
IMMTA-News

Third Quarter 2006



The quarterly Newsletter of the International Multimodal Transport Association
– For Members only –

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Editorial

Dear readers:

Welcome to our third issue of the IMMTA Newsletter, produced in late summer in Switzerland.

The present issue features a detailed Questionnaire, developed by IMMTA's Working Group on Multimodal Transport. All IMMTA members are kindly invited to invest some time in filling out this questionnaire. Please also feel free to share the questionnaire with other interested friends and colleagues involved in multimodal transport.

Also in this issues, the announcement of the International Maritime Conciliation and Mediation initiative by our colleague José M. Alcántara, Part II of Antonio Zuidwijk's article on multimodal transport in Argentina, as well as a request for your input in the GFP's Logistics Perception Index.

Comments, suggestions, and input for the next issue should best reach me prior to the end of November.

Jan Hoffmann, Geneva, September 2006, IMMTA@JanHoffmann.info



Port of Hamburg

Message from the IMMTA President

Working Group on Multimodal Transport - Questionnaire

Dear colleagues and fellow members:

In my first message to fellow IMMTA members I raised the possibility of establishing a working group on multimodal transport with the task of investigating the current conditions under which multimodal transport is practised in various countries, covering, inter alia, institutional as well as legal and

regulatory aspects. The aim of the study would be to provide a clear picture as to the present situation and identify possible measures that IMMTA could take by way improvement.

The Working Group on Multimodal Transport has now been established with participation of five members, namely: Mr. Antonio Zuidwijk (Argentina), Ms. Isabelle Corbier (France), Ms. Ifeoma Ezedinma (Nigeria), Mr. Raffat Zaheer (Pakistan) and my-

self. Mr. Antonio Zuidwijk coordinates the work of the Group.

You are certainly well aware that multimodal transport (MT) is growing very rapidly. International transportation of goods is increasingly carried out on a door-to-door basis, involving two or more modes of transportation. It is expected that MT will dominate the future international movement of goods. While there is little information on the overall proportion of cargo carried by multiple modes, an exponential increase in containerised transport since the mid-1960s provide a significant indication, as containers are designed for door-to-door transportation by different modes.

While containerisation has been an important element for the expansion of MT, other factors are also required in order that all countries could benefit from the advantages and opportunities offered by MT. In other words, MT offers not only advantages but also a number of challenges. Indeed, proper functioning of MT requires other elements such as specialised ships and appropriate port facilities, efficient internal transport system including road, rail, air, inland waterways, as well as inland depots and custom services.

Concerning the legal framework, the cargo interests desire a simple, transparent and uniform legal regime to govern liability for loss, damage and delay arising from multimodal transportation. However, it seems to be the opinion of many operators that there is a lack of understanding of the practical problems that could arise from a uniform system. Presently there is no international uniform regime in force. The United Nations Convention on International Multimodal Transport of Goods 1980 has not received sufficient ratifications to enter into force. The UNCTAD/ICC Rules for Multimodal Transport Documents 1992 are contractual in nature and as such not an effective means of achieving international uniformity. The current legal framework consists of a patchwork of various unimodal conventions, diverse regional, subregional and national laws and

standard term contracts. As a result the applicable liability rules and the extent of a carrier's liability is unpredictable and vary significantly from case to case.

Thus, all parties interested in the proper functioning of MT, including individual governments, international community as well as transport providers and users, need to cooperate in order to create appropriate conditions to foster MT. IMMTA can also play an important role in this context.

To begin investigations concerning the current status of MT, there was a need to gather the necessary information and data. It is to this end that the WG is now canvassing your views by way of a questionnaire (attached). The outcome of the survey will be reflected in a report that will be circulated for the information of the industry. To obtain a wider view of the industry on the subject, you are kindly requested to pass on the questionnaire to other operators / traders who are involved, or in any way interested, in MT even though they are not IMMTA members.

In order to allow early completion of the study, it would be very much appreciated if you could ensure that the replies to the questionnaire are returned to Mahin Faghfour (president@immta.org) with a copy to Mr. Antonio Zuidwijk, the Coordinator of the WG on Multimodal Transport (azuidwijk@murchison.com.ar) not later 30th November 2006.

Paper copies of additional documentation and legislation should be sent to the IMMTA postal address:

IMMTA
Rue de Moillebeau 3B,
CH-1209 Geneva
Switzerland

I thank you in advance for your cooperation.

Mahin Faghfour, President, IMMTA
President@IMMTA.org

IMMTA Questionnaire on Multimodal Transport

1. Please indicate which of the following most accurately describe your company / organization that you represent

- Transport provider
- Transport user
- Intermediary (freight forwarder/agent)
- Legal adviser
- Cargo insurer
- Liability insurer
- Other (please specify)

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2. Please indicate if your professional activities – or that of your company – involve services in relation to multimodal transportation. Please specify.

