

Arbitration in Maritime Disputes

Dr. Captain Abdulmir AlFaraj

Specialized training instructor – the higher institute of communication and navigation in Kuwait

Date of Submission: 26-06-2021

Date of Acceptance: 08-07-2021

I. INTRODUCTION:

Maritime relations prevail in our times and the influx of refugees, in order to arbitrate to resolve disputes arising from them. Where the parties to these relationships agree to entrust them with the status or future disputes arising from them to special arbitrators, their choice of those with proven competence and the experience they have with the competence and experience of the expert. If the maritime arbitration has arisen when the Romans, and spread to the Middle Ages, a simple and flexible as a system and a specialist to resolve maritime disputes, it has met popular and prosperous unparalleled in modern times because of the booming international trade, trade between different countries and exchange in the world as a whole east and west, north and south As this trade exchange has found its preferred method of maritime transport, despite the increasing importance of road and air transport in this era, the transportation method is transportable. And for the large volumes of cargo transported by it Compared to other modes of transportation. Has helped the maritime boom arbitration, in trade marine markets as a legal to resolve their disputes, and in preference to the national judiciary in various state at the present time, to the desire of practitioners of various marine activities in resolving disputes arising from maritime relations contractual and non-contractual solution nautical fair stems from the reality of the field professional specialist who worked as a marine commercial area, which is characterized by excessive privacy and complexity, in terms of the privacy of its activities and the conditions practiced in which the major dangers that threatened, and customs of ancient and modern customs, and in terms of the complexity arising disputes and include complex legal, technical and commercial data out the scope of the specialty national judge in the various countries within the jurisdiction of a person or specialized persons in this type of professional activity dumped in the specialization and complexity, people have exercised various maritime activities or still they practice from providers of ships, Builders, owners, tenants, and shippers on them, and the faithful on their trade, these agents , And those who have gained in their practice of these various activities Their norms and customs, familiarity with their customs and norms, and then their ability to become aware of their matters and the ability to have a fair professional separation in their disputes. And the desire of the parties to maritime relations to resolve their disputes in secret not provided to them by the courts in this country or that both for the confidentiality of the proceedings or for the confidentiality of the judgment by, as traders Midshipmen would like parties to maritime disputes that are maritime minimal arbitration proceedings as much as possible publicity and as much as possible secrecy, both in terms of confidentiality of holding meetings, and in terms of inventory of persons involved with them and in their advisers only, without giving the right to participate in the other, and where they wish as well as the confidentiality of the arbitration ruling expected issuance and not published for all to maintain the confidentiality of their transactions and their capital, and in order The spirit of friendliness and commercial cooperation between them and the rest of the maritime workers, whether or not they are parties to the arbitration process, are not affected, and their relationships are not affected in the future.

Therefore, international commercial arbitration has become the dominant method in disputes that arise in connection with international commercial contracts. After the scope of international trade relations between persons of natural and legal persons from different countries widened, rising contracts mentioned size, almost no day entered into an international trade without include a condition the ruling that segregation in any dispute arising from this contract through arbitration any at the hands of Arbitration Panel - It is either appointed by the parties to the dispute, or by recourse to a commercial arbitration institution. In addition, international commercial arbitration is no longer limited to resolving disputes arising out of international trade contracts, but is also a means of avoiding the emergence of any contractual dispute litigation.

The importance of maritime Arbitration:

The tremendous development in the field of international trade transactions and the world

To adopt an open market policy, as most countries tend to increase foreign investment in their region, as well as the development of means of communication, and the presence of what is known as the electronic trade.

A system characterized by speed, effectiveness and flexibility, which deals with the separation of disputes arising therefrom, and keeps pace with the developments taking place.

If we look at the judiciary, we will prove to the difficulty of resorting to it to adjudicate such disputes, given the usual procedures and rules of rigid, and its commitment to formalism, restrictions and rules imposed by law on State courts, and the lack of experience the affairs of investments and the fields of the complex. While the arbitral tribunal is Mules Meh by following these procedures, not only as agreed upon by the parties, giving them the freedom and greater flexibility in dealing with the issues before it even possible to say that arbitration is the rule and the basis - after he began an exceptional critic as a system by spend Courts - and access to justice is the exception.

It seems the importance of arbitration, in particular in the case of investment contracts Aldo Lee of which are often between a developing country or one of its public institutions and between the foreign investor, an individual as that or the company, the foreign investor is trying to avoid the subject to national jurisdiction of that State, and developing countries are still suffering from the barrier As a result of colonialism, these countries prevented them from being subject to foreign legal systems.

In view of the prosperity of international trade, the increase in maritime transport traffic, and the high rate of trade exchange between countries, maritime arbitration has gained in popularity and prosperity.

The topic of the study also acquires special importance, as a result of the thriving activity

Arbitration in Arab countries, whether in terms of the selection of some Arab countries as a place to conduct arbitration, or in terms of the emergence of many permanent arbitration related to the area of relevance.

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Dr. Captain Abdulmir AlFaraj. "Arbitration in Maritime Disputes." *The International Journal of Engineering and Science (IJES)*, 10(07), (2021): pp. 55-56.