

# Port Governance Structure: the Port of Yangon

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## ABSTRACT

The Yangon port is recognized as the only international (gateway) port for Myanmar. It handles about 90 % of the country's normal exports and imports to date. Its governance structure has been inherited from the colonial age and the administrative body changed from time to time. Presently, Myanma Port Authority is the sole authority to manage all ports in Myanmar. This study aims to analyze the governance structure of Yangon port in Myanmar and its implications. Good prospective is ahead with the supporting economic reform measures presently brought about by political reforms.

**Keywords:** Yangon Port, port management, port governance, development

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# 1. Introduction

Myanmar is the largest country in mainland Southeast Asia, and its strategic geographic location at the intersection of China and India, two of the world's most dynamic economies, favors the position to be a regional trading hub. It has the lowest population densities in the region, with fertile lands, significant agricultural potential and rich in natural resources. In recent years, political changes has taken place encompassing transitions – from an authoritarian military system to democratic governance, from a centrally directed economy to a market-oriented economy, and from 60 years of internal conflict to peace in border areas.

However, as the country is recognized as relatively far behind the globalization process, it could not enjoy other development that other countries in the region have enjoyed. Thus, rush into development steps are found in every sector. With the changes in politics, economic growth is also expected. The transitions have the potential to create opportunity and shared prosperity for the people of Myanmar and for the country to resume its place as one of the most dynamic economies. The economy grew at 7.3 percent in 2012/13, with the main drivers of growth being increased gas production, services, construction, foreign direct investment, and strong commodity exports<sup>2)</sup>. In tandem with the economy, the port industry in Myanmar has also not developed. Despite this, the involvement of private interest in terminal operations has been experienced. This paper explores the governance of Myanmar Gateway Port around its economic and political environments and possible implications for the port authority are examined.

## 2. Background and Literature Review

A series of port governance structures of different ports were studied, covering different geography in the literature<sup>3)</sup>. Port governance in China was studied in the context of economic and political context<sup>4)</sup>. It is justifiable in the view that transport is a derived demand, and thus any government's economic reform attempts will be affected in the port sector, which is an important node in the international transport chain. Economic reforms, of which privatization, corporatization and decentralization are at its heart, have been the context for the country's concurrent reform of its port industry. In the port governance in Korea, it was found out that Korean ports have passed through a variety of port governance stages: it has changed from the period of the government doing everything to decentralized and privatized governance<sup>5)</sup>.

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2) The World Bank (2013). Myanmar Overview. Downloaded on 1st November, 2013.

<http://www.worldbank.org/en/country/myanmar/overview>

3) Brooks, M.R., and Cullinane, K.(2007). Devolution, port governance and port performance (1st ed). *Research in Transportation Economics* Vol.17

4) Cullinane, Kevin and Wang, Teng-Fei (2007). Port Governance in China. In Devolution, Port Governance and Port Performance. *Research in Transportation Economics*, Vol. 17. 331-356.

5) Song, D-W and Lee, S-W. (2007). Port Governance in Korea. *Research in Transportation Economics*, Vol. 17, 357-375.

Together with the port governance, comes the role of the port authorities. Many studies pointed out that port authorities have to develop the strategic intent for increased competition, more autonomy and increased accountability for economic performance, but they have to continue as hybrid organizations, incorporating public characteristics and public goals<sup>6)</sup>.

Port governance started with reform programs in the 1980s and structure has changed from time to time in accordance with the government policies such as devolution, regulatory reform and newly imposed governance models<sup>7)</sup> and most of the studies have focused on the evolution of the port governance. The authors identified the drivers of port reform that brought changes in port governance as “globalization of trade, new public management philosophy, technological innovations, which contributes to new government opportunities, which in turn adds to port reform program”.