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If possible please also indicate an approximate percentage.

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3. Do you offer / enter into multimodal transport (MT) contracts for international carriage of goods that provide:

- (a) for the responsibility of the contracting carrier / multimodal transport operator (MTO) throughout the entire transport even if the performance of some or all parts of the transport has been sub-contracted to others; or
- (b) permit the contracting carrier / MTO to contract out of certain parts of the transport, acting as agent only.

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4. (a) Do you offer MT services (with the MTO being responsible throughout the entire transport) irrespective of geographical place of taking in charge and delivery of the goods (i.e. on all trade routes)? In other words, does it make any difference if the point of origin or point of destination is in a developing country? Please explain.

- Yes
- No

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(b) Do you face any difficulty in obtaining MT services (with the MTO being responsible throughout the entire transport) due to the geographical place of taking in charge and delivery of the goods? If appropriate, please provide further information.

Yes

No

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5. (a) Do you offer cargo insurance from point of origin to the point of destination (warehouse to warehouse coverage) for goods carried door-to-door involving two or more modes of transport, irrespective of geographical place of taking in charge and delivery of the goods (i.e. on all trade routes)? If appropriate, please provide further information.

Yes

No

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(b) Do you face difficulties in obtaining cargo insurance from point of origin to the point of destination (warehouse to warehouse coverage) for goods carried door-to-door involving two or more modes of transport, due to the geographical place of taking in charge and delivery of the goods? If appropriate, please provide further details.

Yes

No

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6. Please indicate at what point of time, in your experience, the different modes of transport (road, rail, sea, air) involved in a particular international MT carriage are determined (Please note that many shipping companies stipulate in their Multimodal B/Ls that they consider to have ample freedom of transshipment to whatever vessel or other conveyance)

at the time of entering into the MT contract

at a later time and upon discretion of the contracting carrier/MTO

7. Which multimodal transport document do you usually use/issue/require?

FIATA FBL 1992

BIMCO's MULTIDOC 1995

Other (please specify)

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8. Please indicate if activities of the MTO are subject to specific rules and regulation under your domestic law. If so please provide a brief summary of the conditions under which an operator is permitted to act as an MTO (or please provide a copy).

- Yes
- No

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9. If your answer to question 8 is yes, please indicate if you consider that the regulation of the MTO's activities has contributed to:

- the development of multimodal transportation, or
- provided an obstacle to its development.

10. Do you have, under your domestic law, specific rules and legislation to govern liability of the MTO for loss or damage arising from multimodal transportation?

- Yes
- No

11. If your answer to question 10 is yes, please provide a copy. In case your answer is no, please specify which law governs claims arising from multimodal transportation.

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12. There is no international uniform regime in force to govern liability for loss/damage arising from MT. Instead, the current legal framework consists of various unimodal conventions, diverse regional, subregional and national laws and regulations and standard term contracts. In view of the continuing growth of MT

(a) Do you think that the existing legal framework is satisfactory?

- Yes
- No

(b) Do you think that it is cost-effective?

- Yes
- No

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13. Ideally what international legal regime would you consider to be most appropriate to govern MT?
- The MT Convention 1980,
 - Revised MT Convention 1980,
 - A convention extending the maritime liability regime to all contracts for MT involving a sea leg,
 - Status quo
 - Promote the application of the UNCTAD/ICC Rules 1992 without any convention.
14. Which of the following liability systems would you think is appropriate for MT?
- Uniform system: The same rules apply irrespective of the unimodal stage of transport where loss, damage or delay occurs.
 - Network system: Different rules apply depending on the stage of transport where loss, damage or delay occurs. There is a fall-back set of rules for cases where loss, damage or delay cannot be localized.
 - Modified system: Some rules apply irrespective of the unimodal stage of transport where loss, damage or delay occurs, but the application of other rules depend on the unimodal stage of transport where loss, damage or delay occurs.
15. Please express your view on the importance of the monetary limitation of liability of a carrier's/MTO's liability for loss, damage or delay. Do you think that an international convention governing MT should provide for:
- a reasonable monetary limits of liability, or
 - full compensation for loss/damage with no limitation of liability, or
 - full compensation for loss/damage including consequential losses, such as delay when agreed.

Please also specify if, in your view, providing for full compensation would create problems in obtaining adequate insurance cover for the cargo owner and/or the MTO.

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- 16 (a) What do you consider to be the most pressing problems of multimodal transport at the international level? And what course of action do you propose that IMMTA should take in order to improve the situation.

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(b). What are, in your view, the obstacles for further development of MT in your country:

- lack of infrastructure, including appropriate legal framework,
- lack of service providers, possibly due to lack of clear rules and regulations,
- lack of service providers, possibly due to lack of know-how of the operators.

