

# PART I

# I. ORGANIZATION OF THE SEMINAR

## A. Introduction

The Regional Seminar on Liberalization of Maritime Transport Services under WTO GATS was held from 11 to 13 February 2002 in Bangkok. It was organized by the Economic and Social Commission for Asia and the Pacific (ESCAP). The project under which the Seminar was organized was funded by the Government of Japan.

## B. Attendance

The Seminar was attended by 69 participants from Bangladesh; Cambodia; China; Hong Kong, China; India; Indonesia; Japan; Malaysia; Myanmar; Pakistan; Philippines; Republic of Korea; Russian Federation; Sri Lanka; Thailand; Turkey; and Viet Nam. The meeting was also attended by the representatives from the United Nations Conference on Trade and Development (UNCTAD), the World Trade Organization (WTO), the Organization for Economic Co-operation and Development (OECD) who acted as resource persons.

## C. Seminar opening

In his opening statement, Mr. Kim Hak-Su, Executive Secretary of ESCAP stated that over 90 per cent of international world trade moves by sea, and the maritime transport industry not only provides an important service to trade, but is an important trade in service for ESCAP member countries.

He observed that countries in the ESCAP region are at different stages of economic development and the success stories in the maritime sector are not spread uniformly across the region.

He pointed out the importance of assisting countries in integrating effectively into the global economy on a fair and equitable basis and noted that the transition from a controlled trade regime to an open trade regime is by no means smooth and free of problems. Policy decisions on the scope, sequencing, timing and pace of implementation of policies are as crucial as they are complex. Following the successful Ministerial meeting in Doha, negotiations within the World Trade Organization framework on General Agreement on Trade in Services (GATS) are scheduled to take place within the next few years. These negotiations could have a substantial impact on the provision of maritime services and competition within the sector.

He stated that two divisions of the secretariat namely, Transport, Communications, Tourism and Infrastructure Development Division (TCTIDD) and the International Trade and Industry Division (ITID), in close collaboration with WTO and UNCTAD, have been implementing a project to create awareness of the possible implications of future negotiations on GATS on ESCAP member countries and to promote on exchange information and experience between countries on their preparation for GATS negotiations. The project also seeks to identify a network of institutions and focal points to support negotiating delegations to GATS.

The Executive Secretary concluded that the development of pro-active policies and active participation in the formulation of multilateral rules of the WTO, compliance with such rules and implementation require a sound understanding of the WTO architecture, its processes and the implication of further liberalization. Being the first forum of its kind where developing and developed countries in the ESCAP region could come together to discuss liberalization of maritime transport, the seminar would be a catalyst to better networking and a continuation of discussion between countries beyond this seminar. A copy of his statement is attached as *Annex I*.

Mr. Takashi Saito, Minister and Permanent Representative to ESCAP, the Japanese Embassy in Thailand delivered an opening statement on behalf of the Government of Japan. He stated that the development of Maritime Transport has contributed much to the expansion of world trade, and any restriction or barrier would block the healthy development of maritime transport and world trade.

He added that the seminar provided a very good opportunity to understand the benefits of liberalization of maritime transport services and how WTO can contribute to the issue fairly and effectively. In closing, he hoped that the understanding of participants will become deeper and the participation in the liberalization process will become more positive. A copy of his statement is attached as *Annex II*.

#### **D. Seminar programme**

The detailed programme was circulated amongst participants and is attached as *Annex III*.

## **II. PROCEEDINGS OF THE SEMINAR**

The programme of the seminar covered the following topics:

### **A. Opening session**

#### **(a) Introduction to the ESCAP activities in the transport sector (ESCAP secretariat)**

The presentation explained the geographic scope of ESCAP, the structure of the secretariat and ESCAP's role in the transport sector. Following the road map adopted at the Ministerial Conference on Infrastructure held in November 2001, the presentation dealt with the Asian Highway and Trans Asian Railway and the forecasts of container throughput and investment requirements from the policy planning models developed by ESCAP.

