

NATIONAL MARITIME POLICIES: STRATEGIES FOR GOVERNMENTS AND SHIP OWNERS

by
Henry S. Marcus
Massachusetts Institute of Technology
77 Massachusetts Avenue
Room 5-207
Cambridge, MA 02139

1. INTRODUCTION

For many years, nations have expressed the desire to establish or expand their merchant marines. Less developed countries (LDC's) have maintained it was their right to carry a significant portion of their cargo in their own vessels. This paper will discuss strategies for national maritime policies. In addition, strategies for shipowners, who must respond to such national policies, will also be briefly discussed.

2. MERCHANT MARINES VERSUS THEIR BENEFITS

In the opinion of the author, the stated determination of nations, particularly LDC's, to establish and expand their own merchant marines can, to some extent, be explained by an apparent confusion between having a merchant marine and gaining the benefits of marine transportation. This paper will argue the case that a nation may be able to obtain the benefits of ocean transportation without taking the expensive step of owning its own merchant marine.

In order to explain this argument, it is necessary to first look at national goals and then to discuss to what extent a merchant marine will aid in its attainment. As will be shown, there are differences in the discussion between the liner trades and the bulk shipping trades.

3. NATIONAL OBJECTIVES

Objectives of merchant marines will be discussed in general, before differentiating between liner and bulk markets.

4. DEFENSE

The requirements of a nation during wartime may vary considerably. For a major power such as the United States, a critical need for a non-nuclear war is to move military supplies to support armed forces. In the case of the U.S., required vessels include small tankers, and self-sustaining general cargo ships such as break-bulk cargo vessels, roll-on/roll-off vessels, barge carrying vessels and containerships with their own cranes aboard. Countries without the potential to get involved in wars overseas may not have these needs. Some nations may be more concerned as to how wars elsewhere in the world will affect the commercial vessels normally serving their

country. For example, an LDC may be concerned that a war could cause vessels to stop serving its essential trades in order to obtain more profitable war-related cargos.

5. NATIONAL SECURITY

National security goals refer to the oceanborne movement of critical goods during peacetime. While no supplies must be moved to support military actions, critical materials must be received during peacetime to allow preparations for war as well as to supply the domestic economy. Note that this objective can be made sufficiently "flexible" to justify most any maritime program.

6. JOBS

Expansion of a national-flag fleet will increase the number of jobs for national citizens. However, a modern vessel costing tens of millions of dollars may require less than 50 persons to operate. In addition, foreigners may be used to fill some of these positions depending on the laws of the particular country.

A large number of jobs for persons in the nation involved in the shoreside vessel operations (e.g. longshoring, bunkering, ship supplies, etc.) exist no matter what the flags of the vessels serving the country. However, linkages may exist between a merchant marine and other industries within the countries. Examples of related industries could be: shipbuilding, ship repair, related supply industries (e.g. paint, steel, machinery), insurance, finance, ship classification and training of seagoing labor. If these industries are indeed aided by the establishment or expansion of the nation's merchant marine, then these benefits should be taken into account.

7. BALANCE OF PAYMENTS

In addition to jobs, another often stated economic goal is improvement in balance of payments. A national flag-fleet can earn hard currency for an LDC (whether the vessel is in a national trade or in a cross trade). However, an important question sometimes overlooked is whether opportunities for greater balance of payments exist elsewhere.

8. AIDING EXPORTS

Some countries feel that having a national-flag fleet will result in better promotion of their exports. A study that tested this premise on U.S. trade (Economic Value of the U.S. Merchant Marine) concluded that U.S. exports were not aided by a U.S.-flag fleet. It is not obvious to what extent such a conclusion is transferrable to other countries.

In contrast to the U.S. experience, other countries (e.g. India) claim that the existence of a national merchant marine can aid

their trade by better representing the interests of its shippers than foreign-flag lines. However, it is difficult to document such claims.

Nevertheless, one could hypothesize circumstances under which the use of a national merchant marine might be particularly beneficial. One would be where no shipping company would offer the necessary frequency of service to make reliable trade flows possible. Another would be where the shipowners were using obsolete vessels that resulted in extremely inefficient movement of cargo. However, these types of situations would appear to be rare.

