

The Hong Kong Polytechnic University
Department of Logistics and Maritime Studies
Research Seminar

Jurisdiction and Arbitration under the Rotterdam Rules

by

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Time: 5:00pm - 6:00pm

Venue: V312, Block V

The Hong Kong Polytechnic University

(Conducted in English)

Abstract:

Jurisdiction and arbitration clauses have long been popular in maritime law. It may thus be surprising that the policy-makers who drafted the two most recent international conventions governing the carriage of goods by sea — the Hamburg Rules and the Rotterdam Rules — included provisions that significantly modify the enforcement of jurisdiction and arbitration clauses. Indeed, many believe that those provisions would make arbitration so unappealing as a practical matter that carriers will be unlikely to include arbitration clauses in their contracts of carriage when those provisions govern.

This presentation will examine the jurisdiction and arbitration provisions of the Rotterdam Rules (against the background of The Hague, Hague-Visby, and Hamburg Rules), explaining the theory behind their approach and commenting on how they are likely to operate in practice. Critics may question the policy choices that have been made in crafting that regime, but those choices were largely driven by commercial considerations as affected stakeholders agreed on a compromise solution to a practical problem. In the end, the jurisdiction and arbitration provisions operate in tandem to give effect to those policy choices.

Bio:

Professor Sturley holds undergraduate and law degrees from Yale, and an English law degree from Oxford. After finishing his studies, he served as a law clerk to Judge Amalya L. Kearse of the United States Court of Appeals for the Second Circuit, in New York, and to Justice Lewis F. Powell, Jr., of the United States Supreme Court. He practiced in New York with Sullivan & Cromwell before joining the Texas faculty in 1984. Professor Sturley is active in the American Law Institute (where he has worked on Property and commercial law projects) and the Maritime Law Association of the United States (where he serves on the Carriage of Goods, Comité Maritime International, and Uniformity Committees; co-chairs the Ad Hoc Marine Insurance Study Group; and was the Reporter for the Ad Hoc Study Group on Liability Rules). He is the Rapporteur for the Comité Maritime International's Issues in Transport Law project, having served as a U.S. delegate to the Comité Maritime International's International Sub-Committee on Uniformity in the Law of Carriage of Goods by Sea. He is also the Book Review Editor and a Member of the Editorial Board of the Journal of Maritime Law and Commerce. Professor Sturley has lectured on admiralty and maritime subjects at conferences and law schools around the world, including as a visiting professor at the University of London.

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All are welcome!