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**Economic and Social Commission for Western Asia (ESCWA)**

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Sana'a, 26-29 May 2008

Item 9 of the provisional agenda

**ADOPTION AND SIGNATURE OF THE CONVENTION ON INTERNATIONAL  
MULTIMODAL TRANSPORT OF GOODS IN THE ARAB MASHREQ**

**Summary**

This document contains a brief account of the stages involved in the preparation by the Economic and Social Commission for Western Asia (ESCWA) of the draft convention on international multimodal transport of goods in the Arab Mashreq, taking into consideration all the observations made by member countries on drafts numbers one to four and those that were agreed with the United Nations Office of Legal Affairs with respect to the fourth draft, which were reflected in the final form of the draft convention.

The final form of the draft convention is submitted for adoption to the twenty-fifth ESCWA session, together with a draft resolution concerning adoption of the convention, subsequent to which the convention will be open for signature. This document also contains a model power of attorney for signature of the convention.

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## I. INTRODUCTION

1. International transport has undergone a major transformation since the mid-twentieth century, particularly in respect of the increased use of containers transported by lorry, train, ship and airplane, making the international multimodal transport of goods one of the most important components in the flow of trade between the countries of the world.
2. For more than 30 years, the United Nations has therefore attached the greatest importance to the formulation of an international convention to regulate the operation and responsibilities of the international multimodal transport of goods. However, no such convention has as yet been concluded and negotiations in that regard are continuing at the United Nations Commission on International Trade Law (UNCITRAL). In a study which the Economic and Social Commission for Western Asia (ESCWA) prepared in 2000<sup>1</sup> on facilitation of the international transport of goods in the ESCWA region, it recommended that a multimodal system for the transport of goods should be adopted in the region.
3. Subsequently and, in particular, since the early 1990s, laws have been promulgated and agreements regulating international multimodal transport have been signed by several countries and regional blocs, including Germany, India, Tunisia, the Andean Group, the Southern Common Market (MERCOSUR) and the Association of Southeast Asian Nations (ASEAN).

## II. STAGES INVOLVED IN THE PREPARATION OF THE DRAFT CONVENTION ON INTERNATIONAL MULTIMODAL TRANSPORT OF GOODS IN THE ARAB MASHREQ

4. On the basis of an understanding between ESCWA and Jordan, and pursuant to the recommendations made by ESCWA in 2000, which are referred to in paragraph 2 above, ESCWA prepared a draft regional convention on international multimodal transport to cover its member countries, along the lines of the Jordanian bill on the international multimodal transport of goods that was prepared by ESCWA at the request of and in cooperation with the relevant Jordanian technical authorities. That convention may be expanded in the future to cover all Arab countries, as has been the case with previous ESCWA agreements concerning roads, railways and maritime transport.
5. The second extended conference of the specialized Arab Unions on the role of multimodal transport in the development of intra-Arab trade, which was held in Cairo on 22 May 2006, recommended that ESCWA should be invited to provide Arab countries with technical support in preparing national bills on multimodal transport.
6. On the basis of the foregoing, in February 2007, the ESCWA Transport Team prepared the first version of the draft convention on international multimodal transport of goods in the Arab Mashreq, guided by the above-mentioned draft Jordanian law and previous ESCWA agreements. That first version was submitted to the Committee on Transport at its eighth session, which was held in Beirut from 27 to 29 March 2007, for discussion and comment. The Committee recommended that the secretariat should be requested to send at the earliest possible opportunity the first version of the draft convention to member countries for their consideration. Any comments should be addressed to ESCWA in writing. The Committee also recommended that ESCWA should take into consideration any observations made by member countries and prepare the second version of the convention for discussion at the technical level at the expert group meeting which was held from 4 to 6 September 2007 and attended by experts from member countries, relevant regional and international organizations and the private sector.

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<sup>1</sup> ESCWA, Facilitation of the international transport of goods in the ESCWA region: E/ESCWA/TRANS/2000/4, E/ESCWA/TRANS/2000/4/Add.1, E/ESCWA/TRANS/2000/4/Add.2, E/ESCWA/TRANS/2000/4/Add.3, E/ESCWA/TRANS/2000/4/Add.4 and E/ESCWA/TRANS/2000/4/Add.5, all Arabic only.

7. The first version was sent out to member countries on **29 March 2007**, and observations thereon were received from Bahrain on **25 March 2007** [sic]; Egypt on 28 June 2007; Iraq on 23 July 2007; Jordan on 15 May 2007; Lebanon on 23 August 2007; Oman on 3 September 2007; Qatar on 25 June 2007; the Syrian Arab Republic on 8 July 2007; the United Arab Emirates on 6 September 2007; and Yemen on 6 September 2007.

8. On 1 August 2007, ESCWA began preparation of the second version, taking into consideration all the observations that had been received to that date.