#### **(b) Introduction to ESCAP initiatives in trade policy (ESCAP secretariat)**

The presentation explained the technical assistance and capacity building initiatives undertaken by ESCAP in trade policy in accordance with its thematic focus of managing globalization. ESCAP secretariat assists member countries in their efforts to integrate into the international trading system in collaboration with World Trade Organization (WTO), United Nations Conference on Trade and Development (UNCTAD), International Trade Centre UNCTAD/WTO (ITC), United Nations Development Programme (UNDP), United Nations Industrial Development Organization (UNIDO), and World Intellectual Property Organization (WIPO) at the global level as well as Asian Development Bank (ADB), Association of South-East Asian Nations (ASEAN), The South Asian Association for Regional Cooperation (SAARC), Economic Cooperation Organization (ECO) and Pacific Islands Forum at the regional level.

### **B. Presentation of country reports**

Bangladesh; Cambodia; China; Hong Kong, China; India; Indonesia; Japan; Malaysia; Myanmar; Pakistan; Philippines; Republic of Korea; Sri Lanka; Thailand; Turkey; and Viet Nam presented their country reports and explained the situation in each country with respect to Liberalization of Maritime Transport Services under WTO GATS. Country reports are contained in *Part II*.

### **C. Technical presentations**

#### **(a) Overview/conceptual framework (ESCAP secretariat)**

The presentation examined the recent trends in globalization and the current liberalized environment. It discussed the need for further deregulation and liberalization, the dilemma faced by countries in addressing conflicting national interests and the prospect of reconciling the conflicts in the light of the new impetus through WTO GATS. Technical presentations are contained in *Part III*.

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**(b) *Services trade liberalization: development and regional dimensions of negotiations (ESCAP secretariat)***

The presentation dealt with the role of the service sector in the overall economy of a country, the development dimension of GATS and the evolving process of liberalization under GATS. The GATS accept that developing countries may have different development objectives from developed countries and enables countries to regulate services in pursuit of policy objectives. The GATS architecture is however very complex and its effectiveness as an instrument for trade liberalization remains to be seen.

**(c) *WTO principles, practices and processes (WTO)***

The presentation dealt with the development of WTO, the basic facts and frequently asked questions. The presentation also examined the main principles and provisions of the GATS including the articles relating to most favoured nations treatment, domestic regulation, monopolies, specific commitments and guidelines and procedures for negotiations.

**(d) *GATS and maritime transport (UNCTAD)***

The presentation examined the WTO principles and processes in the context of the global maritime environment and maritime policy developments, including policy reform. The presentation dealt with the three pillars of maritime transport under GATS and its applicability to the vertical integration of liner shipping companies, international terminal operators, freight forwarding, and agency services.

The presentation also examined the capacity of developing countries to provide maritime transport services such as ocean transport and auxiliary services, the opportunities to extend into the logistics services, and the support that countries need to implement national policies.

**(e) *Consultative process amongst member countries and OECD's position on liberalization of maritime transport services (OECD)***

The presentation identified that OECD representing 70 per cent of world trade had taken the initiative of promoting maritime liberalization through its Maritime Transport Committee (MTC). The OECD council adopted MTC Common Principles of Shipping Policy in 1986, which were reviewed and updated in 2000 and they have been applied by all members although they are not binding. They have been given effect to the following key elements:

- *Prevention*: do everything possible to prevent restrictive practices from being applied in the first place
- *Dispute Resolution*: if restrictive practices come into force use discussions and negotiations to remove them or ameliorate their effect
- *Countervailing Powers*: if nothing else works and effects are serious enough, co-ordinated countervailing action can be taken by the OECD against country concerned

Realizing the importance of non-member countries, MTC has invited broad regional and economic groups such as the Russian Federation and Newly Independent States/Central and Eastern European Countries, Dynamic Non-member Economies consisting of Argentina; Brazil; Chile; Hong Kong, China; Indonesia; Malaysia; Chinese Taipei; Philippines; Thailand; and Singapore; and also individual countries such as China; Egypt; India; Israel; and South Africa to participate.

