
Economic and Social Commission for Asia and the Pacific
Working Group on Dry Ports

2nd meeting

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Item 6 of the provisional agenda*

**Policies and issues relating to the development of dry ports
of international importance**

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Note by the secretariat

Summary

The planning and operationalization of international intermodal transport corridors appear to offer a new approach to the delivery of regional transport projects that can enhance the region's economic vitality, address its mobility requirements for people and goods, bring hinterland areas into mainstream economic development and minimize the environmental impact of the transport sector. However, these corridors are characterized by a high number of interfaces. Ensuring that these corridors deliver a high level of performance requires that these interfaces be managed efficiently at strategically located sites that serve as crossover points where freight can switch modes without delays or damage, regulations and procedures can be speedily and efficiently processed, and associated services can be delivered. Intermodal facilities such as dry ports are designed to fulfil these functions. However, dry ports will be successfully developed and operationalized only if a number of technical and institutional issues are addressed. The present document cannot realistically deal with all these issues. It tries to suggest a number of specific policy initiatives that Governments of the region may consider as part of their efforts to create conditions favourable to the establishment of dry ports.

I. Introduction

1. The Economic and Social Commission for Asia and the Pacific (ESCAP) has played a major role in bringing about a new approach by member States to include an international dimension in the planning of their transport infrastructure. This joint effort has led to the successful definition and formalization of the Asian Highway and Trans-Asian Railway networks, as well as the identification of a set of dry ports of international importance to facilitate the operationalization of the two networks and their integration with other modes.

2. The initiatives implemented under these programmes have enabled the region to accommodate increasing volumes of international trade on mostly existing infrastructure and have constituted a first effort towards aggregating

* E/ESCAP/DP/WG(2)/L.1.

disparate infrastructure systems into a common regional network that is best able to serve the region's economic integration, strengthen its future economic growth and facilitate the exchange of goods and services.

3. The Ministerial Conference on Transport held in Moscow in December 2016 stressed the key role of transport in implementing the 2030 Agenda for Sustainable Development in light of its particular functions to provide people, industry and agriculture access to economic and social opportunities and combat climate change. It considered transport as an enabler to achieve the Sustainable Development Goals and, in this regard, reiterated the importance of integrated intermodal transport systems for achieving sustainable transport connectivity in the region.

4. The Conference also noted with satisfaction that many member countries had accorded priority to the development of the Asian Highway network, the Trans-Asian Railway network and the network of dry ports to improve national and regional connectivity. It also acknowledged the ongoing work of the secretariat in the fields of standard setting and promoting innovative new technologies for further development of the Asian Highway network, the Trans-Asian Railway network and the network of dry ports of international importance.

5. Finally, the Conference recommended that, in the implementation of the Regional Action Programme for Sustainable Transport Connectivity in Asia and the Pacific, phase I (2017-2021), priority should be accorded to, among others, (a) comprehensive corridor plans and connections between national transport infrastructure development plans and (b) harmonization of construction standards, technical norms of transport means, transport policies and regulations on the basis of the Intergovernmental Agreement on the Asian Highway Network, the Intergovernmental Agreement on the Trans-Asian Railway Network and the Intergovernmental Agreement on Dry Ports.

6. As a link in the transportation chain, dry ports have proven to have a positive effect on the efficiency of the transport and logistics chain. Well-managed dry ports, particularly those located at a significant distance from a seaport, help reduce transportation costs and total transit time. This feature is particularly important for the ESCAP region, which has vast hinterland areas and 12 of the world's 30 landlocked countries. Where they have been successfully established, dry ports have increased logistics efficiency and allowed a modal shift from roads onto rail or inland waterways, thereby supporting policies aiming to reduce carbon emissions within the logistics chain. At the same time, a number of dry ports have provided valuable space for a range of value-adding logistics services, allowing some of them to turn into large logistics parks or become the nucleus for special economic zones.

7. Given the positive effects listed above and recognizing the potential of efficient logistics for continued trade growth, one may wonder why the concept of dry ports has not been more widely applied and why successful experiences have so far remained limited. However, most encouragingly, member countries across the region now rank the development of dry ports at the highest level among their transport priorities.

