

Have the Maritime Laws Been Fragmented?

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With the growing dependence on maritime trade and transit, it has become the concern of the international community to establish standard rules governing maritime trade and transit, addressing issues on uniformity of bills of lading, the rights and liabilities of both the shipper and the carrier as well as the definition of certain terms generally used in the field.

It is in light of this that the Author, in this Article, analyzes the current international conventions on the "Carriage of Goods by the Sea." He first discusses the creation of the "Hague Rules of 1924," which standardized most of the terms contained in bills of lading. Such convention also defined the rights and liabilities of the parties in a sea transport contract. He then proceeds in enumerating the problems encountered under such set of rules, including the fact that not all countries have adhered to such agreed rules. The Author also finds that such rules resulted in an imbalance of the risk secured as well as an overlapping system of insurance.

Subsequently, the Author explains the creation of the "Hague-Visby Rules" in 1968, which provides for salient amendments to the previous rules, such as the broadening of the definition of "goods" as well as the extension of its scope and applicability. He then proceeds with the discussion of the subsequent "Hamburg Rules" of 1978.

Even with all these rules in place, the Author notes that instead of achieving its purpose, the concurrent existence of these rules resulted in a fragmented piece of maritime law.