GLOBAL INFRASTRUCTURE SERIES

TRANSPORT

ISSUE 2

Safe Harbours: The Evolving Role of Ports in Sustaining Resilient Global Trade



BRG

INTELLIGENCE THAT WORKS

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Foreword

The story of globalisation is the story of modern shipping.

The introduction of the standardised shipping container in the twentieth century transformed how goods moved across the world and allowed ports to mechanise and handle cargo at unprecedented scale and speed.

Ports today are critical nodes in networks of supply chains, financial flows and industrial activity, the infrastructure through which the interconnected global economy moves. Eighty percent of global trade by volume relies on maritime transport and the ports that support it.

This connectivity also exposes ports to emerging risks. Climate change, geopolitical conflicts, sanctions and technological change mean that ports compete on both efficiency and resilience: their ability to withstand disruption and maintain the flows of trade on which we all depend.

For disputes practitioners, ports sit at the intersection of a range of commercial relationships. Extreme weather events, cyber incidents, regulatory changes and geopolitical developments disrupt operations, delay projects and alter commercial assumptions, giving rise to disputes regarding contractual obligations, liability, performance and the allocation of losses.

This report, the second in BRG's *Global Infrastructure Series: Transport*, examines three intersecting themes reshaping the operating environment for ports and maritime infrastructure: climate resilience, geopolitical change and digital transformation. It considers how these developments influence the sector; how they may affect assumptions on which investments, contracts and operating models are based; and potential areas of legal and commercial friction.

Ports have always provided seafarers with a safe harbour in an unpredictable world. The technologies, risks and geopolitical realities discussed in this report may be changing, but that fundamental role has not.

We hope this report encourages readers to think about the infrastructure that supports global trade today and the assumptions, dependencies and relationships that will shape its resilience in the future.

Mustafa Hadi
Managing Director, BRG



Climate Resilience: An Uneven Transition to a Decarbonised Future

Decarbonisation is forcing ports to rethink not just fuels but also their physical infrastructure, financing models and long-term viability.

Hong Kong's Victoria Harbour on the South China Sea had been a port for thousands of years when the British established a colony in 1841. Its deep, sheltered waters offered a strategic refuge from summer typhoons for the empire's frigates and tea clippers.

Today, Hong Kong's fourteen typhoon shelters and eighteen sheltered anchorages are more important than ever, offering vessels protection as warming air and oceans intensify the destructive power of super typhoons. Ports have traditionally competed on factors like cargo-handling capacity and turnaround times; now, they must also demonstrate resilience to climate-related disruption.

Ports face the effects of climate change, including storm surges and more intense cyclones. They are also infrastructure on the front line of decarbonisation. The shipping industry, responsible for an estimated 2.3 percent of global carbon dioxide emissions and reliant on carbon-intensive types of fuel, is under intense pressure to decarbonise. Ports, as major nodes within wider industrial networks, face pressure too.

"Regulatory focus on emissions calculations has focused attention on shipping as never before", says Rebecca Crookenden, a partner at Stephenson Harwood.

"Once shipping emissions became part of companies' Scope 3 reporting, those users of ships, further along the supply chain, started paying much closer attention to shipping. The result is significant focus and pressure on the industry, which is being looked at as the potential vanguard of the next alternative fuel".

Regulation has followed. For example, the European Union's (EU) FuelEU Maritime regulation promotes the use of clean energy. While FuelEU targets shipping, ports are inevitably drawn in as they must provide the infrastructure to support the green transition.

In response to these kinds of pressures, ports are investing in electrification, shore-power infrastructure, energy storage and facilities for alternative fuels. For many operators, the green transition has become a commercial necessity as well as a regulatory requirement.

Australia's Port of Newcastle, the world's largest coal export port, has committed to operating on 100 percent renewable electricity by 2040 and issued green and sustainability-linked bonds to support its transition. The port's chief executive told *The Guardian* that it didn't "really have a choice" as energy markets move away from fossil fuels.

