

The Regulatory Framework on the Legal Duties of the Stakeholders in Commercial Marine Accidents at Saudi Arabia's Regional Sea

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Abstract

The Kingdom of Saudi Arabia is aiming to diversify sources of income, develop the infrastructure of the maritime sector, and enhance interconnection with all transport sectors in the Kingdom; especially that more than 75% of maritime trade is non-oil; the most recent regulated division between the transportation divisions is the Sea Transportation. Until recently, Saudi Arabia was part of some of the international treaties and conventions that are related to the marine sector, and no local laws and regulations were enforced -except for some provisions which are part of laws and regulations that regulate other matters-. That said, the local maritime laws and regulations in the Kingdom of Saudi Arabia were recently issued, and there is some un-clarity and ambiguity regarding the framework that determines the responsibilities of different stakeholders involved in a commercial accident when such an accident occurs on the regional water of the Kingdom of Saudi Arabia. The issue becomes more important when a ship which is not registered or does not hold the Saudi Flag is involved in such an accident. The ambiguity of the framework makes the application of the law complicated, and accommodates negative impacts related to -without limitation-: the time consumed while removing the accident and its effects, the environmental impact on the sea, and decreasing the cost of removing or resolving such accident. The research aims to study the challenges and gaps related

to the legal framework of the maritime law when it comes to accidents of commercial ships at the regional water of the Kingdom and the responsibilities of the stakeholders. The research will use the historical and descriptive-analytical doctrinal research methodology. The researcher will find where there is a room to adapt or amend regulations that might help in resolving, seizing, or covering the current gaps and challenges related to the current regulatory framework of the regional sea of Saudi Arabia attributed to the commercial marine accidents.

Keywords: Regulatory Framework, Legal Duties of the Stakeholders, Commercial, Marine Accidents, Saudi Arabia, Regional Sea, Roles.

1. Background of the Research

The commercial laws and regulations are one of the most interesting and important topics all over the world. The importance of commercial law comes from its impact on businesses, the overall economy of a country, and local and foreign investments. The wide range of applications related to commercial transactions and the inability to limit the provisions related to the applications of the subject matter is another indicator to the importance of the commercial laws and regulations and the sensitivity of regulating the sector.

Another important topic in the legal field is marine laws and regulations; as one of the aspects that it regulates is the provisions related to the several countries that might be involved, where any sea or ocean is shared between different countries. Therefore, its impacts might extend to political issues if the provisions that regulate such activities do not respect the other countries' boundaries and the international agreements and conventions in this regard.

As a result, we are witnessing the creation and adoption of provisions that will ease the restrictions on commerce internationally while keeping the provisions that helps in the overall benefits. While the world now is more internationally connected, the

commercial activities are no longer limited within the boundaries of a country. According to the Organisation for Economic Co-operation and Development (OECD), the value of the G20 international trade in the third quarter of 2010 was around 3,000 billion US dollars in both exporting and importing; compared to around 5,000 billion US dollars during the third quarter of 2022¹.

The growth of international trade means utilizing all types of international shipping, including transportation through the sea. In other words, as the importance of international trade is increasing; the importance of international transportation means will increase as well. One of the essential elements to consider in this case is the different stakeholders (such as countries and parties) involved with international trade using the marine shipping means.

Those facts were also well-noted in the Kingdom of Saudi Arabia, where the regulator realized the need to develop regulations related to the transportation sector. Keeping an eye that the Kingdom of Saudi Arabia is aiming to diversify sources of income, develop the infrastructure of the maritime sector, and enhance interconnection with all transport sectors in the Kingdom; especially that more than 75% of maritime trade is non-oil; the most recent regulated division between the transportation divisions is the Sea Transportation.

According to the Transportation General Authority Annual Report of 2022²; the increase in the activities of transferring reached out to 422 licenses related to the sea transportation, which represents 17% increasement from the year before. The report also mentioned that the commercial activities using ships increased to 102 activity,

¹ International Trade Statistics: trends in third quarter 2023. rep. Organisation for Economic Co-operation and Development. Available at: <https://www.oecd.org/newsroom/international-trade-statistics-trends-in-third-quarter-2023.htm> (Accessed: 12 March 2024).

