

ABSTRACT

The Uruguay Round of GATT Multilateral Trade Negotiations had introduced trade in services into its agenda, marking a change from previous approaches which concerned only trade in goods. The negotiations eventually culminated in the conclusion of an agreement on 15th December 1993, being the founding document of the General Agreement on Trade in Services: GATS now incorporated in Annex 1B of the WTO Agreement. Member states ratifying the WTO Agreement are thus bound by these GATS obligations. In this regard, member states must engage in negotiations with a view to the mutual liberalization of trade in various sectors as well as the supervision of trade in services to secure transparency and eliminate discriminations among member states pursuant to the principles of progressive liberalization.

Thailand has committed to the liberalization of trade in services with respect to dealings with other member states of the WTO in a total of 12 service sectors, maritime transport services included. Maritime transport services are deemed as an essential element of the economy due to its impact in fueling economic growth and its roles in supporting national production. In other words, when examining Thailand's maritime transport services, it has been found that the volume and value of goods transported by sea, whether in relation to exports or imports, exceeds those transported by any other means. Maritime transport also gives rise to numerous other forms of connected services. Examples include port services, dockyard or shipyard services, stevedores, shipping agents, marine insurance and freight forwarding. All these services create jobs and generate a significant amount of national income. For the aforesaid reasons, Thailand has placed much importance to the maritime transport service sector, and in doing so has entered into commitments to liberalize the service sector of maritime transport services in the Schedule of Specific Commitments under the GATS. In consequence, Thailand is currently under an obligation to liberalize the service sector of maritime transport services under GATS.

This purpose of this thesis dissertation is to study Thailand's obligations with respect to the liberalization of the maritime transport service sector, whether that may be general obligations under general principles or obligations under the Schedule of Specific Commitments entered into by Thailand. The scope of study includes the relevant provisions of Thai laws on the liberalization of maritime transport services, i.e. rules of market access to Thai maritime transport services and rules under Thai laws in relation to the provision of maritime transport services. Upon an examination of the provisions on the proportionality requirements of Thai and foreign investment, it has been found that disparities and inequalities still exist and foreigners are still prohibited from engaging in certain businesses. Moreover, there is also discrimination in the form of preferential treatment of nationals as opposed to foreigners. Thus, complete and genuine liberalization has not yet been achieved. For these reasons, it is necessary to undertake a revision of the laws on maritime transport services in relation to those provisions which are inconsistent with GATS, particularly in all 7 activities of maritime transport services, pursuant to the commitments entered in to the Schedule of Specific Commitments. Those laws should be amended and modified accordingly to put into effect appropriate measures according to Thailand's level of readiness in order to secure its future compliance with its GATS obligations. Regard must be given not only to the provisions of existing laws, but also to Thailand's potential to undertake various activities connected to the provision of maritime transport services which are still subject to restrictions. It is therefore appropriate that all parties, whether the public or private sector, should cooperate in the development of maritime transport businesses and other services connected thereto in Thailand, so as to engender efficiency and competitiveness against foreigners and thereby conferring true benefits to the country as a whole.