"Demand for LNG [liquefied natural gas], hydrogen and other transition fuels is turning ports and specialist terminals into multi-energy hubs", says Francesco Lo Passo, a managing director at BRG. "LNG is seen as a relatively safe investment because the infrastructure built for it today may be adapted to handle lower-carbon fuels in the future".

Lo Passo explains: "Cold ironing, or onshore power supply, is an urgent investment for port decarbonisation given EU regulation that will, in the coming years, require large container and passenger ships to use shore power at major European ports, which in turn must provide the necessary infrastructure".

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Francesco Lo Passo
Managing Director, BRG

"Upgrading a working port is not simply a question of how long the construction takes. The programme also needs to account for when existing facilities can be taken out of service, how new systems will be tested and how to manage the transition alongside continuing operations".

John Fletcher
Managing Director, BRG

Ports globally are not "greening" at the same rate, however. Where political will is strong, government money follows, as in China, whose major ports have benefited from significant state investment. The country has developed some of the world's most advanced low-carbon and automated terminals, including carbon-neutral facilities and large-scale electrification projects.

Crucially, many of China's major port developments have been built recently, allowing operators to integrate electrification, automation and low-carbon technologies into the design of the facility, rather than having to adapt legacy technology.

Most ports must decarbonise while continuing to operate infrastructure that was not designed for this transition. Ports with bunkering facilities face challenges alongside rising electricity demand from vessels and electric vehicles (EVs) and the need to provide shore power.

"Upgrading a working port is not simply a question of how long the construction takes. The programme also needs to account for when existing facilities can be taken out of service, how new systems will be tested and how to manage the transition alongside continuing operations", says John Fletcher, a managing director at BRG.

Crookenden notes that vessels are generally designed for an operative lifecycle of twenty to twenty-five years. While some can be retrofitted with green technologies, maritime decarbonisation will depend on the next generation of ships entering service and owners willing to invest in technology that risks becoming obsolete or being overtaken by other efficiencies.

"Operators may conclude that ageing port facilities are simply not worth upgrading", says Andrew Rigden Green, a partner in the Maritime and Dispute Resolution groups at Watson Farley and Williams. "You see situations where operators look at the ports they run and conclude that these ports are going to be redundant in a few years, so they will run them down rather than invest in greening the infrastructure. New infrastructure costs a lot of money and finance may be more readily available for a new site, or port operators may encourage shipments to be made to other ports/terminals they own or operate".

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Andrew Rigden Green
Partner, Watson Farley & Williams



Geopolitics: Ports in a New Era of Global Competition

From the Strait of Hormuz to the Arctic, disruption is reshaping how governments and businesses think about connectivity, energy security and trade.

As of this writing, around 20,000 seafarers and 2,000 ships remain stranded in dangerous conditions in the Strait of Hormuz following the escalation of the Middle East conflict.

The crisis in one of the world's most important trade corridors highlighted the continued importance of a small number of maritime chokepoints. Hormuz, through which over one-third of the world's crude oil and around one-fifth of the world's LNG passed in 2025, joins Bab el-Mandeb, the Suez Canal and the Panama Canal as routes that reduce transport times and lower the cost of trade. Their strategic value derives from the same characteristic that makes them vulnerable: global commerce depends on them.

For shipping companies, disruption to these corridors means higher costs and difficult decisions. During the Red Sea crisis, operators diverted vessels around the Cape of Good Hope, adding time and expense to journeys between Europe and Asia. The effects extend beyond longer voyages and higher freight costs. Disruption can restrict insurance, delay trade finance, increase customs scrutiny and raise inventory requirements. Those effects may persist even after vessels resume sailing.

Hormuz illustrates just how deeply shipping is entangled with geopolitics. But physical disruption is only one source of this risk. Governments increasingly influence maritime trade through sanctions, export controls and investment restrictions, shaping where goods can move, who can move them and under what conditions. These pressures can affect the same transaction simultaneously. A route disruption may coincide with sanctions restrictions, tighter insurance terms or additional customs requirements, narrowing the alternatives available to the business.

