River development is an exception the financing is all external coming from aid sources.

The problems of access to the sea of these countries but one facet of the very complex problem they are facing in the general field of economic development. It is a cause of the countries' economic difficulties, and a result of the deficiencies of their economies.

The regional economic unions could have provided these countries with a framework within which they could have not only gained access to the sea, but also could have shared in the economic development of some of their coastal partners. This has not taken place. Furthermore, the few effective common organisations, such as Air Afrique, are losing members, as these states seek to establish national airlines at a ruinous cost. The case of the Central African Republic is typical. The collapse of ATEC is another example of the breakdown of regional solidarity.

Although there are indications that one or two countries are prepared to break with the past, this has yet to become a reality. A revision of the formal agreements with France is going to be delicate and difficult.

As for Rwanda and Burundi, the plight of these countries no better than that of the former French territories. Burundi has recently witnessed tribal disturbances, civil strife, and mass murders. The situation in Rwanda, although more stable, is only a little better. In the long term, the improvement of their access to the sea depends very much on the development of Tanzanian and Kenyan rail and road transport systems. The governments in Nairobi and Dar es Salaam do not place a high priority on improving access to these two states.

Conclusion

Access to the sea is, for the French speaking land locked countries of Africa, a vital matter upon which depends much of their progress and development. All their leaders are conscious of the necessity of finding a permanent solution to the problem. Unfortunately, it is too early to predict that such a solution will be found and accepted by all the parties concerned. Too many national and international interests are involved for clear-cut solutions to be found for all land-locked countries. On the other hand, the future of most of these countries depends on their capacity to achieve equilibrium between national pride and social and economic progress.

However, the future of these countries also depends upon external influences. Even if the role of France and to a certain extent Belgium, remains the same, the Influence of other countries and institutions (e.g. the Common Market) will be greatly enhanced in this part of the world. In this regard, the Influence of Zaire, Nigeria, Algeria and Libya in the seven French speaking landlocked countries of Africa will be well worth observing in the years to come.

One must remember that these countries are not only land locked but also shackled by out dated structures and attitudes. As long as these prevail, external Influences will be to no avail and will only further the advancement of a small minority. The future of these countries depends therefore on a combination of external Influences and radical changes from within.

Notes

- 1 OCAM Charter Article 1
- 2 Togo sent an observer to the conference and has not yet committed itself
- 3 *Afrique Nouvelle* May 31st 1972 (N 1287) page 3
- 4 *Redressement Voltaïque* in Europe France Outre Mer No 467 December 1968
- 5 United Nations Conference on Trade and Development (UNCTAD) 1972
- 6 *Le temps du Niger* June 5th 1972 page 4

Land-locked countries of Southern Africa: politics of confrontation

The international sub-system of southern Africa Introduction

Southern Africa as a case study of comparative regional interaction has been neglected. It has been overlooked by the writers of theoretical works on international sub systems despite its controversial position in the world. Yet its faulty structure indicates a need for change which in turn might increase the understanding of patterns of behaviour in other regions.

One approach to the analysis of sub systems is the adoption of an 'issue area framework'. Regional systems can be regarded as interaction between international factors and social values. In southern Africa there are various types of economic security, social and organisational relationships within the region. The intensity of interaction is rather varied. For example, Zambia's disengagement from the region indicates a gradual change in its regional relationships. It is now associated with the East African sub-system in security, social and organisational affairs, and is also diversifying its economic and infrastructural relationships. Zambia's links with another region on several issues are of relevance to Botswana, Malawi and Swaziland, if not Lesotho.

Integration in southern Africa is limited to economics and security. The security sub system involves a smaller number of factors than the economic sub system. The Independent African states of the region are members of the Organisation for African Unity and other international organisations while the whites in the region retain social and cultural links with Europe. Economic Interdependence may result in security and organisational restraints, while different organisational relationships may not inhibit economic cooperation.

This distinction between the scope and intensity of interactions allows of a more penetrating analysis of the land locked Independent African states in southern Africa. Inherited economic and infrastructural relationships are the most difficult and expensive from which to disengage. Furthermore, the military confrontation between Independent African states and the white minority regimes will require the African regimes of the region to be discreetly neutral.

Economic Interdependence and military vulnerability prevent the Independent African states from diversifying relationships on the other

two issues. However, the white minority regimes cannot prevent links being established between Botswana, Lesotho, Swaziland and Malawi and the various African organisations. Conversely, those states which advocate a dialogue between the Independent African states and the white minority regimes have not changed their policy. Nevertheless, the landlocked states are limited in their choice of foreign policy in respect of economics and security. In respect of social and organisational issues, the position of a landlocked state is less restricted. The effects of ethnic co-existence are mitigated by the benefits of common institutions such as monetary union which bind South Africa to Botswana, Lesotho and Swaziland.

If a sphere of influence means that one state dominates regional affairs, then South Africa can realise this on only two issues. Even though it has complete military dominance, it is unlikely to achieve a similar position in economic and infrastructural links. The imbalance of economic resources between states and races in the region gives South Africa an advantage on other issues but politically South Africa is restricted because the African regimes in the area can seek new links outside the region. The attrition of guerrilla warfare has prevented South Africa from organising any inter-state grouping to promote dialogue, despite threats and incentives.

The white oligarchy has encouraged regional development in order to protect its own prosperity. Yet its plans for regional co-existence are dependent on the cooperation of the Independent African states in the area. Their crucial role in the situation has produced a love-hate relationship between South Africa and the Independent African states in the region.

The regional schemes of the whites are designed to eliminate the threat of African dominance. However, segregation is an unstable basis for regional co-existence. And the links of the African states in the area with other Independent African states detract from the white domination of the region.

Southern Africa is not an international sub-system embracing all issues. The economic and military power of the white minority regimes necessitates cooperation or compliance on the part of the Independent African states, but the two issues do not overlap. The numerous social and organisational links of the landlocked states with other Independent African states and the Third World are not subject to approval by the white minority regimes. Moreover, the exclusion of the white minority regimes from most international organisations indicates that they are no longer acceptable to the international community. They need to be integrated into southern Africa to reduce their isolation, to minimise antagonistic pressures and to substantiate their claims to international

respectability However, the Independent African states succeeded in **getting** the Lusaka Manifesto adopted by both the **Organisation for African Unity** and the **United Nations** South Africa has much less **international** support for its outward looking policy of dialogue

Southern Africa is only a **partial international** sub system because it lacks autonomy and **cohesion** The structure and type of **its relationships** are uneven because of the **persistence of segregation and inequality** The **possibility of translating functional cooperation into** Interdependence in other fields is **limited by segregation** Distinctions between the scope and pattern of **relationships on different issues** lead to a **rejection of analyses which** regard southern Africa as a 'sub regional constellation',¹ a 'subordinate state system',² or an **identifiable sub system**³ So far, the few monographs on the **region describe or prescribe** rather than compare the **region's** orthodox and idiosyncratic interactions Rhodie outlines the development of **functional cooperation in the 'Third Africa'**,⁴ Lombard and others **investigate the prospects for economic integration and incorporate the emerging Bantustans into their** conceptual framework: and Marquard proposes a **regional federation** as an **alternative to stagnation or violence**⁵ These studies concentrate on the development of **economic and infrastructural links and ignore military conflict, ethnic tensions and organisational diversification** Economic order does not guarantee **socio political justice** Conflict may have to precede peace **keeping if** all sub system issues are to promote **integration and equality** Change towards reduced **ethnic inequality** may depend on **outside** pressures on the sub system to reduce **its** autonomy on all issues The **social and organisational links of the African land locked countries with** other Independent African states and the rest of the world offer prospects for such **international action** These states may be able to transform the very nature of **their regional sub system**

Notes

1 See I William Zartman Africa as a subordinate state system in international relations *International organization* 21 (3) Summer 1967 545-564 reprinted in Marion E Doro and Newell M Stultz (eds) *Governing in Black Africa Perspectives on new states* (Englewood Cliffs Prentice Hall 1970) 324-341

2 See Larry W Browman The Subordinate State System of Southern Africa *International Studies Quarterly*, 12 (3) September 1968 231-261

3 See Christian P Potholm and Richard Dale (eds) *Southern Africa in perspective Essays in regional politics* (New York Free Press 1972) see especially the analyses by J E Spence Christopher R Hill Christian P Potholm and John A Marcum

4 See Eschel Rhodie *The Third Africa* (Cape Town Nasionale Boekhandel, 1968)

5 J A Lombard J J Stadler and P J van der Merwe *The Concept of economic cooperation in Southern Africa* (Pretoria Econburo 1969)

6 Leo Marquard *A federation of Southern Africa* (London OUP 1971)

Colin Legum

The problems of the land-locked countries of Southern Africa in the confrontation between independent Africa and South Africa, Rhodesia and Portugal

1 The Setting

The **international** sub system of southern Africa¹ is the most powerful and closely Interdependent of all the sub systems on the **African continent**. Until 1964 it embraced 10 **countries** but **Zambia** began a process of **disengagement** after Independence **which**, though **still** far from **completed**, has made it less dependent but **still** vulnerable to pressures from the **region**. If **Zambia** should succeed in effectively **disengaging** from the southern African sub system its action would be of **decisive importance** for the future of the region.

The **nine remaining** members of this sub system **comprise** five states **with white minority regimes**—the **Republic** of South Africa the former mandated **territory** of **Namibia** (South West Africa) the rebel **British** colony of **Rhodesia**, and the two Portuguese **territories** **Mozambique** and **Angola**--and four Independent **African** states—**Lesotho**, **Swaziland**, **Botswana** and **Malawi**. They cover two **million** square miles and have forty **million inhabitants** of whom less than one tenth are **whites**. There are four **striking characteristics** about the future **relationships** within this area.

First the **dominating** Influence of the **white minority regimes** of **Africa's white population** 90 % live in these states.

Second the clash of **national** Interests between the Independent **African** and the **white minority regimes** in the area this produces a permanent state of **tension** between them.

Third the sub system is **dominated** by the economics and military power of the **Republic** of South Africa.

Fourth the weaker **independent African** states as well as **Rhodesia** are all land locked and dependent to some degree on the **policies** of the **white minority regimes** two of **which** control all the **immediate** outlets to the sea.

The reality of the southern African sub system is that the **white minority regimes** are totally **committed** to **maintaining** a status *quo*—i.e. permanent rule, in one form or another by the **white minority**—while the **African majority** strives for changes in the status *quo* to enable them

to establish some form of democratic government throughout the region

The confrontation has been summarized by Botswana's President, Sir Seretse Khama ² "The current balance of power is undeniably in favour of white power in southern Africa. If the existing confrontation escalates quickly, the likely result is not the achievement of self determination, but the strengthening of minority rule and a weakening of the forces of progress on the continent. It is for Africa and the international community to look for ways of promoting change which will serve to avoid such an outcome

There is neither agreement among the white minority regimes about the best means of maintaining their supremacy, nor among their challengers about the means of changing it. This induces inter racial conflict which heightens tension and suspicion as well as adding to the complexity of the politics of southern Africa. Not the least of these complications is the deliberate choice by some independent African governments to maintain closer relations with white-minority governments (as between Malawi, South Africa and Mozambique) than with other Independent African government. There is, however, no case of a minority white regime establishing relations with an Independent African regime at the expense of another minority white regime in the region

Thus, there is a highly sensitive network of suspicious relationships, which has been further compounded by external forces within the southern African sub system. The more powerful Western nations maintain strong economic and diplomatic links with both the white minority and the independent African regimes. The African system operates against the white minority regimes, while the non aligned nations and the communist countries give indirect support to the more militant challengers of the white minority regimes

During the last 20 years, southern Africa has become more violent and bitterly racial, today, over two thirds of the members of the United Nations regard the area as a threat to world peace. Paradoxically, though, not all recent political developments have moved in the direction of white/black polarization. Choice is influenced largely by national interest and partly by the hope that such an approach may contribute towards reconciling the white minorities and the African majorities. However, even those African leaders who favour closer co-operation with Pretoria are irrevocably opposed to white supremacy. Co operation with Pretoria is a tactical play, since they are no less committed to the objective of majority rule than those who choose to limit their contacts with the white regimes as much as possible. The choice of tactics is influenced to a considerable extent by the conceived interests of national leaders, and not just by the options that may be open to them. This point will be elaborated further

However **divided** the **political** leaders may be **in** their approach to the problems of the **region**, all are aware of the dangers of **racial violence** and major **disorders threatening** southern Africa. Warnings about these dangers come as frequently from South Africa's leaders as from African leaders. Expressed **anxieties** are **typified** by this recent warning from a prominent South African banker Dr Jan S. Marais:

I believe that we must accept that every second which ticks past our clocks the whole **civilized** world will be less **willing** to condone any form of **discrimination** on the ground of **birth**, colour or background. Africa has already begun to **arise** out of its sleep. It is not going to help if we use **injustice** and **malpractices** as an excuse for **ignoring** the basic **philosophy** of world **citizenship**, nor will it help to **think** that this philosophy is not going to have much influence on our country.

Lesotho's Prime Minister, Chief Leabua Jonathan, has warned that the **inevitable** result of *apartheid* would be a violent **confrontation** between white and black South Africans. Peace, he added, will be maintained only in an atmosphere of **equality** and the acceptance of **majority rule**, irrespective of colour. **Violence** might come next year, or in 10 years, or even in 20 years—but it will eventually come. No African can stand *apartheid*. They are my brothers. I know their mind.⁴

Clearly, the 40 million people of southern Africa share a common **interest in eliminating racial tensions** and conflict, yet the **policies** for achieving a more stable and tranquil system are so sharply in conflict that they serve mostly to **increase** rather than **diminish** the **political instability** of the sub system.

2 Policies and tactics

The **divergent policies** of the **nine** states still fully **within** the sub system as well of **Zambia**, reflect not only the **Interests** and **aspirations** of the **dominant political** power groups **within** each country, but also their country's **relative geographic** and economic position.

Of the Independent African states **within** the sub system, the country with the fewest options is Lesotho. It is not only an **island** **within** South Africa, but also it has a **minimum** of natural resources on which to **build** a self **sufficient** economy. It **imports** about five **times** more than it exports, and it has a **steadily increasing** trade **deficit**, its dependence on South Africa is almost complete. Even though Lesotho has **claimed** the return of its **conquered territory** in the Orange Free State, and although its leaders sharply condemn *apartheid*, its **national policy** is **dictated** by the **realities** of its situation. In the words of its Prime Minister: "Our **geographical position** in relation to South Africa is a

permanent feature of our fate. We cannot escape from this naked reality'.⁵ On another occasion he said that while the Basotho abhorred *apartheid* because of their economic dependence, we must retain good relations with South Africa to survive.⁶

Swaziland, economically the best endowed of the three former British High Commission territories, has two major constraints which determine its foreign policy. Firstly, because all its communications pass through South Africa and Mozambique, it is obliged to maintain good relations with at least one of its two neighbours. Secondly, economic growth provides no escape from the sub-system, indeed, the greater the growth the more dependent it becomes on the economic and communication systems of its neighbours.

This is the particular dilemma of all South Africa's weaker neighbours. As Percy Selwyn has pointed out,⁷ in general terms a weak, poor country in close proximity to a stronger, richer country may well find its relative backwardness entrenched as a result of the interaction of the two economies.

This phenomenon is also explained by A. O. Hirschman. There can be little doubt that an economy to lift itself to higher income levels must and will first develop within itself one or several regional centres of economic strength. This need for the emergence of growing points or growth poles in the course of the development process means that international and inter-regional inequality of growth is an inevitable concomitant and condition of growth itself.⁸

Swaziland, like Lesotho, has deliberately chosen growth even though this means increasing its dependence on the sub-system. Explaining the reasons behind its attempts to persuade South Africa to provide a direct railway link between the two countries, the Minister of Works, Power and Communications, Senator Polycarp Dlamini, said:⁹ Swaziland and South Africa are in the same geographical area, the same customs area, the same money area, and same in everything except politics. Since man may not live on politics, so whether or not Swaziland agrees with South African politics, she has to live with her.

But while deliberately promoting this policy, the Swazi Government has endeavoured to diminish South African political influence in its internal affairs by refusing to accept (except in a few isolated cases) the secondment of South African nationals in its administration, by regaining control over land leased to foreigners (mainly white South Africans), by establishing strong political links with African countries through the Organisation of African Unity and by seeking closer economic links with the East African Community. Its position, therefore, is closer to that of Botswana than of Lesotho.

Botswana's position, on the other hand, is closer to that of Zambia

than of Swaziland even though its economic situation is much less favourable than Swaziland's. But it has the advantage of a direct access route to Zambia.

Botswana's national policy is an open challenge to South Africa's racial policies without however seeking to bring about a complete breach between the two countries. It seeks to balance its relations with South Africa by promoting closer links with Zambia and the rest of Independent Africa. Botswana's international position has been clearly defined on a number of occasions by its President ¹⁰. Two key points in his policy statements "are especially important

Human dignity is indivisible and we are not prepared to compromise our non-racial principles. I am confident that our position is respected by our powerful neighbour to the South. They do not like what we have to say about non-racism. Our only common frontier with independent majority ruled Africa is a narrow disputed one with our sister Republic of Zambia. So apart from Zambia whose practical and moral support we value highly we have as our immediate neighbours the white minority ruled territories of southern Africa. And these states are not only our neighbours for historical and geographical reasons which are none of our choosing we also trade with them. Our economies have long been closely inter-linked and we depend on their transport systems for our outlets to the world. The main railway connecting South Africa and Rhodesia crosses Botswana and we rely on it not only for our trade with the outside world but for internal communications. It is wholly owned and operated by Rhodesia Railways. If you add to this pattern of dependence the considerable disparity in the level of development and in economic and military power between Botswana and its whiteruled neighbours particularly the Republic of South Africa you will understand why at the time of our independence we were often dismissed as a hostage or a client state. This is a view which regrettably still prevails in some quarters today and which is fiercely resented by my people who are engaged in a struggle to develop not only our economy but also clear and consistent national principles suited to our conditions and rooted in our traditions which will guide our national progress.

Botswana's attempt to strengthen its northern outlet to Zambia and beyond it, to the East African Community is reflected in its decision to build an all-weather road link with Zambia. But this national objective brought objections from South Africa which maintains that there is in fact, no common frontier between Zambia and Botswana. The point at issue is the precise location of the frontier in midstream at the confluence of the Zambezi and Chobe rivers which is technically the common boundary between Zambia, Botswana and the Caprivi Strip of Namibia.

While South Africa agreed to withdraw its objections to the road so long as the link is maintained by the existing ferry at Kasungulu it has reserved its right over the future construction of a bridge. On this con

troversial issue, the South African Prime Minister, Mr Vorster, has made a somewhat ambiguous statement ¹²

I have no jurisdiction over and consequently no say over links that might or might not be built between Independent countries. That is no concern of mine whatsoever. If the question implies whether the road link will pass over South African territory that of course is a different matter and the South African Government has made its position very clear to the Botswana Government. I have nothing further to add to that.¹

Meanwhile, the future of the road link remains in doubt because of Botswana's reconsideration of the economic priority of this road relative to the country's need for a network of internal communications. The international issues raised by the disputed frontier still remain to be settled.

Botswana's dilemma of how to sustain its economic growth without also increasing its dependence on South African capital communications and expertise is illustrated by its experience over its mining development.¹³ From the outset, the Botswana Government decided that its mining growth should depend as little as possible on South African capital and infrastructure. It was for this reason that the late Chief Tshekedi Khama decided that Bamangwato Concessions (which controls Selebi Pikwe) should negotiate with the Zambian based Roan Selection Trust (RST), rather than with the Oppenheimer Anglo American Corporation (which is South African based). Sir Seretse continued his uncle's policy and set himself the task of building up an international consortium comprising the USA, Sweden, West Germany, Australia, Britain and Canada to finance and operate the Selebi Pikwe mining complex. But financial and political forces combined to defeat this purpose. By 1971 the Anglo American Corporation had become the dominant partner in Bamangwato Concessions. While the Botswana Government may be ready to welcome the participation of Harry Oppenheimer, it nevertheless remains suspicious about his links with South Africa and, above all, it does not wish to see Botswana's mining wealth dominated by any other company (the Anglo American Corporation also controls the Orapa diamond mines). This possibility of a single company getting a dominating position was further increased during the year when Anglo American discovered the biggest known coalfield in southern Africa at Palapye. What can a country like Botswana do with so much coal? The obvious answer is to establish a large thermo energy industry on the coalfield. This would require considerable water supplies. But despite its intense aridity, the country has abundant water locked up in the Okavango swamps—a desolate and sparsely populated area. The coal field could help to realise the Botswana dream of unlocking the waters

of the Okavango and so fulfill the country's major need - water for irrigation. But to whom would the power be sold if not to South Africa? Botswana's neighbour, however, is likely to be even more interested in getting the surplus supply of the Okavango's waters for its water-starved major industrial base in the Southern Transvaal. Thus, the future development of the Palapye coalfields could raise new issues for the Botswana Government.

Of all the Independent states in southern Africa, Malawi alone is in a relatively strong enough position to emulate Zambia by disengaging from the sub-system. But its present government, influenced by its President Dr Kamuzu Banda, has deliberately chosen to move in the opposite direction to Zambia. Thus, instead of linking up with its neighbours in the East African Community, it has allied itself more closely through diplomatic and economic relations with South Africa and Mozambique. This decision is only partly explained by the country's economic interests. More cogent reasons are to be found in Dr Banda's unfortunate experience with neighbouring Tanzania over an early post-Independence crisis within his Government, in his concern about the violent challenge of the liberation movements to Portuguese rule, and in his ambition to build a new capital at Lilongwe for which the only available source of capital appears to be South African. He has subsequently sought to rationalize his choice of economic options by contending that his policy of close co-operation with the Portuguese and South Africans is the most hopeful means of achieving political change within the power structure of the white minority regimes.

Most recently there have been signs of a change in Dr Banda's policy. In 1972 President Banda tried to improve relations with Zambia and softened his attitude towards the Organisation of African Unity (OAU). Although Malawi did not send a representative to the 1972 OAU Summit in Rabat, it cabled an apology. A representative from Malawi attended the meeting of the enlarged Liberation Committee of the OAU in Dar es Salaam in September 1962 and voted for the resolution calling upon the countries adjacent to the territories where the liberation struggle is being waged to allow free transit of men and materials to the battle zones.

The most visible change in Malawi's policy has been that in relation to FRELIMO (The Mozambique Liberation Front) which maintains an office in Malawi. Although this has been publicly denied by Dr Banda, he nevertheless indicated his sympathies for the refugees from Mozambique by saying: 'The people in Mozambique are our own people, flesh of our flesh, blood of our blood. When they are in trouble they have every right to find refuge in Malawi.'^{13A}

Recently, it has been reported that FRELIMO is operating militarily

from Malawi into the Tete province in Mozambique. Although this may not have Dr Banda's approval, he has not done anything to stop it.

3 *The Politics of Confrontation*

The Independent African states of southern Africa pursue widely different and often conflicting policies. The white minority regimes, on the other hand, all share the view that 'good neighbourliness' and peaceful co-existence are both desirable and possible provided all their neighbours practise a strict policy of non-interference. Despite its claims to do so, South Africa does not practise non-interference, as will presently be shown. While all South Africa's neighbours notionally subscribe to a policy of non-interference, all exercise their right to criticize *apartheid* and other manifestations of racial policies in the region.

South Africa's strong wish for 'peaceful co-existence' is expressed through Prime Minister Vorster's outward-looking policy. The aim of this policy is to get all the governments in the continent to establish close economic and diplomatic relations regardless of their national policies. South Africa's outward-looking policy is influenced by three major considerations.

The first is security: the aim is to avoid overt hostile action by other African states, especially through their support of liberation movements. The second is diplomatic: it would be easier for South Africa's Western allies to maintain their support if there were good relations between South Africa and a significant number of independent African states. The third is economic: South Africa wishes to develop export markets within the continent vital for the expansion of South Africa's industries.

The diplomatic manifestation of this outward-looking policy is the encouragement of a dialogue between Pretoria and its African neighbours.¹⁴ The southern African sub-system has become the testing ground for this policy which grew out of South Africa's developing relations with the former British High Commission Territories after they became Independent, and which subsequently gained support from the advocacy of Dr Banda.

Dialogue has so far failed to bring the white minority regimes the peaceful co-existence they have sought to develop on their own terms. On the contrary, it has proved to be strongly divisive and made it even more difficult for some of Mr Vorster's closest neighbours to remain uncritical about the policies pursued by his *apartheid* regime. As a reaction to the policy, the Independent African states have stated their own continental policy in the Lusaka Manifesto. Originally endorsed in 1969 by 13 of the 14 members of the East African Regional Organisa-

tion (Malawi dissenting) it has since been adopted by the Organisation of African Unity as well as the United Nations General Assembly. The Lusaka Manifesto rejects the continuation of white supremacy anywhere in Africa but expresses a strong preference for change by peaceful rather than by violent means. It offers negotiations provided the principle of majority rule is first accepted. Failing acceptance of this offer the signatories affirm their reluctant but determined commitment to achieve democratic rule by any means that may become necessary. The Lusaka Manifesto has become the accepted policy of all the Independent African states in southern Africa except Malawi.

The dispute between the advocates of dialogue and of the Lusaka Manifesto dominated political debate in Africa between 1969 and 1972 but by the middle of 1972 it became clear that the so-called 'dialogue club' was losing ground. One of the reasons for this failure was the sharp division among the Independent African states in southern Africa. Only Malawi advocated a dialogue without conditions—the prerequisite demanded by South Africa. Botswana opposed dialogue on any terms other than those provided by the Lusaka Manifesto while Lesotho and Swaziland favoured a dialogue to discuss the terms offered by the Lusaka Manifesto. It now seems unlikely that dialogue will be the means of reconciling the controversial issues of southern Africa. On the other hand, unless a fundamental change of attitude occurs within South Africa and Rhodesia it seems equally unlikely that the Lusaka Manifesto will be the means of reconciling the opposing forces within the sub-system.

This failure to agree about the means of achieving change peacefully occurs at a time when the thrust of the guerrilla liberation forces has become more powerful not only in the Portuguese territories but also in Namibia. The attrition of the Portuguese forces in Guinea-Bissau has been strained by the growing success of FRELIMO's forces in the Tete province of Mozambique. Tete is strategically important because it is the wedge between Zambia, Rhodesia and Malawi. Moreover it is the centre of a network of road and rail communications between the landlocked countries of central Africa and the Indian Ocean besides being important because of the construction in the area of the controversial Cabora Bassa hydro electric complex. Within the last year political writers normally sympathetic to the Portuguese cause have begun to dismiss Mozambique as 'the sick man of Africa'.¹³ They have also expressed alarm about what will happen to Rhodesia and South Africa if FRELIMO should succeed in undermining the Portuguese military operations in Mozambique. There is also the possibility of more effective guerrilla action in Angola following the agreement in July 1972 between two of the territory's major liberation movements—

Roberto Holden's UPA (União das Populações de Angola) and Angostinho Neto's MPLA (Movimento Popular de Libertação de Angola)—to unite under a single military command

South Africa's policy towards the guerrilla movements in southern Africa has been consistent and clear cut. Mr Vorster has pledged to make police and troops available to fight guerrillas anywhere in the region provided only that there is a request for them to do so. South African police and troops have been engaged in Rhodesia for the past five years and while not yet actively involved in Mozambique or Angola there is co-operation between South Africa and Portugal in the field of intelligence. In 1971 Mr Vorster responded to an appeal from Dr Banda to send arms to Malawi where South Africa has a military attaché. South African strategy also envisages selective attacks on Independent African states (especially Zambia and Tanzania) which provide bases for guerrilla movements.

South Africa's policy within the sub-system is therefore a dual one: it offers the velvet diplomatic glove of friendship and co-operation, while at the same time threatening to use the iron fist on those who support the guerrilla movements anywhere in southern Africa.

This latter aspect of Mr Vorster's policy is, however, not unanimously supported within his own ruling party—even though it is widely endorsed by the opposition United Party. The so-called 'verkrampte' elements (the 'less enlightened') are opposed to the use of South African forces beyond the Republic's frontiers. Their attitude represents a well established tradition in South African politics which insists on drawing its *laager* tightly within the frontiers of the Republic. Thus it should not be assumed that South Africa would automatically become involved in the battles of the Portuguese, the Rhodesians or the Malawians in the event of those territories coming under more severe attacks from guerrillas. However, the Vorster policy may prevail.

Mr Vorster's immediate target is Zambia. Having tried, and failed to persuade Dr Kaunda to remain within the southern African sub-system, he has on several occasions publicly threatened to attack guerrilla camps inside Zambia. In 1971, he became involved in an international dispute over his reported claim that South African troops had engaged in hot pursuit into Zambia. Certainly Dr Kaunda and his allies take very seriously the possibility of both open and subversive action against Zambia. Such a threat is bound to grow if guerrilla forces seriously threaten to overthrow Portuguese and/or Rhodesian rule and consequently upset the balance of power within the sub-system. The guerrillas could not hope to sustain or escalate their operations against the Portuguese and Rhodesians without bases and other forms of support from Zambia and Tanzania.

Zambia is seen by the white minority reglmes as the launching pad for all the active guerrilla forces in southern Africa. Along with Tanzania it is a likely target in the event of any military action by the White Redoubt south of the Zambezi

Zambia remains highly vulnerable to pressures from the white minority reglmes. Not only is it still heavily dependent on the technicians and skilled workers from South Africa for its mining industry but until its railway link with Tanzania is completed in 1975 it remains dependent on the railway communications through Rhodesia, Angola, Mozambique and South Africa.

As 1975 approaches, Zambia becomes less and less vulnerable. Will the white minority reglmes be content to pursue their present policies of harassment, or will they be tempted to make a bolder bid to change Zambia's regime in order to bring it back into the southern African sub system? Some see the future as a race between the Chinese in completing the TAZARA line and the growth of militancy among Zambia's white ruled neighbours to the point of agreeing to support military intervention in Zambia before it becomes Independent of their communications network.

Zambia's role is by no means restricted to support for the guerrillas; indeed this has a relatively low priority in Kaunda's policies. His Government's main objective has been to establish Zambia as an alternative power base to South Africa for especially Botswana, Swaziland and Malawi. A prosperous, stable and fully Independent Zambia (especially if it were to become Independent of the communications network of the sub system) would greatly facilitate Botswana and Malawi and to a lesser extent Swaziland and Lesotho. Relations between Botswana and Zambia have grown steadily closer since the former's Independence, this has been at the expense of Botswana's relations with South Africa.

The forces within the southern African sub system limit freedom of action. In some respects Malawi enjoys even greater freedom of choice than South Africa, since the former could join the sub system of the East African Community and so partially extricate itself from the tensions of southern Africa. Although by far the more powerful, South Africa cannot withdraw from its sub system without damaging its national interests and undermining national security. So long as its power structure remains unchanged it cannot escape into another international sub system within the African continent or outside of it. Nor can it always act as toughly towards its neighbours as the interests of its present ruling class would seem to demand—for tough action would undermine its carefully contrived policy of good neighbourliness. It could alienate its Western allies and increase the militancy of black South

Africans South Africa's capacity to assert itself within the sub system is circumscribed though not proscribed South Africa may strike at Zambia if there were a serious threat against Namibia or its own frontiers as it assisted the Smith regime on the occasion when it seemed that the Zimbabwe guerrillas might seriously threaten Rhodesian forces in the Zambezi valley

But such action produces reaction which could well weaken South Africa's position For this reason any white minority regime must strive to use its power sparingly and wherever possible, in a positive and friendly manner

It is not always easy for South Africa's leaders to keep their cool' periodically the smile of friendship turns into a snarl—as when Mr Vorster decided to publish his correspondence with Dr Kaunda, and when he said in reply to Chief Jonathan's strictures quoted earlier

I want to say in all friendliness to Chief Jonathan that there are many things I can say about Lesotho but I do not do so for the sake of friendship Do not tempt me too far in this connection "

4 South Africa's policy towards Botswana Lesotho and Swaziland

But if South Africa is inhibited by political considerations from using its power with complete disregard for the wishes and feelings of the peoples in its sub system there is no such constraint in applying diplomatic and economic pressures on its neighbours Subtle pressures significantly influence relations between the different parts of the sub system They even affect relations between the white minority regimes For example Rhodesia's economic policies to combat sanctions are subject to approval by the South African government These pressures are frequently applied to protect South Africa's economic interests from potential competition by its neighbours Some examples of this form of pressure are given below

Recently when Swaziland proposed to erect a £2.5 million fertilizer factory which would use cheap imported ammonia and phosphoric acid from Iran South Africa tried to dissuade the Swazi Government from proceeding with the project after receiving representations from its own fertilizer industry When these representations failed the South African fertilizer industry persuaded Pretoria to raise the tariff on imported ammonia and phosphoric acid the effect of which would make the Swazi project uneconomic This matter has not yet been finalised because the Swazi government is still hoping to get support from the World Bank's International Finance Corporation which has tentatively promised a £15 million loan to finance Swaziland Chemical Industries ¹⁷

Lesotho has had a number of **similar experiences**. The South African **managing director** of the Lesotho National Development Corporation, Mr Wynand van Graan said 'We have in fact, shelved for the **time being** at least two **industrial** projects. They follow too closely on the **Swazi** pattern'.¹⁸ He also confirmed that a proposal to **establish** a Japanese motor assembly plant was abandoned because of pressure from Pretoria. When Mr van Graan saw the **Minister** concerned he told me it was **against** the rules. He **didn't quite** know how but he said he would stop it. I gave up. An attempt was made to stop Lesotho from **erecting** a **maize milling** plant even though Lesotho imports 70 % of **its maize** from South Africa. After prolonged **negotiations**, Lesotho has been **promised** 'a fair deal'.

There are enough examples of **this kind** to show that South Africa seeks to prevent **economic** development in small neighbouring states **which** may prove competitive to its own **industries**. **This** type of action is contrary to the Customs Union Agreement which **specifically** safeguards the **right** of Lesotho, Botswana and **Swaziland** to develop their own **industries**. Officially, South Africa **claims** that it encourages **industrialisation** in the neighbouring states. In practice, it does not.

Nor does South Africa **hesitate** to **interfere** with the foreign policies of its Independent neighbours. At one stage during its **difficult** negotiations to **raise capital** for its **Selibe Phikwe** nickel copper project Botswana found that the South African government had **temporarily** banned any further **assistance** from the **Republic** until it had received a satisfactory explanation from **Sir Seretse Khama** about a speech, critical of apartheid he had made to the conference of non aligned states in Lusaka.

When Botswana **decided** to **establish** diplomatic relations with the **Soviet Union** its government was given a **public warning** by South Africa's **Minister of Bantu Administration** that **Sir Seretse Khama** would have 'to take note of South Africa's attitude if he went ahead and established diplomatic relations'.¹⁹ He added that South Africa was not in favour of neighbouring countries **establishing** diplomatic relations with Russia since South Africa had **terminated** its diplomatic relations with Moscow.

In the event, Botswana went ahead and established diplomatic relations with the Soviet Union. Soon afterwards when **Sir Seretse Khama** appointed Mr **Joe Matthews** a former leader of the **African National Congress** and a member of a prominent Botswana family, to a post in the civil service, the South African government sent an **official** protest to the Botswana government in an attempt to stop the **appointment**. **Sir Seretse** ignored the protest.

Lesotho's **representative** of the United Nations recently complained

about South Africa's harassment of United Nations staff working in Lesotho. Pretoria denied this allegation. However, experience has shown that unless UN officials come from 'favoured nations' like Britain, Canada and Australia, the South African authorities place numerous difficulties in their way.²⁰ Officials of international agencies need special permits to enter South Africa, even to have their cars serviced, or to take their children to South African schools. Even though the officials may be accredited to all three former High Commission Territories they may not travel from one to the other across South African territory without South African visas.

South African official policy in relation to freight traffic is quite arbitrary. For example, while freight may be transported to and from Lesotho for distances of up to 50 km from the border, any journey greater than this distance requires special permission from the Road Transportation Board.²¹

There is friction when the South African authorities take unilateral action in matters covered by the Customs Union Agreement. In 1969, the Botswana government protested publicly about the imposition of a sales duty without previous notification, let alone consultation. The statement deplored the manner of arriving at an important decision which affected the level and structure of taxation throughout the Customs Union area.²²

Import control was tightened in November 1971 without any consultation with South Africa's partners in the Customs Union. More alarmingly, when South Africa decided to devalue the rand in December 1971 and to suspend all foreign currency transactions pending the official announcement, no previous indication was given to the other members in the rand currency area beyond a formal warning 'to be prepared for an important announcement'.²³

Another complaint is that none of the Customs Union partners, other than South Africa, can earn interest on overseas investments. This income is converted into rands by the South African Reserve Bank which then treats the foreign exchange as its own. Nor can the smaller partners in the Customs Union earn any money from currency operations. Lesotho has estimated that it loses £250 000 annually from loss of interest on currency not in circulation.²⁴ Pretoria's answer to these complaints is that the Customs Union Agreement provides liberally for Lesotho, Botswana and Swaziland; their reply is that the Agreement does no more than provide an equitable share of what the three territories earn from their trading operations.

These grievances of South Africa's weaker neighbours illustrate the problems involved in belonging to a common economic system which has a more powerful partner. Their complaints are familiar in all similar

international sub systems dominated by a single powerful country. However, the problem is more acute for countries as poor as South Africa's neighbours. The unequal relationship between the white-minority regimes and the independent African states is much more serious in southern Africa, where there is a threat of a race war. This should be of constant concern to the world community.

Notes

1 International sub system has been defined by Karl Kaiser in *The Interaction of Regional Subsystems* *World Politics* Vol XXI No 1 (October 1968) as a pattern of relations among basic units in world politics which exhibit a particular degree of regularity and intensity of relations as well as awareness of interdependence among the participating units.

2 *Botswana and Southern Africa* Address by Sir Seretse Khama to the Foreign Policy Association of Denmark 13 November 1970.

3 *Rand Daily Mail* 27 March 1971.

4 *Africa Contemporary Record (ACR)* London 1971-72 p B 315.

5 *Rhodesia Herald* 16 December 1969.

6 *The Star* Johannesburg 7 October 1967.

7 Percy Selwyn *The Dual Economy Transcending National Frontiers: The Case of Industrial Development in Lesotho*. A paper presented to the Institute of Development Studies of the University of Sussex March 1972.

8 A O Hirschman *The Strategy of Economic Development* (New Haven and London: Yale University Press 1958).

9 Statement in the Swazi Senate April 1971.

10 Addressing the Botswana Democratic Party Conference at Molepolole on 28 March 1970 Sir Seretse Khama said *inter alia* 'We cannot obliterate the harsh facts of history and geography. We are members of the Southern African Customs Union and the Rand Currency Area. We are of course prepared to co-operate in regional arrangements for disease and pest control. Such plagues know no frontiers and the breakdown of such long standing arrangements would be damaging and wasteful and would have repercussions which would be felt outside our immediate region. We rely on the Southern African transport system for both imports and exports. We need to attract private investment from South African sources. We welcome private investment in Botswana from any source which seeks to build in partnership with the people of this country and not simply to drain us of our resources with little or no return to our economy. We wish to attract South Africans as tourists providing they are prepared to accept that in Botswana they must respect our non racial principles.'

But Botswana's dependence on South Africa is great enough already. We have noted South Africa's offers to assist independent African states with their development. We have noted South Africa's assurances of friendly intentions towards Botswana and other independent states. We have recently together with Lesotho and Swaziland concluded lengthy negotiations with South Africa on the Customs Agreement. These have resulted in a more equitable distribution of the revenues of the Customs Area and the right to protect our infant industries while retaining access to the South African market. But in these negotiations

we have not been **seeking aid**. Nor do we **intend** to seek **aid** from South African **official** sources. It would not be **in** the interests of **either** country to **increase** Botswana's dependence on South Africa. Instead our **aim** has been and **remains** to convert the almost total dependence of the **colonial** period **into** a pattern of interdependence.

We **recognise** that there **is** very **little** Botswana can do to produce a change of heart among South Africa's **white** population other than by force of **persuasion** or example. Yet we are **determined** that no word or deed on Botswana's part **will** give comfort to the advocates of race supremacy. We have **unequivocally** condemned the theory and **practice** of *apartheid* and **in** particular the **extension** of the full apparatus of *apartheid* to the international trust territory of Namibia or South West Africa. Nevertheless we do not attempt to conceal that for **obvious** reasons Botswana must **maintain diplomatic** contacts **with** South Africa. For equally **obvious** reasons as I have made clear ever **since** Independence, we **decline** to consider the exchange of **diplomatic representatives** with South Africa **until** we are confident that South Africa can fully guarantee that Botswana's representatives **will** **in** all respects **at all times** and **in** all places be treated **in** the same way as **diplomats** from other countries. When I am obliged to go through South Africa I am treated **with** the respect due to the head of an Independent state, nor have my **ministers** or **civil** servants any cause for **complaint** when they visit South Africa for **essential negotiations** or **transit** South Africa en route for other **destinations**. But I know that most Botswana who **visit** South Africa are treated **like** black South Africans. **Since** I refuse to accept that all Botswana are not **intrinsicly** equal this presents **obvious difficulties**.

We have, I think, demonstrated an important **principle**. As I told **Parliament** we have shown that **it is possible** for two **countries** which are far from equal **in** respect of **population**, wealth, resources and sheer power, and whose **economies** are closely **linked** but whose fundamental **principles** could hardly **differ** more markedly, to **co exist**.

Yet **it** cannot be **denied** that there **is** a cloud **hanging** over Southern Africa. The **economic** prospects of our **region** could be **limitless** were **it** not for the threat posed by **racialism** and **minority** rule and the **instability** and **potential instability** to which **it** must **give** rise. Botswana endorses as do all Independent African states and all but a handful of **United Nations** members the Lusaka **Manifesto**. The Lusaka **Manifesto**, drawn up a year ago by the heads of state of East and Central Africa, firmly states Africa's preference for the **achievement** of self **determination** through **negotiation**. It was **in** this way that Botswana's Independence was **achieved** and we would **wish** that the **indigenous populations** of **neighbouring** territories could share our **experience**. Yet the Lusaka **Manifesto**, although **widely proclaimed** throughout the world as a moderate and **realistic** statement has gone unheeded. The consequences of **this** refusal to **consider** even the **possibility** of change **in** the **region** will be **serious** indeed.

Botswana has **for instance** repeatedly drawn **attention** to the dangerous consequences of the refusal of **Rhodesia's whites** to **envisage** the **possibility** of peaceful progress to **majority** rule. The **declaration** of the **illegal Republic** is further **evidence** of the **determination** of **Rhodesia's 250 000 whites** to hold down **by** force an African population already **approaching five million** and **growing rapidly**. This **obstinacy** poses a threat to the **stability** of the **entire region**.

We have **similarly** expressed our **opposition** to Portugal's **unyielding** refusal to **permit** any progress towards **self-determination** in Angola, Mozambique and Guinea (Bissau). Our **criticism** of Portugal as of **Rhodesia** is not based on an **argument** about the **timing** of a programme of progress towards **majority** rule, but on

their point blank refusal to **consider** even that **possibility** This obduracy leaves the **populations** of these two **countries** little **alternative** but to resort to **violence**

But Botswana cannot allow itself to be used as a springboard for violence against the minority regimes Our task **is to insulate** ourselves from the **instability their policies** provoke We must preserve our Independence **while asserting** the principles of human freedom and **dignity**

11 *Botswana and Southern Africa* Address by Sir Seretse Khama to the Foreign Policy Association of Denmark on 13 November 1970

12 *Rhodesia Herald* 8 June 1970

13 *Africa Contemporary Record (ACR)* 1971-72 pp B 297-8

13 A Quoted in *Africa* London No 16 December 1972

14 For a **full** survey of the **dialogue** see Colin Legum *The Year of the Great Debate* a pamphlet published by the *Africa Contemporary Record* (Rex Collings London 1972)

15 Ian Colvin *Daily Telegraph* 14 March 1972

16 *Africa Contemporary Record* 1971-72 p B 315

17 *Financial Mail* Johannesburg 7 April 1972

18 *Ibid*

19 *Rand Daily Mail* 8 April 1970

20 *The Star* Johannesburg 21 July 1972

21 *Ibid*

22 *The Star* Johannesburg, 3 May 1969

23 *Financial Mail* Johannesburg 7 April 1972

24 *Ibid*

Larry W Bowman

The politics of dependency and racism in Rhodesia

Rhodesia is one of Africa's fourteen land locked countries. Like all land-locked states, it has special difficulties in relation to foreign trade, transportation, etc. Rhodesia, however, has several unique characteristics that must command our attention if we are to fully understand the unique combination of geography and racism in southern Africa.

Firstly, there is the relationship between Rhodesia's political structure and its land locked position. Secondly, Rhodesia dominates yet another land locked state—Zambia. Finally, Rhodesia is a pivot in the struggle for liberation throughout southern Africa. Not only is Rhodesia a target for liberation forces but also it is likely that changes in South Africa will begin in Rhodesia. Thus, the way in which Rhodesia solves its problems as a land-locked state cannot be separated from the broader issues of the maintenance or decline of white minority rule in southern Africa.

Rhodesian political history begins with a pioneer column winding its way northward from the Transvaal in 1890.¹ From then until 1923 Rhodesia was administered by the British South Africa Company—a chartered company set up by Cecil Rhodes and approved by the British government. In a referendum of 1922, Rhodesian white settlers opted (by a 60 % majority) to become a British Crown Colony rather than join South Africa as a fifth province. At this time, Britain granted Rhodesia a Responsible Government Constitution, which effectively gave the settlers complete control over internal politics and administration. The colonial relationship continued until November 1965 when the Rhodesian government made its unilateral declaration of Independence (UDI).

The close historical and constitutional ties between Rhodesia and Britain served to obscure the links between Rhodesia and South Africa. These links, evident to the world since UDI, were established a long time ago, in many ways, Rhodesia is a colony of South Africa rather than of Britain. The white settlers came to Rhodesia, if not from South Africa, at least through South Africa. Rhodesia's administration and discriminatory social, economic, and political practices closely follow those of South Africa.

Bordered in the east by the friendly Portuguese Mozambique and in the north and south other British colonies in addition to South Africa,

Rhodesia has had few trade and **transit difficulties** arising out of its land locked **position**. Since 1940 the **Rhodesian** government has owned the **Rhodesian railways**, including the **link** to South **Africa** through Botswana. South **Africa** and Portugal welcomed Rhodesian trade through the ports of Cape Town, Durban, Lourenço Marques and Beira.