Most studies have focused on finding the appropriate governance model for the ports. Accordingly, port governance models/research begins with the World Bank Port Reform Toolkit typology. The World Bank (2007, p.81) stated that the port administration models depend on the socioeconomic structure of a country (market economy, open borders), historical developments (for example, former colonial structure), location of the port (urban area or in isolated regions) and types of cargo handled (liquid and dry bulk, general cargo, or containers). In addition to the port reform process, the World Bank typology focuses on the role and activities of port authorities for port governance. However, the World Bank typology was confirmed by Brooks and Cullinane (2007, p.434) study that ‘the models are oversimplified, cannot be validated and do not reflect the hodgepodge of “infinite variety” implemented in today’s highly competitive port environment’. Also, it was criticized not to focus on the lines of accountability, appropriate governance structure or responsibilities by Brooks and A. Pallis (2012). Anyway, the trend in port governance is that devolution has been the practice of government in the past 20 years (Brooks & Cillinane, 2007a).

Other models to study port governance were developed by Baird (2000) based on the varying degrees of emphasis in the public-private provision of port functions. A detailed review can be found in Brooks & Cullinane (2007a). The said authors, based on the World Bank typology and Baird’s models, developed five ownership and management combinations to find groupings of regulatory, managerial and operating activity, including capital investment and cost recovery requirements.

A new approach to the port governance can be found in ESPO Fact Finding Report (2010), where port governance is approached from a new conceptual background which takes into account the evolution of ports, as well as the new perspectives on the role of port authorities. Based on this survey data, the quantitative study of Verhoeven and Vanoutrive (2012) identifies the elements that may explain the governance diversity in European Seaports. A number of governance-related factors are identified which includes the power balance with government, the legal and statutory

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6) Van der Lugt, L., Dooms, M., and Parola, F. (2012). The applicability of strategy concepts for hybrid organizations: the case of the port authority. *Paper presented at International Maritime Economists (IAME) Conference, 2012, Taipei.*

7) Brooks, M.R., and Cullinane, K.(2007). Devolution, port governance and port performance (1st ed). *Research in Transportation Economics* Vol.17

framework, the financial capability, and management culture. Distinct factor unlike other regions is the supra-national level of the European Union which can help set an independent legal and policy framework for the port.

Most of the studies from literature confirm that there exist different types of port governance in the world (ESPO Fact Finding Report, 2010; Brooks & Cullinane, 2007 etc). Also, they highlight that there is a trend of renewed interest in the role of port authorities brought about by pressure from different stakeholders following socio-economic changes in the port landscape.<sup>8)</sup> The theory of the Matching Framework, developed, any appropriate fit models will depend on the environment (including cultural and political components) and the strategies and structures (governance models) employed in implementation. So far, there continues to be little consensus on what governance models are most appropriate.

### 3. Port Governance Structure

#### 3.1 Administration

Changes in shipping patterns and the globalization of operators and increase of ship sizes effected Myanmar Port regime. The flexibility and versatility that the private sector provides, not to mention capital and competition leverage, have rendered its involvement to port development and operations as desirable. Generally, Myanmar ports can be divided into inland ports, coastal ports and international ports. Inlands ports are mere ports and the operations and management is under another major department of Ministry of Transport (MOT) called Inland Water Transport Department, a State Owned Enterprise. The ports are located along the western and southeastern coast line of the country, namely Yangon, Sittwe, Kyaukphyu, Thandwe, Pathein, Mawlamyine, Dawei, Myeik, and Kawthaung.

The Yangon port is recognized as the only international port as ever with the rest being reportedly small coastal ports with limited port handling capabilities. It handles about 90% of the country's normal exports and imports to date. The cargo volume handled by the Yangon port has been increasing annually. The coastal ports Sittwe, Kyaukphyu and Thandwe are under the administration of the port officer of Rakhine State, Pathein Port, under the Port officer of Ayeyarwady Division and Dawei, Myeik and Kawthaung, under the port officer of Taninthari Division respectively (Figure 1).

