Below is the Statement read by Stephen M. Miller at the CMI-MLA Joint Meeting of the CMI International Working Group – Rotterdam Rules and the MLA Carriage of Goods Committee on May 4,2016.

Stephen M. Miller

Senior Advisor,

Maritime and Land Transport

Office of Transportation Policy

U.S. Department of State

First, let me say that the United States Government strongly supports the Rotterdam Rules. We believe that the convention will bring about a much-needed modernization and harmonization of international transport law. The negotiations that lead to the Rotterdam Rules saw unprecedented participation by governments, industry representatives and academics from all corners of the world. That was the key to the success of this effort. This convention represents a carefully crafted package that balances a wide span of interests. The successful conclusion of this Convention required everyone, including the United States, to compromise.

Within the United States, preparations and coordination of our negotiating positions were no simple matter. The Department of State held meetings open to all interested members of the public and announced through the U.S. Government gazette, the Federal Register. The U.S. Government maintained close contact with all the stakeholders who showed an interest, many of whom participated in the negotiations as advisors to the U.S. delegation.

After we signed the Rotterdam Rules back in 2009, we thought that the most difficult part was behind us. Since then, our friends around the world have been scratching their heads at our radio silence.

The ratification process turned out to be even more complex than the negotiation process. A treaty must undergo review within the Executive Branch before the President transmits the Convention to the Senate for advice and consent. Unfortunately, this has been taking longer than anticipated.

During this process, representatives of public port authorities came to us with concerns about their potential liability as maritime performing parties under Article 19. We do not agree with the ports’ analysis and believe that the Rotterdam Rules provide better protection for the ports than the current legal regime in this country and offer a clearer and more predictable framework for adjudicating claims against them.

Nonetheless, opposition from a significant stakeholder seriously compromises chances for ratification. We are currently considering how best to address the ports’ concern