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## Technical cooperation and assistance

### Transport law

#### Note by the Secretariat\*

#### Contents

|   | <i>Paragraphs</i> | <i>Page</i> |
|---|-------------------|-------------|
| I. Introduction . . . . .                                     | 1                 | 2           |
| II. Technical cooperation and assistance activities . . . . . | 2-12              | 2           |
| III. Coordination activities . . . . .                        | 13                | 5           |
| IV. Dissemination of information. . . . .                     | 14-17             | 6           |

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\* The submission of this document was delayed due to need to finalize consultations.



## I. Introduction

1. This note by the Secretariat should be read in conjunction with A/CN.9/695, outlining the general technical cooperation and assistance activities of the secretariat of the United Nations Commission on International Trade Law (UNCITRAL). The United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, known as the “Rotterdam Rules”,<sup>1</sup> was adopted by the United Nations General Assembly in December 2008.<sup>2</sup> Further to that resolution of the General Assembly, the Convention was opened for signature on 23 September 2009. As the most recently adopted UNCITRAL convention, and in keeping with General Assembly Resolution 64/111 of 15 January 2010 which reaffirmed the importance of bringing into effect the conventions emanating from the work of the Commission, the Rotterdam Rules have been the focus of particular technical cooperation and assistance efforts by the Secretariat during the past year. This note is intended to provide the Commission with greater detail on those efforts. Activities that are denoted with an asterisk were funded by the UNCITRAL Trust Fund for Symposia.

## II. Technical cooperation and assistance activities

### 1. The signing ceremony and colloquium

2. Coordination with the hosts of the signing ceremony allowed the Secretariat to play a planning role in all aspects of the event, including the planning of the Dutch host’s website; documentation, accreditation and registration procedures; and the planning and preparation of the press strategy and press background materials.

3. Prior to the signing ceremony, an international colloquium on the Convention was held from 21-22 September in Rotterdam under the auspices of UNCITRAL and the *Comité Maritime International* (CMI). The Secretariat participated in the planning of the programme for the colloquium, ensuring full coverage of the main issues arising under the Rotterdam Rules, as well as ensuring that speakers represented appropriate geographic and legal diversity. Papers were presented by some of the world’s leading experts in the area of maritime transport, and through the efforts of the Secretariat and others, they were made available to the public online immediately following the event.<sup>3</sup>

4. The signing ceremony for the Rotterdam Rules was successful, with 16 countries signing the Convention on the first day it was opened for signature, the highest number of opening day signatures for a convention negotiated under the auspices of UNCITRAL. The original signatories were: Congo, Denmark, France, Gabon, Ghana, Greece, Guinea, the Netherlands, Nigeria, Norway, Poland, Senegal, Spain, Switzerland, Togo and the United States of America. At the date of this note,

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<sup>1</sup> New York, 11 December 2008, General Assembly Resolution A/RES/63/122, annex.

<sup>2</sup> UNGA Resolution 63/122.

<sup>3</sup> See <http://www.rotterdamrules2009.com/cms/index.php?page=text-speakers-rotterdam-rules-2009> (last checked on the date of submission of this Note).

the Convention has been signed by 21 States representing over 25 per cent of world trade volume.<sup>4</sup>

## 2. Country-specific activities

5. A large number of country-specific activities were conducted by the Secretariat, including: general communication and outreach regarding the Convention and signing ceremony, responding to inquiries regarding participation and attendance at the signing ceremony, answering general questions about the text, and responding to more specific, detailed inquiries regarding the Rotterdam Rules.

## 3. Regional activities

6. In order to achieve the greatest possible impact in terms of breadth of coverage and cost-effectiveness, the Secretariat took mainly a regional approach in its initial efforts at promoting the Rotterdam Rules. Since certain geographical areas were not as regularly and actively represented in the Working Group on Transport Law as others, the UNCITRAL secretariat focused on organizing and participating in events in those regions that may have had more limited exposure to the Convention.

### *Events planned by other organizations*

7. In some cases, the Secretariat took part in events planned by other organizations in order to raise general awareness concerning the Convention, to provide an update on the latest developments, to coordinate with other organizations active in transport matters and to answer any questions. Examples of those types of activities include:

(a) An international congress regarding the Rotterdam Rules organized by the Carlos III University (Madrid, 17-18 September 2009) conducted in English, Spanish and French, focused mainly on Spanish-speaking countries and Africa;

(b) An expert meeting of the International Symposium on Maritime Transport and the Maritime Economy in countries in West and Central Africa, organized in conjunction with the Maritime Organisation of West and Central Africa (Cotonou, Benin, 28 September-2 October 2009);

(c) The 2nd Session of the African Union Conference of Ministers responsible for Maritime Transport (Durban, South Africa, 12-16 October 2009), where interest was shown in particular by Government officials from States that have not yet signed the Convention, nor participated in the negotiations, including Burundi, Somalia and Cape Verde;

(d) The 7th International Conference on Maritime Law of the China Maritime Law Association partially showcasing the Rotterdam Rules (Shanghai, China, 13-15 November 2009); and

(e) The 18th Economic and Environmental Forum of the Organization for Security and Co-operation in Europe, "Promoting good governance at border

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<sup>4</sup> According to information obtained from the United Nations 2008 International Merchandise Trade Statistics Yearbook.

crossings, improving the security of land transportation and facilitating international transport by road and rail in the OSCE region” (Vienna, 1-2 February 2010).

