

Carriage of Goods

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Committee: [CARRIAGE OF GOODS](#)

FORMAL REPORT OF THE COMMITTEE ON CARRIAGE OF GOODS

The committee on the Carriage of Goods met on Wednesday morning at the San Diego meeting. The entire two hour session served as a CLE seminar and was devoted to the current status of the U.S. COGSA proposal, and an update of the current CMI draft. In addition, during the second hour we had a telephone conference with members of NIT League and the World Shipping Counsel. In September, a joint statement was issued by both NIT League and the WSC endorsing the U.S. COGSA proposal with certain exceptions. Unfortunately, this joint statement was issued without any consultation with other parties and there are several areas which have created a problem with respect to liability of the performing carrier and forum selection. These two issues were "hotly" debated during the conference call. Since that time, representatives of the MLA have met with both parties in an attempt to discuss the areas of concern.

In January of 2002, the U.S. Department of State and the Department of Transportation held the first of several hearings in order to gain information, as well as opinions of the various representatives of the insurance and shipping industries with respect to the CMI proposal that will be debated by UNCITRAL (United Nations Commission on International Trade Law).

The good news for U.S. shipping interests is that the sum and substance of our COGSA proposal has become the basis for the CMI draft. The CMI draft is the basic working document from which UNCITRAL will begin its study of the International Carriage of Goods by Sea. We are hopeful that within the coming months the U.S. representatives, which include four members of the MLA, will persuade the other nations to adopt a final document which will closely resemble the original MLA proposal.

The bad news, for the time being, the proposal to amend the current COGSA will not be addressed by the U.S. Congress until such time as the UNCITRAL document has been completed.

The CLE seminar/meeting was attended by approximately 150 people in San Diego and served as an update to the complicated process which the U.S. is going through in an attempt to create an international shipping law subscribed to by all of the major countries.

Respectfully submitted,

William R. Connor III, Chair