However, the consequences of UDI revealed some of the strength and weakness **inherent** in being a land locked state. **Britain**—the offended **colonial mentor**—imposed strict trade **sanctions** and instituted a blockade of **Beira in Mozambique**, the major port for **Rhodesian** trade. Later, the **United Nations** voted strict mandatory economic and **diplomatic sanctions** against Rhodesia. New problems arose for the Rhodesian government. **Sanctions** had to be surmounted, trade **links** were now **monitored** by groups whose **Interests** **conflicted** with those of Rhodesia, and the close **ties** between Rhodesia, South **Africa**, and Portugal were challenged by the **international community**.

The **international business community** in Rhodesia has a **different view** about how Rhodesia should be governed but it prefers **white minority** rule to **African majority** rule. From the **point of view** of many **white** people in Rhodesia, UDI was an unfortunate act but they prefer Ian **Smith** to the **uncertain** future any **political change** would involve.

The Rhodesian Front Party, led by Ian **Smith**, came to power in December 1965. The Party represents the **desire** of the **white minority** to **maintain political** power in Rhodesia. Ian **Smith** has the **ability** to stay in power, unless **conditions** change **dramatically**. Since UDI, Rhodesia has reacted **vigorously** to various external challenges and has demonstrated its skill in avoiding the economic and **political** consequences that its opponents **predicted**. There are a number of reasons for Rhodesia's success but **primarily** it has been the **willingness** of Portugal and South **Africa** to **ignore** **United Nations** mandates and to **continue** to trade normally with Rhodesia. Thus they **provide** the cover (e.g. **credit** arrangements, **bills of lading**, etc.) whereby other **nations** can trade secretly with Rhodesia. In return, Rhodesia must channel its trade through ports south of **Beira**, but **this is** a small **price** to pay for the maintenance of **white minority** rule.² Portuguese and South **African** assistance to Rhodesia (despite their objections to UDI) is only **explicable** within the context of the **evolution** of race **relations** within southern **Africa**.³

Militarily, South **Africa** is committed to supporting Ian **Smith** at least for the present, when the **internal** and external pressures are not yet too great. It does not follow, however, that South **Africa** will **continue** to support Ian **Smith** indefinitely. It is likely that if the pressure **increases**, South **Africa** will **quickly** abandon Rhodesia. The South **African** government would not **hesitate** to disown Ian **Smith** if it believed it

could replace him with a **compliant** African leader. Complete **incorporation** of **Rhodesia** into South Africa would be a difficult problem. Even with the imbalanced land apportionment of the Bantustan scheme, the granting of 50 % of Rhodesia to occupation by 250 000 white people and the other 50 % to four **million** Africans (the present division) would be **difficult** to justify.

Nevertheless, **Rhodesia** supports South Africa's outward looking plans. Indeed, Ian Smith is one of the **chief** protagonists of **co** prosperity. He made economic **links** in southern **Africa** the keynote of **his** speech when he opened the Cape Agricultural Show in South Africa on 1st March 1972. He suggested that South **Africa**, as the most advanced country, and **Rhodesia** "as the next in line", would have to make sacrifices to achieve economic **integration** in the region. He added **ominously** that successful economic **integration** would also require increased **political** cohesion and that time would tell whether **this** would prove a necessary **condition** for the **optimum** development of the area. The smaller states would have no chance of **survival** unless they created extra **national** economies, 'even at some cost to their **sensitive** **national** pride' ^{3A}

Ian **Smith** said that southern Africa equalled the whole of Europe in area and by the year 2 000 it would have a **population** of 155 millions. He called for a **liberalization** of trade among the **countries** of southern Africa and for **import** substitution on a **regional** rather than a national scale. He hoped that the cohesive grouping he foresaw would lead to 'an all embracing common market' while **finding** ways and means of **creating** an acceptable balance of development and an **equitable** distribution of benefits. He proposed the establishment of a body to **examine** the **possibilities** of closer cooperation.

In the **mid-1960s**, **Britain** granted Independence to African **majority** governments in Lesotho, **Malawi**, Swaziland, Zambia, and Botswana. **Their** independence left the white **minority** governments of southern Africa as the **unfinished** business of decolonization. **African** states, through the **Organisation** of African Unity and the United **Nations**, called repeatedly for the **elimination** of **white** **minority** rule ⁴

UDI directly challenged the world wide trend towards Independence under **majority** rule and nowhere were the **ramifications** of UDI felt more sharply than in Zambia. Situated to the north of Rhodesia, Zambia was also **administered** by the British South Africa Company until 1923 and from then until independence in 1964, Zambia's trade and commerce were controlled almost **entirely** by white **Rhodesian** leaders. Thus, when **Britain** and the United **Nations** called for sanctions, the burden fell most heavily on this **African** nation ⁵

Zambia has worked **with** considerable skill and at great sacrifice to

sever its **links with Rhodesia**—its options—and they are few—have in the short term entailed greater contact with South Africa and Portugal. In the long term, however, **Zambia will** strengthen its links with the north (e.g. the Tan Zam railway to Dar es Salaam). However, these proposed changes cannot be implemented immediately and meanwhile **Zambia is** obliged to moderate its actions against Rhodesia because of its need to export copper via the Rhodesian railway.

However, **Rhodesia's potential** for blackmailing Zambia is mitigated by other factors. For instance, **Rhodesia wishes to maintain its links with Zambia**. Thus, in the absence of a serious military threat from the north, Rhodesia is prepared to endure criticism in the interests of continuing trade with Zambia. Moreover, South Africa is interested in distracting Zambia from its alliance with Tanzania and therefore it acts as a brake on any petulant action by Rhodesia. In spite of the polemics, South Africa's political strategy (supported with some reservations by Portugal and Rhodesia) is designed to bring about reconciliation between the independent African states and those with a white minority regime. Thus, confrontations are presently being avoided.

A study of the problems in southern Africa should include the activities of the liberation movements. Zambia, as the major southern outpost of the independent African states, is under constant pressure from opposing forces. Its common border with Angola, Mozambique and Rhodesia make it a potential training ground and sanctuary for the guerrillas. Yet Zambia's economy is dependent upon transit through the threatened states. Zambia allows the guerrillas transit facilities but curbs training on its territory. The guerrillas are asked to refrain from military operations against the Rhodesian and Portuguese railways.

The racial confrontation in southern Africa converges on Rhodesia. Zambia represents the independent African North and its firm commitment to freedom throughout the continent. South Africa supports the other white minority regimes with its wealth and power. Rhodesia—situated directly between these two states—is currently strengthened by Zambia's dependence on South Africa and Portugal, by the current weakness of the liberation movements and because the external opponents of UDI and minority rule (e.g. Britain, Japan, the United States, and some other West European countries) are ineffective. Indeed, many of them continue to trade with Rhodesia and they all support the South African outward looking strategy.

South Africa's willingness to finance and militarily support Ian Smith is indicative of its commitment to white minority rule at best and to compliant African majority rule at worst. South Africa hopes to achieve the latter in Zambia. For its part, Zambia remains firmly committed to non-racialism at home and liberation abroad, but must act cautiously.

because of its own dependence. If Zambia, supported by most of the international community because of UDI, cannot oust Ian Smith's regime in Rhodesia then the outlook is bleak for an early end to white minority rule in southern Africa.

There is an ironic twist in the relationship between Rhodesia's land-locked position and the exigencies of post UDI politics in southern Africa. On the one hand, Rhodesia's dependence upon South Africa is greater than ever. Its trade and credit arrangements are almost entirely in the hands of South African middlemen whose activities are supported by the South African government. South African troops patrol the Zambezi. Thus, UDI sharply curtailed Rhodesia's relations with most states and increased its dependence upon one.

The conclusion that must be drawn is that it has been easier for Rhodesia to succeed with UDI because it is land-locked than if it had not been. For instance, if Rhodesia had its own ports, the United Nations could have effectively monitored the movement of Rhodesian goods. But because Rhodesia is land-locked, to make sanctions effective would necessarily involve a confrontation with Portugal and South Africa. This is an operation the United Nations is incapable of undertaking. Thus Rhodesia, land-locked and potentially helpless, obtains its strength from its dependence upon the South African government. There are political and economic implications inherent in this dependence, but the white leadership in Rhodesia prefers the security of dependence upon South Africa to independent direct confrontation with its enemies.

Notes

1 L. W. Bowman, *Politics in Rhodesia: White Power in an African State* (Cambridge, Mass., Harvard University Press, 1973) analyzes Rhodesian politics, African/white conflict, and Rhodesia's external relations from 1890 to 1972. The focus, however, is on the period since 1953.

2 There is a considerable literature on sanctions. See Peter Wallensteen, ed., *International Sanctions: Theory and Practice* (Uppsala, Uppsala University Dept. of Peace and Conflict Research, 1969); R. B. Sutcliffe, "The Political Economy of Rhodesian Sanctions," *Journal of Commonwealth Political Studies* 7 (1969) pp. 113-125; and the United Nations Committee of 24, *Economic Conditions in Southern Rhodesia with Particular Reference to Foreign Interests*, SC/71/7 (26 July 1971).

3 See L. W. Bowman, "The Subordinate State System of Southern Africa," *International Studies Quarterly* 12 (September 1958) pp. 231-261 for a summary of evolving trends within Southern Africa. A book edited by Christian P. Pottholm and Richard Dale, *Southern Africa in Perspective: Essays in Regional Politics* (New York, The Free Press, 1972) is a source of current data.

3 A. *Rhodesia Herald*, Salisbury, March 2, 1972.

4 See J Nyerere, Rhodes~an the Context of Southern Africa *Foreign Affairs* 44 (April 1966) pp 373-386 R Cranford Pratt African Reaction to the Rhodes~an Crisis *International Studies* 21 (Spring 1966) pp 186-198 J Leo Cefkin The Rhodes~an Question at the United Nations *International Organization* 22 (Summer 1968) pp 649-669 and Ralph Zacklin Challenge of Rhodes~a Toward an International Public Policy *International Conciliation* no 575 (November 1969)

5 See Arthur Hazlewood The Economics of Federation and Dissolution in Central Africa in A Hazlewood ed *African Integration and Disintegration Case Studies in Economic and Political Union* (London Oxford University Press 1967), pp 185-250 for a thorough analysis of how Rhodes~a exploited Zambia (Northern Rhodes~a) during the years of Federation Richard Sklar 'Zambia's Response to U D I' *Mawazo* 1 (June 1968) pp 11-32 and Professor Anglin's paper presented in this book

6 On the complexities of the outward strategy see L W Bowman *South Africa's Outward Strategy A Foreign Policy Dilemma for the United States* (Athens, Ohio Papers in International Studies 1971) and Robert V Molteno *Africa and South Africa The Implications of South Africa's outward looking Policy* (London The Africa Bureau 1971)

7 See Russell Warren Howe War in Southern Africa *Foreign Affairs* 48 (October 1969), pp 150-165 (for an optimistic view) and J Bowyer Bell The Frustration of Insurgency The Rhodes~an Example in the Sixties *Military Affairs* 35 (February 1971) pp 1-5 (for a pessimistic view) of the Rhodes~an liberation efforts

Zambia and the White South¹

One tenet of **geopolitics** is that the foreign policy of a landlocked state should above all else **aim** at "good **neighbourliness**" towards **bordering** states on **which** it depends for access to the sea. **Renouvin** and **Duroselle** argue that such transit states have to be accepted because they control routes, they can levy **transit** tax on men and goods passing through their territory.^{1A} However, as they correctly point out, advantages do not **automatically** accrue to a transit state simply because of its strategic **location**. To have them, it must be more powerful than its landlocked neighbours. In short, geography must be **linked** to other power elements.² Zambia's **attitude** towards the White South is based on the **premise** that its **policy** need not be **determined** by the neighbours on whom it was made to depend by the **accidents** of **history** and geography.

It regards these **accidents** as surmountable and the power of its neighbours as relative rather than absolute. This rejection of **geopolitical** precepts arises in the first **instance** from the determination of President Kaunda and the United National Independence Party (UNIP) to sever the **links** with the **White** South and to replace them **with** more acceptable **links** with the rest of **Africa**—especially the states in East **Africa**. The major objective is that ideological and material interests must **ultimately** **coincide**. At present, the **ideological** interests are in the North and East **while** the material ones are in the South. To disengage **requires** resources. Between **1964** and **1970** Zambia had resources in the form of copper revenues. As a result, **during** this period the policy of disengagement was pursued with vigour, and success was achieved **in** a number of key areas.

To understand Zambia's policy, the **geographical** **setting** needs to be briefly **described**.

Zambia occupies **290 000** square miles (**751 000** square kilometres). It is a landlocked **tropical** country, surrounded by eight **neighbours**.³ Its shortest route to the sea is about **1 000** km long, a fact of enormous **significance** for the **transportation** of its major source of **revenue**—copper—as well as of much needed capital and consumer goods.

Its boundaries were settled by **colonists** from the White South. Thus they created a territory completely dependent on the White South (i.e. Rhodesia, **Mozambique**, Angola and South **Africa**) for access to the sea. Dependence on the White South was also established in respect of coal, **electricity** and petroleum **supplies**. Foreign trade was also **dominated** by the White South, Rhodesia serving as the **principal** supplier of **commodities**.

During the colonial era, the country's location presented few difficulties since Britain and its oldest ally Portugal controlled the territories through which Zambia's transit routes passed. Problems arose after independence in October 1964 when the Zambian Government under President Kaunda began to implement its policy of disengagement from the White South. It condemned these links as unacceptable on account of minority and racial rule there and damaging on account of the control exercised over Zambia's economy and communications systems. To replace these links the Zambian Government advocated association with the African states in the North and the East.

The major consideration is how Zambia mobilised and utilized the resources needed for the successful pursuit of its policy of confrontation and disengagement.⁴ A comparison of the power elements available to Zambia and its opponents would lead to the conclusion that such a policy would probably fail because Zambia lacked many resources. Nevertheless, between 1964 and 1970 Zambia not only withstood various pressures from these neighbours, it even managed to achieve some of its objectives. How did this happen? The question can be explored by briefly examining two events—namely Rhodesia's Unilateral Declaration of Independence (UDI) on November 11, 1965 and the outbreak of guerrilla activity in southern Africa. The former affected Zambia's economy, while the latter had economic and security implications.

Unilateral Declaration of Independence by Rhodesia (UDI)

UDI provided the Zambian Government with a convenient opportunity to sever what it regarded as undesirable links.

It proved convenient because disengagement could be attempted with minimum domestic opposition and with maximum international support. For this purpose, the Rhodesian situation was presented in ideological terms. Zambia had a moral duty to help liberate Rhodesia because Zambia stood for the principles of non racial and majority rule which were being violated by the Rhodesian authorities.⁵ These principles had wide support in the Organisation of African Unity and the United Nations so that Zambia was in the forefront of an international campaign.

However, it should be noted that there was nothing inevitable or deterministic about this moral attitude. Zambia could have pursued other policies. For example, it could have declared itself neutral on the grounds that the Rhodesian problem was Britain's exclusive responsibility. This was Malawi's attitude. Another option was to confine itself to expressions of moral support for the liberation of our African brothers on the grounds that the duty of liberation lay primarily with

he oppressed people—the role of the African states being secondary. This was the view held by the **Zambian opposition party**, the **African National Congress** led by **Harry Nkumbula** ‘

Instead, the **Zambian Government** deliberately opted for a policy of **active involvement** and **direct confrontation**. As suggested earlier, the reason was that the major decision makers perceived that **UDI** could be turned to the country's **ultimate advantage** by **severing** and **replacing** **undesirable links**. The policy manifested itself on two different but related levels. On the **rhetorical level**, which tended to **dominate**, it was **characterised** by strong moral appeals, but careful **attention** was **paid** to the **promotion** and protection of **Zambia's economic interests** which were regarded as **paramount**. This became **evident** at **various stages** as the policy unfolded.

In general, the policy can be described as constant in the **pursuit** of **disengagement** but **flexible** in its strategy. The **flexibility** made for the adequate **protection** of the **national interest**. Thus, where **capabilities** were **lacking** and the economy was rendered vulnerable to pressures from **Rhodesia**, **Zambia** temporarily abandoned the **objective** of **disengagement** until it had developed its own **capacity** to **withstand** these pressures or had **enlisted** international assistance for the same purpose. To **raise** the level of **capacity**, moral appeals proved very useful since **Zambia** could be presented as **suffering** for the sake of universally acknowledged **principles**, and for this reason deserved international **assistance** to counter the effects of **UDI** on its economy.

Thus, aware of **possible reprisals** by **Rhodesia**, **Zambia** pursued a carefully calculated policy of **confrontation**. In general, it reacted to **Rhodesian** moves instead of **taking** the **initiative**, but two **exceptions** should be noted. The first concerns the **Central African Airways**. In 1967 **Zambia** successfully **initiated** the move to **disband** the **airline** because it **realised** that the **Rhodesian Government** could not effectively retaliate since the **CAA** had little significance for **Rhodesia**.

The second exception concerns the **railways**. For six months after **UDI**, **Zambian** traffic on **Rhodesian Railways** continued without **interruption**. Suddenly, in **April 1966**, the **Zambian** authorities announced that they would comply with **UN sanctions** **forbidding financial transactions with Salisbury**. This move may have been made in view of **Harold Wilson's** confident assertion that the rebellion would be quelled within weeks rather than months. The **British Government** failed to do this. The **Zambians** realised they had over-extended themselves when the **Rhodesians** retaliated by suspending copper shipments to ports in **Mozambique** and the **British** did not intervene. The harmful effects on the **Zambian** economy brought a speedy end to this confrontation with **Rhodesia** on the railway system.

Guerilla Activity

A similar concern for the national interest emerges from Zambia's attitude towards armed struggle to liberate southern Africa

The outbreak of **guerrilla activity in Angola (1961)** and **in northern Mozambique (1964)** had no **immediate** relevance for **Zambia** since it occurred in **geographically** distant areas and **in** no way affected **its** access to the sea through these territories. Moreover, **until** the **middle of 1966** the **authorities in Lusaka** regarded **armed operations in Rhodesia** and **Namibia** as premature.⁷ They hoped that **Britain** and the **International Court of Justice** would act **in favour of the Africans** in these territories.

The **failure** of these two **parties** to do so brought about a change in the **Zambian** attitude. From the middle of 1966, the Government began to condone the launching of **guerrilla operations from Zambian territory**. **This decision** was influenced by the **desire** to act **in** accordance with the **Pan-African liberationist ideology**. It was also **realised** that the **guerrillas** could be used to exert some counter pressure on the **White South** and eventually **bring about** changes of government in these **neighbouring territories**. Such changes would **provide** more outlets to the sea through **African** ruled states and this development would be to **Zambia's** advantage because **it** would then no longer face the strategic danger of **depending** on one route.

Realizing that to **admit** to the presence of **guerrillas** on **its** territory could lead to reprisals from the **White South**, **Zambia** adopted a **cautious policy which** attached more importance to the **protection** of the country and **its** people than to the reckless **pursuit of liberation**. Consequently, the Government **imposed** severe **restrictions** on the **guerrillas**.

- 1 No weapons were to be **carried within Zambia**
- 2 The movements of cadres **in** the country had to **receive** prior clearance from competent authorities
- 3 There was to be no **recruiting and training** of cadres **in Zambia**

These **restrictions** were **intended** to ensure that the **White South** had no pretext for pre-emptive strikes **against guerrilla bases in Zambia** and that weapons **did** not come **into** the **possession** of people who could use them against **Zambian citizens**.

Despite the **restrictions imposed** on them, the **guerrillas** contribute towards a major goal in **Zambia's foreign policy**, namely, **changing** an unfavourable environment **in southern Africa**. **Zambia** lacks the resources to do **this** on its own, but by **providing** the **guerrillas with facilities**, **it in effect** uses them for its own purposes. As in the case of **Zambia's reaction to UDI**, **principle and profit coincide**.

In practice, the policy in relation to the guerrillas aimed to balance opportunity with risks. Where guerrillas were seen to be endangering economic and other vital interests, action was taken to curb their operations. For example, in 1967 the President of UNITA,⁸ Jonas Savimbi, was expelled after his cadres in Angola had blown up the Benguela Railway on which Zambia depended heavily during this period. In 1968, ZAPU and ZANU cadres were deported to Tanzania after they have reportedly kidnapped people in Lusaka and on the Copperbelt for recruitment purposes.⁹

Zambia's policy towards the white south

As stated previously, Zambia's policy towards the White South was constant in its objectives and flexible in its strategy. To account for the constancy, internal and external factors need to be examined. Internally, the policy of disengagement could be pursued as long as the ruling party and its leaders remained unchallenged. The hardships it imposed could be accepted with confidence in and loyalty to the party. Between 1964 and 1970, UNIP¹⁰ and President Kaunda held this unchallenged position.

The external factors are what can be called systemic restraints. The White South did not, during the period under review, commit all their resources to crushing Zambia. Instead, the pressures they exerted had the sole aim of changing the Zambian Government's attitude towards them rather than of deposing the Government. The South Africans in particular seemed to be of the view that a peaceful Zambia, one that was unlikely to disturb southern Africa would be led by Kaunda, whom they believed to be the only Zambian of national stature. He would be acceptable if only he would change his attitude and co-operate like President Banda of Malawi. This explains South African offers of friendship and their limited retaliation. The South African Government in particular seemed to be encouraged to woo Kaunda, Lusaka made secret contacts with the South African Government and there was the Lusaka Manifesto of 1969. These self-imposed restraints enabled Zambia to pursue an independent policy largely undisturbed.

Nevertheless, the continuity of this independent policy cannot be regarded as assured. Internal factors can be significant, the economic hardships involved and the opposition to the ruling party may lead to fundamental changes. There can be unforeseen developments, like the Mufulira mine disaster of 1970 and the fall in the world price of copper. Thus, it is conceivable that there will be long periods between the temporary abandonment of objectives to meet pressing needs and the return to the pursuit of these objectives. Developments after 1970 seem to point in this direction.

Notes

1 The term **White South** is used purely for convenience to refer to South Africa, Rhodesia and Portugal. The writer is aware of the differences in Zambia's attitude towards each of these countries.

1A Pierre Renouvin and Jean Baptiste Duroselle *Introduction to the History of International Relations* (London: Pall Mall, 1968) p. 3.

2 See also A. F. K. Organski *World Politics* (New York: Alfred A. Knopf, 1958) pp. 127–130.

3 South Africa has denied the existence of a border between Zambia and Botswana. Its Foreign Minister Dr Hilgard Muller stated his Government's position on March 31, 1970. See *Die Burger*, April 1, 1970 and K. L. Roskam, 'De Weg Tussen Botswana en Zambia', *Kroniek van Afrika*, No. 2, 1970, pp. 106–107. The dispute now in abeyance had limited practical importance for Zambia as a landlocked country since Botswana itself is landlocked.

4 Since the analysis of the confrontation in so far as it affected the communications system, the fuel supply, and trade is done in other papers for this Seminar, I confine myself to presenting an overall view of the policy. Nevertheless, some useful studies are worth listing.

Ieuan L. Griffiths, 'Zambian Coal: An Example of Strategic Resource Development', *Geographical Review*, Vol. 58, No. 4, October 1968, pp. 538–551.

Roelof C. Harkema, (a) 'Zambia's Changing Pattern of External Trade', *Journal of Geography*, Vol. LXXI, No. 1, January 1972, pp. 19–27; (b) 'The Ports and Access Routes of Landlocked Zambia', *Geografisch Tydschrift*, May 1972.

F. Taylor Ostrander, 'Zambia in the Aftermath of Rhodesian UDI: Logistical and Economic Problems', *African Forum*, Vol. II, No. 3, Winter 1967, pp. 50–65.

Richard L. Sklar, 'Zambia's Response to UDI', *Mawazo*, Vol. I, No. 3, June 1968, pp. 11–32.

Constant references are made to Zambia in Edmund H. Dale, 'Some Geographical Aspects of African Landlocked States', *Annals of the Association of American Geographers*, Vol. 58, No. 3, September 1968, pp. 485–505.

5 See Kenneth Kaunda, 'Rhodesia and the World', Foreword to B. V. Mtshali, *Rhodesia—Background to Conflict* (New York: Hawthorn, 1967), pp. 5–7.

6 *Times of Zambia*, December 5, 1968; *Interview Radio Zambia General Service*, December 17, 1968. For a detailed treatment, see B. V. Mtshali, 'South Africa and Zambia's 1968 Election', *Kroniek van Afrika*, No. 2, 1970, esp. pp. 128–129.

7 The Zambian Government's opening of a Liberation Centre in 1965 does not contradict this statement since the Centre's function was to serve only as a propaganda platform for the liberation movements. It should be noted that restrictions were imposed on these movements to ensure that Zambia could not be accused by the White South of allowing its territory to be used by guerrillas.

8 UNITA, National Union for Total Independence of Angola.

9 ZANU, Zimbabwe African National Union.

ZAPU, Zimbabwe African People's Union.

10 UNIP, United National Independence Party (President Kaunda's ruling party).

Land-locked countries of Southern Africa: politics of survival

Botswana's options for independent existence

An analogy **exists** between land locked countries and **islands**. Both are surrounded by an environment **which** is beyond **their** Immediate control. In the one case, the **environment is** a natural phenomenon, in the other, **it is** controlled by men, a **political** phenomenon. The hypothesis **which** Botswana seems to verify **is** that the problems **confronting** land-locked states, **like** those of **island** states, stem not so much from the fact of their geographical **situation** as from the character of the environment **which** surrounds them: whether it is hostile or **friendly**, whether **it** isolates or fosters contact, whether it creates **opportunities** for **internal** development or **drains domestic** resources. These are the critical **considerations**.

The **Republic** of Botswana **is** one of fourteen land locked states on the continent of **Africa**. About the same **size** as France or Kenya, **it** is in the centre of southern **Africa**. To the south and south-east **lies** the Republic of South **Africa**, to the north east, **Rhodesia (Zimbabwe)**, to the north and west, the **Caprivi Strip** and **Namibia** (South West Africa) respectively. Except for one short stretch of border **with** Zambia, in the extreme north Botswana **is** thus surrounded not by one but by three **minority** ruled states, all of them the subject of United **Nations** and **Organisation of African** Unity **resolutions** and of general **international** concern. Botswana **is** the **quiet, sometimes ignored, heartland of this** troubled **region**. Alone among **African** states, Botswana is forced to seek a *modus vivendi* with South **Africa**, **Rhodesia** and **Namibia** in the interests of **its survival** as an Independent state.

This task **is** greatly **complicated** by the fact that the Botswana Government, led by its **President**, Sir Seretse Khama, is deeply committed to the **creation** and **maintenance** of a non racial democracy. The course **which** he and **his** Government have set for **their** country **heightens** the contrast between Botswana and its neighbours. More than that, **it** threatens to **bring** them **into conflict**. In a very real sense, two **diametrically** opposed systems, two mutually antagonistic experiments are **being** implemented in southern Africa in sharp juxtaposition. Three of the **richest** and most powerful states on the **continent** are **striving**, through the **imposition** of the **will** of a minority of **their** people, to create a **lasting separation** of races and **ethnic** groups. In **their midst**, one of the poorest **countries** in Africa, **indeed** one of the 25 least developed **countries** in the world, **is attempting** simultaneously to surmount a legacy of

neglect and **disadvantage**, to **achieve** a **national unity** and **identity**, without regard to race or tribe and to **build** a durable democracy Nobody could regard the problems **which** flow from this **situation** as **being typical** of land locked **countries** What then are Botswana's special problems?

First, there are the **constraints** which derive from Botswana's vulnerability From a **military point of view**, the country is **indefensible** Its borders are **3 360 kilometres** long—almost as far as **Caro** is from Oslo Only in the north, where the boundary with the **Caprivi Strip** traverses the **floodplains** of the Chobe River and runs through forests **harbouring** tsetse-fly, is there any form of natural **protection** For the rest, Botswana's borders are **easily** penetrated The **1 230 kilometre** boundary with **South Africa** is defined by the dry bed of the **Nossob** and **Molopo Rivers** in the south, and by the **perennially flowing** but **easily** fordable upper reaches of the **Limpopo River** in the east

The border with **Rhodesia**, **770 kilometres** long, is still officially described, over the greater part of its length, as the "old missionary road", an **oxwagon track** which has long since **disappeared** The **unilateral declaration** of Independence by the **Smith Government** in **1965** made it **impossible** for Botswana to recognize formally the boundary **which** was surveyed **immediately** prior to UDI, following a joint boundary commission

The border with **Zambia**, that **vital** point of contact with majority ruled **Africa**, covers only a few **kilometres** between the confluence of the Chobe and **Zambezi** Rivers, and the **point** in the middle of the **Zambezi** at **which** **Zambia**, Botswana and **Rhodesia** meet The very **existence** of this boundary with **Zambia** was, **ominously**, **disputed** by the **South African Government** in **1970** when Botswana and **Zambia** announced **their** Intention to construct a road, **with** assistance from the **United States Government**, and to improve the ferry **facilities** linking the two countries There is a cruel **irony** in the fact that **communication** across Botswana's long borders is nowhere more **difficult** than at this **point**

The **Caprivi Strip** nearly succeeds in **achieving** the complete **encirclement** of Botswana by **minority-ruled territory** This narrow **strip** of land, **originally** annexed to **provide** German South West Africa with access to the 'navigable' **Zambezi** and to halt the northward spread of the **British empire**, now serves as a **strategic** panhandle, **directly administered** by Pretoria, in **which** the South African Government maintains a **military** base The remainder of the border with **Namibia** runs **longitudinally** southward through the featureless western reaches of the Kalahari Desert

Botswana's **boundaries** present as **insignificant** an obstacle to the **in-**

vasion of the country today as they did to the Zulu and Matebele raiding parties in the 18th and 19th centuries. Although eighteen official border entry points have been established and despite the recent construction by the South African Government of a 3 metres high fence along much of its length it is a relatively easy matter for people to cross illegally into Botswana from South Africa, Namibia or Rhodesia. Numerous refugees have discovered this fact as have poachers, police informers and occasional police patrols. The cost to Botswana of maintaining absolute border control and security would be astronomical.

The disposition of the population in Botswana and the communications network intensify its vulnerability. No major urban centre is located more than 140 kilometres from the eastern border, more than 80 % of the population is settled within 100 kilometres of the border. Botswana's new capital, Gaborone, lies within easy range of modern artillery emplacements on the hills across which the border with South Africa traverses, less than 16 kilometres away. Across the border at Zeerust, only 120 kilometres distant from the capital, is one of the several South African military bases which have been constructed during the 1960's.

The main arteries of Botswana's communications system are the railway and parallel road which run through the populated eastern part of the country and connect with the South African and Rhodesian systems. Severance of these routes would effectively divide Botswana, or isolate it. Similarly, telephone and postal communications with the outside world are controlled by South Africa and Rhodesia. Botswana cannot ignore these facts. Past events have demonstrated clearly that military action by its larger neighbours would not be necessary to achieve drastic consequences in Botswana. Other less blatant expedients are available. For example, failure by the South African Railways to supply refrigerated railway trucks to the abattoir at Lobatse for such perfectly plausible reasons as the pressing claims of the deciduous fruit producers in the Cape Province can force the temporary closure of the abattoir and cripple the entire livestock industry. Refusal to connect long distance telephone calls due to 'cable breakages' cannot be questioned. Other means of harassment are readily available and can be used to achieve, if not compliance, then certainly an inescapable discipline.

It would be wrong to imply that the South African Government has taken advantage of Botswana's physical vulnerability to any significant extent. Nevertheless, it is impossible for any responsible leader in Botswana to overlook the dangers which exist. With a population of only 620 000, it is obviously impracticable to attempt to safeguard the security of the state through military means. This was recognised by the Botswana Government from the outset. Botswana is thus one of the few

independent **African** states which has no army or **military establishment** The police force numbers only 1 **260** men and women, of whom **300** serve in the paramilitary **police Mobile Unit** The objectives of the police force are defined **primarily** in terms of **Internal security** and law enforcement With an effective **distribution** of approximately one **policeman** for every **450** square kilometres, one of the lowest **ratios** in **Africa** Botswana's **police** are hard pressed even to dispense **their** limited domestic duties

The **territorial vulnerability** of the country and the absence of **conventional** security forces expose Botswana not only to the superior power of **its** neighbours, Botswana is also exposed to those who might wish to use it as a base for **subversion** or **guerilla activities** in southern **Africa** Its small bridgehead **with** Zambia, its deep penetration **into** **minority-ruled** southern Africa, and its long inadequately patrolled borders **inevitably** make it a obvious target Lesotho and Swaziland do not share **this** problem, **having** no border **with** **independent** Africa

Despite the Inherently weak position, Sir Seretse Khama and his Ministers have been outspoken on the **issues** of southern Africa Botswana has done more to Implement sanctions against Rhodesia than many members of the United Nations had dared to suggest In **addition** to **forbidding** the **transit** of arms **shipments** and oil through Botswana, the **Botswana Government** has banned what were the country's **main imports** from **Rhodesia**, namely tobacco products and beer, and has excluded **Rhodesian suppliers** and contractors from Government tenders It has opposed dialogue between **African** states and the South **African** Government other than on the **basis** of the Lusaka **Manifesto** It has steadfastly refused to accept official aid and technical assistance from South Africa It has diversified **its relationships with foreign** governments and **established diplomatic** relations **with** eastern and western states In the face of **considerable** pressure, it voted for the **admission** of China to the United Nations Nevertheless, it would be foolish to pretend that the Botswana Government is in no way **inhibited** by its **vulnerability** There are few **illusions in** Botswana **concerning** the **willingness** or **ability** of the international **community** to come to **its** assistance if its independence is threatened The **plight** of the African **communities** in Rhodesia and **Namibia** provide sufficient warning **in** that regard

The fact that Botswana survives, the **ability** of **its** leaders to express publicly **their views** on regional and **international** Issues, can be ascribed to the strength of the forces at work **within** the country Botswana is a stable country It has a popular Government and its Ministers are respected The Botswana **Democratic Party** won both the **1965** and the **1969** general elections with a **convincing majority** It now holds 24 out of the 31 elected seats **in** the **National Assembly** **Opposition** parties

exist and function freely, however, **with** no less than three such **parties being** represented **in** the **National** Assembly There are no **political prisoners in** Botswana

Other **stabilising** forces are present The Government **itself**, though small and hard-pressed, **is relatively** efficient by comparison **with** many **developing** countries There **is** no serious corruption Botswana **society** does not have strong class **distinctions**, although the **institution** of **chief tainship** still survives, and it is generally difficult to distinguish from outward appearances between the **rich** and the poor In Botswana most of the land **is either** communally owned by the eight major **tribal groupings** or owned by the state Landlessness is not a major problem **Consultation** community action and self help are all strongly rooted in traditional **practices** and customs **Tribalism** does not play the role **in** Botswana **politics** which it does in many other parts of Africa One language, Setswana, is spoken and understood by **virtually** the **entire population**

Botswana **is** not an ostentatious country There **is** a natural modesty and tolerance among its people Many have commented, too, on the realism and pragmatism **which** pervades **political thinking in** Botswana It **is** not a country **given** to propounding **alien ideologies** These features are reflected in **various** ways There are no **prestige** government **buildings in** Gaborone Those who can afford to purchase motor **vehicles** tend to own trucks rather than the **imported** European **limousines which** are such a common **sight in** the **capitals** of many **developing** countries It would be wrong to suggest that **tensions** and **rivalries** do not exist in Botswana But **it is generally** true that the **cohesion** and **traditional** values of Botswana **society** create conditions **which** are **conducive** to **internal political stability** and **national** development **This is** Botswana's underlying strength

Although the **policies**, reforms and plans introduced by the Botswana Government **since** Independence **in** September, 1966 have successfully launched Botswana on a course which diverges sharply from that of **its neighbours**, the progress **achieved** by Botswana **in** the last **six** years **is** itself a **stabilising** force **in** the region **Majority** rule has not produced chaos but **reponsible** government **Non racialism is working in** Botswana Economic development has brought progress So long as **this situation prevails**, Botswana should be able to preserve **its identity** and **continue** to demonstrate that there **is a viable alternative** to apartheid Only if **this** progress is halted, and the **experiment** falls, does Botswana's vulnerable **position** become a **potential international issue**

The character of its Independence causes Botswana to proceed cautiously But it does not affect the **lives** of the **majority** of its people It **is** the social and **economic** consequences of its **geopolitical situation**

which have the greatest **impact** on the country. Many **developing countries** have to wrestle with problems created by their **contiguity with** more developed, better endowed **neighbours**. Indeed, **maldistribution** of wealth and resources **is** a problem not confined to the poorer countries of the world. Yet it **is** difficult to find contrasts comparable to those **in** southern Africa. Approximate average per **capita** income figures tell the story. Botswana US \$90, South Africa US \$750.

Botswana has an **extraordinarily** open economy by any criteria. Exports represent a **high proportion** of gross domestic product (almost **30 %** in 1970), while **imports** (**63 %** of GDP **in 1970**) amount to more than US \$70 per head. While there are **47 500** persons in wage employment **within** Botswana, as many as **50 000** are **driven** by the country's poverty to seek employment **in** South **Africa** in years of poor rainfall. Botswana has no currency of its own, the South **African** Rand is legal tender. There **is** no effective control over monetary exchanges and flows between Botswana, South Africa, Lesotho, Swaziland and **Namibia**. **In addition, Botswana is** a member of the southern African Customs Union, **within which** goods can migrate **virtually without restriction**.

The integration of Botswana's economy into the wider southern African economy has not come about through the choice of the Botswana Government. It occurred **progressively** during the past century. It was with some reluctance that the **British** Government **proclaimed** **Bechuanaland** a Protectorate in **1885**, rather than permit **its annexation** by the Transvaal Republic or the self-governing Cape Colony. Even then it was clearly **intended** that Bechuanaland should **ultimately** be absorbed by South Africa. **Following** the Boer War and the creation of the **Union** of South **Africa** in **1910**, that **intention** was clearly **enunciated**. The **Constitution** of the Union of South Africa **contained** a clause **specifically providing** for the **incorporation** of what were known as the **High Commission Territories** (Bechuanaland, Basutoland and Swaziland). The first Customs **Union** Agreement between the four **countries** was concluded in **1910** and **remained in force until 1969**. Mafeking, the **administrative** capital of Bechuanaland **until 1965** when, belatedly, a new **capital** was constructed at Gaborone, was actually situated in South Africa, some **25 kilometres** from the Bechuanaland border. It was thus only recently that **Britain** abandoned its **earlier** policy towards Bechuanaland and acknowledged the 'winds of change' in Africa. By **this** time a **relationship** based on economic dependence was firmly established.

The Government **which** was formed in Botswana, **following** the first national **elections** in **1965**, wasted **little** time in announcing its intention to define Botswana's relationships **with its neighbours**. Its new **policies** were enunciated in the **Transitional Plan for Social and Economic Development, 1966-1971**, and in the statements of the **President** and

Cabinet Ministers These **described** clearly the need to reduce Botswana's dependence on South Africa and to remove the **inequitable** aspects of **its historical relationship**

Nevertheless, Botswana's **options** were severely **limited** **Firstly**, its **domestic** manpower resources were **illequipped** to meet the challenge of Independence. Almost all of the **senior** posts in the Government were held by **expatriate** officers, some of whom were **decidedly** **unenthusiastic** about the new approach towards South Africa (some ultimately settled in South Africa after **retiring** from **public service** in Botswana). An **inadequate** attempt had been made by the **British** Government to prepare Botswana for self government, as **exemplified** by the fact that there was not a **single** state secondary school in the country **until** 1965. **Higher education** had been **positively discouraged** during the colonial era. **Public service training** programmes were non **existent**. The incoming Democratic Party Government consequently **inherited** a small and weak **civil service** in which Botswana occupied, in the main, **junior positions**.

The **administrative capacity** of the Botswana Government was further **strained** after Independence when the **British** Government introduced its usual **compensation** scheme for **British colonial** officers **serving** in Botswana. The offer of monetary **compensation** for loss of **office** was so **weighted** as to encourage the younger, more **liberal** and able **British expatriates** to **retire**, while tending to induce the older officers to **remain**. Botswana was thus in no **position** after Independence to embark on any **radical changes** in its relations with its neighbours which might **increase** the strains on its slender **administrative capabilities**.

In any event, Botswana **simply** lacked the **statistical information** about the country and its **financial** and trade relations with South Africa and Rhodesia on which any **systematic examination** of **alternative arrangements** could be based. It was only after Independence that a **Central Statistics Office** was **established** and started the long process of data **collection** and **appraisal**. Prior to that, no accurate **banking** or trade statistics had been **maintained**. **Quantification** of the costs and benefits of **continued** membership of the southern **African Customs Union** and **continued** use of South African currency was **impossible** on any **systematic basis**. It is only now that good **statistical information** is **becoming available**. Botswana's **Ignorance** was itself a **restraining influence**.

Its **financial predicament** was no less **inhibiting**. The annual budget of approximately US \$22 million in 1966/67 was scarcely **sufficient** to support the **essential expansion** of the **public service** necessary to **administer** the nascent development programmes. During the first four **financial** years after Independence, more than half of Botswana's **budget**

etary expenditure had to be funded by deficit grants from the British Government. The annual budget came under close scrutiny from the British Government and budget savings, if any, had to be applied to reduce the level of grant-in aid. Botswana's heavy dependence on budgetary aid, however generous, limited its ability to initiate any fundamental reforms in its external relationships. In this respect, Botswana's position differed markedly from that of Zambia which was able, at considerable cost, to reduce significantly its dependence on Rhodesia after UDI.

The weakness of Botswana's administrative and financial resources after Independence, and the immediacy of its domestic development needs, did not prevent the Government from attempting to challenge and modify Botswana's historical relationship with South Africa. A delegation of officials from Botswana led the quadripartite negotiations with South African Government representatives which resulted in 1969 in a new Customs Union Agreement. In the absence of any reliable trade statistics, it was difficult to evaluate with any degree of certainty the alternatives to continued participation in the free trade area. The 1969 Agreement confers on the three smaller states the right to take unilateral action to protect infant industries and significantly increases their share of the common pool of customs, excise and sales duty revenues. It also provides for consultation on common issues. The new Agreement is, however, at best transitional and will certainly require further detailed examination when accurate import statistics become available.

The monetary arrangements, too, have come under close scrutiny and negotiations are about to commence in this connection. Changes have also occurred since independence, at the instigation of the Botswana Government, concerning the recruitment of Botswana workers by South African organisations, and their welfare in South Africa.

Despite these initiatives, Botswana's economic relationship with its neighbours remains unsatisfactory. The forces of economic polarisation operate strongly. In addition to the annual efflux of contract labour from Botswana to South Africa, where even the pitiful average wage for unskilled miners of approximately US 75 cents per day substantially exceeds the incomes in rural areas in Botswana, other resources are drained away to the more highly developed neighbouring countries. There is, for example, a persistent net outflow of domestic short term savings from Botswana to South Africa through the commercial banks due to the limited demand in Botswana for short term credit of the kind offered by the banks and to the ready availability of high yielding and negotiable securities in the South African market.

Of even greater concern are the wider aspects of the economic rela-

tionship As a **peripheral** member of a common customs area, Botswana cannot employ conventional methods of **inducing domestic** development through the protection of import substituting **industries**. The small size of its **internal** market would, in any event, **restrict** the scope of such development. More **serious**, however, are the consequences to Botswana of the control and manipulation of the customs **union** area by the South African Government. The external **tariff** structure has been **designed** largely to **stimulate industrialisation in South Africa**. In this respect **it** has succeeded remarkably well, as **evidenced** by the rapid growth of South **African manufacturing** and assembly **industries**. Botswana has not shared in this process. On the contrary, **it** has been forced to **contribute**, albeit marginally, to the **industrial** development of South Africa, as a **captive** market for South **African** goods, by **having** to pay higher prices for **its** imports from South **Africa**. Moreover, as South **African industry** has developed behind the **protective** wall of common external **tariffs**, **import** quotas and controls so has the area's **relative** dependence on imports **declined**. The **substitution** of **domestic** products for imported goods has resulted in a **shift in taxation** in South Africa. The pool of **indirect** tax revenues, in which Botswana shares through the Customs **Union** Agreement transfer payment **mechanism**, shrinks while the base of **direct taxation** in South **Africa** which contributes **nothing** to Botswana expands.

There are, of course, some **potential** advantages to Botswana in **retaining** a close trade **association with its** neighbours. Access to an enlarged and rich market for its products must certainly rank as such an advantage. Nevertheless, as long as Botswana's exports of primary product — beef, **diamonds**, copper and **nickel** — can find good markets **outside** the common customs area, and as long as Botswana must pay inflated **prices** in respect of a **wide** range of **its** imports from South **Africa**, financial compensation alone is **insufficient justification** for **remaining** in the customs **union**. In this connection, it should be noted that **inflation** in southern Africa is not solely a **function** of the **policy** of **industrial** protection. There can be no doubt that the **racial policies** of the South **African** Government contribute **significantly** to the **inflationary tendencies** in the South **African** economy. The recent desperate shortage of **skilled artisans in South Africa** created in no small measure by the application of the 'colour bar', certainly **contributed** to the pressure on wages and prices. Botswana, much as **it** detests the causes of Southern African **inflation**, cannot **isolate itself** at present from the local impact. Indeed, costs tend to rise faster and sooner in Botswana, on the **margin** of the southern African economy, than they do in South Africa.