Sanctions have become a particularly important factor and form a complex web of structures affecting vessels, cargoes, insurers, financiers and service providers. Shipping companies increasingly need to understand who ultimately owns, controls or benefits from a transaction.

Industry participants also point to growing scrutiny of maritime ownership and trade relationships. In the US, concerns about China's influence across shipping, logistics and shipbuilding have prompted investigations and policy responses aimed at reducing dependence on Chinese maritime capabilities, leading to greater complexity for operators that must navigate competing regulatory environments.

Authorities and businesses are responding by seeking greater flexibility. Steven Klemencic, a managing director at BRG, observes that competitive advantage increasingly depends on the ability to move between networks rather than rely on a single route, supplier or corridor.

"The objective is no longer to identify the fastest route but ensure that commerce can continue when one or more routes become constrained", says Klemencic.

Governments are investing in rail links, pipelines, inland logistics hubs and digital infrastructure designed to reduce dependence on individual chokepoints. Businesses are diversifying suppliers and production locations, securing financing and insurance alternatives and repositioning inventory so they can adjust operations while disruption is unfolding.

"Energy provides one of the clearest examples", Klemencic says. "While the Middle East remains central to global energy markets, investment in LNG, alternative-fuel infrastructure and new export corridors has expanded across North America, South America and Asia. The development of a new India–Middle East–Europe Economic Corridor, the Middle Corridor linking Central Asia and Europe and renewed interest in Arctic shipping all reflect efforts to create additional options for moving goods and energy around the world".

Businesses increasingly evaluate supply chains on a risk-adjusted basis, balancing cost and efficiency with geopolitical exposure, regulatory requirements and the ability to maintain operations during disruption. Ports that connect businesses to multiple corridors, markets and sources of supply may become more strategically important than those built around a single flow of commerce.

"The objective is no longer to identify the fastest route but ensure that commerce can continue when one or more routes become constrained".

Steven Klemencic
Managing Director, BRG

Digital Resilience: Beyond Concrete and Steel

As ports depend increasingly on software, data and connectivity, resilience depends as much on trusted information and operational systems as on physical infrastructure.

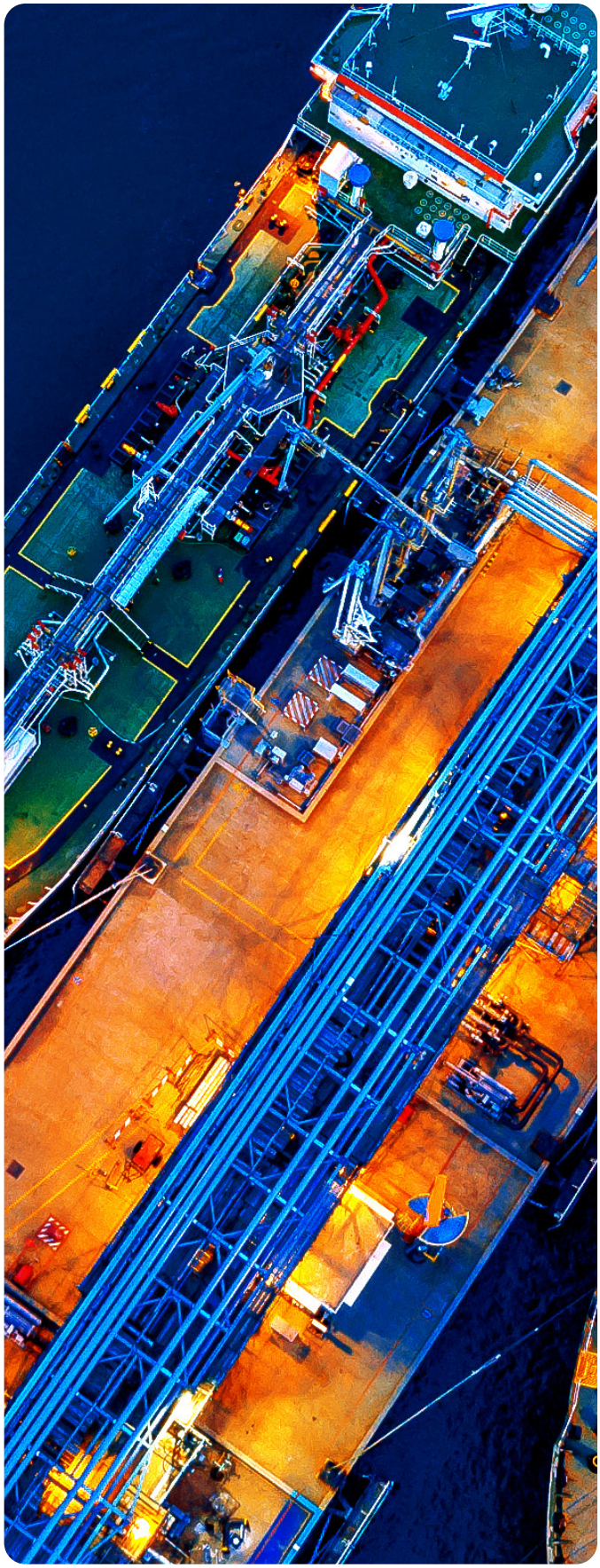
In July 2021, Transnet, the South African state-owned company that operates the country's freight rail network and major ports, suffered a ransomware attack that disrupted critical information technology (IT) systems at key container terminals including Durban and Cape Town.