Newsclippings

Provided by Viatcheslav Chouvalov,
Geneva, Secretariat@IMMTA.org

Trains between North and South Korea

Trains are scheduled to run on a trial basis between North and South Korea in May 2006 for the first time since 1948. If this major step succeeds, it will have an impact on railfreight traffic in the region, since this permits to extend the Trans-Siberian Line to the whole Korean Peninsula. With a trans-Korean line in place, it would no longer be necessary to ship containers to and from South Korea by sea via the Russian ports Vostochny or Nakhodka. To booster the traffic on this direction, the Russian Federation has undertaken the reconstruction of the 55 km long stretch from the Russian border to the North Korean port of Nagin, where the free trade zone is located.

Russian Railways rejoins UIC (International Union of Railways)

The latest general assembly of the UIC unanimously approved the reintegration of the Russian Railways as an active member. The Russian Railways (RZD) were one of the founders of the UIC in 1922, but then, in 1949, they withdrew from the organization. At present, the RZD operates a network of over 85,000 km, has a workforce of 1,2 million people and achieves a transport performance of 1,665 billion tkm.

Extention of the Chinese railway network

China is intended to add 100,000 km to its 75,000 km long railway network by 2020. 16,000 km of new track are planned for West China and 13,000 km will be converted from single to double-track lines and 16,000 km will be electrified. In line with new construction the impact will be put to the optimization of the infrastructure and equipment, logistics services and the use of information technology. The big role in this construction and improvement will be played by the foreign investors.



In the port of Guayaquil

International Maritime Conciliation and Mediation

Conscious of a worldwide situation of escalating and costly disputes and with a specific concern over our shipping environment for improving solutions by means of Alternative Dispute Resolution (ADR) techniques, as opposed to litigation and arbitration, a small group of international shipping experts launched an initiative, in September 2005, toward the formation of a global service of shipping conciliation and mediation. The initial group spread successfully and has become now a team of 40 leading and prestigious names counting 26 countries from 5 continents.

International Maritime Conciliation and Mediation



Five key questions over the initiative

What?

The project shall provide a conciliation/mediation service to the shipping market. Such service will be available, whether or not an appropriate clause be found in the particular contract, and will be particularly useful for marine casualties, pollution claims and tort-liability cases.

The appointment of a member of our International Panel should have a very significant added value to the parties in conflict, namely, his recognized authority as a marine expert. On the basis of such weight of trust, experience and knowledge the parties should be easily guided towards a suitable solution. Our services will therefore carry a paramount duty of good advice to the parties together with the necessary skill for narrowing the gaps and persuading them to settle, saving risks and costs that only the very experienced know will otherwise inevitably arise.

Who?

We have chosen names of the highest calibre and professional integrity to be our international panelists. From noting the list below such assertion could be hardly challenged. We have been able to gather experts from all over the world, listing top leading names with highly recognized reputation both international and domestic. We have sought to appoint men and women of long experience and deep involvement in the fields of Shipping Law, Regulations, Shipping Arbitration, the Judiciary, Marine Engineering, Shipowning, Marine Insurance, the University, Shipbuilding and Navigation at Sea.

The number stands at 40 but this is in no way a limit as others will join in the future.