8. The present short document cannot realistically deal with all issues relating to the development and operation of dry ports. It tries to suggest a number of specific policy initiatives that Governments of the region may consider as part of their efforts to create conditions favourable to the establishment of dry ports. These initiatives are essentially of two types: (a) initiatives to encourage private sector participation in the financing,

ownership and operation of such facilities, and (b) initiatives needed to remove institutional barriers to the successful operation of modal interchange facilities at inland locations, including capacity-building. The document should be read in conjunction with document E/ESCAP/DP/WG(2)/4, entitled “Regional framework for the planning, design, development and operation of dry ports of international importance” prepared for the 2nd meeting of the Working Group and previous ESCAP studies such as the 2016 study entitled “Planning, development and operation of dry ports of international importance”.¹ The various reports and studies referenced in this document also provide useful guidance.

II. Decisions and recommendations of legislative bodies

9. Since the Intergovernmental Agreement on Dry Ports entered into force on 23 April 2016, issues related to their development and operation have continued to receive high priority at high-level legislative meetings, as summarized in the annex to the present document. In addition, related issues have been discussed with member States and development partners at recent meetings or events that were organized by ESCAP or other development partners such as: (a) by ESCAP: the Regional Conference/Forum for Logistics Service Providers (Jakarta, 23 June 2016), the Expert Group Meeting on Development of Integrated Intermodal Transport Systems (Bangkok, 1 and 2 June 2017), the Expert Group Meeting on the Draft Regional Framework for the Development of Dry Ports of International Importance (Bangkok, 6 and 7 June 2017); and (b) by the following development partner: World Congress of the International Federation of Freight Forwarders Associations (Kuala Lumpur, 4-8 October 2017).

10. Meanwhile, most recent legislative meetings included the seventy-second session of the Commission (Bangkok, 15-19 May 2016), the third session of the Ministerial Conference on Transport (Moscow, 5-9 December 2016) and the seventy-third session of the Commission (Bangkok, 15-19 May 2017). These meetings highlighted the role of dry ports in promoting integrated intermodal/multimodal transport systems that fully utilize the comparative advantages of different modes of transport in order to ensure safe, efficient, economical, competitive, socially inclusive and environmentally sound transport infrastructure and services as a means to achieving sustainable development. Selected relevant excerpts from the reports of those legislative meetings are contained in the annex to the present document.

III. Policy initiatives to assist the development of dry ports

A. Initiatives to encourage private sector participation in the financing, ownership and operation of dry ports

11. Studies on intermodal facilities in general have always highlighted the fact that large inland freight handling facilities are both land and capital intensive, requiring in some cases substantial amounts of debt-to-service loans for investment in these facilities.

12. One of the major cost items that can be expected to inflate the overall financial burden on prospective private investors is the purchase price of land. Land is one of the factors of production within the power of Governments to control. In the case of land allocation for intermodal facilities, Governments

¹ Available from www.unescap.org/resources/study-planning-development-and-operation-dry-ports-international-importance.

have several options available to them to soften the impact of expensive land acquisition and development on potential private investors. These include:

(a) The transfer, free of charge, of government-owned land to private partners or operating concessionaires in exchange for a share of the operating profits of the terminal;

(b) As a variation of (a), Governments could agree, as part of their contribution to public-private partnerships or operating concession arrangements, to finance the entire infrastructure development cost of the project;

(c) The waiver of statutory taxes and charges on the purchase of brownfield sites for development as inland freight handling facilities;

(d) The granting of tax holidays (especially in relation to business taxes) for some pre-agreed period up until which the terminal can be expected to generate sufficient net revenue to cover debt service and some reasonable return on investment.

13. While government assistance for infrastructure financing now appears to be a commonly applied strategy for the development of intermodal facilities in the region, the extent of this assistance very much depends upon the risk exposure that Governments are prepared to accept.

14. If they wish to minimize their risk exposure, they will generally enter into build-operate-transfer-type contracts with private developers, in which their contribution will be limited to the provision of land and/or basic road and rail accesses to terminals. Such an approach was used in the case of the development of the Uiwang ICD, near Seoul, Republic of Korea, and is also being applied in Bangladesh. On the other hand, if they are prepared to accept a greater exposure to risk, they will tend to conclude operating agreements or other types of public-private partnership contracts with private developers and/or logistics operators. The development of the Lat Krabang ICD near Bangkok is an example of the latter approach. In this case, the Royal Thai Government, through the State Railway of Thailand, provided the land and all of the infrastructure (including rail and road accesses and buildings) for operation under concession contracts by six independent logistics providers. For their part, the six operating concessionaires were required to provide cargo handling equipment for their terminals and to pay a concession fee to the Government over the term of their operating concessions.