Transnet declared force majeure as cargo backlogs and delays rippled through supply chains across the region. Durban alone handles roughly 60 percent of southern Africa's containerised trade, so the effects were felt far beyond South Africa's borders.

Ports and shipping in general are increasingly at risk of cyberattacks as they digitalise. The Transnet attack reinforced that critical port infrastructure no longer consists solely of cranes, berths, storage yards and transport links. International trade now depends on digital systems to function.

Daily operations depend on terminal operating systems that coordinate vessel movements and container flows, customs platforms that process shipments, communications networks linking operators and logistics providers, cloud-based logistics systems and the data and analytics tools used to monitor performance and manage congestion.

In parallel, every shipment generates a flow of information: customs declarations, manifests, bills of lading, environmental reporting and more. Managing these flows requires more than transmitting data. Information must be reliable and available as evidence of goods' origin, ownership, movement and compliance status, supporting customs clearance, financing and commercial decisions.



This evolution is changing how governments and operators think about strategic infrastructure. Investment decisions now focus on customs modernisation, digital trade platforms, predictive analytics, cybersecurity and real-time operational visibility. Control assessments should also consider providers of terminal operating systems, telecommunications and critical cloud services. Data has become a critical operational asset, helping operators anticipate congestion, identify risks and respond to disruption.

"A port may retain full physical capacity yet become commercially ineffective if its operating systems, customs interfaces, communications networks or supporting data cannot be accessed or trusted", says Robert Chamberlain, an associate director at BRG. "That requires reliable data governance, secure information sharing, resilient communications and protection of operational technology".

The uneven pace of digital transformation globally mirrors the uneven pace of decarbonisation. Ports must also retrofit and digitise creaking legacy systems.

Shanghai's Yangshan Phase IV terminal provides one example of what extensive investment can achieve. Opened in 2017, the terminal combines remote-controlled cranes, automated vehicles and digital control systems to coordinate cargo movements across one of the world's most advanced container facilities.

For governments and industry alike, all of this requires a broader view of maritime infrastructure. Larger terminals and faster cargo handling remain important but exist alongside digital systems, cybersecurity, financial services, regulatory processes and information networks.

"A port may retain full physical capacity yet become commercially ineffective if its operating systems, customs interfaces, communications networks or supporting data cannot be accessed or trusted".