² TGA Annual Report (2022). rep. Transportation General Authority, pp. 1–67. Available at: <https://tga.gov.sa/Content/Uploads/Images/TGA%20Annual%20Report%202022.pdf>. (Accessed: 27 November 2023).

with an increase ratio of 262% from the year before. Additionally, Allianz Report³ issued on May 2023 reported that the Arabian Gulf represents one of the top 10 ten regions with the losses incurred by vessels over 100GT, with 45 accidents reported within the last decade.

It is worth noting that the Kingdom of Saudi Arabia is peninsula, which means that there are different seas joints with other countries, and that regulating the commercial marine accidents within its regional water is an essence. However, when it comes to international trade, and being part of international treaties or agreements; make it harder to regulate such sector.

The developed Regulations related to the sea law started to be issued and made available to the public consultation back at 2019. Therefore, the application of those regulations is yet to be attested during this couple of years. Hence that based on the periodic reports of the results and impact of the application of any new laws or regulations in the Kingdom of Saudi Arabia, usually, those laws or regulations are being attested and developed again after its application for a couple of years.

One of the aspects that has been regulated within those recent regulations; is the marine accidents. The Marine Accidents Investigation Regulations was first introduced in May 2019, followed by another different version in April 2020, which prevailed the older one. It is unusual to have a law or a regulation which become revoked within a year of its issuance, which means that such regulations was not proper for application or caused chaos rather than regulating the subject matter of the regulations. The Transportation General Authority Annual Report of 2022⁴ reported

³ Allianz Global Corporate & Specialty (2023). Rev. Safety and Shipping Review 2023 - An annual review of trends and developments in shipping losses and safety, pp. 1–44. Available at: <https://commercial.allianz.com/content/dam/onemarketing/commercial/commercial/reports/AGCS-Safety-Shipping-Review-2023.pdf>. (Accessed: 27 November 2023).

⁴ TGA Annual Report (2022). rep. Transportation General Authority, pp. 1–67. Available at: <https://tga.gov.sa/Content/Uploads/Images/TGA%20Annual%20Report%202022.pdf>. (Accessed: 27 November 2023).

that (15) regulations related to the sea law were either issued or updated during (2022), and (10) sea protocols were approved or issued within the same year.

Another note to make is that Saudi Arabia has several authorities that are involved with marine activities; such as; Ministry of Transport, Transportation General Authority, Ministry of Environment, Water, and Agriculture, General Directorate of Border Guard, Saudi Ports Authority, National Centre for Environmental Compliance, Economic Cities and Special Zones Authorities, and Ministry of Foreign Affairs. In addition, as the Kingdom of Saudi Arabia is part of international agreements and conventions; the International Maritime Organization is also a stakeholder when it comes to the marine activities.

While the Kingdom of Saudi Arabia had not had previously a comprehensive legal framework that regulates the marine transportation and the accidents within its territory, and it had several authorities involved as stakeholders in marine activities; the application of the recent issued laws and regulations is challenging. Applying those laws and regulations is facing ambiguity, some inconsistencies with other laws and regulations, the legal duties of the different authorities is crossed with each other, and there are some gaps that are not regulated yet.

In conclusion there are many issues arise in the legal provisions related to marine accidents. However, the research will focus on how the Kingdom of Saudi Arabia regulated the legal duties of the stakeholders when it comes to the maritime commercial accidents involving foreign ships, and how those regulations does fit with the international treaties or agreements that Saudi Arabia is part of them. It will also point out any aspects that might be developed to be more in consistency or effectiveness in application.

