

2022
ANNUAL
CASEWORK
REPORT

ABOUT THE LCIA

The LCIA is one of the world's leading international institutions for commercial dispute resolution.

The LCIA provides efficient, flexible, and impartial administration of arbitration and other alternative dispute resolution proceedings, regardless of location and under any system of law.

The LCIA administers arbitrations pursuant to the LCIA Arbitration Rules (**LCIA Rules**), which are universally applicable and suitable for all types of arbitrable disputes. In addition, the LCIA regularly acts as appointing authority and administers arbitrations conducted pursuant to the United Nations Commission on International Trade Law Arbitration Rules (**UNCITRAL Rules**). The LCIA also provides other services such as fundholding, and other Alternative Dispute Resolution (**ADR**) services including mediation, expert determination, and adjudication.

The LCIA provides access to the most eminent and experienced arbitrators, mediators, and experts, with diverse backgrounds, from a

variety of jurisdictions, and with a wide range of expertise. The LCIA's dispute resolution services are available to all contracting parties, with no membership requirements.

In order to ensure cost-effective services, the LCIA's administrative charges and the fees charged by the arbitrators it appoints are not based on the value of the dispute. Instead, a fixed registration fee is payable with the request for arbitration, and the arbitrators and the LCIA apply hourly rates for services.

In addition to its dispute administration services, the LCIA conducts a worldwide program of conferences, seminars, and other events of interest to the arbitration and ADR community, with some 2,250 members from over 94 countries. The LCIA also sponsors the Young International Arbitration Group (**YIAG**), a group for members of the arbitration community aged 40 or younger, with over 11,860 members from 144 countries.

ABBREVIATIONS

Appointment Arbitration	Arbitration for which the LCIA is the appointing authority
Fundholding Arbitration	Arbitration whereby the LCIA only holds funds
LCIA Arbitration	Arbitration fully administered by the LCIA pursuant to the LCIA Rules
UNCITRAL Arbitration	Arbitration fully administered by the LCIA pursuant to the UNCITRAL Rules

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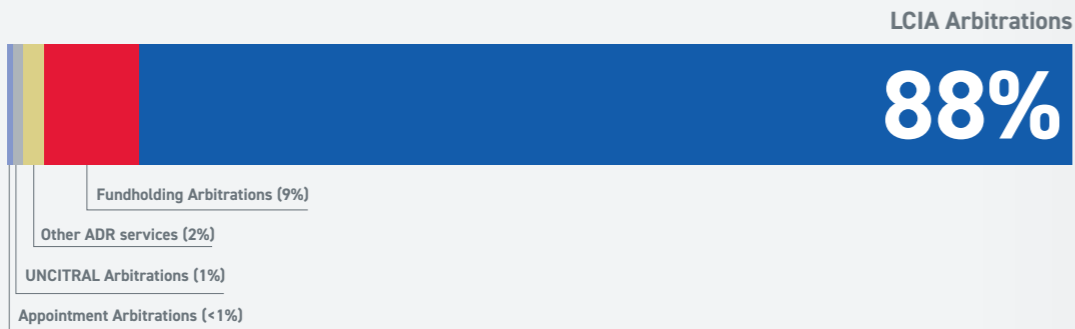
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EXECUTIVE SUMMARY

- In 2022, the LCIA received 333 referrals for its services, including 293 referrals for LCIA Arbitration. The figures for the last quarter of 2022 demonstrate an upward trajectory of cases compared with earlier in the year, with the number of LCIA Arbitrations in the last quarter of 2022 surpassing those of 2021, as well as 2019 and 2018. This upward trajectory has continued into the first quarter of 2023.
- The three leading industry sectors in LCIA Arbitrations remain the same as in 2021, namely transport and commodities, banking and finance, and energy and resources.
- In 2022, 88% of parties in LCIA Arbitrations came from 90 countries other than the United Kingdom, demonstrating the LCIA's continued international reach.
- State parties or state-owned parties more than doubled in 2022 and made up 13% of all parties in LCIA Arbitrations.
- Global developments have profoundly impacted energy prices, resulting in an increase of commodity disputes being referred to the LCIA in 2022. Significantly, transport and commodities cases dominated the LCIA's caseload, representing 37% of all cases. The LCIA expects to see this trend continue in 2023.
- More than a year after Russia's invasion of Ukraine, the war is ongoing and the response of many states has been to impose additional sanctions, including asset freeze sanctions. The Office of Financial Sanctions Implementation (**OFSI**) has granted the LCIA a General Licence which permits receipt of, and payments for, arbitration costs enabling the LCIA to continue to assist parties in resolving their disputes efficiently.

- Non-British arbitrators were selected by the LCIA Court in 63% of LCIA Court appointments despite 85% of LCIA Arbitrations being governed by English law and 88% of arbitrations seated in London. By comparison, parties and co-arbitrators selected non-British arbitrators 27% and 31% of the time.
- Parties from Asia represented the highest percentage of parties by region in 2022, making up almost one quarter of all parties in LCIA Arbitrations and tripling last year's percentage. Parties from Western Europe made up a fifth of parties, similar to previous years.
- The LCIA continues to lead the way with respect to gender diversity in LCIA Arbitrations. Women arbitrators were appointed in 45% of all the LCIA Court's appointments. Both parties and co-arbitrators selected a low percentage of women (19% and 23%, respectively) in 2022, leading to only 28% of appointments being of women overall. To achieve greater gender diversity and parity in arbitrator appointments it is therefore especially important for parties and co-arbitrators to contribute to this challenge.
- The LCIA received no challenges to arbitrators pursuant to Article 10 of the LCIA Rules in 2022. The complete absence of challenges in LCIA Arbitrations is remarkable and a testament to both an effective and robust disclosure and appointment system as well as robust and transparent challenge procedures.
- It has been over one year since 135 cases pursuant to the DIFC-LCIA Rules from the Dubai International Arbitration Centre (**DIAC**) were transferred to the LCIA for administration from London. These cases were at various stages when they were transferred and, since then, the LCIA has closed over 70 cases, with an additional 21 in the final stages of closing. Only 41 arbitrations remain either active or stayed.

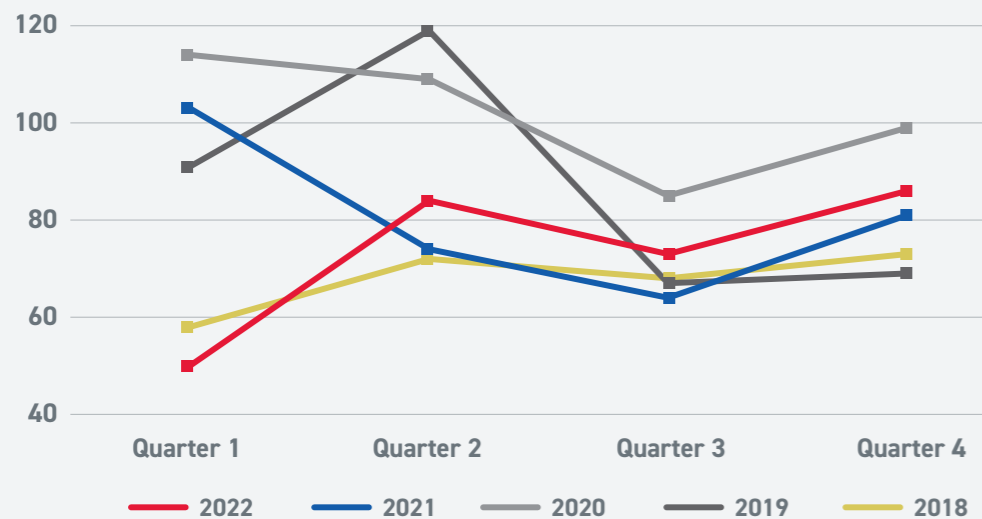
CASELOAD



The LCIA received a total of 333 referrals for its services, including 293 referrals for LCIA Arbitration in 2022 (compared with 387 overall referrals and 322 LCIA Arbitration referrals in 2021). As shown below, the figures for the last quarter of 2022 demonstrate an upward trajectory of referrals received by the LCIA compared with earlier in the year, with the number of LCIA Arbitrations in the last quarter of 2022 surpassing those of 2021, as well as 2019 and 2018. This upward trajectory has continued into the first quarter of 2023.