9. An expert group meeting on the international multimodal transport of goods in the ESCWA region was held in Cairo from 4 to 6 September 2007 and the second draft of the convention was discussed in detail over the three days. Participants made the following recommendations:

(a) The endeavours exerted by the ESCWA Transport Team and experts in preparing the first and second versions of the draft convention and conducting a useful meeting were commended. All articles of the convention were reviewed and discussed in detail and due consideration was given to the observations of member countries, Arab unions and organizations, experts and consultants. Responses were given to all queries. Participants underlined the need to complete implementation of the recommendations made by the Committee on Transport at its eighth session concerning the draft convention and, in particular, the request to the Transport Team to prepare and send to member countries the final version of the draft convention before submitting it for approval to the ninth session of the Committee on Transport which took place from 26 to 28 February 2008, in preparation for its adoption at the ministerial level and signature at the twenty-fifth ESCWA session;

(b) Participants requested ESCWA to address the General Secretariat of the League of Arab States at the earliest possible opportunity and send a copy of that communication to all member countries and the relevant Arab unions and organizations. Member countries were also urged to inform the League, if they wished, of the efforts that had been exerted by ESCWA and the progress made in studying, preparing and discussing the draft convention, including the recommendation made in paragraph 9(a) above, and the outcome that may be expected in the near future with respect to the adoption of the final version of the draft convention. It is hoped that a decision will be taken by the Council of Arab Ministers of Transport to support ESCWA and member country efforts and extend the scope of the convention to include all Arab countries. Previous Council decisions welcomed earlier ESCWA achievements related to the Integrated Transport System in the Arab Mashreq (ITSAM) Framework, the Agreement on International Roads in the Arab Mashreq, the Agreement on International Railways in the Arab Mashreq, the Memorandum of Understanding on Cooperation in the Field of Maritime Transport in the Arab Mashreq, and the formation of national committees for the facilitation of trade and transport.

10. On 25 September 2007, ESCWA prepared the third version of the draft convention, taking into consideration all the observations that had been made by member countries on the first and second versions, the detailed discussion of the second version at the expert group meeting on the international multimodal transport of goods in the ESCWA region and all the comments and written and oral observations that had been made before, during and after that meeting and up to the time when the third version was prepared.

11. The third version was submitted for approval to the Committee on Transport at its ninth session, which was held in Beirut from 26 to 28 February 2008. It was exhaustively discussed and amendments were made.

**III. RECOMMENDATIONS CONCERNING THE DRAFT CONVENTION ON  
INTERNATIONAL MULTIMODAL TRANSPORT OF GOODS  
IN THE ARAB MASHREQ MADE BY THE COMMITTEE  
ON TRANSPORT AT ITS NINTH SESSION**

12. At its ninth session,<sup>2</sup> the Committee on Transport made a set of recommendations concerning the draft convention, the most important of which are set forth below:

13. Member countries should be requested to review the fourth version of the draft convention and inform ESCWA by 25 March 2008 at the latest of their views on the amendments that were made thereto. Should no comments have been received by that date, the convention will be considered as having been adopted by the Committee on Transport at its ninth session, on the understanding that any amendments considered necessary by the United Nations Office of Legal Affairs will be made.

14. The secretariat should be requested to send the final version to the ministers of transport and communications of member countries, so that they may make the necessary arrangements with respect to powers of attorney for signature of the convention and adoption at the twenty-fifth ESCWA session, which is scheduled to be held in Sana'a from 26 to 29 May 2008 (see annex I of this report for the model power of attorney used by the United Nations).

15. The secretariat should be requested to submit for adoption to the twenty-fifth ESCWA session the draft resolution<sup>3</sup> concerning adoption of the draft convention on international multimodal transport of goods in the Arab Mashreq.

16. The secretariat should be requested to send the final, adopted version of the convention to the General Secretariat of the League of Arab States for submission to the Council of Arab Ministers of Transport and consideration of the possibility of extending it to include all Arab countries. Since 2002, the Council has welcomed ESCWA achievements related to the ITSAM Framework, the agreements on roads, railways and maritime transport mentioned in paragraph 9 above, and the formation of national committees for the facilitation of trade and transport.

17. Once the convention has entered into force, Arab countries non-members of ESCWA should be encouraged to become parties thereto.

**IV. FINAL VERSION OF THE DRAFT CONVENTION ON INTERNATIONAL  
MULTIMODAL TRANSPORT OF GOODS IN THE ARAB MASHREQ**

18. No additional observations had been received by ESCWA from member countries as of 25 March 2008, the cut-off date agreed. Observations were received after that date and member countries were consulted thereon. It was agreed with the United Nations Office of Legal Affairs that article fifty-two, concerning termination, should be amended. A paragraph should be inserted stating that the convention will be terminated upon the entry into force of the convention on the [whole or partial] transport of goods [by sea] that is currently being negotiated at UNCITRAL. In that event, a transitional period will be granted during which parties to the convention on international multimodal transport of goods in the Arab Mashreq can make their positions consistent with the requirements for acceding to the convention on the [whole or partial] transport of goods [by sea].

19. On the basis of the foregoing, ESCWA prepared the draft convention on international multimodal transport of goods in the Arab Mashreq that is submitted to the twenty-fifth ESCWA session in the provisional form in which it appears in E/ESCWA/EDGD/2008/3 (Arabic, English and French) for adoption and signature in accordance with United Nations practice.

