

PRESENTATION AT THE MARITIME LAW CLUB LASU CONFERENCE 2022

BECOMING A SUCCESSFUL MARITIME ARBITRATOR: THE REQUISITE SKILLS (SKILL SET) TO POSSESS

INTRODUCTION

On behalf of the Advisory Board, Executive Council and Members of the Maritime Arbitrators Association of Nigeria (MAAN), it is an honour to be called upon to speak at the annual conference of the Maritime Law Club, Lagos State University (LASU) on the topic – Becoming a successful maritime arbitrator: the requisite skills (skill set) to possess.

Because of the nature of the audience which consists of students and members of the maritime law club of the university, this presentation will be an introductory paper on what is required to become an arbitrator and ADR practitioner specialising in maritime arbitration and ADR and the skill set required to pursue and sustain a career in this niche area of arbitration.

ABOUT MAAN

Before I proceed to the presentation of the chosen topic for today, it will be necessary to say a few words about MAAN. MAAN was incorporated as an arbitral association in October 2005 to promote professional development in maritime arbitration and ADR as well as the promotion of Nigeria as a centre for international maritime arbitration and ADR instead of having recourse to litigation as a first port of call. Our membership consists of practicing dispute resolvers, non-lawyers, seafarers and professionals in the maritime sector recognising that Arbitration and ADR is not the exclusive preserve of lawyers. MAAN is also committed to promotion of the awareness of arbitration and ADR as an efficient and cost-effective means of resolving disputes in our tertiary institutions and at the Nigerian Law School. Our Association has a good working relationship with the main regulators in the maritime sector and is presently involved in the arrangements for the creation and establishment of an international maritime arbitration and dispute resolution centre in Lagos.

TRAINING AND ACCREDITATION

Aspiring maritime and ADR practitioners need to register for introductory courses in arbitration in order to lay a proper foundation for a future career in maritime arbitration. MAAN is not an accredited training body. However, training and introductory courses leading to Associate, Member and Fellow are offered by the Chartered Institute of Arbitrators UK and the Chartered Institute of Arbitrators Nigeria Branch. The

Chartered Institute of Arbitrators Nigeria Branch awards certificates to all successful candidates who have registered for its courses at different levels at an induction ceremony that takes place in November every year. At the introductory courses, candidates become familiar with the applicable laws and rules relating to the form and contents of an arbitration agreement, the appointment of arbitrators, jurisdiction and powers of an arbitrator, preliminary meetings, interim and interlocutory procedural orders, pre-hearing review and oral hearing as well as the essential elements of a valid and enforceable award.

Having been successfully acquainted with the rudiments of arbitration an aspiring maritime arbitrator may then be in a position to acquire and develop a skill set for specialisation in maritime arbitration and ADR. It is pertinent to remind ourselves that arbitration especially maritime arbitration and ADR is not the exclusive preserve of lawyers.

MARITIME ARBITRATION AND ADR

In order to acquire a skill set in maritime arbitration and ADR, an aspiring maritime arbitrator must be familiar with the various laws governing maritime transactions in Nigeria such as the Admiralty Jurisdiction Act, the Merchant Shipping Act, Coastal and Inland Shipping (Cabotage Act), Carriage of Goods by Sea Act as well as the Nigerian Maritime Administration and Safety Agency (NIMASA) Act. An aspiring maritime arbitrator should also be familiar with the main regulatory bodies in the maritime sector and their various functions as well as the laws establishing them namely - NIMASA, Nigerian Ports Authority (NPA), Nigerian Shippers Council (NSC) and the National Inland Waterways Authority (NIWA). It would be of immense advantage to also be familiar with international conventions such as the Hague Rules domesticated in our laws by the Carriage of Goods by Sea Act as well as the Hague-Visby rules which succeeded the Hague rules.

CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

In order to develop an acquired skill set, an aspiring maritime arbitrator and ADR practitioner must be involved in continuous professional development. This can be done by attending conferences and seminars on maritime arbitration and ADR at home and abroad especially seminars in which certificates of attendance are issued to participants. Our association, MAAN, organises an annual practical maritime dispute resolution seminar every year which is attended by individuals and stakeholders in the maritime sector in a constant bid to promote an awareness of the cost-effectiveness of arbitration and ADR in the resolution of disputes between shippers and cargo owners, between stakeholders as well as between regulators and stakeholders in the maritime sector. This year's practical maritime dispute resolution seminar which promises to be enlightening, will be taking place on 25th May 2022 and a link will be provided for registration to interested participants. The theme for this year's event is: "ADR to the Rescue! Effective and Efficient business modes in the maritime Ecospace."

On the international scene, the international congress of maritime arbitrators (ICMA) which is a meeting of international maritime arbitrators and maritime lawyers, takes place every two years and the 2022/2023 edition will be taking place in Dubai, UAE.

Volunteering as a member of organising and planning committees for various arbitration and ADR events is also a great opportunity to learn and develop a skill set in your chosen niche area.

YOUNG MEMBERS GROUP (YMG) AND MOOT ARBITRATIONS

Aspiring members are advised to join young members groups in any arbitral body to which they belong. The Chartered Institute of Arbitrators Nigeria Branch has a vibrant YMG which has a seat on the Executive Council of the Branch. The YMG CI Arb Nigeria Branch is also charged with the responsibility of organising moot arbitrations and membership would present an opportunity of taking part in moot arbitrations which are designed to familiarise non-arbitrators, non-lawyers and users with the flexibility of arbitral proceedings and the arbitral process.

CONCLUSION

With this short presentation, it is sincerely hoped that participants at this annual conference are much better informed on the combination of factors to be considered in becoming a successful maritime arbitrator as well as the requisite skill set needed to acquire, develop and sustain a career as a successful maritime arbitrator.

Congratulations to the Maritime Law Club LASU on another successful outing!

Bodunrin Adewole FCI Arb
President
Maritime Arbitrators Association of Nigeria (MAAN)
11th April 2022