The following graph shows the number of LCIA Arbitrations received by the LCIA in each of the four quarters of 2022, with the comparable figures of the last four years.

LCIA Arbitration Referrals



LCIA ARBITRATIONS

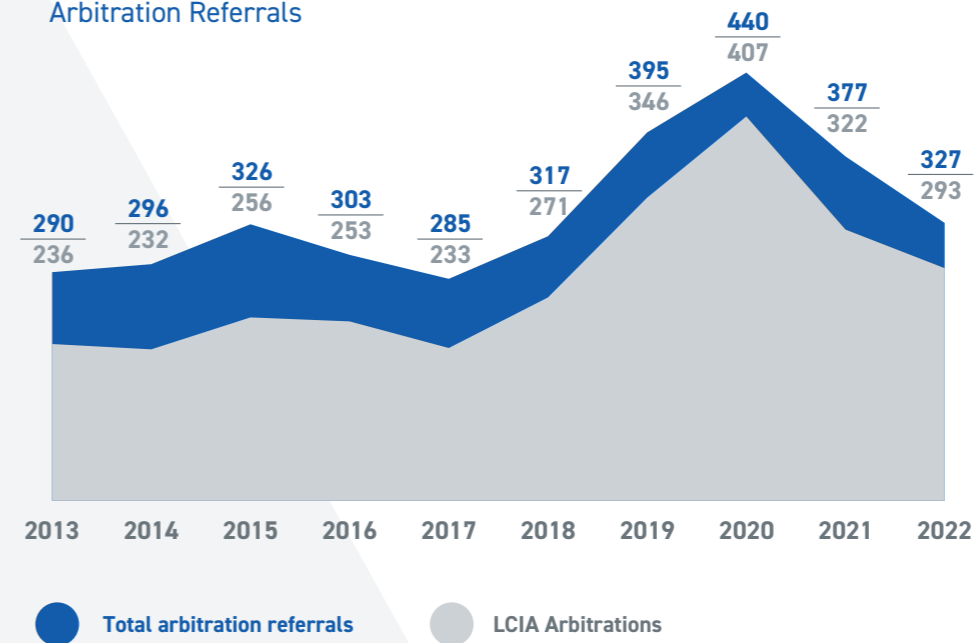
The LCIA received 293 referrals for LCIA Arbitration, accounting for 88% of referrals received in 2022. Included in the 293 LCIA Arbitrations are two cases pursuant to the LCIA-MIAC Rules.

The arbitration referrals chart below shows case numbers for the last ten years, and the long-term trend.

Parties continue to make good use of the provision in the 2020 LCIA Rules allowing a claimant to file a composite request for arbitration to commence multiple arbitrations against one or more respondents. In 2022, the LCIA received 22 composite requests, commencing 64 arbitrations, which accounted for 22% of LCIA Arbitrations.

As in other years, the LCIA received groups of related cases in 2022. The largest of these groups involved 16 related cases. The impact of this group of cases on figures is highlighted in the relevant sections of this report, particularly in industry sectors, agreement types and party nationalities.

Arbitration Referrals



OTHER REFERRALS

The below table shows the number of other referrals received by the LCIA with the 2021 figures following in brackets.

UNCITRAL Arbitrations	Appointment Arbitrations	Fundholding Arbitrations	Mediation and other ADR
3 (8)	3 (13) ¹	28 (24)	4 mediations (3 mediations) 2 adjudicator appointments (7 adjudicator appointments)

In one of the three Appointment Arbitrations, the LCIA went on to provide fundholding services.

The Fundholding Arbitrations in 2022 are pursuant to various rules including the UNCITRAL Rules, the PCA Optional Rules, ARIAS (UK) Arbitration Rules (3rd ed, 2014), and the Rules of Insurance and Reinsurance Arbitration Society (3rd ed, 2014). The percentage of Fundholding Arbitrations as a proportion of all cases in 2022 is almost the same as 2021 (8% and 9%, respectively).

¹ This figure was incorrectly reported as 10 in this section of the 2021 Annual Casework Report.

GLOBAL DEVELOPMENTS

In recent years, the LCIA has observed an ebb and flow of cases, impacted by global developments including the COVID-19 pandemic and the war in Ukraine. After the initial spike of cases received in 2020, the number of referrals in the following two years confirmed the LCIA's expectation that disputes impacted by the pandemic arose at an earlier stage. With the effects of the pandemic on the LCIA's caseload lessening, a clear upward trend has emerged at the end of 2022.

More than a year after Russia's invasion of Ukraine, the war is ongoing and the response of many states has been to impose additional sanctions, including asset freeze sanctions. The OFSI has granted the LCIA a General Licence which permits receipt of, and payments for, arbitration costs enabling the LCIA to continue to assist parties in resolving their disputes efficiently.

Sanctions are not only affecting the administration and funding of an arbitration. In some cases, sanctions feature prominently as part of the dispute between the parties, including the applicability and scope of sanctions and their potential impact on the performance of contracts. In such cases, the sanctioned entity is often the respondent.

Global developments have also impacted energy prices, resulting in an increase of commodity disputes being referred to the LCIA in 2022. The LCIA expects to see this trend continue in 2023.

INDUSTRY SECTORS AND AGREEMENTS

For both industry sectors and type of agreements, cases are categorised by the dominant sector or agreement.

INDUSTRY SECTORS

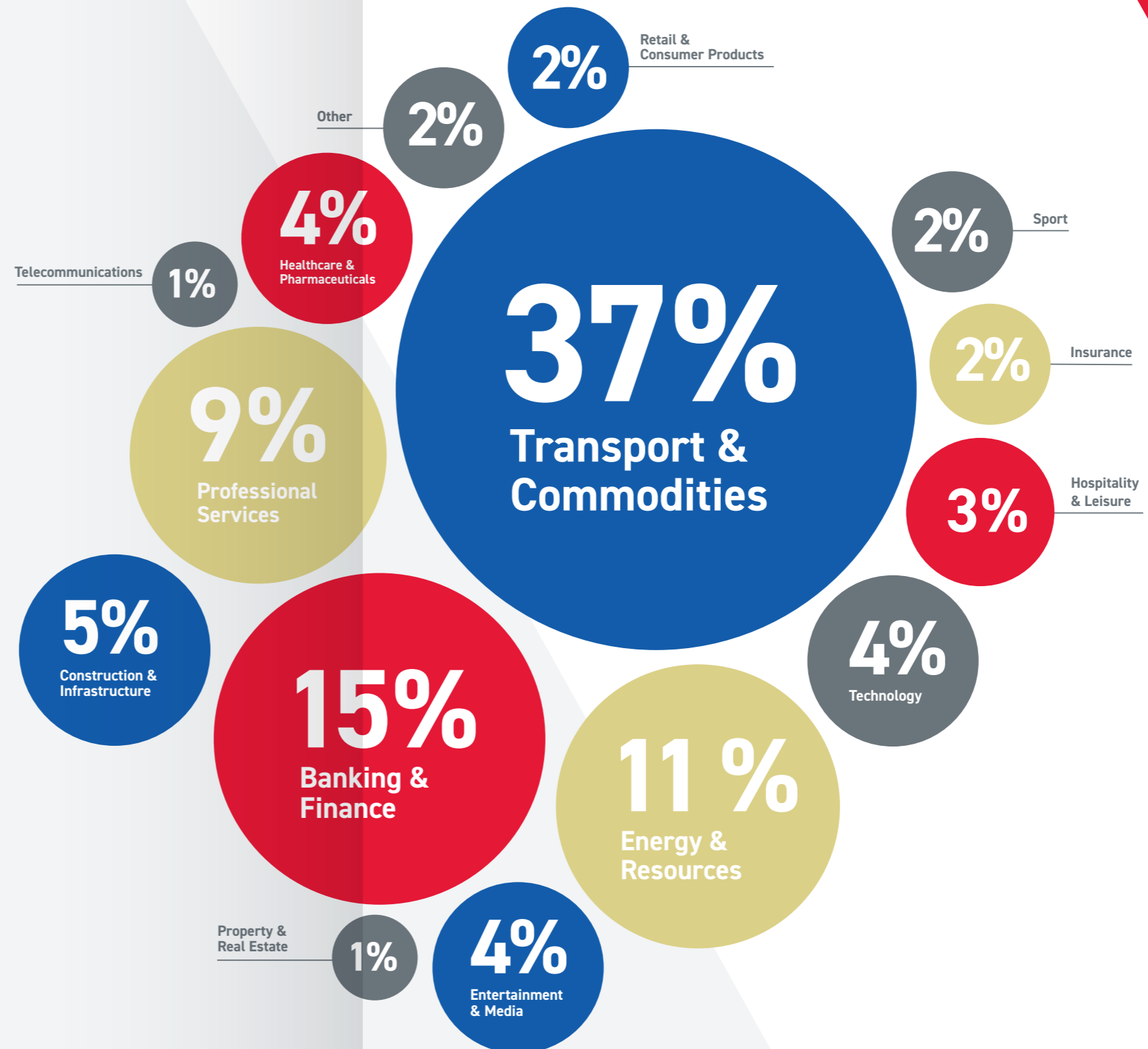
The three leading industry sectors in LCIA Arbitrations remain the same as in 2021, namely transport and commodities, banking and finance, and energy and resources. Significantly, and as indicated above, transport and commodities cases dominated the LCIA's caseload, with the percentage of cases in 2022 more than double the percentage in 2021 (14% in 2021 and 37% in 2022). The fluctuation in energy prices impacted by the war in Ukraine is likely to have had a ripple effect in the supply chain of commodities resulting in more disputes. The 16 related cases and an increase in shipping cases being referred to the LCIA has also contributed to a higher proportion of transport and commodities cases in 2022.