Botswana's **reliance** on direct **imports** and re-exports from South **Africa**, which comprise, on average, more than 80 % of **its** total **imports**,

is due not only to the Customs Union Agreement **Physical proximity** to a well developed source of **capital** and consumer goods results naturally in a close **trading relationship** The **historical** pattern of **communications** in southern Africa and the transport **policies** of Botswana's neighbours also favour **regional** trade

The railway line which runs through eastern Botswana **is approximately 650 kilometres long** From its **mid point**, Mahalapye, it **is about 1360 kilometres** due west to **Walvis Bay** on the Atlantic coast The distance from Mahalapye to **Lourenço Marques** or **Beira**, in Mozambique, or to Durban or Port Elizabeth, in South Africa, all on the Indian Ocean coast, is **slightly less, about 1100 kilometers** But there is no **direct rail link** to the west All of Botswana's exports to, and imports from Europe or the United States travel the longer route to the southern and eastern ports of southern **Africa—and** bear the higher ocean freight rates

Communications **within** southern Africa are generally disadvantageous to Botswana **First**, Botswana suffers from the fact that Rhodesia **Railways** own and operate the railway line through Botswana Goods conveyed by rail between South Africa and Botswana must be **carried** by two railway systems and thus cannot enjoy the full advantage of normal **tapering rail tariffs** Then there **is** the **additional** penalty of being a **marginal** user of the railway system As a result of the **determination** of the South **African** Government to protect the monopoly of the South African **Railways**, **mainly** for political reasons **associated with the commitment** of the ruling **Nationalist** Party to safeguard **white** railway workers, severe bottlenecks have developed in rail transportation on the South African railway system Goods **destined** for Botswana **inevitably** command a lower **priority** than goods **required** by South Africa **itself** Shipments to and from Botswana are frequently shunted aside or **delivery** is delayed

Similarly, there is **discrimination in road transportation** Local road hauliers in Botswana, Lesotho and Swaziland are prevented by South **African licensing authorities** from **carrying** loads to markets or railheads in South **Africa** Reciprocal action by the Botswana Government would only exacerbate the problem of transportation **costs and delays** **Little** progress has been achieved in **settling this issue with** the South African Government

Air communication **links** also favour South **Africa** Johannesburg is the usual **international air terminus** for persons **travelling** to and from Botswana It **is only 300 kilometres** from Gaborone, whereas Lusaka is **1050 kilometres distant by air** With its **domestic air** services well established, it **is relatively easy** for South African **Airways** to extend scheduled **services** to Botswana **Air communications** with Zambia have

been singularly difficult to develop, although **Zambian Airways** now operates one flight per week to **Gaborone**. Faced with limited demand for internal air travel and stiff competition from the established airlines of neighbouring states on international routes within the region, Botswana's own attempts to establish a viable domestic airline have foundered. **Botswana Airways Corporation** was forced to terminate its scheduled services in 1972 when its mounting losses exceeded the level at which state subsidies could be justified.

The problems encountered by Botswana in communications are symptomatic of another major difficulty, namely regional cooperation. Land-locked countries must inevitably be more concerned than most to achieve a high degree of regional cooperation. In southern Africa, even the more rudimentary forms of cooperation are impossible. The Customs Union Agreement, for example, makes no provision for the integration of development, for the rationalisation of industrialisation, for the deliberate redistribution of investment, or for the creation of a capital development fund, all of which are common features of free trade areas in which stronger and weaker partners participate. Political differences within the region simply eliminate such possibilities.

The political nature of the southern African region also places Botswana at a singular disadvantage as far as regional aid is concerned. Regional development projects, which are so assiduously sought out by multilateral and bilateral aid donors, have only limited application for Botswana. Apart from the University of Botswana, Lesotho and Swaziland and the development of communications with Zambia, there are few politically feasible regional projects from which Botswana can benefit. The plain fact of the matter is that the Botswana Government must seek to reduce rather than increase its dependence on the region of which it finds itself a part. It can only do so by achieving internal development.

Botswana is faced with another problem arising from the political character of the southern African region. For the reasons mentioned above, the Botswana Government at present eschews official contact with two of its neighbours, Rhodesia and Namibia. There is even less contact with Angola, despite its physical proximity. Isolated as it is and unwilling to deal with regimes which it does not recognize, Botswana is nevertheless forced to cooperate minimally with these countries in certain matters, such as the joint control of the Okavango and Limpopo River systems and measures to combat animal diseases and pests. Under present circumstances, however, normal cooperation on the basis of mutual respect is ruled out. This in itself places considerable constraints on Botswana's development. The possibility of improved communications links with Namibia and the Atlantic coast cannot be pur-

sued, in spite of the extension of the Namibian railway system to Gobabis, only 100 kilometres from Botswana's western border. **Utilisation** of the copious water resources of the Okavango **River**, which **originates** in the Angolan **highlands** and flows through the **Caprivi Strip** into the vast internal Okavango delta in north western Botswana, can not **easily** be jointly, and **rationally** planned. The **political realities** of the **region** thus distort the natural development of the region and compel Botswana to embark on the more **limited** and costly **domestic** programmes.

This pattern of development, once established, could in the future **again** operate to Botswana's disadvantage. Many regard Angola and Rhodesia as having potentially the least stable governing regimes among the minority ruled states of **Africa**. **Namibia** has long been **considered** to be the Achilles heel of South **Africa**. If circumstances were to change in these **countries**, and popularly elected governments were to assume control, Botswana could find itself, once **again**, unnaturally **isolated**.

The discomfort suffered by Botswana as a result of its **geo-political situation** extends into other fields. Not **surprisingly**, Botswana has become a haven for refugees from surrounding states. In recent years, the long established flow of South **African** refugees has been swelled by refugees from Rhodesia, from **Namibia** and most recently from Angola and Lesotho. The refugee **population** in Botswana currently numbers 4 580. There can be few **countries** in the world **which** directly receive refugees from as many states. **While** the Botswana Government grants asylum to all legitimate refugees from **neighbouring** countries, and **assists** in arranging **transit facilities** for those refugees who wish to travel northward through **Zambia**, it cannot pretend that the refugees do not create local problems. **With** living standards as low as they are, and employment at a premium, it is extremely **difficult** to devote scarce **financial** and manpower resources, or to allocate land and provide settlement **assistance** to refugees **without** provoking understandable **criticism**. The refugees themselves fail on occasion to respect **their position** in Botswana. The spotlight which the southern **African** refugee problem casts on Botswana is not always a **friendly** one. Some agencies and **foreign** governments, **which** are deeply concerned about the modern refugee problem, overlook the fact that Botswana, in a true **historical** sense, is a nation of refugees. From its oldest **residents**, the **Bushmen**, to its more recent African Immigrants, Botswana has been settled by people who were escaping tyranny of one kind or another. They have as much claim to sympathy and support as the current refugees who seek a temporary haven in Botswana.

Just as Botswana's economy is open, so too is its society. Large numbers of Botswana migrate annually to South **Africa** to work on

short contracts in the mines, in domestic service and as seasonal farm labourers. Similarly, there are surprising numbers of South Africans, Rhodesians, Zambians and Malawians resident in Botswana working as school teachers or in skilled and semi skilled trades. Many Batswana attended mission schools in South Africa or studied at institutions of higher education, such as the University College of Fort Hare, during the colonial years. Of necessity quite a few Batswana have learned Afrikaans, and most can speak or understand at least one African language other than Setswana. The borders of Botswana, as mentioned earlier, are arbitrary and divide several of the Setswana speaking tribal groups in southern Africa. There are in fact considerably more Batswana in South Africa than there are in Botswana. It is not uncommon for families to have branches in both countries.

The contacts with South Africa extend to other fields. South African soccer teams play against local sides. South African entertainers put on performances in Botswana. South African tourists visit Botswana's national parks or pass through Botswana on the railway. In addition, Botswana Government officials travel frequently through South Africa, either on their way abroad, or to attend meetings in Lesotho and Swaziland. Similarly, students from Botswana must cross South Africa to attend university in Lesotho or Swaziland. South African and Rhodesian radio stations can be heard throughout Botswana.

The influence of these social contacts and interchanges on Botswana is generally harmful. They expose Batswana to the contrasts within the region, contrasts of living standards, consumption patterns and ideologies. Comparisons are inevitably made and demands are created. The urban elite in Botswana tends to base its norms of material welfare and social behaviour on a model which bears little relevance to the realities within Botswana. On the other hand, it is impossible to insulate Botswana from the racial tensions and animosities which are so prevalent in southern Africa. While Ministers and senior Government officials are treated cordially and indeed feted, when they pass through or visit South Africa the general public enjoy no such privilege. They suffer the same inhuman treatment as is meted out to Africans in South Africa. And white South Africans who visit Botswana or work there in the building industry or in private enterprise do not always moderate their attitudes and behaviour.

These influences impinge on Botswana's social objectives and introduce a discordant note. Indeed, the presence of such influences makes all the more remarkable the strength and survival of liberal attitudes in Botswana. Most Botswana citizens have encountered racial discrimination and exploitation in one form or another, in South Africa or Rhodesia and in their own country. Their own President was exiled by the

British Government, and was declared a **prohibited** Immigrant (**undesir**able) in South Africa because he married an English woman Yet the great **majority** have voted consistently for a party which stands firmly for non **racialism** and tolerance And there is virtually no bitterness against **Britain** or South **Africa** or whites Batswana are exposed to a highly developed economy, just across the border, and standards of **living** far **higher** than their own Yet they have demonstrated a **willing**ness to accept personal **sacrifices** in the interests of national advancement, and have not surrendered traditional values and egalitarian **principles**

In spite of the **intensity** of social and economic contacts **within** the southern African region, Botswana suffers from a sense of **isolation** This is both **psychological** and real On the one hand, there is the fear **which** grows from being surrounded by **countries** in which human **dignity** and **individual rights** are not respected **countries** **which** are powerful and unpredictable in **their** response to external pressure There is fear of contact and **competition** Few Batswana travel in southern **Africa** by **choice** **Vacations** are spent at home This induced **insularity** of outlook is in itself dangerous

For many, Botswana's **isolation** is a **practical** problem A number of Batswana who **studied** in communist, **socialist** or even other **developing** **countries** are prohibited from entering South Africa and may only transit it if **special dispensation** is granted **Until** very recently, United Nations and World Bank personnel could not travel freely through South Africa on **visits** to Botswana if they used official travel documents Peace Corps Volunteers and **representatives** of **certain** other voluntary **organisations** working in Botswana still **experience considerable** difficulty in **obtaining visas** to enter South Africa, even if **their** work requires that **they** do so

Contact with the rest of Africa is very **difficult** Communications to the north are poor Under these circumstances, it is not easy to create an **understanding** within **Africa** of Botswana's **special** problems The progress which has been achieved **since** independence is as a result of a very **considerable** effort on the part of **Botswana's** leaders and **officials** **Similarly**, the growing awareness in Europe of Botswana's existence, policies and **potential** has not developed exogenously, it is the product of many **visits** by Ministers, much travelling and **persuasion** To be land locked is **difficult** enough To be black and land locked in southern **Africa** is a lonely and **expensive** experience

These then are some of the problems which Botswana encounters as a consequence of **its** land locked position and of the **policies** of the **countries** which surround it None of them are insoluble or necessarily permanent But one thing is certain They cannot be solved by Botswana

alone The history of southern Africa is a tragic one It has created for Botswana a regional environment which threatens to dominate and impoverish which asserts pressure on Botswana And drains its resources The sharply contrasting goals policies and methods of the governments of the region Accentuate the polarisation of the area, heighten the natural tensions

The Botswana Government is acutely Aware of the problems inherent in the unique geo political situation of Botswana Its reaction to this situation is summed up in the words of its President Sir Seretse Khama in an address to the Foreign Policy Society in Copenhagen Denmark in November 1970 He said on that occasion

We have sought to safeguard our political Independence to ensure our survival as a nation but do so with honour and dignity and without sacrificing any of our fundamental principles We decided never to ignore the harsh realities of our situation as an integral part of Southern Africa We cannot pick up our vast country and replace it on some more comfortable portion of the map But we decided at the same time never to condone the racist policies of our neighbours

Anthony Hughes

Malawi and South Africa's co-prosperity sphere

1 *Malawi's political and economic development*

Malawi is a land locked country of 50 to 100 miles wide and about 520 miles long from north to south. It lies in an area which experienced the great southward movement of Bantu speaking peoples between 500 and 1 500 AD and which saw a similar 19th century northward influx, notably by Ngoni. The first penetration of the region from outside Africa was by Arabs trading in slaves, gold and ivory. Next to arrive were the Portuguese. These early visitors came from the east coast. In the 1890's the area was a principle source of slaves for Zanzibar. The beginning of modern commercial activity began in the closing decades of the 19th century and stemmed from the interest stimulated by the travels of David Livingstone and his successors. The Livingstonia Central Africa Company (subsequently the Africa Lakes Company) used the waterborne route of the Zambezi and Shire rivers and Lake Nyasa. This was a period of rivalry between Rhodes' imperialism from the south, Portuguese interests from the east and the humanitarian mercantile interests from the north and east, following the decline in Arab influence which resulted from the suppression of the slave trade. This pattern of conflicting pressures has reappeared again today, except that the northern pressures are now Pan African nationalist.

It was the desire to suppress the slave trade and the presence of the Africa Lakes Company that led the British to appoint Sir Harry Johnson as Consul (later Commissioner) to this region. His presence and his progressive if paternal temperament meant ultimately that the country that is now Malawi became a protectorate rather than part of Rhodesia or Mozambique.

The dynamic thrust of the railway from the Cape into Rhodesia petered out in the 1880's, before reaching the area of Lake Nyasa. The metropolitan governments, meeting in Berlin in 1884, had thwarted Rhodes' dream of an all British Cape to Cairo railway by providing for Germany's acquisition of a colony in East Africa, reaching from the Indian Ocean to the great lakes. (If only Rhodes could have foreseen that the last important gap in the Cape to Cairo rail-steamship route would be built by the Chinese!)

The detail of what became the Malawi/Tanzania border was fixed

in 1890, while in 1891 a minor confrontation between Britain and Portugal secured the right of navigation along the Zambezi from Beira to the land locked British territories—an alternative to the longer haul from South African ports. In 1892 the British South Africa Company (Rhodes Charter company, which controlled the Rhodesias) began construction of the railway inland from Beira. It was to reach Umtali in 1898 and Salisbury in 1899. Three years later, the Bulawayo–Salisbury line was linked to the railway which ran south to the South African system.

Although the telegraph was to link Nyasaland with Rhodesia and South Africa by the end of the century the railway was not to go so far. It continued northward into what is now Zambia. Nyasaland's main transport link was always by rail via the ports of Mozambique.

The territory made limited economic progress during seventy years of colonial rule. Because it had no great natural resources—and few settlers to pressure governments and major interests—its own railway to join the Beira line progressed slowly. The final gap was closed in 1935 with the completion of the Murchison–Chindio bridge across the Zambezi. In 1936 the railway was extended northward from Blantyre to the lake at Salima. Internal road building progressed slowly in Nyasaland, while the first communications link between the Protectorate and the Rhodesias (and on to South Africa) was a road from Fort Jameson to Lusaka, built in 1929 and described then as involving a long and hazardous journey. There was not (and still is not) any rail link in that direction.

There was some plantation agriculture mainly in tea and tobacco, but typical of British colonial policy in eastern and southern Africa, little economic development for the indigenous population. Before the British came the region had been the source of slaves for the Arab traders. In colonial days it became a source of contract labourers for the mines and farms of Rhodesia and South Africa.

In 1923 Rhodesia passed by white referendum, from the status of charter company territory to that of internally self governing colony, while in the following year Northern Rhodesia became a protectorate, as Nyasaland had always been since it came under British control.

The period between the wars was one in which thoughts of African economic and political development were viewed in terms of generations. The British colonial concept of trusteeship was not so different in practice, at least when settlers were present to the South African system. As the time scale was so leisurely it was not urgent to indulge in speculation as to whether countries in this region with settler minorities, might follow South Africa to Dominion status or fall into the category of the West African colonies, where African Interests would clearly

predominate After 1945 these questions became less theoretical, especially when Britain's Asian empire became Independent and West African colonies began to move in the same direction

The Federation of Rhodesia and Nyasaland was conceived primarily as a means of consolidating white power in Southern Rhodesia and of extending it into Northern Rhodesia and Nyasaland There was an economic case for creating a larger unit and the three territories had complementary resources to offer Therefore, in spite of African opposition to the scheme, especially in the two northern territories Federation was imposed by Britain in 1953

Even with goodwill, the sharing of the benefits of such economic cooperation is a problem as the East African Community's experience has shown In Central Africa the very purpose of the federal leaders was to ensure the major benefits for the white settlers, notably those of Southern Rhodesia, and to see the whole region move rapidly to independence under white supremacy So Nyasaland became an exporter of labour and the absence of much of the most productive and skilled manpower became another barrier to development In the Federation all of these tendencies were exacerbated in the interests of Southern Rhodesia

In July 1958 Dr Hastings (Kamuzu) Banda returned from self imposed exile in Britain and Ghana to fight federation and to take over the leadership of the Nyasaland Congress Movement, which Henry Chipembere and Kanyama Chiume offered to him Within eight months of his arrival a State of Emergency was declared Dr Banda, the whole of the nationalist leadership and 1 500 others were arrested, accused of having planned a massacre of whites (The allegations that they had plotted insurrection and murder were subsequently found to be entirely without foundation) Nationalist pressures in Nyasaland and similar events in Northern Rhodesia led the British government to give an undertaking that the Federation would not move to what was still then called Dominion status against the will of the majority of the people of Nyasaland and Northern Rhodesia From there the steps towards the breaking of the Federation and separate independence for Zambia and Malawi followed

President Banda said recently, As long as the country remained under the Federation it could never have developed for it could never act as an entity on its own White Federal leaders obtained funds from Britain, America France and other countries on the pretext that the money would be used for the economic development of the Federation as a whole, they spent the bulk of it in Rhodesia ¹ The President said that while he led the fight against the Federation he had argued that once Malawi gained its Independence, it would be able to borrow

money as a separate country and would be in a position to decide its future as it thought best

Within weeks of the achievement of independence in 1964 Dr Banda broke with a majority of his party and cabinet colleagues. The many issues dividing them were basically political involving a clash between their radicalism and his more conservative tendencies. It was perhaps significant that they chose the question of his links with Portugal as the occasion for the split while he accused them of wanting to accept a 'bribe' of Chinese communist investment.

The breach with most of his leading supporters (who had invited him back as a figurehead) left Dr Banda with a free hand. While it deprived him of the best of the nationalist leadership it left him dependent upon a mainly British led civil service, willing to nurture the conservative side of his nature. Many activists in the party supported the Ministers in exile and they were removed or cowed into acquiescence—1 200 people were placed in detention during 1964. This further decreased the likelihood of voices favouring radical and Pan African policies being heard.

In Britain, Dr Banda had been active in the Pan African movement and a close friend of men such as Nkrumah and Kenyatta. It was at Nkrumah's invitation that he was a practising doctor in Ghana when called upon to lead the nationalist movement at home. There had been no clear indications that the ideology of the nationalists in Nyasaland differed greatly from that of the other newly Independent states of East Africa. Yet it soon became clear that both in domestic matters and foreign affairs Dr Banda was moving decidedly to the right.

Before Independence Nyasaland had been a typical case of colonial economic neglect. It had no large mineral resources or other factors to attract investment. Its land-locked position put it at a disadvantage as far as exporting agricultural products was concerned and equally in the matter of importing capital goods and other materials. So Malawi achieved political Independence in 1964 with one of the most forbidding economic situations to face any African state. Like most of the other African land locked countries classified as being 'least developed' it depended upon external aid in order to balance its current expenditure budget. As in all other cases it was the former metropolitan power which footed the bill.

It should be noted that the fundamental characteristic of Malawi's trade since Independence (see tables I and II in the appendix) does not relate to its relations within southern Africa. The most notable feature of its commercial relations is the degree to which both imports and exports are still linked to Britain. In 1970 Britain took about 44 % of Malawi's exports and provided about 26 % of imports. In

complete figures available for 1971 show Britain taking 44 % of exports and providing 24 % of imports

Exports to South Africa for both years were under 4 % of the total and to Rhodes~about 7 % Imports from South Africa actually fell from about 12% in 1970 to 10.5% in 1971 Imports from Rhodes~recorded an even more significant fall from 24 % in 1970 to 14 % in 1971

From these figures it seems clear that in spite of the political will existing within both governments, moves towards closer economic links between Malawi and South Africa are difficult to achieve The carry over of patterns established during colonial times is proving as hard to break up in Malawi's case as it is for many other African countries—who have radically different notions of the directions in which they wish to move

Furthermore, Malawi's imports from South Africa Rhodes~and Portugal/Mozambique need to be seen in their historical and geographic context The overwhelming disparity of South Africa's economic strength, especially in manufacturing, was bound to be felt within the region, unless there was a deliberate policy to counter such a development To be fair to Malawi, one should compare the trade statistics of Malawi and Zambia In 1969, Zambia imported goods worth \$106 m from South Africa and, in spite of attempts to observe sanctions, goods worth \$33 m from Rhodes~a Malawi in the same year imported goods worth \$12 m and \$12.5 respectively from Rhodesia and South Africa In the absence of contrary political factors, economic forces could be expected to lead in the coming decades to growing commercial integration in the region, with South Africa playing a dominant role It is therefore necessary to consider the political factors which might counter or reinforce the economic pressures

2 *South Africa's outward looking policy*

The granting of Dominion status to South Africa in 1910 confirmed that country on a course which it follows to this day, in which racial domination and discrimination are the most marked features of all aspects of life

During the first half of the twentieth century, white South Africans could feel an affinity with other settler groups further north As majority rule advanced elsewhere and as the world became more hostile towards the idea of racial domination white South Africa withdrew increasingly into its *laager* Its leaders sought to justify white supremacy to the world by dressing it up as 'separate development' At the same time, the legal enforcement of racial domination became progressively more firmly entrenched

Alongside the *laager* mentality there has been an aggressive expansionist threat in white South African history. Among the *Afrikaners* this was exemplified in the Great Trek and among the English speaking group it was represented by the commercial/imperial thrust that led to the creation of Rhodesia. In the twentieth century it was seen in the granting of the South West Africa Mandate to South Africa and in the claims made for the incorporation of the High Commission territories of Bechuanaland (Botswana), Basutoland (Lesotho) and Swaziland.

The twin concepts of Bantustan development at home and the outward looking policy are the South African government's answer to internal and external pressures.

Between the two world wars, under Smuts, the minority regime could claim that their rule over Africans was not fundamentally different from that of the colonial powers. With the end of empire their position became isolated and their concept of trusteeship exposed not only as an anachronism but also as a fraud.

After South Africa's withdrawal from the Commonwealth in 1961, the Prime Minister, Dr Verwoerd, made a statement which, while revealing his government's attitude to internal race relations, also contained the germ of the outward looking policy. He said, 'The white nation in South Africa is quite determined to keep its own character and to safeguard its ways and the things which for it make life worth living. We are sure that the black people have exactly the same ambition. We see in the rise of black nationalism in Africa precisely that striving to retain their own identity but their way of life is very different from ours. I perceive the development of a Commonwealth of South Africa, in which the white states and the black states can co-operate together without being joined in a federation and therefore without being under a central government, but co-operating as separate and independent states. In such an association no state will lord it over any other; they will live rather as good neighbours. Harmony between the various groups in South Africa depends basically on security for each of them and their very different ways of life.'²

The outward looking policy is determined by both economic and political factors. Politically, South Africa needs to neutralise African and world hostility to its racial policies. Economically, it is seeking to build up a market for its industrial output. It plans to extend trade relations with as many African states as possible. Geographic considerations give South Africa an advantage over other developed countries exporting to Africa. Conversely, South Africa is at a disadvantage in selling her manufactures to other areas of the world.

On the diplomatic and political front, the purpose of the outward looking policy is to end South Africa's isolation within Africa and to

split the African nations on southern Africa issues. While such achievements would be advantageous in themselves (from the South African government's viewpoint) they would be even more significant on the world stage.

If African states are seen to be co-operating with South Africa, then how can countries such as Britain, France, Japan, Germany, the United States and Italy be criticised for maintaining their links? The establishment of ties between South Africa and independent Africa would cut the ground from beneath the feet of those in the West who are pressing for disengagement.

Typical of South Africa's strategy is her sponsorship of the Regional Tourist Council for Southern Africa. The other present or prospective members are Botswana, Lesotho, Malagasy, Malawi, Mauritius, Portugal and Swaziland. The headquarters are in Malawi. The choice of Malawi for the Tourist Council's office is a reflection of the crucial role which Malawi has played in the outward looking policy and an example of the benefits to be drawn from co-operation with the Republic.

The South African Foreign Minister, Dr Muller, put this as a major justification for the outward-looking policy in 1968 when he declared:

As the West becomes aware of our fruitful co-operation with other African states, their attitude towards us improves. I believe that we must simply accept that our relations with the rest of the world are largely determined by our relations with the African states."

3 *Malawi's Relations with South Africa*

It was in 1966, two years after independence, that Dr Banda openly began negotiations with South Africa, leading Mr Vorster to say in November of that year, "There are new circumstances in Africa, especially southern Africa. I want to co-operate in peace with everyone. When we talk, colour will be incidental. I will deal with them as heads of state."

By 1967 the outward looking policy was formally approved by a resolution of the South African parliament, opening the way for the serious contacts with Malawi which began during the same year. In 1968 the policy scored a significant success, when formal diplomatic relations were established with Malawi. The South African envoy was the first diplomat from his country to take up residence in a black African state. At the same time, Malawi sent its first representative (at first a white expatriate with an African understudy) to South Africa. Malawi regarded the exchange as an advance in what has come to be known as the policy of dialogue.

In 1970 inter governmental contact was consolidated when after a series of ministerial exchange⁵ the South African Prime Minister Mr John Vorster visited Malawi

One of South Africa's most strategic political moves in relation to Malawi was the agreement to help build the new capital of Lilongwe. Merely a prestige project when compared with the Aswan dam for Egypt or the Tanzam railway for Tanzania and Zambia it has the same kind of significance for Banda as those developments had for Nasser and for Nyerere and Kaunda. The Soviet Union's backing for the Aswan dam and China's assistance with the railway brought about shifts in Africa's political and economic links. South Africa clearly intended to use Lilongwe as a key to its own penetration. The initial South African loan was £40 m for the first phase. At the same time technical assistance and personnel were provided and private investment began.

The high water mark of the outward looking policy and equally of Dr Banda's sponsoring of dialogue was his five day State visit to South Africa in April, 1971. His final address at a State Banquet summarised the classical case for dialogue. He said: "The main reason why we should meet is because if we do not agree and we do not meet how are we going to resolve our problems?"³ The mere fact that we do not agree is reason that we should meet. If force, boycotts and isolation are rejected as a solution—and I reject them—then the solution is contact.⁴ As a result of his visit the President said he was more determined than ever to maintain contact. Several years earlier he continued he had been alone in talking about dialogue. Today Kamuzu is not alone and no longer holds the sole patent for the phrase dialogue.

Replying the South African President Mr Foché said fruitful international co-operation and positive relations between states could flow only from mutual respect, the recognition of sovereign equality and a scrupulous non intervention in the domestic affairs of other states regardless of differences in national policies. South Africa was willing to talk to any other state on an equal footing. He continued: "Recently the leaders of a number of African states have publicly advocated dialogue with the Republic of South Africa as a better method of resolving differences than the use of violence and boycotts. We are glad of this new development and shall be happy to respond to it. He paid tribute to Dr Banda for the part he had played, adding that for a long time Dr Banda had been a voice crying in the wilderness in favour of dialogue but that the idea was now "accepted all over Africa."⁵ The South African Prime Minister Mr Vorster claimed that the visit demonstrated that South Africa would take its place in the world as a part of Africa and that it was going to play its part on the continent.

He said that President Banda's visit was proof that his own determination to ensure that South Africa took its place in the world was bearing fruit ⁶

The follow up to Dr Banda's visit was the State visit of President Fouché to Malawi in March, 1972. At a banquet in his honour, President Banda said, 'The difference between me and other African leaders is not one of principle but of approach. Other leaders think that war—direct or indirect—is the solution or, failing that, boycott and isolation' ⁷

In reply, Mr Fouché said that good relations between South Africa and Malawi were to both countries' advantage and had created many opportunities for exchanging knowledge and experience. 'You built a bridge of friendship and co-operation. Today I walk over that bridge' ⁸

Dr Banda has said that his reasons for not subscribing to confrontation and war with the white-minority regimes of southern Africa are practical ones. Such a violent policy, he contends, would only succeed in engulfing the whole of the southern part of the continent in a blood bath, setting back the clock of freedom and progress particularly in the newly independent African countries. A sober approach on the part of African leaders would re-enforce the liberal white element in South Africa, which had come to the conclusion that for the good future of all in that country, it was essential to recognise in practical form that Africans were human beings like everybody else, and so they had the right to run some sort of political show of their own, at least in certain parts of the country' ⁹

Dr Banda has called upon the western nations to act as honest brokers to bring the racial groups together in South Africa. This line is clearly welcomed by those in the West who want 'business as usual with South Africa'. Apart from those whose motives are purely commercial or who are even more openly politically motivated, there is a genuine move in some western quarters to use economic penetration of South Africa as the means to press for the softening of the edges of *apartheid* especially where this conflicts with their own business interests, e.g. by the relaxation of job reservation.

This argument for closer economic links between the West and South Africa would be more convincing if it were not mainly propagated by those who have some commercial interest at stake.

4 Malawi's relations with Portugal

In 1969 the then Governor General of Mozambique, Dr Baltazar Rebelo de Souza, paid his first official visit to Malawi. In November of the same year, two Malawian cabinet Ministers visited Portugal to

discuss co-operation and a few days later the **Malawian Embassy** was opened in **Lisbon**

In July, 1970, Dr Banda visited **Mozambique** for the official opening of the **Malawi** rail link to **Nacala**. In the same month Dr Banda expressed his sorrow at the death of the Portuguese dictator **Salazar**. At public meetings in **Malawi** Dr Banda took to inviting visiting Portuguese officials on to the platform introducing them to the crowd as 'our friends and brothers'

Dr Banda has said that he regards the Indian Ocean and not **Lake Malawi**, as his country's natural eastern border. Whatever implications his outlook may have for the future it certainly points to the overriding aspect of **Malawi's** land-locked position. It is not **Zambia** and hardly **Tanzania** (with which it has borders) which lie between **Malawi** and the Ocean. Nor is it **Rhodesia** or **South Africa** (with which it has no common boundaries) which block its access to the sea. **Malawi's** access, determined by geography, underlined by historical usage and confirmed by today's communication patterns, is through Portuguese **Mozambique**.

While some countries may co-operate with Portuguese colonialism as a means of weakening their dependence upon **South Africa** or **Rhodesia**, **Malawi's** need for Portuguese goodwill is understandable in the absence of alternative outlets through **Zambia-Tanzania**. After all **Zambia's** dependence for survival upon **Rhodesia**, **South Africa** and **Portugal** has been acknowledged by the world and the **African community** during a period in which it is disengaging and building alternative routes mainly through **Tanzania**.

The opening of the new link to connect the railway to **Nacala** on the **Mozambique** coast (north of **Beira**) was one of the most important events in **Malawi** since independence. It is significant that it was decided to use a route through **Mozambique** for the second rail outlet (it is, of course, also the route for the first via the **Beira line**). While it was a decision which could be justified on economic grounds, it also confirmed **Malawi's** willingness to become part of the **South African Portuguese** economic axis. The planning of the link was carried out at a time when the West was still refusing to help with the **Tanzam railway**, when the hope of finding backing for the equally long haul to **Malawi** through **Tanzania** must have seemed remote even leaving aside the political problem of **Tanzania-Malawi** relations.

Malawi occasionally points to its geographic position as that which determines its foreign policies in the region. For example, the **Trade and Industry Minister, John Msonthi**, cited as a success of the dialogue policy the negotiations with the Portuguese for a second rail outlet for **Malawi** through **Nacala**. "I should like to emphasise that without the co

operation of the Portuguese **authorities** this second access to the sea would not have been possible '''¹⁰

It is noteworthy that the new rail link to join the Nacala line was **built** with the aid of a £6 m loan from the South African government. A further possible link **with** Portugal is the proposed extension of the line westwards to Mozambique's Tete **Province, which lies** between **Malawi** and Rhodesia. The tenuousness of Malawi's geographic **ties** with South Africa and Rhodesia and its dependence upon **Mozambique** are **highlighted by** the problems now being faced by **Malawi (and by Rhodesia)** because of the **operation** of FRELIMO guerrillas in the Tete **Province** of Mozambique. There **is** only one practical surface **link** between Malawi and **Rhodesia—the** recently tarred road across Tete Province. One of the effects of FRELIMO **activity** for Malawi has been a 20 % fall in tourist earnings.

In **view** of OAU's apparent new determination over southern Africa, **Malawi's** problems in this area are likely to grow. It **remains** to be seen what progress is made with the Tete rail project.

This **is** also the area of the Cabora Bassa dam, one of the key projects **designed** to bring the southern African region (**including Mozambique**) **within** the influence of South Africa's economic empire. The close **identification** of South African and Portuguese colonialism makes a nonsense of Portugal's **claims** to be **creating a non-racial, Lusitanian** commonwealth. Nevertheless, if she were **ultimately** to withdraw from Africa, Portugal would not **like** to see Angola and Mozambique become South African client states. Nevertheless, for the **time being**, the two **countries** have an **interest** in working together in all spheres in order to strengthen **their respective** colonial and racial **empires**.

For external propaganda purposes, Portugal often **points** to the non-racial **philosophy which** it claims underlies **its colonial** rule. In the **reality** of southern Africa, this line is ignored. The historical **friendship** between *Afrikaners* and the Portuguese in Mozambique was stressed recently by the South African Defence **Minister**, P. W. Botha, during a **visit** by the colony's new Governor General Manuel **Pimentel dos Santos**. He **claimed** that co-operation between the South Africans and the Portuguese had contributed to economic progress and **stability** in southern Africa, and **said** the Caborra Bassa dam was evidence of the two **countries'** confidence and of **their** determination to work together in the interests of all the peoples of southern Africa.

After **raising** the bogey of **communist** penetration, the Defence **Minister** continued, "For us **it** is therefore imperative to ensure economic progress and stability **in** at least our part of the continent. I cannot over **emphasise** the necessity for the **widest possible co-operation** for the attainment of **this** goal."¹¹

5 *Malawi's relations with Rhodesia*

Rhodesia's UDI was accepted by the South African government with mixed feelings and it would have preferred (and may still favour) a managed transition to African rule. The commitment to defend Rhodesia against guerrilla forces which South Africa reluctantly adopted clearly interferes with the presentation of a benign outward looking face.

Malawi's relations with Rhodesia have not been so close as those with South Africa, in spite of the closer geographic proximity. This in part may derive from the history of Dr Banda's struggle to break the Federation. It is also true that Malawi's trade figures (see table I in the Appendix) indicate a loosening of links with Rhodesia during the period of the Federation, exploited its fellow members and the present Malawian policy may be a continuation of attempts to break away from Rhodesia's economic domination. Furthermore, the Rhodesia regime is less secure than that of South Africa and has less to offer Malawi.

In September, 1969 Dr Banda advised visiting Rhodesian African politicians to organise on a nationwide basis in order to achieve political advance. Force was not the answer because they did not stand a chance against armed troops. Nevertheless there are many ways of killing a cat and "Once you organise, then constitution or no constitution you will win."¹²

After the release of the report of the Pearce Commission on Rhodesia's Opinion¹³ the Malawi News commented: "The No verdict was largely registered by the African majority. For this reason it must be interpreted to mean that, by and large it is the Africans whose will must be taken into account if an amicable honourable solution is to be found to the Rhodesia problem. Sir Alec has said that the five principles Britain has laid down to settle the Rhodesia dispute will still serve as a basis for negotiation. We are pleased to hear this and once again would like to emphasise that Rhodesia's Britain's responsibility."¹⁴

The security situation in the area changed when FRELIMO operating out of Zambia, thrust forward into the Tete area which lies between Rhodesia, Zambia and Malawi, and where the Cabora Bassa dam is being built. Although FRELIMO forces are unable to interrupt the building of the dam, they have made access insecure in this area. Rhodesia's security is now threatened because its road to the sea is unsafe to the extent that the Insurance companies have put a war risk on transport out of Rhodesia along this route. FRELIMO also now operates from Malawi and has the support of the Malawi Youth Congress and President Banda. However, this is causing difficulties for President Banda because unlike his neighbours he has not made plans for an alternative route and his communications are being affected by the FRELIMO operations.

For Instance, **trains** from Malawi **going** to the sea are being sabotaged

Meanwhile relations between Rhodesia and Malawi have worsened **considerably** A report in the Rhodesian Herald that Malawi gave **assist**
ance to FRELIMO led to the newspaper **being** **banned** **in** **Malawi** Trade
between the two countries has **declined** as Malawi has turned more and
more to **its** independent **African** neighbours for trade **President** Banda
is now on the verge of **joining** the rest of Independent Africa **in** con
demning UDI and the whole of **Rhodesia's** policies ¹⁵

Malawi and independent Africa

Malawi's attitude to the **Organisation** of African Unity has been ambi
valent **President** Banda does not attend the Heads of State meetings
and **Malawi** was unrepresented at the 1972 Summit **meeting** **in** **Rabat**
On the other hand, **representatives** were sent to **meetings** of the **Council**
of Ministers, the OAU **Summit** and the East and Central African **Summit**
in 1971 to **explain** **Malawi's** **position** on its policy of dialogue **with** the
white minority regimes

Affable **relations** have been maintained **with** **Kenya**—very much at
the personal, Head of State level, a **friendship** **dating** from Banda's days
in **Britain** **with** **Kenyatta** **Malawi** maintains a **High** **Commissioner** **in**
Nairobi

There do not seem to be very close **links** **with** **Lesotho**, **Botswana**
and **Swaziland** Even the most pro **dialogue** of the three—**Lesotho's**
Chief **Leabua** **Johnathan**—has not embraced the **idea** with the same
enthusiasm as **Dr** **Banda**

It is **relations** with the **immediate** neighbours to the west and north
—**Zambia** and **Tanzania**—**which** have been the most **interesting** In
the late 1950's and early 1960's the **African** **National** Congress of Nyasa
land was part of the **chain** of **radical** **nationalist** movements in the
region Following Independence **Dr** **Banda** moved away from the
ideological **mainstream** The real break came **within** a few months of
Independence as a **direct** result of the crisis in the **Malawi** **leadership**
Many of the former **Ministers** and other opponents established them
selves **in** **Dar** **es** **Salaam** and **Lusaka** Although they never **achieved** the
same status as the leaders of **national** **liberation** movements recognized
by the OAU, their **position** was to some extent analogous Certainly
they were not restrained from **political** activities and they made some
halfhearted **military** preparations to move **against** **Banda** In one of
these the former Home Affairs **Minister**, **Yatuta** **Chisiza**, led a small
Invasion group into Malawi which was wiped out

At the State **Opening** of **Parliament** in 1969, **President** **Banda** **said** it
was 'a matter of deep sorrow, **indeed** of great shame, that these three

countries, **Malawi** **Zambia** and **Tanzania** were not on **friendly** terms from 1964 to 1968 ¹⁶

In 1968, **President** Kaunda had sent a **senior Minister** to **negotiate** for the **establishment** of **diplomatic** relat~onswith **Malawi** but at first there was no response. Early in 1969, talks were held between **Tanzanian** and **Malawian** representatives at Mbeya in a **friendly** and **brotherly** atmosphere.

Towards the end of 1969, however, **President** Banda was still **accusing** **Tanzania** and **Zambia** of **allowing** those **hostile** to his government to **infiltrate** into **Malawi** to **cause** **confusion**. Nevertheless **rap** **prochement** began with **Zambia** in 1969 when **Malawi** sent a **delegation** to the **East and Central African** Heads of State Conference in **Zambia** which produced the **Lusaka Manifesto**. In the same year a **Malawian** **delegation** attended a **parliamentary** conference in **Zambia**. **Zambian** officials visited **Malawi** and there were **secret** **meetings** with **Tanzanian** **Ministers**.

In the same year came the first of the occasions when **President** Banda was able to use **Malawi's** **bridging** role to arrange for the exchange of **prisoners** between **Zambia** and **Portugal**.

President Banda told the **Malawi** Congress Party convention in 1971 that relat~onswith **Zambia** continued to **improve** since the last congress, **Zambia** had set up a **diplomatic** mission and there had been a **series** of **visits** by **Zambian** **Ministers**. He welcomed the **Zambian** **Home Affairs Minister** **L. Changufu**, to the conference. In a **characteristic** phrase he declared **Zambians** are all my **children** whether you **like** it or not ¹⁷

At the **time** of the **Portuguese** **Zambian** exchange of **prisoners**, **President** Banda commented that as far as he was concerned the **boundaries** between **Malawi**, **Mozambique** and **Zambia** are purely **imaginary** they were created by **colonialism** and have no **meaning** for **ordinary** people ¹⁸

Then in February 1972 the **Malawi** Minister of Trade **Mr John Msonthi**, led a **goodwill** and **trade** mission to **Zambia** which, apart from the **implementation** of a **trade** agreement was reported to have **discussed** the **strengthening** of **friendly** relat~ons. An **interesting** development—in view of **Malawi's** position in the **South African** sponsored **Southern Africa** Tounst Conference—was the **consideration** of **co** **operation** in the development of **tourism**.

On the whole, it seems that **Malawi** wishes to **improve** its **image** with **OAU** and its relat~onwith its **Independent** **African** neighbours. Although it continues to **advocate** the policy of **dialogue** with **South Africa** and **maintains** its **communications** with **Mozambique** and **Rhodesia**, the **near** **future** will show whether it really **wishes** to **reduce** its **dependency** on

the white **minority** regimes and come closer to the policy of **neighbouring Zambia**

8 Conclusion

Since the outward looking policy, which Mr Vorster professes is intended (among other things) to consolidate *apartheid* at home and since dialogue is intended (among other things) to undermine that same policy it appears that somebody's judgement must be at fault

The *verligte* view, "separate development" the "outward looking policy", these are the schemes of clever men, designed to entrench, perpetuate and extend white supremacy

Nevertheless, the attempts to justify *apartheid* do provide opportunities for advantage when the reality of the South African way of life conflicts with the theories. With normal political activity ruthlessly suppressed, the Bantustan leaders have been able to work on the inconsistencies. Taking separate development at its face value, they have asked for the redrawing of boundaries to take account of historical claims and of modern economic need. They have used the arguments of the proponents of separate development to turn *apartheid* on its head and for example, to demand discrimination in reverse within the Bantustans. They have taken the process as far as they dare within the South African situation.

It is the Malawian view that this undermining of *apartheid* is a weapon that can also be used externally by taking the outward looking policy at its face value. It may be argued that Independent African countries—especially those which are not surrounded by or contiguous to South Africa—are in a very different position to the Bantustans. Independent countries have a choice of policies while the Bantustans do not.

This does not invalidate the view that dialogue may succeed in weakening *apartheid*. Malawian politicians point to the fact that since the time when African parties in South Africa were banned since non-evidence was abandoned and guerilla groups were formed, *apartheid* has become further entrenched. They claim that far from weakening white South Africa, the limited guerrilla activity has strengthened white South Africa's resolve. Ineffectual boycott and confrontation on the part of Independent African states and others has often had the same counter-productive effect. At the very least, they say dialogue could do little harm.

Although their aims are fundamentally different, the *verkramptes* on the one hand and the African supporters of dialogue on the other, are following similar lines of reasoning. Both believe that the *verligte* policies, such as self government for Bantustans and the outward

looking policy towards Independent Africa will undermine *apartheid* and therefore throw into question the political, economic and social structure of South African society

Clearly Pres~denBanda believes that his assessment is correct and that the South African government's view—that it can contain the pressures that arise from its *verligte* policies—is wrong

If Pres~denBanda were right this would go some way towards justifying his co operation with South Africa. The question would still arise as to whether the gains made in this way outweighed the undermining of African unity the giving of comfort and respectability to the South African regime and the disheartening of those who support the establishment of democracy in southern Africa by other means

If South Africa can keep Malawi within its orbit this will help to make the Bantustan policy more credible to the white electorate at home and to some people overseas. It will enable South Africa to point to its relationship with Malawi as being of the kind of link it will have eventually with the Bantustans

While Pres~denBanda may deny the similarity between the status of Malawi and that of the Bantustans vis a vis South Africa it is an argument which can be used to obtain concessions from the South African government for the Bantustans

The chief executives of Kwazulu Chief Gatsha Buthelezi and of Tsdwanaland Chief Lucas Magope were in Malawi for its eighth anniversary of Independence in July. Such visits clearly play a part in building up their status. Buthelezi used the occasion to speak with typical subtlety and shades of irony. Dialogue with whites was the only policy open to black South Africans he said. Other methods were tantamount to committing suicide. Pres~denBanda he continued 'had given a lesson to black South Africans that it was unnecessary to be so obsessed with segregation as not to meet whites as fellow human beings'¹⁹ 'The Pres~den's visit to South Africa had changed things for the better. The policy of contact and dialogue had a meaning he said

Within the Federation Nyasaland's position had some similarities with that of the Bantustans today. But for Nyasaland beyond the Federation Britain still had the ultimate right as the colonial power. It is suggested that having fought so hard to free his country from economic and political domination from Salisbury President Banda is jeopardizing that hard won Independence by putting his head into a noose offered by South Africa

South African armoured cars have already been sent to Malawi. Although both countries have denied that Lilongwe airport will be used by South African military aircraft it seems unlikely that Malawi would

be able to deny the donor its use in the event, for example, of freedom fighter activity in Tete province becoming a threat to Malawi itself. In the event of large scale civil disturbances within Malawi (e.g. at the time of the succession after Banda) it is quite possible that there will be South African intervention.

It would be wrong to regard President Banda as politically naive and clearly he is aware of the risks. Furthermore, there are some signs that he is seeking to keep open his options. As noted, in June, 1971, a Zambian ministerial delegation visited Malawi and a trade agreement was signed. Early this year President Banda announced that construction is to start in the near future on an extension of the railway line from Salima through Lilongwe and on to the Zambian border through Mchinji.

With the progress of the construction of the Tanzam railway, Malawi has hinted at the idea of a link up with its own system. This would give Malawi an additional route as well as provide Zambia with further transport options, although the main purpose of Tanzam is to relieve Zambia's dependence upon the Zaire/Angola and Rhodesia/Mozambique lines. By linking to the Malawi network, Zambia might have more freedom from political and operational limits on the other route, although the project still has the fundamental disadvantage of the two existing lines, i.e. dependence upon Portugal.

From Malawi's point of view, the Tanzam route would be much longer than its existing outlets through Mozambique. In any case, it seems that the port at Dar es Salaam will be hard pressed to cope with the additional traffic from Zambia (expected to reach 650 000 tons by 1975 compared with the current 200 000 tons).

The economic advantage of a link with the Zambian system would be the revenue that Malawi would draw from Zambian transit traffic.

One could see the proposal as a step in the direction of extending South Africa's influence into Zambia. On the other hand, traffic moves in two directions. A link up could equally be viewed as a means of penetration from the north.

Nevertheless, the steps which Zambia takes to build up its links with the north can also benefit Malawi, if it chooses to co-operate. For example, the Tanzania-Zambia pipeline is to be improved to enable crude oil to be pumped from tankers off Dar es Salaam (the port itself is too small) 769 km to Ndola, where a refinery is due to be completed by 1973.

It would be surprising if the people of Malawi feel very differently about racism in southern Africa than do those in the rest of Africa. True, there are special characteristics of Malawi's position rooted in history, geography and economic ties, notably labour export. Nevertheless, these apply in varying degrees to other countries.

