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Callidus News

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CALLIDUS EVENING TALK 2026

A MEMORABLE EVENING OF MARITIME INSIGHTS AND INDUSTRY CONNECTIONS

Callidus Legal, in collaboration with the **Asian International Arbitration Centre (AIAC)** and the **Selangor Freight Forwarders & Logistics Association (SFFLA)**, successfully hosted **Callidus Evening Talk 2026** on 7 August 2026 at Wyndham Grand i-City, Shah Alam, Malaysia. The evening brought together members of the shipping, freight forwarding, logistics and legal communities for an engaging exchange of knowledge, perspectives and industry experiences.

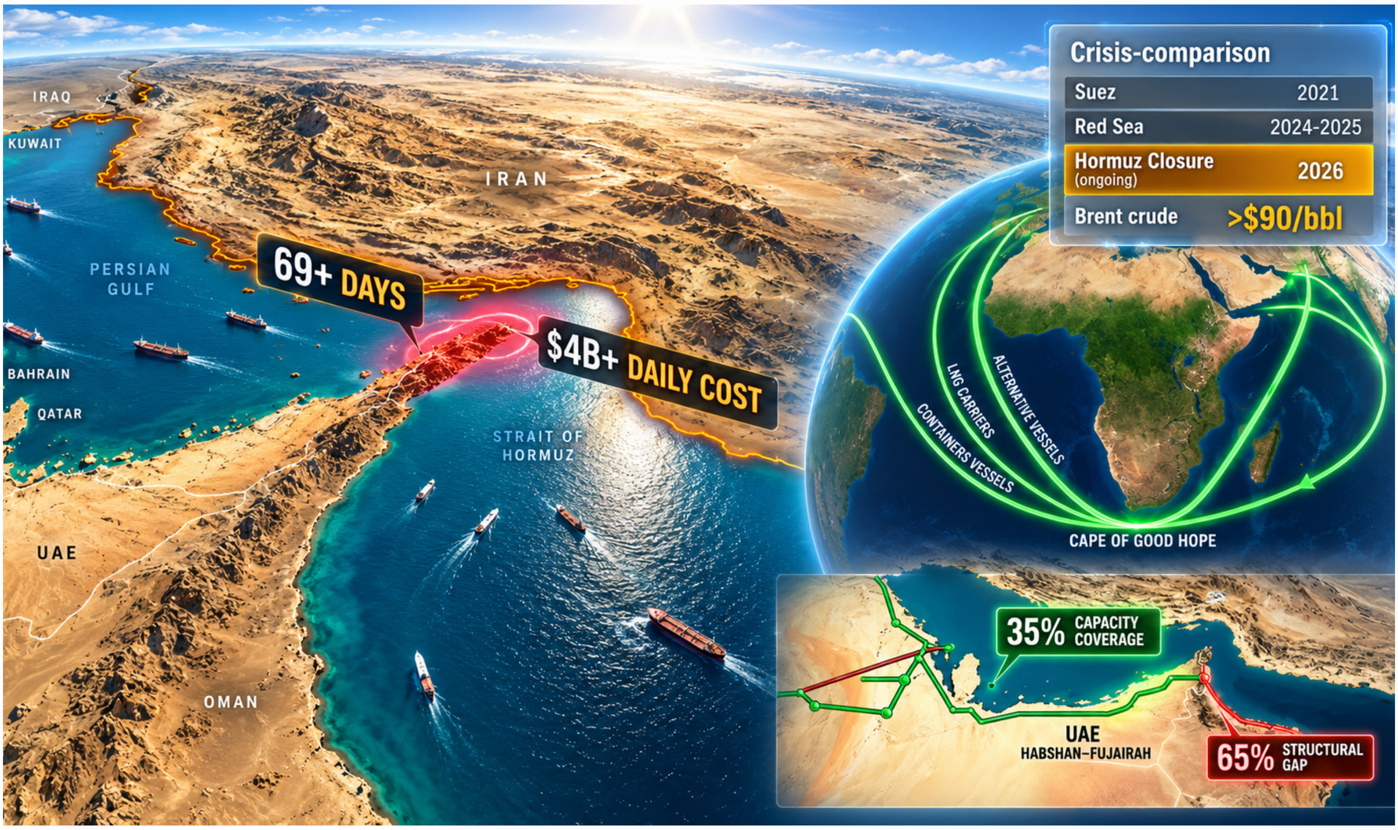
The programme featured insightful discussions on **Maritime Law and International Shipping Documents** and **Dispute Resolution in the Maritime Arena**, followed by networking, dinner and fellowship. The event reflected Callidus Legal's continued commitment to strengthening professional relationships and creating meaningful platforms for dialogue within the maritime and logistics community in Malaysia ■