15. Options (c) and (d) represent the most risk-free forms of government assistance for the development of intermodal facilities. Encouragement by Governments for intermodal terminal developers to convert already developed land from other (mainly industrial) uses is an approach that has been applied successfully in the United Kingdom of Great Britain and Northern Ireland and in some other European countries. The conversion, by Powergen, of the site of a decommissioned thermal power station at Hams Hall (between Birmingham and Nuneaton) for the operation of a strategic rail freight interchange is a case in point. This is an approach that might usefully be considered for application in the ESCAP region and indeed is likely to be beneficial in cases where intermodal facilities are to be located on the outskirts of densely populated and heavily industrialized cities, such as may be the case in China or India.

B. Initiatives to remove institutional barriers to the successful operation of dry ports

16. If intermodal facilities in general, and dry ports in particular, are to operate effectively, especially if they are located in inland areas at a

considerable distance from seaports, they will require reliable and frequent mainline transport services to/from other cargo-generating and trans-shipment locations. This in turn implies that:

(a) These facilities have the full-time presence of inspection staff from customs and other government agencies (for example, border security, agriculture and quarantine) with a role in trade inspection and clearance;

(b) Trade consignments dispatched from these facilities are authorized to proceed to their final destinations without interruption for inspection at en route locations (including at borders), other than for minimal inspection of customs seals and trade/transit documentation.

17. In the interests of making the most efficient use of the facilities and minimizing supply chain costs, it is also highly desirable that cargo inspection practices should not unduly delay consignments in container yards, break-bulk/bulk open storage areas, or in warehouses. Governments of the region will have a particularly important role in ensuring greater efficiency in the transaction of customs and other border crossing formalities.

18. A good example of what can be achieved in terms of minimizing delays to trade consignments is to be found in the Malaysia to Thailand container rail land-bridging services operated between Port Klang and Bangkok (Lat Krabang). Under arrangements concluded between the private sector operators of these services and the railway and customs authorities of both countries, containers moved on these services are rarely detained for inspection at the Padang Besar border and only for checking of container seals that have been affixed at the originating terminal. Under these arrangements, border inspection procedures, if they have to be carried out at all, are made more efficient by the fact that the customs authorities of both countries operate from a single inspection point in the Padang Besar yard.

C. The broad agenda for the development of dry ports

19. Growth in the global economy over the past two decades, increased manufacturing and agricultural production, and new marketing techniques creating more demand have all increased the need for efficient transport infrastructure and services. These services are important because industry is now located worldwide and requires frequent shipments, precise scheduling and specific logistics to bring components together for assembly and deliver finished products where they are wanted.

20. In this context, inland intermodal facilities or dry ports are attracting attention because of the potential that they offer to improve transport efficiency and meet supply chain requirements by grouping access to highways and railways together with customs processing, warehousing, consolidation and distribution, manufacturing and clustering of economic activities. Surveys of firms in the manufacturing and trading sector always indicate that the quality of infrastructure and the clustering of economic activities are important factors in their expansion plans. The meaning of this is that countries with adequate transport and logistics will always attract higher volumes of foreign direct investment.

21. This shows that expansion of the transport sector through the establishment of intermodal facilities such as dry ports is no longer a predominantly national issue under the exclusive authority of Governments but a wide-ranging effort that requires coordination within a wider international framework and involves a greater number of stakeholders in both the public

and private sectors. As a result, the planning of intermodal facilities has become more complex, and the policies relating to their operation are under the scrutiny of investors who will decide whether to invest in or ignore a particular project and industry, which will decide whether to use or bypass a certain site.

22. In its *Connecting to Compete* report issued in 2016, the World Bank notes that improving logistics performance is a complex, unfinished, cross-cutting and evolving agenda and that any effective action in logistics policies should be the result of coordinated efforts between the private and public sectors.² Therefore, reforms aimed at improving logistics should follow an integrated approach, focusing on the interaction between infrastructure and public and private services, addressing coordination failures and identifying constituencies best able to carry forward the reform agenda.