Name	Country	Profession
Cecil Abraham	Malaysia	Arbitration, Advocacy
José M. Alcántara	Spain	Advocacy, Arbitration, CMI
Anthony Antapassis	Greece	University, Advocacy
Paul C. Avrameas	Greece	Advocacy, Arbitration
Francesco Berlingieri	Italy	Advocacy, Arbitration, University, CMI
Philip Boisson	France	Advocacy, Class Societies
Raymond J. Burke, Jr.	U.S.A.	Advocacy, Arbitration, USMLA
Jan Erlund	Denmark	Advocacy, Shipping Trade
Sir Anthony Evans	U.K.	Arbitration, ex-Judiciary
John Hare	South Africa	University, Advocacy, CMI
Cai Hongda	China	Arbitration, CMAC
Marc Huybrechts	Belgium	University, Arbitration, Advocacy
Måns Jacobsson	Sweden	Former Judge; Director of IOPC Fund
Hrvoje Kacic	Croatia	Advocacy, P&I Insurance
Sergei Lebedev	Russian Federation	University, Arbitration, CMI
Y.M. Lin	China	Advocacy, University, Arbitration
Jonathan Lux	U.K.	Advocacy, Arbitration, IBA
David Martin-Clark	U.K.	Consultant, P&I Insurance, Arbitration
David W. Martowski	U.S.A.	Advocacy, Arbitration, P&I Ins., USMLA
Howard M. McCormack	U.S.A.	Advocacy, Arbitration, USMLA
Thomas Mensah	Ghana	Consultancy, ex-ILS Tribunal, ex-Judiciary
Pedro Morenés	Spain	Advocacy, Shipbuilding, ex-Vice Minister
William A. O'Neil	Canada	Secretary-General Emeritus IMO, Engineer
Jan Ramberg	Sweden	University, Arbitration, ICC
Jean-Serge Rohart	France	Advocacy, CMI, Arbitration
Ron Salter	Australia	Advocacy, Arbitration, CMI
Fola Sasegbon	Nigeria	Advocacy, Arbitration
Aleka Sheppard	U.K.	University, Advocacy, LSLC
Haakon Stang Lund	Norway	Advocacy, Arbitration
Graydon S. Staring	U.S.A.	Advocacy, Arbitration, USMLA
Takao Tateishi	Japan	University, Arbitration, TOMAC
David W. Taylor	U.K.	Advocacy, Arbitration, IUMI
William Tetley	Canada	University, Advocacy, Arbitration, CMI, Ex-Minister
Johannes Trappe	Germany	Advocacy, Arbitration, GMAA
Percy Urday	Peru	Advocacy, IIDM
Gertjan Van der Ziel	Netherlands	University, Arbitration, Shipping Trade
Julio Vidal	Uruguay	Advocacy, Arbitration, CEAMAR
Alexander von Ziegler	Switzerland	Advocacy, Marine Insurance, IUMI
Peter Wetterstein	Finland	University, Arbitration
Stefano Zunarelli	Italy	University, Advocacy, Arbitration

Why?

The *raison d'être* for Conciliation in Shipping was widely felt long ago together with the successful rise of maritime arbitration during the second half of the last century. In fact, arbitrators used to be keen to conciliate the parties. Cedric Barclay said “*the most successful arbitration is the one that never takes place. I hate to rebel against the pundits and the gurus who legislate for conflict and confrontation and shun any whisper which sounds even remotely like conciliation*”.

Since shipping is fundamentally international the task of guiding solutions of shipping disputes should be approached with an international perspective by conciliators of true international experience and high reputation.

What for?

International Maritime ADR is of itself a realistic project for the solution of shipping disputes. It comes to the market to play a service for the preservation of business and it comes to stay.

These will be the advantages of such service:

- Quick
- No delay to the case
- Inexpensive
- Flexible
- Flexible resolutions
- Preserve, rebuild and maybe create future business relationship/opportunities and reputations
- Brings parties together in order to solve their dispute instead of setting one against the other.
- The process engages the individuals themselves and establishes talks to reach solutions.
- Non adversarial
- Involvement of a neutral person
- Communication
- Confidentiality
- Control by the parties themselves
- Suitable for multi-party disputes

How?

We have drafted a set of SHIPPING CONCILIATION RULES, largely based on the “UNCITRAL Conciliation Rules” (Resolution 35/52 of the U.N. General Assembly, 4.12.80). Such rules, to be published shortly, set out a rather flexible scheme of conciliation/mediation but are consistent with the peculiarities of the shipping market.

The International Panel has a permanent Secretariat, which will facilitate administrative assistance in the place chosen by the parties for the proceedings and which will see to securing a close and continuous communication with the potential users of our services.

To whom?

To whom will our services be directed is an essential question.

In the first place and primarily, the services will be highly cost-effective, saving very substantial time and expenditure in legal or arbitration proceedings. For this reason, our initiative is specially addressed to:

- Marine and P&I Insurers.
- Shipowners, Operators and Charterers.
- Salvors and supply contractors.
- Shipbuilders and Class Societies
- Governmental bodies and Port Authorities.
- Shipping Law firms.

Multimodal Transport in Argentina (2)

First a summary of part 1, published in the first IMMTA Newsletter.

Around 1996 most people in South America believed that Multi Modal Transport was widely used in industrialized countries, because supposedly all had specific Multimodal Transport Laws (MTL's). Local lawmakers thought that by just creating such a law, it would soon be possible to introduce this way of transport in the country and the region and that automatically transport costs would drop immediately. When in 1998 the MTL was promulgated in Argentina, Congressmen jubilantly announced that now an era of more efficient transportation was born. But things turned out differently. First of all the MTL had been made by people with little understanding of what it is all about and from the confused text it is clear that everybody wished to add some words here and there. Finally the text of the law resulted confusing and after more than 8 years the Government has not yet been able to produce the decree of implementation. (Decreto de Reglamentación), which is necessary to bring the law fully into force. Before promulgating the law, the following important matters should have received attention : 1) The necessity to create an even field of competition between the different modes, 2) The need to upgrade the infrastructure, especially of the railways which have not yet recovered from 40 years of lack of maintenance, 3) To introduce adequate Customs-rules, 4) To improve security on the roads and to put an end to the frequent hold-ups of trucks on the highways, especially around Buenos Aires. 5) To provide adequate funding to renew rolling stock, both of the railways and trucks. (Trucks have an average age of nearly 17 years). All these points were totally neglected. I further gave a brief description of the work of a Study Group created by FADEEAC, which is a third level national entity that groups all road transport operator's associations, which was able to bring together a group of profession-

