

Preface

The idea of developing a research on this topic arose from my practice in maritime litigation before the Maritime Courts of Panama. Most of the cases related to cargo claims I handled were subject to the application of the Hague/Hague-Visby rules. In some of them, the loss or damages could have been prevented by the application of new technologies. Under the duties and liability standard set in the rules, questions often arise as to what new technologies should be required as part of the obligation to exercise due diligence in making the ship seaworthy and to care cargo? Or, when can carriers be held liable for loss of or damage to cargo that could have been prevented by the application of new technological instruments, methods, or devices? In the absence of a response, there is abundant litigation in the courts around the world. The idea to approximate an answer to these questions became then a thesis proposal, which was accepted as a doctoral dissertation by the University of Hamburg, Germany.

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