Robert Chamberlain
Associate Director, BRG

Disputes: Allocating Risk in a Changing World

This report has examined how emerging maritime risks are reshaping global shipping and the ports on which it depends. The report has also considered how ports are responding by building resilience into their infrastructure.

But the risks themselves, and the measures taken to prepare for them, create new questions of responsibility, cost and control. Where those questions remain unresolved, disputes follow.

Practitioners face related questions: *Where could disputes arise, and how do we position ourselves before they do?*

As shipping and ports enter an era of overlapping climate, geopolitical and digital risk, disputes will arise less from isolated events than from uncertainty over who bears the consequences when risks collide.

Disruption is a dispute multiplier, says Crookenden. "Volatility increases disputes in any market, but particularly in shipping—and this moment is particularly volatile".

Delays, rerouting and congestion can quickly translate into additional costs under existing contractual arrangements. During periods of disruption, issues such as delay claims and contractual performance become significant sources of disagreement. The Hormuz crisis has generated an estimated US $2 billion in demurrage and related delay costs, with damage concentrated at ports where rerouted vessels created severe congestion.

> "Volatility increases disputes in any market, but particularly in shipping—and this moment is particularly volatile".

Rebecca Crookenden
Partner, Stephenson Harwood

Major battlegrounds include:

1. Risk allocation

Maritime contracts negotiated on the assumption of stable routes, predictable weather and available infrastructure might not allocate the consequences of disruption clearly.

If extreme weather delays a port expansion project, damages infrastructure or interrupts cargo movement, parties may disagree over who bears the resulting costs. A disruptive event does not necessarily delay project completion; that depends on how the event affects the activities and dependencies driving completion.

Changing trade patterns raise similar concerns. New routes emerge while old routes become constrained and assumptions shift, and contracts may not allocate the consequences adequately.

2. Restrictions and access

Sanctions, trade restrictions and ownership concerns may affect whether parties can or want to enter into commercial relationships. A decision to refuse a voyage, withhold payment or terminate a contract may protect a company from regulatory exposure but could itself generate a claim if the contractual basis for doing so is disputed.

For ports, whether a transaction, investment or commercial relationship can proceed may rely on determining who owns or controls an asset.

Companies therefore need sanctions-screening systems and evidence of the reasonable steps taken to understand counterparties and beneficial ownership structures.

3. Infrastructure investment

Ports face competing incentives to invest, retrofit or decommission infrastructure.

Climate adaptation measures, new environmental regulations, changing trade patterns and geopolitical developments may all affect assumptions that underpinned earlier investments. Where those assumptions prove unreliable, disputes may arise concerning concession agreements, revenues, financing arrangements or project delivery.

“Infrastructure disputes often concern investments made on assumptions that appeared reasonable at the time but were subsequently overtaken by regulatory, technological or market change. Any assessment of damages must distinguish between the financial effects caused by the event in dispute and the effects of wider changes that would have affected the investment in any event”.

Mustafa Hadi
Managing Director, BRG

Long-term infrastructure projects in particular are exposed to these pressures because they are often based on forecasts extending decades into the future. When trade flows, commodity demand or regulatory environments shift, stakeholders may seek to renegotiate arrangements originally agreed under very different circumstances.

“Infrastructure disputes often concern investments made on assumptions that appeared reasonable at the time but were subsequently overtaken by regulatory, technological or market change”, says Mustafa Hadi, BRG’s Asia–Pacific regional lead. “Any assessment of damages must distinguish between the financial effects caused by the event in dispute and the effects of wider changes that would have affected the investment in any event”.

The Middle East shows how quickly these pressures are reaching project delivery, adds Michael Caddick, a director at BRG. Governments across the region are fast-tracking new ports, terminal expansions and associated logistics infrastructure as they seek to capture shifting trade flows.

“Fast-track delivery means design, procurement and construction often run in parallel with scope still evolving after contracts are signed”, says Caddick. “That is where disputes over variations, delay and disruption tend to begin. Engaging quantum and delay experts early while the project is still live helps parties keep a clear record of time and cost, deal with entitlement as it arises and stop commercial disagreements from hardening into formal disputes”.