It must be remembered that the reason Malawi has responded so positively to South Africa's outward looking initiatives lies in the personality and mind of its President For in Malawi as in much of Africa, the determination of the broad lines of foreign policy is in practice the preserve of the head of state

In most cases, heads of state are able to follow a line which balances tendencies within their respective countries and which is near to the national consensus Furthermore, foreign affairs is not normally a subject of great public interest Attitudes towards white minority governments are an exception to the general rule of public indifference particularly within those states which are geographically close and which have had some historical contact with them

President Banda uses the argument of realism to justify the line he has taken He backs it with the additional grounds that violent confrontation with minority regimes is ineffective counterproductive and immoral, while contact holds out some hope of peaceful persuasion and change

By his strength of character, adroit leadership and proof of practical results, he has managed to prevent opposition to his dialogue policy from within Malawi

For as long as the freedom fighters make no decisive gains, and in the absence of external developments, such as a dramatic change in Portugal, Malawi under President Banda will continue to be closely associated with the white minority regimes The economic interests backing the outward looking policy are likely to remain strong enough in South Africa to prevail against the *verkrampte* white population which is offended by pinpricks of the kind which President Banda is able to make against *apartheid*

The South Africans have already seen in Malagasy the dangers of basing a policy of contact upon the whim of a leader out of line with popular feeling The military government there has repudiated the dialogue with South Africa Unless the people of Malawi really do have something in their nature which makes them different from other Africans, they are unlikely to support the maintenance of such close ties with South Africa when President Banda is no longer in office The only question that remains is whether South Africa will be so entrenched by then that it will be able to maintain its position by backing its nominee with the means to remain in power

The numerous forces at play make it difficult to forecast what might happen in the event of an uprising against President Banda or his successor The example of Lesotho is pertinent There the United Kingdom did not withdraw the British officers who led the para military police units which kept Chief Jonathan in power An important element in the

decision was that **their withdrawal** would have caused Jonathan to fall back upon South African help. At present, British **military co operation** is of greater importance to Malawi, but the South African and Portuguese influences are growing.

The British interest in southern Africa is extremely low, although the **Chinese** presence in Tanzania could produce a **British reaction**. Certainly the South Africans and Portuguese would see any violent change in Malawi as a communist backed threat to their own position and would play upon this aspect to encourage western support. A **hostile** Malawi would leave the Tete Province (where the Cabora Bassa dam is situated) outflanked. Presumably any move by anti Banda elements would be **coordinated with** FRELIMO and other freedom fighter **activity**.

Another **possibility** is that a change of leadership in **Zambia** could lead to a **softening** of that country's delicate **confrontation** with the **white** minority regimes and to its **being** drawn into the South African orbit. This would not only be a victory for South Africa but would also be a **vindication** of the **Malawi** policy, serving to strengthen the **position** of President Banda and his successors.

The most likely development affecting Malawi's position during the next decade is the prospect of change in the Portuguese position. The **idea** has already been floated in some quarters of changes in the status of Mozambique. Malawi would hope for a link up with part of that country in the event of such changes **taking** place.

The fluidity of the Portuguese **position** could well be the basis for **Malawi's** present policy. It would be far more understandable if **Malawi** were to plead that **it** could not adopt a strong **policy** of confrontation against Portugal. Indeed, it could go further and use **its** contacts to make a small **contribution** towards coaxing Portugal away from South Africa.

It seems a pity that President Banda should have narrowed **Malawi's** **options** so early, **especially if** the next decade proves to be a **time** of flux in southern Africa.

The economic benefits to his own country and the token breaches of apartheid he has **engineered** do not add up to much when compared **with** the damage done to the cause of majority rule in the region by his collaboration **with** South Africa.

Notes

- 1 *This is Malawi* Blantyre Vol 1 No 8, December 1971
- 2 *R S A World Ale* 7 No 8 (6th issue) 1971
- 3 Colin Legum *The Great Dialogue* In *Africa Contemporary Record 1971-72* London Rex Collins 1972 p A 67

- 4 *To-days News* South Africa July 26 1971
- 5 *Ibid*
- 6 *To days Nens* South Africa March 30 1972
- 7 *South African Digest* March 24 1972
- 8 *Ibid*
- 9 *This is Malawi* Blantyre Vol 2 No 4 April 1972
- 10 *The Star* Johannesburg November 11 1971
- 11 *To days News* South Africa March 30 1972
- 12 In *Africa Contemporary Record 1969-70* London Rex Collins 1970
Chapter on **Malawi** p B 154
- 13 **Rhodesia** Report of the **Commission on Rhodesian Opinion** under the
Chairmanship of the Right Honourable the Lord Pearce London HMSO Cmnd
4964 1972
- 14 *Malawi News* Blantyre May 26 1972
- IS *Africa* London No 16 December 1972 p 43
- 16 In *Africa Contemporary Record 1969-70* London Rex Collins 1970
Chapter on **Malawi** p B 154
- 17 *The Star* Johannesburg September 6 1971
- 18 *Times of Zambia* Lusaka April 13 1972
- 19 *The Times* London, July 7 1972

Appendix

Table 1 Exports value and percentage distribution by country of final destination

Country	Value (Kwacha 000)		Percentage distribution	
	1970	1971	1970	1971
United Kingdom	15 338	16 341	53.9	43.8
Rhodesia	1 880	2 538	6.6	6.8
South Africa	1 052	1 433	3.7	3.8
USA	813	1 968	2.9	5.3
Netherlands	949	1 637	3.3	4.4
Ireland	654	2 025	2.3	5.4
West Germany	776	795	2.7	2.1
Zambia	942	1 533	3.3	4.1
All other countries	6 029	9 073	21.3	24.3
Total	28 453	37 342	100.0	100.0

Table II Imports value and percentage distribution by country of origin

Country	Value (Kwacha 000)		Percentage distribution	
	1970	1971	1970	1971
United Kingdom	13 733	18 995	25.8	27.9
Rhodesia	12 625	9 722	23.7	14.3
South Africa	6 598	7 138	12.4	10.5
Japan	3 034	5 110	5.7	7.5
USA	2 003	3 063	3.8	4.5
West Germany	1 886	2 965	3.5	4.4
Zambia	2 466	3 026	4.6	4.4
Australia	897	1 413	1.7	2.1
All other countries	10 060	16 625	18.8	24.4
Total	53 302	68 057	100.0	100.0

Source: National Statistical Office

Larry W Bowman

The problems of labour migration in southern Africa

For nearly a century, **Africans** from Lesotho, Swaziland Botswana, and Mozambique (and to a lesser extent from **Rhodesia Zambia** Angola **Malawi**, and **Tanzania**) have migrated to take temporary employment **in** the **mines** and on the farms of South Africa **This migration is an established** feature of southern **African life** Estimates vary but **it is** generally accepted that **approximately** one million non **indigenous** Africans are **in** South Africa at any one time ¹

Africans are recruited by the **Witwatersrand Native Labour Association** which negotiates the terms of **recruitment** with the labour-exporting governments **This** regular supply of **foreign labour** is of considerable importance to the South African economy **Approximately** 65% of the **African** labour force **in** the gold and coal mines **is recruited** externally **The ability to recruit** workers for these poorly paid and dangerous jobs from **outside** the country enables South Africa to keep **domestic African** wages low and to **continue** with some otherwise uneconomic mining operations

The **six** land locked countries of southern Africa—**Malawi, Lesotho, Botswana Swaziland, Zambia** and **Rhodesia**—all send workers to South Africa although the labour force from **Zambia** and **Rhodesia** is too small to be **significant** Does this export of labour serve the **Interests of the land locked countries?**

It has been argued that many benefits accrue to the labour exporting countries These **include** **remittances** paid to the home country from **their** workers abroad, **skills gained** by workers abroad that later can be used at home and the **lessening** of pressure on scarce local food and land by the export of surplus labour It has been **said** that **since** there is no prospect of development **in** the labour exporting countries, anything their manpower can do elsewhere **is** to be encouraged Yet do these arguments suffice? Are these 'benefits' good enough? What are the costs **Incurred** by the labour exporting countries?

Robert Molteno has **scrutinised** the costs to the **exporting** countries of labour migration ² While he concedes that the export of labour offers a **tempting** method of **alleviating** political pressure **growing** out of economic **distress**, he argues that **this** does not solve the problems

of the exporting country. The workers inevitably return home, where no progress has been made in development. By exporting their most able bodied men, the African countries are exporting one of the few resources at their disposal for eliminating poverty. They also indirectly serve to bolster the South African economy, which in turn South Africa uses to augment its influence on its neighbours.³

There are additional political and economic implications of this labour migration. The export of labour to South Africa inhibits the struggle for liberation in two ways. In South Africa, the presence of foreign labour interested only in earning income for a definite period of time inhibits the development of political and economic consciousness among workers in South African industry. In the labour-exporting countries, patterns of dependency are established that deter development of African solidarity. By not developing alternative employment and by qualifying their commitment to liberation, the labour exporting countries serve the interests of South African expansion. South Africa's palliatives about interdependency and interaction on the basis of mutual respect and equality should not obscure the expansionist goals of the outward strategy and the conservative basis of "The Third Africa".⁴

In conclusion, it should be noted that the relationship between labour migration patterns, political and economic dependency, and land-locked status is not as clearly defined as it may seem. Lesotho, Swaziland, Botswana, and Malawi are land locked and labour exporting countries. They are also very dependent upon South Africa, but in the case of Malawi, this is largely a matter of political choice. Furthermore, it is not only their land locked situation that causes these countries to export their labour or to become dependent upon South Africa. Being land locked is a contributory factor, but the overriding cause is underdevelopment, and this is brought about by many factors.

Notes

1 Kenneth Owens *Foreign Africans: Summary of the Report of the Frone man Committee* (Johannesburg: South African Institute of Race Relations 1963) and G. M. E. Leistner *Foreign Bantu Workers in South Africa: Their Present Position in the Economy* *South African Journal of Economics* 35: 1 (March 1967) pp. 30-56.

2 Robert Molteno *Africa and South Africa* (London, The Africa Bureau, 1971) esp. pp. 14-16.

3 Frederick A. Johnstone 'White Prosperity and White Supremacy in South Africa Today', *African Affairs* 69: 275 (April 1970) pp. 124-140 traces this trend within South Africa. L. W. Bowman 'The Subordinate State

System of Southern Africa *International Studies Quarterly* 12: 3 (September 1968) pp. 231-261 traces it throughout the region

4 See L. W. Bowman *South Africa's Outward Strategy: A Foreign Policy Dilemma for the United States* (Athens, Ohio: Papers in International Studies, 1971) for a critique of the outward strategy and Eschel Rhoadie *The Third Africa* (Cape Town: Nasionale Boekhandel, 1968) for a South African view of the trends in the region

Lesotho, an island in South
African territory

T T Thahane

Lesotho, the realities of land-lockedness

The **Kingdom** of Lesotho (formerly Basutolana) is one of the fourteen Independent land locked **African** states. It is small in area and has a **population** of about one **million** which is **predominantly** rural. Lesotho has an area of **approximately** twelve thousand square **miles** and is completely surrounded by the Republic of South Africa. It has been **variously** described as a **political anachronism**, a 'black ruled **island** within a **white** ruled country', and an 'island of human **dignity** within a sea of *apartheid*'. It is unlike any other member of the **United Nations** in its **insular** position.

The geographic **location** of Lesotho in the middle of South **Africa** would probably not create too many **difficulties** if it shared the **political**, social and **economic** goals with its only **neighbour**. But since this is not the case, Lesotho's problems are **difficult** and complex. **Cooperation** with South **Africa**, with whose **political philosophy** Lesotho strongly disagrees, is dictated by **considerations** of **survival** rather than preference. As **Chief** Leabua Jonathan, the Prime **Minister**, has often stated, "our **difficulties** stem from the fact that while it is easy to change **friends**, it is **impossible** to change **neighbours** especially if it is only one **neighbour**. Even if one **disagrees** with or **dislikes** one's **neighbour**, one cannot do anything about him unless one resorts to **violence**. But such an **alternative** is doomed to **fail** if the **neighbour** is a hundred **times** stronger. Harassment and **provocation** may give South **Africa** an excuse to **wipe** out the troublesome Lesotho, **invoking** several recent precedents such as the **United States** **action** against the **Dominican** Republic or the **principle** of 'hot pursuit' established in **Vietnam**. All these considerations call for tact and **diplomacy** on the part of Lesotho.

Given some of the above **realities**, the **questions** often raised by people who are unfamiliar with the problems of Lesotho are

How did this **political anachronism** of a country within a country occur?

Why has Lesotho not been **incorporated** into South **Africa** **politically** since it is **virtually** integrated into it **economically**?

What problems does this **location** pose for the government and the people of Lesotho?

It is not easy to give **satisfactory** answers to these **questions**. The author does not **wish** to pose as an expert on the problems of Lesotho, but only as someone who has to live with the problems daily and who has to exercise his **mind** continuously **in** search for *modus vivendi*.

Historical Background

Lesotho is a symbol of African independence in southern Africa. During the scramble for Africa by the European powers, Lesotho was never conquered, even though it lost large parts of its **territory**. **Prior** to the nineteenth century, the Basotho, together with other **tribal** groups such as the Zulus, had settled the **interior** of southern Africa.¹ In the **1830s**, when the Boers trekked inland from Cape Province and away from **British** encroachment, they engaged **in** many battles with the **African tribes inhabiting** the interior of the **subcontinent**. Faced with **technically superior** European weapons, the Basotho, under the **leadership** of **King** Moshoeshoe I, retreated from the **plains** towards the **mountains** which formed good natural defences. From the mountains of Lesotho the Basotho were able to repel the Boers **while** at the same **time** seeking the protection of the **British** government. In 1868, the **British** government finally acceded to Moshoeshoe's request and declared Lesotho a British Protectorate. The ceasefire **lines** were declared, **in** spite of Moshoeshoe's protests, as the **boundaries** of what is now Lesotho. As a Protectorate, Basuto land **remained** under **British** rule **until** 4th October 1966, when independence was granted.

During the formation of the Union of South Africa in 1910, the **British** government expected that Basutoland and the other **territories** of Bechuanaland and Swaziland would eventually **join** or be **incorporated into** the Union of South Africa. This would have made economic sense, **with** unified **administration** under the leadership of the **Union**. It was in **anticipation** of **this** arrangement that a Customs Union Agreement, **which** gave South Africa power to collect and levy **duties**, was **signed** by **Britain** on behalf of Basutoland, Bechuanaland, and Swaziland. There was no concurrent monetary agreement to make the South **African** currency legal tender in the three countries. Its use was extended on a de facto **basis**.

Incorporation into the Union of South Africa

Why **did** Lesotho not join the Union but instead evolve towards full Independence? There are two **principal** reasons. The first **is** the latent

historical animosities between the Basotho and the Boers. The tragedies of the frontier battles are still too fresh in the minds of many Basotho leaders to wish to unite with the former enemy. In addition, South Africa still occupies what the Basotho consider to be their rich arable land. Even on the part of the Boers, the memories of their leaders (such as Wepever), who were killed or defeated by the Basotho, are still so fresh as to make revenge a possibility. Furthermore, many Basotho fought with the British during the Anglo Boer War of 1899–1902. All these factors influenced Basotho attitudes about incorporation into the Union of South Africa.

But an even more important reason was the racial attitudes and policies of the Union government towards African people. Moshoe shoe had built the Basotho nation out of a mixture of many tribes by emphasizing peace, reconciliation, and the brotherhood of Man. He preached and practised these principles, as demonstrated by his invitation to the French missionaries in 1833 and the pardoning of the cannibals who killed his grandfather in 1824. Those who fled from the Boer conquests and tribal brutalities found a welcome home in Lesotho and were fully integrated into the society. This explains the present policy of integrating political refugees from South Africa into the social life of the people rather than segregating them in refugee camps.

The above principles are so deep rooted in the whole nation that they could not agree to join the Union of South Africa which discriminated between races, particularly against black people. They objected to the failure of South Africa to recognise their traditional democratic institutions for administration and decisionmaking. According to Chief Jonathan in a statement against racial discrimination on 21st March 1972:

Lesotho's opposition to racism is part of a national history and goes back to pre 1910 days. It is the abhorrence of racism that led the people of this country to oppose incorporation of the territory into the Union of South Africa in 1910. When on the attainment of Independence in 1966 Lesotho embarked on a policy of peaceful co-existence this was by no means an indication that she had abandoned her opposition to racism and racial discrimination'.²

This social stand, led to a move to seek Independence whatever the costs. The sacrifice would be no more costly than the perpetual subjugation which would have eventually resulted from incorporation into South Africa.

It is important to note that the expectation of eventual incorporation into South Africa by Britain was largely responsible for the do-

nothing policy” of the colonial administration. Unlike other ex colonies Britain left Lesotho with a skeletal administration and almost no physical or social infrastructure. It was expected that internal development of Lesotho would eventually be the responsibility of South Africa.

Prior to independence a small administration to keep law and order was maintained and education was left to the missionaries. The commercial sector was an open field for agents of South African traders, financial institutions, commercial banks, insurances and building societies which South Africa forbade by law to make investments in Lesotho. Mine labour organizations were allowed to recruit able-bodied Basotho into the mines unrestrictedly and without any recompense to the country. Commercial and financial institutions operated in Lesotho without clearly defined powers or machinery for their control, no mechanism for making returns or disclosures existed. All these factors worked to the advantage of the South African Government since it was expected that severe unemployment in Lesotho coupled with the bleak economic prospects would convince Basotho about the advisability of joining South Africa.

Lack of domestic employment opportunities in Lesotho would not only favour incorporation into South Africa, but it would make Lesotho another 'Bantu Reserve' or a reservoir of cheap labour for South African mines and industries. In fact, there is a view in some quarters that the existence of Lesotho under Britain and the prospects for its independence inspired the originators of the South African policies of Border industries, Bantustans and separate development.³ Whatever the validity of this view, it is true to say that lack of domestic developments in Lesotho during the colonial days greatly weakened the bargaining power of future governments and built a strong case for incorporation. It also reduced severely the number of options available to this island country. This background must be borne in mind in assessing the political and economic problems of independent Lesotho.

Political problems

A general thesis in this section of the paper is that many political problems confronting land locked states and their neighbours can be traced in varying degrees to the differences in their respective political and social philosophies. The more divergent are the national political objectives and attitudes to life of the government of the land locked state and those of its transit neighbours, the more the areas of tension. The same is true of other fields of policy such as economic

and monetary arrangements. Tension may be aggravated if the transit state **wishes** to control or dominate the **national politics** of the surrounded state or if it **wishes** to create a sphere of influence.

This thesis appears to be **valid** in the case of Lesotho, Botswana and Swaziland. The political and **social** outlooks of Basotho and **their** governments are at variance **with** those of the **Republic** of South Africa. South African society **is** founded on the **philosophy** of racial inequality and the present political, economic legal system reflects this. According to Professor Cowen, the South Africa Act itself, **which established** the **Union's** framework of government, is often and very rightly quoted as **discriminatory legislation**.⁴ **Successive** Governments of the **Republic**, both United Party and **Nationalist**, have added many **discriminatory legislations** to statute books. The prejudices of the earlier South African **legislators** that non whites belong to an **inferior** race have never died out, and are not less deeply rooted at the present day among the Europeans **in South Africa**, whether of Dutch or English or French descent.⁵

While South Africa is dedicated to social **political** and **economic** inequality among the races and denies human freedoms to its **non-white** citizens, Lesotho is dedicated to the establishment of a non racial society. As Chief Jonathan stated:

I want to restate our position that Lesotho rejects any doctrine which justifies either racial discrimination or racial superiority on any basis whatsoever.

At this stage I want to appeal to every Mosotho to join hands with me in my efforts to make Lesotho an island of peace, justice, freedom, equality and real racial harmony in Southern Africa.⁶

These **differences** in social objectives will always create areas of tension as has been the case **in** recent months **especially** after 4th October, 1971.

In **addition** to friction arising from the **differences in social** systems between Lesotho and South Africa, another bone of **contention** is in the area of **foreign affairs**. Lesotho wishes to make its **political** independence a reality by towing an Independent line. It wants to choose its **friends** and **decide** who may visit Lesotho **without** reference to any other country. South Africa is **unlikely** to tolerate **this** since it wishes to control or **exercise political** influence on developments in Lesotho.

Given the differences of **political** and social goals between the two countries, areas of tension **will increase** as Lesotho attempts to **wipe** out **racial** discrimination and to demonstrate that a viable **alternative** to racism exists and that **it** can work. As Lesotho makes success of

development, **it will** gradually show the hollowness of *apartheid* which **is** essentially based on the supremacy of the white man **Rejection** by Lesotho of any compansons with the Bantu homelands is not likely to please Pretoria **Public** condemnation of **discrimination** is **likely** to evoke **warnings** such as was given by the **Prime** Minister of South Africa to the Pnme **Minister** of Lesotho following **his** independence address on 4th October, **1971**

Further tensions may and do **arise** from the **disgraceful** treatment of Basotho by South **African** officials at the border gates **While** the treatment is not uniform at all gates, it is painful to people who enjoy freedom and equality in **their** home country In South **Africa** Basotho are subject to all the *apartherd* **regulations** and **humiliations** of Afri cans

In matters of **transit** through the international **airport** at Jan Smuts, South Africa **sometimes** forbids the return of Lesotho nationals **claiming** that they have **received training** in a hostile country This was the case **with** twenty-two Basotho who were said to have **received training** in terrorism Some Lesotho nationals cannot be allowed to leave Lesotho through **transit** at the **international airport** The same **difficulties** are encountered in getting transit visas for **United Nations** personnel in Lesotho to travel to Botswana or Swaziland (unless they come from the favoured nations)

An even greater tension may arise from Lesotho's declared objective to **increase its political** and **economic** co-operation **with** other Afri can **countries** The **implementation** of this **policy** is already **underway** as **evidenced** by an **increasing** number of African diplomats **visiting** Lesotho The **attitude** of the African states to South **Africa** is likely to Influence **its attitude** to Lesotho **Similarly** the **increasing co opera tion** with the **Scandinavian** countries **which** openly support **liberation** movements in Southern Africa is making **Pretoria** unhappy even though this is not **sufficient** to provoke retaliation

Economic problems

The economic problems which Lesotho faces as a result of its geographic **position** are many and complex The Government s First Five Year Development Plan has given an honest assessment of them Space will not **permit** a detailed review of them in this paper Only a few selected problems will be reviewed

The **main economic** problem **facing** Lesotho is the employment of over forty-five per cent of its able **bodied** men **outside its** borders **Approximately 150 000** Basotho men work in South African mmes, farms and Industries This means that the burden of internal develop

ment, **especially agricultural**, is left in the hands of women, children and old men. It is true that these men earn **income** from **their** employment in South Africa, but the **social** costs of **their** absences on **their** families are too high **since** the men spent a very small **fraction** of **their** useful life with **their** wives and **children**. The economic costs are even **higher**. Because there are no **retirement** benefits and because the wages of US \$0,75 per day are too small for **meaningful savings**, the men become Lesotho's burden when they have **depreciated** beyond use in the mines. **This** increases the dependency **ratio** in the **population** to almost 50 per cent. Another aspect of the **migrant** labour system is that because of the apartheid and job **reservation** laws of South Africa, **migrants** cannot **acquire skills** beyond a **certain** level. **This** restricts **their** contribution to the economic development of Lesotho on **their** return.

In introducing the Lesotho First Five Year Development Plan 1970/71 to 1974/75 to the nation the Prime Minister stated

Rapid economic development in South Africa has not resulted in an **expansion** of the **productive capacity** in Lesotho. It only **maintained** the demand for Basotho labour from South Africa firms **mainly** from **mines**. **This** demand had undoubtedly a number of important favourable effects for **this** country.

the above mentioned effects **important** as they are, should not obscure the fundamental fact that Lesotho **is becoming** a reservoir of **unskilled** cheap labour for South Africa with **little** hope of **creating** an **indigenous** base for economic development. **This situation will** not change **radically** as a result of a spontaneous process. Change must be brought about by **deliberate** and well planned **action**.⁷

The Lesotho Government's strategy for economic development is largely dictated by the problem of dependence on foreign **countries** for employment and **incomes** and even for **balancing its** budget. Freeing the country from **this** dependence **involves creating** more jobs in Lesotho. Increasing local **incomes** and **accelerating** non formal and formal training, it **involves concentration** on the **absorption** of the annual increment in the labour force **while** those currently **working** in the **mines continue** to earn **incomes** and support **domestic** demand for goods and services. If the annual **increase** of labour can be absorbed in **economically** sound employment **opportunities**, the **relative** importance of migrant workers **will** be gradually reduced, in the long run, to such an extent that **it will** eventually cease to be a major problem. International **assistance will** be **required** on a large scale to make an **impact** on this problem.

The second problem, although not **linked with** the land-locked

ature of Lesotho but deriving from some of the historical factors sketched above is the lack of a good social infrastructure. The educational system is broad at the base and tapers sharply at the secondary level. Its attrition rate is very high while its curriculum has been mainly classic. It has not been geared to providing in appropriate quantities and quality the skills required for economic development. The explanation is to be found in the fact that the colonial administration left the whole field of education to the missionaries. From another point of view, such a policy complemented the overall policy towards pursuing minimum economic development and maximum maintenance of law and order. As a result of this Lesotho, a country poorly endowed with natural resources, faces a critical shortage of middle level technical and professional manpower. Promoting education and training as a means of creating skills and aptitudes is now a focal point of Lesotho's strategy for development and self reliance.

In addition to the undeveloped human resources, there is lack of adequate hospitals and clinics throughout the country. Small ill equipped and poorly staffed hospitals were built at the District Administrative Headquarters. These happen to be in the lowlands. No clinics were established for the large proportion of the population living in the mountains and foothills. The present hospitals face a critical shortage of doctors, equipment and drugs. There are no specialist facilities at Maseru and critical cases are either referred to the Republic of South Africa or attended to by specialists who visit Maseru from time to time. Too much dependence on this visits may lead to non development of Lesotho's facilities and postponement of developing an indigenous cadre of specialists.

A serious constraint on the development of social services, such as education, health services, housing and water supply facilities is a shortage of financial resources. The currently small revenue base and dependence on foreign countries for employment and incomes will make the development of these sectors slow and difficult.

The most serious constraint to development and hence the attainment of economic Independence is the lack of a good economic infrastructure. Lesotho's road network is poor. There is one road running from the North to the South of the country along the border with South Africa. Since Independence, about 100 miles of this road have been tarred or paved. The mountain area which constitutes two thirds of the country is accessible from two points by four wheel drive. The colonial administration hardly constructed roads even to the mountain where wool and mohair are produced.

It is important to note this small road network is oriented towards the Republic of South Africa. Most of lowland towns have the best

road and telephone **communications** Since Independence **substantial** progress has been made in **linking** the **interior** of the country **with** the lowlands by **constructing** small roads under self help programmes More funds are **required** to **continue** this programme and thereby lay the **foundations** for **internal** trade

The most serious obstacle to **economic** development and also **crucial** security problem is the lack of **internal** sources of energy and power At Independence in order to make a **quick** start at **industrial** development Lesotho **signed** a long term lease for the purchase of power from the **Republic** of South Africa The consumption of power has been **increasing** by over 15 % per annum over the last five years **During** the same **time**, even the former **diesel** plants have been closed down **while** more **connections** to the South African **grid** **continues** Only **this** year has a start been made to find **alternative** sources of power **within** the country Several schemes have been **identified** and funds **will** now be required for their **detailed** **planning** and development The dependence of Lesotho on South Africa for energy **is** a strong weapon in **time** of **conflict** or **policy** **disagreement** from the **security** and development **points** of view

In the field of **telecommunications** it can be observed that before Independence no efforts were made at **internal** development On the other hand **telephone** **connections** between South Africa and the low land towns were well developed To phone one town in the north of Lesotho, say the call had to go through South Africa Often it took a shorter **time** to call London than it **did** to **ring** a town twenty **miles** from Maseru **During** the last year the Government has been **reversing** this process **Feasibility** study **is** **underway** for the establishment of a **direct** **telecommunications** **link** with the rest of Africa The same **is** true of **radio** **links** with the mountain areas A lot of external **assistance** **will** be required in this field

In **financial** matters, at Independence Lesotho found **itself** confronted **with** a budgetary **deficit** of **approximately** 55 % of its recurrent budget The **British** Government used to **provide** grants to cover these deficits from 1958/59 on an **increasing** basis until 1966/67 At that **time**, it was stated that the Lesotho Government should try and reduce **this** external dependence Therefore any **increase** in **domestic** revenue should first be **applied** to the **reduction** of **British** **Grant** in **Aid** rather than **expansion** of Government **services** **This** meant that the desperately needed **infrastructural** and other **facilities** could not be met The country's **executive** **capacity** could not be expanded by **employing** more **technical** and **professional** personnel usually **carried** on the recurrent budget hence the **absorptive** **capacity** for **capital** **aid** **remained** low To make **things** even more difficult any **capital** **aid**

provided by the United Kingdom in one financial year and not used reverted back to the UK treasury Through this technique Lesotho lost a substantial amount of **development** revenue

Fortunately, through a policy of **restraint** and **improvements** in domestic revenue collection, the **situation** has changed In the **financial** year 1973/74, Lesotho **will** be free of **British** Budgetary Grants although it will continue to depend heavily on external sources for **capital aid**

The problem of uncontrolled **financial** institutions **still persists** South African **Insurances**, **Building Societies** and Banks operate in Lesotho without a good banking **legislation** that ensures proper **disclosures** Under the present **conditions** the Government **is** unable to follow or control developments in the financial sector The result **is** that Lesotho is a net exporter of **capital while** at the same **time in** need of funds for development purposes To solve this problem and to **provide** credit to local **entrepreneurs** the Government has established a Development Bank

One of the most complex problems relates to the monetary **union** **existing** between Botswana, Lesotho and Swaziland This **is** not covered by any formal agreement that makes the South African currency legal tender in the other **countries** The three countries have no say in the **policies** of the South African Reserve Bank There **is** a **feeling** that some of its credit **policies** may not be compatible with the stage of development of Botswana, Lesotho and Swaziland Consequently, **negotiations** to formalize these arrangements have been started although **their conclusion** may not be known for a **while**

Finally, the four countries in Southern **Africa** are in a Customs **Union** Agreement **which** is dominated by South **Africa** The effect of this agreement, the monetary arrangements and the large scale labour movements between on the one hand Botswana, Lesotho and **Swaziland** and South Africa on the other **is** to create a network of economic linkages that **approximate** an economic community But the **relationships** fall far short of this because

a apart from consultations provided in the Agreement there is no machinery for co-ordinating the economic policies of the four countries

b of the uneven distribution of decision powers under the agreement and of the small size of the other three countries, the situation arising from this network of trade and monetary relationships is one of dependence on South Africa rather than Interdependence Thus, the economic policies taken by South Africa in its own interest are likely to have adverse effects on the economies of the three smaller partners rather than the other way round

Under the Agreement South Africa **is** not bound to consult with the smaller partners in changing her foreign trade and payments

policies although recently **it** has been doing so The agreement also permits the BLS to give limited protection to **their domestic** industries This provision **is** not supported by positive measures to locate **industries** in these countries In fact, efforts by Lesotho to attract foreign industries **which** compete **with** those **in** South Africa have often resulted in threats of **serious** consequences from South **Africa**

The problem **facing** Lesotho and the other smaller land locked partners of the Customs Agreement in their relationships with South **Africa** **is** very difficult They are faced with a dilemma **in** deciding how to balance the pressures created by **their geographic** situation with their reluctance to become too closely integrated into the South **Africa's** economic and **social** system To change this **situation** would require time and **consistent implementation** of **policies** for self **reliance**

Notes

1 For the **refutation** of the **suggestion** that **whites** and **blacks** arrived **in** Southern Africa see a careful **historical** study by Professor **Monica Wilson** in *African Studies* Vol 18 No 4 1959

2 An Address by the Honourable Prime **Minister** on **International** Day for the **Elimination** of **Racial Discrimination** Maseru 21 March 1972

3 Cowen D V *The Foundations of Freedom with Special Reference to Southern Africa* Oxford University Press Cape Town 1969 page 3342

4 Cowen D V Page 26

5 Cowen D V Page 27

6 Address by the Honourable Prime **Minister** Page 3

7 *Lesotho First Five Year Development Plan 1970/1971-1974/1975* Central Planning Office Maseru 1970 Pages XIII-XIV

Donald Kowet

Lesotho and the Customs Union with the Republic of South Africa

Lesotho, Botswana and Swaziland are linked in a Customs Union with the Republic of South Africa. The present arrangements are a revision of the 1910 Agreement and have a significance in that they were negotiated by four Independent nations. The 1910 Agreement was drawn up by one man on behalf of four nations. The revision was prompted by the small partners in the Union and who were seeking a greater share of the revenues. It is of course, doubtful, whether the present revenue distribution is proportional to their volume of trade due to the lack of statistical data. Nevertheless, it should be pointed out that the small partners have no control over the entry of goods into their territories because the borders are controlled by the Republic of South Africa. The trade figures are obtained through questionnaires submitted to the Importers. This should be noted in the context that the imports and exports of these countries are controlled either by South Africans or by those who have connections with South African industries. Thus, the statistics are regarded as unreliable. Furthermore, the statistics and customs control departments are either understaffed or controlled by South Africans who are unable to check the data they obtain through their questionnaires. The government of Botswana has admitted that

Existing import statistics are based on questionnaires to Importers and tend to underestimate the total. The figures which have been collected do not indicate the origin of the goods.¹

The main features of the Customs Union Agreement will now be examined. The first concerns the 'Free Interchange of goods' between the countries. If one looks closely at the structure of the trade in the three countries, it is evident that raw materials and manufactured goods are the basis of this so-called interchange, wool and mohair from Lesotho and meat from Botswana are exported, while South Africa supplies all the manufactured goods. In 1968, the total value of imported manufactured goods accounted for 11 331 million Rands, representing 47 % of the total. During the same year, Lesotho exported agricultural produce and diamonds worth only 3 380 million Rands, representing 13.5 % of its balance of payments.² In 1964, South Africa supplied 89 % of the imports of Botswana, Lesotho and Swazi

land and had a favourable balance of trade with them, amounting to 67 million Rands ³ Botswana and Swaziland have an unfavourable balance of payments The trade Imbalance between South Africa and its partners is highly relevant to the problems of relations between a developed nation and an underdeveloped one, or to put this another way, underdevelopment is related to a country's position in the international capitalist system ⁴ The hypocrisy of this so called free trade has been revealed by a South African author

South Africa has no need for Lesotho's wool mohair maize and sorghum because it is a net exporter of all these commodities ⁵

There are also administrative problems which have resulted in the decline of the less developed countries Lesotho has experienced a great loss of mohair, wool, and diamonds through smuggling into the Republic of South Africa The same is true of Botswana, oranges are smuggled into the Republic of South Africa and live cattle are smuggled into Namibia ⁶ The second main feature of the Customs Union Agreement is the "Protection of Infant Industry in Botswana Lesotho and Swaziland This was intended to facilitate development of industries in the less developed countries As Landell Mills has described it

But now the Agreement provides for the protection of infant industries in Botswana Lesotho and Swaziland Although their domestic markets are not large enough to support a major manufacturing sector it should now be easier for them to start up a small number of industries—for example blanket or clothing manufacture in addition to soap making—within an initially protected home market ⁷

On its face value this provision implies that there are opportunities to initiate industrialisation in the less developed countries and this would assist them in many ways, since South African products generally seem to be more expensive in the less developed countries than they are in South Africa One reason for this is transportation costs However South African goods are more expensive than equivalent items from Japan, due to high manufacturing costs in the Republic of South Africa caused by the job reservation system

There are also various obstacles created intentionally and unintentionally The latter is associated with the established attitudes of the mass of the people A Mosotho prefers to buy a colourful blanket from South Africa rather than a local one Botswana has a distillery, but very many Batswana prefer to buy South African brands rather than the local ones ⁸

The intentional obstacles are to be found within the South African system itself South Africa apart from being self sufficient in agricul

tural products, is mainly a manufacturer. For a long time it has had several legal safeguards to protect **its industries** from **competition**. If Botswana, Lesotho, or **Swaziland** established an industry to compete **effectively with** a similar enterprise **in** South Africa, such an Industry would face strong **representations** from the interested **parties** **in** South Africa, **if** not completely undercut through fierce **competition**. Recent examples are the proposed **fertilizer** plant **in** **Swaziland** and the now defunct soap factory **in** Botswana. Several schemes **in** Lesotho have been abandoned due to pressure from South Africa.

South Africa acts out of self **interest**. An industry of any kind in these smaller countries would be of low cost due to the absence of job-reservations. This **implies** that the **products** would be cheaper than those produced **in** South Africa. Nor has South Africa any wish for these countries to develop. A plan by any country to assist Botswana, Lesotho, or **Swaziland** is described by the nationalists of South Africa as an attempt to create 'little Hong Kongs' on the door step of the **Republic** of South Africa.

In **1968**, despite a Trade Agreement with Rhodesia dating from **1964**, South African manufacturers put strong pressure on **their** government after the unilateral declaration of **independence** by Rhodesia. After **losing** most of **its** markets **in** Africa following the United Nations **sanc**tions, Rhodesia **decided** to expand **its** trade with South Africa under the terms of the **1964** Trade Agreement. Because **it** was so successful **in** **undercutting** South African industries, strong **representations** were made to the South African government to control imports from **Rhodesia**.⁹ The clause of 'Protection' is **in** fact exercised more by the powerful and developed partner of the Customs Union, the **Re**public of South Africa, through its protective **tariffs** **which** are so intense that the underdeveloped partners are **virtually** powerless to make adjustments.

The **third** feature of the Customs Union Agreement is the **distribu**tion of revenue collected by the South African government. It is **difficult** to evaluate **if this is disadvantageous** to the underdeveloped partners. But it is clear that in the absence of precise data on the volume of imports and their source of origin, due to inadequate **administrative** control by the underdeveloped **countries**, there are some weaknesses. The **questionnaires** can be assumed to **under**estimate the volume of **imports** and, hence, reduce the actual revenue **distribution**.¹⁰ It would need a strong, **indigenous**, **continuous**, **in**dustrial base **accompanied** by effective control to be able to evaluate the benefits derived from revenue distribution. "Protection", while favouring the established **industries** in South Africa, also causes **cap**ital to flow **into** South Africa for development, as **will** be shown later.

Finally, the structure of trade in Lesotho does not seem to indicate a long term benefit from revenues derived through the Customs Union Agreement. It has already been pointed out that Lesotho has lost a lot of revenue through the smuggling of wool, mohair, and diamonds into the Republic of South Africa. Some conservative figures have estimated this loss to be in the region of 50 % on diamonds alone.¹¹ If this is combined with the unknown percentages in wool and mohair, it can be assumed that the revenues Lesotho collects from the South African government are extremely low.

The other main features of the Customs Union Agreement are freedom of transit, trade agreements with non member countries, and consultation. These will be briefly discussed below.

Freedom of Transit

It should be pointed out that South Africa has refused to be a party to the United Nations Convention on Land locked Countries. This means that, apart from the inadequate international legal obligations of the United Nations Convention, South Africa has reserved its right to decide which of its neighbours can be availed with this right. The clause on Freedom of Transit actually allows South Africa the discretion of 'Protecting public morals, public health or security'. The problems facing Swazi farmers who wish to sell their produce in South Africa have already been mentioned.¹² A few other examples will now be cited.

South Africa prevents certain Basotho from returning to Lesotho by refusing to grant them transit visas through the Republic of South Africa. By this means, a number of students who had been studying in the socialist countries were refused re-entry into Lesotho. The University of Botswana, Lesotho and Swaziland is shared by the three former High Commission Territories and its main campus is situated at Roma in Lesotho, with branches in each of the other two countries. A number of lecturers at the University are restricted in their movements from one campus to another. It has even been impossible to engage certain lecturers because the South African government has refused to grant them transit visas to enter Botswana, Lesotho or Swaziland. Students on their way home through the Republic of South Africa have been subjected to thorough searches. A number of them have been fined for being in possession of books approved by the University.

United Nations personnel, Peace Corps Volunteers, and seconded personnel from other countries are severely restricted in their transit through the Republic of South Africa. Even Ministers and other

government officials from the three countries have experienced similar difficulties as Mr Motlamelle told the Parliament of Lesotho

Just now the Government have not explained the Interference of the Dutch policemen in the internal matters of this country regardless of the fact that we are an Independent state When a Minister wants to go somewhere the police in the Republic are notified a week in advance so that no bad treatment is meted out to him and that the police should not treat him like a kaffir but when the Boers come here our police give them a military salute there are many police vans from the Republic operating in Lesotho but ours do not enter the Republic ¹³

Most of the opposition party members in the three countries are not allowed to transit through the Republic of South Africa—and in the case of Lesotho this means they cannot get out at all No aircraft is allowed to overfly South Africa into any of the three countries and Lesotho Airways, Botswana Airways, and Swazi Air are all subsidiaries of South African Airways

Trade Agreements with Non-member Countries

This clause prohibits trade which may conflict with the existing Customs Union Agreement There are exceptions to this, subject to consultations between the parties, but South Africa is quite aware of the weakness of its partners in developing substantial industrial enterprises with outside countries and, hence, it remains the dominant partner in supplying the majority of the imports of its partners

Consultation

The Customs Union Agreement has a clause on 'Consultation' which implies a necessity to 'inform' the underdeveloped partners when Important decisions are about to be reached by the South African government The governments of Botswana, Lesotho, and Swaziland were informed, rather than consulted, about the raising of tariffs in South Africa to protect its industries, and the recent devaluation of the Rand, as decisions had already been reached in South Africa Such decisions are taken in the Interests of the South African economy without regard for the underdeveloped partners

Conclusions

Lesotho's dependence on South Africa is part of its underdevelopment and is the result of historical circumstances on two main levels, internal and external Internally, there has been the creation of local institutions such as chieftainship which are supported by religion and political alliances, and which have influenced the mass of the people to support the institutions Externally, there has been interaction with

the **international capitalist** system, represented by South Africa and Britain, and in which Lesotho occupies the lowest **position**. The latter **is manifest** in the Customs Union Agreement. Britain's neglect of Lesotho, migration of labour, the **banking and financial institutions**. The **internal circumstances** interact with and **support** the external, and the reverse **is also true**, so that Lesotho's dependence is complete.

Is Lesotho's **situation irretrievable** because of **its landlockedness**? This is not an easy **question** to answer. But the statement made by Mr Ntsu Mokhehle **is relevant**.

Is Lesotho the only land locked country?

Certainly, the leaders of Lesotho as well as Botswana and Swazi land are aware of the problems **confronting** their **countries** and have expressed them in their National Development Plans. But as Lars Rudebeck has said

The **mobilising capacity** of a **political system** for instance may be **drastically** reduced **if** the gap becomes too **wide** between the **beautiful** goals stated **in** the **National Plan** and the harsh **socio-economic realities** experienced by the people ¹⁴

Indeed, the leaders of Lesotho are divided **in their policy strategies** while being aware of the **realities** that face **their countries**. It is the issue of **connection** with the **Republic of South Africa** that has kept them **divided** as well as a number of **domestic issues**.

Any economic relationship between a developed country and an underdeveloped one **will result in** backwash. The South African pro government paper *Newscheck* stated

A Customs **Union is economically justifiable** only among states whose **productive** patterns are **fairly competitive** before **Union** and **which** have the **possibility of becoming** more complementary after **integration**. Also a **pre condition** of the success of a common market **is** that **its** members should be at roughly the same level of economic development. **Neither** of these **crucial preconditions** **exists in** southern **Africa**. In fact almost the exact **opposite** prevails ¹⁵

It is **significant** that this was stated before the actual **signing** of the revised Customs Union Agreement of December 1969. Rhodesia although a **white minority** ruled country and dependent upon **manufacture like** South Africa, has been reluctant to have complete **integration** with South Africa for the same reasons, **despite** economic cooperation having **gained** support in South Africa.

But South African **enthusiasm** for closer economic **ties** between the **countries** of the southern part of the **African continent** has not been reflected by a **corresponding** degree of **growing enthusiasm in Rhodesia** ¹⁶

These are the **crucial realities** in Lesotho, but perhaps not completely hopeless. The fact that Botswana, Lesotho, and Swaziland took a **uniform** stand to have the Customs Union Agreement **revised** could **signify** the **beginning** of cooperation among them. In theory, there are two alternatives for a country **like** Lesotho (as well as Botswana and **Swaziland**) in its present **difficult position** in relation to the more powerful and developed partner. One **alternative** would be to **withdraw** from the system. But Lesotho is completely surrounded by South **Africa** and **this** poses a dilemma for Lesotho. The second **alternative** would be **regional cooperation** between Botswana, Lesotho, and **Swaziland**. It is **significant** that the leaders of the three **countries** acknowledge this approach but have only **paid lip service** to it. Already, **Swaziland** has a trade agreement with **Zambia** and Tanzania and it has **indicated** its wish to join the East **African Community**. Yet very **little** has been done within these **countries** to promote **regional cooperation**.¹⁷ Perhaps the only **manifest** cooperation is the **University** although even that **institution** has **minor** problems. It would be in the interests of the three states to have adequate **regional cooperation** in the fields of **banking** and finance.

Notes

1 Botswana *National Development Plan 1970-75* Government Printer, Gaborone September, 1970 p 6

2 Lesotho *First five year plan*, Op cit p 16

3 Leistner, G M E Table of Inter area Trade for 1964 in *Tegniken* March 1967, p 22

4 Rweyemamu J F *International Trade and Developing Countries The Journal of Modern African Studies* Vol VII July 1969 pp 203-219

5 Leistner, G M E *Lesotho Economic Structure and Growth* Communications of the African Institute No 5, Pretoria 1966 p 37

6 After some **observations** at the border posts where all the **checking** was done by South African **officials** the author **interviewed** some small farmers in **Swaziland** about their agricultural trade with South **Africa**. Most of the farmers confirmed that they **experienced** great **difficulties** in **selling** their products locally and to South **Africa**. Locally they faced severe **competition** from South **African** agricultural products such as **fruit** tomatoes, etc. The hotels restaurants and other **enterprises** **buying** agricultural products preferred to make contracts with South African **suppliers** despite the fact that these **commodities** could be **supplied** locally. The same was also true in Lesotho in respect of poultry. One farmer told the author that he was now **trying** to make contacts in **Zambia** in order to sell his products there. Most of the farmers **complained** that they were subjected to **tight** controls at the border posts where South **African** health **officials** often turned them back alleging that their products were unfit for human **consumption**.

