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The Maritime and Port Law in Latin America and Caribbean Region.

I am very thankful for this opportunity to talk in this break section of the WISTA international conference 2019.

In this beautiful country of Cayman Islands, for which I am praying for blessings and prosperity.

Legislation is essential to ensure the development of ports and their efficiency.

During the nineties, the majority of the countries in Latin America and the Caribbean initiated a process of legal reform regarding their port legislation in order to determine the main functions and role of their States in connection to the port activities.

The countries were looking for the establishment of a flexible, swift, safe and wealthy port system. The privatization was the main transformation for the port operation in the region, that is, the States passed unto the private sector the handling of the ports activities.

However, this privatization and modernization brought new elements that were incorporated into the system:

- The concept of terminal operator and its liability;
- Port facilities' security in the whole and complete concept, including cybersecurity;
- Environment issues;
- Social responsibility (the relationship between the ports and the cities);

- Gender equality
- New technology;
- Bigger vessels visiting our ports and the necessity of the ports to satisfy the demands of the shipping lines;
- Global and regional commerce agreement;
- Modern and bigger port infrastructure in order to be adapted to the international commerce.
- Transport network, logistic centers and the cargo distribution;
- Among others;

The above mentioned topics require that our countries seriously consider to review and amend the port and maritime legislation in Latin American and in the Caribbean region.

These revisions must take into consideration the international legal framework, therefore, the analysis of international maritime conventions and agreements is very important, since the harmonization of the port and maritime law in the region is highly recommended for the growth of the commerce in the region.

Especially when you recognize that an efficient legislation may positively impact the port competitiveness.

There is a close relationship between commerce, maritime transport, ports and customs, therefore standard and unified legislation in these aspects will increase the efficiency of the ports.

Countries of the Latin American and Caribbean region have ratified few international maritime conventions, consequently through the memorandum of understanding signed between the Interamerican Commission of Ports of the Organization of American States (CIP/OAS) and WISTA, a commission should be designated to review the existing international maritime conventions and present recommendations to the countries in order to apply these conventions into each national legal system of the different Latin American countries.

While in the process of modernizing the different maritime and port laws in Latin American and Caribbean countries, an important guide was prepared by the CIP/OAS which contains the main elements that any law may have to guarantee its effectiveness in order to improve their port operations.

Among these elements I can mention:

- Definition of the role of the government in ports activities;
- The objectives and activities of the port authority;
- Definition of the port's assets;
- Permits, licenses for port's activities;
- Issues pertaining to Customs;
- Port tariffs;
- Concessions and leases;



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- Port services;
- Security;
- Social responsibility;
- Antidumping & bribery;
- Labor legislations;
- Environments;
- Sanctions;
- Resolution of controversies and/or disputes;
- Amongst others.

Finally, I must emphasize the importance of women inclusion at the manager level in addition of a training program, as part of the States' politics and national strategy for the port sector in our region in order to facilitate the competitiveness of the ports which will contribute with the progress and development for our countries.

Thanks.