

# **The Balance of the Maritime Carriers' Obligations toward the Boost Interests of the Carriers and Shippers According to the Rotterdam Rules 2008**

**ImadEldin ABDULHAY**  
**Commercial and Maritime Law**  
**Faculty of Law**  
**Department of Private Law**  
**University of Sharjah United Arab Emirates**

## **Abstract**

Having been aware of the assumption that the legislators of the Rotterdam Rules (2008) - concerning the international carriage of goods, wholly or partly by sea, - were very keen to strike a balance between the rights of shippers and carriers being conducted in a way that no party dominates the other in order to avoid what had been attributed to the Hamburg Rules (1978) pertaining to the carriage of goods by sea that these rules favoured the rights of shippers. This includes the Hague Rules (1924) regarding the uniform rules of law relating to bills of lading that favored the rights and interests of carriers in addition to updating the maritime transport rules to become more compatible with international developments. The researcher has examined the obligations of the sea carriers in light of the Rotterdam Rules in comparison with those of Hamburg and The Hague and their two related

addendums, has subsequently found that the picture was not that bright in certain points to strike that balance. It sometimes favored the interests of carriers and those of shippers at other times. Therefore, this study has raised the question as to whether there was any interest towards the shipper or carrier countries, or both, in ratifying the Rotterdam Rules.

This question motivated us to divide the research into three parts. In the first part we discussed the obligations of the carrier at the outset of the maritime transport contract being both a step forward and a step backward. The second part was devoted to the discussion of the balance in the obligations of the carrier throughout the shipping trip in light of recent developments. Finally, the third part examined the balance in the obligations of the carrier at the end of the maritime contract. In such a discussion, we presented several judicial and jurisprudential views and practical applications which were controversial among law specialists and those concerned with maritime transport. It was found that the Rotterdam Rules codified the maritime transport practices in legal texts, and introduced new laws, and maintained laws and regulations that were already established in the Hamburg and the Hague Rules; a matter which motivated us to conduct this study.

This study, including further studies which we have conducted and referred to in this research about the Rotterdam Rules, have allowed us to suggest a number of recommendations to encourage carrier and shipper countries to ratify the Rotterdam Rules due to the fact that it contains more merits than those of the Hamburg and the Hague Rules