2. Statement of Problem

The maritime laws and regulations in the Kingdom of Saudi Arabia are recently issued, and there is some non-clarity and ambiguity regarding the framework that determines the legal duties of different stakeholders involved into a commercial marine accident when such accident occurred on the regional water of the Kingdom of Saudi Arabia. The issue become more important when a ship which is not registered or does not hold the Saudi Flag is involved with such accident. The ambiguity of the framework makes the application of the law complicated, and accommodate negative impacts related to -without limitation-: the time consumed while removing the accident and its effects, the environmental impact on the sea, and decreasing the cost of removing or resolving such accident.

3. Research Hypothesis

The Kingdom of Saudi Arabia is increasing the commercial transportation using the sea. It is also having two different parts with a regional water and involving and sharing the water with different foreign countries. In addition, there is no way of avoiding accidents -either resulting out of act of God or unintentional ones- that happened at the regional water. That said, Saudi Arabia being part of international agreements and treaties related to the maritime law with all the previous facts; resulted that:

1. The current regulatory framework that governs the legal duties of the stakeholders regarding commercial marine accidents at the regional sea of Kingdom of Saudi Arabia is not regulated in a unified regulation.
2. There are some challenges related to the application of the newly issued regulations of Saudi Arabia related to the legal duties of the stakeholders when a commercial marine accident occurs at the regional water of Saudi Arabia. This is due to the fact that Saudi Arabia being part of the international conventions and

treaties since long time ago, while the new introduced local regulations might not be fully aligned with those international agreements.

3. There is a room to adapt or amend regulations that might help in resolving, seizing, or covering the current gaps and challenges related to the current regulatory framework of the legal duties of the stakeholders at regional sea attributed to the commercial marine accidents.

4. Research Objectives

The research aims to:

1. State and introduce the rules, regulations, and international treaties and agreements that regulate the legal duties of the stakeholders regarding commercial marine accidents at the regional sea of the Kingdom of Saudi Arabia.
2. Identify the main gaps and challenges that are resulting out of, or not being resolved under the current regulatory legal framework related to the stakeholders' legal duties when it comes to commercial marine accident at the regional water.
3. Introduce steps that will help in covering the current gaps, and restricting the impacts of the challenges identified in relation to the enforced regulatory framework regarding the legal duties for the stakeholders at the regional sea of the Kingdom of Saudi Arabia when it comes to the commercial marine accidents.

5. The Importance of the Research

This research is valuable as the regulatory framework related to the maritime in the Kingdom of Saudi Arabia is new-founded, and still under development. The research will tackle a new aspect that has not been introduced so far by any previous published

researches, which is the different legal duties of the stakeholders related to a commercial maritime accident happened at the regional water of the Kingdom of Saudi Arabia. Additionally, it has a value for the academic scholars and law practitioners; as it introduces new aspects of laws and regulations that were not tackled or explained before, with analytical point of view. It will also have an additional value as it will introduce some steps forward to develop new regulatory framework in the Kingdom.

6. Scope and Limitation of the Research

The scope of the research is mainly to: present the current enforce legal framework that regulates the legal duties of the stakeholders related to a commercial marine accident that occurs at the regional water of the Kingdom of Saudi Arabia, identify the different aspects that are not covered or the aspects that are regulated in a conflicting way, and provide the next forward steps of action to limit or resolve such gaps and conflicts.

The research scope is limited geographically (Kingdom of Saudi Arabia) and topography (regional water). The cause of action is also limited to the accidents as per the definition that given in this research. It is also scoped around the legal duties of the stakeholders as identified in this research, which should include at least: Authorities (either governmental or private entities), the Shipmaster, and the Captain of the ship when an accident occurred. For the avoidance of doubt, the Authorities should include at least: Ministry of Transport, Transportation General Authority, Ministry of Environment, Water, and Agriculture, General Directorate of Border Guard, Saudi Ports Authority, National Centre for Environmental Compliance, Economic Cities and Special Zones Authorities, Ministry of Foreign Affairs, and International Maritime Organization.

It will not discuss the contract of the Commercial Transportation or the insurance under such transactions. In addition, it will not tackle any aspect in relation with the responsibility over the losses either in souls (humans) or materials (goods), or the compensations and claims that can raise in relation with such losses. Also, the cut-off date of the research and the laws and regulations discusses herein is as of February 2024.