7 Landell-Mills P M The 1969 Southern African Customs Agreement *The Journal of Modern African Studies* Volume 9 Number 2 p 271

8 Wallman Sandra Conditions of non development in Lesotho *Journal of Development Studies* Volume 8 Number 2 January 1972

The author of this paper also made a similar survey on attitudes towards life and work in all the three countries and most of the findings agree with those of Miss Wallman—particularly on the way the Basotho spend their leisure time The reasons why Basotho are more hard working outside their country are related to incentives and the brutal behavior of the Boers towards their employees

9 *The Star* (Johannesburg) January 24 1969

10 See note 1 above

11 Leistner G M E *Lesotho Economic Structure and Growth* op cit p 26

12 See note 6 above

13 Lesotho *Hansard* First Meeting Third Session September 30 1969 pp 112–113

14 Rudebeck Lars Political Development *Scandinavian Political Studies* Vol 5 1970

15 *New schetl* May 30 1969

16 Girdlestone J A C Economic Cooperation in Southern Africa *The Rhodesian Journal of Economics* Volume Four Number One March 1970 p 1

17 During my interviews with the leaders in all three countries the idea of regional cooperation seemed not carry much weight Their economic advisors were of the opinion that it would be impracticable because the three countries produced identical agricultural products Regional cooperation would only be valuable if the trade was complementary they asserted

Can Lesotho reduce its economic dependency on South Africa?

Lesotho is in a serious situation, not only because it is land locked but also because it has been obliged to be economically integrated with the Republic of South Africa. As T. T. Thahane pointed out, Lesotho, Botswana and Swaziland, being economically underdeveloped states, are exposed to the usual disadvantages of an unequal relationship with a wealthy and powerful partner. They have to adjust their prices, salaries and financial policies according to the wishes of the richest member of the economic system. On the other hand, being at the same time Independent states, they do not benefit from welfare measures that are sometimes undertaken within nations in order to let relatively underdeveloped regions share some of the increased wealth. Furthermore, their influence on decisions that may have implications for their economies is very small.

But what can Lesotho do, assuming that the government and the people do not accept the idea of complete integration into South Africa? Obviously, integration in many fields cannot be avoided. Migration of mineworkers and lack of raw materials do not permit of other alternatives. Even if it could isolate itself economically from South Africa and create links with other countries, this would involve very high costs, being so far away from the sea and other African countries. After all, Lesotho has not much to offer in its bargaining with South Africa for transit and other rights. But Lesotho could adopt a policy of "selective integration" through careful scrutiny of the means to increase its self sufficiency. There are several fields where Lesotho could do very well without South African personnel, material, industry, and consumer goods.

Lesotho could, as an Independent nation, limit by law or other discouraging measures much of the economic influence of South Africa which is not consistent with Lesotho's development and welfare. This opportunity is not open to the so called Bantustans in South Africa. They have to accept all the investments, goods, personnel and work that South Africa cares to offer them. However, a policy of partial isolation and selective integration would be difficult to implement.

A policy of selective integration and partial isolation would require three distinct changes in the economic structure. Firstly, it would entail increased efforts to supply goods and services to the local market from local sources and to use indigenous materials. Secondly,

the **policy entails** reduced efforts to export to the world market **Existing** export business could be **maintained** and, as long as **it** does not consume scarce resources **it** could be developed further But the main effort should be to create **suitable** means of **production in** order to replace many of the present imports by home produced consumer and **capital** goods Ideally, this should **begin** with **production** that uses **indigenous** raw **materials** The products would be marketed on the local and the South **African** markets Thirdly the **policy requires** a change of attitude among ordinary consumers A **consciousness** not so much anti-South **African** as pro Lesotho People need to feel that **buying** "Made in Lesotho" goods helps the country and creates employment, whereas buying **imported** goods detracts from these **objectives**

In **this connection**, it ought to be stressed that the **purchasing** power of the Lesotho market **is** not **insignificant** At present, there **is** a steady cash flow **into** the country **in** the form of **remittances** from workers in South **Africa** and from the sale of cattle to South **Africa** Virtually all the people in Lesotho are **involved** in the cash sector of the economy and have access to consumer goods (Imported from South **Africa**)

If the imports, **which** currently may be as **high** as 95 %, could be reduced, the **existing inflow** of money would of course make a greater impact **in** the country **With** the **existing** consumer and **import** patterns, most of the development **expenditure** and **private** Investment benefits South **Africa** In fact, for **certain** Investment projects, the **expenditure** does not even **increase** incomes **in** Lesotho by the same amount as the Investment **itself** Procurement and cost **estimates** of **certain** development projects **in** Lesotho and Botswana have shown them to be valueless because of lack of locally processed goods and because of people's preference for Imported goods Furthermore, a large **portion** of small **savings** are invested **in** South **Africa**

Import **substitution** would, **if applied with** skill, not only create more jobs **in** the short term, but also **motivate** the **introduction** of new technology appropriate to the country's needs and resources More **labour-intensive** methods could be Introduced whereby the low labour costs in Lesotho and also Botswana could make the products **competitive** with South **African** products At present, these **countries** cannot benefit from **their** well educated and cheap manpower Basotho workers have on the average a **higher** standard of **education** than **African** workers in South **Africa** In addition, they are prepared to accept a lower **salary in** Lesotho than they would **in** South **Africa**, because of **their** preference to stay in Lesotho rather than to work under *apartheid* conditions **in** South **Africa** **Engineers**, foremen and

other **skilled** workers would certainly accept lower **salaries** in Lesotho for the **simple** reason that such employment in South Africa is reserved for **white** people with **relatively high** salaries

How can a **policy** of **import substitution** and **partial isolation** be implemented **within** the existing framework of the Customs Union Agreement and the **traditional** economic relations between South Africa and Lesotho? For Lesotho, the situation **is simplified** because the government **is** the biggest investor and employer. The government can thus **influence** the purchase of **capital** goods. It can also reduce the number of South **Africans** working **in** the country, both **in** the public and private sectors. The government has a great influence on **production techniques** through the Lesotho National Development Corporation. Thus, there **is** the potential to introduce more labour **intensive** technology which in **itself** will reduce imports of **capital** equipment.

In addition, the **high tariffs** of South African **Railways** encourage import **substitution** and the use of indigenous resources. At present, raw materials such as wool, mohair and livestock are exported **while** yarn, clothes, **milk**, butter, meat and vegetables are **imported**. The cost of transport represents a large proportion of the **retail price** of goods sold **in** the country. Expensive South African building materials are used, even though clay for brickmaking **is available** in Lesotho.

Connected with **this policy is** the need to change values and attitudes among **ordinary** people, whether they earn a salary, subsist on workers' remittances, or live out of farm **incomes**. The government will have to **explain** the **policy** to the people and to urge them to buy home-produced goods. But **this policy** cannot be **carried out without** the **will** of the people to **resist** the **political** and **commercial** pressures from South Africa. The Basotho and the Batswana have a **tradition** of **resistance** to **political** and **military** pressures from white South Africa. But the **tradition** does not **include** resistance to **commercial** and economic influences, which are not yet seen by the people to be a threat to **independence** and equality. If the government of Lesotho were to follow a **policy** of partial isolation, it would have to adapt the **traditional** consciousness of the people to modern **economic** problems.

Swaziland

Zdenek Červenka

Swaziland's links with the outside world

The account of the problems of the land locked countries of southern Africa would not be complete unless at least a brief mention is made of Swaziland's constraints to its development imposed both by its geographical position and its policy dominated by traditionalist conservatism personified by the King Sobhuza II. For to appreciate the importance of Swaziland's links with the outside world it is necessary to begin first with a brief economic survey of the country.

The Economy of Swaziland

Swaziland is a very rich country possessing minerals, fertile soil, good climate and an abundant supply of water. Under British colonial rule, however, its economic development was very slow. The British Government was not prepared to spend money in the territory since it was assumed that Swaziland would ultimately become a part of South Africa. The pace of economic development has quickened only in the last ten years, i.e. after Independence. At present, Swaziland is economically the most prosperous of the three former British High Commission territories.¹

Swaziland with an output of about 400 000 tons of asbestos per annum, is the world's fifth largest producer of asbestos. Asbestos is mined at Havelock and a new mine has recently been opened near Emlemle.

While asbestos has been mined in Swaziland since 1930, the deposits of iron ore have been exploited on a large scale since 1964 when 137 miles of railway connecting Swaziland with the port of Lourenço Marques in Mozambique was opened to traffic. Iron-ore production in 1970 reached 2 552 100 tons compared with only 664 000 tons in 1964. The Swaziland Iron Ore Development Company, controlled by the Anglo American Corporation, recently concluded a contract with Japan which at present imports about 2.7 million tons per annum.

The expansion of the mining of iron ore led to the development of the coal mines near Maloma where deposits of high grade anthracite were discovered. The production of coal rose from 45 000 tons in 1964 to over 110 000 tons in 1970. A new colliery is being built by the Rand Mines Company. Production will be about 2 million tons per annum.

The discovery of gold in the Barberton mountains at the end of the nineteenth century, which was responsible for the 'gold rush' and the era of 'concessions', contributed very little to Swaziland's economy.

Production dropped from 2 078 ounces in 1964 to only 308 ounces in 1966 when the gold mine was closed down. Small quantities of tin and barytes have been found but the most important of the newly discovered minerals is kaolin, the production of which rose from 3 000 tons in 1964 to over 25 000 tons in 1970. Considerably less progress has been achieved in agriculture, the level of which is extremely low.

The traditional "subsistence" type of agriculture (i.e. the production of agricultural products for own family use) still prevails. The primitive methods used even by the farmers engaged in growing crops for sale results in very low productivity. Out of a total of 4 290 000 acres, over 3 million acres is grassland, about 630 000 acres arable farming land, and 320 000 acres is forest.

By tradition the Swazi have been a pastoral rather than an agricultural people. The development of the cattle industry, however, has been hampered because the best pastures are still owned by farmers from the Transvaal, who use them for the winter grazing of sheep. The congestion of cattle in the Middelveld zone led to overgrazing and soil erosion. The lack of knowledge of modern methods of cattle breeding and veterinary care has kept the livestock industry far below the level that could have been achieved. For example, an outbreak of foot and mouth disease in 1969-1970 greatly reduced the number of head of cattle.

Sugar is the most important commercial crop grown in Swaziland and is the export commodity second only to iron ore. Due to the large irrigation schemes, its production is steadily rising. Production almost doubled during the period 1964-71, from 950 000 tons to 177 720 tons. Sugar exports in 1970 were valued at 11 838 457 rand.

Citrus which is grown only as a result of irrigation, has also become an important export commodity. Almost 80 000 tons were produced in 1970. The production of rice is about 7 000 tons per annum. The pineapple crop was over 13 000 tons in 1970. The expansion of forestry added another important export commodity — wood pulp.

Swaziland has the largest man made forest in Africa, comprising 171 800 acres of conifer and 21 700 acres of eucalyptus. The timber is processed at the wood pulp plant at Usutu which produces 100 000 tons of pulp per annum. The export of wood pulp, which is the raw material used in the manufacture of paper, is valued at about 7 million rands.

The economy of Swaziland is still dependent on the outside assistance. Britain provide £6 million during the three year aid programme to be terminated in 1973. During 1971-72 loans were negotiated with the United States (Agency for International Development, AID) and the Danish and Portuguese Governments for more than 4,1 million Rands.

Swaziland has had a favourable balance of trade **since** 1962. In 1971 the balance was 7,5 million Rands **with** exports **totalling** 56,6 million Rands and imports 47,8 million Rands. **Since** 1970 the **British** grant **in aid** contribution to **Swaziland's** budget has been **withdrawn**. The gross **national** product exceeds \$100 million and the per **capita** income is \$250, one of the **highest** in **Africa**. But the figure is **misleading** because it does not reflect the sharp contrast between the income of the 10 000 Europeans, who hold all the better paid jobs, and the 400 000 **Africans**. The **working** hours of the Africans range from 48 hours per week **in** the **mines** to 54 hours per week on commercial plantations and up to 70 hours in agriculture. About 20 000 **Swazi** are still working in **South African** mines but **this** figure has begun to decrease due to new employment **opportunities in Swaziland**. **Despite its rapid industrialisation** Swaziland still has the most backward labour force **in** southern Africa. There are three main reasons for this:

1 the autocratic rule of the chiefs who are dedicated to a traditional way of life which does not countenance the **social** changes of modern society—**education initiative**, adjustment to urban **living**, etc. the majority of **Swazi** are still directly dependent on the land through subsistence agriculture

2 the **illiteracy** of the **Swazi** which is one of the **highest in Africa** and their general ignorance of the world

3 the very **limited opportunities** for acquiring skills which would **qualify** them for better employment

Swaziland's links with the outside world

Swaziland's most important **communication** link is the railway **connecting** Ngwenya with the Portuguese railway at Goba on the **Mozambique** border where it continues to the port of Lourenço Marques.² It is 137 miles long and cost 79 million rands of which half was provided by Great **Britain** and the other half by the **Anglo American** Corporation and the **South African** Company of De Beers. The **railway** which was opened by King **Sobhuza II** in 1964 carries 95 per cent of all its exports that is all the **iron** ore exports and most of the sugar, wood pulp and **citrus** exports. Almost 3 million tons of **freight** annually are being **carried** by the **railway** which extricated Swaziland from its dependence on **South Africa's** transport system for **Swaziland** exports. Swaziland's dependency on **Mozambique** will further **increase in 1976** when a new railway **connecting** Kadake with **Lothair Vryheid** to **Richard's Bay** is expected to be operational. In the same year **Mbabane** will be linked with a new **railway** through **Golela**. However the **Swazi** land asbestos mining **industry** still depends on the arrangement with **South Africa** to transfer ore by overhead **cableway** across the border into **South Africa** for subsequent **rail** shipment.

The proposed rail link with South Africa to establish a link from Eastern Swaziland to a point on the South African Railways near Ermelo or an alternative connection across the Natal border was considered by a group of experts from the University of Natal. Their report briefly states that at present it does not appear that a rail link could be justified on economic grounds. However, there is a considerable amount of pressure for the line in South African circles concerned with the growth of Swaziland's communications with Mozambique.

About 1 900 miles of roads traverse the country, including a bituminized trans territorial East West highway completed in 1969, which is also Swaziland's main link with South Africa and the only alternative export route available which carries 80 per cent of all Swaziland's imports from South Africa. Air transport connects Matsafa with Johannesburg and Durban and with Salisbury and Lourenço Marques. It is operated by South African Airways. No service with African Independent states is available. Besides, the Matsafa 800 metres long gravel runway is unsuitable for use by jet aircraft.

Despite its land locked position, Swaziland has made remarkable progress both in its trade and diplomatic relationships with the outside world.³ Thus while South Africa is the main trading partner of Swaziland in terms of imports it is Japan which buys almost the total production of iron ore and Britain most of the sugar and asbestos. Trade talks with the East African Community and Zambia have taken place and in 1969 the Prime Minister Prince Dlamini, toured East Africa and signed trade agreements with Uganda, Kenya and Tanzania. Swaziland has also had talks with Malawi and Mauritius on a common policy for the export of sugar. In Tanzania, the Prince said that Swaziland wished to join the East African Community so as to strengthen Swaziland's ties with the rest of Africa. He also stated that African states should exchange more information so that each knew what commodities the others produced. This could lead to commodity exchanges between 'African states as brothers' to replace trade with Europe. In August 1969, while on an official visit to Zambia, he and President Kaunda signed a trade agreement. A trade agreement was also signed with the Government of Malawi, Kenya, Uganda and Tanzania.

At the OAU sponsored all-African Trade Fair in Nairobi in February 1972 Swaziland's Minister for Commerce, Industry and Mines S. Nxumalo said his country was committed to the unification of Africa. Swaziland has trade agreements with Kenya, Uganda, Tanzania, Malawi and Zambia and was one of the 20 countries offered a special relationship with the enlarged EFC from August 1973. Its outward trade policy has been also shown by change over to the metric system for weights and measures as from January 1973.

Swaziland's foreign trade is substantially curtailed by its dependence on the transit and port facilities of Mozambique. Although the handling of exports from and imports to Swaziland is an excellent business for the Portuguese authorities, they can easily bring it to a standstill should Swaziland adopt a policy contrary to Portuguese interests. At the same time Mozambique is at the threshold of its liberation which would instantly put Swaziland's access to the sea on a new basis offering large options for other than South African imports. How such a change would affect Swaziland's policy towards South Africa would largely depend on the type of government it would have at the given time and if South Africa would allow this to happen.⁴ South Africa continues to keep firm grip over Swaziland, the dependency of which can be summed up as follows:

1 Swaziland has identical currency with South Africa (rand) and is an integral part of the Customs Union comprising South Africa, Botswana and Lesotho.

2 South Africa controls all Swaziland air links with the outside world. Except for the road and railway to Mozambique it also controls all other communications including the cable and postal services.

3 South Africa is the chief supplier of Swaziland. Imports from South Africa constitute about 90 per cent of the total volume of imports to Swaziland.

4 The best land in Swaziland 44 per cent of its total area is owned by Europeans, predominantly South Africans. The mining industry is dominated by South African companies and most of the investment flows to Swaziland from South African banks.

5 South Africa still provides employment for almost 20 000 Swazi whose emoluments of about \$100 000 annually are an important asset to Swaziland's economy.

6 In 1971 Swaziland, due to the disengagement of Great Britain, accepted South African experts into its public service.

Despite these constraints, Swaziland uses every opportunity to support Africa's common cause, the eradication of racialism and colonialism from the African continent. Already at the OAU Summit in Accra in 1965, to which representatives of Swaziland were invited together with representatives from Bechuanaland and Basutoland, (at that time they were still High Commission Territories) the three delegations submitted a common statement affirming that the ruling parties in the three territories were unequivocally dedicated to the cause of freeing their respective peoples from the humiliating yoke of colonialism, neo colonialism and economic exploitation. These parties further affirmed their determination to establish nonracial societies in Bechuanaland, Basutoland and Swaziland and to oppose the policy of *apartheid*.⁵

Any occurrence of racial discrimination in Swaziland is dealt with very severely by the Courts. The Prime Minister and his Ministers urge all citizens who feel they are being discriminated against to make a complaint to their District Commissioner.

Swaziland continues its consistent line of opposition to the white minority regime in Rhodesia. The Prime Minister welcomed the Pearce Report with the comment that he could not understand how any of the chiefs could so betray their people as to consider supporting the present regime. Swaziland was one of the original 14 African countries to threaten to boycott the Olympic Games if Rhodesia were allowed to compete. At the OAU sponsored All African Trade Fair in Nairobi in February 1972 Swaziland's Minister for Commerce, Industry and Mines S. Nxumalo said his country was committed to the unification of Africa. It is a member of the United Nations, the Organisation of African Unity and British Commonwealth.

Swaziland has established diplomatic relations with Great Britain, Taiwan, France, West Germany, Portugal, the USA, Canada, Korea, Israel, the Netherlands, and Zambia. The location of Swaziland's diplomatic missions (United Nations, USA, UK, Canada, France and Belgium) shows the prevailing interest in the type of contacts which encourage the flow of foreign investment into Swaziland. It has not, however, established diplomatic relations with South Africa and the government sharply reacts to any suggestion that it has any intentions in this respect.⁶ However, Swaziland follows South Africa's anti communist policy. It voted against the admission of the People's Republic of China to the United Nations and has no relationship with the Soviet Union or with any East European country. While the transformation of the ruling party, the Imbokodo National Movement, from a conservative party founded by the King into a nationalist party which takes a firm stand on the issues of *apartheid* and colonialism has been most encouraging, Swaziland's policy continues to be hindered by the customs of the traditional society. The King is the fount of all power in the land and an unsurmountable barrier to any major progressive change in Swazi society.

This point was proved by the King's coup against the Constitution in April 1973. The 74 year old king, who is the world's longest reigning monarch, assembled his army of 300 soldiers and told the crowd of more than 50,000 at the Royal Meeting Place at Lombamba that the British parliamentary system was not suited to Swaziland and that he was taking over the running of the country himself with the advice of his council.

He abolished all political parties and banned all political meetings. The Prime Minister and his cabinet became the King's council and

continued their duties at the King's discretion. Since the take over, Swaziland has been ruled by King's decrees which replaced the parliamentary legislation. The leader of the opposition, Dr Ambrose Zwane who described the King's action as a seizure of power by forces of fascism, was detained. Four other NNLC members including the member of Parliament Thomas Ngwenya, were also arrested under the detention decree.

Although the King's coup halted the progressive development of Swaziland's society it can never stop it. It has become clear that the type of conservative monarchy represented by King Sobhuza has no more place in modern Africa. While the change may not occur within his lifetime the more profound it will be after his death.

The modernization of the Swazi society is long overdue and this alone can provide solid foundations for bridges still to be built with independent Africa.

Notes

1 On the economy of Swaziland see *The Development of the Swaziland Economy* London H M S O 1965. Peter Robson *Economic Integration in Southern Africa* in *Journal of Modern African Studies* London Vol 5 December 1967, pp 469-490. Jack Halpern *South Africa's Hostages Basutoland Bechuanaland and Swaziland* London Penguin Books 1965. R P Stevens opus cit Ch P Potholm opus cit and *Post Independence Development Plan* Mbabane Government Printer 1969.

2 A C G Best *The Swaziland Railway A Study in Political Economic Geography* Michigan Michigan State University 1966.

3 For a survey of most recent economic and political developments in Swaziland see C Legum (ed) *Africa Contemporary Record 1972-73* London Rex Collings 1973 pp B 427-430.

4 Ch P Potholm holds the view that the cause of liberation in southern Africa and the radical reconstruction of the sub system are not to the Swans worth the price of economic or political dislocation let alone the possibility of becoming an international battle field. While such a situation may be forced on Swaziland as it has been on other small weak countries in the past and while those persons in other African States and other parts of the world may condemn the Swazi position of *De Facto* neutrality as long as the government of Swaziland has options it will support the status quo in preference to the development of a revolutionary situation with its concomitant turmoil and danger. Ch P Potholm *Southern Africa in Perspective* opus cit p 153.

5 *Jornt Memorandum by the Leaders of the Elected Governments of Basutoland Bechuanaland Protectorate and Swaziland to the Heads of African States* (Accra mimeographed October 25 1965) quoted by Ch P Potholm opus cit p 151.

6 Following South African press interpretation about the purpose of the talks held between the Prime Ministers of Swaziland and South Africa in March 1971 the Swaziland Government issued a statement disclaiming any intention to establish a diplomatic mission in South Africa pointing out that

His Majesty's Government does not subscribe to the policy of *apartheid* and that the "only meaningful basis for a dialogue with South Africa is the Lusaka Manifesto which proposes a non violent solution to southern Africa's political problems *African Contemporary Record 1971-72* London Rex Collings 1972 p B 308

The search for new policies for land-locked countries

The economic problems of land-locked countries

The efforts of **international bodies** to obtain **international** legal arrangements **in** favour of the land locked developing countries should not be **underestimated**. However, even the most carefully formulated and most **widely** accepted agreement would ease rather than solve the problem. A perfect law **is effective** only **if it is** supported by a system of **coercion** or based upon a common interest **which induces** all **parties** to conform. The latter seems to **provide** a **solution** to the **problem**—as posed by professor **Rubin**—“of **convincing** states of the **desirability** of **adhering** to the **appropriate positive** agreements. Unless mutual **economic** interests develop to uphold the agreements on free access, they **will remain** subject to **unpredictable political** factors (e.g. personal **attitudes** of **political** leaders, changes **in political regimes**, and external **influences**)

The problem of the land locked **position** is, of course, far more complex than **simply** the matter of **transit facilities**. The relevant UNCTAD documents, **particularly** the Report of the Group of **Experts**,¹ indicate the complexity of the problem as a whole as do the other **contributions** to **this book**.

The problem of the **African** land locked developing countries arose in a **specific historical** and **politico economic** context and has no parallel **with** that of the European land locked countries. The **differences** are much greater than **simply** matters of **distance** or **availability** of **navigable** waterways even though the problem of developing **African** land locked countries **is** aggravated by **their great distance** from the sea² and by the **inadequacy** of the **river transport facilities**.

The roots of the problem are of a structural character and related to the **international division** of labour and **its impact** on the local **economies** and **environment**. Because of **this effect** all developing countries—whether land locked or not—have common development problems. **This is emphasized in** the above **mentioned Report**. Because not only the land locked developing countries but also **their coastal neighbours** are **satellites in** the **international division** of labour **system**,³ the problem **is** a very grave one.

As stated by Professor Rubin, **in Europe**, the need for access routes arose ‘as commerce changed from the local exchange of goods to a

Wider ranging economic Interdependence In the developing countries it arises from **their outward orientation which hinders the local exchange of goods** ⁴

Insofar as the external economic relations develop as the result of the **internal development of a national economy** the needs of the former should be in harmony with the material conditions and the capacity of the latter to satisfy those needs. The expansion of market relations is accompanied by the further development of the **internal division of labour and its completion from outside**. This process creates the necessary infrastructure. Countries which participate in orthodox market relations and **division of labour** have a mutual interest in developing a transport network. Transport facilities expand as a result of economic and market development. Even though natural transport routes provide an incentive for economic development normally the demand for them stems from the latter.

However, the developing countries have a very large foreign trade relative to local trade. Consequently, **their economies require extended transport facilities** before local facilities have been adequately developed. The reason for this is the colonial practice of **specialization for primary production** i.e. the manipulation of both the economic structure and the infrastructure to serve foreign interests ⁵

Even though in Europe some economies became subordinate to others, thereby entering into imbalanced trade relations based on **specialization** (e.g. the relations within the Austro-Hungarian Empire) the situation was quite different. The development of these trade relations, as between adjacent or near adjacent states, almost coincided geographically with the normal expansion of trade relations. As to the related demand for adequate transport facilities, the more developed state took a definite interest in meeting this demand even if the subordinate state shared this interest ⁶

In the case of developing countries the relations with overseas trading partners, involving great distances and expensive means of transport, are contradictory to local trade relations. The motives for the development of the required infrastructural network are also quite different. Originally, it was the colonial power which developed the trade as well as the infrastructure, and whose capital financed the transport network for overseas trade. However, the colonial power dictated an investment policy which led to considerable differences in structural and infrastructural development between coastal and landlocked countries, since the latter (except where subregions were rich in natural resources) did not provide, due to transport costs, attractive investment opportunities for foreign capital.

Thus, colonial style international division of labour, through having

involved land locked territories in international trade has discriminated against them. While diverting the production and market orientation as well as the Infrastructure of their coastal neighbours, it deprived them of the opportunities to develop local trade and division of labour. Consequently in the case of land locked countries the same pattern of colonial style division of labour has continued under even less favourable conditions and with less infrastructural development than in the case of others.

However, considerable changes have taken place both in respect of those foreign Interests developing export orientated primary production and in the financing of the Infrastructure required. As to the latter, the political Independence of the former colonies has enabled the cost of infrastructural development to be borne by the newly Independent governments. As to the former a new pattern of foreign capital investment⁷ has emerged (to be followed, if undisturbed by a neo colonial type of international division of labour) which avoids agrarian primary production⁸ and, consequently the related infrastructural development. By favouring the more developed urban and coastal areas, and by erecting new obstacles (e.g. choice of industries⁹ and 'choice of techniques'⁹ to internal integration it increases the regional differences and the difficulties of land locked countries.

To summanse, the crucial and distinguishing features of the problem of the land locked developing countries are

- (a) the structural deformations of economy and Infrastructure both in land locked countries and their coastal neighbours stemming from the unfavourable Investment patterns of foreign Interests
- (b) the existence of duplicated production facilities of a competitive character which inhibit regional co operation and the development of local trade
- (c) the disadvantages to the land locked territories of competitive specialization and subservient Infrastructure
- (d) the priority given to transport links between primary producing inland enclaves and harbours with overseas contact at the expense of inter regional transport networks
- (e) the decreasing Interest of foreign Investors in agricultural enclaves and their related infrastructure
- (f) the indifference of the coastal states in promoting the overseas trade of their land locked neighbours
- (g) the resort of the land locked states to foreign aid for infrastructural development and to international legal arrangements for free access to the sea

The conclusion seems to be obvious. If the problem is fundamentally one of structure, both internally and externally, then the solution is to be found in re structuring, i.e. an investment policy for internal and regional integration.

Notes

1 Report of the Group of Experts on the **special** problems **involved** in the trade and **economic** development of the land locked **developing** countnes held in Geneva, from 11 May to 4 June 1970 Paper No TD/B 308

2 The total **distance** between towns in land locked countnes and the sea ports in most cases exceeds 1 000 km (See the above Report pp 8-10)

3 The **international** trade patterns of land locked **developing** countnes compared with that of the **main** European landlocked countnes

Land locked countries of	International trade as per cent of GNP	Exports			Imports		
		Total exports \$ million	Exports to neighbours per cent	Exports to others per cent	Total imports \$ million	Imports from neighbours per cent	Imports from others per cent
South America	38.6	222.5	14.2	85.8	2118	150	850
Africa ^a	49.6	929.3	6.4	93.6	8005	172	828
Asia	15.3	95.4	52.8	47.2	2144	570	430
Europe ^b	33.2	6 488.2	44.0	56.0	7 732.6	58.3	41.7

^a Excludes Lesotho and Swaziland

^b Austria Czechoslovakia Hungary Switzerland

Source TD/B 308 see above

4 For a **detailed explanation** see T. Szentes *The Political Economy of Underdevelopment* Budapest Akademiai 1971

5 The transport network in Africa was **conceived** to meet the needs of colonial primary **production** and export. The map of African roads and rail ways **illustrates this point**. For example the Northern railway in Tanzania, built from Dar es Salaam and **reaching** first Mukeza (1896), later Moshi (1911) and Arusha (1929) served the **sisal** estates of the Tanga **region**, and then also the coffee farms of Kilimanjaro. The Central **line**, **starting** also at Dar es Salaam, connects the **sisal** farms of Morogoro and also serves the groundnut product~on of the central areas.

6 For example the **Hungarian** railway network served to transport **Hungarian** export crop product~on to Austria and **Austrian** industrial exports to Hungary. The railway was a **joint business** venture between **Austrian** financiers and **Hungarian** landlords.

7 See T. Szentes 'The Use of **Foreign Funds** in the Development of East African Countries' (A paper presented to the IDEP Seminar 'Socio Economic Effects of Two Patterns of **Foreign Capital** Investments', held in Dar es Salaam from 17th April to 27th May 1972.)

8 See Ann Seidman 'Old motives, new methods **foreign enterprises** in Africa today' *African Perspectives* Ed. by C. H. Allen and R. W. Johnson Cambridge Univ. Press 1970 pp 251-272

9 G Arrighi points to the double bias of this new Investment pattern i.e. bias for capital intensive techniques on the one hand and bias against capital goods production on the other. See G Arrighi International Corporations, Labour Aristocracies and Economic Development in Tropical Africa in *The Corporations and the Cold War* Ed. by D Horowitz Bertrand Russel Centre for Social Research Mimeo Univ Col Dar es Salaam 1967

Helge Hveem

Relationship of underdevelopment of African land-locked countries with the general problem of economic development

If landlockedness is related to the social structure in an **African community**, its underdevelopment, its **physical organisation**, and its **connections with the international community**, then there is more to the problem of **being land locked** than simply transport costs and legal **transit rights**. The correct approach is to deal with the meaning and content of development and underdevelopment and **their relationship with the global economic structure**.

The real world is a system of **dominance and exploitation which capitalists develop through imperialism and colonialism to neocolonialism or re colonisation**. The system is based on a **vertical international division of labour which** places the underdeveloped countries as **suppliers of raw materials and cheap labour**, and as markets for the **processing industries and services of the developed countries**. The present **transportation problems of land locked** as well as other underdeveloped states are a **function of this system**.

An unawareness of this **perspective is** implied in most of the **practical recommendations of UNCTAD in this particular field, which** renders the recommendations virtually irrelevant.¹ Because 15 out of a total of 28 land locked countries are also among the 25 "hard core least developed countries" according to the UNCTAD **index**,² it is no proof that underdevelopment is a consequence of landlockedness. The **criteria** used to formulate the **index** may have little **validity as indicators** of underdevelopment.

In addition to the erroneous **assumptions** and invalid **indicators** the research **priorities** and Intentions of some scholars are **questionable**. Thus, when Professor **Sabourin** discusses the **implications of the discovery of manganese and uranium in some of the West African land locked countries**, he does so within the context of the "dependence syndrome", thus raising the question of the **desirability** of such dependency from the standpoint of the underdevelopment and dependence are fully understood and eventually solved by **breaking down the global division of labour** can the **political and socio economic costs of being land-locked** be reduced. The kind of cost-benefit analysis **which lies behind** much of the discussion about transport **facilities** takes for

granted the trade dependency of the **countries** concerned, and regards Increased trade as an a **priori** value, whatever the extent of dependency and whatever the **relationship** of it to community development **Accordingly**, increased exports are taken to mean development, and every **thing which facilitates** Increased exports is also regarded as development **This** notion must be challenged **theoretically** and **empirically** For Instance does **being** land locked **imply** underdevelopment? Could it be argued, on the contrary that landlockedness under **certain conditions** may be advantageous **in** the context of development?

The term 'land locked community' should be used when referring to the geo **political** aspects of landlockedness because these aspects are not confined to **nation-states** but also include sociopolitical **communities within** or even across **nation-state boundaries** Ideally the **implications of being** land locked should be analysed at the sub **national** level and at the level of local **communities** Development and under development have to be analysed at these levels Development concerns the **individual in** his most **immediate** and **important social relationship** (i.e. the local community) as well as **social groups, classes, and nations** The effects of underdevelopment are most strongly felt at the level of the local **communities**

Adopting such an approach would prompt the **question**, does an export **orientated agriculture** contribute to development **in** a broad sense, and to the **material and social** Improvement of the people concerned? Or **is self reliance** and community orientated types of **production** of greater benefit to the local people?

There are three relevant levels of **analysis**

- 1 the **global context and the international structure into which land locked communities** are invariably integrated (although the form the degree and the **implications of that integration may vary from one case to another**)
- 2 that of the **nation state in respect of international law and the legal aspects of landlockedness**
- 3 that of the **local community**

There may be other relevant levels of **analysis** (e.g. that of the **African continent**), but those mentioned suffice to **indicate** the breadth and scope of the approach needed

Thus, the problem of landlockedness **is** a dual one It **is** usual to look upon it **in** a rather one sided way, the problem of outward access for the land locked community But it **is** also a matter of **inward** access for **foreign** Interests The latter **is** only another way of **establishing** the context of the relevant level of **analysis**

The relevance of **political considerations** to those of geography and cost benefit has been **highlighted** by references to the Tanzam **railway** and the Botswana **Zambia** projects These have been **discussed in** terms

of the need for land locked **countries** to break out of the dependency **structure**. There are, of course, cases where land locked **countries** have **pursued** a policy of **integration** into the international structure (e.g. Katanga in 1960–63 and Rhodesia after UDI in 1965). There are **comments** which can be made about Katanga. Firstly, its **location** and the fact that transport networks linking Katanga to the political centre of the then Congo-Leopoldville were practically non-existent, shows how the **international** structure can strengthen its hold on a land locked **entity** simply because it is land locked. Secondly, the Katanga **affair** could not have been **possible** without the active support of the then **administration** of Northern Rhodesia and Portuguese **colonialism**. In that respect, the case of Katanga is similar to that of Rhodesia after UDI.

The last point is related to **strategies** for breaking the dominance **structure**, and it also has **implications** for inter **African** co-operation. It would seem that the coastal states are more **involved** in the dominance structure than the land locked states, **with** the exception of Lesotho and Swaziland. In some **instances**, land locked states are **linked** to the International structure because coastal states have been colonised prior to the land locked states. In order to be liberated from the dominance structure, the land locked states may not only have to abandon their **connections with** the overseas **metropolis** but also redress their **relations with** coastal states which are not themselves pursuing **liberation** strategies. **Liberation** and self reliance may also have to be pursued by a land locked local community in its **relationship** with a coastal community.

The relationship between Uganda and Kenya **contained** elements of the above analysis, although the **formation** of the East African Community may have changed the **situation**. The structural imbalance in the economic **relations** between these countries (as well as between Tanzania and Kenya) is at the root of the problems facing the Community. Another instance of inter African imbalance is that of the three land locked states of **Mali**, Upper Volta and Niger in **their relationship with** coastal **neighbours**. Although differences in size may partly **explain this** imbalance, they cannot fully account for it. The structural implications of being land-locked is **evident** in the trade statistics.

Imbalance is indicated by the overall volume of trade, the export **import** balance sheet, and by the **composition** of trade. A **situation** where the value of the exports of one partner to another exceeds the value of **its imports** from the other is not unusual in **international** trade. But when such **imbalance** is very marked, it often implies the **dominance** of one partner over the other. This is the case in **West Africa**, as seen from the figures in Table 1. The trade relations between Ivory Coast and Senegal on the one hand and Mali, Upper Volta and Niger on the other, and re

lations between **Nigeria** and **Niger** are characterised by extreme trade surpluses on the part of Ivory Coast, Senegal and **Nigeria**. For example the value of Ivory Coast exports to Upper Volta in 1969 was 6.5 million US dollars, while that of Upper Volta exports to Ivory Coast was 0.4 million US dollars.

Ghana's trade with Mali and Upper Volta shows the opposite pattern: trade surpluses to Mali and Upper Volta. However, this is not contradictory to the main argument, as the composition of the trade and certain historical facts will show. Practically all Ghana's imports from these two countries are in the Standard Trade Classification (SITC) categories 0-1 (food and live animals) while, for example, 85 per cent of Mali's imports from Ghana are manufactured goods (SITC category 6). In other words, Ghana covers some of its food deficit from Mali and Upper Volta while it is only marginally able to export goods to them. The French dominance over these states is the most probable explanation: the market for manufactured and semi-manufactured goods is reserved for French interests.

To take another example, almost 80 per cent of Mali's imports from Senegal are manufactured goods. A significant proportion of these goods are imported from France or other metropolitan centres and re-exported from Senegal to the land-locked countries: the same is true of certain raw materials. This trade pattern, typical of the two-stage dominance structure, is one among three discernable categories of trade flows in the West African sub-region according to ECA.³ That there is also division of labour in the sub-region even between the land-locked states and their bigger coastal neighbours (as indicated by the trade in food and raw materials) does not disprove the conclusions on this point. The problems implicit in these West African structures have been at the root of failures to create stronger sub-regional unity, as shown by Foltz.⁴

Obviously, the two-stage structure hypothesis should be tested against the evidence of other types of relationship besides trade. In the case of Ivory Coast-Upper Volta relations, there is not only vertical division of labour in terms of trade and production structures but also in the labour market. Workers from Upper Volta make up a considerable part of the low-paid agrarian and urban labour force in Ivory Coast.

The implications of the two-stage structure of dominance should not be interpreted too freely, e.g. to the extent of concluding that this inter-African imbalance is more fundamental than the global one, or claiming that it detracts from Pan-African goals. Obviously, the global structure and the links between African states and metropolitan states should be the primary concern of all African communities. However, land-locked communities which seek self-reliance should recognise that ties

which jeopardize their self reliance may be established indirectly through other states and communities even though direct ties with a metropolis have been severed

It seems to be true that coastal states are more dominated and exploited by metropolitan states than the land locked states. Easier access implies easier penetration in economic, cultural, technological and military matters, which also makes exploitation easier. On the other hand, to the extent that land locked communities are at the bottom of the global production structure—as extraction of raw materials and food, and their links with the two stage dominance structure indicate—when this proposition seems to be considerably less valid. To heighten its validity, it has to be supported by empirical evidence.

The empirical evidence offered is based on comparisons between the 14 land locked African states and 22 coastal African states (See Table 2). The indicators employed for this analysis fall into three broad categories, economic relations, communications and transport, and level of development. Altogether there are fifteen indicators including two ‘attribute’ variables (population and monoculture). Obviously there are problems inherent in the variables chosen as indicators of dependence structures. In particular, the indicators of level of development—Gross National Product per capita, public expenditure on education and on health—leave much to be desired, as they do not necessarily indicate the level of development of the state. They tell little if anything, about the internal social structure and the distribution of the development.⁵

The following provisional conclusions have been drawn from the empirical evidence.

1 From the information on economic relations (See Table 2), two broad observations can be made.

a The land locked states on the whole seem to be a little less dependent on the overseas countries than are the coastal states. However the pattern is not at all clear and—as shown by the data on Total Value of Exports (column 2), Foreign Economic Aid Received (column 8) and Export and Import Trade Concentrations (columns 4 and 5)—differences are not as great as expected. For example, if a comparison is made between the value of exports and economic aid per million inhabitants in each of the two categories of countries, the land locked states seem to be more dependent on exports and on foreign aid than are the coastal states.

b The trade of the land locked states is more orientated towards other African states in their respective sub regions than that of the coastal states. Thus, the land locked states are a little more dependent on trade in general, but less dependent on overseas trade than are the coastal states. This is an indication of the two stage structure.

2 The coastal states have more external communication and transport links than the land locked states. The effects of transport and communications on the opportunities for power and control are inherent in reciprocal access.

3 Monoculture is relevant to be dependence problem and the level of development. From Table 2 it can be seen that the land locked states are more **monocultural** than the coastal states. However it should be noted that **certain** extreme cases notably **Zambia** and **Burundi** contribute to the **high** average of the land locked states. A country **by-country** analysis shows that of the **15** countries in the total sample with a monoculture above **50** per cent only **six** are land locked.

4 In terms of level of development the **main conclusion** is that the land locked states do not seem to be poorer or less developed than the coastal states for the following reasons:

a According to Gross National Product (GNP) per capita—a measure of **potential** development—the coastal states are more developed or **richer**. But when **public expenditure** on education and health is considered—again a measure of **potential** development but a more accurate **indicator** of actual development than GNP per capita—the situation is reversed: the land locked states according to the data presented show an expenditure per million inhabitants on education and health of **4.5** and **2.1** million US dollars respectively while the figures for the coastal states are **3.4** and **1.6** million US dollars respectively.

b The **discrepancy** between GNP per capita and expenditure on education and health could simply be of a **statistical** nature. The **seemingly** lower discrepancy in the case of the land locked states may have **nothing** to do with social structures and the level of development. However there is a case for concluding that the **potential** for a **higher** level of development in the coastal states is reduced by a growth economy which primarily serves the interests of a **privileged minority** and of **foreign** interests and which leads to underdevelopment. Of course this proposition requires further substantiation.

The proposition that being land locked may be an advantage for a community wishing to pursue a strategy of self reliance also requires further substantiation. To the extent foreign trade is necessary for internal development, for geopolitical reasons land locked communities are in a particularly advantageous position to initiate horizontal inter-African trade relations. To be land locked could be an incentive for African governments and local community leaders to reconsider their present orientation towards overseas trade and its associated transport links.

Notes

1 *Other Special Measures related to the Particular Needs of the Land locked Developing Countries*. Action programme submitted by the UNCTAD Secretary General. Third Session of UNCTAD. TD/136.

2 See *Special Measures for the Least Developed among the Developing Countries. Progress Report on Identification Criteria* by the Secretary General of UNCTAD. Third Session of UNCTAD. TD/137.

