By early 1983 all of the states comprising what is lately known as the Gulf Co-operation Council (GCC)\(^1\) had effectively enacted codes of maritime law. The first nation to promulgate some semblance of a Maritime Code was Saudi Arabia. In 1931, prior to the unification of what is now recognised as the Kingdom of Saudi Arabia, the Kingdom of the Hijaz issued a Commercial Code which includes sections on land commerce, maritime commerce, civil procedures, and fees. The Code itself is based on the Ottoman Commercial Code of 1850 without the references to "interest".\(^2\) As is the case with the so-called "Constitution",\(^3\) this Commercial Code was promulgated when Saudi Arabia was still known as the Hijaz. The retention of the term Hijaz to describe the territory within its governance has inevitably led to queries regarding the extent to which the Code applies in the now enlarged Kingdom. Recently, a new "Draft Proposal for Saudi Maritime Law" has appeared but has not yet been ratified or published in *Umm al-Qura*, the Saudi equivalent to an Official Gazette.\(^4\)

The Sultanate of Oman enacted in 1974 what was probably the most elaborate of all the Gulf codes. The Oman Maritime Law had both an English and Arabic official version and provided for the establishment of a maritime tribunal to hear cases and record them in both English and Arabic. Unfortunately, however, this Code, drafted in Muscat by an American law firm, was found to be too complicated, and has been subsequently amended and published in the Official Gazette, for the first time, in 1981.\(^5\)

Kuwait, on the other hand, has produced a series of maritime regulations since the

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\(^1\) The Gulf Co-operation Council was created in 1981 to unite the states of Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates (UAE), and Oman in promoting economic and security integration. The "Uniform Economic Agreement of the Gulf Co-operation Council", which came into effect on 1 March 1983, provides for, amongst other things, the treatment of all land and sea transport systems on an equal basis. See Muhammad Abu-l-Khail, "Economic Integration in the Gulf: The Nucleus of Complete Arab Integration", *Al-'Arabi* (Kuwait) 303, February 1984.


\(^3\) Saudi Arabia does not have a constitution proper, although Peaslee, in his *Constitutions of the World*, alludes to one. This "Constitution" is actually the "Organic Instructions (or Fundamental Law) of the Hijaz" of 1926.

\(^4\) *Umm al-Qura* is somewhat akin to an Official Gazette (*al-Jaridat al-Rasmiyyat*). All the GCC states have official gazettes, and laws generally only become effective either upon publication therein or a few months thereafter. In the case of Saudi Arabia, however, some legislation enacted by various Ministerial bodies is not published in *Umm al-Qura* despite the fact that the provision might have become "law". The "Draft Proposal for Saudi Maritime Law" appears to have originated with Mohamed Ahmed Hassanein Makhlouf, Legal Adviser for the General Petroleum and Mineral Organisation (PETROMIN) in Riyadh.

\(^5\) In Oman, Sultan Decree 35/81 issuing the "Maritime Code" is published in *al-Jaridat al-Rasmiyyat* 216/81 (effective 2 August 1981).
original 1959 Maritime Law, the most recent and comprehensive Maritime Code appearing in 1980 as the Law of Maritime Commerce. The state of Qatar also published a Maritime Law not totally dissimilar from that of Kuwait and the apparent model for the 1982 Bahrain Maritime Law. Meanwhile, in 1981, the United Arab Emirates (UAE) had issued a Law of Maritime Commerce which became effective early in 1982. Prior to this law, the state of Sharjah was alone in possession of a maritime code. In 1970, Sharjah had produced "The Maritime Law of the State of Sharjah and its Dependencies", which officially appeared in English and stated that English maritime law as varied by Sharjah provisions would apply in the State. As in the other GCC states prior to their codifications, in Abu Dhabi and Dubai, principles of the Islamic Shari'a, the "common law" of the land, theoretically regulated maritime commerce until the appearance of the aforesaid Federal Maritime Law, which now governs most areas of merchant shipping.

In addition to the Maritime Codes and the Civil and Commercial Codes which often provide rules for marine navigation and certain types of maritime sale (f.o.b. and c.i.f.) therein, the GCC states adhere to various international, regional, and bilateral agreements. This note will not attempt to elaborate on the Codes et cetera, but simply list important legislation governing maritime activity in the GCC states through early 1985. Future articles in the ALQ will cover such topics as the limitation of a shipowner's liability, maritime mortgages, marine insurance, and so forth. In so far as is possible these studies will be comparative—not only with the common law and civil law jurisdictions but within themselves, Arab state to Arab state to precepts of the Islamic Shari'a.

INTERNATIONAL CONVENTIONS

Saudi Arabia and Qatar, two of the most traditionally Islamic states, are parties to only two and one international agreements respectively. Saudi Arabia has adhered to

6 In Kuwait, Decree 3/59 issuing the "Maritime Code" is published in al-Kuwait al-Yaum, the Official Gazette, 228/59, and Decree Law 28/80 issuing the "Law of Maritime Commerce" is published in the Official Gazette 1305/80 (effective 15 August 1980). Kuwait is clearly the most advanced of the GCC states in relation to maritime legislation and has subscribed, as we shall see, to most important international maritime conventions.

7 In Qatar, Law 15/80 issuing the "Maritime Code" is published in the Official Gazette 12/80 (effective 22 November 1980).

8 In Bahrain, Decree Law 23/82 (Amiri Decree 5/82) issuing the "Maritime Code" is published in the Official Gazette 1504/82 S (effective 2 March 1983).

9 In the UAE, Federal Law 26/81 issuing the "Maritime Commercial Law" was published in the Official Gazette 98/81 (effective 21 February 1982).


12 The following information is based on publication of the laws in the various Official Gazettes, most of which is extracted from the forthcoming Register of Laws of the Arabian Gulf by W M Ballantyne and published by Lloyd's of London Press. I am indebted to Kathryn Lydiatt for additional updating. The last entries for the Official Gazettes comprising this note are as follows: Saudi Arabia 3073 (7/85), Oman 317/85, Kuwait 1626/85, Qatar 3/85, Bahrain 1656/85, the UAE 152/85, Abu Dhabi 7/85, Dubai 152/85, Ra's al-Khaimah 16/84, and Sharjah 1983.