7. Conceptual Framework and Scope

The Kingdom of Saudi Arabia took part of the signatories of and applied the Nairobi International Convention on the Removal of Wrecks as a State Party on 16th of Shawal, 1440H, by the virtue of Royal Decree No. M/115 (the “Nairobi Convention”)⁵. According to Article 1 of Nairobi Convention; the “Convention area” shall means:

“the exclusive economic zone of a State Party, established in accordance with international law or, if a State Party has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured.”

It also stated, according to Article 3.2 of Nairobi Convention that:

“A State Party may extend the application of this Convention to wrecks located within its territory, including the territorial sea, subject to article 4, paragraph 4. ...”

However, the Kingdom of Saudi Arabia did not extend the application of Nairobi Convention to include its regional water with Convention area. That said, the

⁵ Nairobi International Convention on the Removal of Wrecks, 2007. Available at: <https://ncar.gov.sa/treaty-details/eyJpdil6lm5YdTlxaDZ0cGVlbFk1ZHVYy2JsVnc9PSIsInZhbHVlIjoiaTI5cGtCVDdxMmRFOTNBdUo4QTZZdz09liwibWFjIjoINTg4MjlyNWVlYmMmNkZmFIZTNIMGQ0M2ZiYzU2YjU3YzdhNGM2Y2U3ZTk3Njc2YmVmNDgwNjE5YTdiYmUxNmZhMyIsInRhZyI6Ij9> (Accessed: 27 November 2023).

Regulation for Marine Accidents Investigation (the “Regulation”)⁶, issued pursuant to the Transport General Authority’s Board Resolution No. (16/3/2019/2) dated 15th Ramadan 1440H, stated in its Article 2 that the Application Scope is:

“Without prejudice to the investigations and procedures applied by the relevant authorities in accordance with the laws in force in the Kingdom, this regulation applies to all ships flying the Saudi flag wherever they are found, to foreign ships operating in the Kingdom’s ports and regional seas, and to foreign ships located within the Kingdom’s maritime zones or upon a written request from the relevant country, with the exception of war ships.”

Based on the above, the main focus will be on the Regulation; as it regulates the marine accidents, and the terms used within the research shall be defined as per the Regulation, unless otherwise is mentioned. To go on board with this research, it is essential to discuss some of the terms and concepts tackled by the regulation. This will help later in identifying any conflicts or confirmations comparing to the other laws, regulations, or conventions.

The following terms and phrases shall mean the description beside each of them according to the regulation, or according to the context of the research:

“**Maritime Authority**”: The Transport General Authority embodied by the sector of maritime transport, or one of its branches or representatives. As well as any empowered to execute any work on the Transport General Authority’s behalf.

“**IMO**”: International Maritime Organization.

“**Ship**”: the floating facility introduced to work in marine navigation as usual.

“**Regional Water**” or “**Territorial Sea**”: has the meaning of the "territorial sea" as

⁶ Regulation for Marine Accidents Investigation, 2019. Available at: <https://tga.gov.sa/Download/Get/44/RegulationDocuments> (Accessed: 27 November 2023).

per the United Nations Convention on the Law of the Sea⁷; which is: “adjacent belt of sea”.

That said, according to the same convention: “every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.”

It is worth noting that the regulation distinguishes between a “Marine Casualty” and “Marine Incident”. For the purposes of this research, we will only mention the related parts of the definition of the “Marine Casualty”; which is more related to the scope of the research.

“**Marine Casualty**”: It is an event or a sequence of events which has happened directly in connection with the operations of a ship, that has caused in any of the following:

- The death, loss, or major injury of a person,
- Exposure of the ship or individuals involved in the ship operations to danger, or non-life-threatening injuries,
- Damage to the ship or its equipment,
- Ship’s stranding or disabling or engaging of a ship in an accident,
- Material damage to maritime infrastructure or any other facility; that could endanger a ship, another ship, or an individual.
- Severe damage -or its possibility- to maritime environment.