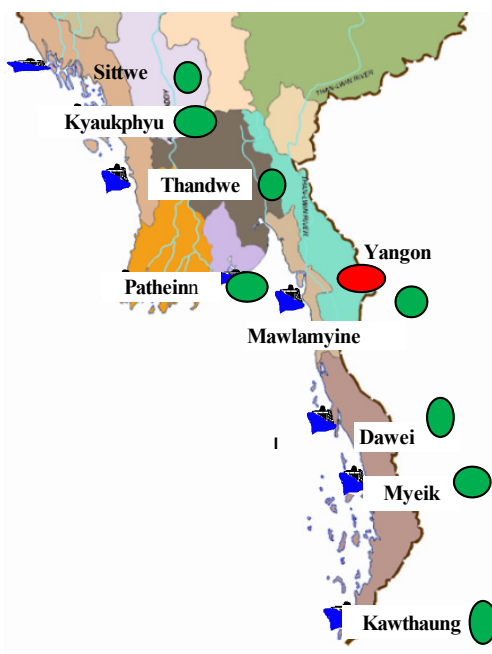
Throughout history, the administrative body and the name of Yangon Port has changed from time to time. In 1852, Marine Chief Officer took charge of the Yangon port. In 1876, the Port was handed over to the committee of the River bank. In 1880, when the country was under the colony of the British, the administrative body was "Commissioners of the Port of Rangoon"; in 1954, Board of Management for the Port of Rangoon. In 1879, Yangon Port Commissioners Act was enacted on demand of the traders. Gradual development of the Yangon Port was seen from 1880 to

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8) ESPO Fact-Finding Report. (2010). European Port Governance Structure.

1940, under the British Ruling. In 1905, the Yangon (Rangoon) Port Act was enacted and it came into force on 15th July 1905, some sections (section 6, 43, and other 5 sections) of which were amended in 1958, 59, and 2006 respectively. In 1908, the Ports Act was enacted with amendments in 1962 and 2007. However, the port administration was primitive and the amendments were not significant for decentralization and in 1972, Burma Port Corporation was formed and from 1989 onwards, the administrative body was renamed as “Myanma Port Authority (MPA)”. Since 1972, MPA has become the sole authority to manage all ports in Myanmar i.e. international as well as coastal ports. Although the Outports Act was enacted for the coastal ports, in 1914 the administration is under the Myanma Port Authority.

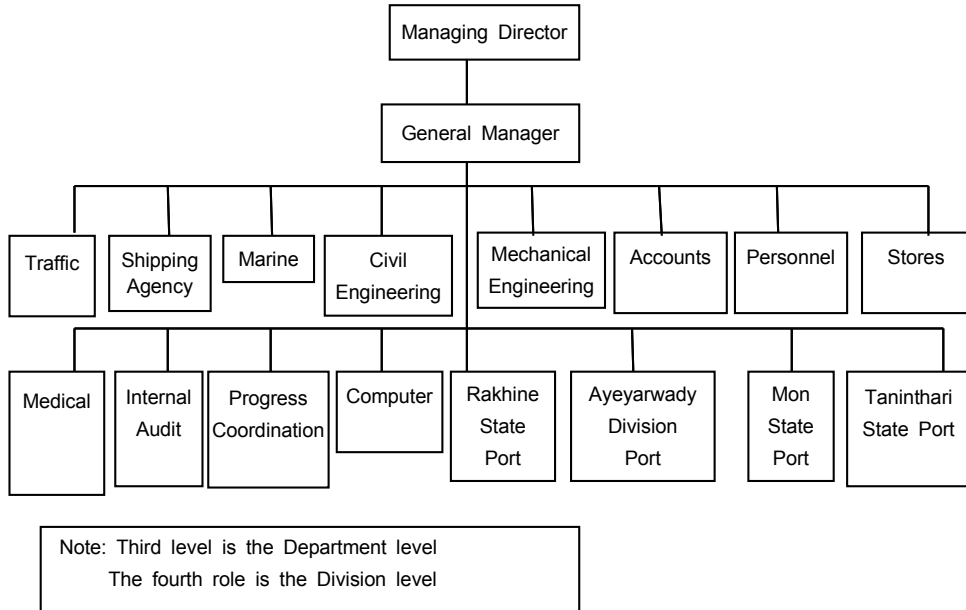
**Figure 1.** Yangon port and coastal ports



Source: Myanma Port Authority

The organization structure of Myanmar Port Authority is illustrated in figure 2. The structure includes total eight departments and four divisions and the division for controlling each State port in the coastal areas.

