Foreword

It is often said that trade is the lifeblood of a nation. Global trade is largely seaborne; as such, maritime transportation is invariably the dominant medium through which trade is conducted worldwide. However, other modalities, including rail, road and air, are also important and sometimes are inextricably linked to sea transportation. At any rate, to facilitate the smooth delivery of goods across the globe, a legal framework for transport law is essential; and uniformity in this commercial arena can only be achieved through the effectuation of international regimes. This is the proposition put forward by Dr Olena Bokareva in this book, aptly titled Uniformity of Transport Law through International Regimes.

In the book, Dr Bokareva has skilfully considered international convention regimes covering maritime and other transportation modalities in line with the European Union legal framework for transport. The focus of the book is not exclusively on shipping but rather takes cognizance of the fact that ‘the transportation industry has been turned upside down by the container revolution’. With futuristic foresight, she opines that the real transformation in the transport industry will take place later, when changes are effectuated by blockchain technology, smart contracts and digitization. Dr Bokareva addresses current and contemporary issues relating to transportation and the multifarious laws relating to different modalities articulated in international conventions, together with domestic and regional practices.

The central theme is uniformity, and a large part of the book is devoted not only to sea carriage of goods but also to multimodal transportation within the wide scope of logistics and the global supply chain. Dr Bokareva delves into the notion of uniformity and the need for it in this particular branch of law, harking back historically to the lex mercatoria and lex maritima, among other legal regimes of antiquity. Even though the Rotterdam Rules have not yet seen success, she explains pointedly how their ‘maritime plus’ concept purports to govern the entirety of a carriage contract, extending to segments performed by sea and other transport modes. She takes a strong focus on the necessity of uniformity in the field of carriage of goods law from the vantage point of operational
needs and practices in the entire transport chain. Overall, the book provides a theoretical foundation underpinning transport law as a whole, and the various convention regimes addressing different transportation modalities. Regional harmonization is highlighted as a method for reaching uniformity and the author exemplifies this in the context of the law and jurisprudence of the European Union in this field.

The book has eight chapters in all, covering the matters referred to above. In her conclusion, Dr Bokareva proposes a number of alternatives for gauging the future of carriage law, including different approaches that might be adopted in order to reach the ideal situation. The book represents a gallant effort made by a promising young scholar to probe a subject that is intensely complex and rife with contradictory views fostering debate and argument. All who are interested in international trade and transportation, be they academics, practitioners, lawyers or students of the law, will be well rewarded by engagement with the contents of this excellent text, which is at once challenging and thought-provoking. Those of us involved in this highly specialized field of commercial law in various capacities owe a debt of gratitude to the author.

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