The second and third industries after transport and commodities are banking and finance and energy and resources, representing 15% and 11% of cases, respectively (compared with 26% and 25%, respectively, in 2021).

The percentage of professional services cases has steadily increased over the past three years. In 2022, these cases made up 9% of all cases. The other sectors each represent significantly lower percentages of the caseload, as illustrated in the following chart.

Claimant and respondent industry sectors generally reflect the dominant industry sector of the dispute. In 2022, the pattern remained consistent with the three leading industries of the dispute reflected in the industries of the claimants and the respondents, with some variation in the order. There were more individuals as respondents than claimants.

In Fundholding Arbitrations, the insurance sector dominated, with the remaining cases spread across banking and finance, transport and commodities and construction and infrastructure. The UNCITRAL Arbitrations and Appointment Arbitrations were spread across a range of sectors.



AGREEMENT TYPES

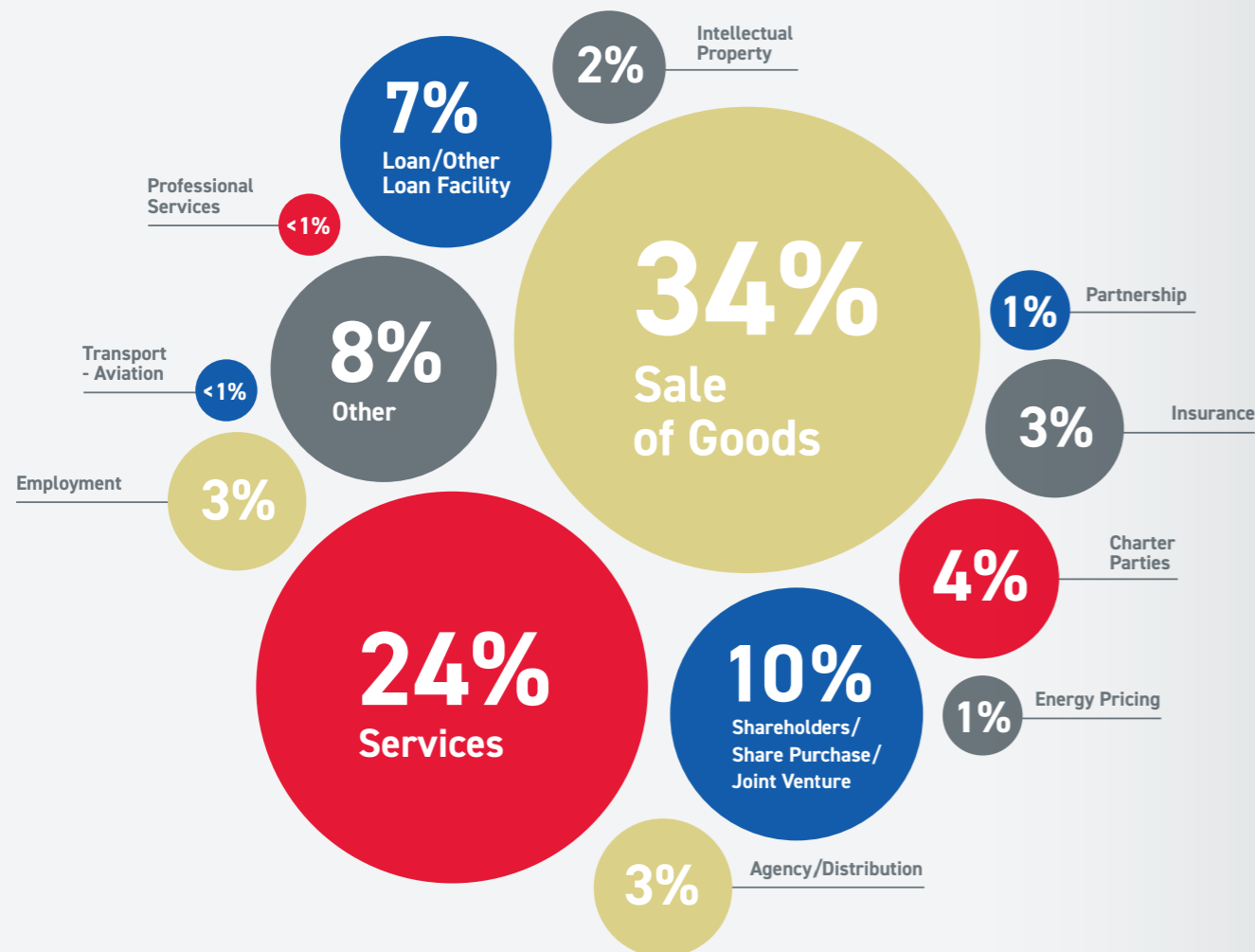
Commensurate with the increase in transport and commodities cases, the percentage of sale of goods agreements in LCIA Arbitrations increased from 25% in 2021 to 34% in 2022, and the percentage of charter parties increased from none in 2021 to 4% in 2022. The 16 related cases all involved sale of goods agreements.

Services agreements, which include third-party funding and legal services agreements, are the second most-common type of agreement in LCIA Arbitrations, representing almost one quarter of all agreements, a slightly higher proportion than in 2021 (21%). Shareholder/share purchase/joint venture agreements and loan/other loan facility agreements made up, respectively, 10% and 7% of all agreements (compared with 14% and 21%, respectively, in 2021).

The 2022 figures for agreement types reflects the relative stability of the LCIA's caseload, given that it is not heavily reliant on just one agreement type, with the percentages of the main agreement types varying from year to year.

The 8% of agreements classified as "Other" in 2022 includes aircraft leases, construction-related agreements and guarantees.

The agreement types out of which disputes arose in UNCITRAL Arbitrations were primarily from agreements concerning petroleum exploration and distribution agreements, and Appointment Arbitrations were mostly in respect of sale of goods agreements.