Three criteria are used for identifying the least developed countries: a) per capita gross domestic product of \$100 or less; b) a share of manufacturing in the

gross **domestic** product of 10 per cent or less and c) **literacy** rate (i.e. the **proportion** of the **population** in the age group 15 years and above **classified** as **literate**) of 20 per cent or less

3 **Economic Commission for Africa, Study on Identification of Product for which Trade Concessions might be agreed in the West African Subregion** prepared for the Seventh ECA/OAU Joint Meeting on Trade and Development Geneva 21–29 September 1972 E/CN.14/WP.1/51

4 See for Instance **William F. Foltz, From French West Africa to the Mali Federation** New Haven Yale University Press, 1965

5 I do not **wish** to develop any further the **methodological** problems **involved**, as the **conclusions** drawn in the paper on the data presented are **preliminary**

Table 1 Trade between West African landlocked states and their most important sub-regional trade partners, 1968 (in 1000 US\$)

Exporting country	Importing country						
	Landlocked			Coastal			
	Mali	Upper Volta	Niger	Ghana	Senegal	Ivory Coast	Nigeria
Mali	—	1718	10	2 746	384	27	2
Upper V	221	—	255	2 778	9	466	—
Niger	53	81	—	761	66	479	7
Ghana	231	437	331	—	1	110	3 035
Senegal	2465	1213	1361	111	—	7296	158
Ivory Coast	3 033	6 574	2 568	454	9 819	—	1 074
Nigeria	8	41	1 032	1 452	8	43	—

Source *ECA Statistics Division*

Table II Comparisons of landlocked and non landlocked African countries on 15 indicators of economic relations communication & transport relations and "level of development"

(Data taken from the International Peace Research Institute Oslo Data Bank on National Indicators and the ECA statistics Division)

	% of total imports from African countries (1965)	No of air connections with abroad (1969)	No of foreign private Investment (1969)	Public health exp (mill US \$) (1967)	Public education expen diture (mill US \$) (1967)	Total population (in thousands) (1967)	GNP per capita (1967)	Foreign economic aid received (mill US \$) (1967)	No of membership in IGOs (1966)	No of memberships in IGOs (1966)	Import concentration on main partner (%) (1965)	Export concentration on main partner (%) (1965)	Monoculture (%) (1965)	Total value exports (mill US \$) (1965)	No of diplomats received in country (1965)
<i>Landlocked</i>															
Botswana	-	-	-	-	-	593	-	-	5	2	-	-	-	-	-
Burundi	-	7	12	-	-	3 340	-	-	22	18	-	-	82.5	17	-
Centr Afr Republ	5.8	5	12	3	7	1 459	130	21	33	24	-	-	54.0	26	-
Chad	8.4	6	-	3	9	3 410	79	21	33	24	-	-	77.5	27	-
Lesotho	-	-	-	-	-	885	-	-	11	2	-	-	-	-	-
Malawi	40.4	5	42	3	12	4 130	52	80	77	6	27.6	42.0	37.7	40	17
Mali	15.1	12	-	9	18	4 745	70	18	44	24	25.9	13.7	33.0	16	-
Niger	14.1	6	-	8	5	3 546	79	89	22	25	-	-	49.0	25	23
Rhodesia	-	16	241	14	20	4 530	237	4	155	10	-	-	33.0	442	-
Rwanda	-	3	-	-	-	3 306	-	-	22	20	-	-	53.9	-	13
Swaziland	-	-	-	-	-	385	-	-	6	2	-	-	-	-	-
Uganda	29.6	17	57	15	19	7 934	93	22	105	25	29.3	21.8	48.5	79	30

	Upper Volta	Zambia	Totals	Pr country average (unweighted)	(n)
% of total imports from African countries (1965)	-	15	532	1319	6
No of air connections with abroad (1969)	36	532	918	249	7
No of foreign private Investment (1969)	119	1319	6178	1328	135
Public health exp (mill US \$ (1967)	24	1319	561	266	499
Public education expenditure (mill US \$ (1967)	5	10	11	5	832
Total population (in thousands) (1967)	-	15	568	1328	66
GNP per capita (1967)	36	532	918	249	11
Foreign economic aid received (mill US \$) (1967)	119	1319	6178	1328	178
No of diplomats received IGOs (1966)	24	1319	561	266	223
No of memberships in IGOs (1966)	5	10	11	5	8
Import concentration on main partner (%) (1965)	-	15	532	1319	6
Export concentration on main partner (%) (1965)	36	532	918	249	7
Monoculture (%) (1965)	119	1319	6178	1328	135
Total value exports (mill US \$) (1965)	24	1319	561	266	499
No of diplomats received in country (1965)	5	10	11	5	832
	58	139	271	410	142
	-	47	389	-	145
	89	329	682	323	80
	19	14	513	-	23
	84	117	665	494	72
	30	96	332	-	66
	4	14	505	-	380
	255	291	715	220	-
					17
					72
					213
					8
					143
					70
					3
					10
					5
					48
					22
					48
					19
					15
					15
					69
					76
					128
					14
					69
					-
					40

Guinea	—	43	—	21 2	25 3	20	34	11	83	3 702	17	7	19	19	—
Guinea Bissau	—	4	—	—	—	2	7	—	—	528	—	—	—	—	—
Ivory Coast	57	277	37 8	37 5	58 9	34	79	4	167	4 010	51	8	68	22	7 4
Kenya	31	145	30 0	17 2	27 6	21	141	61	119	9 948	47	20	200	27	13 6
Liberia	52	135	73 3	38 7	44 0	21	69	45	216	1 110	6	3	62	30	1 6
Malagasy Republ	37	92	31 5	48 2	65 0	30	126	47	118	6 350	44	12	36	5	5 9
Mauretania	—	58	55 0	—	—	26	19	9	141	1 100	9	2	—	4	1 2
Nigeria	223	751	25 4	37 5	30 7	40	191	84	107	61 450	117	85	235	31	1 1
Senegal	79	128	70 9	78 0	54 3	34	122	52	215	3 670	28	8	55	30	13 1
Sierra Leone	31	88	54 2	65 7	33 1	23	74	8	156	2 439	13	5	35	11	3 2
Somali Republic	—	33	45 6	46 8	28 6	16	26	16	50	2 660	2	3	—	4	—
Sudan	92	196	46 5	14 4	22 4	31	101	21	108	14 355	61	30	30	20	8 7
Tanzania	39	187	23 2	26 9	24 6	29	112	37	73	12 173	28	8	69	17	26 0
Togo	16	27	32 9	43 0	30 6	20	48	16	119	1 724	4	2	10	5	7 6
Totals	1 236	3 211	949 5	615 8	571 8	527	1 828	709	2 770	182 823	610	290	1 113	347	133 6
Pr country average (unweighted)	73	146	47 5	38 5	35 7	24	83 1	35 5	138 5	8 310 1	30 5	14 5	74 2	16 5	7 4
(n)	(17)	(22)	(20)	(16)	(16)	(22)	(22)	(20)	(20)	(22)	(20)	(20)	(15)	(21)	(18)

A theoretical approach to the problems of African land-locked states

A study of the **political implications** of **being** land-locked should **begin** by **asking** some fundamental questions. How did the land locked states come **into being**? What is the **history** of **their** development? What **solutions** to the problems of **being** land locked are offered? How intense is the **political** will for **solving** the problems? The authors **will** now **consider** the **position** of the land-locked states of **Africa**, **particularly** their **socio economic situation**, from a **theoretical standpoint**. But within the **theoretical** framework **it** should also be **possible** to **consider** the circumstances under **which** the land-locked states of **Africa** could do something to solve their problems.

Of course, many of the relationships of land locked states **with** the countries of transit are unique. For example, the **relationship** between Lesotho and South **Africa** is very different from that of Kenya and Uganda. **While** the **socio-economic** structures of Kenya and Uganda are **similar**—they are both developing countries—there **is** little **similarity** in the **socio economic** structure or **political** culture between Lesotho and South Africa. It is therefore a mistake to generalize about Uganda and Lesotho on the **assumption** that, because they are both land locked, they are therefore **similar** in their **socio-economic** structure. However, **generalizations** may **clarify** some of the questions posed. By exaggerating certain structural **similarities** of land locked states, it is possible to compare and contrast the usefulness of different research approaches. **Forecasting** the future **is** an important **function** of all **social** science.

It may be rewarding to **examine systematically** the problems of the land-locked states as a set of inter **relationships**. The work of a systems **theorist**, Oran Young, may help to **identify** the Important elements. Young **identifies** four basic elements:

- 1 The **participants** in the system
- 2 The structure of the system
- 3 The procedures **within** the system
- 4 The context of the system (i.e. the **interaction** of the **international political** system with other systems)¹

Firstly, **it is** necessary to **identify** the system. For the African land locked states, this should not be **difficult**. They are all part of the **international** system and none of them could be considered **entities** within what **Michael** Brecher has called the **dominant** system (consisting of

USA USSR, and possibly China) i.e. the land locked states cannot be treated as independent variables when analysing the international system.² They belong to the African continental system but may be differently placed as members of regional or sub regional systems. In studying the political implications of being land locked within Africa and treating the African continent as an international system it is easy to identify the participants, but identifying them in terms of regional or economic groupings poses difficult problems.

As to the structure of the system it is necessary to understand why these states became land locked. To day it seems obvious that no state would, if given the choice prefer to be land locked. But during the last century when the present land locked countries were approaching statehood and enduring foreign pressure during the colonial period there was a desire to conserve as much Independence as possible. An awareness of the close connection between trade and imperialism may have served as an incentive to stay away from the sea and to avoid becoming too closely involved with foreigners. During the nineteenth century, it was a mixed blessing to be a society with coastal access to the sea. A coastline and access routes to the interior were vulnerable to European political intervention. This was especially true of those states that were trying to rationalise their structure (e.g. Buganda and Botswana (Bechuanaland)).

To-day, however for the fourteen land locked countries of Africa landlockedness is a problem. But there is an awareness that historical developments have exacerbated the problem and this helps to put the period of colonial development into perspective. Technological and other external influences have compounded the problem of being land locked. Paradoxically the problem of landlockedness is exacerbated rather than diminished by formal political Independence because this does not necessarily lead to actual political and economic independence. Independence, especially for those states directly within southern Africa's racial compass induces the desire for a solution to the problem of access without giving the new states the means of solving the problem.

The structure of the system within which the land locked states are placed does not give grounds for optimism. The only exception is Zambia which, in Tanzania has found a state with a common interest in decreasing economic dependence by investing in an alternative means of access—the Tanzam railway. The extent to which this entails a structural change is shown by Lionel Cliffe in *The Implications of the Tanzam Railway for the Liberation and Development of South Eastern Africa*.

Generally, however, the structural situation of the land locked states

results in very limited objectives since the quest for alternative routes of access does not take place from a position of strength. In some cases their trade may be valuable to the coastal state. But in most cases the land locked states are more dependent upon the coastal states than vice versa. This may explain why land locked states seek assistance from international organisations. Within these bodies they advocate the adoption of general rules which make it unacceptable to exclude land locked states from taking part in world trade on the same terms as coastal states.

Procedures within the systems may be more or less formal. In southern Africa, a number of factors make it difficult, if not impossible to have formal procedures. To do so would entail the acceptance of white dominance, which the African states must deny. The role of the Organisation of African Unity in accommodating the interests of both coastal and land locked states is examined by Zdenek Cervenka. The appeal to the United Nations and UNCTAD suggests that the problem of being land locked is part of the general problem of being under developed. Thus a search must be made for structures within which the best prospects for the development of the land locked states can take place—even if these structures seem remote from reality.

It is difficult to generalize about the land locked states of Africa because the continent is so heterogeneous. So much depends upon the export and import trade, which in turn is dependent upon the socio economic structure of the individual state. For instance, Zambia, with its copper export trade is more aware of being land locked than Botswana with its self reliant economy. A state with a market economy will be more affected than a state with a subsistence economy. But one feature is very general for all the land locked states of Africa. They are all developing countries. That has implications for their political position within the international system, and the dispute about the definition of development has led to a deep rift in social science which until recently has seemed impossible to bridge. So it may be better to use the term, the Third World which denotes a position midway between the capitalist and socialist states which is not ideologically committed. In this connection there are two schools of thought about the Third World. To the first which may be called the 'liberal' school the basic problem of these states is that they are passing from a tribal socio economic and political order to a western type of society.³ The other school, the marxist finds this dualistic concept unacceptable, in its view, the states of the Third World should be seen as malformations of western capitalist development.⁴ To the marxists real development entails a radical break with western capitalism and a transformation of the societies through a process of balanced development. These two schools are in agreement.

about one issue the starting point from which policies of development could be formulated is the transformation they underwent during the colonial period

Without probing deeply into colonial history it is possible to postulate that the situation of the land locked underdeveloped states in Africa was not influenced so much by economic as by administrative and political considerations which in turn influenced the socio economic development. The liberal and marxist schools provide different theories about this development. From the liberal point of view the special position of the land locked states is a result of lack of modernization. Traditional wealth is even more evident poverty is more widespread and health educational and welfare facilities are less developed. The rate of commercial and industrial development is sluggish. To their credit land locked states usually have a greater cultural cohesion that makes the task of nation building easier.

Andre Gunder Frank produced a model of the metropolis satellite relationship based on his research of Brazil and Chile which can be used to illustrate some of the characteristics of land locked states. Frank's model is built around the paradox that the underdevelopment of the Third World is a by product of capitalist development. The development of western capitalism since the sixteenth century and its penetration of the Third World has according to Frank's thesis given rise to three basic contradictions

1. The contradiction of expropriation appropriation of economic surplus i.e. the process by which economic surplus is drained from the periphery towards the centre of capitalist concentration
2. The contradiction of metropolis satellite polarization i.e. the process by which growth of the capitalist centre brings about more growth while poverty at the periphery brings about more poverty (e.g. migrant labour contributes not only to the wealth of the recipient country but also to the poverty of the donor)
3. The contradiction of continuity in change. Despite the rapidity of change in the modern world this structure of development and underdevelopment continues.⁵

The metropolis satellite model serves as an analytical tool for understanding the relationship between a colonial power and its colony. It also has more general applications. The situation of the land locked African states can be mapped out according to the model. Frequently the relationship between the land locked state and the transit state lends itself to this analysis. For example developments in Botswana Lesotho and Swaziland can be seen as attempts to break out of their satellite relationship with South Africa. The model can also be used to describe a set of interlocking relationships, i.e. metropolis satellite metropolis satellite (e.g. United States-Great Britain-Common Market-South Africa-Rhodesia-Zambia)

It is inappropriate to pass judgement on the two schools of thought. However, if all the independent variables mentioned are taken into consideration and an effort made to combine them, it should be possible to give explicit consideration to the dependent variable—the political implications of being land locked in Africa. In this way it should be possible to compare and accumulate findings from many different investigations. It is also possible to provide some thoughts on the present predicament of the African land locked states within this framework. The problem of being land-locked is not peculiar to African countries. There are fourteen land locked states in other continents. Some of them have not solved their problem of being without direct access to the sea. An important consideration for the land locked states in Africa at the present time is the penalty they are willing to accept in return for direct access to the sea. In itself, to be land locked is not a disadvantage if the state is willing to forfeit the type of development that the dominant states solicit. According to the criteria of the dominant states, that would not solve the problem of the land locked states. However it may make it possible to discover if the problem is worth solving according to their premise. No theoretical analysis or investigation, however thorough can provide the answer to that postulate. It is too fundamental.

Notes

1 Oran Young *The Systematic Approach to the Study of International Politics* New York: Princeton University Press, 1969.

2 Michael Brecher *The New States of Asia* London, 1963.

3 Two works that exemplify the liberal school are W. W. Rostow *The Stages of Economic Growth: a non communist manifesto* Cambridge University Press, 1971, and Gabriel Almond & G. B. Powell *Comparative Politics: A Developmental Approach* Little Brown, 1966.

4 Paul A. Baran *The Political Economy of Growth* NY: Monthly Review Press, 1957. Andre Gunder Frank, *Capitalism and Underdevelopment in Latin America* Monthly Review Press, 1969.

5 A. G. Frank, *Capitalism and Underdevelopment in Latin America* Op Cit.

Lionel Cliffe

The implications of the TanZam railway for the liberation and development of south eastern Africa

There can be an **implied neo colonialism** about an approach to the problems of land-locked countries **which** concentrates only on **alternative** routes, better terms and **security** of transit and the **political and economic** costs of access to the sea. The context **in which this** problem of 'landlockedness' **is set is** no more than an extreme form of that **which afflicts** the whole of the **continent** the **economies** are externally oriented. They are dependent on overseas trade for many African countries, **foreign** trade amounts to half of the Gross National Product.¹ Moreover the character of **this** trade—the export of raw materials in return for manufactured consumer and **capital** goods—has a number of **debilitating** consequences. The terms of trade operate **against** African countries, the **internal** structure of the economy (and **society**) take on a **distorted** form with few **internal** and **inter-sector** linkages and a few **industries** using automated **techniques** produce **luxuries** for a **tiny** privileged **minority** of petty traders and **officials** the Infrastructure is outward looking, **connecting** some **mines** and **high potential farming** areas with the developed countries **in** the West. Even for the prospects of growth African countries **in this** situation are dependent on the **prices** of **their** raw materials and on attracting the attention of a **potential investor** or aid-donor. If some countries are fortunate **in having** not only sea ports but also a **fertile hinterland** an agreeable climate, and have become a place where **business** can locate its **regional** headquarters then **if** the leaders importune for **investors** and tourists and keep **their** restless **populations** in order, there **might** be some growth and the **privileged** will prosper but the country **will be** in pawn and true development **will be** further away. To put **it in** terms **which** are **becoming** recognized as relevant the dependence fosters only further structural underdevelopment. In **this** respect, the problems of the African **populations** in the **White South** are **different** only **in** degree from those of the states **which** have what Nyerere calls flag Independence. There are **racial barriers** to **opportunities** for development, **exploiters** stay on the spot to enjoy the surplus that **is** extracted from African labour, and there are not the **political prerequisites** for **action** to transform the **situation**. However, there **is** some **evidence** to suggest that when the **time**

comes these people might know better how to use political independence to obtain true liberation.³ Equally the problem of land locked countries is just a special case of general African underdevelopment, which results not from the lack of contact with overseas but from their integration into and dependence upon the capitalist centres of the West. Hence merely to seek improved access is to approach the problem from the perspective of the West. By contrast, attention should be focused on the Tanzania-Zambia Railway, not just as an alternative route for Zambia but in order to see what prospects it offers for the complete liberation of that country, of Tanzania, and other states from neo colonial underdevelopment. Perhaps this railway may also contribute to the political liberation of those peoples still subject to the rule of white minority regimes.

Three implications of the railway will be considered, firstly, the ways in which it will change the balance of forces relative to the White South; secondly the potential for planned industrialization and trade that becomes possible as a result of the Tanzania-Zambia link; thirdly these possibilities will be related back to Tanzanian and Zambian efforts to be free from overseas dominance and to the need for some collaboration in this endeavor.

The Challenge to the White South

Of course the completion of the railway in 1975 will strengthen Zambia in dealing with its southern neighbours in the ways that are implied by Douglas Anglin and Benedict Mtshali. What is not often realized is the extent to which the railway will result in a significant redistribution of resources away from Rhodesia, Mozambique and Angola. Although few details of the costs and terms of the Chinese built railway have been made public, previous surveys make clear that even on the basis of 1960s figures the railway could expect a good return in commercial terms and that the real cost (i.e. in addition to what would have to be spent on the development of the alternative routes) is really quite small (about £10m). These calculations now have to be set against loan terms which are generous (in the absence of published details the presumption is that the loan is interest free as is other Chinese aid to Tanzania). More significantly money will be spent in Zambia and Tanzania rather than elsewhere in Africa and the development benefits will accrue to those countries rather than to others.

But the main consequent changes in the confrontation are political and strategic. Zambia will cease to be inhibited in its support of the liberation forces and new options will be available to them. As far as Zambia and even Malawi, are concerned, the political developments during the

next few years before the rail link is completed will be crucial. There are **Zambian** politicians who would be prepared to do a Banda and opt for a more 'rational' financial policy relying even more on southern transit and South African products. Should this tendency become stronger the increased dependence on South Africa coupled with a lack of sympathy for freedom fighters will lessen the effect of the rail link. But even if there are adverse political conditions in Zambia and Malawi the governments will be faced with a different economic logic and there will be new opportunities for the liberation movements themselves. Most significantly the alternative routes are likely to disappear. It is only the restraining influence of Zambia railway already. Furthermore FRELIMO will feel less inhibited about the Beira railway and it has already derailed trains bringing supplies to Cabora Bassa. **Malawi Rhodesia** traffic through Tete province is also vulnerable to attacks.

This area of Tete will assume crucial significance in the next few years. It is criss crossed with key transport routes which cannot be denied to the Portuguese and their allies while they supply Independent African states. Cabora Bassa is also in this area which makes it of great strategic and economic significance to the governments of South Africa and Rhodesia to certain key Western Interests and to the Portuguese authorities. The dam is scheduled for completion about the same time as the railway. The extent to which FRELIMO and other guerilla movements can delay and disrupt the project will be decisive in the intervening period. Once the TanZam railway is completed the situation will be radically changed. Presently FRELIMO forces are inhibited in their campaign by the difficulties of both Malawi and Zambia and the long insecure supply lines from Tanzania. Finally efficient supply lines and the removal of political constraints on Zambia will make possible some effective guerilla activity in Zimbabwe. In a wider perspective an effective East African-Zambian link will also provide unrestricted access to Botswana and thus widen the political options of that state as well as improve the liberation prospects for Namibia and South Africa.

Thus, it can be seen that the completion of the Uhuru railway will herald a new stage in the liberation struggles especially in Mozambique and Angola making possible new initiatives. Conversely it follows that for the independent land locked states in Southern Africa (including Zambia) one alternative long term solution to their own problems is the liberation of their neighbours—and if they have the political will to accept the short term costs of greater support the resulting benefits (even in economic terms) will be great. In other words liberation of the whole area must be seen as an essential element in any development strategy of the land locked countries and of other independent states bordering on those of the white minority regimes.

Development Prospects for Tanzania and Zambia *

The TanZam railway has a greater potential than simply providing a route for Zambia's copper exports and its imports. There will be its impact on the north eastern areas of Zambia and of south-western Tanzania. The northern areas of Zambia are not especially fertile and have a very sparse population, in addition the country as a whole has difficulties being remote from seaports to find export crops other than tobacco which will meet transport costs.⁷ The Tanzanian section of the line will pass through a remote area which, as Professor Alexandre's paper indicates, can be regarded as analogous to a land locked country—but it includes several regions of very high potential.⁸ Proposals have already been made by the Tanzanian authorities for settlements alongside railway and several *ujamaa* villages are being formed to provide a nucleus for this development (and to be the basis of a security militia).⁹ There are also important mineral deposits in south western Tanzania.

The railway provides potential for solving the basic problems of underdevelopment of the two countries and of their neighbours. But these prospects will only be realised insofar as planning goes beyond the listing of new crops and other raw materials for export, the exploitation of which is controlled by foreign investors. The railway will provide vital infrastructure to make particular areas productive, but they can only contribute to economic independence if the agricultural priorities are food and materials for local processing, and if associated industrial activities are related to fundamental planning. In particular, Zambia's distance from external markets, its comparatively large urban population and its present reliance on food imports render this kind of development imperative. In addition, the economies of Tanzania and Zambia are complementary and which would be exploited by some joint planning. The fertile southern highlands of Tanzania could provide food stuffs for the urban areas of Zambia, which in turn would enable Tanzania to develop agriculture without depending on overseas markets. Tanzanian coal could be a substitute for Wankie coal on the Copperbelt. The existence of a transport link, together with the present close co-operation between the two governments, also make possible some joint industrial development to take advantage of a larger market.¹⁰ This integrated approach could also be extended to the rest of the East African Community. However, there would be limits, due to the different ideological bases of the development plans, particularly in respect of the choice of technology and the role of foreign capital. The railway will also open up an area in the southwest of Tanzania where there is a range of mineral deposits, including iron ore, coal, and lime, which together with some Copperbelt minerals, potential for the development of iron

and steel and **chemical industries**. Such ventures would advance East Africa's prospects for self **reliance** but could not be **sustained** by only Tanzania's **limited** market. They must be **joint** ventures by the whole eastern **region** of **Africa**. This depends not only on close **links** between Zambia and Tanzania but also on the success of **liberation** struggles in the **neighbouring** countries.

Thus, it is the development of **industrialization** Independent of **inter national capitalism** that will **provide** the **solution** to the **economic** problems of the land locked countries

Development liberation and African unity

Tanzania is one of the few countries in Africa that has **recognized** the consequences of neo **colonialism** and has embarked on the **difficult** task of **self-reliant**, socialist development. Zambia and Uganda in the later stages of the Obote regime, have taken some **tentative** steps in the same **direction**. In all of these countries the constraints on such a strategy have become **obvious**. In the two latter countries the **involve** ment in and dependence on trade **links** with Japan, Europe and North America, and the use of **foreign capital** in the internal economies **im** pose limits on their freedom of action. This is particularly true of Zambia, where the government partnerships with **foreign corporations** may result in more control over the state (**especially** in respect of **in** dustrial strategy) rather than state control and these same problems are **evident** even in Tanzania's more extensive nationalized sector.¹¹ The absence of an **organized proletariat** and the selfish attitude of the **political** and **bureaucratic elite** also pose further **political** constraints **especially** in implementing such policies. The Uganda coup d'etat in which the army complained about "surtaxes **crippling** the common man",¹² provides an example of the **intolerance** shown towards efforts to curb **privilege**—either by compulsory saving, **income redistribution** or the ban on local or **imported** luxury consumer goods. In **addition** in Tanzania and Zambia there is a direct military threat from the Portuguese and their allies.

However, as well as these **immediate** political forces **impeding** development and **supporting** neo **colonialism** there is the fundamental **difficulty** of restructuring the economy. This process must include the development of a **manufacturing** base **producing** industrial equipment and other **capital** goods and the pattern of unequal trade and the **dominance** of **foreign capital** is to be broken. But the **probability** of this **happening** as the early economic history of post revolutionary Cuba showed¹³ is very **slight**. In other words, the **solution** of the development problem of land-locked and other African countries cannot be **achieved** in **isolation**.¹⁵ For countries like Tanzania and Zambia industrial and economic

prospects depend upon co operation with the neighbouring countries. Because of neo colonial or racist patterns of domination in most of the countries of the region such co operation is not at present available. Political liberation has to be linked to economic strategy.

Given the critical condition of the African continent in the 1970s the problems of land locked countries are inseparable from the cause of Pan Africanism. Political and economic freedom are prerequisites for the solution of this and any other development problem.¹⁶

Notes

1 Some examples (figures relation to 1970)—Uganda 40 % Tanzania 53 % Zambia 87 % Ivory Coast 50 %

2 For a fuller discussion of this analytical perspective see T. Szentes *The Political Economy of Underdevelopment* (Budapest 1971) and J. Cockcroft A. G. Frank and D. L. Johnson (Editor) *Dependence and Underdevelopment Latin America's Political Economy* (New York 1972) in an African context see G. Arrighi and J. S. Saul *Socialism and Economic Development in Tropical Africa* *Journal of Modern African Studies* Vol 6 No 2 1968

3 Evidence for Frantz Fanon's assertion that 'In the colonial countries where a real struggle for freedom has taken place we can observe a genuine eradication of the superstructure build by these intellectuals from the bourgeois colonialist environment' (*The Wretched of the Earth* Penguin Books Harmondsworth 1965) is provided by the thinking of Amílcar Cabral and the leadership of the PAIGC in Guinea (Bissau) the MPLA in Angola and was supported by Eduardo Mondlane when he recognized that 'our problems will not end with Independence. If the war has been long however these may be less acute' *The Struggle for Mozambique* Penguin Books Harmondsworth 1969).

4 Maxwell Stamp *Report on Zambia East Africa Rail Link* Vol 1 August 1966 p 11

5 It is significant that early in 1972 Zambia announced the end of even a pretence of boycotting South African goods. See statement by Minister of Trade and Industry *Times of Zambia* 12 February 1972

6 *Times of Zambia* report 12 February 1972

7 Maxwell Stamp Report p 68

8 The very fertile well watered Kilombero Valley the highlands on the top of the escarpment (suitable for forestry tea planting) the Usangu plains (site of an expanding irrigation project) the rich Mbeya area. It will also provide transport for areas of dense population and existing cash crop development like Tukuyu.

9 A Tanzania Planning Committee to initiate projects alongside the railway was set up in March 1972. See *The Standard* (Dar es Salaam) reports of 7 and 21 March 1972.

10 In a speech delivered in Ndola President Nyerere recently called for such joint ventures even in advance of Zambia's application to the East African Community being considered *East African Standard* (Nairobi) 3 July 1972.

11 See the articles by P. Semonin *The Nationalizations in Zambia* and Issa Shivji *Tanzania—the Silent Class Struggle* both of which appeared in the Dar es Salaam student magazine.

12 Broadcast by army 25 January 1972 *Uganda Argus* 26 January 1972

13 In **Zambia** for instance it is interesting to note that of the goods imported with such great difficulty the value of private motor vehicles is greater than that of equipment for the manufacturing industries

14 In this connection see L. Huberman and P. Sweezy *Socialism in Cuba* (Monthly Review Press New York 1969)

15 For a further exploration of this topic see R. H. Green and A. Seidman *Africa Poverty or Unity* (Penguin Harmondsworth 1968)

16 For a more detailed discussion of some of these themes see G. Arrighi and John S. Saul *Nationalism and Revolution in Africa South of the Sahara* *Socialist Register* 1969

Land-locked countries and the United Nations Conference on Trade and Development (UNCTAD)

Introduction

The approach to the problems of land locked countries is necessarily complex. Not only are the countries themselves quite diverse (see Table I), but also the total situation comprises political, legal, geographic and economic aspects. Similarly, attempts to overcome the problems of land locked countries are varied, involving action at the national, regional, continental and global levels by a variety of institutions. It is necessary therefore to concentrate on aspects of the total situation such as United Nations attention to the problems of developing land locked countries, especially through UNCTAD.

With the First Development Decade completed and the Second Development Decade already well advanced,¹ massive development problems remain unsolved. Something may transpire from the current reassessment of the meaning of 'development' and the strategies intended to promote it, but the developing countries remain very vulnerable to changes in the international trade and monetary spheres. But whereas the developing countries of the Third World are relatively minor participants in GATT and IMF, they are dominant in UNCTAD. The third Session of UNCTAD, held at Santiago, Chile from 13 April to 21 May, 1972, is therefore of critical importance.

The period before the third UNCTAD Conference*

In the past, attention was devoted to the problems in international law of transit traffic and of access to the sea,² and to the political geography of land locked states.³ However, concern for the economic development of land-locked countries is much more recent. Before 1960, one could observe that the land locked states were either developed (for example, Switzerland and similar European states), minute (e.g. San Marino), so remote as to be neglected (e.g. Mongolia), or without a col-

* Much of this section is based with the permission of the *Journal of World Trade Law* on an earlier article entitled 'Land locked Countries: A Test for UNCTAD III?' that appeared in Vol. 6 No. 2 March/April 1972 pp. 227-236.

Table 1 *Eighteen land-locked countries principal indicators*

Country	Population (000s)	Area (000 sq km)	Density (per sq km)	Income level (\$US p c)
<i>Africa</i>				
Botswana	593	570	1	94
Burundi	3 340	28	115	45
Central African Republic	1 459	623	2	127
Chad	3 430	1 284	3	69
Lesotho	885	30	28	78
Malawi	4 150	119	33	50
Mali	4 697	1 202	4	68
Niger	3 705	1 267	3	82
Rwanda	3 306	26	118	42
Swaziland	385	17	22	196
Uganda	7 934	236	32	87
Upper Volta	5 054	274	18	44
Zambia	3 945	753	5	267
<i>South America</i>				
Bolivia	4 561	1 099	3	176
Paraguay	2 161	407	5	211
<i>Asia</i>				
Afghanistan	15 751	647	23	55
Laos	2 759	237	8	59
Nepal	10 500	141	72	94

Sources (a) United Nations Statistical Yearbook 1968 (b) UNCTAD Handbook of International Trade and Development Statistics 1969

Notes (a) The population estimates are for 1967 (b) The income-estimates are for 1967 or the latest available year

lective voice (e.g. Bolivia and Nepal) Furthermore existing procedures under bilateral or multilateral arrangements (such as the Barcelona Convention and Statute on the Freedom of Transit⁴) no doubt met the needs of the major independent land locked states

However, awareness of the inadequacy of existing international measures became manifest in the United Nations with the recognition, in 1957, of the distinctive position of land locked countries and the need for adequate transit facilities in promoting international trade.⁵ This was followed by the United Nations Conference on the Law of the Sea (Geneva, 24 February to 27 April 1958) whose Fifth Committee examined the question of free access to the sea of land locked countries their recommendations were incorporated in the Convention of the High Seas of 29 April 1958.⁶

But it was **decolonization** that radically altered the situation, adding no less than thirteen African states to the **list** of land locked countries between **1960** and **1968** (Laos became Independent in **1954**, the other **developing** land locked countries in **previous centuries**) Entry to the **United Nations** added to the land locked lobby but it was not **influential** Strength was finally derived from the **establishment** of the **United Nations Conference on Trade and Development** which met for the first time in **1964**

At this first session, **Eight Principles Relating to Transit Trade of Land locked Countries** were adopted without **dissent** ⁷ A further **recommendation** proposed the **preparation** of a new **international convention on transit trade** Consequently, a Conference of **Plenipotentiaries on Transit Trade of Land locked Countries** was held at **United Nations Headquarters, New York**, from **7 June** to **8 July 1965**, **culminating** in the adoption of a new **Convention on Transit Trade of Land locked States** ⁸

Explicit recognition of the development problems of land-locked countries came at the second session of **UNCTAD in New Delhi**, early in **1968** There, a **special Working Group** concluded, *inter alia* that 'the land locked position of many developing countries may hamper them in taking advantage of some of the **international measures envisaged** to support the trade expansion and economic development of all **developing countries**' ⁹ Many general recommendations were made with a view to **ameliorating the position** and the Secretary General of **UNCTAD** was requested to establish a group of experts to carry out a **comprehensive examination of the special problems involved in the promotion of the trade and economic development of land locked developing countries**

On the basis of an extensive research programme in which many governments, **agencies and individuals participated** ¹⁰ the Group of Experts presented **their report**, in **June 1970**, on the nature and significance of the general and special measures appropriate to their solution ¹¹ **This Report** was noted by the **Trade and Development Board at its Tenth Session in September 1970**,¹² with the request that, apart from any action to implement the Experts' recommendations, the Secretary General should prepare a progress report for the Board

One year later, the Secretary General was able to report that 'a **growing emphasis is being attached to the special problems of the land locked developing countries**',¹³ citing as **evidence** recent decisions of the regional economic **commissions of the United Nations**, of **United Nations Development Programme and UNCTAD**, and of the General Assembly itself Notable in this context are the section of land locked countries in **Africa's Strategy for Development in the 1970's**'

adopted by the Economic Commission for Africa at its tenth session,¹⁴ the paragraph in the International Development Strategy for the Second United Nations Development Decade on special measures in favour of the land locked developing countries¹⁵ and the further work noted on the problems of the least developed countries¹⁶

Thus as the Chronology of Concern for Land locked Countries shows (see page 311) the tempo of attention to the problems of land locked countries was increasing throughout the period leading up to the 1972 session of the United Nations Conference on Trade and Development

However concern for any problem is meaningless unless it leads to an accurate diagnosis of the difficulties to be overcome the prescription of appropriate policy measures and finally their effective implementation

The complete range of problems confronting the developing land-locked countries has been described and assessed elsewhere most notably in the report of the Group of Experts on the special problems involved in the trade and economic development of the land locked developing countries¹⁷ There details are given of numerous difficulties arising from geophysical characteristics and from the relative under development of transit neighbours as well as the countries themselves problems in transport trade and payments and in the pursuit of economic development are described and finally legal administrative and political aspects are discussed

It is clear that to be land locked is to suffer certain handicaps in the attempt to develop and to benefit from international assistance

But, at the same time a mythology should not be allowed to flourish The development problems of land locked countries are not to be equated with the problems inherent in being land locked Their fundamental difficulties stem from such factors as remoteness the low level of present development, and small markets The tangible complications of being land locked are additional residing in the transport trade structural and institutional areas described¹⁸

Additional perspective may be gained from the recognition that some of the land locked countries of Europe are among the wealthiest and most developed, and that, within the set of developing land locked countries, Zambia and Swaziland are rapidly attaining much higher levels of development¹⁹ Consider also the hypothetical comparison between a land locked country favoured by abundant minerals productive agriculture, and a short, efficient transport link to an uncongested port via a co-operative transit neighbour, and another state, poorly endowed by nature, lacking adequate internal transport facilities, neglected by aid donors, and seemingly confronting a bleak future, despite the possession

of a maritime coastline. In this case, the development potential of the land locked state is much greater.

The measurable 'cost' of being land locked is hard to assess, particularly as it must, in principle, be separated from other cost factors. The limited evidence available suggests that it is smaller than might be expected, or than is sometimes claimed.²⁰ Nevertheless, where economic growth is delicately balanced, a small cost differential may be critical. More important, if an acute feeling of dependence and vulnerability prevails, an attempt should be made to remove the cause.

The additional disadvantages of being land locked permeate every aspect of the development problem, complicating the attempt to overcome the difficulties that all less developed countries face. Even if the measurable cost of being land locked were generally slight, there is the potential for serious disruption at times, and the feeling of vulnerability cannot be overlooked. Therefore, a high priority should be attached to domestic and international strategies designed to deal directly and effectively with some of the problems already delineated.

A complete catalogue of policy measures to assist the land locked countries would be lengthy, since countless problems have been identified. Economic measures have been proposed to cover every aspect of the problem. Thus the Group of Experts outlined comprehensive policies in each of the areas of transport, trade, structure of production, service industries, marketing and trade organization, regional co-operation, and foreign finance and aid. They went on to select and reclassify measures according to whether they were, firstly, administrative (e.g. the appointment of representatives in transit ports), secondly, required investment in the transport infrastructure (e.g. extension of the rail systems of transit countries into land locked countries), or, lastly, related to radical changes in economic structure designed to reduce significantly vulnerability to the peculiar difficulties of the land-locked situation (e.g. investigation of the possibilities of developing tourism) (see Annex I).

The Group of 77, at their 1971 meeting produced a similar lengthy catalogue of measures, including the suggestion of a special fund to subsidize additional transport costs.²² Most recently, the Secretary General of UNCTAD submitted an Action Programme for presentation to the third session of UNCTAD.²³ Emphasis was placed on the transport and port needs of land locked countries, on changes in their production and marketing systems, and on the role of regional co-operation.

Confronted with so many wide-ranging proposals, how can confusion be avoided? Earlier,²⁴ the writer argued that

the time has come to select certain strategies for resolute implementation while remaining alert for the opportunity to implement the broader range of measures. Such a selection should include

- (a) technical and financial assistance for the examination and subsequent implementation of Investments designed to create alternative transport routes for land locked countries
- (b) resource exploration in the hope that at least some of the land locked countries may escape from their low level of development possibly via an export led expansion
- (c) measures to improve the existing transport Infrastructure and associated institutional arrangements (e.g. special port facilities and bilateral agreements permitting the free circulation of road vehicles)
- (d) deliberate efforts to promote and to assist the structural transformation that will diminish the significance of being land locked (e.g. by rational import substitution and the expansion of higher value lower bulk exports)

In addition to the need to select measures for emphasis there is a need to consider for some purposes the special problems of groups of land-locked developing countries. Each of the Regional Commissions of Africa, Asia and Latin America has adopted resolutions and included items in their work programmes that relate to land locked countries. For example, the Economic Commission for Asia and the Far East (ECAFE) has created a special unit in its International Trade Division to pay particular attention to the needs of the land locked and the less developed countries of the ECAFE region.²³ Similar specific attention to the land-locked countries' needs for access to the sea, adequate transport and port facilities, appropriate customs formalities and so on is desirable in all regions with the additional need to distinguish between the countries of West Africa and East Africa. The establishment of such institutional arrangements is no guarantee of action but it is useful support.

Total elimination of the intrinsic problems of land-locked states is impossible unless the state itself disappears into a new political unit. Partial avoidance of some problems is possible for example transport of freight by air overcomes the more usual difficulties of transit trade but its use remains relatively limited. Trade between neighbours is therefore the major category of non-transit trade and should be expanded. This may not be easy to achieve especially between similar, under developed partners. It must be emphasised that much of the action required to improve the lot of land locked states depends on the attitude of their neighbours, that is the willingness of other developing countries to act.

An international strategy for aiding developing land locked countries deserves the ready support of the developed countries and this support should be forthcoming when it is recognised that it is a problem area where direct action can be effective, and where the burden is compara-

Table II *Flow of official aid to developing land locked countries*
(Annual Average 1968-70)

Country	Bilateral (US\$ ms)	Multilateral (US\$ ms)	Total (US\$ms)	Per Capita (US\$)
<i>Africa</i>	12 54	1 08	13 62	22 29
Botswana				
Burundi	10 35	4 17	14 52	4 26
Central African Republic	8 64	5 59	14 23	9 56
Chad	10 16	8 35	18 51	5 35
Lesotho	9 78	2 10	11 89	13 06
Malawi	23 40	6 33	29 73	6 96
Mali	9 32	9 28	18 60	3 88
Niger	20 20	8 40	28 60	7 51
Rwanda	13 73	3 67	17 40	5 11
Swaziland	7 18	1 11	8 29	20 99
Uganda	20 16	5 66	25 82	3 17
Upper Volta	11 29	7 39	18 69	3 61
Zambia	24 57	1 26	25 83	6 35
<i>South America</i>				
Bolivia	36 69	4 61	41 31	8 83
Paraguay	10 47	11 39	21 86	9 80
<i>sia</i>				
Afghanistan	18 25	4 72	22 97	1 42
Laos	64 66	0 69	65 35	23 13
Nepal	10 23	-0 20	10 03	0 94
Total	321 62	85 60	407 25	5 18 ^a
(World Total)	(6 382 94)	(1 196 12)	(7 579 06)	(4 38)

Source OECD Report for 1971 of the Chairman of the Development Assistance Committee

This figure is calculated using the total population of 78 615 million obtained from Table 1

tively slight Table 2 shows that, at the present time, land locked developing countries receive more aid per capita than the developing countries as a whole (\$5 18 as compared with \$4 38). Nevertheless, if the donor nations were to agree to do no less than to double their allocations to the land locked countries, the aggregate would increase by only about 5 1/2 per cent. Such a calculation is overtly crude, but it does demonstrate that, because of the comparatively small aggregate mass of the developing land locked countries, donor states can look for a favourable relation between commitment and achievement.

With concern for the problems of land-locked countries already demonstrated, with thorough analysis of the problems completed, and with a plethora of strategies already prescribed, the stage was set for the next phase—steadfast commitment to meaningful action—as the Third Session of UNCTAD approached. The author therefore argued shortly before the Conference opened that

It is imperative that the Third Session of UNCTAD results in decisive effective action in certain directions (as well as progress in the general field of co-operative international development) if the frustration of the poor and the disenchantment of the rich are not to be increased. Decisions on the land-locked countries could therefore be significant—in one sense the touchstone of the whole development effort—since the problem has already been defined and analysed and the remedy prescribed. The implementation of policies is now imperative. Too wide-ranging a set of policy measures is likely to diffuse the impact overmuch; the smaller number of measures selected for concerted action should go to the heart of the inherent land-locked problem, as well as promoting general development. The contribution of developed countries will be important as always, mainly in the provision of financial and technical assistance on favourable terms. But in the case of land-locked countries it is the role of other developing countries that is crucial (for example, in signing the Convention in order to facilitate transit trade, permitting the circulation of road vehicles, encouraging the land-locked countries to enter regional arrangements and according favourable terms, active participation in the special sub-regional institutions that focus on the land-locked problem). The sympathetic co-operation of developing transit countries will demonstrate unequivocally that the international development effort is a genuinely co-operative initiative, not simply ransom paid by the rich to the poor. If these propositions are accepted and the appropriate action taken, UNCTAD III will have demonstrated its willingness to act decisively at least in dealing with one relatively minor but symbolic issue.²⁶

Now that the Santiago Conference has come and gone, what appraisal of its work in this sphere seems valid, what are the implications of the deliberations in April and May 1972, and finally, what new developments appear to be significant?

Land-locked countries at the Santiago Conference of UNCTAD

The Third Session of UNCTAD (with representatives of 131 states in attendance) was concerned, like its predecessors, with the whole complex of measures that might, by modifying the international economic and trading system, promote the economic and social advancement of the developing nations. A very full agenda included such dominant topics as commodity problems, trade policy, financial assistance, and decision-taking in the international trade and monetary spheres.

The problems of the land locked countries were clearly of less weight but they received the attention of the special committee established to consider the agenda items on least developed countries (including their identification), and on land locked countries ²⁷ This committee (the Sixth Committee) met sixteen times from 13 April to 16 May 1972 but without reaching agreement on the draft resolution on land locked countries. Nevertheless this was adopted, as orally amended by the President of the Conference without dissent, at the 118th plenary meeting of the Conference ²⁸ This Resolution, 63 (111), is reproduced in full in the document section of this book.

The debate in the Sixth Committee was dominated by the problems of least developed countries, but several points emerged from the discussion of Agenda Item 11 (b) "Other Special Measures Related to the Particular Needs of the Land locked Developing Countries". It was agreed that the land locked countries faced special hardships calling for additional measures. The emphasis was again placed on transport improvements, structural change, and financial and technical assistance on easy terms. The proposal for a Special Fund to subsidise transport costs received a mixed reception. Some representatives placed particular emphasis on administrative measures, including a draft convention to improve transit procedures, with some support also for permanent review machinery at regional or sub regional level.

The writer attaches importance to

- (a) the debate on whether the problems of the land locked and least developed countries were the same and whether all land locked countries are by definition least developed
- (b) the plea that many studies, recommendations and resolutions had established the limits of the problem. The time has now come to move on the stage of practical achievements ²⁹
- and
- (c) the recognition of the interdependence of the land locked countries and their transit neighbours themselves developing nations.

The Resolution actually adopted by the Conference on 19 May 1972 is, in the main, the predictable outcome of the earlier resolutions, studies and declarations. Certain features must be noted, however, in addition to the by now standard proposals regarding transit arrangements. These are

- (a) the clause agreeing on the need to establish, within the regional economic commissions and UNESOB, special regional or sub regional bodies to make suggestions with a view to implementing recommendations relating to land locked countries,
- (b) the suggested organisation of studies of existing port and transit procedures,
- (c) the requested preparation of a draft international convention on simplification of transit customs and trade documents,
- and

- (d) the **invitation** to the governments of **transit** and land locked countries to co-operate in both **administrative** (eg inter governmental **consultation**) and **practical** ways (eg **provision** of **transit** storage facilities)

The **Third Session** of UNCTAD was deemed to have been a modest success.³⁰ The foundation may have been **laid** for greater **participation** of developing countries in debate and **decision** in the fields of trade and monetary reform, and progress was made in regard to **action** on behalf of least-developed countries. There were no breakthroughs, however, and no **significant** headway was made on such **traditional issues** as **financial assistance** from the donor countries. In the case of land locked countries, as a distinct group of **developing** countries, **little** progress was recorded, **particularly** in contrast to UNCTAD I and UNCTAD II. What then of the future?

Land locked countries in the period to UNCTAD IV

The period since UNCTAD III is too short for any **substantial** progress to be expected, but **certain** trends may be noted. It appears that, in the **international organisations** concerned with these **issues**, debate has been dominated by concern for the least-developed countries rather than the land locked. Thus, the Report of the Governing Council of UNDP on its fourteenth **session** mentions land locked countries only in the context of the least developed.³¹ Similarly, the Report of the Trade and Development Board on the first part of its twelfth **session**—the critical first **session** after UNCTAD III—is almost **entirely** devoted, in the relevant section, to the problems of least developed countries **including their identification**.³² It is true, of course, that most of the least developed countries are land locked and most of the land locked are least developed (see Table 3). Therefore to the extent that greater **attention** to the problems of the least developed countries is translated **into meaningful** action (e.g. **significantly** increased aid), most of the land locked countries **will** benefit. On the other hand there is a **distinct** danger that some energy **will** be deflected by the debate about **which** countries are to be **designated** least developed and therefore **beneficiaries** of **assistance** measures. This issue is fraught with both **economic** and **political difficulty**, and seems likely to diminish the **impact** of **international** concern. In this situation, the **ideal** strategy would therefore seem to be to obtain whatever benefits are to be **derived** from the **tide** of attention to least developed countries while steadfastly **keeping in view** the special needs of land locked countries.

