

The United Nations Convention on Contracts
for the International Carriage of Goods Wholly
or Partly by Sea

Meltem Deniz Güner-Özbek
Editor

The United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea

An Appraisal of the “Rotterdam Rules”

 Springer



**KOÇ
UNIVERSITY**
LAW SCHOOL
DR.NÜSRET - SEMAHAT ARSEL
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RESEARCH CENTER

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Foreword

At the beginning of 2010, the Koç University Law School's Dr. Nüsret – Semahat Arsel International Business Law Implementation and Research Center decided to organize an international conference in order to thoroughly discuss the “*UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea*”, also known as the “*Rotterdam Rules*”.

On 11 December 2008, the United Nations General Assembly adopted the Rotterdam Rules and authorized a signing ceremony for the Convention, which took place in Rotterdam on 23 September 2009. The intention in adopting the Rotterdam Rules was to replace the outdated Hague / Hague-Visby Rules, which were considered inadequate for fulfilling the needs of modern trade, and the Hamburg Rules, which have proved unpopular with maritime nations. Significantly, the Rotterdam Rules embody contemporary and uniform regulations for modern door-to-door container shipping and include innovations that the current international shipping regime lack. However it should also be acknowledged that the Convention has been subject to criticism with regard to certain issues.

In this regard, the aforementioned international conference was hosted by the Dr. Nüsret – Semahat Arsel International Business Law Implementation and Research Center on 6–7 May 2010. The Research Center has also decided to publish the papers delivered at the Conference as a book, in order to make them available to legal circles. Accordingly, this book primarily consists of the papers presented at the conference. One notable addition is a paper submitted by Prof. Francesco Berlingieri, even though he was unable to attend and present it at the conference.

It must be noted that a significant number of the contributors to the book also personally took part in the process of drafting the Rotterdam Rules. Turkish lawyers were also invited to contribute to the drafting process in order to prepare Turkey for the Rotterdam Rules, though the country is not yet a party to the Convention.

I would like to express my gratitude to Dr. Meltem Deniz Güner-Özbek for her efforts both in organizing the conference and editing this book. Furthermore I am grateful to Springer Verlag, who agreed to publish this book, for their interest in the subject.

Prof. Dr. Tankut Centel
Dean of Koç University Law School

Preface

It is my great pleasure to edit *The United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, An Appraisal of the Rotterdam Rules* with the intent of disseminating both the insider's and outsider's evaluations and views on the Rotterdam Rules. The insiders are Prof. Francesco Berlingieri – infamous doyen of maritime law, who was so kind as to send his advance paper even though he was not able to attend the conference; Prof. Michael Sturley – Senior advisor of the U.S. delegation to UNCITRAL Working Group III and Member of the UNCITRAL Secretariats's Expert Group on Transport Law, who has been involved with the Rotterdam Rules since their earliest stages; Prof. Tomotaka Fujita, – Head of the Japanese Delegation to UNCITRAL Working Group III and Member of the UNCITRAL Secretariats's Expert Group on Transport Law; Prof. Dr. Gertjan van der Ziel – Head of the Netherland's Delegation to UNCITRAL Working Group III and Member of the UNCITRAL Secretariats's Expert Group on Transport Law; and Dr. Anders Moellmann – Delegate and Head of the Danish Delegation to UNCITRAL Working Group III at the 18th through to the 21st Sessions and the 41st Commission Session. In their papers they provide the background ideas of the Rotterdam Rules, as well as their individual evaluations and criticism on both general issues and particular topics. On the other hand, local academics Prof. Dr. Samim Ünan, myself, Prof. Dr. Fehmi Ülgener, Associate Prof. Dr. Kerim Atamer, Associate Prof. Dr. Hakan Karan, and Assistant Prof. Dr. Zeynep Derya Tarman have evaluated the Rotterdam Rules from another perspective taking into account Turkish Law. Discussions at the conference involved interesting arguments as well as undiscovered issues pertaining to the Rotterdam Rules. We do not know if or when the Rotterdam Rules will come into force. What we do know is that the Rotterdam Rules take the basic rules of the Hague-Visby Rules and develops them in light of modern developments. Even if the Rotterdam Rules do not come into force, they will nevertheless influence future developments in this area of maritime law.

I am grateful to Koç University Law School Dr. Nüsret – Semahat Arsel International Business Law Implementation and Research Center for its generous funding to organize the conference as well as to publish its proceedings. I am also deeply thankful to Prof. Dr. Tankut Centel, Dean of Koç University Law School, for his invaluable support in academic work in general and for believing in me in

particular. He has supported me and my international academic activities since my early academic life.

In addition, I would like to acknowledge my special thanks to my dear colleague Dr. Zeynep Derya Tarman for her inestimable suggestions and observations. I do not know how I would have coped without her valuable assistance in preparing for the conference as well as preparing this book for publication. I also owe thanks to Anthony Richard Townley for his kind and expeditious assistance in proof-reading of some of the papers.

Last but not least, I owe gratitude to my family.

Sariyer, January 2011

Dr. Meltem Deniz Güner-Özbek
Koç University School of Law

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