



Registrar's report

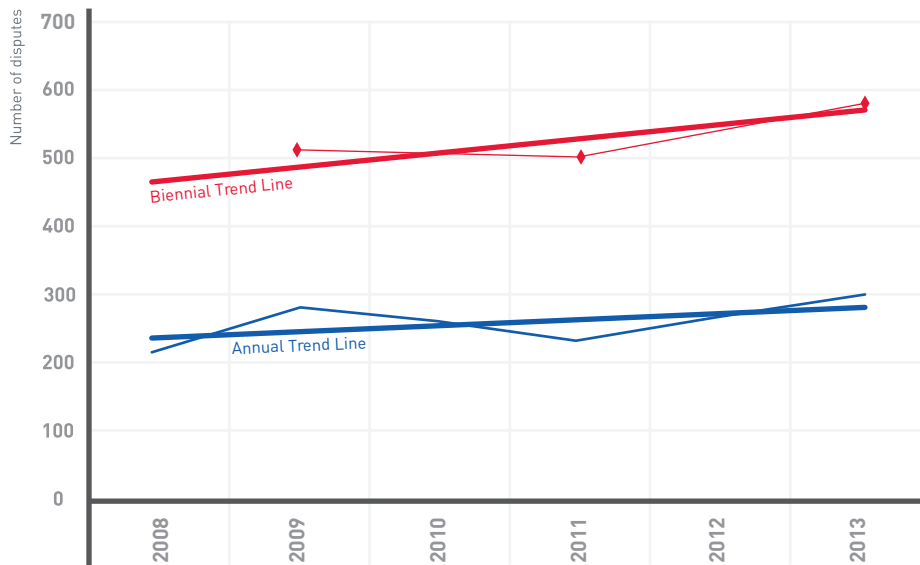
Casework 2013

The LCIA saw another increase in its casework in 2013, reaching a record high in the number of referrals.

In 2013, a total of 290 arbitrations were referred to the LCIA, in addition to 11 requests for mediation or some other form of ADR, bringing the total to 301. These figures are ahead of the previous all-time high of 2009 and represent an increase of almost 10% in

the number of arbitrations referred to the LCIA, as compared to 2012.

The 578 disputes referred during our most recent biennial monitoring period represent an increase of nearly 15% as compared to the previous 24 month period (in which a total of 504 disputes were referred to the LCIA).



Nature of contracts

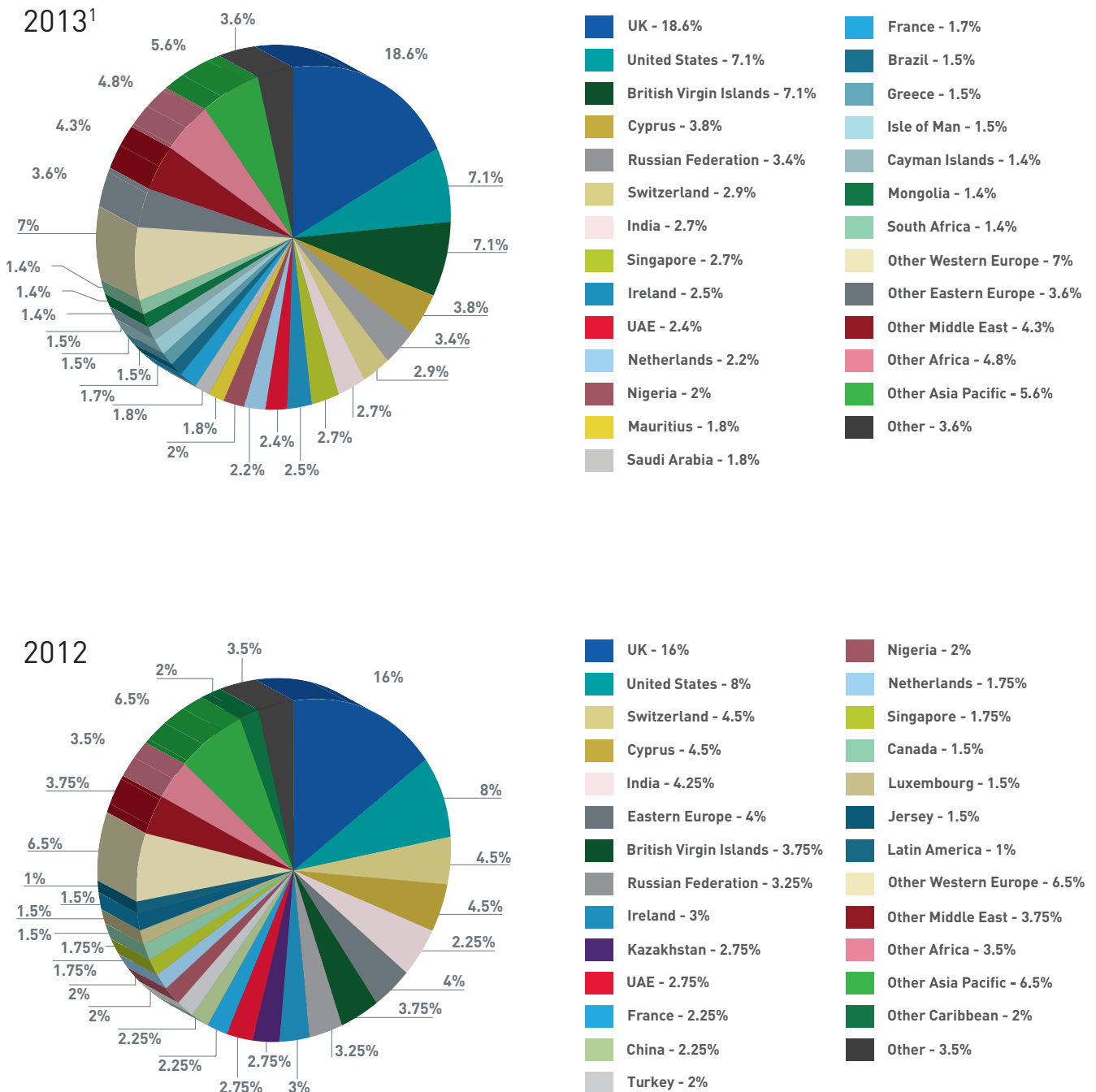
The nature of the contracts out of which referrals arose in 2013 remained diverse, including agreements relating to: mining; labour services; offshore oil and gas; sale and purchase of business assets and shares; joint ventures; construction and engineering; shipbuilding; telecommunications; loan and other financial arrangements; partnerships; insurance; sale and purchase of commodities; and consultancy and other professional services.