8. Future events of this type to which the Secretariat will send representation are:

(a) An international conference, “The Rotterdam Rules: The Maritime Transport Law for the 21st Century?” (Marseille, France, 20-21 May 2010), sponsored by the Mediterranean Institute of Maritime Transport and the Maritime Law and Transport Centre;

(b) An international conference on the Rotterdam Rules at Koç University (Istanbul, Turkey, 6-7 May 2010); and

(c) Part 2 of the 18th Economic And Environmental Forum of the Organization for Security and Co-operation in Europe, “Promoting good governance at border crossings, improving the security of land transportation and facilitating international transport by road and rail in the OSCE region” (Prague, 24-26 May 2010).

9. General awareness-raising has also been accomplished through providing background materials and presentations on the Rotterdam Rules to speakers participating on behalf of UNCITRAL at events on other topics (participation in a seminar for government officials co-organized by Unidroit in Jakarta, Indonesia, 18-20 November 2009), or in transport-specific events (meeting of the Slovenian Maritime Law Association, Slovenia, 5 March 2010).

10. When it was not feasible to send a representative of UNCITRAL to a particular meeting or conference, the Secretariat has arranged for there to be appropriate representation in support of the Rotterdam Rules (for example, at the 22 June 2010 meeting of the European Shippers’ Council in Antwerp, or prior to and during the meeting of the International Chamber of Commerce Committee on Maritime Transport at which it considered its official position on the Rotterdam Rules, 27 May 2009).

*Events designed by, or in coordination with, the Secretariat*

11. In some regional activities, the Secretariat went beyond general awareness-raising, and designed a programme with local partners that focused on issues of concern to the region and to the expected participants. The Secretariat also secured appropriate speakers for the event, gave presentations and updated the audience on the latest developments, answering any questions and providing backgrounders for appropriate media coverage. These events were as follows:

(a) The 3rd Arab Conference for Commercial and Maritime Law, “Rotterdam Rules 2009: Uniformity versus Diversity of the Law of Carriage of Goods by Sea (Alexandria, Egypt, 17-19 April 2009) in cooperation with the Arab Society for Commercial and Maritime Law, the Arab Academy for Science, Technology and Maritime Transport and the CMI;

(b) International Seminar for West and Central Africa on “The Rotterdam Rules: What contribution for Africa?” (Yaoundé, Cameroon, 18-19 March 2010),\*

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\* Participation of one member of the Secretariat funded by the UNCITRAL Trust Fund for Symposia.

under the patronage of the Prime Minister and in cooperation with the Cameroon National Shippers' Council, the Union of African Shippers' Councils and the CMI, which saw participation from an estimated 15 States from the region;

(c) Lecturing at a special event organized in conjunction with the industry-oriented Shanghai International Shipping Institute (Shanghai, China, 16 November 2009); and

(d) Arranging appropriate UNCITRAL participation in the Arab League Workshop on the Rotterdam Rules (Alexandria, Egypt, 2-3 February 2010).

#### 4. Future regional events

12. Future regional events are planned in order to allow the Secretariat to reach out to additional geographical areas where no events have yet been held. Regions for which such events are currently in the planning stages are South America, the Persian Gulf States, West Africa, Central America, OSCE Participating States,<sup>5</sup> and Eastern and Southern Africa.

### III. Coordination activities

13. In performing its activities, the UNCITRAL Secretariat has also consulted and cooperated with a broad range of interested parties, including Governments, international governmental organizations, non-governmental organizations, industry representatives and academics. The following is a list of some of those coordination activities:

(a) The Secretariat gave a presentation on the Convention and participated in a meeting of the United Nations Economic Commission for Europe Working Party on Intermodal Transport and Logistics (Geneva, Switzerland, 12-13 October 2009) in the context of that body's consideration of the desirability of a European multimodal transport instrument;

(b) The Secretariat sent copies of the text of the Rotterdam Rules and an explanatory letter to be distributed by the United Nations Economic and Social Commission for Asia and the Pacific to participants in its Forum for Asian Ministers of Transport (Bangkok, Thailand, 14-18 December 2009);

(c) The Secretariat has assisted Bimco (the Baltic and International Maritime Council) in its efforts to contact decision makers in key States of its global membership (Belgium, China, Cyprus, Denmark, France, Germany, Greece, India, Italy, Japan, the Republic of Korea, the Netherlands, Norway, the Russian Federation, Singapore, Sweden, Switzerland, Turkey, the United Arab Emirates, the United Kingdom and the United States of America) to encourage them to sign and ratify the Rotterdam Rules in a timely fashion;

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<sup>5</sup> Ten of the 56 OSCE Participating States have already signed the Rotterdam Rules (Armenia, Denmark, France, Greece, The Netherlands, Norway, Poland, Spain, Switzerland and the United States of America), and the Secretariat has been invited to prepare a project proposal for a future seminar on the Rotterdam Rules for all OSCE Participating States.