**(f) *WTO and maritime transport (WTO)***

The treatment of maritime transport in WTO was explained under the following three topics:

(i) How it works

Participants were provided with an insight into the privileges and practices of scheduling under GATS and the preparation of offers. The presentation also dealt with the traditional classification of maritime

transport services and freight transportation, and the elaboration of the model schedule on four aspects i.e. international maritime transport, maritime auxiliary services, access to/use of port services and multimodal transport. The presentation also dealt with the form and content of an “offer” and the making of a commitment.

(ii) What it has achieved

In addition to 29 members who originally committed for liberalization, 14 members have joined the commitments during the period 1995-2002.

(iii) What it may achieve in the future

The Doha Ministerial Declaration laid out the following schedule:

- Submission of initial requests by 30 June 2002
- Submission of initial offers by 31 March 2003
- Conclusion not later than 1 January 2005

#### **D. Group activity**

Four working groups were established to undertake the group activity. Each group was provided with one issue to be addressed as follows:

##### **(a) Group I**

What are the issues countries need to take into account in the preparation of requests and offers for commitments in market access and national treatment in the GATS negotiations on maritime transport in the following areas?

- Blue water services
- Auxiliary services including port services

##### **(b) Group II**

How can countries improve the efficiency of national service providers in blue water services, and auxiliary services including port services in order to be more competitive and optimize the opportunities that come with liberalization?

##### **(c) Group III**

How can ESCAP member countries collaborate in order to prepare and participate more effectively in GATS negotiations in maritime transport services?

##### **(d) Group IV**

What can be done to improve the co-ordination/consultative process between the WTO focal point ministry, the ministry responsible for maritime transport, industry stakeholders, and academic/research institutes in order to ensure adequate information flow and to better prepare and participate more effectively in the GATS negotiations in maritime transport services?

### **III. RECOMMENDATIONS AND PARTICIPANTS' VIEWS**

Main recommendations and views arising from the deliberations at the Seminar were as follows:

1. Close cooperation and coordination is necessary among ESCAP members to develop their viewpoints and facilitate more active participation in GATS negotiations.
2. In order to cope with globalization and its impact on maritime transport, the participants recognized the importance of each country identifying comparative advantages and weaknesses. Self-identification and self-help are key to success under globalization.

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3. In order to sustain and encourage self-reliance, ESCAP member countries should have national focal points of maritime transport services negotiations. These focal points should co-ordinate at the country level, at a regional level amongst ESCAP member countries, and with the countries representative offices (missions) in Geneva. The ESCAP secretariat should request member governments to establish focal points.
4. Member countries should encourage their representatives in Geneva who participate in WTO meetings, to keep the national focal points informed of outcomes.
5. Countries in the ESCAP region should share with each other, details of their latest maritime policies.
6. It was also pointed out that there is lack of information, resources, expertise and information flow on liberalization of maritime services and GATS in the region. Measures such as establishing high-powered advisory committees, proper utilization of research facilities, technical assistance from international organizations, easy access to information, were some modalities that can be put in place.
7. Workshops and seminars should be organized by the ESCAP secretariat and member countries in order to increase the flow of latest information.
8. The WTO secretariat should arrange workshops and training programmes to develop capacity building and negotiation skills of ESCAP member countries.
9. The existing water transport website of ESCAP should be expanded to include the latest information on WTO and GATS issues in the maritime sector.
10. Research centres, private sector stakeholders, non-government organizations should be encouraged to have close co-operation, collaboration and networking arrangements.

The recommendations of each of the groups are attached as *Annex IV*.

#### IV. EVALUATION OF THE SEMINAR

An evaluation questionnaire was distributed on the last day of the seminar for completion prior to the closing session. Participants were invited to give their views and comments on the seminar, in terms of issues affecting seminar content and presentation. The result of this evaluation exercise is attached as *Annex V*.

#### V. CLOSING SESSION

In his closing statement, the Chief of the Transport, Communications Tourism and Infrastructure Development Division of ESCAP reviewed the topics covered during the three-day seminar and the

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[https://www.yunbaogao.cn/report/index/report?reportId=5\\_8456](https://www.yunbaogao.cn/report/index/report?reportId=5_8456)