als with long experience in transport and foreign commerce, including lawyers and a well-known teacher on transport-matters in a university. Some of them worked for railway-companies, trucking companies, forwarders and terminal operators. Several of these persons were leading members of associations (Chambers) such as Fadeeac (trucking association), Ferrocámara (association of private freight-railway companies), Centro de Navegación, (which groups shipping-agents and ship-owners), Center of Exporters, Center of Importers and Center of Freight-forwarders. However it should be stressed that all of them participated in a personal way and not in representation of their Chambers, which as later came to light, made a great difference with their positions when they had to respond to the approval of the Review Committees of their Chambers, where the general opinion of the members was reflected.

In August 2004 this group made the suggestion to the Secretary of Transport that the authorities should stop trying to make the rules for implementation of the Multimodal Transport Law, as was the intention once again at that moment and to accept that the MTL had to be adapted first. However no specific changes were suggested at that moment. The complete work of the Study Group was laid down in the Blue Book of the Vth International Transport Congress that took place in April 2005 and a presentation of the contents was made for the audience, in which the need was stressed that the different modes of transport should work together to make Intermodal Transport possible. This book was handed by the President of FADEEAC to the Secretary of Transport. (Please note that this is not a ministerial level, but a second one in the Ministry of Federal Planning and Infrastructure). Strange enough, one day after the end of the Congress this functionary informed that a Consultancy firm / Law Office had been contracted to write the Rules of Im-

plementation for the MTL, without taking the suggestions of the Study Group into account, supposedly because Argentina had made this commitment some time ago with the World Bank. More than a year later, the results of the work of this Consultancy firm rests in a drawer in the Secretariat of Transport and nobody knows what will happen with this new and certainly vain trial to publish the decree of implementation.

It is also interesting to mention that in the Vth Congress the Chairman of the Interamerican Transport Chamber, the Brazilian Mr Paulo Caleffi, made a presentation in which he stressed the need for the trucking companies to follow the examples of the developments in the industrialized countries and make all efforts to be part of the Intermodal Transport Chain, as otherwise outsiders would fill the void, to the detriment of the local trucking companies. Later experiences showed that also this advise has gone with the wind.

This second part gives a brief description of the Second Working Group.

The directives of the Chambers, whose members had participated in a personal way in the first one, were very interested in the work of the first WG and wished to carry on its work, but with a much more defined goal: to make definite proposals to the Secretary of Transport about the changes that should be introduced in the text of the MTL. Many members of the first WG continued, but also invitations were sent to several other entities in order to try to obtain a broader representation, which did not give a good result at all, on the contrary, the original organizers, FADEEAC (truckers) and FERROCAMARA (railways), two very important associations, did not wish to take part as Chambers. In the case of FADEEAC, the lower levels of their “umbrella” organization, especially the one that has the small trucking companies as their members, were totally opposed to anything that has to do with Multimodal or Intermodal Transport, considering that it was all an attempt to prepare the way for big Operators to enter the field and cause

their demise. It became quite clear that the advise of Mr. Paulo Caleffi had not been understood, when he warned that a resistance will only make things worse and will oblige the big Operators to form their own trucking Companies, as now already is happening.

The FERROCAMARA did not want to take part, amongst other reasons because of their internal differences on the matter and secondly because some trucking associations had sent letters to the Secretary of Transport complaining about alleged subsidies for the railways, which is not the case at all for the freight railways. (Only passenger-railways receive important subsidies). Without making their complaints public, freight railways contested that trucking companies receive benefits, which they call “compensations”. In this atmosphere of cross accusations “Ferrocámara” did not want to participate in the second Working Group. Inland Navigation which is represented by different Chambers, also refused to take part and finally only 5 Chambers remained: Centro de Navegación, Chamber of Exporters, Chamber of Importers and FECACERA (Federation of Chambers of Foreign Commerce) and AAACI (Chamber of Freight-forwarders), which still represent a big part of the stakeholders in an Intermodal chain. (Some members of the Centro de Navegación also represent Multimodal Transport Operators with close links to Shipping Companies). All participated with their respective lawyers and their approval on all matters was subject to a previous one from the authorities of their Chamber. Again the principal points that had been analyzed by the first Study Group were reviewed and some corrections were made. Again the general opinion was that Argentina needs to start soonest possible with a complete review of its outdated Laws on Commerce and Transport, but knowing that this will probably take decades, it was decided that this time the WG would make definite proposals on the minimum changes that had to be made in the text of the MTL to make it “operable” and hand the authorities a complete document, describing the needs of the proposed changes (called *exposición de motivos*), the articles