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<sup>2</sup> ESCWA, Report of the Committee on Transport on its ninth session, E/ESCWA/GRID/2008/IG.1/6.

<sup>3</sup> See annex II.

Annex I

**Model power of attorney for signature**

**(to be signed by the Head of State, the Head of Government or the Minister for Foreign Affairs)**

**Power of attorney**

We [name and position: Minister for Foreign Affairs or Head of State or Head of Government]

Hereby empower [name and position of person empowered to sign], on behalf of the Government of [name of country], to append a signature that requires ratification\* to the convention on international multimodal transport of goods in the Arab Mashreq, that will be adopted and opened for signature during the twenty-fifth ESCWA session, which is scheduled to be held in Sana'a from 26 to 29 May 2008.

DONE at [place] on [date]

[Signature of Minister for Foreign Affairs or the Head of State or the Head of Government]\*\*

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\* The signature appended may be definitive, requiring no ratification. If that is the case, it should be clearly stated and the phrase "signature that requires ratification" should be replaced by "definitive signature that requires no ratification".

\*\* The only persons who have the authority to delegate the right to signature are the Head of State, the Head of Government or the Minister for Foreign Affairs (not the Minister of State for Foreign Affairs).

Annex II

**Draft resolution**

**Adoption of the convention on international multimodal transport of goods in the Arab Mashreq**

**(Prepared by the Committee on Transport at its ninth session for submission to the twenty-fifth ESCWA session)**

The Economic and Social Commission for Western Asia,

*Recalling* that for more than 30 years, the United Nations has attached the greatest importance to the formulation of an international convention to regulate international multimodal transport of goods operations, and that negotiations in that regard are continuing at the United Nations Commission on International Trade Law;

*Recalling also* the recommendations made in the study prepared in 2000 by the Economic and Social Commission for Western Asia (ESCWA) on the facilitation of the international transport of goods in the ESCWA region,<sup>1</sup> which included a recommendation that a multimodal system for the international transport of goods should be adopted in the region,

*Further recalling* that laws have been promulgated and agreements regulating international multimodal transport have been signed by several countries and regional blocs, including Germany, India, Tunisia, the Andean Group, the Southern Common Market (MERCOSUR) and the Association of Southeast Asian Nations (ASEAN),

*Noting with satisfaction* the measures that were taken in 2006 and 2007 by Jordan, with ESCWA technical support, to prepare a draft law on the international multimodal transport of goods in Jordan and the draft regulations for implementation,

*Affirming* the important need to regulate international multimodal transport of goods operations in the countries of the region and determine the legal responsibilities of freight shippers, agents and recipients of the relevant goods, thereby increasing the competitiveness of those countries and developing their mutual and international trade in the global economic market,

*Recognizing* that the principal goal of the convention on the international multimodal transport of goods in the Arab Mashreq is to boost economic development in the countries of that region and contribute to the realization of regional integration,

*Affirming* the recommendations made at the eighth and ninth sessions of the Committee on Transport, which were held in Beirut from 27 to 29 March 2007<sup>2</sup> and 26 to 28 February 2008,<sup>3</sup> respectively, and at the expert group meeting on the international multimodal transport of goods in the ESCWA region, which was held in Cairo from 4 to 6 September 2007,<sup>4</sup> with respect to the convention on international multimodal transport of goods in the Arab Mashreq,

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<sup>1</sup> ESCWA, Facilitation of the international transport of goods in the ESCWA region: E/ESCWA/TRANS/2000/4; E/ESCWA/TRANS/2000/4/Add.1, E/ESCWA/TRANS/2000/4/Add.2, E/ESCWA/TRANS/2000/4/Add.3, E/ESCWA/TRANS/2000/4/Add.4 and E/ESCWA/TRANS/2000/4/Add.5, all Arabic only.

<sup>2</sup> ESCWA, Report of the Committee on Transport on its eighth session, E/ESCWA/GRID/2007/IG.1/5.

<sup>3</sup> ESCWA, Report of the Committee on Transport on its ninth session, E/ESCWA/GRID/2008/IG.1/6.

<sup>4</sup> ESCWA, Report of the expert group meeting on the international multimodal transport of goods in the ESCWA region, E/ESCWA/GRID/2007/7.

1. Adopts the convention on international multimodal transport of goods in the Arab Mashreq;<sup>5</sup>
2. Urges member countries to take at the earliest possible opportunity the steps necessary for signature and ratification of the convention in accordance with the usual United Nations practice;
3. Also urges member countries to do whatever is necessary to complete the development of international multimodal transport systems, including infrastructure, operational processes, management, laws, systems, regulations, permits and the regulatory structures necessary to contribute to facilitating international transport between the countries of the region;
4. Requests the secretariat to continue to provide technical support to member countries and all the relevant parties in the implementation of the convention and completion of the development of the integrated national and interregional international multimodal transport of goods;
5. Also requests the secretariat to follow up implementation of this resolution and present a periodic report to the Committee on Transport on the progress made in that regard.

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<sup>5</sup> The adopted version of the convention is set forth in E/ESCWA/EDGD/2008/3.