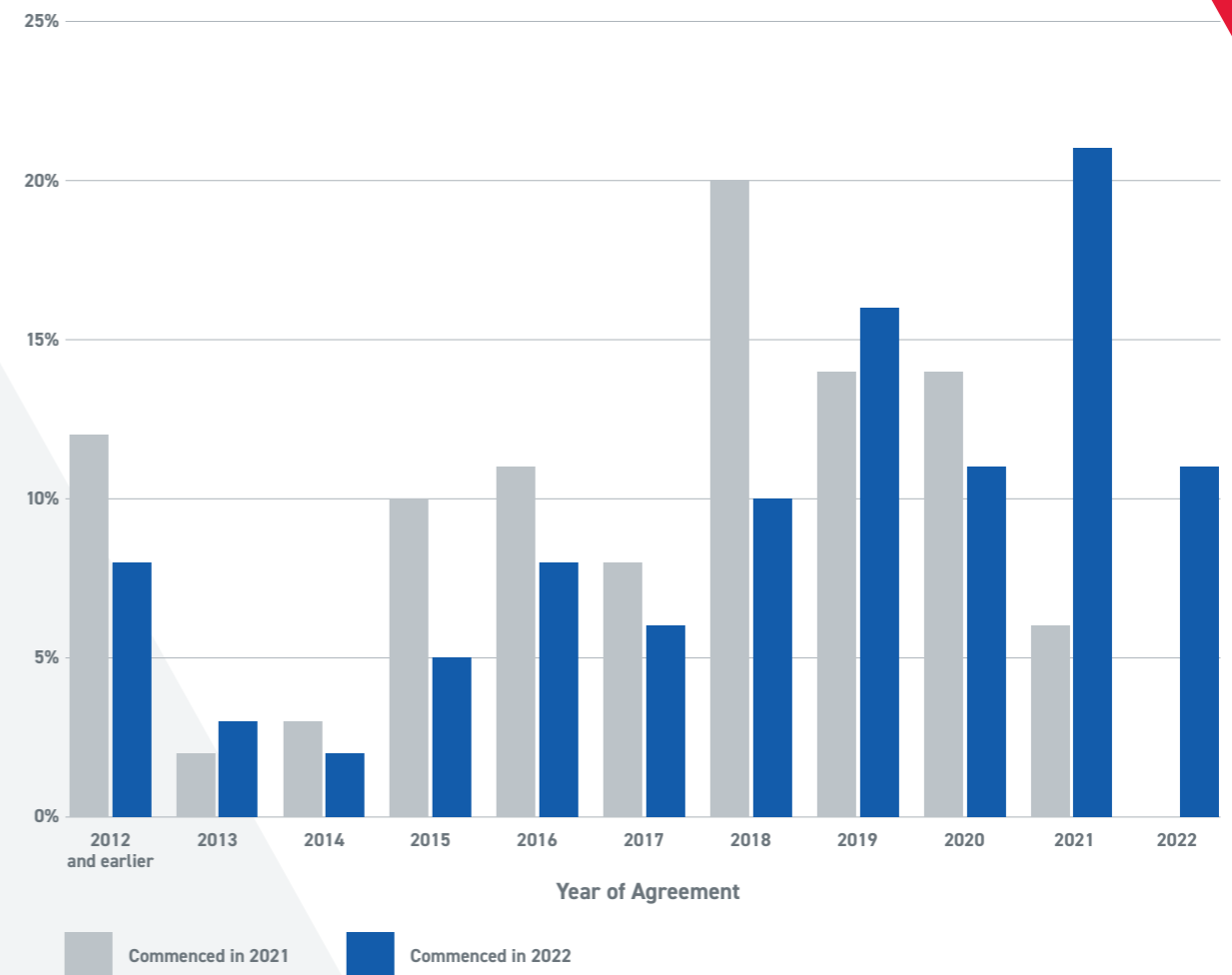


TIME LAG

To assess the potential impact of external developments on the make-up of the caseload, it is useful to consider the time lag between the date of the agreements out of which disputes arise and the year in which the disputes are referred to the LCIA. The below chart shows the time lag for LCIA Arbitrations in 2022, with 2021 shown for comparison.

Notably, 2022 saw an increase in cases commenced within the same year as the agreement and the year following. Nevertheless, the long-term pattern of most disputes arising within five years of the agreement remains the same. In 2022 (as in 2021), 74% of disputed agreements were entered into within the five calendar years prior to the one in which the arbitration commenced, which is similar to previous years.

The majority of UNCITRAL and Appointment Arbitrations were commenced pursuant to agreements from 2012 or earlier.



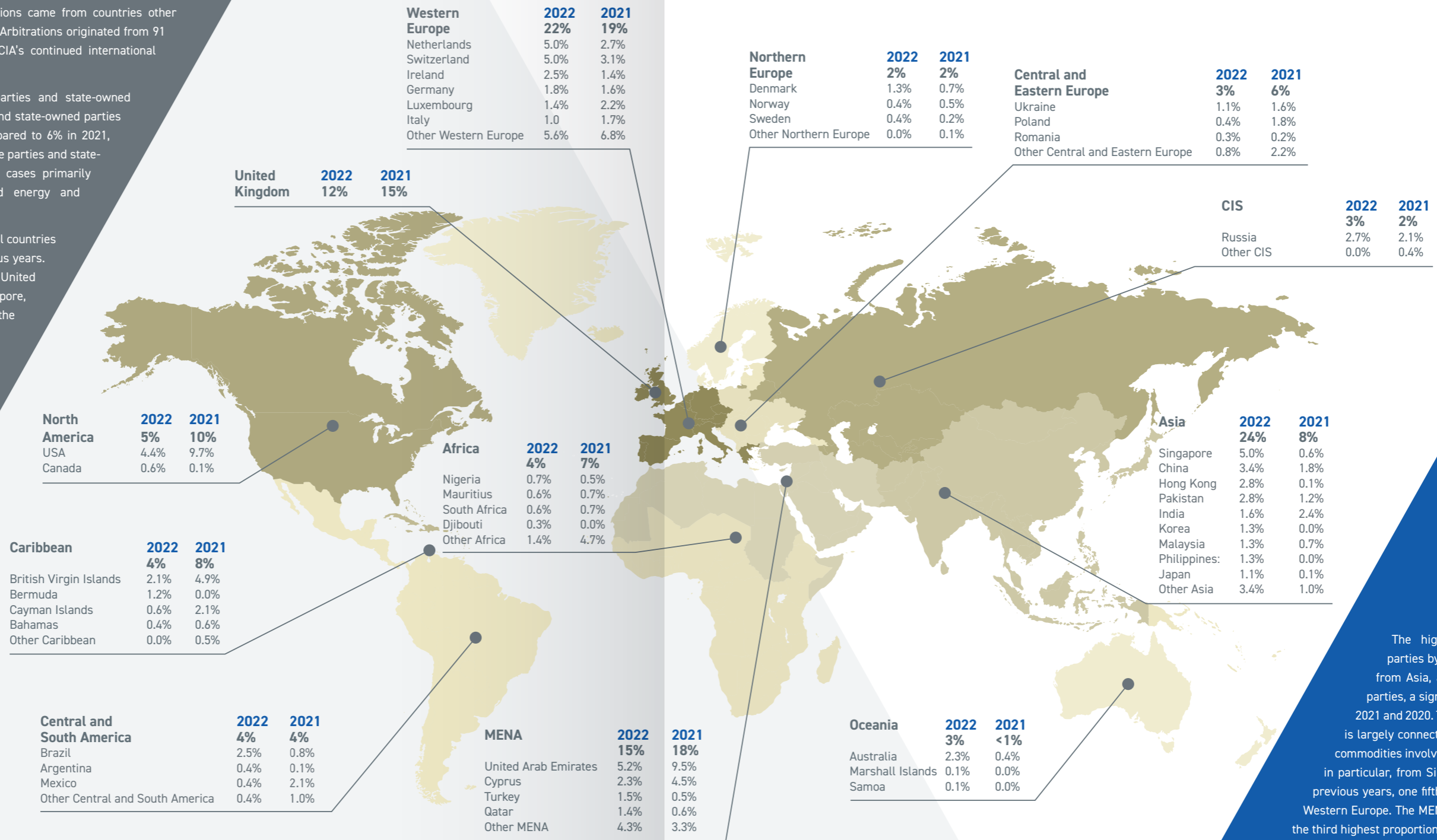
PARTIES

In 2022, 88% of parties in LCIA Arbitrations came from countries other than the United Kingdom. Parties in LCIA Arbitrations originated from 91 different countries, demonstrating the LCIA's continued international reach.

Many LCIA Arbitrations involve state parties and state-owned parties. The percentage of state parties and state-owned parties more than doubled in 2022 at 13%, compared to 6% in 2021, and the percentage of cases involving state parties and state-owned parties in 2022 was 15%. These cases primarily concerned the telecommunications and energy and resources sectors.

The most frequently represented individual countries were more diverse in 2022 than in previous years. Parties from the United Kingdom, the United Arab Emirates, the Netherlands, Singapore, Switzerland, and the United States were the most common.

The percentage of parties from the United Kingdom decreased in 2022 (12%) compared with 2021 (15%). Only 5% of LCIA Arbitrations involved parties who were all from the United Kingdom (same as in 2021). As a result, 95% of LCIA Arbitrations have at least one international party, and 75% involve no UK parties.

