



Mark Beer, Co-Chief Executive and Registrar General of Dubai International Financial Centre (DIFC) Courts, participated at the Dubai Maritime Agenda event on 10 October 2017.

This is Dubai's Maritime Millennium!

Like the tide, Maritime Arbitration has ebbed away from this region, but with the rise of EMAC and other centres in Asia, that ebb has turned back to a flow.

The history of Maritime arbitration started in this region 5000 years ago (3rd Millennium BC) in Egypt and Mesopotamia. The arbitrator (initially the sovereign) acted as a representative of the gods on earth. Between you and me, many arbitrators still think of themselves in those terms.

The tide ebbed West, and maritime arbitration was adopted by the Greeks. You'll all recall the famous speech of Demosthenes against Formio in Ancient Athens pleading for arbitration over Courts in relation to a contract of carriage dispute.

One millennium later maritime arbitration moved to ancient Rome, having a prevalence in maritime disputes between Roman merchants and others [400AD].

During the next millennium of the Middle Ages, (500AD-1500AD), any dispute arising between the members of the guilds was quickly settled by arbitrators. In fact, the statutes of the Ligurian communes of Varazze (1345) and Celle (1414) implemented compulsory maritime arbitration for the settlement of any maritime controversy.

The tide ebbed further west, and washed over the UK during the 16th Century heyday of Sir Francis Drake (1560), Sir Walter Raleigh (1590), Henry Hudson (1590), William Dampier (1650), James Cook (1750) and Prime Meridian being established in Greenwich in 1851.

And on, the tide rolled. The birth of modern maritime arbitration can be traced to the American Civil War (1861-1865) when contract claims followed to the naval blockade of the South created a congestion before the English courts, which convinced the Liverpool Cotton Association, whose members handled most of the cotton trade, to commence inserting arbitration clauses in their contracts: the affirmation of arbitration in Liverpool led shortly to its adoption in London and, progressively, to its worldwide expansion.

That was 150 years ago. Since then, the tide has turned: The maritime landscape has changed and, sadly for the British, no longer do all shipping lanes lead to London:

World's busiest container port - Port of Shanghai, China

World's busiest port by cargo tonnage - Port of Ningbo-Zhoushan, China

World's busiest trans-shipment port - Port of Singapore.

In terms of dispute resolution: China Maritime Arbitration Commission (CMAC) (1959); HKIAC, Hong Kong (1985); Singapore SCMA (2004) and EMAC (2016) – all set up since 1960.

Focusing on Dubai, the maritime sector is now worth AED27 billion, employs 76,000 people and comprises 5500 companies performing 13,000 different activities.

So, the gravitational pull from the East, like the effect of a full moon on a spring tide, is reclaiming the heart of maritime arbitration to this region.

And as that tide continues to flow eastward, it flows through Dubai, underpinned by the certainty, security and efficiency of EMAC, with its world class board of trustees operating with a wonderful team under Majid's leadership.

And that is why, ladies and gentlemen, I say that this is Dubai's Maritime Millennium.

In addition to this short speech, Mark Beer also joined a panel discussion on the topic of "Safe sailing the high seas; reducing the risks".



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