Looking at the three areas that have traditionally given rise to the most significant number of LCIA referrals, commodity transactions accounted for 13% of 2013 referrals (as against 16% in 2012 and 13% in 2011); loan or other financial agreements, including guarantees, accounted for 10% of 2013 referrals (as against 11% in 2012 and 17.5% in 2011), and joint ventures and shareholders' agreements accounted for 12% of 2013 referrals (as against 9% in 2012 and 13% in 2011).

In terms of industry sectors, the oil & gas industry continued to be significant in generating referrals to the LCIA in 2013 (15%), as well as the broader energy and resources sector (7%).

The parties

The international nature of the LCIA's caseload and profile remains evident in the nationalities of the parties that referred disputes to the LCIA in 2013, as the following chart shows. 2012 statistics are shown for comparison.



¹ The underlying cases for 2013 include a number of purely "domestic" arbitrations, involving UK parties only; in two of these cases, with ten or more Claimants or Respondents, the relevant number of Claimants or Respondents has been reduced to one, to avoid skewing the figures.



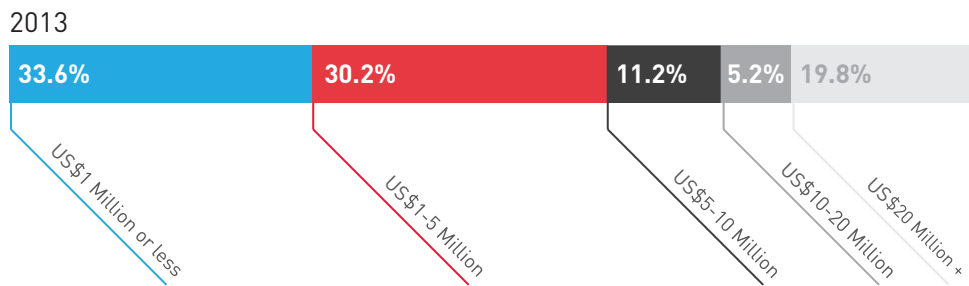
Sums in issue

2013 saw a significant increase, from 35% to 54.7%, in the number of Requests for Arbitration filed in which declaratory relief and/or specific performance was claimed (declaratory relief was sought in 45.3% of Requests, specific performance in 5.5%, and both declaratory relief and specific performance in 3.8%).

In many of those cases, the Claimant also sought monetary relief, with Claimants advancing claims for both monetary and non-monetary relief against Respondents in 28.8% of the Requests for Arbitration filed with the LCIA in 2013.

Unquantified sums were claimed by Claimants in 30.5% of the Requests filed in 2013.

The breakdown of sums claimed in 2013, where a Claimant specified an amount in its Request, is as follows:



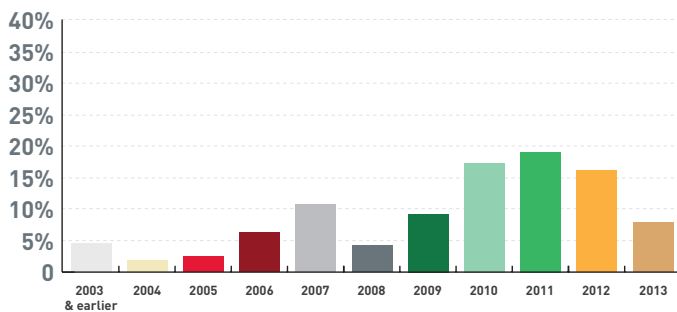
7.7% of the claims in the less than US\$1m bracket, 14.3% of the claims in the US\$1m to US\$5m bracket, and 15.4% of the claims in the US\$5m to US\$10m bracket, were coupled with a claim for unquantified damages, with the result that the above breakdown underrepresents the real amounts sought.