D. Capacity-building and the development and operation of dry ports

23. In the above-mentioned report, the World Bank states that “transporting, storing, and handling goods are labor-intensive activities and, therefore, the availability of skilled logistics staff is an important determinant of supply chain performance”. In this regard, a joint study by the Bank and the Kühne Logistics University found that in both developed and developing countries qualified staff were scarce in the following four groups of logistics personnel:

- (a) Operations staff such as truck drivers or warehouse pickers;
- (b) Administrative staff such as traffic planners, expeditors or warehouse clerks;
- (c) Logistics supervisors such as warehouse shift leaders or traffic controllers;
- (d) Logistics managers such as those responsible for transport, warehousing operations or supply chain management.

24. An important reason behind this, the report finds, is that training does not receive the attention it should and that, with the exception of a few countries, logistics training is often limited to short-term, on-the-job training, characterized by small training budgets, few sources of expertise, and low quality in the educational experience.³

25. The Economic and Social Council defines capacity development as the process by which individuals, organizations, institutions and societies develop abilities to perform functions, solve problems and set and achieve objectives. It needs to be addressed at three interrelated levels: individual, institutional and societal. The Council further observes that a fundamental goal of capacity-building is to enhance the ability to evaluate and address the crucial questions related to policy choices and modes of implementation among development options, based on an understanding of environment potentials and limits, and of needs perceived.⁴

26. The above is echoed by the United Nations Development Programme (UNDP), which defines capacity development as the process through which individuals, organizations and societies obtain, strengthen and maintain the

² World Bank, *Connecting to Compete 2016: Trade Logistics in the Global Economy* (Washington, D.C., 2016), p. iii.

³ *Ibid.*, pp. 33 and 34.

⁴ E/C.16/2006/4, paras. 33-35.

capabilities to set and achieve their own development objectives over time. In its approach, UNDP clearly embeds the needs of individuals within the wider efficiency goals of the organization in which they perform. It sees training, as an integral part of a comprehensive programme addressing capacity issues, on how to use the most readily available technology best suited to the organization's goals embedded in a personnel development plan; with built-in incentives to apply the new skills; empowering and enabling trainees to train others in using the technology; clearly articulating the benefits to personnel development and the linkage of personal performance to team performance and overall organizational efficiency and ability to fulfill its mandate.

27. Similar to the Economic and Social Council, UNDP identifies three points where capacity is grown and nurtured, and that influence each other, namely, in an enabling environment, in organizations and within individuals, which it defines as follows:

(a) The enabling environment is the broad social system within which people and organizations function. It includes all the rules, laws, policies, power relations and social norms that govern civic engagement. It is the enabling environment that sets the overall scope for capacity development;

(b) The organizational level refers to the internal structure, policies and procedures that determine an organization's effectiveness. It is here that the benefits of the enabling environment are put into action and a collection of individuals come together. The better resourced and aligned these elements are, the greater the potential for growing capacity;

(c) At the individual level are the skills, experience and knowledge that allow each person to perform. Some of these are acquired formally, through education and training, while others come informally, through doing and observing.

28. The above highlights that capacity-building is very much a multi-stakeholder issue that needs to address a number of elements which UNDP identifies as a five-step cycle comprising of: (a) engaging stakeholders, (b) assessing capacity assets and needs, (c) formulating a capacity-development programme, (d) implementing a capacity-development response, and (e) assessing capacity development.⁵

29. Recognizing that a lack of capacity has imposed serious limitations on the development of logistics in the region, including a sound approach to the development of intermodal facilities such as dry ports, ESCAP has already put together training packages and organized training activities and received a request from member States to organize national seminars/workshops for capacity-building in logistics, and bringing assistance in elaborating comprehensive transport policies.

E. Coordinating dry port development

30. In many of its interventions on the subject of logistics and intermodal transport, ESCAP has often recommended establishing a specific development agency/body in charge of overseeing all related matters across existing ministries and all entities, whether public or private.

31. The complexity of modern supply chains and the multiplicity of actors with different interests make such an agency an essential prerequisite to developing efficient intermodal transport. Indeed, the issues of one sector have

⁵ UNDP, *Capacity Development: A UNDP Primer* (New York, 2009).

such spillover effects on the issues of another that considering them separately would not unlock the logistics and trade potential of the region. Countries that have been successful in introducing far-reaching changes have been those combining regulatory reform with investment planning, inter-agency coordination and incentives for operators.