9. CONTROL OF DESTINY/PRESTIGE/POLITICS

An important -- but difficult to precisely define -- collection of objectives is covered by the heading, "control of destiny/prestige/politics". Some countries, in particular LDC's, feel that it is "improper" to let foreign nations control all their oceanborne trade. Consequently, in order to "control their own destiny", they want a national-flag merchant marine. This sentiment is usually closely related to issues of national prestige. "Showing the flag" is seen as a means of gaining international political benefits. It should be noted that the domestic political process may take on a life of its own in that once a national-flag fleet is started, self interest groups become a constituency to maintain and promote such policies.

10. LINER CONFERENCES

Vessel trades can be divided into two general categories: liner and bulk cargo. Manufactured and semi-manufactured goods are typically carried in liner vessels which run on a regular schedule and have published tariffs. Consequently, they provide what could be called a common carrier service.

In contrast, bulk cargoes (e.g. oil, coal, grain) are normally carried by bulk cargo vessels that publish neither schedules nor tariffs. These ships operate as either contract or private carriers.

The liner firms on a particular trade route typically join together to form a conference, which is a rate-making cartel. In most of the world trade, the liner firms form closed conferences whereby the conference has the ability to prevent new members from joining the conference or engaging in the trade. The United States is the only major industrialized nation in the world to mandate that its liner trades will be served by open conferences.

LDC's have often complained that liner conferences are controlled by the industrialized nations that have used the conferences to exploit the LDC's. The LDC's have felt that the conferences charged monopoly profit maximizing freight tariffs and discrim-

inated against them in favor of the industrialized countries at the other end of the trade route. The often stated desire of LDC's is to develop their own national-flag merchant marine. (However, the use of flag of convenience or open registry vessels -- controlled by citizens of the LDC -- may be equally suitable in attacking the conference problem as well as in meeting some of the national objectives mentioned above.)

11. BULK CARGO TRADES

In contrast to the liner trades, the bulk cargo market does not possess conferences. The bulk trades appear to be one of the few remaining cases of "perfect competition" as viewed by economists. Without the artificial constraints of conferences, the bulk cargo shipping business typically goes to the lowest cost operator. (However, there are some instances of legislation declaring national flag preference for certain cargoes which has the effect of excluding the lowest cost carriers from the trade in favor of domestic-flag vessels).

12. UNCTAD LINER CODE

Key activities during the past two decades have been the meetings of the United Nations Conference on Trade and Development (UNCTAD) and the actions of LDC's to promote their fleets. The first UNCTAD meeting was held in 1964 and was attended by 120 nations. LDC's in Latin America, Africa and Asia then totaled 77. This "Group of 77" coalition held a numerical majority at the first UNCTAD meeting and created at it a forum for the analysis of world trade.

After a decade of work by the LDC's, UNCTAD in 1974 adopted (as differentiated from ratified) the Code of Conduct for Liner Conferences, also called the UNCTAD Liner Code. This Code declares that each trading nation has the right to reserve a significant portion of its trade, such as 40%, for its national-flag carriers. The residual 20% will typically be handled by third-flag carriers, also referred to as cross traders.

These activities on the part of the LDC's tend to give the impression that all LDC's have little or no national-flag fleets and that they all intend on building up fleets to carry 40% of their cargo. The discussion below will shed more light on these possible assumptions.

13. POTENTIAL IMPACT OF THE CODE

In terms of world trade, LDC's make up approximately 20% of the value and 40% of the volume. While 38% of the world's fleet fly LDC flags, measured in gross registered tons (grt) based on 1976 data, most of these vessels (29%) are registered in only 6 countries and these are identified as flag of convenience (foc) nations. Consequently, approximately 9% of the world fleet is left in the control of the remaining LDC's and very little of this is the glamorous container vessel tonnage.

Liner traffic utilizes about 20% of the world tonnage. Wijkman has calculated the changes that would occur in world fleets of liner-type vessels if trade between each pair of trading countries were divided on a 50%-50% basis (rather than on a 40-40-20 basis).