Moreover, many of the sums shown above were substantially increased by the value of counterclaims by Respondents and/or by a Claimant subsequently amending its claim in the Statement of Claim.

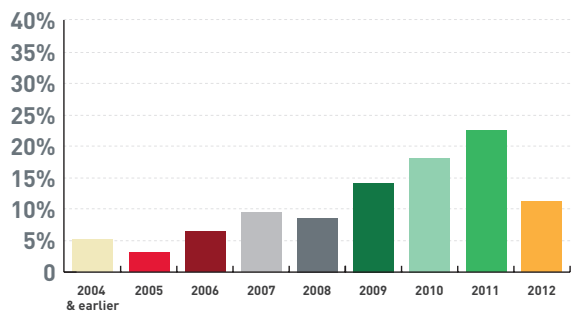
Contract dates

The dates of the contracts in dispute in cases filed in 2013 (where known), and the parallel dates for 2012, are shown in the following two charts.

2013



2012



The Tribunals

During the course of 2013, the LCIA Court made a total of 362 [318]² individual appointments of arbitrators in LCIA arbitrations, to a total of 174 [166] tribunals, of which 80 [90] comprised a sole arbitrator and 94 [76] three arbitrators. 29 of these tribunals were appointed in cases that had been referred to arbitration in 2013 and 145 in arbitrations that commenced in 2012.

In addition, the Court appointed five individuals in UNCITRAL or other *ad hoc* arbitrations and five individuals as replacements for previously-appointed sole arbitrators in LCIA arbitrations, bringing the total number of appointments in 2013 to 372 [344].

Of these 372 [344] individual appointments, 234 or 62.9% [181 [52.6%]] were UK nationals, of whom 120 or 51.3% [84 [46.4%]] were selected by the parties, 81 or 34.6% [73 [40.3%]] by the LCIA Court and 33 or 14.1% [24 [14%]] by the co-arbitrators. Between 2012 and 2013, there has, therefore, been an increase in the number of UK nationals selected by the parties.

Of the remaining appointments, 120 or 32.3% [144 [41.9%]] of the individuals concerned were not UK nationals (of whom 36 or 30% [40 [27.8%]] were selected by the parties; 68 or 56.7% [91 [63.2%]] by the LCIA Court; and 16 or 13.3% [13 [9%]] by the co-arbitrators), and 18 or 4.8% [19 [5.5%]] were dual nationals

of the UK and another country (of whom 4 or 22.2% [9 [47.4%]] were selected by the parties; 13 or 72.2% [9 [47.4%]] by the LCIA Court; and 1 or 5.6% [1 [5.3%]] by the co-arbitrators).

The nationalities of arbitrators appointed in 2013, other than UK, included Australian; Austrian; Bahraini; Belgian; Brazilian; Canadian; Chinese; Danish; Dutch; French; German; Greek; Indian; Irish; Lebanese; Malaysian; Mauritian; New Zealand; Nigerian; Singaporean; South African; Swedish; Swiss; Ugandan; Ukrainian and US.

The swing between the preference for sole and three member tribunals continued last year. In 2009, the ratio was two thirds three member tribunals to one third sole arbitrator; in 2010, the ratio was almost precisely 50/50; in 2011, the ratio tipped back slightly in favour of three-member panels; in 2012, it swung back to 54% of tribunals comprising a sole arbitrator; whilst in 2013, it has again reverted to 54% in favour of three-member tribunals.

In 2013, parties again demonstrated a preference to nominate arbitrators, rather than leaving the LCIA to select suitable candidates (which is the default position, unless the parties have agreed otherwise).

In 2013, of the 372 [344] individual appointments, 43 [33] or 11.5% [9.6%] were of female arbitrators (of whom 32 [26] or 74.5% [79%] were selected by the

LCIA Court and 11 [7] or 25.5% [21%] were selected by the parties). Putting it slightly differently, in 2013, 19.8% of the 162 appointees selected by the LCIA Court, and 6.9% of the 160 appointees selected by the parties, were female.

Further, of the 372 [344] individual appointments, 61 [76] (or 16.5% [22.1%]) were of candidates not previously appointed by the LCIA³ (of whom 24 [31] or 39.5% [40.8%] were selected by the LCIA Court, 30 [34] or 49% [44.7%] were selected by the parties, and 7 [11] or 11.5% [14.5%] were selected by the nominees).

² 2012 figures are shown in square brackets for comparison.

³ Some of these candidates might, of course, have previously been appointed by other institutions or in *ad hoc* cases.



Sarah Lancaster
LCIA Registrar