32. An important function of this agency would be to offer leadership in response to national and international developments influencing the industry. Additionally, it would promote policy consistency and coordination between different stakeholders in the logistics system. Key areas of work for the agency would include the development of logistics facilities, the definition of measures to promote the development of the logistics industry, initiatives for enhancing the efficiency of the logistics system and assessment of capacity needs in terms of human resources development.

33. Given the nature of intermodal transport, this agency should ideally involve all the public and private entities that have a stake in the development of logistics in all its aspects. On the public sector side, this would include transport, trade, customs, information and communication, industry, finance and health. On the private sector side, it would include logistics associations, chambers of commerce, logistics providers and private transport operators.

34. In the Republic of Korea, the Framework Act on Logistics Policies established a National Logistics Policy Planning Committee under the authority of the Ministry of Land, Infrastructure and Transport.

35. Chaired by the Minister, the Committee deliberates on matters concerning national logistics policies. It consists of high-ranking representatives of several government agencies, reflecting the range of actors relevant to the logistics industry, namely: the Ministry of Strategy and Finance; the Ministry of Education, Science and Technology; the Ministry of Foreign Affairs and Trade; the Ministry for Food, Agriculture, Forestry and Fisheries; the Ministry of Knowledge Economy; the Ministry of Labour; the Ministry of Land, Infrastructure and Transport; the Korea Customs Service; and the Small and Medium Business Administration. In addition, up to 10 persons with specialized knowledge and substantial experience can be appointed by the chair to sit on the Committee. For investigations on specific matters, external expert advisors can be used by the Committee.

36. The Committee has three technical subcommittees on: (a) logistics policies, (b) logistics facilities, and (c) international logistics. The subcommittees carry out preliminary research on matters to be discussed by the Committee according to their focus. In addition, the Committee can request the subcommittees to consider particular topics. The Act also delegates some responsibilities directly to the subcommittees.⁶

37. A broad look across the region shows that countries that are successfully embracing logistics development present two common features, namely, (a) they have established a dedicated agency to coordinate all issues and, most importantly, (b) these dedicated agencies are all placed under the direct authority of a top-level official of ministerial rank.

⁶ Available from www.unescap.org/sites/default/files/Logistics_policy_fulltext.pdf.

IV. Issues for consideration by the Working Group

38. The Working Group on Dry Ports is invited to review the present document and to consider the above-mentioned policy issues. The Working Group may also wish to encourage all member States to become parties to the Intergovernmental Agreement on Dry Ports, expedite plans to further modernize or build the dry ports listed in annex I to the Agreement, and communicate to the secretariat related projects with estimated costs and a projected time frame for completion. Finally, the Working Group may wish to provide guidance to the secretariat on the areas where it feels the secretariat may be most useful in promoting dry port development in the region.

Annex

Excerpts from the reports of legislative meetings related to the development of dry ports

<i>Legislative meeting</i>	<i>Decisions and recommendations</i>
Commission, seventy-second session, Bangkok, 15 to 19 May 2016	<ul style="list-style-type: none"> • The Commission stressed the importance of effective regional transport connectivity with unhindered access to seaports through the removal of obstructions at border crossings and requested the secretariat to continue providing assistance on knowledge-sharing and capacity-building to promote the delivery of effective regional transport connectivity.^a • The Commission recognized that regional integration and economic development required efficient transport networks, and that efficient transport connectivity was important for the future economic development of the Asia-Pacific region.^b • The Commission also recognized that transport was a core instrument in achieving the Sustainable Development Goals and, accordingly, transport systems needed to be aligned with the Sustainable Development Goals to provide access to the market, reduce transport costs and achieve sustainable growth, notably for landlocked and small island developing countries.^c • The Commission stressed the importance of integrated intermodal/multimodal transport systems that fully utilized the comparative advantages of different modes of transport in order to ensure safe, efficient, economical, competitive, socially inclusive and environmentally sound transport infrastructure and services as a means to achieving sustainable development.^d • The Commission noted the requests to the secretariat to continue its assistance to members and associate members in the areas of: (a) development of regional transport networks with an emphasis on comprehensive infrastructure planning for multimodal transport and logistics; (b) development of regional and interregional transport corridors; (c) harmonization of multilateral and bilateral transport agreements and regulations; (d) simplification of cross-border documents and formalities; (e) reduction of transportation costs for landlocked countries.^e • At its 6th plenary meeting, on 19 May, the Commission adopted resolution 72/5 on strengthening regional cooperation on transport connectivity for sustainable development in Asia and the Pacific.^f
Ministerial Conference on Transport, third session, Moscow, 5 to 9 December 2016	<ul style="list-style-type: none"> • The Conference reiterated the importance of integrated intermodal transport systems for achieving sustainable transport connectivity in the region. In that regard, it underscored the importance of cooperation between countries in establishing and operationalizing intermodal transport corridors as a key element in the implementation of the Regional Action Programme for Sustainable Transport Connectivity in Asia and the Pacific, phase I (2017-2021).^g

