

**UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW (UNCITRAL)
AND
COMITÉ MARITIME INTERNATIONAL**

TRANSPORT LAW COLLOQUIUM
to be held at **UNITED NATIONS HEADQUARTERS, NEW YORK**

on 6 JULY 2000
from 10.00 - 13.00 and 15.00 - 18.00

The Comité Maritime International (CMI) has embarked under the auspices of UNCITRAL on a major project called "Issues of Transport Law". The primary purpose of this project is to examine those legal topics which are not or insufficiently dealt with by existing maritime conventions or are outdated. The eventual goal of this exercise is to arrive at a new convention which might offer to the international community an international instrument as an option to further proliferation of national maritime law. Undoubtedly, major interests, both from shipping as from carrier's angles, are involved here.

It is the prime intention of CMI and UNCITRAL to create principles which are intended to solve the problems currently created by the lack of uniformity in the field of transportation law. In embarking on this project, it is crucial that this be done only in close and immediate co-operation with the industries involved in international transportation. Only if shippers, carriers, insurers and all other parties involved in that transaction are closely consulted, it can be safeguarded that the principles defined will actually bring about the intended clarification and thereby an added value for trade.

CMI has established working groups and an International Subcommittee where the issues and the possible solutions were discussed and first documents were prepared. At the same time, consultations with all international organisations involved have been held. At the next CMI Conference, in February 2001 in Singapore, the project will be the main subject and all parties involved hope that, by that time, we can discuss at least an outline of a possible harmonising instrument.

UNCITRAL and CMI have agreed to give the project particular attention through a one day colloquium to be held on 6 July 2000 at the United Nations premises in New York. This program will be held in conjunction with the regular UNCITRAL session and thereby allow governmental delegations to participate together with interested groups and individuals from the private sector in the discussion of the issues at hand. It is hoped that with this open and widespread discussion, the efforts will be focused on a co-ordinated work of all forces involved and eventually leading to a useful and acceptable instrument.

Provisional Program:

10.00 AM

Official Opening (40')

- Hans Corell, Under-Secretary-General for Legal Affairs
- Gerold Herrmann, Secretary, UNCITRAL
- Patrick Griggs, President, CMI

Key Note Speeches (40')

- Knud Pontoppidan, Denmark
- Graham Allan, Canada

- What is at stake; what are the modern challenges to transportation law; why do we need to do something; what are the requirements for the industry (Shippers and Carriers)

Coffee Break (30')

3 Groups of Panel discussions

1. Group 1 (70') Interfaces between carriage of goods and the export trade contract

- Soren Larson, BIMCO, Denmark
- P. Mukundan, IMB, India
- Paul Mallon, BOLERO, UK
- Banker (person to be named)

- Transport document as evidence of the FOB / CIF delivery of the goods. Description of the goods in transport documents, inspection of the goods; alternative means (i.e. inspection companies) of controlling goods before transit; who is relying on the description in the documents, UCP 500 "said to contain".
- Transport documents as means of transferring rights to the cargo from seller to buyer (and on-buyer); transfer of control and right to request delivery (B/L Sea Waybills Electronic B/L); Financing - is the transport document adequate security for a bank? What difficulties are created when banks hold onto bills of lading for security?

LUNCH BREAK FROM 1.00 PM TO 3.00 PM

3.00 PM

2. Group 2 (70') Selected issues relating to rights and obligations of the Parties

- Seinosuke Kashima, Japan
 - Sam Ignarski, UK
 - Shipper (person to be named)
 - Shipowner (person to be named)
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- Right to dispose; stoppage in transit
 - Intermediate holders - what are their rights and obligations?
 - Right to claim delivery; obligation to take delivery at destination; conflict with sales contract; when does 'delivery' occur? May a carrier discharge its obligations by constructive delivery; requesting delivery without B/L (LOI)
 - Freight and liens
 - Liability of the shipper, intermediate holder and consignee
 - Liability of the carrier

Coffee break (30')

3. Group 3 (70') Multimodality of modern transportation

- Kay Pysden, FIATA, UK
 - Dr. Beate Czerwenka, Germany
 - Diana Faber, UK
 - Prof. Zhu Zengjie, China
 - Dr. Alexander von Ziegler, CMI, Switzerland
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- Today's demand of shippers and the carriers; the modern function and role of freight forwarders; structure of modern logistics and the architecture of modern transport operation. What issues need to be regulated, where is need for further harmonisation.
 - Sub-contracting of carriage - rights and obligations of the contractual carrier, the sub-contracted carrier, and the actual carrier
 - Transport documents covering movements of goods by different modes of transport
 - Interfaces between different modes of transport
 - Terminal operators - what are their rights and obligations? What should they be? Should a terminal operator be considered a 'carrier' for the purposes of liability?

Conclusions

- What will the international community interested in international maritime transportation need to do in order to meet the degree of unification, harmonisation and standardisation the modern trade demands
- Where do we go from here; The UNCITRAL / CMI project

REGISTRATION FORM

**United Nations Commission on International Trade Law (UNCITRAL) /
Comité Maritime International (CMI)**

TRANSPORT LAW COLLOQUIUM

6 JULY 2000

United Nations Headquarters, New York

I hereby register for the above-mentioned event:

NAME:

ORGANIZATION:

MAILING ADDRESS:

TELEPHONE NUMBER:

FAX NUMBER:

EMAIL ADDRESS:

PLEASE RETURN THIS FORM TO:

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NOTE: *Upon receipt of your registration form, you will receive further details in a "Letter of Admission" which must be presented to the Security Officer, as proof of registration, when entering the United Nations on the day of the event.*