

Arbitration by Asdem

Many arbitrations procedures are painfully slow and can be as expensive as High Court proceedings. In response to the oil and tanker industries' demand for a faster, cheaper and more efficient alternative, Asdem has successfully established its own arbitration service which has been running since 1993. This service has been used by many oil companies, ship owners and traders. We can provide low-cost arbitration for barge disputes. We can also offer alternatives to formal arbitration such as a Professional Opinion that both sides will agree to accept as final and binding or Mediation.

What are the advantages of an Asdem arbitration?

- Asdem arbitration is less formal and adversarial than most forms of arbitration.
- It is quick. A detailed reasoned award will be given, usually within 30 days.
- Settlement will be made within 30 days of the award.
- The modest cost of the arbitration will be shared 50/50, unless otherwise agreed.
- The award is based on conclusions that have been carefully researched within the industry.
- Asdem's reputation is founded on it being totally unbiased and independent.

If you need a fast track resolution of a seemingly intractable dispute, we would suggest that you propose an Asdem arbitration to the other side. At best it will lead to a speedy conclusion, at worst it will at least signify that you have every confidence in your argument and that you are looking for an equitable solution.

The Arbitration Procedure

- Both parties will confirm to Asdem in writing that they agree to accept Asdem's findings as final and binding. The arbitration will be carried out by Roger Sepkes, Managing Director of Asdem or Andrew Wilding, Managing Director of Asdem Asia in Singapore.
- Both parties will provide Asdem with their papers and their arguments. They will also send a copy to the other party so that both sides are fully aware of the other's position.
- Asdem will review each side's papers.
- If there are any gaps or if anything requires clarification, Asdem will request additional documentation or information.
- Asdem will search out legal precedents or previous decisions. These will include previous arbitrations by Asdem. If none exist, Asdem will research the opinions of several senior representatives of the oil and shipping industries. When necessary, Asdem will consult experienced lawyers.
- When Asdem is confident that it can produce a clear and watertight decision, it will issue an award to both sides in writing. This award will include i) a summary of the facts relating to the dispute, ii) a review of the arguments offered by each side in support of their case, iii) a discussion of the various issues involved and an explanation of Asdem's conclusions, and (iv) the award, to be settled as directed, usually within 30 days.

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- Unless otherwise agreed in advance by both parties, the award will relate only to the amount of the claim in dispute and will not include legal costs or interest charges.
- Unless agreed otherwise in advance, both sides with split Asdem's fee 50/50. This is generally £1,500 - £2,000 per claim. The award will normally be made within 30 days of receiving the documentation from both parties.