A surprising result, as shown in Exhibit 1, is that LDC's have a surplus of approximately 10 million grt of general cargo vessels which would be transferred to developed countries. Therefore, strict 50-50 cargo reservation program could result in transferring on the order of one ship out of every 7 from the registry of LDC's to developed countries. However, when viewed in greater detail the main factor in what is actually happening is that foc fleets -- typically owned by developed countries -- and European fleets -- would be reduced. The closed register LDC's would gain about 3 million grt, an increase of about 25% in their general cargo tonnage. In contrast, the North American fleets will gain almost 12 million grt. In other words, both LDC's (closed registry) and Western nations will gain registered tonnage at the expense of the foc LDC's. This pattern is only modified slightly when containerships are included, since they are almost entirely owned by and flagged in developed countries.

Zerby has researched impacts of cargo reservation from a different perspective. Since LDC's export a larger tonnage of commodities to developed nations than they import -- at a ratio of nearly 2 to 1, he is particularly interested in the impact of the chronic shortage of backhaul cargo. (Unfortunately, Zerby combined general cargo and dry bulk vessels in his analysis, making it difficult to compare his study directly with values of liner fleets.)

In order to study the magnitude of these potential cargo imbalances for individual nations, he selected 26 countries using the following criteria:

- (1) Gross national product per capita less than \$2000
- (2) Freighter and dry bulk carrier fleet greater than 100,000 deadweight tons (dwt)
- (3) Exclusion of centrally planned economies and foc nations

In studying these 26 countries, surprisingly their domestic fleets already have enough capacity to cover 67% of their imports and 39% of their exports, as shown in Exhibit 2 based on 1975 data.

Zerby estimates that if each country increased its fleet to carry 40% of its estimated trade in 1980 -- in other words 40% of the greater of exports or imports -- a great deal of idle capacity would exist in the backhaul direction, as shown in Exhibit 3. Over half the countries would experience more than

EXHIBIT 1

Surplus/deficit vessel tonnage by country groups

	1. General cargo	2. General cargo and container tonnage	
	Surplus/ deficit 3 10 grt	Gain/ loss for region (%)	Surplus/ deficit 3 10 grt
Africa	2 101.6	-34.5	2 049.2
Central America	4 526.0	-72.9	4 418.4
South America	-1 962.0	+80.3	-2 376.6
Asia	5 547.6	-45.5	5 012.0
Oceania (developing)	-151.3	768.0	-167.5
Total developing countries	10 061.9	-37.3	8 935.5
of which open registry			
a			
countries	(13 093.2)	-91.0	(13 397.0)
Europe	10 987.0	-30.3	11 755.6
North America	b -11 731.4	+508.2	-11 289.9
Other Developed countries	-9 317.5	+170.4	-9 401.1
Total Developed countries	-10 061.9	+22.9	-8 935.5

a

Liberia, Somalia, Panama, Cyprus, Oman, Singapore.

b

Australia, New Zealand, South Africa, Japan, Israel.

c

A rounding error of 50.0 has been added to Asia to maintain balance in the accounts.

Source: "Effects of Cargo Reservation, A Review of UNCTAD's Code of Conduct for Liner Conferences", Magnus Wijkman, Marine Policy, Vol. 4, No. 4, October 1980.

EXHIBIT 2

UNCTAD'S 40-40-20 CODE

Estimates of Trade Coverage by Domestic Fleets
(ratio of fleet capacity to trade flow)

	Imports	1975	Exports
Group A:			
Ghana	0.78		0.31
Ivory Coast	0.49		0.22
Nigeria	0.16		0.05
Zaire	0.35		0.22
Group B:			
Algeria	0.10		0.07
Egypt	0.40		0.22
Iran	0.20		0.06
Lebanon	0.32		0.35
Morocco	0.19		0.13
Group C:			
Bangladesh	0.26		0.38
China, Republic of	0.58		0.26
India	3.52		2.03
Indonesia	0.43		0.18
Korea	0.34		0.22
Malaysia	0.35		0.15
Pakistan	1.31		0.68
The Philippines	1.14		0.55
Group D:			
Argentina	1.26		0.44
Brazil	0.76		0.57
Chile	0.87		0.37
Colombia	0.55		0.25
Mexico	0.09		0.12
Peru	1.24		0.53
Group E:			
Turkey	0.59		0.56
Portugal	0.39		0.41
Yugoslavia	0.87		0.82
Total	(0.67)		(0.39)

Source: "On the Practicality of the UNCTAD 40-40-20 Code for Liner Conferences", J.A. Zerby, Maritime Policy & Management, Vol. 6, No. 4, 1979.