The Marine Casualty does not include intentional acts to cause harm, deliberation act or an omission.

⁷ United Nations Convention on the Law of the Sea, 1982. Available at: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (Accessed: 27 November 2023).

“**Stakeholder State**”: A State that is interested in conducting an investigation; whether it is a flag state, costal state, port state, or the state that is harmed or its citizens.

“**TGA**”: The Transport General Authority of the Kingdom of Saudi Arabia.

“**Legal Duty**”: means the role or responsibility of an authority or individual to take an action in a specific situation.

“**Stakeholders**”: parties have legal duty upon the occurrence of a commercial marine accident at the regional water; including but not limited to: Authorities (either governmental or private entities), the Shipmaster, and the Captain of the ship when an accident occurred. For the avoidance of doubt, the Authorities should include at least: Ministry of Transport, Transportation General Authority, Ministry of Environment, Water, and Agriculture, General Directorate of Border Guard, Saudi Ports Authority, National Centre for Environmental Compliance, Economic Cities and Special Zones Authorities, Ministry of Foreign Affairs, and International Maritime Organization.

“**Commercial Marine Accidents**”: Marine Casualty of a Ship that is used in commercial transaction.

“**MoT**”: The Ministry of Transport and Logistic Services of the Kingdom of Saudi Arabia.

8. Literature Review

The Kingdom of Saudi Arabia is part of some of international treaties/agreements related to the sea law since long time ago. However, many of those doctrines were referring to the local laws and regulations, which -in our case of Saudi Arabia- is not developed or issued yet. The new regulatory framework of maritime law for the Kingdom of Saudi Arabia was first introduced back in 2019. Having such fresh

regulations, which crisscross with the international framework that was applied for a long time caused some ambiguity and unclarity regarding the regulatory framework that applies in case of commercial marine accident happened at the regional water of Saudi Arabia, involving foreign party, and the legal duties of the stakeholders involved with such accident. In addition, the absence of having a unified regulatory framework that regulates the maritime transportation; the application of the laws and regulations is complicated.

Khalifah, A (2013)⁸ introduced the fundamentals of the legal framework related to the sea law, including without limitation: the “sea” definition, the “ship” definition, the classification of the different areas of the sea, and the international obligations to protect the marine environment. The book was limited to the basics of the international law of the sea, with no reference to the local laws of Saudi Arabia.

Saleema, S (2017)⁹ also discussed basic concept related to the commercial international transportation through the sea, such as: “ships”, “licensing”, and “supervision”. However, the book was limited to the general principles with no introduction to the marine incidents.

The Casualty Investigation Code (2008)¹⁰, was a result of the efforts of international investigators who recognized the need for a unified approach to investigate and analyse marine casualties. The unified code was not a new idea, as the aviation activities has a similar code. The Casualty Investigation Code includes the legal

⁸ Khalifah, A. (2013) *The International Law of Seas – a Study in the Light of United Nations Convention on the Law of the Sea*. Egypt: Dar AlGamaa ElGadida.

⁹ Saleema, S. (2017) *The Summary in Marine Commercial Principals according to the International Conventions and some Local Laws (Egypt, Saudi, and Emirates)*. Kingdom of Saudi Arabia: Law and Economics Library.

¹⁰ Casualty Investigation Code (2008) International Maritime Organization. The international adopted resolution MSC.255(84), regarding the Adoption of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code). Available at: <https://www.imo.org/en/OurWork/IIIS/Pages/Casualty.aspx> (Accessed: 27 November 2023).

duties for flag states when marine casualty investigation is held. It also referred to the general duties related to the Marine Incidents, while referring to the local laws and regulations to determine the remaining details. Therefore, this code will be part of the international agreements and conventions that helps in determining the legal duties of the stakeholders when an accident occurred at the regional water of a country; especially when combining the information stated at the code with the local regulations of Saudi Arabia, which will allow to understand further the alignment between the international and local legal framework.