**Figure 2.** Organization Structure of MPA



### 3.2 Management and operations

Similar to China, the port development policy of the Yangon Port reflects the changes in national economic policy. Over 60 years ago, it is well known that Myanmar practiced centrally planned economy. In 1995, the government started privatization process in line with the policy of centrally directed economy to market-oriented economy. In a report by Tun (n.d), the need to privatize was mentioned that the state owned enterprises were facing problems such as losses that affected deficits in the state budget, shortages of funds for expansion, heavy debts, operating problems and inability to realize their full production capacity. The private sector regained role in the nationally controlled economy under the State Peace and Development Council's ruling in the 1990s as legislative and administrative reforms swept away many of the restrictions and discriminations imposed on the private sector in production, trade and services, which were said to be imposition under socialism<sup>9)</sup>. Thus, it can be said that the reform of port in Myanmar came together hand in hand with the process of privatization and decentralization as the privatization of Yangon Port can be traced back in the late 1990s. Before 1995, all the terminals had been operated under the only management and ownership of MPA. MPA was the sole responsible body for port operations, management and port planning under the auspices of Ministry of Transport. Strategic port development decisions were done by MPA as a government body, and as policy regulator under the direction of Ministry of Transport. In 1995, Myanmar government

9) Than, T.M.M. (2007). State dominance in Myanmar: the political economy of industrialization. *Institute of Southeast Asian Studies Publishing*: Singapore. p.388.

started to launch privatization scheme including port development plan with several scheme of fund raising from the private sectors as shown:

- (a) 100% National investment
- (b) 100% investment under Build Operate Transfer (BOT) basis by Foreign and/or local investors
- (c) Joint-Ventures between MPA and Foreign and/or local investors
- (d) Grant aids or soft loan financed by international financial institutions, in accordance with the requirements of Foreign Investment Law (1998), Myanmar Citizens Investment Law (1998) and Myanmar Companies Act (1914) subject to the approval to the Myanmar Investment Commission.

The earliest privatization of port to private sectors was found in terminal operations of Myanmar International Terminals Thilawa (MITT) and Asia World Port terminal in 1997. Privatization, meanwhile, came in two pictures: one being the national/domestic private sector participation and another being foreign sector participation. In the MITT case, it is a private multi-purpose container terminal owned and operated on a BOT basis by Hutchison Port Holdings, one of the top 10 Global Container Terminal Operators. Although, it is not clear whether the change is due to the willingness of the government's privatization or not, at least it could be sure that port authorities are increasingly confronted with the globalization of new public management in terminal operations, since the 1990s was the period when a number of terminal operators and major shipping lines merged to invest in and take control of a large number of terminals all over the world<sup>10</sup>). Thus, after 1997, the governance structure of Yangon Port has split into public terminal operators i.e. the terminals managed and operated by MPA, and private terminals (Foreign and National) such as MITT, Asia World Port Terminals and others.

Figure 3 illustrates the administrative structure of Ports in Myanmar. As has been stated, Ministry of Transport administers Myanmar Port Authority. The latter not only administers other international and national terminal operators but also operates the terminals itself. However, due to government policy to privatize rather than accommodating the question of efficiency, most of its terminal operations are being privatized recently. Thus its role on later years seems to be just the administer supporting the government i.e. the Ministry of Transport in policy making. It seems decentralization in this matter is less likely to occur.

Putting into the World Bank (2007) Port management models, Yangon Port management model can be divided into two categories: before 1997, it would fall under the categories of "public service port", but after 1997 onwards, it can be said to be a "landlord" port (Table 1). There are also indications that privatization is likely to occur more in the port management and functions.