(d) As noted (see paras. 3, 11 and 14), the Secretariat has planned and engaged in several events in coordination with the CMI and expects to continue to do so in the future; and

(e) The Secretariat has coordinated with the International Institute for the Unification of Private Law (Unidroit) in the promotion of the Convention through the publication of a special volume of Unidroit's Uniform Law Review devoted to articles on the Rotterdam Rules.<sup>6</sup>

## **IV. Dissemination of information**

### **1. Website**

14. As the Commission noted at its last session,<sup>7</sup> in light of the rapidly growing body of information and views being published in respect of the Rotterdam Rules, the UNCITRAL website has expanded its web page on the Convention to include a selection of materials, including podcasts, and links to other relevant websites with information on the Convention. The Secretariat has continued to add to those resources, and they now include a link to the collection of papers delivered at the colloquium that preceded the signing ceremony, and a link to a detailed question and answer document dealing with specific concerns raised regarding the Convention, as drafted by the CMI in conjunction with the Secretariat.

### **2. Publications**

15. The Secretariat has prepared a number of publications of various types in order to promote the Rotterdam Rules. In addition to the numerous papers and presentations prepared for the conferences noted above, a chapter of a forthcoming book and a list of articles written and published by the Secretariat in magazines and legal journals may be found in A/CN.9.693. In addition, following the conclusion of the forty-second session of the Commission in 2009, the text of the Rotterdam Rules itself was published in time for its circulation at the signing ceremony on 23 September 2009.

### **3. Press releases**

16. The Secretariat has used press releases as a tool in its technical cooperation and assistance activities in respect of the Rotterdam Rules. In addition to preparing the press strategy, backgrounders and press releases for the colloquium and signing ceremony for the Convention in coordination with the Dutch hosts of the event and the United Nations Information Service,<sup>8</sup> the Secretariat has sought to use public information to maintain momentum for signatures and other treaty actions in respect of the Rotterdam Rules. For example, the Secretariat prepared a press release to

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<sup>6</sup> Uniform Law Review, NS – Vol. XIV, 2009-4.

<sup>7</sup> *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17 (A/64/17)*, para. 325.

<sup>8</sup> See, for example, Media Advisory UNIS/L/132, 18 September 2009 (<http://www.unis.unvienna.org/unis/pressrels/2009/unisl132.html>), Fact Sheet UNIS/L/131, 18 September 2009, and <http://www.rotterdamrules2009.com/cms/index.php?page=press> (last visited on the date of submission of this Note).

mark the occasion of the 20th signature of the Convention.<sup>9</sup> In addition, the Secretariat has arranged for certain important press releases in respect of the Convention to be translated into languages other than English in order to reach a broader audience. Further, the UNCITRAL secretariat has arranged for other key events marking the progress of the Convention toward entry into force to be publicly flagged through press releases, for example, the information that the Alexandria Declaration, which arose from the Arab League Workshop on the Rotterdam Rules (see para. 11 (d) above), recommended that Arab League countries should jointly sign the Convention<sup>10</sup> was picked up by several major news outlets.<sup>11</sup>

17. The Secretariat has also used other means of communication in its outreach activities in respect of the Rotterdam Rules. Several podcasts are available on the Rotterdam Rules page of the UNCITRAL website, including a general overview of the Convention, as well as a post-signing ceremony discussion.<sup>12</sup> Further, the Secretariat coordinated with the European Company Lawyers' Association to record a podcast to explain the Rotterdam Rules in broad terms.

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<sup>9</sup> "Rotterdam Rules Gain Momentum as 20th State Signs", UNIS/L/133, 23 October 2009, <http://www.unis.unvienna.org/unis/pressrels/2009/unisl133.html>.

<sup>10</sup> <http://www.uncitral.org/pdf/english/news/ArabPressReleaseRR.pdf> (last visited on the date of submission of this Note).

<sup>11</sup> See, for example, Lloyd's List, 5 February 2010, or <http://www.lloydslist.com/ll/news/arab-league-states-urged-to-sign-rotterdam-rules/1265284130439.htm;jsessionid=F6ABB8CD907A88B4171EA9DD8BC55BC6.5d25bd3d240cca6cbbee6afc8c3b5655190f397f> (last visited on the date of submission of this Note).

<sup>12</sup> [http://www.uncitral.org/uncitral/en/uncitral\\_texts/transport\\_goods/2008rotterdam\\_rules.html](http://www.uncitral.org/uncitral/en/uncitral_texts/transport_goods/2008rotterdam_rules.html) (last visited on the date of submission of this Note).