From a local perspective, the Shariaah Principles were the ruler in the Kingdom of Saudi Arabia before the issuance of the recent laws and regulations. The Islamic Shariaah is the primary resource of any of the laws and regulations in Saudi Arabia; therefore, the new laws and regulations were not in conflict or different from the old principles. However, the new laws and regulations focused more on the legal duties of the different parties; which was not introduced before properly. AlQarni, A (2012)¹¹ explained the duty from Shariaah Principles as the main source of obligation regarding the different aspects resulted out of the marine accident. Those sources of obligation and the duty resulted out of them were discussed extensively, without mentioning the “legal” aspect of the duty.

On the other hand, Ata, M (2018)¹² discussed the legal aspects of the maritime accidents, and those aspects were explained further in the light of the international treaties that the Kingdom of Saudi Arabia is part of. It also provides the provisions related to the maritime accidents according to the Commercial Court Law. The Commercial Court Law was the only law regulated the sea accidents, losses and responsibilities that derived from the sea accidents. The author briefly explained the

¹¹ AlQarni, A. (2012) Marine Accidents and Joint Losses (Maritime Damages) in Islamic Jurisprudence – Comparative Jurisprudential Study. Kingdom of Saudi Arabia: Law and Economics Library.

¹² Ata, M. (2018) The Clear Maritime Law according to the Latest Saudi Regulations. Kingdom of Saudi Arabia: Dar AlEjadah for Publishing and Distributions.

different aspects of the Maritime Law according to what was stated by the Commercial Court Law; including the accidents at the sea. However, discussions in this book already outdated as it were based on the old law which had been revised.

One of the most recent sources related to the Kingdom of Saudi Arabia maritime law was introduced by Darweesh D, and others (2019)¹³. The book tackle different aspects related to the maritime law, such as; the maritime law concept, historical background, the commercial marine trade provisions, the provisions related to the ships and its registration, and the legal duty of the ship owner and shipmaster. It also discussed the sea accidents and the responsibilities related to such accidents in general, i.e., with no focus on the commercial marine accidents, which is relevant to this research. In addition, the book did not discuss the government stakeholders' legal duties in the Kingdom of Saudi Arabia.

Another resource which discussed the same aspects, and limited as per the one mentioned, above was written by Swailim M (2020)¹⁴.

Moreover, AlDamouk M (2001)¹⁵ represented the basic and most essential international agreements and conventions that Saudi Arabia is taking part of the signatories to it. It enhance the concept that the international agreements and treaties related to the sea law are in force since long time ago, and it is rare to get it amended or changed. Therefore, the local laws and regulations should be in accordance with the general legal framework agreed on the international agreements and conventions. The comments if AlDamouk M (2001) will be for sure of a value to the research; as

¹³ Darweesh, D., AlOmr, A. and AlOmareen, H. (2019) Explanation of the Saudi Sea and Air Law in the Light of the New Commercial Maritime Law and the Civil Aviation Law and the Most Recent International Maritime and Aviation Agreements. Kingdom of Saudi Arabia: AlHumaidi Press.

¹⁴ Swailim, M. (2020) The Saudi Maritime and Aviation Law in the light of the New Commercial Maritime Law. Kingdom of Saudi Arabia: Rushd Bookstore.

¹⁵ AlDamouk, M. (2001) The Kingdom of Saudi Arabia and the International Law of the Sea: An Analytical Study of Saudi Application in Light of the Provisions of International Law. Kingdom of Saudi Arabia.

the Kingdom of Saudi Arabia is still part of those international agreements and conventions.

This research will be highlighting and deep dive into the legal duties of the stakeholders in commercial marine accidents at the regional water of the Kingdom of Saudi Arabia. This topic was not fully discussed and tackled before in any secondary resource. This is due to the fact that the regulations that regulates the subject is issued recently; while the available secondary resources were issued either before the issuance of the regulations or discussing the topic from an international point of view only. As a result, most of the resources are either assessing the duties of the stakeholders from Shariaah perspective; not from a legal perspective, or the content of such resources are limited to the losses kind of rather than the legal duties.