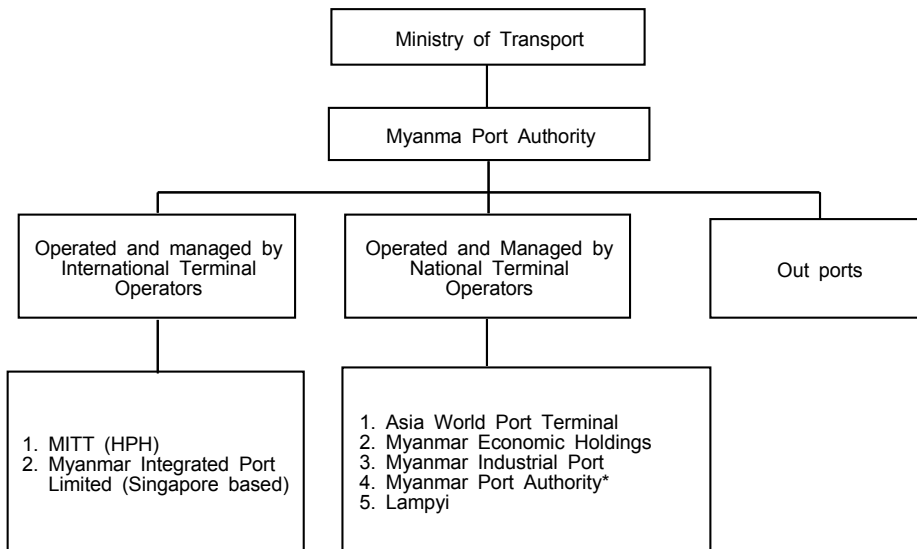
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10) The World Bank (2007). Port reform toolkit: module 3: Alternative port management structures and ownership models. Author, Washington.

**Table 1.** Basic port management models

Type	Infrastructure	Superstructure	Port labor	Other functions
Public service port	Public	Public	Public	Majority public
Tool port	Public	Public	Private	Public/private
Landlord port	Public	Private	Private	Public/private
Private service port	Private	Private	Private	Majority public

**Figure 3.** Port administrative structure of Yangon Port



Briefly describing Figure 3, Ministry of Transport directs Myanma Port Authority, which makes policy, owns, manages and operates some terminals of its own. At the same time, MPA administers, owns, manages and operates the out ports in coastal areas. The port authority leases the land to the private terminal operators either national or foreign companies and the latter manage and operate the terminals on BOT basis.

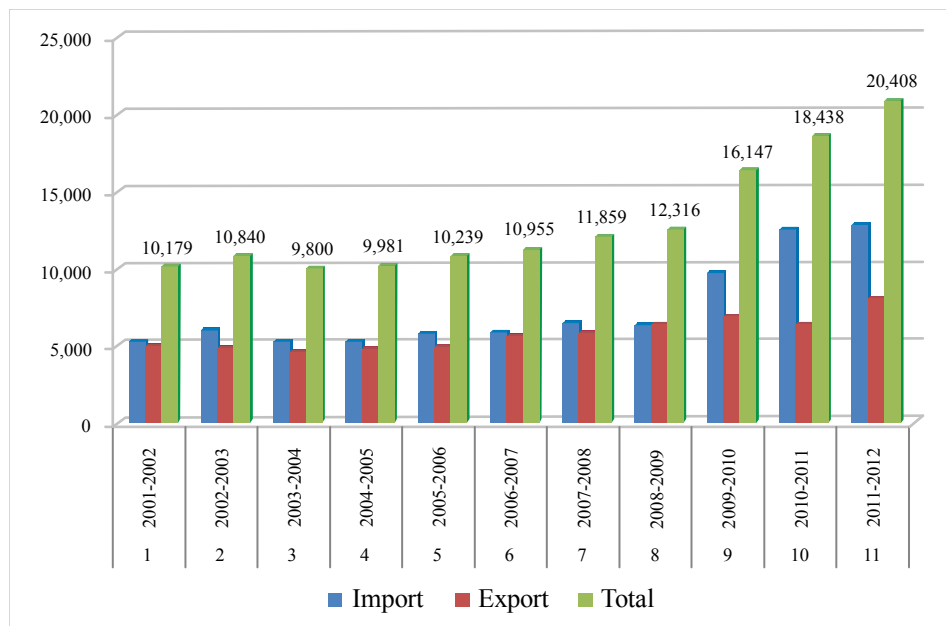
## 4. Port Development and Recent Economic Changes