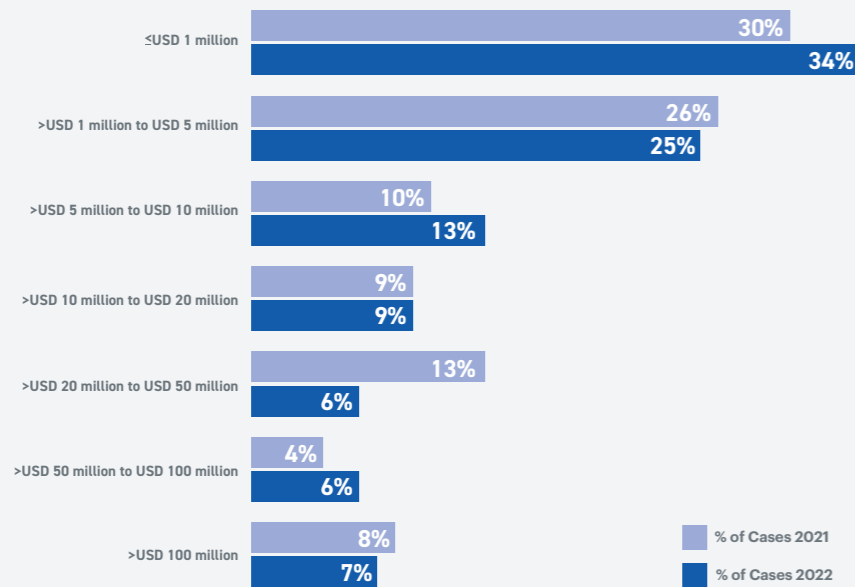


The highest percentage of parties by region in 2022 were from Asia, at one quarter of all parties, a significant increase from 2021 and 2020. This striking increase is largely connected to the increase in commodities involving parties from Asia, in particular, from Singapore. In line with previous years, one fifth of parties hail from Western Europe. The MENA region represents the third highest proportion of parties.

In Appointment Arbitrations, state parties or state-owned parties made up 50% of all parties. In Fundholding Arbitrations, 6% of parties were states, state bodies or state-owned entities.

Most UNCITRAL Arbitrations and many Fundholding Arbitrations involved parties from the United Kingdom, with the remaining nationalities from a wide range of countries. The majority of Fundholding Arbitrations involving UK nationals were insurance related disputes.

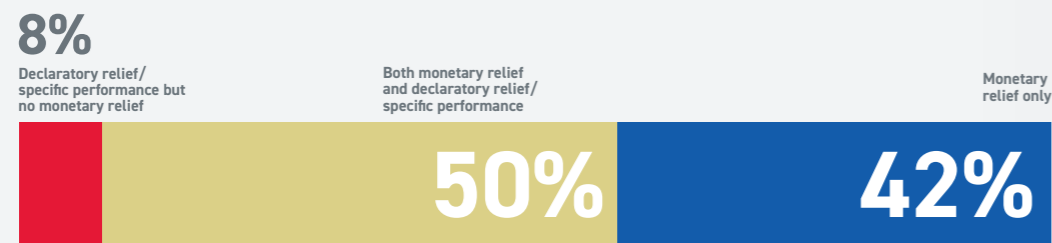
RELIEF SOUGHT



Monetary relief sought in requests for arbitration

In 2022, 92% of claimants sought monetary relief in LCIA Arbitrations, compared to 91% in 2021. A noticeable increase was seen in claims below USD 1 million (4% increase) and claims between USD 5 to 10 million (3% increase). The increase in smaller claims correlates with the LCIA's increase in cases within the commodities sector as many of these cases involve smaller claims. It is noticeable that many of these cases involve significant parties, and it is not apparent in these cases that the immediate financial component is the main driver. Another notable difference in 2022 compared to 2021 was seen in claims between USD 20 to 50 million (7% decrease). In other brackets the percentage difference, if any, was negligible.

Type of relief sought



The charts on this page display a snapshot of the claims as they are filed in the requests for arbitration. The LCIA's hourly rate-based system, which is in large part driven by the complexity and/or significance of a case, provides less incentive to quantify claims at the outset of a case in comparison with institutions charging on an *ad valorem* basis. Therefore, claims are often subject to subsequent amendment and additional quantification (and these changes are not captured by this report).

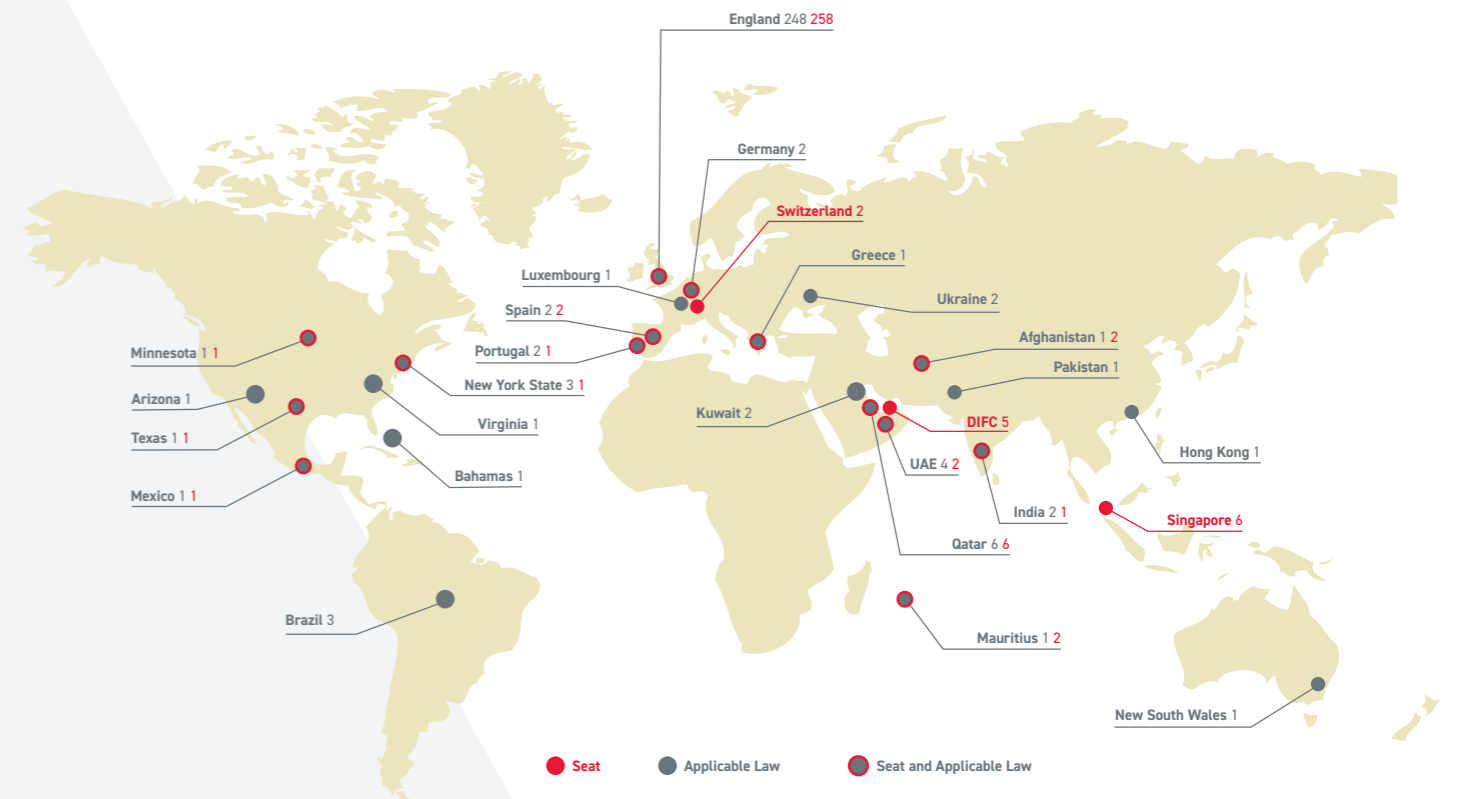
SEAT AND APPLICABLE LAW

In addition to the United Kingdom, 12 countries were chosen as the seat of arbitration and 19 countries were chosen as the governing law in LCIA Arbitrations.