THOUGHT for the MONTH

What you do makes a difference, and you have to decide what kind of difference you want to make

JANE GOODALL

THE CMR CONVENTION AND MULTIMODAL TRANSPORTATION IN TIMES OF GEOPOLITICAL DISRUPTION: LESSONS FROM THE STRAIT OF HORMUZ RISKS AND ALTERNATIVE ROUTES.



The Convention on the Contract for the International Carriage of Goods by Road (CMR), 1956 was drafted for a transport world that was far less integrated than the one that exists today. International freight now moves through complex supply chains that combine sea, road, rail and sometimes air transport under a single commercial arrangement. This shift has made the CMR Convention more relevant, not less, because road carriage remains a central part of many multimodal journeys and the CMR may govern the international road leg where the conditions of its applications are satisfied. The recent instability in the Gulf region, especially the risks associated with the Strait of Hormuz, has shown how geopolitical disruption can force traders and carriers to redesign routes and rely on alternative corridors that combine several modes of transport.

The CMR Convention and Multimodal Transport

The CMR Convention governs international carriage of goods by road and establishes a uniform framework for carrier liability, transport documentation and cargo claims. Although originally conceived as a convention for international road transport, it has become increasingly relevant in the context of modern door-to-door shipments, where cargo is carried under a single transport contract from the seller's premises to the buyer's final destination. Such movements frequently involve multiple modes of transport, particularly sea and road, and are often covered by a multimodal bill of lading or other multimodal transport contract under which carrier or logistics provider assumes contractual responsibility for the overall movement.

In a typical containerised door-to-door shipment, goods may be transported by sea to a port of discharge before the container is loaded onto a truck for onward delivery to the consignee. While the multimodal bill of lading governs the overall transport arrangement, the allocation of liability during the inland road leg remains a critical issue to ensure that the carrier is protected from unlimited liability. In this regard, the CMR provides a recognised and commercially familiar liability framework that can be applied to the road segment, either mandatorily where applicable or through contractual incorporation, thereby promoting greater certainty and predictability in multimodal transport operations.

Network Liability and the Problem of Localising Loss

The CMR's treatment of multimodal transport reflects what is often called a network liability system. Under this approach, liability depends on identifying where the loss, damage or delay occurred and then applying the legal regime governing that particular stage of the journey. If the damage occurs during the road leg, the CMR may apply where the requirements for its application are satisfied. If it occurs during a maritime leg and can be clearly linked to that stage, maritime law may govern instead.

The Strait of Hormuz and the Rise of Alternative Corridors

The strategic importance of the Strait of Hormuz has made it one of the most sensitive maritime chokepoints in the world. A large share of global energy exports and container traffic passes through this narrow waterway. When tensions rise in the Gulf, shipping routes become vulnerable to delay, higher insurance costs and even temporary closure. These risks have encouraged carriers and traders to seek alternative routes that reduce dependence on the Strait.

One of the most important responses has been the increased use of Omani ports as alternative gateways for cargo moving into the Gulf. Ports such as Sohar, Salalah and Duqm have become part of what is often described as the Oman corridor. Cargo that might otherwise have entered directly through Gulf ports is discharged in Oman and then moved onward by road to destinations in the United Arab Emirates, Saudi Arabia and other neighbouring states. In some cases, inland logistics hubs and rail links also form part of the chain. What was once a straightforward maritime shipment becomes a genuinely multimodal operation.

