

MARITIME LAW ASSOCIATION OF AUSTRALIA AND NEW ZEALAND

ACN 054 763 923

ABN 97 054 763 923



MLAANZ
c/- Clerk Young
GPO Box 4770
Melbourne VIC 3001
AUSTRALIA
www.mlaanz.org

5 November 2015

Comite Maritime International

Ernest Van Dijckkaai 8,
B-2000 Antwerpen
BELGIUM

By email: swh@cbp.com.au; admin-antwerp@comitemaritime.org

Dear President

Questionnaire - CMI Arbitration

We refer to the letter from the CMI dated 20 February 2015 in relation to the ad hoc working group established in 2013 to consider matters relating to the CMI arbitration questionnaire.

We respond as follows:

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

In principle, yes, but only to the extent that the CMI discharged a function or provided a service that is not already addressed by the existing and long-established arbitral institutions and related bodies, which already fulfil this role.

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

We consider that a suitable and useful role for the CMI would be to advance the cause of international recognition and enforcement of Maritime arbitrations and act as an information hub for members as to international Maritime arbitration practice. See further below.

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

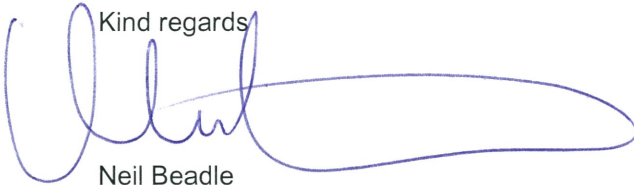
1. Comparative analysis of arbitration rules, practices, recognition and enforcement – information centre: Supported. We consider that this would be a valuable resource tool for CMI members, which, so far as we are aware, is not already readily provided by another body.

2. Inquiry into whether arbitration is a valid option to resolve Maritime disputes in countries where national court system is not satisfactory: Not supported. In our experience and/or based on anecdotal evidence, the vast majority of maritime disputes which cannot be resolved by agreement and/or national court systems are handled by existing and well-established international Maritime arbitral institutions. We are not aware of pressing difficulties in relation to access to international Maritime arbitral dispute resolution.

3. Devise a new set of arbitral rules: Not supported. We do not think that the further proliferation of (what amount to) competing sets of rules will add to greater certainty or utility within the field of Maritime arbitration. We consider the existing and established rules and/or the review and amendment mechanisms already in place within the bodies that administer them, to be sufficient.

4. Formulate any other suggestions for examination by the working group: No suggestions.

Kind regards

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Neil Beadle
President
MLAANZ