that would have to be changed and the new text of the MTL with the proposed changes. These had to do with the following points: First of all the scope of application. As mentioned before, the MTL in Argentina applies to Import Cargoes and MT within the country, but not for export-cargoes. This was established because the Jurisprudence of Argentina, as reflected in the Law of Navigation, is based on the position that the Jurisprudence applicable to the contracts of carriage is that of "the place where the contract is accomplished". This means that for import cargoes this is normally the Argentine Law and for export-cargoes this is normally the law of the country of destination, where the contract of carriage is concluded. (I WOULD LIKE TO RECEIVE OPINIONS OF IMMTA LAWYERS ON THIS VIEW, ESPECIALLY FROM IMMTA MEMBERS IN INDIA, if possible from Mr. Gopalan Nair, who wrote in the IMMTA bulletin nr.14 of January 2002, THAT THE MTL LAW OF INDIA APPLIES ESPECIALLY TO EXPORT-CARGOES). Both the Chamber of Exporters and the Centro de Navegación emphatically opined, as they already had made clear in the first Study Group, that the Multimodal Transport Law should be applicable for export-cargoes for the part that takes place in Argentina. Multimodal Operators wish to be able to replace damaged cargoes before they leave the country and not to have to pay a much bigger claim from abroad, for instance in cases where containers are damaged in the still rather frequent derailments or "low-bridges" on the roads. The second important item was the wish to improve the confused texts on responsibility of the Operators and third the amount of the limitation of liability, which at 400 Argentine Pesos Gold is about US \$ 12.000,-- per package and which makes no sense where normally 300 to 500 packages are stuffed and declared per container. Instead the limitation of liability of the CMR of SDR 8,33 per kilo was proposed. The fourth item had to do with a request to change the ridiculous rules on temporary import of containers, with heavy fines and threats of confiscation, that have

caused a lot of trouble to container operators.. However when the final project of the proposals was handed to the 5 participating Chambers for their signature, which was to be handed to the Secretary of Transport, the President of AAACI (local freight-forwarders) refused to sign, expressing the sudden disagreement on the inclusion of export-cargoes in the MTL, something that had been on the list right from the beginning in the first Study Group. (Reportedly AAACI members extend about 20 export - FBLs per month, mostly for small lots, which is nearly insignificant). The alleged reason of AAACI for its changed position, was that the inclusion of export-cargoes in the MTL would make it impossible for a few of their members which are now allowed by FIATA to extend a FIATA FBL, to continue doing so if export-cargoes are included in the law. However they refused to give a specific explanation why FIATA could not agree with the inclusion of export-contracts. It is also not clear to me if the decision was taken by the local AAACI or by somebody in FIATA. (This is a point of much interest to the other members of the WG. Therefore, I would like to hear if any IMMTA member can give an opinion about this problem and if he sees any reason that could stand in the way of extending a FIATA-FBL in case the Argentine MTL would include exports in the future, especially if someone has good inside contacts in FIATA, who could shed some light on this question). The suggestion for changes, including export-cargoes was finally signed by 4 Chambers, Centro de Navegación, Center of Exporters, Center of Importers and FECACERA, grouping the Chambers of Foreign Commerce and handed on August 18th 2005 to the Secretary of Transport. After nearly a year has gone by, and several unanswered requests have been made to request an answer from the Secretary of Transport, nobody knows what the destination of all this hard work will be. Most probably nothing will happen and it seems that it will be kept in some obscure drawer, side by side with the proposal for the text of the decree of implementation of the Consul-

tancy Firm. Another point of disillusion is the fact that even in the 2 Working groups, that made serious efforts to get some figures together, it was difficult to find out how many contracts were made on the basis of the UNCTAD-ICC Rules of 1992 or on the old “Combined Transport” rules, which no longer should be used, but still are in this region. As far as could be established, these are very few and presently only contracts from “point to point” are made by some shipping-lines like Maersk, Hamburg Sued and MSC, mostly for export cargoes (reportedly between 7 and 10% of the total), and a very few

import-cargoes that have their final destinations in Greater Buenos Aires. We further can add that most export cargoes of Argentina still are sold FOB or FCA and most imports still bought on CFR or CIF basis.

We would appreciate to receive comments on the two articles on Multimodal Transport in Argentina: what the experiences of our IMMTA members are in other countries and especially if any mistake on the understanding of International Rules has been made.