London remains the most popular seat with 88% of LCIA Arbitrations seated in London in 2022, a similar percentage to 2021 (85%). Parties chose the law of England and Wales in 85% of LCIA Arbitrations, a higher percentage than in 2021 (76%).

In some cases, but not all, where the parties selected a seat other than London, they chose the same law. Notably, in 2022, parties in six arbitrations selected Qatar as both seat and applicable law.

All UNCITRAL Arbitrations and most Appointment and Fundholding Arbitrations were seated in London and governed by the law of England and Wales. The remaining seats and governing laws were from a range of countries. Several Fundholding Arbitrations seated in London and governed by English law were insurance cases.



2. The applicable law of four arbitrations and the seat of two arbitrations are unspecified and have not yet been determined at the time of this report.

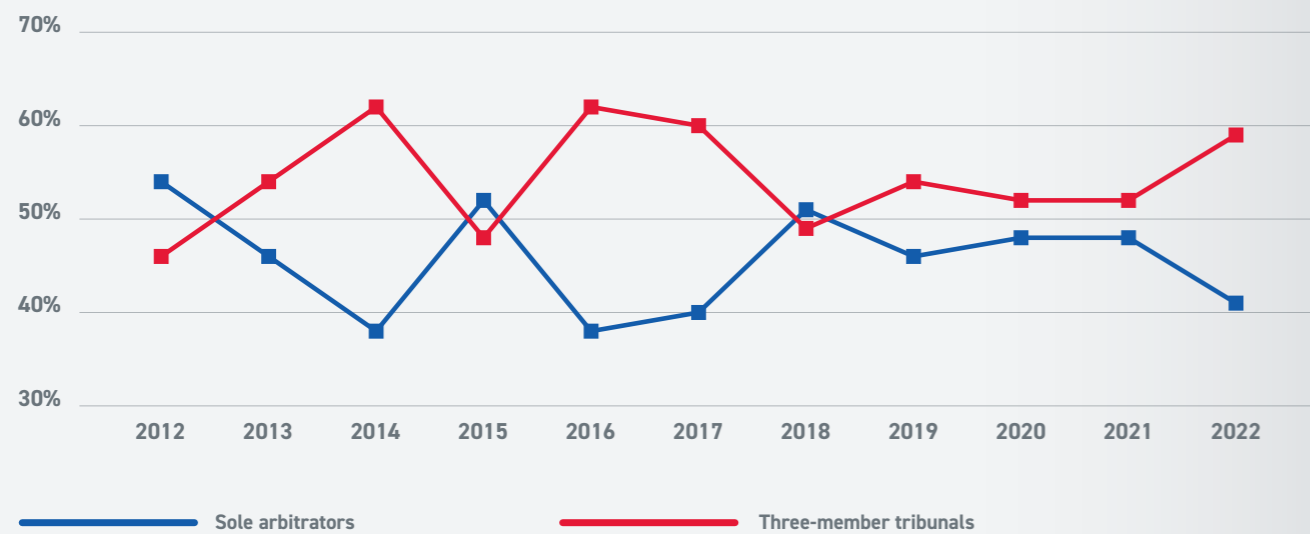
ARBITRATOR APPOINTMENTS

In 2022, the LCIA made a total of 423 appointments of 289 different arbitrators in LCIA Arbitrations. No emergency arbitrators were appointed in 2022. The 423 appointments made by the LCIA Court include three replacement arbitrators.

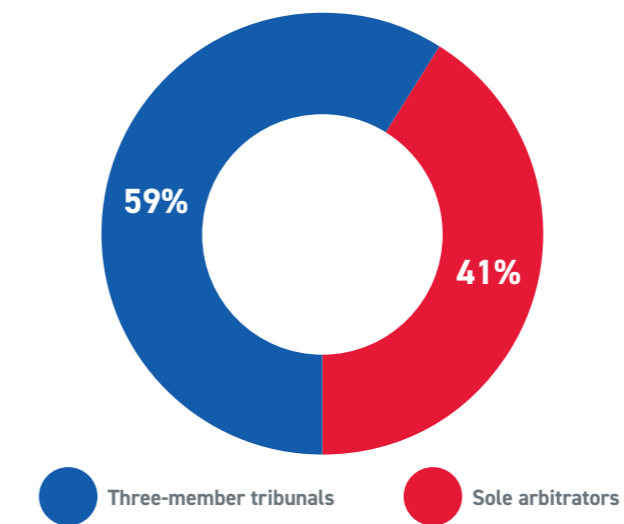
The chart to the right shows the split between three-member tribunals and sole arbitrators appointed in 2022 in LCIA Arbitrations. Although different to the previous four years, as evidenced by the below chart, the split of sole arbitrators and three member tribunals continues to fall within the long-term pattern of a relatively-even split.

Pursuant to the LCIA Rules, parties and co-arbitrators may (and often do) select their own arbitrators. Formal appointment by the LCIA Court is contingent on the Court's approval of the candidate following a review of the candidates' independence and impartiality, and of their availability.

Three-member tribunals vs sole arbitrators 2012 - 2022

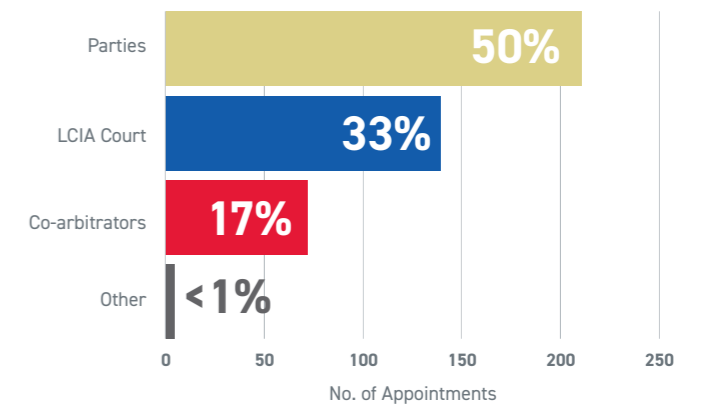


Three-member tribunals vs sole arbitrators 2022



Parties in LCIA Arbitrations selected arbitrators in 50% of appointments in 2022, more frequently than in 2021 (44%). Around one third of arbitrator appointments were made directly by the LCIA Court (compared with 42% in 2021), with the remaining 17% being selected by co-arbitrators (up from 14% in 2021). In addition, there was one case where the sole arbitrator was nominated by a third party, in accordance with the parties' arbitration agreement.

Arbitrator selection 2022



ARBITRATOR NATIONALITIES

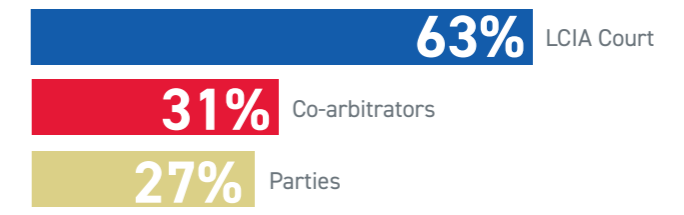
The nationalities of arbitrators in LCIA Arbitrations remain diverse, with arbitrators from 49 different countries being appointed in 2022. The LCIA does its best to appoint non-British arbitrators, also when English law is involved. This is evident from the fact that despite 85% of cases being governed by English law, British arbitrators were appointed in only 60% of all appointments and non-British arbitrators were appointed in 40%, with the LCIA being the driver for this pattern.

The parties and co-arbitrators both selected British arbitrators more frequently overall and as a percentage of their respective total appointments. Most British arbitrator appointments (79%) were by nomination by the parties or the co-arbitrators. The chart at the top of the page shows the percentage of appointments of non-British arbitrators by selection method in 2022.

This reflects the LCIA Court's continuing efforts to appoint more diverse tribunals where possible.

The LCIA Court does not have a role in the selection of the arbitrators in Fundholding Arbitrations. It is observed that most arbitrators appointed in Fundholding Arbitrations were British (70%), German (5%) or American (3.5%).