Thus, **action** on behalf of land locked countries must **include**, in addition to any other **aids** to development, **attention** to such problems as alternative transport routes, **improved** transit procedures, and appropriate changes in the structure of production and trade. Secondly, m

Table III *Classification of developzng land locked and least developed countrres*

	Africa	Other	
A Land locked only	Central African Republic Swaziland Zambia	Bolivia Paraguay	
B Land locked and least developed	Botswana Chad Malawi Niger Uganda	Burundi Lesotho Mali Rwanda Upper Volta	Afghanistan Laos Nepal Bhutan Sikkim
C Least developed only	Dahomey Guinea Sudan	Ethiopia Somalia Tanzania	Haiti Western Samoa Yemen Maldives

Notes (i) The 18 **developing** land-locked Countnes analysed by the UNCTAD Group of Experts in **their** Report (op cit) **comprised** categoies A and B **with the exception** of Bhutan and **Sikkim**

(ii) The 25 least developed countrres of categoies B and C are those **desig** nated by the **United Nations** as **hardcore** least developed countrres ³³

the case of land locked countrres, there are **exceptionally** cogent ar guments for working **within** a **regional** framework As was **said** at the **Santiago** Conference, there **is** "a **joint responsibility** of land-locked and **transit** countries" ³⁴ Progress in the land-locked country **is** depend ent on the **cooperation** of its transit neighbours, **planning** in the coastal **countries—for** example, m the expansion of **inland** transport and of port **facilities—should** take **into** account the needs of the land-locked country

Substantial progress will be made if the **transit countries** dedicate themselves, **consistent** with their own **aspirations**, to the improvement of the lot of **their** land locked neighbours, and **if** the necessary organisa tional machinery **is** created The latter would include not only **bilateral consultative** and joint **planning** procedures but also **sub-regional** and even **continental co ordination**

A supplementary role can be played by the donor nations, and by the international agencies such as **United Nations International Develop ment Organisation** (UNIDO) and the UNDP, supported by the whole of the **international** development system, **including** UNCTAD But the outcome will depend **critically** on the land-locked **countries** themselves, on **their** closest **neighbours**, and on **their** 'partners m development" m the **region** to which they belong

In the context of African land-locked countries, several final **com**ments must be made. The **majority** of both the land locked category and the least-developed category of developing countries are **in** the African **continent**. Therefore, **it is** in **Africa** that most **activity** should take place as the many **solutions** already proposed are **Implemented**. Secondly, **it is** in **Africa** too that clear **sightedness** is most needed, when **considering** action on behalf of both categories of countries in order to **emphasise** complementary features **while** not losing **sight** of the **special** needs of the land locked countries. If the time has come to plan **international** action to some extent separately for **Africa**, **Asian** and **Latin American** land locked countries, **it is** timely also to consider separately the **special** needs of the land locked countries of West Africa, East Africa and—with the added **complications** noted by authors—of southern Africa.

Earlier it was argued that **decisions** on the land-locked countries could be in one sense the touchstone of the whole development effort." **Similarly**, it can be asserted that, in many ways, the **willingness** of the African states to **ameliorate** the lot of their land locked members, many at an extremely low level of development, could **indeed** demonstrate **unequivocally** that the **international** development effort is a **genuinely** co-operative **initiative**. Is there hope that by the **time** the fourth session of UNCTAD **is** convened **in** three of four years time, **it** will be **possible** to report real progress **in** this particularly meaningful form of co-operation between the countries of the **African continent** and its **sub-regions**?

Chronology of concern for land locked countries

- 1921 *Barcelona Convention* and Statute on the Freedom of Transit (designed to guarantee and **facilitate** transit traffic free from discrimination or **excessive** charges)
- 1948 *General Agreement on Tariffs and Trade*
(Article V relates to transit trade and freedom of transit)
- 1957 *United Nations General Assembly Resolution 1028 (XI)*
(**recognised** distinctive **position** of land-locked states)
- 1958 UN Conference on the Law of the Sea
Convention on the High Seas
(**provided**, *inter alia* for free access to the sea and for the settlement of all matters **relating** to freedom of transit and equal treatment in ports)
- 1964 *1st UNCTAD Conference*
(adoption of eight "**Principles Relating** to Transit Trade of Land-locked Countries ")

- (proposal for the preparation of a new convention relating to the transit trade of land locked countries)
- 1965 Conference of Plenipotentiaries on Transit Trade of Land locked Countries
- Convention on Transit Trade of Land locked States*
(provisions relating to freedom of transit and non discrimination, facilities provided, administrative measures)
- 1967 Entry into force of Convention on Transit Trade (June)
- 1968 *2nd UNCTAD Conference*
Special working Group on Land locked Countries
Adoption (unanimous) of Resolution 11 (II)
(recognised special problems of land locked countries invited co operation of international institutions transit countries and other nations to overcome difficulties, requested establishment of a group of experts to examine and report on the special problems involved in the promotion of the trade and economic development of the land locked developing countries)
- 1969 *Trade and Development Board Resolution 50 (VIII)*
(February) (invited Secretary General of UNCTAD to convene a group of experts and prepare background material, report to be made to 10th session of Board)
- 1969 *United Nations General Assembly Resolution 2569 (XXIV)*
(December) (welcomed agreement in the Board and, *inter alia* requested Board to consider the adoption of practical measures for implementation of Resolution 11 (II))
- 1970 *Report of the Group of Experts* on the special problems involved in the trade and economic development of the land locked developing countries
(June) (Examination of the nature and significance of the problems confronting land locked countries and general and specific policy proposals in relation to the problems of the land locked developing countries)
- 1970 *Trade and Development Board Resolution 69 (X)*
(September) (noted report of the group of experts, and called attention to appropriate action in facilitating transit trade, the flow of financial and technical assistance, and related action by international agencies)
- 1971 Widespread concern for the special problems of the land locked developing countries
(In the UN General Assembly, UNCTAD and the Regional Economic Commission of the United Nations)
- 1972 *Third Session of the United Nations Conference on Trade*

and Development Santiago, Chile 13 April to 21 May 1972
(Agenda Item 11 (b) Other Special Measures Related to the Particular Needs of the Land locked Developing Countries)

Notes and references

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- 2 Cf Lauterpacht E Freedom of Transit in *International Law Transactions of the Grotrus Society* XLIV (1958-59)
- 3 East Gordon W The Geography of Land locked States *Transactions and Papers The Institute of British Geographers* 1960
- 4 League of Nations *Treaty Series* No 171 20 April 1921
- 5 General Assembly **Resolution** 1028 (XI) 20 February 1957
- 6 Cf , United Nations *Treaty Series* Volume 450 No 6465
- 7 *Proceedings of the United Nations Conference on Trade and Development* Vol I **Final Act and Report Annex A I 2 (United Nations publication Sales No 64 IIB 11)**
- 8 **United Nations Treaty Series** Volume 597 No 8641
- 9 *Proceedings of the United Nations Conference on Trade and Development Second Session* Vol I Report and Annexes **United Nations Publication Sales No E 68 II D 14 p 378**
- 10 The author was engaged in this work for a period but the present article represents in its entirety his personal viewpoint
- 11 *Special Problems of the Land locked Countries* Report of the Group of Experts on the special problems involved in the trade and economic development of the land locked developing countries UNCTAD document **Td/B/308** 11 June 1970
- 12 *UNCTAD Report of the Trade and Development Board on the first part of its tenth session* UNCTAD Document **TD/B/** November 1970
- 13 UNCTAD Eleventh Session of the Trade and Development Board *Special Problems of the Land locked Countries* UNCTAD Document **TD/B/363** 19 July 1971 para 8
- 14 Economic Commission for Africa Annual Report (15 February 1970-13 February 1971) *Official Records of the Economic and Social Council Fifty first session Supplement No 5* UN Document E/4997 Part III
- 15 United Nations General Assembly **Resolution** 2626 (XXV) para 59
- 16 Cf UNCTAD Document **TD/B/363** op cit
- 17 UNCTAD *Report of the Group of Experts* op cit (**TD/B/308**) Glassner Martin Ira, *Access to the Sea for Developing Land locked States* Martinus Nijhoff The Hague 1970 and Fischer W E The Problems of Land locked States some basic thoughts *Economic Development Research Paper no 117 Makerere Economic Research Institute* Kampala February 1967
- 18 These arguments are discussed at length in the author's monograph *Economic Claustrophobia the Development Problems of Land locked States Unpublished monograph* July 1968

- 19 Cf , *African Development* October 1971 p 29
- 20 Cf UNCTAD *Report of the Group of Experts* op cit p 26 and United Nations Economic Commission for Africa *Transit Problems of African Land locked States* E/CN 14) (TRANS/28 2 February 1966
- 21 UNCTAD *Report of the Group of Experts* op cit
- 22 United Nations Document *The Declaration and Principles of the Acton Programme of Lima* (A/C 21270) 15 November 1971
- 23 UNCTAD Third Session Item 11(b) of the provisional agenda Acton programme submitted by the Secretary General of UNCTAD UNCTAD document TD/136 9 March 1972
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- 25 UNCTAD *Special Problems of the Land locked Countries Special measures in favour of the Land locked developing countries Progress report by the Secretary General of UNCTAD* TB/B/363 19 July 1971, para 12
- 26 McKinnell R T *Journal of World Trade Law* loc cit
- 27 UNCTAD *Report of the United Nations Conference on Trade and Development on its Third Session* TD/178, 27 July 1972 page 12 para 73 Annex II
- 28 *Ibid* Annex II page 13
- 29 UNCTAD *Third Session Official Records Summary Records of the Sixth Committee* TD/III/C 6/SR 1-16 10 October 1972 page 74
- 30 Walker Leigh Vanya Was UNCTAD III a Failure? *The World Today* Vol 28, No 9 September 1972 pp 411-420
- 31 United Nations Economic and Social Council, *Report of the Governing Council of UNDP on its fourteenth session* UN document E/5185 30 June 1972 para 120
- 32 UNCTAD *Report of the Trade and Development Board on the first part of its twelfth session* UNCTAD Document TD/B/421 5 November 1972 paras 96-109
- 33 General Assembly Resolution 2768 (XXVI)
- 34 UNCTAD *Third Session Official Records Summary Records of the Sixth Committee* op cit p 84

Annex I

*Proposals of Group of Experts on Land locked Countries*²¹

- A Administrative and other measures not requiring capital investment
representatives in transit ports
inter-governmental consultation
simplification of customs and other procedures
measures to ensure effectiveness of formal agreements
free circulation of road vehicles and rolling stock
co ordination and integration of transport
freedom of navigation on inland waterways
 - B Transport infrastructure requiring Investment (often heavy) technical and financial assistance for the evaluation installation improvement and maintenance of road rail air and water transport establishment of alternative transport routes evaluation of new forms of transport including pipelines
- N B needs and Interests of transit countries will also have to be recognised

C *Economic Structure*

Development of import substitute industries
increase value of exports through processing grading etc
identification and exploitation of new resources
increase in neighbourly trade
consideration of tourism and air transport

D *Miscellaneous*

attention to regional approach
institutional arrangements for regular attention (e g regional economic commissions)

The need for a continental approach to the problems of African land-locked states

There are two types of arrangements by means of **which** the African land-locked countries seek to offset the **handicap** of their geographic **position**

- 1 **bilateral** agreements with the transit and coastal countries,
- 2 regional economic **institutions** established by **multinational** treaties

The aims of **regional** economic arrangements are to promote trade, **stimulate production**, provide enhanced Investment opportunities and, **in** some cases, to **facilitate** the movement of labour, capital and goods. Needless to say, such arrangements have **political implications**.

The **experience** of economic Integration in Africa shows that gains are not **necessarily** assured. **While** common culture, **history**, language, geographical **proximity**, and **compatibility** of economic and **political** systems **in** the countries **participating** in a **regional** arrangement **contribute** to its success, while **international** support **in** the form of **technical assistance** and investment has an **important** role, it **is** the **co operation** among **participating** countries that **is decisive**. For regional **co operation** to succeed, it requires **participating** states to **view** projects in terms of **regional** rather than national benefits.

The specific problems that **arise** when regional co-operation **is** being planned or Implemented are numerous. Some relate to the small volume of **intra** trade and economic **relations in** general. But the most **difficult** problem of all **is** to arrange a satisfactory **distribution** of benefits to them, the aims of regional **co operation** cannot be achieved.¹

In Africa, all land locked countries except Malawi and Burundi belong to some existing grouping for economic co-operation. These groupings vary in their aims and in the degree to which they **accommodate** the specific needs of the developing countries. The land locked **developing countries** of equatorial Africa, Chad and the Central African Republic, have **participated** in the *Union Douaniere et Economique de l'Afrique Centrale* (UDEAC). This customs and economic union, which came **into being** on 1 January 1966, resulted from the **association** of Cameroon with the Equatorial Customs Union (UDE), established in 1956 to **include** Congo and Gabon, **as well as** Chad and the Central African Republic. Apart from the common external **tariff**, notable features of UDEAC include a common investment code, a

common central bank, a solidarity fund consultation on the location of Industry, some common services and the *taxr unique* However, in April 1968, Chad and the Central African Republic withdrew from UDEAC to create, in conjunction with the Democratic Republic of the Congo, the *Union des Etats de l'Afrique Centrale* (UEAC) This action stemmed in part from the belief of these two countries that measures to allow them to benefit satisfactorily from UDEAC were not being implemented Following some special arrangements to benefit the Central African Republic that country returned to UDEAC in December 1968 The Solidarity Fund of UDEAC (which derives from earlier provisions of UDE) is of particular interest to the land locked countries in the Union Article 38 of the UDEAC Treaty states

In order to take account of possible errors in the designation of the consuming State and of the benefits derived from transit operations by coastal States in particular, a percentage of the import duties and charges collected by the joint Customs Offices of the five States shall in a spirit of solidarity be paid into a Joint Solidarity Fund ²

As in the case of the UDE Fund, Chad and the Central African Republic have benefited substantially from the UDEAC Fund

The West African Economic Community comprising Dahomey, Ivory Coast, Mauritania Senegal and three land locked countries—Niger Mali and Upper Volta—was established in 1970, replacing the West African Customs Union Its objectives are the Improvement of infra structure for distribution, the development of transport and communications the harmonization of industrial development and the expansion of intra African trade

In April 1968, the West African Regional group was established and which includes in addition to the seven members of UDEAC Nigeria Ghana, Liberia, Guinea and Mauritania

The Afro Malagasy and Mauritius Common Organisation (OCAM), established in 1966, embraces fifteen French speaking countries in Africa Among these are the land locked countries of the Central African Republic, Upper Volta, Rwanda Chad and Niger The objectives of the organisation which are the strengthening of solidarity between its members, raising the standard of living of its peoples and harmonizing their economic policies and development plans, deal with the problems of land locked members only in general terms

Development of rivers and basins is the concern of the *Organisation of Senegal River States* the *Niger River Commission* and the *Lake Chad Basin Commission* and which have effected significant improvements in the transport routes of the land locked countries

In 1959, Niger and Upper Volta, with Dahomey and the Ivory Coast, formed the *Council de l'Entente*, and in 1966 adopted a new Convention including Togo in the membership. Economic arrangements include the Mutual Aid and Loan Guarantee Fund which provides security for foreign investment in the area and promotes co-operative economic activities. The member states of the Entente decided in January 1968 to pursue studies on the extension of the Abidjan-Niger railway and on the improvement of road communications between them. The land-locked member states are free to use the Mutual Aid and Loan Guarantee Fund for their own or multi-national purposes, thus being able to strengthen economic co-operation with the coastal member states.

The East African Community established in 1967, at present comprises Uganda, Kenya and Tanzania, but is of wider interest since its expansion is envisaged and applications for memberships have been received from Zambia, Ethiopia, Somalia, Rwanda, Burundi and Swaziland. Features of the present arrangements include the common services (transport, customs, education, communications) and measures to try to secure a satisfactory distribution of benefits by means of transfer taxes and the investment policy of the East African Development Bank. Transfer taxes are a temporary measure designed to encourage industrial development in Tanzania and Uganda.

The treaty for East African co-operation which established the East African Community provided for the establishment of four corporations related to transport and communications for the member states and which are of a particular interest to land-locked Uganda. They are:

- 1 The East African Railways Corporation concerned with the operation of rail, road and inland waterways transport and inland waterways ports.
- 2 The East African Harbours Corporation concerned with the operation of harbour services and facilities.
- 3 The East African Airways Corporation concerned with the operation of air transport services and facilities within the member states and with other countries.
- 4 The East African Ports and Telecommunications Corporation.

Examples of multi-national co-operation in the field of air transport such as *Air Afrique* and *Agence pour la Sécurité de Navigation Aérienne en Afrique* (ASECNA) were examined by Austin Amisah.³

Although progress has been encouraging since the regional arrangements began to change from originally narrow objectives to wider spheres of co-operation, embracing co-ordination of planning, trade and industrial development, a number of problems are still being encountered. Among them is the lack of machinery for implementing

joint decisions affecting a group of countries. Furthermore, the political instability caused by a series of coup d'etats has retarded the progress towards more realistic joint undertakings. Moreover, the withdrawal of some member states from existing organisations has created an atmosphere of uncertainty. Commenting on the performance of OCAM, Louis Sabourin pointed out that ten years after its creation OCAM is far from being a success. It has not been able to foster the economic development of its members in general, the less so of the landlocked countries.⁴

Another impediment to the progress of African regional economic co-operation is that too much attention has been devoted to the preservation of old links developed in the period of colonial rule. Pierre Alexandre has shown in his analysis of the developments in Afrique Occidentale Française (ADF) after Independence that with regard to Mali, Upper Volta and Niger the extent to which the former colonial political boundaries remain significant in purely geographical terms one could well have expected a shift of communication links to the benefit of former British colonies. Yet the only attempt in this direction (Upper Volta-Ghana) was a total failure.⁵

Both the United Nations Economic Commission for Africa (ECA) and the Organisation of African Unity (OAU) sponsor various kinds of regional co-operation in Africa. OAU, although essentially a political organisation, devotes considerable attention to the promotion of inter-African trade. It sponsored the First All African Trade Fair in Nairobi in 1972. Of course, OAU is not a regional but a continental organisation⁶ with an important role to play in co-ordinating Africa's regional organisations and steering them towards the goal of continental economic integration.

Thus, the regional groupings of African states, once regarded as incompatible with the Charter of OAU, have become, with the sole exception of OCAM, a means of strengthening the Organisation of African Unity. This is not only desirable but also essential in the field of economic co-operation and was made clear by the resolution on Regional Economic Groupings adopted at the Kinshasa Conference in September 1967, which notes that economic co-operation in Africa is suffering from lack of co-ordination in all fields of activity. It also welcomed the efforts of member states to form regional groupings. It recommended

- 1 that all Member States encourage the formation of economic groupings by all appropriate means with the final objective of integrating the Continent⁷
- 2 that Member States be asked to promote the exchange of information in this field through the Secretary-General of OAU⁷

A year later, at Algiers, the Council of Ministers of OAU, in its resolution on "Regional Groupings and Market Integration",⁸ considered that "market integration at the regional level (regional groupings) would not only bring about the basis for necessary industrialisation of the continent but would also enhance inter African trade and that "the widening of regional groups is one of the pre requisites for the economic integration of the Continent The Council recommended inter alia 'the broadening of the existing regional groupings and the extension of the economic sectors and the commodities (or groups of commodities) that could be covered within a regional grouping

In fact, all resolutions adopted both by the Council of Ministers and the Assembly of Heads of State and Government on various aspects of regional groupings, (e g Resolution on Inter African Co operation,⁹ Resolution on Industrialisation,¹⁰ and the resolution on the formation of an Expert Committee to Study the Draft Inter African Convention Establishing an African Technical Assistance Programme adopted at the 1972 OAU Summit at Rabat¹¹) testify to the determination of the African countries to break down the barriers inherited from the colonial era

As far as the problems of African land locked countries are concerned, until recently they have been regarded by OAU as problems of economic underdevelopment, and as such were considered to be a matter for the United Nations The United Nations conference on UNCTAD recognized that

the position of the land locked developing countries in particular be cause of the high costs of transportation the poor development of their infrastructure inadequate and inconvenient transport storage and port facilities in most transit countries the lack of opportunity or arrangements to use their own transport facilities and, in general the unfavourable trend of transport tariff and charges, is a factor seriously inhibiting the expansion of their trade and economic development ¹²

So far, however, no measures have been taken directly by OAU, which holds the view that the specific problems of land locked countries are a part of the more general problems of economic development

For example, the Economic Commission for Africa, in its study "Transit Problems of African land locked States of 1966 ¹³ saw the problem in economic and legal terms only ¹⁴ The "non political" attitude adopted by ECA is illustrated in this study, which was being compiled at the time when the Rhodesian crisis dominated African politics and which was concluded only ten weeks before the Rhodesian white minority regime unilaterally declared Independence The

political implications of the transit problems of land locked countries depending on Rhodesian transit were not even mentioned ¹⁵

Exceptionally, ECA mentioned the rupture of relations between Mali and Senegal in 1960. Although this entailed major changes in terms of transit for Mali, which had to readjust its external trade through a new transit route via the Ivory Coast, it was only a marginal problem compared to that which land locked states faced following Rhodesia's UDI. Besides, economic relations between Mali and Senegal were resumed in 1963 leaving Mali with a choice of two transit routes.

The expectation of the Economic Commission of Africa that the establishment of the Organisation of African Unity brings into this matter not only the new spirit of brotherhood, but also the real conditions for implementing the new terms of transit, advantageous both to land locked and transit countries ¹⁶ still remains to be fulfilled.

Although awareness of the peculiar situation of the developing land locked countries has steadily increased leading to greater understanding of their problems, the actual record of achievement is rather depressing. The appeals of the last two United Nations Conferences on Trade and Development in 1968 and in 1972, which called on the developed countries and international organisations to provide technical and financial assistance to the land locked developing countries in order to strengthen their economic structure, transport and communication infrastructure and to provide for the establishment of transit areas and port facilities, went virtually unheeded ^{16A}. Equally disappointing was the attitude of the developing countries themselves. When a new Convention on Transit Trade of Land locked States was concluded in New York in July 1965, a culmination of the efforts of the land-locked states at the first United Nations Conference on Trade and Development in 1964,¹⁷ Nigeria was the only African transit state south of the Sahara to ratify it. The Convention was designed primarily to guarantee to land locked states those links with the outside world which are indispensable for their economic development as well as, for land locked countries of the southern Sahara, their survival. At the same time, the Convention provides extensive safeguards for transit states. The deficiencies of the Convention which stresses the moral rather than the legal obligations of the transit states have been pointed out by Alfred Rubin ¹⁸. Furthermore, the Convention relates only to access to the sea of the transit traffic and fails to specify arrangements which would deal with all the problems of land locked countries. For example, the original proposal of the majority of land locked countries was that a "free zone should be provided at the ports of entry or exit in the country of transit for transit goods which

should be under the control of the customs authorities of the land locked countries ¹⁹ This proposal was considerably weakened by **substituting** the wording, 'free zones and other custom **facilities** may be provided' ²⁰

Finally, the Convention on **Transit** Trade of Land locked States were **conceived** as a **universal** treaty, designed to meet the needs of all land locked states, Including developed countries such as Austria, **Switzerland**, and **Czechoslovakia** The political setting of European land-locked states **is** fundamentally **different** from that of the land locked countries of Africa in general and of southern **Africa** in **particular**

It has become apparent that the **specific** needs of **African** land locked countries should be met by an African convention concluded under the auspices of the Organisation of African **Unity** This was suggested by the **Economic** Commission for **Africa** in 1966 The ECA study of the **transit** problem of the African land locked countries **emphasised** the advantage that 'Africa is endowed with **potentialities** to enable it to deal **with** the problems of co-ordination' The same study saw OAU as 'the last resort for **solving** any misunderstanding' which might arise out of the arrangements between the coastal and land locked countries ²¹

Although access to the sea and transit are only **particular** aspects of the general economic problems of African countries, they are very important ones Trade **in** **Africa** is **still** externally orientated and it **will** continue to be so until inter African trade is great enough in **volume** to reverse this trend

In respect of transit routes, African land locked **countries** fall into the following four categories

(i) Those which have direct railway links with an ocean port

Botswana	Durban East London, Port Elizabeth and Cape Town in South Africa
Lesotho	Durban in South Africa
Malawi	Beira and Nacala in Mozambique
Mali	Dakar in Senegal
Rhodesia	Beira and Lourenço Marques in Mozambique
Swaziland	Lourenço Marques in Mozambique
Uganda	Mombasa in Kenya
Upper Volta	Abidjan in Ivory Coast
Zambia	Beira in Mozambique Lobito in Angola Dar es Salaam in Tanzania (1976)

(ii) Those which use road transport to reach a rail-head

Chad	By road to Maiduguri in Nigeria then by rail to Lagos
Niger	By road to Parakou in Dahomey then by rail to Cotonou
Rwanda	By road to Kigali in Uganda then by rail to Mombasa in Kenya

(iii) Those which use river or lake transport to reach a rail head

Burundi Central African Republic	By lake to Ujiji in Tanzania then by rail to Dares Salaam
(iv) Those which have direct road links with an ocean port Zambia	By river to Brazzaville in Congo then by rail to Pointe Noire Dar es Salaam in Tanzania

In the absence of any general agreement on the rules and **principles governing transit** and access to the sea by the land locked countries of **Africa** which take into account **specific economic and political conditions**, most of the **facilities** which these fourteen countries have **available** are based on **bilateral ad hoc** agreements **with** the coastal countries. An **all-African convention** dealing with the problem of access should not only make **provision** for further measures to **alleviate** the problems of Africa's least developed countries but also should promote **continental co operation**. OAU should therefore sponsor a conference for its land locked members and their **transit** and coastal **neighbours** in order to agree on **principles which** would **provide a basis** for **bilateral** arrangements between the land locked and coastal states. The **following principles** should be **embodied in** the agreement on the issues of **transit**, trade routes, and access to the sea

1 Every land locked state has the right of free access to the sea

This right **derives** from the fundamental **principle** of the freedom of the **high seas**. Freedom of the **high seas** has no **meaning** for land-locked countries unless the **right** of access to the sea is first guaranteed. **Similarly**, the **principle** of the equal **sovereign rights** and **political and economic** Independence of all members of the **international community** Irrespective of **their geographical position** would be **seriously impaired** should free access be denied to the land locked countries. As pointed out in **Principle I** of the **Convention on Transit Trade of Land locked States**, "the **recognition** of the **right** of each land-locked state of free access to the sea is an **essential principle** for the expansion of **international** trade and economic development" ²²

2 Every African land-locked state has the right on terms of complete **equality** with **maritime** states to fly its flag on vessels **which** are duly registered **in a specific place** on its territory that place being the port of **registry** for such vessels

The **right** of land locked states to fly a flag at sea has already become a **principle** of **international law** **recognized** and **applied** by all states The **Declaration** **recognizing** the **right** of states **without** a sea coast to fly a flag at sea was **unanimously** adopted fifty years ago at the Barcelona Conference on the Freedom of Navigation and Transit in 1921 and confirmed by a number of **international** conventions

3 The maritime state shall accord the vessels of land locked states treatment equal to that enjoyed by **its** own vessels in **its** ports

The **granting** of free access to ports and other **facilities** with respect to **navigation** and commercial **operation** of vessels, **their** cargoes, and passengers represents **compensation** to a land locked state for the **dis-**advantages arising from **its** **geographical position**

4 Countries situated between the land-locked state and the sea coast shall allow the transit of persons and goods proceeding from the land-locked state to the sea and **vice versa** by road, rail, waterway and air Similarly all states shall, on the **basis** of **reciprocity**, afford the land locked state free and **unrestricted** transit in such a manner that they have free access to **regional** and **international** trade

The **right** of free access to the sea of land locked states **comprises** the right of free **transit** through the territory of coastal states for persons and goods, **irrespective** of the mode of transport used It also **comprises** **exemption** from the coastal states' custom **regulations** and duties, and from any payment other than payment for **services** rendered The **transit** states are **entitled** to take measures to ensure that the **exercise** of the **right** of free access by the land-locked states shall in no way **infringe** **their** requirements **concerning** **security** and **public health** Passage across the **territory** of another state **requires** a **bilateral** agreement, but a transit state should not be able to refuse to **negotiate**, or employ **arbitrarily** its right **concerning** **security** and health measures in order to thwart such a negotiation, without thereby **incurring** **International responsibility**

5 For the purpose of **unrestricted** and duty free movement of goods between a land-locked state and the sea-coast, a **special zone** in the ports of the coastal state shall be **established** in agreement with the coastal state and placed under the control of the custom **authorities** of the land-locked state

The free zone, however, should **remain** subject to the **jurisdiction** of the coastal state, **especially** with regard to safety of operation, **working conditions** and **public health**. In cases where the volume of transit **traffic** does not justify the expense of **establishing** a separate free zone, the coastal state should permit the bonded storage of transit goods under favourable **conditions** in respect of port charges and customs **declarations**. In 1963 agreement between Senegal and Mali and the 1965 Agreement between **Niger** and Dahomey in respect of port **facilities** may serve as a good example for other **African** states ²³

6 An **international authority** within the framework of OAU shall be established to **provide** for **inter governmental consultation** to ensure that the needs and problems of both land-locked and transit states are kept under **review**. The same **authority** shall also provide the **machinery** for settlement of **disputes** which may arise between the member states of the proposed Convention

The **international** authority on which both the land-locked and **transit** states should be represented could facilitate the **concluding** of agreements between land-locked states and **their transit neighbours**. The **authority** should also seek to **simplify** procedures and **documentation** and to **provide** for **instruction** of the **officials** of both land locked and transit states working in ports and on transit routes. The **authority** should also **facilitate** the free circulation of road **vehicles** of the **parties** to the convention across **frontiers** on a **reciprocal** basis, the free movement of rolling stock of states which have **interconnecting railways**, the freedom of **navigation** on **inland** waterways for vessels of land locked **countries**, and the **co ordination** and **integration** of transport networks

These **principles** alone will not, of course, solve the practical problems of transit and trade of the African land locked countries. Under the present **circumstances**, it is the low **operational efficiency** of the ports and the poor state of the **communications** network on which the land-locked **countries** depend which puts them at a great **dis** advantage. The obsolete **equipment**, the poor **condition** of both rail way tracks and roads **built originally** by the colonial powers, and the

inefficient management of the transport system call for radical improvements. The solution lies **in** a complex approach to the problem. Most of the African land-locked and **transit** states are too small and too underdeveloped to be able to achieve **significant** improvements of **their communication** networks. Independently, Fundamental change **in** this field requires combined efforts by all the states concerned. **Multi national** projects for the improvement of the **regional infra** structure could **bring** about the necessary change. While **African** countries can set the example of a **united** approach to the problems of the land-locked countries by **displaying** their **solidarity** with these states, they cannot finance improvement of roads, railways, inland water ways, airports, and postal and **telecommunication** systems. These measures require heavy investment. International **aid** will therefore play a **vital** role. It is important that the **critical** nature of Investment **in** transport for the **African** land locked countries be recognized by the developed countries and **international** bodies **providing financial and technical assistance**. The **aid** financed projects **within** either transit or land locked countries should be based on an integrated approach. This means that transport projects in the land locked countries should be considered **in relation** to the merits of **possible** alternative routes **within the transit countries** ²⁴

If the economic and political stability of African land locked states **is** to be **achieved**, the **attitudes** and **actions** of all African countries **will** be of **decisive** importance, for they must **improve** the **position** of the land locked states before **international assistance** to that purpose can be successfully **solicited**.

Finally a **point** should be made about whether the proposed **Convention** can safeguard the Interests of the land locked **countries** in Rhodesia, the Portuguese colonies of **Mozambique** and Angola, and South **Africa**, all of **which** are important **transit** and coastal states in southern **Africa**. While these countries will not be **eligible** to participate in an OAU Convention accommodating the needs of **African** land locked countries, the Convention shall **provide** a basis on which the land locked countries concerned could enter into **bilateral** agreements. The legal and **political impact** of a Convention representing a consensus of Independent **African** states could hardly be **ignored** by the world community. It would considerably strengthen the legal **bargain** ing **position** of land locked countries, even with states not **parties** to the Convention. The extent of concessions granted by Rhodesia, Portugal and South Africa to the land-locked **countries** would largely depend on the **discretion** of the former and are unlikely to meet all needs of the latter. Should the white minority **regimes** reject **outright** the demands of the land locked **countries**, this would not only **in**

tensify the present isolation of Rhodesia, Portugal, and South Africa but also strengthen the conviction of those members of OAU who believe that the solution of the problems of the land locked states of southern Africa (as well as all fundamental political, social, and economic problems in the region) lies in the termination of white minority and colonial rule in the region by resort to armed struggle

Notes

1 An outline of the problems involved in regional economic arrangements was prepared in January 1970 by a group of experts appointed by the Secretary-General of UNCTAD to study the problems of developing land locked countries. The paper is entitled *Regional Economic Arrangements* (Background paper No. 11).

2 Treaty establishing a Central African Customs and Economic Union UNCTAD document Td/L.5

3 Austin Amissah Air transport in Africa and its Importance for African land locked countries

4 Louis Sabourin Seven land locked countries of French speaking Africa Problems and Prospects

5 Pierre Alexandre Afrique Occidentale Française (AOF) and after

6 The difference between a continental and a regional organisation is not only in scope but also in purpose and aims

The scope of OAU is apparent from the preamble as well as from the purposes and principles referring to Africa as a continent and exclude also classification of Article 52 of the UN Charter specifically referring to regional arrangements of agencies for dealing with such matters relating to the maintenance of international peace and security. Although the members of OAU feel that their disputes should be settled within the African framework OAU has never found it necessary to refer inter African disputes to the Security Council in accordance with Article 52 of the UN Charter even though a number of them involved armed hostility (e.g. the Algeria-Morocco dispute in 1963). In this respect OAU is different from the Organisation of American States (OAS) the Charter of which expressly defines OAS as a regional agency. Article 1 of the OAS Charter states: Within the United Nations the Organisation of American States is a regional agency.

6 A For a detailed analysis of the measures taken by UNCTAD on the problems of land locked countries see Robert McKinnell UNCTAD and Land locked Countries

7 CM/Res. 125(IX)

8 CM/Res. 159(IX)

9 CM/Res. 123 (IX)

10 CM/Res. 124 (IX)

11 CM/Res. 276 (XIX)

12 Special measures related to the particular needs of the land locked developing countries. A Resolution adopted by the United Nations Conference on Trade and Development 19th May 1972 in Santiago, Chile

13 E/CN.14/TRANS/29 of 24th August 1966

14 The problem of free access of a land locked country to the open sea is part of the **more** Important problem of freedom of **transit** The latter **includes** the fundamental **economic** Interests of and legal safeguards for the **countries** concerned *Ibid* p 3

15 The study enumerates **issues** Involved **in transit** problems of land locked states as legal **technical economic** as well as **social** the latter **influencing** the actual **importance** of the **first** three

16 *Ibid* p 7

17 The **Eight Principles Relating** to **Transit Trade** of Land locked **Countries** were adopted and led to the **convening** of a Conference of **Pleni potentiaires** on **Transit Trade** of Land locked countries at **United Nations Headquarters** in New York from 7th June to 8th July 1965

18 Alfred **Rubin** Land locked **African Countries** and **Right** of Access to the Sea

19 **Doc A/5906** Annex II p 6

20 Seven years **earlier** at the Geneva Conference on the Law of the Sea the **right** of access to the sea by land locked **countries** was left undefined when the **original** proposal **seeking** the **confirmation** of the **right** by the **formulation** states **having** no sea coast **shall** have free access to the sea was altered by roll call vote to states **having** no sea coast **should** have free access to the sea

21 E/CN/14/TRANS/29 of 24th August 1966

22 For the text of the **Convention** see Annex 2

23 For the text of the two Agreements see Annex 5

24 Cf the ***Report of the Group of Experts on the special problems involved in the trade and economic development of the land locked developing countries***, TD/B/308 of 11th June 1970 p 51 The report makes two general **points** about **financial** assistance

1 The **assistance** should be on the **easiest possible** terms of Interests and payment

2 The assistance should not be **tied** to a **particular supplier** since this reduces **its** value

The report also **emphasises** the need for assistance **in** the **training** of man power to operate the transport **facilities**

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NOTE As a **comprehensive list of literature covering** all aspects of **political economic and social problems of African land locked countries** would exceed the scope of **this publication** the selected **bibliography contains** only documents and **writings** related to the problems of **transit transport and communication of African land locked countries**

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Annex I

Convention and Statute on Freedom of Transit, Barcelona, 20 April 1921

A Convention

Article 1

The **High Contracting Parties** declare that they accept the Statute on Freedom of **Transit** annexed hereto adopted by the Barcelona **Conference** on **14 April 1921**

This Statute will be deemed to constitute an integral part of the present Convention. Consequently, they hereby declare that they accept the **obligations and undertakings** of the **said Statute in conformity with** the terms and **in accordance with the conditions** set out **therein**

Article 2

The present **Convention** does **not in** any way **affect** the **rights and obligations arising** out of the **provisions** of the Treaty of Peace **signed at Versailles** on **28 June 1919** or out of the **provisions** of the other **corresponding Treaties**, **in** so far as they concern the Powers **which have signed, or which** benefit by such **Treaties**

Article 3

The **present Convention** of **which** the French and **English** texts are both **authentic** shall bear **this** day's date and shall be open for **signature** until 1 December 1921

Article 4

The present **Convention is** subject to **ratification**. The **instruments** of **ratification** shall be **transmitted** to the Secretary-General of the League of **Nations** who **will notify** the **receipt** of them to the other Members of the League and to States **admitted to sign** the Convention. The **instruments** of **ratification** shall be **deposited in** the **archives** of the Secretariat

In order to comply **with** the **provisions** of **Article 18** of the Covenant of the League of **Nations**, the **Secretary-General will register** the present **Convention** upon the **deposit** of the first **ratification**

Article 5

Members of the League of **Nations** **which** have not **signed** the present **Convention** before 1 December 1921 may accede to it

The same **applies** to States not members of the League to **which** the **Council** of the League may **decide** officially to **communicate** the present Convention

Accession will be **notified** to the Secretary **General** of the League who **will inform** all Powers **concerned** of the **accession** and of the date on **which** it was **notified**

Article 6

The present Convention will not come into force until it has been ratified by five Powers. The date of its coming into force shall be the **ninetieth** day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter the present Convention will take effect in the case of each Party **ninety** days after the receipt of its ratification or of the notification of its accession.

Upon the coming into force of the present Convention the Secretary General will address a certified copy of it to the Powers not Members of the League which are bound under the Treaties of Peace to accede to it.

Article 7

A special record shall be kept by the Secretary General of the League of Nations showing which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Members of the League at all times. It shall be published as often as possible in accordance with the directions of the Council.

Article 8

Subject to the provisions of Article 2 of the present Convention the latter may be denounced by any Party thereto after the expiration of five years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all the other Parties informing them of the date on which it was received.

The denunciation shall take effect one year after the date on which it was notified to the Secretary General and shall operate only in respect of the notifying Power.

Article 9

A request for the revision of the present Convention may be made at any time by one third of the High Contracting Parties.

B Statute on freedom of transit

Article 1

Persons, baggage and goods, and also vessels, coaching and goods stock, and other means of transport, shall be deemed to be in transit across territory under the sovereignty or authority of one of the Contracting States when the passage across such territory, with or without transshipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of the State across whose territory the transit takes place.

Traffic of this nature is termed in this Statute traffic in transit.

Article 2

Subject to the other provisions of this Statute, the measures taken by Contracting States for regulating and forwarding traffic across territory under their

sovereignty or authority shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods or of vessels, coaching or goods stock or other means of transport.

In order to ensure the application of the provisions of this Article, Contracting States will allow transit in accordance with the customary conditions and reserves across their territorial waters.

Article 3

Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit). Nevertheless, on such traffic in transit there may be levied dues intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such dues must correspond as nearly as possible with the expenses which they are intended to cover, and the dues must be imposed under the conditions of equality laid down in the preceding article, except that on certain routes such dues may be reduced or even abolished on account of differences in the cost of supervision.

Article 4

The Contracting States undertake to apply to traffic in transit on routes operated or administered by the State or under concession whatever may be the place of departure or destination of the traffic, tariffs which, having regard to the conditions of the traffic and to considerations of commercial competition between routes, are reasonable as regards both their rates and the method of their application. These tariffs shall be so fixed as to facilitate international traffic as much as possible. No charges, facilities or restrictions shall depend directly or indirectly on the nationality or ownership of the vessel or other means of transport on which any part of the complete journey has been or is to be accomplished.

Article 5

No Contracting State shall be bound by this Statute to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants.

Each Contracting State shall be entitled to take reasonable precautions to ensure that persons, baggage and goods, particularly goods which are subject of a monopoly, and also vessels, coaching and goods stock and other means of transport, are really in transit, as well as to ensure that passengers in transit are in a position to complete their journey, and to prevent the safety of the routes and means of communication being endangered.

Nothing in this Statute shall affect the measures which one of the Contracting States may feel called upon to take in pursuance of general international Conventions to which it is a party, or which may be concluded hereafter, particularly Conventions concluded under the auspices of the League of Nations relating to the transit, export or imports of particular kinds of articles, such as opium or other dangerous drugs, arms or the produce of fisheries, or in pursuance of general Conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin, or other methods of unfair competition.

Any haulage **service established** as a monopoly on waterways used for transit must be so **organized** as not to **hinder** the transit of vessels

Article 6

This Statute does not of itself **impose** on any of the Contracting States a fresh **obligation** to grant freedom of transit to the **nationals** and **their** baggage or to the flag of a non Contracting State nor to the goods nor to **coaching** and goods stock or other means of transport **coming** or entering from or **leaving** by or **destined** for a non Contracting State except when a **valid** reason **is** shown for such transit by one of the other Contracting States concerned It **is** understood that for the purposes of **this Article** goods **in** transit under the flag of a Contracting State shall if no trans **shipment** takes place benefit by the advantages granted to that flag

Article 7

The measures of a general or **particular** character **which** a Contracting State **is obliged** to take **in** case of an emergency **affecting** the safety of the State or the **vital** Interests of the country may **in exceptional** cases, and for as short a **period** as **possible** involve a **deviation** from the **provisions** of the above **Articles**, it **being** understood that the **principle** of freedom of **transit** must be observed to the utmost **possible** extent

Article 8

This Statute does not **prescribe** the **rights** and **duties** of **belligerents** and **neutrals in time** of war The Statute shall however **continue in force in time** of war so far as such **rights** and **duties** **permit**

Article 9

This Statute does not impose upon a Contracting State any **obligations** **conflicting with its rights** and **duties** as a Member of the League of **Nations**

Article 10

The **coming into** force of **this** Statute **will** not abrogate **treaties** **conventions** and agreements on **questions** of transit concluded by Contracting States before 1 May 1921

In **consideration** of such agreements **being** kept **in** force Contracting States undertake, **either** on the **termination** of the agreement or when **circumstances** **permit** to introduce **into** agreements so kept **in** force **which** contravene the **provisions** of this Statute the **modifications** required to **being** them **into** harmony **with** such **provisions** so far as the **geographical** **economic** or **technical** **circumstances** of the **countries** or areas concerned allow

Contracting States also undertake not to conclude **in** future **treaties** **conventions** or agreements **which** are **inconsistent** with the **provisions** of **this** Statute except when **geographical** **economic** or **technical** **considerations** justify **exceptional** **deviations** therefrom

Furthermore, Contracting States may **in** matters of transit enter **into** **regional** **understandings** consistent with the **principles** of **this** Statute

Article 11

This Statute does not **entail** in any way the **withdrawal** of **facilities** which are greater than those provided for **in** the Statute and have been granted under conditions **consistent** with its principles, to **traffic** in **transit** across **territory** under the sovereignty or **authority** of a Contracting State. The Statute also **entails** no **prohibitions** of such grant of greater facilities **in** the future.

Article 12

In conformity **with** Article 23 (e) of the Covenant of the League of Nations any **Contracting State** **which** can establish a good case against the application of any provision of **this** Statute in some or all of its territory on the ground of the grave economic situation arising out of the acts of devastation perpetrated on its **soil** **during** the war **1914–1918** shall be deemed to be relieved temporarily of the obligations arising from the **application** of such **provision**, it being understood that the **principle** of freedom of transit must be observed to the utmost possible extent.

Article 13

Any **dispute** **which** may **arise** as to the Interpretation or **application** of **this** Statute **which** is not settled **directly** between the **parties** themselves shall be brought before the Permanent Court of **International Justice** unless, under a special agreement or a general **arbitration** provision steps are taken for the settlement of the **dispute** by **arbitration** or some other means.

Proceedings are opened **in** the manner **laid** down in Article **40** of the Statute of the Permanent Court of **International Justice**.

In order to settle such disputes however **in** a friendly way as far as possible the **Contracting States** undertake before resorting to any **judicial proceedings** and without **prejudice** to the powers and **right** of action of the **Council** and of the Assembly to **submit** such disputes for an **opinion** to any body **established** by the League of **Nations** as the advisory and technical **organization** of the Members of the League in matters of communications and transit. In urgent cases a **preliminary** opinion may recommend temporary measures intended **in** particular to restore the **facilities** for freedom of transit **which** existed before the act or occurrence **which** gave rise to the **dispute**.

Article 14

In **view** of the fact that **within** or **immediately** adjacent to the territory of some of the **Contracting States** there are areas or enclaves small in extent and population **in** comparison with such **territories** and that these areas or enclaves form detached portions or settlements of other parent States and that it is impracticable for reasons of an **administrative** order to apply to them the **provisions** of **this** Statute it is agreed that these **provisions** shall not apply to them.

The same **stipulation** applies where a colony or dependency has a very long frontier **in** companionship **with** its surface and where **in** consequence it is practically impossible to afford the necessary Customs and **police supervision**.

The States concerned however will apply in the cases referred to above a **regime** which will respect the **principles** of the present Statute and **facilitate** transit and **communications** as far as practicable.