Strategic infrastructure can also attract additional scrutiny. Investment and consolidation in ports may raise competition concerns, foreign investment review issues or questions regarding control of critical infrastructure.

“Engaging quantum and delay experts early while the project is still live helps parties keep a clear record of time and cost, deal with entitlement as it arises and stop commercial disagreements from hardening into formal disputes”.

Michael Caddick
Director, BRG

Positioning before disputes arise

The practical response is to prepare for the possibility that assumptions may change instead of endeavouring to predict every disruption.

Contracts should allocate as clearly as possible the consequences of route closures, extreme weather, regulatory change, sanctions and technology failure. Organisations should understand who has the right to suspend performance, terminate agreements or incur additional costs, as well as what evidence may be required to justify those decisions.

Companies should look beyond their immediate counterparties. Ownership structures, insurers, financiers, technology providers, logistics partners and alternative routes all may influence how a disruption unfolds. Compliance and governance systems can help create an auditable record of the decisions taken before and during periods of uncertainty.

"When disruption occurs, contemporaneous forecasts, investment committee papers, operating data and records of management decisions can become critical to assess financial impact", says Joel Woodward, an associate director at BRG. "They help establish what was expected before the disruption, what changed and which effects can reasonably be attributed to the event in question".

The objective is to preserve commercial continuity while making the allocation of risk clear enough that disruption does not unnecessarily become litigation.

"When disruption occurs, contemporaneous forecasts, investment committee papers, operating data and records of management decisions can become critical to assess financial impact".

Joel Woodward
Associate Director, BRG



Conclusion

For centuries, sailors have sought safe harbour from storms, hostile waters and the limits of navigation. Harbours remain a refuge from uncertainty even as the nature of that uncertainty changes.

As this report has explored, the resilience of ports extends far beyond physical infrastructure. It includes the ability to adapt to a changing climate, navigate a more fragmented geopolitical landscape and maintain confidence in the digital systems and data on which modern commerce depends.

For disputes practitioners, these developments create new areas of legal and commercial friction. Yet the underlying question remains familiar: when circumstances change, who bears the consequences? As sources of disruption multiply, clear contractual arrangements, robust governance and reliable contemporaneous evidence become ever more important.

Technologies, trade routes and risks may change, but ports remain the infrastructure through which global commerce moves and, increasingly, the places where the consequences of a changing world are perhaps most keenly felt.

Acknowledgements

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About BRG

BRG combines world-leading academic credentials with world-tested business expertise, purpose-built for agility and connectivity, which sets us apart—and gets our clients ahead.

Our top-tier experts include experienced industry leaders, renowned academics and leading-edge data scientists. Together, they bring a diversity of proven real-world experience to economics, disputes and investigations; corporate finance; and performance improvement services that address the most complex challenges for organisations across the globe.

Our unique structure nurtures the interdisciplinary relationships that give us the edge, laying the groundwork for more informed insights and more original, incisive thinking from diverse perspectives that, when paired with our global reach and resources, make us uniquely capable to address our clients' challenges.

Our Expertise

Economics, Disputes & Investigations

With a team of industry specialists and experts in accounting, business intelligence, damages analysis, economics, finance, intellectual property, valuation, data analytics, statistics and strategic analysis, BRG's Economics, Disputes & Investigations practice is a leader in the areas that can impact business most significantly.

Regulation

BRG's regulatory experts offer deep expertise in a wide range of disciplines, combined with hands-on sector experience, to ensure the optimal application of technical analyses for prevailing market conditions and the goals to be achieved. When conflicts and disputes arise—between providers, between providers and regulators or with competition authorities—our experts provide independent analyses and opinions, bringing knowledge and experience from economic regulation across sectors and regulatory models practised worldwide.