Non-British arbitrator appointments as a percentage of all appointments in LCIA Arbitrations by selection method



GENDER DIVERSITY

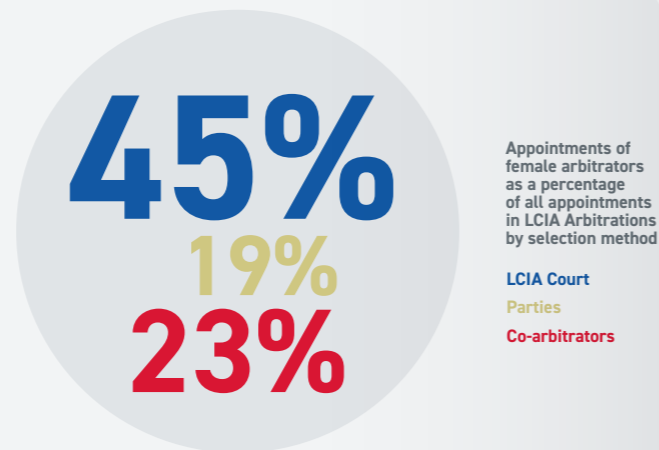
As with arbitrator nationalities, the LCIA Court continues to lead the way with respect to gender diversity in LCIA Arbitrations. In 2022, 45% of all LCIA Court appointments were of women, compared to 47% in 2021.

The percentage of women selected by co-arbitrators decreased from 33% in 2021 to 23% in 2022. Parties selected a slightly higher percentage of women in 2022 (19%) than in 2021 (16%). However, it remains a low percentage, and notably lower than the rate for co-arbitrators. The imbalance in contribution to diversity is compounded by a greater proportion of repeat appointments being made by the parties and co-arbitrators compared with direct appointments by the LCIA.

As a result of the decrease in the percentage of women selected by the parties and co-arbitrators, compounded by an increase in the percentage of arbitrators selected by both parties and co-arbitrators, the overall number of appointments of women in LCIA Arbitrations was 28% (120 out of 423 appointments) in 2022, compared to 32% in 2021.

Of the sole arbitrator appointments, 44% were women, of which the vast majority were direct appointments by the LCIA Court. In three-member tribunals, 24% of co-arbitrator appointments and 26% of chair appointments were of women.

Gender diversity



REPEAT APPOINTMENTS

The LCIA aims to appoint as many different arbitrators as possible. There were fewer repeat appointments in 2022 than in 2021. The overall percentage of arbitrators appointed only once in the same calendar year in LCIA Arbitrations increased from 69% in 2021 to 74% in 2022. Eighteen percent of arbitrators were appointed twice, and 4% of arbitrators were appointed three times (compared with 20% and 7%, respectively, in 2021). The remaining 4% of arbitrators were appointed more frequently, most of which were nominations from parties and co-arbitrators. The comparable percentage of arbitrators appointed four or more times in 2021 was also 4%.

The median number of appointments for all arbitrators was one appointment, regardless of gender (as in 2021).

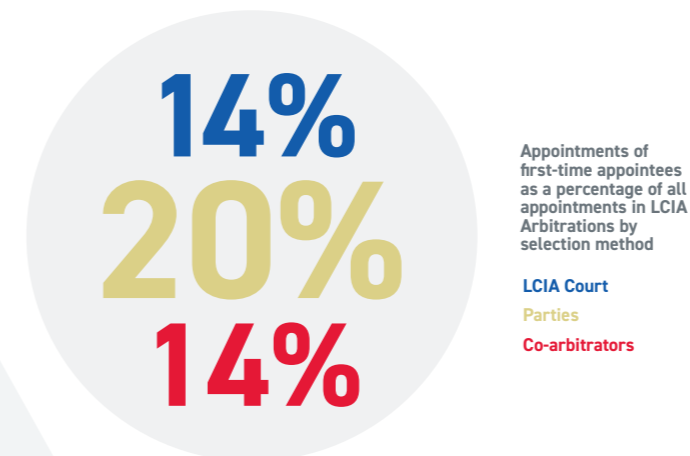
Regarding appointments of men to tribunals, 14% of appointments were repeat appointments and regarding appointments of women to tribunals, 31% were repeat appointments. This compares to 33% for men in 2021 and 35% for women in 2021.

FIRST-TIME APPOINTEES

In LCIA Arbitrations in 2022, 17% (74 out of 423) of appointments were of candidates not previously appointed by the LCIA Court (same as in 2021).

The number of appointments of first-time appointees as a percentage of direct LCIA Court appointments was 14% in 2022 (17% in 2021). The percentage of first-time appointees nominated by the parties in 2022 was similar to 2021 (20% and 19%, respectively). The co-arbitrators selected twice as many first-time appointees in 2022 (14%) compared to 2021 (7%).

First-time appointees



TRIBUNAL SECRETARIES

In 2022, tribunals made 40 appointments of tribunal secretaries in LCIA Arbitrations. Of the 40 appointments, 47% were of men (including one repeat appointment) and 53% were women (including four repeat appointments, three of which were in related cases).

Tribunal secretaries were appointed more often to assist three-member tribunals than to assist sole arbitrators in 2022. Thirty-eight percent of tribunal secretary appointments were to assist sole arbitrators and 62% were to assist three-member tribunals. In 2021, these percentages were essentially reversed, with 64% of appointments to assist sole arbitrators and 36% to assist three-member tribunals.

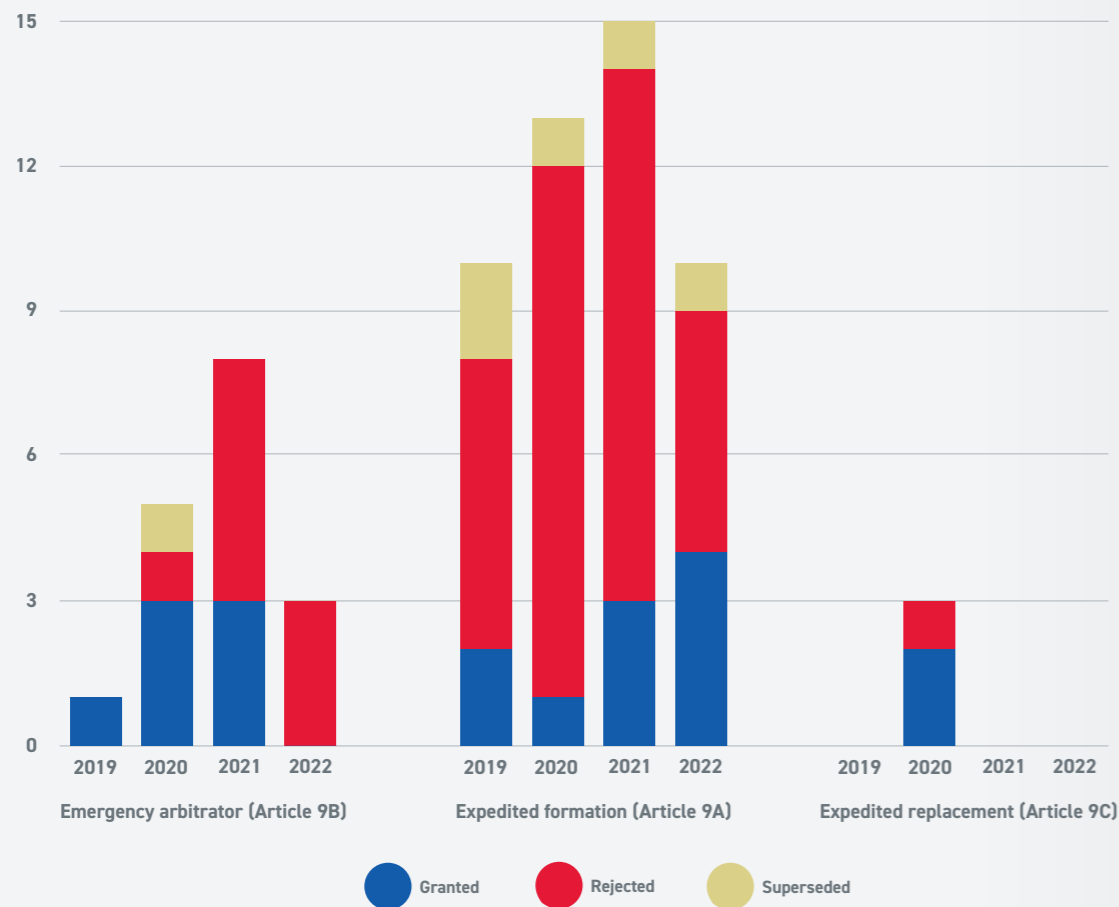
As with arbitrator nationalities, the following statistics count only the primary nationality indicated to the LCIA by the arbitrators. The tribunal secretaries held 22 different nationalities. American and British nationals were most common (each accounting for 15% of tribunal secretary appointments), with Australian nationals coming in third (7.5% of appointments). In 2021, British nationals made up a much higher percentage of appointments (30%).