EXHIBIT 3

Estimates of Idle Capacity With 40% Coverage In 1980

	Imports %	Exports %
Group A:		
Ghana	60.1	0.0
Ivory Coast	55.9	0.0
Nigeria	70.4	0.0
Zaire	37.5	0.0
Group B:		
Algeria	6.5	0.0
Egypt	30.9	0.0
Iran	64.1	0.0
Lebanon	3.9	0.0
Morocco	29.2	0.0
Group C:		
Bangladesh	0.0	42.8
China, Republic of	63.3	0.0
India	81.1	76.0
Indonesia	55.7	0.0
Korea	54.2	0.0
Malaysia	60.4	0.0
Pakistan	67.9	23.2
The Philippines	61.3	11.8
Group D:		
Argentina	61.1	0.0
Brazil	0.0	7.1
Chile	72.8	0.0
Colombia	66.1	0.0
Mexico	0.0	25.7
Peru	64.3	21.6
Group E:		
Turkey	2.7	0.0
Portugal	0.0	32.0
Yugoslavia	17.2	25.9
Total	(41.8)	(10.2)

Source: On the Practicality of the UNCTAD 40-40-20 Code for Liner Conferences", J.A. Zerby, Maritime Policy & Management, Vol. 6, No. 4, 1979.

50% empty space on the backhaul. Such capacity could only be filled by serving in cross trades on the backhaul. Zerby's analysis shows that any type of strict 40-40-20 cargo reservation program applied to individual countries will result in less efficient transportation.

13. SHARING OF BULK CARGOES

One could argue that if cargo reservation of liner cargos produced some inefficiencies relative to the perfect efficiency of pure competition, they could theoretically be countered, to some extent, by the existing conference abuses alleged by the LDC's. However, such an argument does not apply to the competitive market in the bulk shipping trade. Nevertheless, the LDC's -- with the exception of the foc nations -- are also pushing for a greater share of the bulk shipping trade. The LDC's, however, do not claim such a move would be for economic reasons. Most of the rationale of their rhetoric follows the path of "controlling their destiny".

14. USE OF CARGO RESERVATION

Totland of the Ship Research Institute of Norway performed an analysis covering 55 countries to see which cargo discrimination practices they used. The nations covered included all the OECD and the most important LDC's, but excluded Eastern European states.

Exhibit 4 shows the results of the study. Some of the nations do not pursue any of the discriminating policies that are included in the exhibit; others have more than one policy and are therefore, counted twice. Most of the nations analyzed have a far more liberal practice than policy.

15. CONCLUSIONS

While the stated policies of the majority of the LDC's have consistently and strongly pushed for cargo reservations for both liner and bulk trades, their actual application of these policies in the context of unilaterally enacted laws of bilaterally negotiated treaties is less extreme. One might hypothesize that such practices imply that the LDC's included in the survey might be considering the poor economic results of stringent cargo reservation practices and unlimited national fleet growth. However, it is more probable (and the conclusion of the Ship Research Institute of Norway) that the LDC's simply do not possess a large enough fleet to practice stringent cargo reservation policies at this time. Consequently, they use their negotiating positions to put pressure on existing foreign shipping lines.

EXHIBIT 4

Different discrimination policies (based on a study of 55 nations)

Unilateral	Bilateral
100 % reservation for all or part of trade 6	50/50 cargo sharing 14
50% or less reservation for all or part of trade 11	40-40-20 cargo- sharing agreements 4
Preference for use of national vessels for government cargo 19	

Source: "Protectionism in International Shipping and Some Economic Effects", Terje Totland, Maritime Policy & Management, Vol. 7, No. 2, 1980.

The growth of LDC fleet has been substantial in recent years. As shown in Exhibit 5, approximately 41 LDC's had a merchant marine fleet of more than 100,000 dwt in 1978, compared with only 24 in 1970 (based on Lloyd's Register of Shipping Statistics Tables). In 1978, these 41 nations accounted for about 98% of the merchant marine fleet tonnage of all LDC's. Just the four major leading nations -- India, Brazil, Korea and Yugoslavia -- accounted for approximately 43% of the total LDC tonnage. While the size of LDC fleet continues to increase, this growth is limited by financial, management and manpower resources (and over-tonnaging in some trades). These limitations, however, will not hold true indefinitely.