As a river port, Yangon Port has very limited in port expansion and development. Limitations on draft of about 9 meters for the vessels and obsolete cargo handling equipment and limited land have hindered the port development. The only area that port expansion can be made is in Thilawa Port, a part of Yangon Port, where the land area has been leased to MITT. MITT was meant to cater for the handling of containers up to the annual capacity of 500,000 TEUs and edible oil bulk terminals with 37 plots of water front land (15 hectares), each measuring quay length of 200m and 750 landward. The terminal is designed to accommodate the berthing of



18,000-20,000 DWT vessels. In 2009, additional national private investors participated in the Thilawa port area for the tanker port/fuel oil terminals. As have been stated in section 3, the private terminal operators invested in the port for bulk terminals are MIPL and MEC. MIPL also invested in bulk terminals and MIPL is a Singapore based company.

**Figure 4.** Seaborne trade of the Yangon Port (including Thilawa) (2001-02 to 2011-12)(M.ton in thousands)



Source: Central Statistical Organization (2010)

Despite port privatization, in the hope that the port traffic would grow, international reactions to military governments imposing sanctions on trade especially with Europe and North America had affected the international trade consequently to port traffic. As can be seen from Figure 4, the port traffic had been flat before 2010. The port facilities are obsolete and management is bureaucratic. Port improvements and modernization project were financed by the World Bank Loan in 1983. Through this loan, container yard with reefer points and container freight stations, strengthening of wharves, procuring some cargo handling etc. were accomplished. However, taking into account of the containerization age, the container traffic is rather low and the port facilities are not sophisticated enough to handle cellular ships. Table 2 and 3 show that the container cargo is less than 30% of the total cargo handled by the port that includes both general cargo in bulk and in container, and bulk cargo.

However, as the cargo handled at the port has started to increase since 2010, the year when the political reforms initiated and given the limitations in Yangon port expansion, MPA fully aware that there is a need to develop a modernized port. The favorable geographic location of the country also presents an attractive location

to develop port facilities. Some studies have shown the potential of its coastline to become an alternative international trade route to Asia<sup>11)</sup> instead of the longer route through the Straits of Malacca. Currently, the deep sea ports are to be developed in Dawei in the southern part near Thailand and in Kyaukphyu in the north of the coastline.

**Table 2.** Volume of Container Handled in Port of Yangon (including Thilawa)

No	Year	Import	Export	Total (TEU)	Total (M.T in thousand)
1	2006-2007	99.942	97.337	197.279	3148.324
2	2007-2008	115.267	111.236	226.503	3462.489
3	2008-2009	133.712	130.294	264.006	3937.131
4	2009-2010	152.077	151.333	303.410	4372.025
5	2010-2011	175.315	171.327	346.642	4571.902
6	2011-2012	207.540	200.503	408.043	5594.589

Source: *Myanma Port Authority*

**Table 3.** Container in Metric Tonnes as a percentage of total cargo handled

Year	Total MT in container Thousands	Total cargo handled	Container as a percentage of total
2006-2007	3148.324	10955	0.29
2007-2008	3462.489	11859	0.29
2008-2009	3937.131	12316	0.32
2009-2010	4372.025	16147	0.27
2010-2011	4571.902	18438	0.25
2011-2012	5594.589	20408	0.27

*Foreign Direct Investment and Special Economic Zones*

Foreign direct investment in Myanmar has been permitted only since 1988. Reportedly, however, economic sanctions imposed by the United States and the European Union resulted in multinational corporations (MNCs) pulling out investments from Myanmar<sup>12)</sup>. Figure 5 shows the status of the FDI inflows to Myanmar from 1990-2009. The report highlighted that the growth of FDI inflows in 2011 and 2012 since the new Government of Myanmar's opening up policies and economic reforms. According to official statistics, the country attracted over US\$ 46 billion in foreign investments for the financial year 2012-2013<sup>13)</sup>. Experts have commented that the

11) Yang, X, M.W. Low, J and Tang, L.C (2011). Analysis of intermodal freight from China to Indian Ocean: A goal programming approach. *Journal of Transport Geography*, Vol. 19, No.4, pp. 515-527.

