Preface

The Convention on the carriage of goods by sea (The Hamburg Rules) was adopted at a United Nations Conference on 31 March 1978. This Convention is meant to replace the Brussels Convention of 1924 on bills of lading (The Hague Rules) and the 1968 Protocol which amended the Hague Rules. The drafting and the adoption of the Hamburg Rules have been the outcome of a sustained effort on the part of the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Conference on International Trade Law (UNCITRAL), which has generated a debate on its efficacious functioning. The revisions carried out by the Hamburg Rules have many dimensions.

Shipping law, specially that relating to carriage of goods by sea, evoked great enthusiasm in me ever since I completed my M.Phil with specialisation in Law of the Sea. The public law training I had at the International Legal Studies Division, added to my interest to pursue research on a problem involving conflict of laws. And the law on carriage of goods by sea which in many respects falls between the twilight zone of private international law and public law fascinated me.
The idea of selecting this particular area for my doctoral thesis was conceived after a thorough discussion of the problem with Professor Rahmatullah Khan who readily agreed to supervise my work. In the initial stages, I could also discuss the structural, conceptual, and jurisprudential aspects of the problem with Professor R.P. Anand and Dr V.G. Mani.

My trips to The Hague, Geneva and Vienna in 1980 and later in 1981 helped me a great deal in collecting materials and also in formulating a framework of my study in consultation with many international lawyers, some of whom had participated in the UNCITRAL debates and contributed in their own way to the adoption of the Hamburg Rules. Given the nature of the study, I could not help relying a great deal on the UNCTAD and UNCITRAL documents.

The present study has attempted to take into account the principal contemporary developments on the subject. No case law applying the Hamburg Rules (if at all there is any) could be incorporated. Perhaps we would have to wait for a couple of years more for new interpretations to emerge on the basis of the Hamburg Rules through judicial process.
Finally, since writings on the subject have been few and far between, this modest attempt, it is hoped, will fill this vacuum.

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