Antonio Zuidwijk, Argentina
azuidwijk@murchison.com.ar

International Freight Forwarder's Day, Odessa



At the kind invitation of the company Plaske, (an IMMTA member in Ukraine) the IMMTA President, Mahin Faghfour and myself participated at the International Freight Forwarder's Day (FFD) held in Odessa, Ukraine, from 30 to 31 May 2006. The event was organized, for the fourth year in a row, by the Plaske SA (an important providers of transport and forwarding services) with the support of the Ministry of Transport and Communications and the State Customs Services of Ukraine as well as various national and international organizations such as FIATA, IMMTA, European Association for Forwarding, Transport, Logistic and Custom Services (CLECAT) and the Ukrainian Association of Freight Forwarders.

The date for this important event coincided with the 80th anniversary of the establishment of the International Federation of Freight Forwarders Association (FIATA). Representatives of transport sector from 15 countries as well as representatives of several international transport organizations took part in the event.

The first day of the conference was allocated to the meeting of professional training centres for freight forwarders, customs brokers, cargo and transport agents. There was an open and comprehensive exchange of views and experiences on the issues of common interests including new approaches in professional training and distance learning. The second day of the conference covered presentations on a number of transport related issues including the role and development of transport corridors of international significance as well as problems relating to the operation of the corridors. Specific problems connected with the functioning of the transport and freight forwarding sectors in the context of the international transport corridors were particularly highlighted.

Mahin Faghfour made a presentation on the problems of international regulation in the field of multimodal transport and I presented a review of the changes in international standards on containers.

The conference participants were warmly welcome by the city authorities. The participants also took part in a rich cultural programme including visits to the Odessa memorial places.

Viatcheslav Chouvalov, IMMTA Secretariat,
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Logistics Perception Index



The World Bank Group in partnership with the International Federation of Freight Forwarders Associations (FIATA), the Global Express Association (GEA) and the Turku School of Economics (TSE, Finland) has jointly launched a project on trade logistics indicators. So far the response from the participating companies has been excellent and we will soon be able to provide you with a much needed, systematic and cross-country comparable set of trade logistics indicators. Preliminary results are expected to be made available in early October 2006.

Referred to as the “Logistics Perception Index” (LPI), this initiative will help generate an informed set of perception indices measuring key dimensions of logistics for developing and industrialized countries. Key operational staff from ten of the largest international logistics providers (freight forwarders and express carriers), have accepted the invitation of the World Bank Group to participate in the survey and are currently providing their answers. The respondents provide information on several logistics dimensions: transport cost, infrastructure, customs and border formalities, amongst others. The core instrument is a web-based survey which can be completed in a few minutes. Participating companies will, however, also have access to their own disaggregated company specific information. Hence the survey has been structured by participating company.

Following the suggestions we received from some of our partners, we are opening the survey to independent logistics professionals who deal with international trade in various countries, which of course includes IMMTA members.

Through the Global Facilitation Partnership (GFP) portal, local or regional freight forwarders not affiliated with large multinationals can now take the survey and add to the quality and quantity of the dataset. We expect this process can help gather additional information for countries or sub-regions of interest for your own work. Ultimately those professionals will be among the primary beneficiaries of the results and will be able to benchmark their own work environment against those of 150 other countries.

Detailed information on the project as well as an access to the survey site is available at the GFP website at: www.gfptt.org/lpi. Please forward this link to your contacts – individual freight forwarders or national associations – in countries you have interest in.

Alina Mustra, World Bank, mmustra@worldbank.org

In co-operation with:

[World Bank Group](http://www.worldbank.org)



[International Federation for Freight Forwarders Associations \(FIATA\)](http://www.fiatatransport.com)

[Global Express Association](http://www.gea.org)



[Turku School of Economics and Business Administration](http://www.tse.fi)

[Global Facilitation Partnership for Transportation and Trade](http://www.gfptt.org)



Publications

UNCTAD Transport Newsletter

In the latest issue of the UNCTAD Transport Newsletter, you will find several articles on port and shipping issues, notably on port benchmarking, liner shipping connectivity, flag registration, and containerized trade, as well as a list of past UNCTAD publications on port issues that are now available in electronic format on-line.

We also announce a new UNCTAD publication related to air transport. Two further articles introduce new UNCTAD Technical Notes on Trade Facilitation as well as the featured topic of the Global Facilitation Partnership GFP.