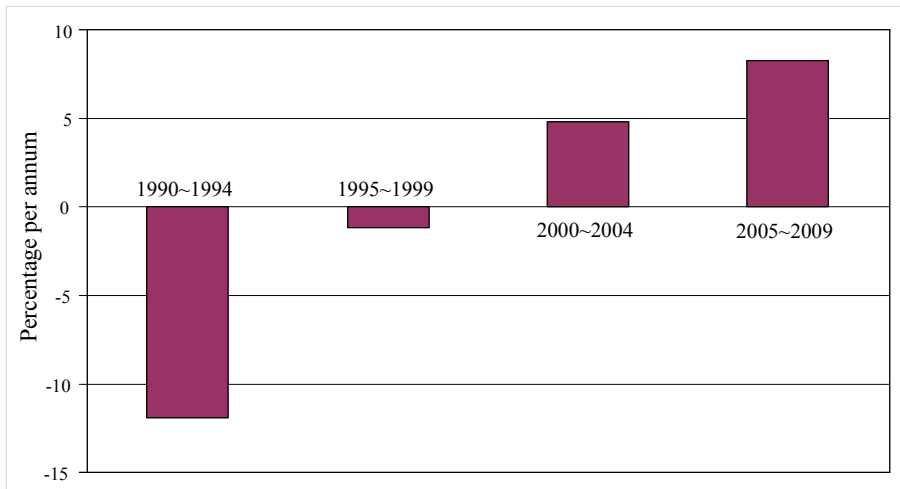
12) UNESCAP (2012). Myanmar: opening up to its trade and foreign direct investment potential. Trade and Investment Decision Staff Working Paper 01/12.

13) Directorate of Investment and Company Administration (2013). Data on foreign investment, local investment and company administration. <http://www.dica.gov.mm/dicagraph.htm> viewed on 2014-04-22.

more diversified the sources of the FDI inflows, the greater will be the benefits in Myanmar. Still, the government's FDI volume is still relatively low<sup>14</sup>).

After a new foreign investment law which replaces the Myanmar Foreign Investment Law of 1988, was signed on 8 May 2012, by the President of Myanmar and enacted on 2 November 2012, a managed-float exchange rate system has been officially adopted. It has brought expectation that a better environment for the investment in port will also be likely. Under the new investment law, the most concerned issued of old investment law has been revised, resulting in dividing three types of foreign investment that can be (1) a 100% foreign owned company; (2) a joint venture with a Myanmar investor; and (3) a foreign investor operating in a contractual relationship with a local investor.

**Figure 5.** Annual growth of FDI inflows to Myanmar, 1990-2009



Source: UN ESCAP(2012), Myanmar: Opening up to Its Trade and Foreign Direct Investment Potential, Trade and Investment Division, Staff Working Paper 01/12, p.5

Like many other Asia countries, for instance China and Korea, Myanmar is following the line of export based economic strategies. In order to overcome infrastructure bottlenecks and promote foreign direct investment, Special Economic Zones (SEZs) have been created. Major SEZ projects includes:

- (1) Dawei Special Economic Zone in the southern Taninthayi region
- (2) Kyaukphyu Economic and Technology Zone in the western Rakhine state
- (3) Thilawa Special Economic Zone near Yangon
- (4) the port industry and the international trade

14) Steinbock, D (2013). "Myanmar's quest for foreign investment". Accessed 2014.04.20  
<http://mmbiztoday.com/articles/myanmar-s-quest-foreign-investment>

