



# General Assembly

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**United Nations Commission  
on International Trade Law**  
**Forty-first session**  
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## **Draft convention on contracts for the international carriage of goods wholly or partly by sea**

### **Compilation of comments by Governments and intergovernmental organizations\***

#### **Addendum**

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\* Submission of this note was delayed because of its late receipt.



## **II. Comments received from Governments and intergovernmental organizations**

### **A. States**

#### **15. United States of America**

[Original: English]

[29 May 2008]

1. The United States has been an active participant in the work of UNCITRAL's Working Group III on Transport Law to produce a modern, comprehensive convention regulating the carriage of goods wholly or partly by sea. As the United States legal regime in this area is based on the 1924 Hague Rules, this effort is of critical importance to the United States. The United States strongly supports the draft Convention approved by Working Group III in January, 2008 (Annex to A/CN.9/645).

2. The draft Convention will provide much-needed harmonization, which will reduce transaction costs and increase predictability by clarifying the rules that will apply if a problem arises. It also provides the flexibility modern commercial practices require, and it strikes a fair balance between carrier and cargo interests.

3. The draft Convention has to be viewed as a package of carefully crafted, delicately balanced compromises. The United States does not agree with every provision in the text, and there are some provisions we strongly dislike. We would have much preferred, for example, a lower liability limit in Article 61, and firmly believe that there is no commercial justification for the higher limit included in that article. We are nevertheless willing to accept that limit as part of an overall compromise package that includes numerous other important provisions. It took Working Group III six years of painstaking negotiations to achieve this compromise, which was accepted by the Working Group in January. For the Convention to succeed, it is essential that the text as approved by the Working Group remain unchanged, except possibly for some minor technical corrections. Any significant change in one provision would lead to the unravelling of the compromise package and would seriously undermine the likelihood that the Convention will be widely adopted.