To subscribe to the free quarterly electronic UNCTAD Transport Newsletter please visit <http://extranet.unctad.org/TransportNews>

For further information, contact Jan Hoffmann, UNCTAD, Geneva, Jan.Hoffmann@UNCTAD.org

Technical Notes on Trade Facilitation Measures in English and in Spanish language

Under its trust fund project “Capacity building in developing countries and least developed countries to support their effective participation in the WTO Negotiations Process on trade facilitation”, financed by the Governments of Sweden and Spain, UNCTAD has produced several additional Technical Notes during the last months. Also, a number of Notes have been translated into Spanish. To date, Technical Notes on the following topics have been made available on the Internet:

- Publication of Trade Regulations and their Uniform Administration
- Levy of Fees and Charges
- Use of Customs Automation Systems
- Release of Goods in Event of Appeal
- Customs Procedures - Post Clearance Audit
- Single National Enquiry Points
- Maintenance of Integrity among Officials
- Freedom of Transit and Regional Transit Arrangement
- Documentation Requirements in Maritime Transport
- Right of Appeal against Customs and other Agency Rulings and Decisions
- Prerequisites for Internet Publication
- Risk Management in Customs Procedures
- Simplification of Trade Documentation Using International Standards
- Border Agency Coordination
- Pre-Arrival Customs Clearance
- Separating Release from Clearance Procedures
- Trade Transaction Modelling

Additional Technical Notes are under preparation and will be made available electronically on the same web page.

For further information visit <http://r0.unctad.org/ttl/technical-notes.htm> or contact jan.hoffmann@unctad.org

Vacancy at UNCTAD

The following vacancy announcement is taken from the United Nations web site. Deadline for application is 15 October 2006.

Responsibilities

Under the supervision of the Chief of the Transport Section, Trade Logistics Branch, Division of Services Infrastructure for Development and Trade Efficiency (SITE), the incumbent:

- Conducts and supervises research and prepares analytical reports on international transport developments, in particular on issues affecting sea ports and their interface with land transport networks
- Contributes to the preparation of the annual Review of Maritime Transport;
- Provides and supervises substantive servicing of intergovernmental bodies, including advising delegates on substantive issues and preparation and supervision of draft reports;
- Represents UNCTAD at international, regional and national meetings relating to the subject area;
- Provides advice and assistance to governments and stakeholders in developing countries on latest developments in transport and logistics;
- Manages technical assistance projects in the field of transport facilitation including project design, drafting of project documents, budgeting, project monitoring, preparation of reports and participation in technical cooperation missions;
- Organizes seminars, training courses and workshops held under the auspices of UNCTAD, including lecturing and preparation of course materials; participates in seminars and meetings on subjects related to the work programme of the Trade Logistics Branch;
- Carries out day-to-day general administrative and substantive duties including replies to correspondence and coordination with United Nations agencies and other intergovernmental and international organizations.

Competencies

Professionalism – expert knowledge in the technical field of work and solid analytical and research skills, with a sound knowledge of policy, management and development issues.; ability to produce high-quality reports and papers on complex technical issues; Communication – Excellent drafting ability and communication skills; ability to orally present complex concepts in a concise and accurate manner; ability to prepare written reports and papers that are clear, concise and meaningful; Planning and organizing – clearly identifies priorities in view of expected deliverables and allocates time and resources accordingly; ability to work effectively to deadlines; Teamwork – Excellent interpersonal skills and ability to operate effectively across organizational boundaries. Leadership - Creativity, vision and innovation; skill in overseeing work of less senior staff and external consultants undertaking report-writing or technical cooperation activities.

Qualifications

Advanced university degree in economics or related subject. Specialization in international transport, in particular port development, would be an advantage. Five to seven years of progressively responsible relevant experience in the field of international transport, and preferably maritime logistics Experience with technical cooperation projects and conduct of training events in this field is required. Fluency in spoken and written English is required. Working knowledge of French or Spanish, or other UN official languages would be an asset. Knowledge of IT developments and computer applications used in international transport systems.

For further information visit <http://myun.un.org/Galaxy/Release3/vacancy/vacancy.aspx?lang=1200>

Agenda

UNCTAD Expert Meeting on ICT Solutions to Facilitate Trade at Border Crossings and Ports

Date: 16–18 October 2006, Location: Geneva

Experts attending the meeting will discuss recent developments in trade and transport, particularly new requirements for Customs modernization and other trade and transport facilitation measures at the regional and national levels. Industry experience shows how modernization through the adoption of improved ICT has contributed to the strengthening of the whole supply chain.

Another topic under discussion will be the need for an enabling and accommodating legal framework as well as recent efforts to formulate rules, regulations and standards which encourage and facilitate Customs modernization and the contribution this makes to efficient and secure transport and trade.

In response to the demand for ICT solutions that facilitate trade at border crossings and in ports, experts will examine available ICT tools and consider to what extent they can be introduced in developing countries and least developed countries.

To assess the role of UNCTAD and other international agencies in cooperation with their national and regional counterparts, experts will look into the capacity-building and technical assistance requirements of countries planning to implement specific technology-based trade facilitation measures, including those related to the institutional, commercial, legal and operational environment for Customs and other operations at border crossings and ports.

*For more events see www.gfptt.org
To announce your events, contact gfp@janhoffmann.info*

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Newsletter:

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