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COMITE MARITIME INTERNATIONAL PRESIDENT

20 February 2015

E-MAILED
20/2/15.

Presidents of NMLAs

Dear President

Questionnaire - CMI Arbitration

I **attach** a questionnaire which has been prepared by the ad hoc working group which was set up under the chairmanship of Luc Grellet in 2013 to consider the matters described in the background of the attached questionnaire.

I would be very grateful if you would consider the matters identified in the attached questionnaire and respond to the four questions as fully as possible so that the Executive Council can consider whether there is anything further which the CMI should be doing in what is an important area of practice for many maritime lawyers around the world.

I would be grateful if you would send your responses either to me at swh@cbp.com.au or Anne Verlinde, the CMI's administrative assistant in Antwerp at admin-antwerp@comitemaritime.org.

Yours faithfully

Stuart Hetherington

Questionnaire

Re: CMI Arbitration

Background

An ad hoc working group was set up under the Chairmanship of Luc Grellet, after the decision of the Executive Council in Dublin in September 2013 to put an end to the joint CMI / ICC International Maritime Arbitration organization whose Rules ("the ICC / CMI Rules dated 1 January 1978) have never been applied. The purpose of the working group is to consider whether there is still a role for the CMI to play in Maritime arbitration.

Preliminary informal discussions between the members of the working group have taken place in Hamburg in June 2014. Exchanges have since continued by emails.

There is a consensus for rejecting the idea that the CMI creates a new arbitration center with a view to compete with other old established institutions. The discussion on all other matters is not limited provided that they highlight the specificities of Maritime arbitration.

The purpose of the questionnaire

The question which the working group has been asked to investigate is whether the CMI has a role to play in Maritime arbitration and the extent of this role.

The area which the CMI could explore, includes, for the working group, the following:

1/ a comparative analysis of the arbitration rules and practices as well as recognition and enforcement issues in the main arbitration centers with a view that the CMI serves as an information center on all issues of interest concerning Maritime Arbitration through its website.

2/ an inquiry as to whether arbitration is a valid option to resolve Maritime disputes in countries where the national court system is not technically satisfactory.

In particular research could be undertaken as to whether the CMI should (i) provide assistance and facilitate the resolution by arbitration of disputes that may not be appropriate or justified by resolution through one of the main arbitration centers which may be considered as too expensive and/or culturally or geographically too remote, and (ii) study the complex question of online dispute resolution.

3/ Devise its own set of model Rules if it is considered that existing Model Rules, such as those of UNCITRAL, or the procedural laws in the main arbitration centers are not sufficiently adapted to the specificities of Maritime arbitration.

The questions

1/ Would you encourage the CMI to play a role in Maritime arbitration?

2/ If the answer to point 1 is affirmative, to which extent would you consider the CMI should engage itself in this field?

3/ Would you support the three above areas of investigation or only some of them?

4/ Formulate any other suggestions for examination by the working group.

20 February 2015