16. RECOMMENDATIONS

It is time for the LDC's to review the past economic work of such researchers as Devanney, Goss, Ferguson and Norman, who show that national fleets are not effective ways to meet the expected national economic objectives described earlier. However, it is not easy to develop a practical national maritime policy. One need only look at the U.S. for evidence of the difficulties involved. While extreme shipping policies are effective in putting pressure on foreign shipping lines, actually putting these policies into practice could result in a large misallocation of resources for LCD's.

EXHIBIT 5

Developing Countries ^{a/} with Merchant Fleet Tonnage of 100,000 dwt and above
in 1970^{b/} and 1978

Countries or Territories	Merchant Fleet Tonnage (in 000 dwt)		
	1978	1970	Percent increase (decrease)
India	9,238	3,781	144
Brazil	6,007	2,417	149
Korea, Republic of	4,681	1,291	263
Yugoslavia	3,588	2,216	62
Bermuda	3,068	1,132	171
Argentina	2,803	1,621	73
China, Republic of	2,428 ^{c/}	1,695	43
Iraq	2,342	[23]	10,082
Iran	1,805	166	987
Phillippines	1,778	1,296	37
Algeria	1,770	[36]	4,817
Indonesia	1,644	745	121
Hong Kong	1,234	997	24
Venezuela	1,081	524	106
Mexico	978	546	79
Malaysia	811	[44]	1,743
Peru	714	447	60
Chile	688	416	65
Egypt	591	267	121
Pakistan	584	762	(23)
Israel	563	1,062	(47)
Morocco	530	[69]	668
Thailand	505	101	400
Nigeria	504	135	273
Bangladesh	394	d/	-
Lebanon	383	269	42
Colombia	345	298	17
Uruguay	275	210	31
Ecuador	274	[51]	384
Caymen Islands	246	[26]	846
Vietnam	224	[41]	449
Ghana	217	177	23
Ivory Coast	197	[27]	629
Tunisia	152	[28]	443
Gabon	143	[1]	14,200
Honduras	141	[57]	147
Malta	134	[50]	168
Cameroon	126	[2]	6,200
Sri Lanka	126	[4]	3,050
Maldiv Islands	119	[23]	417
Bahamas	107	393	(73)
Total	53,539	23,444	
Percent of World Fleet	8.0	6.9	

a/ Excluding the so-called "open registry" countries of Cyprus, Liberia, Panama and Singapore as well as the capital surplus oil exporting countries. The following additional countries are not classified as developing countries in this table: Greece, Portugal, Spain and Turkey.

(Exhibit 5 footnotes continued)

- b/ For comparison purposes the tonnages of countries having more than 100,000 dwt in 1978 but less than 1000,000 dwt in 1970 have been put in brackets [] but included in the total.
- c/ Estimated.
- d/ Not listed separately.

Source: "The Developing Countries and International Shipping", World Bank Staff Working Paper No. 502, Harald Hansen 1981.

As shown in the above discussion, all LDC fleets do not possess the same traits. The countries with foc fleets face different issues than the others. Also, while many LDC's have little or no fleets, some have fleets that can carry in excess of 40% of their tonnage in certain trades. Each nation must consider its own unique situation in developing a national maritime policy. Nevertheless, a key concern for every nation is to differentiate between having its share of the ships in its trade and having its share of the benefits of shipping its trade producers.

Although some nations insist on building new shipyards and vessels while the world is still experiencing the worst shipping and shipbuilding depression ever known, countries must realize that they can enjoy shipping benefits, without gross misallocation of funds. Exhibit 6 presents a range of shipping strate-

EXHIBIT 6
Types of Shipping Options

No Shipping Capacity			National Shipping Capability		
a	b	c	d	e Owned Tonnage	
				f	f
No control of shipping (buy c.i.f. and sell f.o.b.)	Using freight brokers or shipping agents with control over shipping arrangements, but not rates.	Shippers councils or similar organizations with control over shipping arrangements and some control or influence over rates.	Using chartered or leased tonnage.	For use in the country's trade	For use in the country's trade and also in cross-trading.