9. Research Methodology

In order to achieve the objectives of the research; the author will use the historical and descriptive-analytical doctrinal research methodology. As determining the legal framework of the legal duties of the stakeholders regarding commercial maritime accidents requires to state historical background on the legislations and what are the regulations applicable as of today. Additionally, highlighting gaps and conflicts within such legal framework requires to describe the related legal provisions to each situation first; then analyze why such legal provisions are in conflict or why some situations are not covered under the current regulations. The research approach will be applied by describing the current local laws, regulations, and international treaties and agreements, and the developments that came up as of February 2024. Followed by analyzing the information related to the research topic using the text of the primary resources of the laws, regulations, conventions, and agreements. In addition to the secondary resources by reviewing the references, several books and journals, agreements, studies, researches, and websites related to the subject of the research. All of this analyzing to eliminate the regulatory framework related to the legal duties

of the stakeholders when it comes to commercial marine accidents occurred at the regional water of the Kingdom of Saudi Arabia. The research will be concluded with reaching out to the most important points that will answer the questions of the research.

10. Steps Forward and Conclusion

The research detailed the related laws and regulations to the context of a commercial marine accident occurred at the regional water of Saudi Arabia to address the framework of the legal duties of the stakeholders. However, the only local regulation that addressed the marine accidents is the Regulation for Marine Accidents Investigation; which is limited to the investigation process and procedures only. On the other hand, the international context of the agreements and conventions referred always to the local laws and regulations to determine the legal duties and the authorities involved as stakeholders when a commercial marine accident occurred. Therefore, there is a gap of not having a unified framework to regulate the different aspects related to the commercial maritime accidents happened at the regional water of Saudi Arabia.

For example, the removal of the wrecks to prevent, mitigate, or eliminate of the hazard created by a wreck is not tackled in any local laws or regulations. While the Nairobi International Convention on the Removal of Wrecks tackled this aspect; it could not be applied to the regional water of the Kingdom of Saudi Arabia, as Saudi Arabia did not extend the application area of the convention to include its regional water. As a consequence; there is no specific authority -in theory- within the Kingdom of Saudi Arabia that could initiate the process of removing the wrecks of a commercial marine accidents. Not to mention that according to the Regulation for Marine Accidents Investigation; there should be a report regarding the results of the investigation concluded upon marine casualty, while this report does not state any next forward process.

In addition, there are no provisions within the local laws and regulations regarding who is (are) the stakeholder (s) and its legal duty (ies) in case the Shipmaster and the Captain of a foreign ship, flying a foreign flag, run away and left the wreck of the ship within the regional water of Saudi Arabia. Regardless this wreck resulted to harm the marine environment or not; nothing in theory determines the way to handle such cases. Also, there is no elimination toward the legal duties related to the goods involved within the commercial marine accident, i.e. the goods at the ship involved with the accident. In such case, either the goods should be submitted to a specific stakeholder or not is ambiguous.

Furthermore, the local laws and regulations of the Kingdom of Saudi Arabia tends to use general terms without defining them; such as, “the relevant authorities”, “the laws in force in the Kingdom”, and “the concerned authorities”. Using general terms and concepts causing vagueness in eliminating the legal framework related to the context of the commercial marine accidents occurs within the regional water of Saudi Arabia. Enclosing the authorities/stakeholders and their legal duties in the case of maritime commercial accident happened at the regional water of Saudi Arabia is sophisticated and resulting that the application of the laws and regulations related to the case is complicated.

The research concluded that it would be helpful to conclude an extended comparative study with other pioneering countries in regulating the legal duties of the stakeholders where a commercial marine accident occurred at the regional water. Alternatively, it might be helpful to either extend the application area of Nairobi International Convention on the Removal of Wrecks on the regional water of the Kingdom of Saudi Arabia. Another solution would be to issue and amend the current local laws and regulations to include provisions similar to those at the Nairobi International Convention on the Removal of Wrecks and add provisions that tackle the gaps that are not covered currently under the applied legal framework.

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