

THE 265TH IDEC AISA SEMINAR

International Transportation Law:

The Legal Regimes Regulating the International Carriage of Goods

Lecture at the Graduate School for
International Development and Economic Cooperation (IDEC)
Hiroshima University

Lecturer: Prof. Michael F. Sturley

Fannie Coplin Regents Chair in Law The University of Texas at Austin

Date: December 20th, 2013

Time: 16:00-18:00

Venue: 204

By its very nature, international transportation involves two or more countries. In theory, it would be possible for each country involved in a multinational transaction to regulate the parties involved according to its own domestic law (and to a considerable extent that happens in practice). But it is often beneficial to have uniform rules to regulate international transportation in the same way in all countries. The world community has accordingly cooperated to agree on a large number of international legal regimes, each governing specific aspects of international transportation. Many of these regimes were developed under the auspices of the United Nations or its specialized agencies. The International Maritime Organization, for example, is responsible for the Safety of Life at Sea Convention. Many other international regimes pre-date the United Nations. The Warsaw Convention, which governs international air travel, dates back to 1929.

Prof. Sturley's lecture will focus on the international carriage of goods, a central aspect of international transportation law. The world community has been particularly active in the regulation of sea transportation, the mode of carriage used for the bulk of world trade. The first successful effort was an international convention concluded in 1924. The Warsaw Convention, which governs not only international passenger traffic but also the carriage of goods by air, was concluded only five years later. Although there is less need for universal regimes governing other modes of transportation, important regional conventions — particularly in Europe — regulate carriage by road, rail, and inland waterways.

In practice, most goods today are carried not by a single mode of transportation but by a combination of two or more modes. Goods manufactured in an inland city in Japan may travel by train to the nearest port. From there, they may be carried by sea to a U.S. port, where they are transferred to a train that carries them to an inland railhead over a thousand kilometers away. Finally, they may be carried by truck to their ultimate destination. A generation ago, the U.N. Conference on Trade and Development (UNCTAD) made an ambitious (but unsuccessful) effort to conclude a Multimodal Convention — a single regime governing the entire journey in such cases.

The U.N. Commission on International Trade Law (UNCITRAL) has recently concluded a more limited “maritime plus” convention that governs multimodal shipments when part of the carriage is by sea. This convention, popularly known as the “Rotterdam Rules,” is the most important recent development in international transportation law. Prof. Sturley will conclude with a discussion of the Rotterdam Rules to illustrate the larger themes that he is introducing.

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