Article 15

It is understood that this Statute must not be Interpreted as regulating in any way rights and obligations *inter se* of territories forming part or placed under the protection of the same sovereign State whether or not these territories are individually Members of the League of Nations

Annex 2

Convention on transit trade of land-locked states, New York, July 8 1965

Preamble

The States Parties to the present Convention

Recalling that **Article 55** of its Charter requires the **United Nations** to promote **conditions** of economic progress and solutions of international economic problems

Noting General Assembly **resolution 1028 (XI)** on the land locked **countries** and the **expansion** of international trade which **recognizing** the need of land locked **countries** for adequate **transit facilities** in promoting **international** trade **invited** the Governments of Member States to **give full recognition** to the needs of land locked Member States in the matter of **transit** trade and therefore to accord them adequate **facilities** in terms of **international law** and **practice** in this regard **bearing in mind** the future requirements **resulting** from the economic development of the land locked **countries**

Recalling **article 2** of the **Convention** on the **High Seas** which states that the **high seas** **being** open to all **nations** no State may **validly** purport to subject any part of them to **its sovereignty** and **article 3** of the **said Convention** which states

1 In order to enjoy the freedom of the seas on equal terms **with** coastal States States having no sea coast should have free access to the sea To **this** end States **situated** between the sea and a State having no sea coast shall by common agreement **with** the latter and **in conformity with existing international conventions** accord

(a) To the State **having** no sea coast on a **basis** of **reciprocity**, free transit through **their territory** and

(b) To **ships flying** the flag of that State treatment equal to that accorded to **their own ships** or to the **ships** of any other States as regards access to seaports and the use of such ports

2 States **situated** between the sea and a State having no sea coast shall settle by mutual agreement **with** the latter and **taking into account** the **rights** of the coastal State or State of **transit** and the **special conditions** on the State **having** no sea coast, all matters **relating** to freedom of **transit** and equal treatment in ports in case such States are not already **parties** to **existing international conventions**

Reaffirming the following **Principles** adopted by the **United Nations Conference on Trade and Development** **with the understanding** that these **Principles** are Interrelated and each **principle** should be construed in the context of the other **Principles**

Principle I

The **recognition** of the right of each land locked State of free access to the sea is an **essential principle** for the **expansion** of **international** trade and economic development

Principle II

In **territorial** and on **internal** waters vessels **flying** the flag of land locked countries should have **identical rights** and enjoy treatment **identical** to that enjoyed by vessels **flying** the flag of coastal States other than the **territorial** State

Principle III

In order to enjoy the freedom of the seas on equal terms **with** coastal States States **having** no sea coast should have free access to the sea To **this** end States **situated** between the sea and a State **having** no sea coast shall by **common** agreement **with** the latter and **in conformity with existing international conventions** accord to **ships flying** the flag of that State treatment equal to that accorded to **their own ships** or to the **ships** of **any** other State as regards access to seaports and the use of such ports

Principle IV

In order to promote fully the **economic** development of the land locked countries the said **countries** should be afforded by all **States** on the **basis of reciprocity** free and **unrestricted transit** in such a manner **that** they have free access to regional **and international** trade in all **circumstances** and for every type of goods

Goods **in transit** should not be subject to any customs duty

Means of transport **in transit** should **not** be subject to **special** taxes or charges **higher** than those **levied** for the use of means of transport of the **transit** country

Principle V

The State of transit **while maintaining** full sovereignty over its territory shall have the **right** to take all **indispensable** measures to ensure that the **exercise** of the **right** of free and **unrestricted** transit shall **in** no way **infringe** its **legitimate** interests of any **kind**

Principle VI

In order to accelerate the **evolution** of a **universal** approach to the **solution** of the **special** and **particular** problems of trade and development of land locked countries in the **different geographical** areas the **conclusion** of **regional** and other **international** agreements **in this** regard should be encouraged by all States

Principle VII

The **facilities** and **special rights** accorded to land locked countries **in view** of their **special geographical position** are excluded from the **operation** of the most favoured **nation** clause

Principle VIII

The **principles** which govern the **right** of free access to the sea of the land locked States shall **in** no way abrogate **existing** agreements between two or more **contracting parties concerning** the problems nor shall they **raise** an obstacle as regards the **conclusions** of such agreements **in** the future **provided** that the latter do not **establish a regime which is** less favourable than or opposed to the above **mentioned** provisions

Have agreed as follows

Article 1 Definitions

For the purpose of **this Convention**

(a) the term **land locked State** means any Contracting State **which** has no sea coast

(b) the term **traffic in transit** means the passage of goods **including unaccompanied** baggage across the territory of a Contracting State between a land locked State and the sea when the passage is a **portion** of a complete journey **which** begins or **terminates within** the territory of that land locked State and **which** includes sea transport **directly preceding or following** such passage. The trans shipment **warehousing breaking bulk** and change **in** the mode of transport of such goods as well as the assembly **disassembly** or re-assembly of machinery and bulky goods shall not render the passage of goods **outside the definition of traffic in transit** **provided** that any such operation is undertaken solely for the **convenience** of transportation. **Nothing in this paragraph shall be construed as imposing an obligation** on any Contracting State to **establish or permit** the establishment of permanent **facilities** on its territory for such assembly **disassembly** or reassembly

(c) the term **transit State** means any Contracting State with or without a sea coast situated between a land locked State and the sea through whose territory **traffic in transit** passes

(d) the term **means of transport** **includes**

(i) any railway stock **seagoing** and river vessels and road **vehicles**

(ii) where the local **situation** so **requires** porters and pack **animals**

(iii) **if** agreed upon by the Contracting States concerned other means of transport and pipelines and gas **lines**

when they are used for traffic in transit **within** the meaning of this **article**

Article 2 Freedom of transit

1 Freedom of **transit** shall be granted under the terms of **this Convention** for **traffic in transit** and means of transport. Subject to the other provisions of **this Convention** the measures taken by Contracting States for **regulating** and **forwarding** traffic across **their** territory shall **facilitate** **traffic in transit** on routes **in** use mutually acceptable for **transit** to the Contracting States concerned. **Consistent with the terms of this Convention** no **discrimination** shall be exercised **which is** based on the place of **origin** departure, entry exit or **destination** or on any **circumstances relating** to the **ownership** of the goods or the **ownership** place of **registration** or flag of vessels land **vehicles** or other means of transport used

2 The **rules governing** the use of means of transport when they pass across part or the whole of the territory of another Contracting State shall be established by common agreement among the Contracting States concerned **with** due regard to the multilateral **international conventions** to **which** these States are **parties**

3 Each Contracting State shall **authorize** **in** accordance with **its** laws rules and **regulations** the passage across or access to **its** territory of persons whose movement **is** necessary for **traffic in transit**

4 The Contracting States shall **permit** the passage of traffic **in transit** across their **territorial waters** **in** accordance with the **principles** of customary **international law** or **applicable international conventions** and with **their** internal **regulations**

Article 3 Customs duties and special transit dues

Traffic in transit shall not be subjected by any authority within the transit State to customs duties or taxes chargeable by reason of importation or exportation nor to any special dues in respect of transit. Nevertheless on such traffic in transit there may be levied charges intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such charges must correspond as nearly as possible with the expenses they are intended to cover and subject to that condition the charges must be imposed in conformity with the requirement of non discrimination laid down in article 2 paragraph 1

Article 4 Means of transport and tariffs

1 The Contracting States undertake to provide subject to availability at the points of entry and exit and as required at points of trans shipment adequate means of transport and handling equipment for the movement of traffic in transit without unnecessary delay

2 The Contracting States undertake to apply to traffic in transit using facilities operated or administered by the State tariffs or charges which having regard to the conditions of the traffic and to considerations of commercial competition are reasonable as regards both their rates and the method of their application. These tariffs or charges shall be so fixed as to facilitate traffic in transit as much as possible and shall not be higher than the tariffs or charges applied by Contracting States for the transport through their territory of goods of countries with access to the sea. The provisions of this paragraph shall also extend to the tariffs and charges applicable to traffic in transit using facilities operated or administered by firms or individuals in cases in which the tariffs or charges are fixed or subject to control by the Contracting State. The term facilities used in this paragraph shall comprise means of transport, port installations and routes for the use of which tariffs or charges are levied

3 Any haulage service established as a monopoly on waterways used for transit must be so organized as not to hinder the transit of vessels

4 The provisions of this article must be applied under the conditions of non-discrimination laid down in article 2 paragraph 1

Article 5 Methods and documentation in regard to customs transport etc

1 The Contracting States shall apply administrative and customs measures permitting the carrying out of free uninterrupted and continuous traffic in transit. When necessary they should undertake negotiations to agree on measures that ensure and facilitate the said transit

2 The Contracting States undertake to use simplified documentation and expeditious methods in regard to customs transport and other administrative procedures relating to traffic in transit for the whole transit journey on their territory including any transshipment warehousing breaking bulk and changes in the mode of transport as may take place in the course of such journey

Article 6 Storage of goods in transit

1 The conditions of storage of goods in transit at the points of entry and exit and at intermediate stages in the transit State may be established by agreement

between the States concerned. The transit States shall grant **conditions** of storage at least as favourable as those granted to goods **coming** from or **going** to **their own countries**.

2 The **tariffs** and charges shall be **established in** accordance with **article 4**.

Article 7 Delays or difficulties in traffic in transit

1 Except in cases of **force majeure** all measures shall be taken by Contracting States to **avoid** delays in or **restrictions** on, traffic in transit.

2 Should delays or other **difficulties** occur in **traffic in** transit the **competent authorities** of the transit State or States and of the land locked State shall cooperate towards their expeditious **elimination**.

Article 8 Free zones or other customs facilities

1 For **convenience** of **traffic in transit**, free zones or other customs **facilities** may be provided at the ports of entry and **exit** in the transit States by agreement between those States and the land locked States.

2 **Facilities** of this nature may also be provided for the benefit of land locked states in other transit States **which** have no sea coast or seaports.

Article 9 Provision of greater facilities

This Convention does not **entail** in any way the **withdrawal** of transit **facilities** **which** are greater than those provided for in the Convention and **which** under **conditions** consistent with its **principles** are agreed between Contracting States or granted by a Contracting State. The Convention also does not preclude such grant of greater **facilities** in the future.

Article 10 Relation to most-favoured-nation clause

1 The Contracting States agree that the **facilities** and **special rights** accorded by this Convention to land locked States in view of **their special geographical position** are excluded from the **operation** of the most favoured **nation** clause. A land locked State which is not a Party to this Convention may **claim** the **facilities** and **special rights** accorded to land locked States under this Convention only on the **basis** of the most-favoured **nation** clause of a treaty between that land locked State and the Contracting State **granting** such **facilities** and **special rights**.

2 If a Contracting State grants to a land locked State **facilities** or **special rights** greater than those provided for in this Convention such **facilities** or **special rights** may be **limited** to that land locked State, except in so far as the **withholding** of such greater **facilities** or **special rights** from any other land locked State contravenes the most favoured **nation** **provision** of a treaty between such other land locked State and the Contracting State **granting** such **facilities** or **special rights**.

Article 11 Exceptions to convention on grounds of public health security and protection of intellectual property

1 No Contracting State shall be bound by this Convention to afford transit to persons whose **admission into its territory is forbidden** or for goods of a **kind of which the importation is prohibited** either on grounds of **public morals**, **public health** or **security** or as a **precaution against diseases** of animals or plants or **against** pests.

2 Each Contracting State shall be **entitled** to take reasonable **precautions** and measures to ensure that persons and goods **particularly goods which** are the subject of a monopoly are really **in transit** and that the means of transport are really used for the passage of such goods as well as to protect the safety of the routes and means of **communication**

3 Nothing **in this** Convention shall affect the measures **which** a Contracting State may be called upon to take **in** pursuance of provisions **in** a general **international convention** whether of a world **wide** or **regional** character to which **it is** a party, whether such **convention** was already concluded on the date of **this** Convention or is concluded later when such provisions relate

(a) to export or **import** or transit of **particular kinds of articles** such as **narcotics** or other dangerous drugs or arms or

(b) to **protection of industrial literary or artistic property** or **protection of** trade names and **indications of source or appellations of origin** and the suppressions of **unfair competition**

4 **Nothing in this** Convention shall prevent any Contracting State from **taking any action** necessary for the **protection of its essential security interests**

Article 12 Exceptions in case of emergency

The measures of a general or **particular** character **which** a Contracting State **is obliged** to take **in** case of an emergency **endangering its political existence** or its safety may **in exceptional** cases and for **as short a period as possible in** involve a **deviation** from the provisions of **this** Convention on the understanding that the **principle of freedom of transit** shall be observed to the utmost possible extent **during such a period**

Article 13 Application of the convention in time of war

This Convention does not **prescribe** the **rights and duties of belligerents and neutrals in time of war** The Convention shall however **continue in force in time of war** so far as such **rights and duties permit**

Article 14 Obligations under the convention and rights and duties of United Nations members

This Convention does not **impose** upon a Contracting State any **obligation conflicting with its rights and duties as a Member of the United Nations**

Article 15 Reciprocity

The **provisions of this** Convention shall be **applied** on a **basis of reciprocity**

Article 16 Settlement of disputes

1 Any **dispute which** may arise with respect to the **interpretation or application** of the provisions of **this** Convention **which is not settled by negotiation** or by other peaceful means of settlement **within a period of nine months** shall at the request of **either party** be settled by arbitration The **arbitration commission** shall be composed of three members Each party to the **dispute** shall **appoint** one member to the **commission while the third member** who shall be the **Chairman**, shall be chosen **in common agreement between the parties** If the **parties fail** to agree on the **designation of the third member within** a period of three months the **third member** shall be **appointed by the President of the International Court of Justice** In case any of the **parties fail** to make

an **appointment within a period** of three months the President of the International Court of Justice shall fill the **remaining vacancy or vacancies**

2 The **arbitration commission** shall decide on the matters placed before it by **simple majority** and its **decisions** shall be **binding** on the parties

3 **Arbitration commissions** or other **international bodies** charged with settlement of **disputes** under this Convention shall **inform**, through the Secretary General of the **United Nations** the other **Contracting States** of the **existence** and nature of **disputes** and of the terms of **their settlement**

Article 17 Signature

The present Convention shall be open until 31 December 1965 for **signature** by all States Members of the **United Nations** or of any of the **specialized agencies** or **Parties** to the Statute of the **International Court of Justice**, and by any other State **invited** by the General Assembly of the **United Nations** to become a Party to the Convention

Article 18 Ratification

The present Convention shall be subject to **ratification**. The Instruments of **ratification** shall be **deposited** with the Secretary General of the **United Nations**

Article 19 Accession

The present Convention shall **remain** open for accession by any State belonging to any of the four categories **mentioned in** Article 17. The Instruments of accession shall be deposited with the Secretary General of the **United Nations**

Article 20 Entry into force

1 The present Convention shall enter into force on the **thirtieth day following** the date of **deposit** of the Instruments of **ratification** or accession of at least two land locked States and two **transit States having a seacoast**

2 For each State **ratifying** or acceding to the Convention after the deposit of the instruments of **ratification** or accession necessary for the entry into force of this Convention in accordance with paragraph 1 of this article the Convention shall enter into force on the **thirtieth day** after the **deposit** by such State of its Instrument of **ratification** or accession

Article 21 Revision

At the request of one **third** of the **Contracting States** and **with the concurrence** of the **majority** of the **Contracting States** the Secretary General of the **United Nations** shall convene a Conference with a **view** to the **revision** of this Convention

Article 22 Notifications by the Secretary General

The Secretary-General of the **United Nations** shall **inform** all States belonging to any of the four categories **mentioned in article 17**

(a) of signatures to the present Convention and of the deposit of Instruments of **ratification** or accession **in accordance with articles 17 18 and 19**

(b) of the date on **which** the present Convention will enter into force **in accordance with article 20**

(c) of requests for revision **in accordance with article 21**

Article 23 Authentic texts

The **original** of the present **Convention** of which the **Chinese** **English** **French** **Russian** and **Spanish** texts are equally **authentic** shall be **deposited with** the Secretary General of the **United Nations** who shall send **certified copies** thereof to all States **belonging** to any of the four **categories mentioned in article 17**

IN WITNESS WHEREOF the **undersigned Plenipotentiaries** being duly **authorized** thereto by **their respective Governments** have **signed** the present **Convention**

DONE at the **Headquarters of the United Nations** **New York** **this eighth** day of **July** **one thousand nine hundred and sixty five**

Annex 3

Text of resolution 11 (II) unanimously adopted by the United Nations Conference on Trade and Development at its second session on March 23, 1968

11 (II) Special problems of the land-locked countries

A The United Nations Conference on Trade and Development

Recalling the Principles relating to Transit Trade of Land locked Countries which were adopted by the first session of the United Nations Conference on Trade and Development

Recalling that on the basis of these Principles the United Nations Conference on Transit Trade of Land locked Countries adopted on 8 July 1965 the Convention on Transit Trade of Land locked States

Noting that the Convention entered into force on 9 July 1967 but so far has been ratified or acceded to by only two transit States having a sea coast

Noting further that the Convention is open for ratification or accession without any time limit,

Considering that for the promotion of the trade and economic development of the land locked States it is essential to provide facilities to enable them to overcome the effects of their land locked position on their trade,

Recalling General Assembly resolution 1028 (XI) of 20 February 1957

Urges all States invited to become parties to the 1965 Convention on Transit Trade of Land locked States to investigate the possibilities of ratifying or acceding to it and to make it effective at the earliest possible date

B The United Nations Conference on Trade and Development

Recognizing that

(a) the land locked position of many developing countries affects the expansion of trade and economic development of these countries and may hamper them in taking advantage of some of the international measures envisaged to support the trade expansion and economic development of all developing countries,

(b) The special problems involved in the promotion of the trade and economic development of the land locked developing countries, in particular the high cost of transportation due to distance from sea the poor state of transport and communications and other factors inhibiting the execution of their trade expansion and economic development programmes call for special attention and require special solutions

Convinced that the international community when embarking upon a comprehensive policy of co operation for development should pay due attention to the above mentioned special problems of the land locked developing countries

Noting that within the framework of some United Nations regional economic commissions and some regional and sub regional economic groupings of

developing countries studies of certain Important aspects of the special problems of the land locked developing countries of the regions or sub regions concerned have been initiated with a view to contributing to their solution

1 Recommends that in view of the special problems of the land locked developing countries the land locked situation should be considered as a factor in determining the criteria for the identification of the least developed among the developing countries

2 Recommends that the Governments of the developed countries in their financial and technical assistance programmes in the field of transport and communications should accord appropriate attention to the special needs of land locked developing countries in extending adequate financial and technical assistance to projects designed for the development and Improvement of the transport and communications infrastructure needed by these countries in particular of the transport modes and facilities most convenient to them and mutually acceptable to the transit and the land locked developing countries concerned including joint projects concluded by common agreement with the transit States concerned for the establishment expansion and/or improvement of transport and communications facilities serving the transit trade of the land locked countries

3 Further recommends that the appropriate international financial institutions be invited to give similar attention among their priorities to the matters mentioned in the preceding paragraph

4 Calls on transit countries to extend their fullest possible co operation to the formulation and execution of the projects mentioned in the preceding paragraph

5 Recommends that the land locked developing countries and the transit countries should enter into consultations and negotiations whether bilaterally or on a regional or sub regional basis with a view to examining jointly the special difficulties which the land locked developing countries face in the promotion of their trade and economic development and to concluding agreements designed to overcome such difficulties in accordance with the nature of each particular case paying special attention to the facilities requested by the land locked countries for their transit trade

6 Further recommends that the Governments of the developed countries be invited to bear in mind in their assistance programmes or through the international organizations concerned the possibility of extending loans on favourable terms

(a) To the land locked developing countries for the development of transport and communication facilities designed to help the latter to overcome the special difficulties of their land locked position

(b) To the developing land locked and transit countries for the development of transport and communication facilities referred to in paragraph 2 above designed to help the developing countries concerned to overcome the special difficulties of the land locked position

7 Recommends that the Governments of States members of UNCTAD invite liner conferences and equivalent organizations directly or through the shipowners members of them and also Insurance companies to bear in mind in forming their respective tariff policies the special problems of land locked developing countries

8 Calls on the developed land locked countries through the exchange of information experience training and technical know how to lend upon request directly or through the appropriate United Nations bodies special

assistance to the land locked developing countries in outlining suitable solutions to the special problems of the latter

9 *Invites* the regional economic commissions concerned with the developing regions and the regional and sub regional economic groupings of the developing countries to pay special attention in their work programmes to the special problems in the field of the trade expansion and economic development of the land locked countries members of such regional economic commissions and regional or sub regional economic groupings and to give special consideration to the need for greater participation by such land locked developing countries in regional and international trade

10 *Requests*

(a) The Secretary General of UNCTAD in consultation with the Under Secretary-General of the United Nations for Economic and Social Affairs to establish a group of experts to carry out a comprehensive examination of, and to report upon, the special problems involved in the promotion of the trade and economic development of the land locked developing countries, a special study to be made in this examination of the transport problems outlining possible ways by which the adverse effects of higher transportation costs on the trade position production costs and execution of economic development programmes of the land locked developing countries might be minimized the background material to be prepared for the examination by the group of experts shall draw fully upon the experience and competence in this field of other appropriate United Nations bodies in particular the Department of Economic and Social Affairs and the regional economic commissions the report of this expert group should describe the experience so far gained in the solution of the above mentioned problems and outline further practical measures and procedures for presentation to the Trade and Development Board for consideration and appropriate action

(b) The States members of UNCTAD the regional economic commissions the specialized agencies concerned the economic groupings of the developing countries and other international organizations dealing with the subject to co operate with the Secretary General of UNCTAD by providing to the extent possible information relevant to the preparation of the studies and reports mentioned in this paragraph

(c) The Secretary General of UNCTAD to follow the progress made in giving effect to the recommendations made in this resolution and to report thereon in his annual reviews of international trade and economic development to be prepared in pursuance of the Trade and Development Board's resolution 19 (II)

*71st plenary meeting
23 March 1968*

Annex 4

Special measures related to the particular needs of the land-locked developing countries

A Resolution unanimously adopted by the United Nations Conference on Trade and Development, 19 May 1972 in Santiago, Chile

The United Nations Conference on Trade and Development

Recognizing that the **position** of the land locked developing countries **in particular**, because of the **high** costs of **transportation** the poor development of **their** Infrastructure **inadequate** and **inconvenient** transport storage and port **facilities in** most **transit** countries the lack of **opportunity** or arrangements to use **their** own transport **equipment** and to **establish their** own transport **facilities** and **in** general the unfavourable trend of transport **tariff** and charges **is** a factor seriously **inhibiting** the **expansion** of **their** trade and **economic** development

Reaffirming the principle asserted by the **higher** organs of UNCTAD—the Conference and the **Board—in resolutions II (II) and 69 (X) respectively** that a land-locked **situation** should be **considered** as a factor **in determining** the **criteria** for the **identification** of the least developed among the developing countries

Recognizing the need for the **International Community** and the **international organizations** concerned to undertake **studies** and to take **coordinated** action **in** order to secure more **rational** treatment for the land locked developing countries, most of **which being** among the least developed are doubly **handicapped** **which action will** implement the relevant programme of action called for **in the International Development Strategy**

Considering the action programme **submitted** by the Secretary General of UNCTAD in **this** matter (TD/136)

Considering General **Principle Fifteen** adopted at the first **session** of the Conference as **it** related to land locked developing countries and the report (TD/B/30) prepared by an UNCTAD Group of Experts appointed to study the measures that **might** be adopted **in** favour of the least developed among the developing countries **within** the competence of UNCTAD

I General subjects

1 Resolves **in** order to assist **in remedying** the **specific difficulties** affecting the land locked developing countries to take **action in** the following areas

A Economic structure

2 Urges the Secretary General of UNCTAD to keep under constant **review** the **special economic** problems **deriving** from the **geographical situation** of the land locked developing **countries**

13 *Recommends* to the **Economic and Social Council**, in consultation with the **appropriate** organs of the **United Nations** system, to study the **desirability** and **feasibility**, including possible ways and means of **establishing** a **Special Fund** for **subsidizing** the **additional** transport costs of land locked developing countries with a view to **reporting** the **findings** to the 28th session of the General Assembly

14 *Further requests* the Secretary General of UNCTAD to prepare in consultation with international organizations concerned a draft **International Convention** or proposals on **Simplification** and **Standardization** of **transit** customs and trade documents, **taking into consideration** existing international conventions on the subject and the extent to which they might meet the **specific requirements** of land locked developing countries and to **submit it**, through the Trade and Development Board at its **thirteenth session** to the General Assembly

II Administrative and other measures

15 *Invites* the Governments of land locked developing countries and **their neighbouring** countries of **transit** to **continue their joint** efforts to conclude **bilateral** agreements or if mutually agreed **multilateral** arrangements with respect to

(a) the **appointment** of **representatives** to **assist in** the clearance of goods of the land locked countries in transit

(b) the **establishment** of procedures for **inter-governmental consultations** to ensure that the needs and problems of both land locked and **transit** countries are kept under **review**

(c) further **simplification** of customs and other procedures and **formalities** and the **limitation** of **documentation**

(d) **familiarizing** the **officials** concerned with the **spirit** of transit agreements,

16 *Invites* land locked developing countries and **their neighbouring transit countries** to seek to conclude agreements on transport **facilities** with the object of

(a) **facilitating** the movement of road **vehicles** across the **frontiers** of the **parties** to the agreement, if necessary on the **basis** of **reciprocity**

(b) **facilitating** the movement of **rolling stock** of the **parties** to the agreement which have **Interconnected railway** systems

17 *Requests* the governments of the transit countries to **provide** when mutually agreed **alternative available** transport routes both to the sea ports and other **neighbouring** countries for the use of the land locked developing countries

18 *Requests* also the governments of the transit countries to **continue** to **provide** adequate space for **transit** storage **facilities** at mutually agreed **break points** and **transit** ports and transit areas at **transit** ports for land locked developing countries and where these **facilities** are not adequate to **improve** them

Annex 5

Convention of 1 March 1962 between Mali and Ivory Coast concerning the establishment of rebates on long distance transport to or from Mali by the Abidjan-Niger Railway Administration

Purpose

Article 1 provides that for the purpose of assisting the economic development of Mali the goods mentioned in the Convention when consigned from the port of Abidjan to Mali or from Mali to the port of Abidjan are to be conveyed by the Abidjan-Niger Railway Administration at current transport rates subject to the rebates indicated in the Convention

Grant of rebates by Railway Administration

Rebates calculated in accordance with the provisions of articles 4 and 5 of the Convention (see below) are to be granted by the Abidjan-Niger Railway Administration (acting on behalf of the Government of Mali) to the consignor (where transport charges are to be paid by the consignor) or to the consignee (where transport charges are to be paid by the consignee) (Article 2)

Reimbursement of Railway Administration

For rebates granted the Abidjan-Niger Railway Administration is to be reimbursed by the Government of Mali. Reimbursements are to be made against monthly statements presented to the Government of Mali by the Railway Administration (Article 3)

Rebates

Principal rebate The principal rebate applies to all freight carried from or to Mali which would be eligible for rebate under a Convention of 19 December 1959. The amount of such rebate shall be as fixed in the 1959 Convention. The rebate is to be granted by the Railway Administration when transport charges for the consignment are being determined by the forwarding station (Article 4)

Supplementary rebate The supplementary rebate applies only to (a) goods conveyed, on the routes indicated in the schedules to Article 6 of the Convention to Bamako or to points beyond Bamako (namely the Bamako, Kayes, Segou and Sikasso areas) and (b) consignments of rice carried from any point in the interior of Mali

In the case of goods referred to in paragraph (a) above the rebate is to be granted on presentation of customs documents showing the release of the goods for use in the Bamako or other areas. In the case of consignments of rice conveyed from the interior of Mali referred to in paragraph (b) above the rebate is to be made on presentation of a certificate indicating the place of origin of the rice consignment (Article 5)

Total rebate permissible The aggregate of the principal and supplementary rebates granted with respect to a consignment shall not exceed the rail transport charges for the consignment (Article 5)

Other provisions of the Convention

Article 6 states that the station of transit between rail and road transport shall be Ouangolodougou for all goods entitled to the supplementary rebate except hydrocarbons in bulk and rice

Article 7 states that for long haul transport the rebates shall apply only to **consignments** of full wagon loads of the **highest minimum weight requirements** of the normal tariffs

Article 8 states that refunds **received** by the **Abidjan-Niger Railway Administration** for the supplementary rebates it has granted shall be **paid** by The **Railway Administration into its renovation fund** and shall be **utilized** for the purchase of **equipment required in light of expansion in its traffic**

Agreement of 8 June 1963 between Mali and Senegal concerning the use of Senegal port facilities designated for transit traffic to and from Mali

Customs free zones at Dakar and Kaolack **designated** for use **in connection with goods in transit** to or from Mali from separate customs free zones **with in** the customs areas of the ports of Dakar and Kaolack (Article 1)

Transit operations within the zones are to be conducted **in accordance with conditions governing international transit** (Article 2)

In the zones the **national laws of Mali pertaining to economic protection** shall be **applicable within** the framework of the customs **privileges** granted with respect to the zones (Article 3)

Establishment of agencies within zones by Government of Mali

The Government of **Mali** shall **establish** such **agencies and services within** the Customs free zones as may be necessary for **implementation** of the **provisions** of **articles 2 and 3** of the Agreement (see above) (Article 4)

Customs procedure

To ensure customs **supervision outside** the customs free zones the Government of Senegal may take measures **it deems necessary** (Article 5)

The entrances and **exits** of the zones are to be guarded by the customs **authorities** of the two Contracting States (Article 6)

Goods **passing** through the zones **in transit** to or from **Mali** are not to be **diverted** to markets **in** Senegal, except **with** the consent of the competent **authorities** of the two Contracting States (Article 7)

Goods **originating in** Senegal, or goods **being imported into** or **being exported from** Senegal may not pass **into** the zones except **with** the consent of the competent **authorities** of the two Contracting States (Article 8)

The customs **regulations** of **Mali** are to be **applied in** cases of customs **infringements within** the zones (Article 9)

Jurisdiction of courts

An agreement to be entered **into** between the two Contracting States shall define the **jurisdiction** of the courts of Mali and Senegal **with** respect to the matters referred to **in articles 7, 8 and 9** of the Agreement (see above) (Article 10)

Agreement of 26 July 1968 between Mali and Upper Volta on Public Road Transportation

The Agreement applies to the carriage of goods and passengers **in** road **vehicles** between the two Contracting States

The Agreement does not apply to certain forms of private transport which are not **listed in** the Agreement but **which** the Agreement states are defined **in** the transport **regulations** of the two States (**Article 1**)

Transport authorization

Article 6 authorizes a **vehicle** **registered in either** Contracting State to engage **in** transport to the other Contracting State **provided** no break in the load of the **vehicle is** made **during** such transport and subject to the other conditions of the Agreement

A **vehicle with** less than a full load **is permitted** however to complete **its** load when **passing** through the **capital** of the other Contracting State

Limitation on weight

When **vehicles** are engaged **in** transport under the Agreement **their** gross **weight inclusive** of load **is** subject to **certain weight limitations specified in** Article 2

Reservation in favour of cabotage

A **vehicle** registered **in** one Contracting State may not engage **in** transport between **points within** the other Contracting State (**Article 6**)

Allocation of traffic between carriers of the two States

Article 3 **provides** that goods **traffic** between **Mali** and Upper Volta (and **vice versa**) **passing** through road **stations in** Upper Volta made **available** to carriers of the two States shall be allocated equally between such carriers, **provided** transport **operation** arrangements are observed by carriers

There **is** **provision** for **similar allocation** between the carriers of the two States of passenger traffic between **Mali** and Upper Volta **provided** passengers are not **inconvenienced**

Facilities for handling and warehousing goods

Upper Volta undertakes **in** article 4 to **provide** at the **various transit points, in particular** at Bobo Dioulasso the **facilities** necessary for the **handling** and storage of goods **carried** to or from **Mali**

Customs procedure

Measures are to be taken to **facilitate** and **simplify** customs and **administrative formalities** at **frontiers** with a **view** to **facilitating** trade and traffic between the two Contracting States (Article 5)

Customs **duties** are not to be **levied** by Upper Volta on goods **in transit** through **its** territory to or from **Mali** (**Article 5**)

The customs **requirements** of each State must be **satisfied** when **frontiers** are crossed Customs **authorities** may **issue** appropriate **certificates** for the purpose of **ensuring** that the **reservation** **contained in** the Agreement **in** favour of cabotage **is** observed (see above) (**Article 6**)

Visas and papers to be carried on vehicles

Entry visas are to be **obtained** from the competent authorities of the State concerned and are to be stamped on the **vehicle's national licence**. **Visas expire** on the date of expiration of the **national licence** of the vehicle.

The following documents are to be carried on a vehicle: (a) the national **driving** permit of the driver; (b) the national vehicle licence with the entry visa stamped on it; and (c) a policy of third party liability **providing** insurance coverage **in** the amounts **required** by law (Articles 9, 10 and 11).

Vehicles in transit to a third State

Article 7 deals specifically **with** the carriage of goods and passengers to a third State by a vehicle registered **in** one Contracting State through the territory of the other **Contracting State**.

No special authorization **is** required for such transit, but a vehicle may not load or unload **in** the State of transit.

The customs requirements of each State are to be observed when crossing customs **barriers**. The documents to be **carried** on such a vehicle are to **include** a document **showing** the goods and passengers are being conveyed in transit, and a customs **certificate** issued by the customs **authorities** of the **transit State** to ensure that the vehicle does not engage in transport between **points within** the transit State.

Traffic and fiscal regulations

A **vehicle** must comply **with** the traffic and fiscal regulations of the **Contracting State in** which it is registered. The vehicle, however, is exempt from payment of taxes in the other Contracting State (**Article 8**).

Violations of **traffic regulations** are to be governed by the national law of the State **in which** the **violation** occurred (**Article 12**).

Enfringement of provisions of Agreement

Article 13 provides for the suspension and eventually for the **withdrawal** of an inter-state transport authorization for violations of the provisions of the Agreement by a transport operator.

Consultation

Provision is made for exchange of **information** and materials between the transport authorities of the two States with a view to promoting the implementation of the Agreement (**Article 14**).

Order-in-Council of Niger, dated 30 September 1960, concerning the Common Rail and Road Transport Services of Niger and Dahomey

The Order in Council grants the Common Rail and Road Transport Service of Dahomey and Niger a monopoly over the carriage within the territory of Dahomey, of produce **commodities** and materials (originating outside Dahomey) **in transit** to Niger (**Articles 1 and 2**).

Article 2 **prohibits** the entry **into Niger** of any such produce, **commodities** or materials **which** are not covered by a **consignment** note or a tonnage sheet **issued** by the Common Rail and Road Transport **Service** (Article 3)

Violations of the **provisions** of the Order **in-Council** are deemed **violations** of the Customs **Regulations of Niger**. The **Ministers of Finance** and of **Economic Affairs of Niger** are **responsible** for the **implementation** of the Order **in Council** (Articles 4 and 5)

Agreement of 10 October 1966 between Niger and Upper Volta on Public Road Transportation

The Agreement **applies** to the carriage of goods and passengers **in road vehicles** between the two Contracting States

The Agreement does not apply to **certain** forms of private transport **which** are not **listed in** the Agreement but **which** the Agreement states are defined **in** the transport **regulations** of the two States (Article 1)

Transport authorization

Article 3 **authorizes** a vehicle **registered in either** Contracting State to engage **in** transport to the other Contracting State **provided** no break in the load of the vehicle **is** made **during** such transport and subject to the other **conditions** of the Agreement

A vehicle **with** less than a full load however **is permitted** to complete **its** load **in** the **capital** of the other Contracting State

Limitation on weight

When **vehicles** are engaged **in** transport under the Agreement **their gross weight inclusive** of load, **is** subject to **certain weight limitations specified in** Article 2

The customs requirements of each State are to be observed. The documents to be **carried** on a vehicle **include** a document **showing** that the persons or goods are **being conveyed in transit** to the **third** State, and a customs **certificate issued** by the customs **authorities of the transit State** to ensure that the **vehicle** does not engage **in** transport between **points within** the transit State

Traffic and fiscal regulations

A **vehicle** must comply **with** the **traffic and fiscal regulations** of the **Contracting State in which it is registered**. The **vehicle** however **is** to be exempt from payment of taxes **in** the other Contracting State (Article 5)

Violations of traffic **regulations** shall be governed by the law of the State **in which the violation occurred** (Article 9)

Infringement of provisions of the Agreement

Provision is made for the **suspension** and eventually for the permanent **withdrawal** of an **inter State transport authorization** for **violations** of the **provisions** of the Agreement by a transport operator (Article 10)

Consultation

Article 11 provides for the exchange of **information** and materials between the transport **authorities** of the two States **with a view to promoting** the **implementation** of the Agreement

Reservation in favour of cabotage

A vehicle registered in one Contracting State may not engage in transport between points within the other Contracting State (Article 3)

Customs procedure

Vehicles are to satisfy the customs requirements of each Contracting State. Customs authorities may issue appropriate certificates to ensure that the reservation contained in the Agreement in favour of cabotage is observed (see above) (Article 3)

Visas and papers to be carried on vehicles

Entry visas are to be obtained from the competent authorities of the State concerned and are to be stamped on the vehicle's national licence. Visas expire on the date of expiration of the national licence of the vehicle (Article 6)

Operators of vehicles are required to obtain the necessary entry visas from the competent authorities of the State concerned. Visas are to be stamped on a vehicle's national licence. Visas expire on the date of expiration of the national licence of the vehicle (Article 6)

The following documents are to be carried on a vehicle: (a) the national driving permit of the driver; (b) the vehicle's national licence with the entry visas stamped upon it; and (c) a policy of third party liability Insurance providing coverage in the amount required by law (Article 7 and 8)

Vehicles in transit to a third State

Article 4 deals specifically with the carriage of goods and passengers to a third State by a vehicle registered in one Contracting State through the territory of the other Contracting State. No special authorization is required for such transit, but a vehicle may not load or unload in the State of transit.

Agreement of 22 July 1963 between Mali and Algeria relating to Air Transport

1 Right to operate air services

The Contracting Parties grant each other the right to operate, through a designated airline, specified air services (Article 11)

2 Designated airline

Each Party is to designate an airline to operate the air services specified and the other Party is required to grant to necessary operating permit to the airline.

The latter Party may, however, withhold or revoke the operating permit if not satisfied that substantial ownership and effective control of the airline are vested in the Party designating the airline or in its nationals. The aeronautical authorities of a Contracting Party may also require an airline designated by the other Party to satisfy them that the airline is qualified to fulfil international air service requirements (Articles 11, 12 and 13)

3 Specified Air services

(a) The Annex to the Agreements sets out

(i) The routes on **which air** services may be operated by the designated **airline** of **Mali** namely, from points **in Mali** (Bamako) to a **point in Algeria** (Alger) and beyond

(ii) The routes on **which air** services may be operated by the designated **airline** of **Algeria** namely from **points in Algeria** (Alger) to a **point in Mali** (Bamako) and beyond

Article 13 provides that each Party grants the designated **airline** of the other Party the right to **pick up and set down international traffic in** passengers and cargo **in its** (the former Party's) territory at the **stopping points** and on the routes set out **in** the Annex

(b) The Annex also states that the **Parties** grant each other the right to **authorize their respective** designated **airlines** to carry Second Freedom **traffic** to and from **third countries** **starting** from the **points specified** on the routes designated **in** the Annex

4 Personnel of designated airlines

The designated **airline** of one Party may **maintain its own essential technical, administrative and commercial** personnel at the **airports** and the towns of the other Party (**Article 6**)

5 Consultation

The **Parties** agree to consult when necessary on the **co ordination** of their respective **air services** (**Article 17**)

Agreement of 9 January 1963 between Mali and Ghana concerning International Air Transport

1 Right to operate air services

The Contracting **Parties** grant each other the **right** to operate through a designated **airline** specified **air services** (**Article 2**)

2 Designated airline

The **provisions** of the Agreement on **this** subject are **substantially similar** to the **corresponding provisions** of the Agreement of 22 July 1963 between **Mali and Algeria** relating to **air transport**

The Agreement **provides** for the **designation** of one or more **airlines** by each Party (**Article 3**)

3 Specified air services

Article 2 read with the Annex to the Agreement **provides** that the **airlines** designated by **Mali and Ghana** may operate **air services with commercial rights**

- (a) between **certain** points (**in** the two countries) **specified in** the Annex and
(b) between **certain** other points (**in** the two countries) **specified in** the Annex and beyond to **specified points in third countries**

While operating on a specified route, the airline of one Party may

(a) fly across the territory of the other,

(b) make stops in the territory of the other for non traffic purposes

(c) make stops in the territory of the other at the points specified in the Annex for the purpose of putting down and taking on international traffic in passengers cargo and mail

4 Personnel of designated airlines

The provisions of the Agreement (Article 6) are similar to the corresponding provisions of the Agreement between Mali and Algeria

5 Consultation

Article 10 provides for consultation between the competent aeronautical authorities of the two Parties on matters pertaining to the Agreement

Agreement on Public Road Transportation between Upper Volta and Ghana¹

1 Purpose

Article 1 defines public road transport as including the carriage of passengers and/or goods with a commercial aim, as scheduled services or otherwise. The purpose of the Agreement is to regulate and harmonize such transport between the two States

2 Transport authorization

The Agreement authorises thirty vehicles from each State to engage in such transport between the two States. Lists of particular vehicles which will do so are to be exchanged (Article 6)

A vehicle is not to exceed twenty tons in gross weight or to exceed certain other specified weight requirements. For a vehicle exceeding the weight limits a special authorisation issued by the competent authority of the other State (the State other than that in which the vehicle is registered) is required (Article 4)

3 Conditions

An authorized vehicle, registered in one State, may engage in transport to any point in the other State, provided (a) there is no break or modification in load and (b) the requirements of Article 7 are observed. (See paragraphs 4 and 5 below)

4 Transit routes

Article 7 requires vehicles operating under the Agreement to use the routes prescribed in Article 7. Six transit routes are prescribed in Ghana and six in Upper Volta

¹ Date of Agreement not indicated in available copy

5 Loading and unloading points

Article 7 requires loading and unloading to be effected only at towns (specified in Article 7) along the six transit routes in Ghana and along the six transit routes in Upper Volta

6 Return journeys

On a return journey a vehicle registered in one State may take on a load in the other State at one of the points specified (for loading and unloading on transit routes) in Article 7. It shall not however break or modify the load until it has recrossed into its State of registration (Article 3)

7 Customs procedure

Vehicles are to satisfy customs requirements when passing through clearance at the customs barrier of each State. Customs authorities may issue a vehicle a certificate in the form of a *Laissez Passer* (Article 4)

8 Papers to be carried

The following documents are to be carried on a vehicle: certificate of road worthiness, national vehicle license, international vehicle permit, policy of third party liability insurance, the authorization for inter State transportation (Article 5). The driver of a vehicle is required to carry his international driving permit (Article 8)

9 Infractions

Provision is made for the temporary withdrawal and eventually for the permanent withdrawal of an inter State transport authorization in case of a vehicle's infringement of the provisions of the Agreement (Article 11)

10 Joint Commission

Article 10 establishes an inter State road transport commission (The Ghana Upper Volta Road Transport Commission) composed of six representatives, three from each State. The Commission is to meet at least every six months and is to ensure implementation of the Agreement. For this purpose it is empowered to hear complaints, examine measures for improvement of the road transportation systems of the two States and enact regulations in implementation of the Agreement.

Article 12 provides for the exchange between the transport authorities of the two States of information and material which may promote implementation of the Agreement.

11 Amendments

Amendments to the Agreement may be proposed by either State after notice of the amendment is given to the Ghana–Upper Volta Road Transport Commission. Consultations on the amendment follow (Article 13)

Annex 6

Convention of 26 July 1963 on the Management of the Senegal River Basin, and the Convention of 7 February 1964 on the Statute of the Senegal River

1 Parties

The **Parties** to the two **Conventions** are listed in Appendix II to this paper

2 Inter State Committee for the Senegal Basin

The Convention **provides** for the **establishment** of the **Inter State Committee** to promote and **co ordinate studies** and works for the development of the **Senegal River Basin**. The Convention also provides for a secretariat to **assist** the **Inter State Committee**. The **secretariat is to include** a **commission on navigation and transportation matters**.

An international river Article 13 declares the **Senegal River including its tributaries** to be an **international river** and **provides** for the **adoption** of a Statute.

3 Convention of 7 February 1964 on the Statute of the Senegal River

The Convention of 7 February 1964 adopted pursuant to the Convention of 26 July 1963 **establishes** a Statute for the **river**.

The preamble to the Convention expresses among other matters recognition by the **riparian States** that common development of the **river entails** freedom of **navigation** and **equality** of treatment between those **using** the river.

(a) *Freedom of navigation* **Navigation on the river its tributaries branches and estuaries is to be free for nationals vessels and goods of the States and on an equal footing with respect to part duties navigation dues and matters pertaining to commercial navigation (Article 5)**

(b) *Duties and charges* **Navigation on the river shall not be subject to dues based merely on the fact of navigation. Only duties or taxes which are in the nature of remuneration for services rendered to such navigation may be collected and no distinction is to be made between users in the rates of such duties or taxes (Article 7)**

(c) *Related roads railways and canals* **Roads railways and lateral canals constructed for the purpose of by passing the unnavigable sections of the river are deemed to be related to the river and are to be open to international traffic in accordance with regulations to be established by the Inter State Committee**

Tolls levied on such roads railways and canals are to be assessed on the basis of construction maintenance and administrative costs and no distinction is to be made between users in the amounts of such tolls (Article 8)

(d) *Navigation regulations* **Each riparian State may establish such regulations as it deems appropriate with respect to navigation safety and control on the section of the river within its territory. Such regulations shall as far as possible facilitate traffic on the river (Article 9)**

Act of 26 October 1963 regarding Navigation and Economic Co-operation between the States of the Niger Basin and the Agreement of 25 November 1964 concerning the River Niger Commission and Navigation and Transport on the River Niger

1 Parties

The Act and the Agreement entered into force on 1 February 1966 and 12 April 1966 respectively. The signatures, ratifications and accessions to the Act and to the Agreement are listed in Appendix 11 to this paper.

2 River Niger Commission

The Act provides among other matters for the establishment of an inter-governmental organization to be entrusted with the promotion and coordination of all programmes and studies relating to the exploitation of the resources of the Niger basin. Thereafter the River Niger Commission was established by the Agreement.

3 Article 3 of the Act

Article 3 provides that navigation on the River Niger, its tributaries and sub-tributaries, shall be entirely free for merchant vessels and pleasure craft and for the transportation of goods and passengers, and that the ships and boats of all nations shall be treated in all respects on a basis of complete equality.

4 Articles 13, 14 and 15 of the Agreement

Article 13 requires that taxes and duties payable by vessels and goods using the river, its tributaries and sub-tributaries, and facilities, be in proportion to the services rendered to navigation and in no way discriminatory.

Article 14 deals with roads, railways and lateral canals that may be constructed for the purpose of avoiding the non-navigable portions of the river or of improving certain sections of the waterways. In their use as a means of communication, they are to be regarded as integral parts of the Niger River and are to be equally open to international traffic within the framework of specific regulations to be formulated by the River Niger Commission and approved by the riparian States. On such roads, railways and canals, only such tolls shall be collected as are calculated on the cost of construction, maintenance and management, and as regards such tolls, the nationals of all States are to be treated on the basis of complete equality.

In terms of Article 15, the River Niger Commission is to establish general regulations to ensure the safety and control of navigation on the (understanding that such regulations shall be designed to facilitate as much as possible the movement of vessels and boats).

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together with L. Cliffe, H. Hveem, O. Karup Pedersen, D. Kowet, R. Leys, T. M. Shaw, A. Ström, and T. Szentes contributed papers to the seminar on the African land-locked countries organized by the Scandinavian Institute of African Studies at Oslo, September 1972. Scholars and representatives of Scandinavian governments, institutions and press were invited to participate in the discussions on the political and economic aspects of fourteen African countries whose access to the sea depends on their neighbours. The focus was largely on southern Africa, where as one of the authors put it "to be black and land-locked in southern Africa is a lonely and expensive experience".

This volume contains the seminar papers and selected documents and bibliography.

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