

Answers to the French MLA on the CMI questionnaire on arbitration

Question 1

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

No.

The object of the CMI is to contribute to the unification of maritime law and not to the resolution of maritime disputes. It is unrealistic to believe that arbitration procedural rules, in the different centers of arbitration (which have nothing specific because they deal with maritime disputes) may be made uniform and it is not desirable.

Question 2

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

Although the answer to point 1 is negative, the French MLA makes suggestions in response to question 4.

Question 3

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

No.

But the French MLA wishes to draw the attention on the danger for the CMI to carry out a comparative analysis of the arbitration Rules and practices in the main arbitration centers which may create an undesirable competition between these centers which may well be proactive in promoting themselves

and could lead the CMI to make an assessment of their respective qualities and performances which would go beyond its statutory object.

For the same reason, the French MLA believes that it would be unwise for the CMI to anticipate providing assistance to any parties of the shipping industry in the resolution of disputes (by whatever means: arbitration or mediation) should they wish to avoid, namely for costs reasons, existing arbitration centers.

Question 4

Formulate any other suggestions for examination by the working group.

The French MLA considers that the maximum the CMI could do, is to serve as an information center through its website and list all the available arbitration centers and their Rules without any comments nor judgment on its part.

But it does not see the interests nor the utility of making a comparative study of awards rendered in the world –most often unavailable because of the confidentiality – with the view to create a database on jurisprudence in maritime arbitration in the same way as the CMI is doing it for court decisions rendered in relation to Maritime International Conventions. There are too many parameters in fact and in law in maritime disputes to hope to reach any kind of uniformity.

French MLA

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À: swh@cbp.com.au; 'CMI'
Cc: Philippe BOISSON; Grellet, Luc
Objet: TR: Questionnaire CMI sur l'arbitrage
Pièces jointes: Answers to the French MLA on the CMI questionnaire on arbitration.DOCX

Dear,
Please kindly find attached the questionnaire for France duly completed.

Good reception.

Best regards,

Philippe Boisson
Président de l'AFDM
Tel. 01.53.67.77.10

