

Canada must in fact "regulate" to provide the same opportunities for enhanced competition and more efficient service.

Mr. Robitaille concluded that from his perspective, techniques of moral suasion and gentlemanly recognition of mutual rights had not generally achieved effective results in dealings with the cargo reservation countries. This had been to the detriment of the Canadian shipper and shipping community alike.

*"Recognizing that we must improve on the current status quo and not overlooking the legitimate rights of our trading partners, I feel we should pursue **at least fifty-fifty access to our bilateral shipping trade through legislation**," he proposed. "This approach will provide the opportunity for Canadian enterprises to compete, by right, for a portion of these trades and if they can successfully compete in the open market, will benefit the Canadian economy as a whole. You, the Government of Canada have supported this enquiry. Do not, as so often in the past, shelve these enquiry reports one more time, but show determination in recommending to Cabinet that it is the desire of the Canadian export community, shippers, freight forwarders and shipping companies, to legislate the right of Canadians to have open access competition in at least 50% of our ocean trades."*

Mr. Robert Toporowski, Manager, Transportation Planning, MacMillan Bloedel in his opening remarks emphasized that **for many years Canada's policy of free and open competition in shipping has been extremely successful**. In this view, however, today we are facing some very basic problems as a result of long-term trends in the global shipping environment. The problems are not amenable to ad hoc short-term solutions but require a long-term Canadian policy based on a solid commonality of interest between both Canadian shippers and carriers.

In dealing with bilateral trading partners or in multilateral fora, whether in the OECD or UNCTAD, Mr. Toporowski advocated **keeping the Canadian principles of free and open competition clearly in the forefront**. In the context of the upcoming 1988 UNCTAD Liner

Code Review Conference Canadian support for free and open competition should be emphasized, and **the principle of shippers' rights** strongly advocated. "Shippers rights" in his opinion had been sacrificed to the "rights of countries" and the "rights of carriers" since the Code came into force in 1983 and it is time this imbalance was rectified.

Referring to the recommendations of the cross-Canada seminars as presented during the morning session, Mr. Toporowski emphasized that the first step needed to develop a commonality of interest between shippers and carriers, would be the same instrument required to enable effective industry-government policy coordination, namely the creation of a very senior **Advisory Board on Maritime Shipping** as recommended in the Sletmo Task Force Report.

He then addressed the question of what measures Canadian exporters could independently undertake to solve trade problems related to restrictive maritime transport policies. Mr. Toporowski cited Dr. Martinez's presentation on the Latin American Federation of Shippers' Councils (FELACUTTI). In his opinion this type of organization offered an ideal opportunity for Latin American shippers and importers and their Canadian exporter and importer counterparts to get together to discuss their common problems with regard to freight rates, cargo reservation, flag restrictions and shipping service problems in general. **Meetings between exporters and importers at both ends of the trade could quickly identify common interests and help to develop both short-term and long-term solutions which would benefit both the Latin American and Caribbean countries, as well as Canada**. It was Mr. Toporowski's opinion that in the final analysis Canadian exporters by themselves could accomplish only so much when faced with intransigent national shipping lines, and foreign governments committed to restrictive, anti-competitive shipping policies underpinned by domestic law. In his concluding remarks Mr. Toporowski addressed these limitations and stated:

*"What I would like to see in this country is what you would call **defensive trade legislation, that covers shipping solely as one***