*Legislative meeting**Decisions and recommendations*

Commission,
seventy-third session,
Bangkok,
15 to 19 May 2017

- The Conference recommended, in the implementation of the Regional Action Programme, that priority should be accorded to: (a) comprehensive corridor plans and connections between national transport infrastructure development plans; (b) harmonization of construction standards, technical norms of transport means, transport policies and regulations on the basis of the Intergovernmental Agreement on the Asian Highway Network, the Intergovernmental Agreement on the Trans-Asian Railway Network and the Intergovernmental Agreement on Dry Ports; and (c) development of multilateral transport facilitation agreements suitable to the region and connections between bilateral and subregional transport facilitation agreements.^h
- The Conference noted with satisfaction that many member countries had accorded priority to the development of the Asian Highway network, the Trans-Asian Railway network and the network of dry ports to improve national and regional connectivity. It acknowledged the ongoing work of the secretariat in the fields of standard setting and promoting innovative new technologies for further development of the Asian Highway network, the Trans-Asian Railway network and the network of dry ports of international importance.ⁱ
- In adopting resolution 73/2 on “Strengthening the regional mechanism for the implementation of the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014-2024”, the Commission acknowledged the contributions of regional integration frameworks, including the Intergovernmental Agreement on the Asian Highway Network, the Intergovernmental Agreement on the Trans-Asian Railway Network and the Intergovernmental Agreement on Dry Ports, in helping landlocked developing countries to overcome constraints resulting from their landlockedness.^j
- In adopting resolution 73/3 on “Advancing integrated and seamless connectivity for sustainable development in Asia and the Pacific”, the Commission also acknowledged the fundamental role of regional agreements and arrangements, including the Intergovernmental Agreement on the Asian Highway Network, the Intergovernmental Agreement on the Trans-Asian Railway Network, the Intergovernmental Agreement on Dry Ports in promoting regional connectivity, and invited member States that have not yet done so to consider the possibility of becoming parties to those Agreements.^k
- The Commission recognized the priority accorded to transport by Asian and Pacific Governments and its member States’ commitment to regional cooperation for the development of transport connectivity, including through projects supported by the secretariat, such as the Asian Highway network, the Trans-Asian Railway network and the network of dry ports, as well as maritime connectivity and transport facilitation.^l
- The Commission recognized the important role of the secretariat in promoting and improving regional transport connectivity and stressed that the Asian Highway network, the Trans-Asian Railway network and the network of dry ports of international importance were providing a platform to advance the connectivity agenda and facilitate the emergence of an integrated transport system covering the region.^m

Legislative meeting

Decisions and recommendations

- The Commission recognized the significant role of the Intergovernmental Agreement on Dry Ports in facilitating the efficient movement of trade across borders and noted that member States had used the Agreement to identify dry ports of international importance earmarked for development. In that regard, the Commission noted the request that the secretariat share best practices related to the development and operation of dry ports through the organization of capacity-building activities.ⁿ
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^a E/ESCAP/72/34, para. 10.

^b Ibid., para. 65.

^c Ibid., para. 66.

^d Ibid., para. 67.

^e Ibid., para. 74.

^f Ibid., para. 80.

^g E/ESCAP/MCT(3)/12, para. 6.

^h Ibid., para. 7.

ⁱ Ibid., para. 8.

^j E/ESCAP/73/40, p. 5.

^k Ibid., p. 7 and 8.

^l E/ESCAP/73/41, para. 53.

^m Ibid., para. 56.

ⁿ Ibid., para. 61.