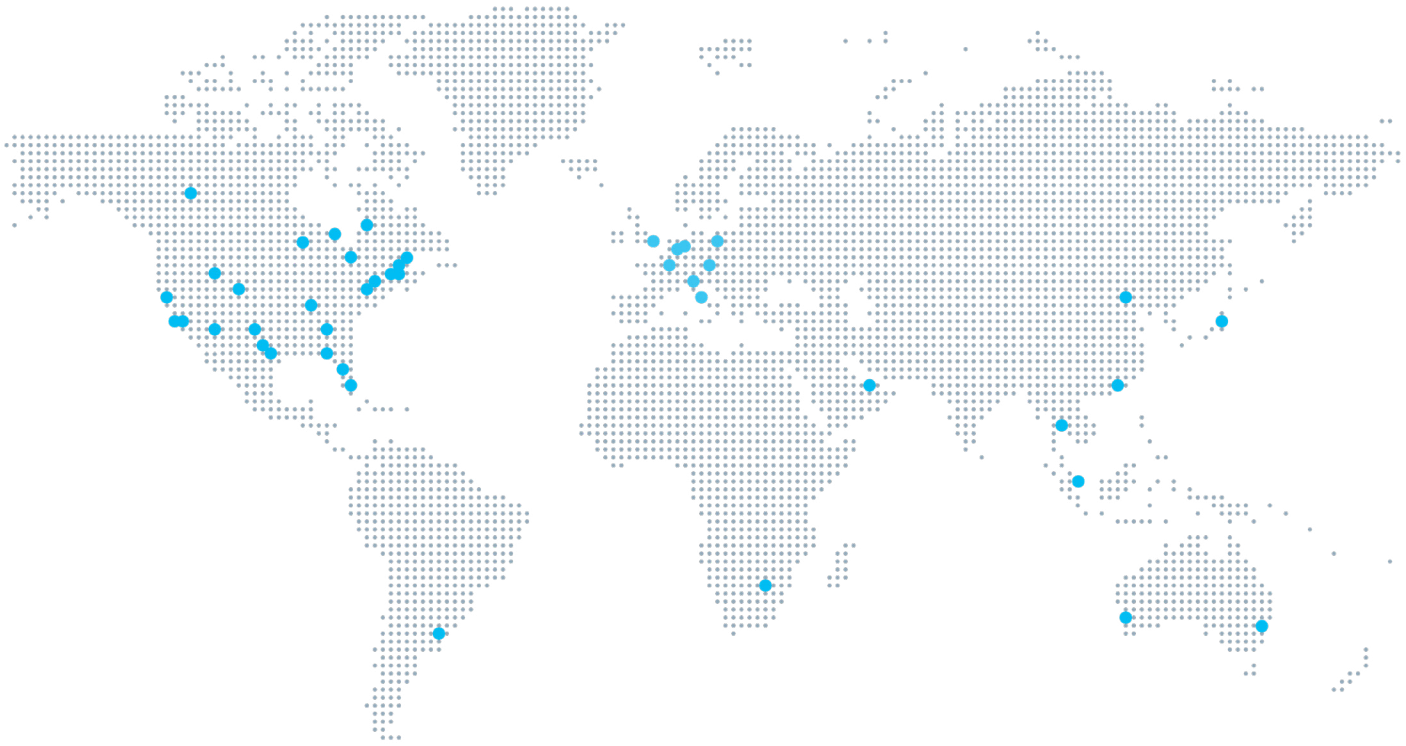
Construction

BRG offers professional experience and competence in factfinding, data analytics, claims/dispute analysis and management and litigation support. Our professionals provide technical expertise in engineering, architecture, construction management, public contracting, specifications and technical document development, schedule development and analysis, cost analysis, negotiations and expert witness testimony.

Trade

BRG experts work with companies and their counsel to mitigate risks, unlock opportunities and make informed, defensible decisions across the full lifecycle of global trade and investment—including compliance, policy analysis, strategic advisory, due diligence, litigation, arbitration and investigation support. Our experts specialise in the cross-border flow of goods, services, capital, ideas and people covering the full spectrum of clients' trade and investment needs.

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