The Oman Corridor and the Role of the CMR

The Oman corridor illustrates why the CMR Convention remains important in practice. If goods are carried by sea to Oman and then transported by road to another country, the road leg may fall within the CMR regime if the carriage satisfies the Convention's international requirements and the relevant States are parties to the Convention. This means that the road carrier's liability for loss, damage or delay during that segment will be governed by the CMR, including its liability limits and defences.

The legal position becomes more complicated when cargo is damaged during transhipment or storage between the sea and road legs. If the loss occurs during the maritime segment, maritime carriage rules may apply. If it occurs during the road segment, the CMR may govern. But if the cargo passes through a terminal, customs area or logistics hub, the applicable law may be unclear. These are the convention gaps that arise in multimodal transport. They are especially significant in crisis-driven corridors such as the Oman route, where cargo may be rerouted quickly and handled by several operators in succession.

Contractual Carriers and Performing Carriers

Another important feature of modern multimodal transport is the distinction between the contractual carrier and the performing carrier. A logistics provider or non-vessel-operating carrier may contract with the cargo owner for the entire journey while subcontracting each leg to specialist operators. From the cargo owner's perspective, this creates simplicity because there is one party responsible for the whole movement. In legal terms, however, it creates a layered structure of responsibility.

During periods of geopolitical disruption, this structure becomes especially important. The cargo owner may claim against the contractual carrier, while that carrier seeks recourse against the road, sea or terminal operator responsible for the relevant stage. The arrangement provides commercial efficiency, but it also increases the complexity of liability allocation. The absence of a single, universally accepted multimodal liability regime makes these disputes harder to resolve.

The Limits of the Current Legal Framework

The main weakness of international transport law is that no binding global convention governs multimodal carriage as a whole. Attempts to create such a regime have not succeeded, and international transport remains governed by a patchwork of unimodal conventions, including the CMR, the Hague-Visby Rules, the Montreal Convention and rail transport instruments. Each works well within its own sphere, but none fully addresses the realities of integrated door-to-door logistics.

This leaves the law divided between two models. The network system applies different rules to different legs of the journey, while the uniform system would apply one regime to the entire transport operation. The network model respects the existing conventions but creates uncertainty when loss cannot be localised. The uniform model would offer greater predictability, but it has never been fully adopted at the international level. As a result, multimodal transport continues to operate in a fragmented legal environment.

Application of the Convention Contractually

Considering that many states are yet to ratify or formally adopt the CMR Convention, the carriers are at risk of exposure to multiple Local Laws when it comes to the road leg. This becomes particularly important as these conventions have been designed to create certainty and to avoid unlimited liability to fall on the carrier in case of any cargo claim. Parties may consider incorporating appropriate CMR-based contractual terms, subject to the applicable national law and any mandatory provisions that cannot be contractually displaced. Such incorporation may provide greater contractual certainty, but it does not necessarily make the CMR Convention itself applicable as a matter of treaty law..

The Gulf disruptions and the rise of the Oman corridor show that multimodal transport is no longer exceptional; it is becoming the normal structure of international trade. Geopolitical instability, climate risks and supply chain resilience concerns are likely to increase reliance on alternative corridors that combine sea, road and other modes.

At the same time, the current legal framework needs improvement. Future reform of international law should move towards a more coherent liability regime for door-to-door transport. The CMR Convention has shown remarkable adaptability, but the future of global trade will require greater legal certainty than the present patchwork of conventions can provide ■

HOT NEWS

SPANISH AUTHORITIES ARREST SMUGGLERS AFTER GUNFIRE AT PATROL VESSEL

Spanish authorities have arrested ten suspected smugglers following a high-risk maritime pursuit off Huelva on 17 August. The suspects allegedly opened fire on a Customs Surveillance Service patrol vessel after discarding bales of drugs during the chase. One suspect was wounded and later arrested, while the remaining nine were apprehended three days later by the Guardia Civil.

The operation highlights the increasing dangers faced by maritime law-enforcement personnel during high-speed pursuits involving drug-trafficking vessels along Spain's Andalusian coast. With previous incidents resulting in fatalities among enforcement officers, the latest case once again draws attention to the safety, operational and legal challenges surrounding maritime interdiction and law-enforcement activities at sea ■

Courtesy : www.maritime-executive.com

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