Source: "The Developing Countries and International Shipping", World Bank Staff Working Paper, No. 502, p. 16.

gies available for countries. As can be seen it is not necessary to own tonnage to influence rates and service. By chartering tonnage or through the use of an organization entity (e.g. shippers councils), a national can gain shipping benefits without making the investment necessary for fleet ownership.

Countries can also join together for joint-ownership of vessels (e.g. WISCO, NAMUCAR, AMPTC and UASC). Such a venture reduces the investment and risk of each individual nation. To the extent that regional groups of nations can band together in the implementation of the UNCTAD liner code (so that any country in the region is treated as one end of the trade route) the imbalance problem referred to by Zerby will be reduced.

Another possible joint venture partner for an LDC is an established shipping line. Such a joint venture might include the training of LCD citizens for seagoing jobs and shoreside management positions.

How should the independent vessel owner react to these policies on the part of the LDC's?

One strategy -- successfully employed by the Taiwan-based Evergreen Line -- is to emphasize low cost and flexibility. The foc vessels have lower costs than their national-flag competitors. In addition, Evergreen Line is prepared to operate outside of conferences and change trade routes as profits dictate.

A more common strategy will be to move with the trend to more national-flag based trades. In an extreme situation, a shipowner might theoretically change the flag on his vessel every time he went into the port of a different country in order to please that nation. While there are institutional problems involved in such a scenario (e.g. time needed to reregister the ship, change of officers and possibly crew to conform with certain national flag regulations, etc.), it is interesting to consider to what extent existing transportation systems could promote such acts.

Consider the airline industry where Air France and British Airways had received permission to fly between Washington, D.C. and certain foreign points, but not on U.S. domestic trade routes. On the other hand, the U.S. carrier Braniff had the legal authority to operate a route structure including flights between Dallas, Texas and Washington, D.C. A system had been arranged where a foreign-owned Concorde arrives in Washington, D.C. from overseas. The ownership of the plane was transferred to a company associated with Braniff. This plane was reregistered in a matter of minutes and an adhesive-backed vinyl panel with new registration numbers was placed over the registration numbers of the foreign carrier on the fuselage of the plane. When the Concorde returned to Washington, D.C. from its Braniff flight from Dallas, the process was reversed.

There is no analogous situation now in existence in the international maritime world, but a slight stretch of the imagination may reveal some similarities. The alleged scandal involving the 213,928 deadweight ton tanker Salem is an interesting example. On a trip between Kuwait and Western Europe, the Liberian-registered supertanker supposedly changed its name to Lema (after leaving Kuwait), unloaded its cargo in South Africa, changed its name back to Salem, was intentionally sunk and filed insurance claims for \$60 million for the cargo and \$24 million in hull insurance. The reason for introducing this story is not to encourage illegal activities, but to show how unimportant a change of names (and possibly flags) enroute is for vessels in international commerce.

A more meaningful consideration is how important a change of flags would be. Exxon, with more than 120 vessels, does not change flags on its ships but it does have approximately 14 different flags in its fleet. In a sense, the company is changing ships not flags, while arriving at a similar result as if it changed flags. (In other words, Exxon can arrange to have any of a large number of flags "appear" at a specific port if it feels it appropriate). Of course an oil company has the advantage that it can designate specific vessels to particular ports or to trades between countries for long periods of time.

Another variation occurs when a developing country with little or no merchant marine designates (typically for a fee) a foreign-flag carrier as a preferred carrier (e.g., similar to being a national-flag carrier). If we think of the charge paid as a quasi-registration fee, the carrier is essentially changing flags.

In the future, shipowners must be very sensitive to the desires of the countries they serve. A containership operator providing an around-the-world service may be wise to use different ships with different flags for different voyage segments rather than send ships with one flag on the entire round-the-world voyage. (In fact, some carriers are now following this type of strategy.)

Joint ventures will continue to be an important part of the international maritime scene. Developing countries with limited resources to dramatically increase their merchant marines will look to developed countries for help. The established shipping nations, sensitive to the inevitable trend to more national flag preference, should be cooperative in working out joint ventures with the developing nations. As the LDC's eventually develop both national maritime policies and practices that match, the vessel operator must be ready to adapt to this environment.

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