

Report on UNCITRAL Program

The UNCITRAL Program consisted of four panel discussions held on Tuesday and Thursday afternoons, October 14 and 16, 2008, during which thirteen different speakers presented, analyzed, and discussed the UNCITRAL Draft Convention.

Kate Lannan, the secretary of UNCITRAL Working Group III (Transport Law), gave an overview of the project. Eight speakers addressed technical aspects of the Draft Convention. And four speakers gave industry perspectives.

The views expressed on the Draft Convention ranged from enthusiastically supportive (by several speakers) to carefully neutral. Industry representatives were concerned about greater burdens placed on their respective interests, but generally concluded that these burdens were more than offset by the benefits of greater predictability and uniformity. One industry representative urged national member associations to encourage their governments to ratify the Convention.

Several speakers noted that if the Draft Convention is not ratified — after all the time and effort that has been expended on it — there is no prospect of achieving a global solution in the decades ahead. This would result in a total breakdown in uniformity as regulation is imposed on a national or regional basis.

In addition to several questions, the Conference heard positive comments about the Draft Convention from the floor.

I conclude that the Conference believes that the Draft Convention generally achieves a fair balance among the various interests in the shipping industry, even though some delegates consider that it contains provisions that they do not find wholly satisfactory. Moreover, it offers a unique opportunity to unify and update maritime law and practice on a global basis.

Resolution on UNCITRAL Draft Convention

The 39th Conference of the Comité Maritime International,

Believing that the UNCITRAL Draft Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea generally achieves a fair balance among the various interests in the shipping industry, even though some delegates consider that it contains provisions that they do not find wholly satisfactory; and

Recognizing that the Draft Convention offers a unique opportunity to unify and update maritime law and practice on a global basis,

Adopts the Report on the UNCITRAL program, and

Endorses the UNCITRAL Draft Convention.