These three SEZs are, of course, as with its intention, situated near the ports to be developed. In a way, they are intended to support the international trade presenting private sector opportunities both domestic and foreign investors. The SEZ law, enacted in January 2011, has undergone revision and the revised SEZ law was enacted in January 23, 2014 in order to promote the development of the economy of the state. According to this law, foreigners may be allowed to own 100% of an investment business or to invest in a joint venture with a citizen<sup>15)</sup>. The law also provides incentive scheme for the investors that investment business in a special economic zone shall have the right to enjoy the income tax exemption for the first 5 years from the date of commencement of commercial operations; reduction of the income tax create by 50% for the second 5 years etc. With regard to land use, the management committee may allow the developer or investor to lease land or use land for up to 50 years upon payment of the land lease fee or land use fee with the optional extension of additional 25 years<sup>16)</sup>. In brief, the investment law and special economic zone law are the result of promoting for the economy of the country and can provide a sound opportunities for private sectors both foreign and domestic except that there are some unclear provisions, for instance, it is not clear whether the extension of lease will be an absolute right exercisable by the investor, or whether the extension will be at the discretion of the State authorities. In addition, foreign ownership of land seems unlikely in the foreseeable future.

In the future, thus, the port governance structure of Myanmar is positively to be improved and the transparent procedures are expected to be seen. Also, as many have been identified, there are a lot of advantages of investing in Myanmar. For example, ASEAN membership offers regional trade benefits; strategic location between China and India; rich supply of natural resources; abundant agricultural recourses; high potential for tourism; and attractive demographic profile of the labor force, providing one of Asia's lowest labor costs. Once export grows, the trade will also grow and ultimately the port business will also grow. According to Asian Development Bank (2014), the economy is forecast to post higher growth of 7.8% in both FY 2014 and FY 2015. For the port authority, with liberalization and openness to international market, and the government's encouragement of foreign investment in port industry, it should be prepared for the intensity of the increasingly strong competition from counterparts in neighboring countries. The competition will be the most intense if the port development is meant for the hub port, as this will be in competition with the world's best hub port "Singapore", noticing that location is not the only factor that derermine for the port choice for the shippers and carriers.

Meanwhile, caution needs to be considered, as there are differences in the timing of changes. Some experts have reminded that Myanmar is a late comer in industrialization that it would be able to depend solely on export-oriented growth strategy. It is because traditional external market conditions have changed since the global financial crisis in 2008-09<sup>17)</sup>.

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15) Special Economic Zone law. The Pyidaungsu Hluttaw Law(Article15, chapter 6). No.1/2014

16) Special Economic Zone law. The Pyidaungsu Hluttaw Law (Article 79; Chapter 17) No.1/2014

17) Lin, H and Yamada, Y (2012). Economic Reforms in Myanmar: Pathways and Prospects. BRC Research Report No.10, Bangkok Research Center, IDE-JETRO, Bangkok, Thailand.

## 5. Conclusion and Implications

As have been evidenced in many ports, ports in Myanmar have been moving away from the public model. Myanmar's economy has been deteriorated since the socialist age. It could not enjoy the benefits of globalization like other many regional countries due to the isolation and sanctions of international community until 2010. However, the change in government's policy from closed to open market economy in the 1990s has brought private participation concept including in the port sector. The event was also coincided with the spread of the Global Terminal Operators in the international arena.

So far, a lot of economic reforms by the government have been initiated. They appear to support the port industry, for instance, developing the Special Economic Zones near the port realm, enacting the SEZ law and foreign investment law. It has also been under pressure of investment and financing issues. However, to the best of authors' knowledge, nothing is heard about the amendment or revision of port law, nor anything port related regulations, perhaps the matter will be come up at a later stage of reform measures. Port privatization has been witnessed in the late 1990s. Port decentralization can be expected to become lessen with the government's political reforms. Port authority should be prepared to be able to cope with the upcoming competition. It should also promote competition among the operators creating same level playing field, for example, transparent and accountability will be more demanded.

The study also has implications for the Port Authorities of Yangon Port. So far, the port strategies themselves are necessary to be set up in the socio-economic context. Then, governance-performance links should be examined and governance models tested against performance outcomes for varying port strategies.<sup>18)</sup> Then, the options for devolution should be examined in consistent with the objectives.

As with the international ports, investment and financing issues have imposed limits on options available to the government. Thus, for the port development planning in Dawei will require the Port Authority engaging in a variety of coordination or cooperation with the regional countries. Finally the port authority should, continuously review rather than relying on ad hoc arrangements, the effectiveness of their concession policies in accordance with the market trends and advances in the legal framework.

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