EXPEDITED FORMATION OF TRIBUNALS AND EMERGENCY ARBITRATOR APPOINTMENTS

In 2022, the number of applications for expedited formation of the tribunal pursuant to Article 9A of the LCIA Rules as a percentage of new cases was 3%, compared with 5% in 2021. In absolute numbers, there were ten applications for expedited formation of the tribunal pursuant to Article 9A of the LCIA Rules in 2022 (15 in 2021), five of which were rejected, four granted and one superseded.

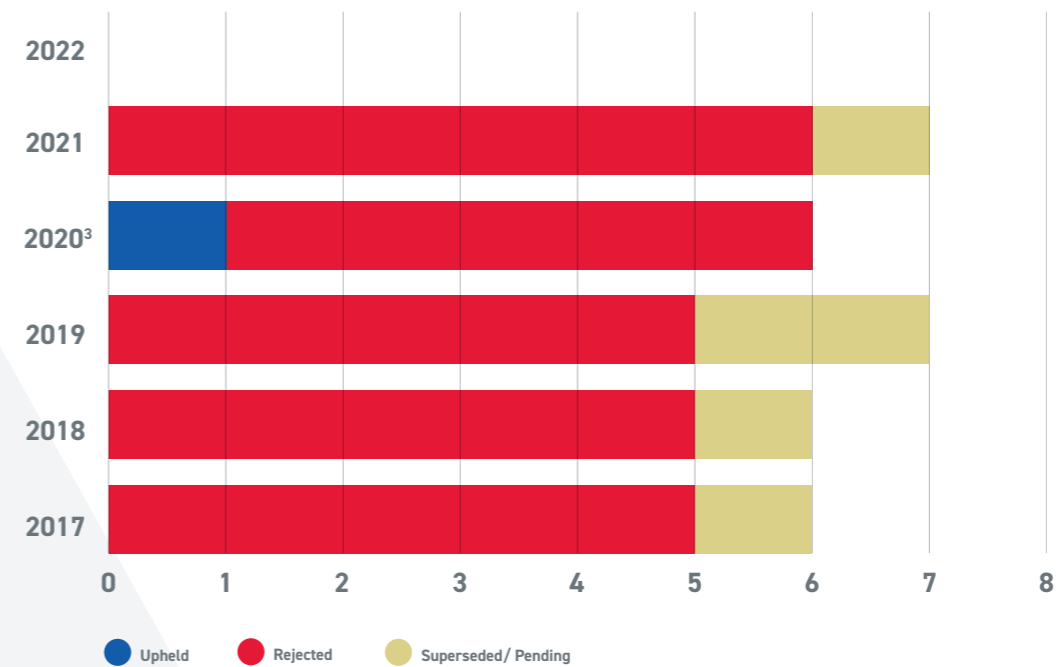
The number of applications for the appointment of an emergency arbitrator pursuant to Article 9B of the LCIA Rules as a percentage of new cases for 2022 was 1% (2% in 2021). In absolute numbers, three applications for the appointment of an emergency arbitrator were made by parties (eight in 2021), all of which were rejected.

While expedited formation of the tribunal and the appointment of an emergency arbitrator are tools available for parties seeking urgent relief, the LCIA Court's prompt appointment of tribunals and the flexibility of the procedure provided by the LCIA Rules enables parties the opportunity to address preliminary matters with the tribunal at an early stage as well.



CHALLENGES

In 2022, and for the first time in over 25 years, the LCIA received no challenges pursuant to Article 10 of the LCIA Rules. Historically, the number of challenges per year is limited, and the number of sustained challenges even lower. The complete absence of challenges in LCIA Arbitrations is remarkable and a testament to both an effective and robust disclosure and appointment system as well as robust and transparent challenge procedures.



Objections based on pre-appointment disclosures were made by parties in relation to ten arbitral candidates in 2022. The LCIA Court proceeded with the appointment in four of those cases.

Where the LCIA Court is the designated appointing authority in an UNCITRAL Arbitration, the LCIA Court will step in and decide the challenge. As with LCIA Arbitrations, there were no such challenges in 2022.

³ The number of upheld challenges in 2020 was incorrectly reported as two in the same section of the 2021 Annual Casework Report.

MULTI-PARTY AND MULTI-AGREEMENT ARBITRATIONS

In 2022, 7% of LCIA Arbitrations involved disputes arising out of more than one agreement, compared with 8% in 2021. This percentage continues to decrease following the introduction of provisions in the 2020 LCIA Rules allowing composite requests for arbitration and broader powers for the LCIA Court and tribunals to consolidate arbitrations. These provisions minimise potential jurisdictional challenges on the grounds of a single arbitration commenced pursuant to multiple agreements.

In 2022, 20% of LCIA Arbitrations involved more than two parties, and less than 1% of arbitrations involved ten or more parties. In 2021, 24% of LCIA Arbitrations involved more than two parties.

Of the three UNCITRAL Arbitrations, two cases involved more than two parties. In the Appointment Arbitrations, none involved more than two parties. There were 11 Fundholding Arbitrations involving more than two parties.

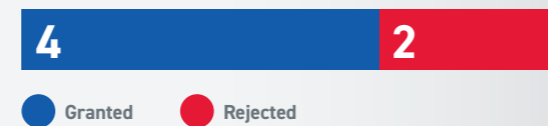
This section of the report looks at a snapshot of the arbitration as it commenced. It does not consider arbitrations which have subsequently been consolidated or arbitrations where a third party has been joined after the Request, thereby becoming multi-agreement/multi-party arbitrations.

JOINDER

Only six applications were made for the joinder of a third party in 2022 (2% of all LCIA Arbitrations commenced in 2022), four of which were granted and two of which were rejected. This is one of the lowest numbers of joinder applications in recent years.

Of the four applications which were granted in 2022, the non-applicant party either agreed or did not object to the joinder. In the two rejected applications, the non-applicant party objected to the application.

Applications for joinder



CONSOLIDATION AND CONCURRENT CONDUCT OF ARBITRATIONS



● Granted ● Partially granted ● Pending ● Rejected

Applications for consolidation

The 2020 LCIA Rules permit consolidation under broader circumstances, allowing more arbitrations to be consolidated by the LCIA Court at an earlier stage in the arbitration. The use of this broadened authority is evidenced by the Court granting 69% of all successful applications in 2022 and 79% in 2021, as opposed to 37% in 2020 (where the 2020 Rules had only been in effect from 1 October). The LCIA Court (rather than tribunals) determined 66% of consolidation applications in 2022. The parties' continued uptake of the consolidation provisions reflects a preference for consolidation at an earlier stage due to its advantages, including ensuring streamlined proceedings and cost savings.

Parties seeking to consolidate cases will benefit from filing composite requests for arbitration (although not all composite requests lead to consolidation nor contain applications for consolidation). Of the 22 composite Requests for Arbitration, 16 have resulted in consolidation involving 56 arbitrations. Some cases were consolidated by the LCIA Court and some by tribunals.

In 2022, 35 applications for consolidation were made by parties in LCIA Arbitrations (or in 12% of LCIA Arbitrations commenced in 2022, similar to 2021 (13%)).

The below table sets out the number of consolidation applications granted by the LCIA Court and by tribunals (including two which were granted partially), respectively, and a breakdown showing whether there was party agreement in writing:

	LCIA Court	Tribunal (with approval of the LCIA Court)
Agreement in writing	14 <i>(pursuant to Article 22.8(i), 2020 Rules)</i>	4 <i>(pursuant to Article 22.1(ix), 2014 Rules or Article 22.7(i), 2020 Rules)</i>
No agreement in writing	6 <i>(pursuant to Article 22.8(ii), 2020 Rules)</i>	7 <i>(pursuant to Article 22.7(ii), 2020 Rules)</i>

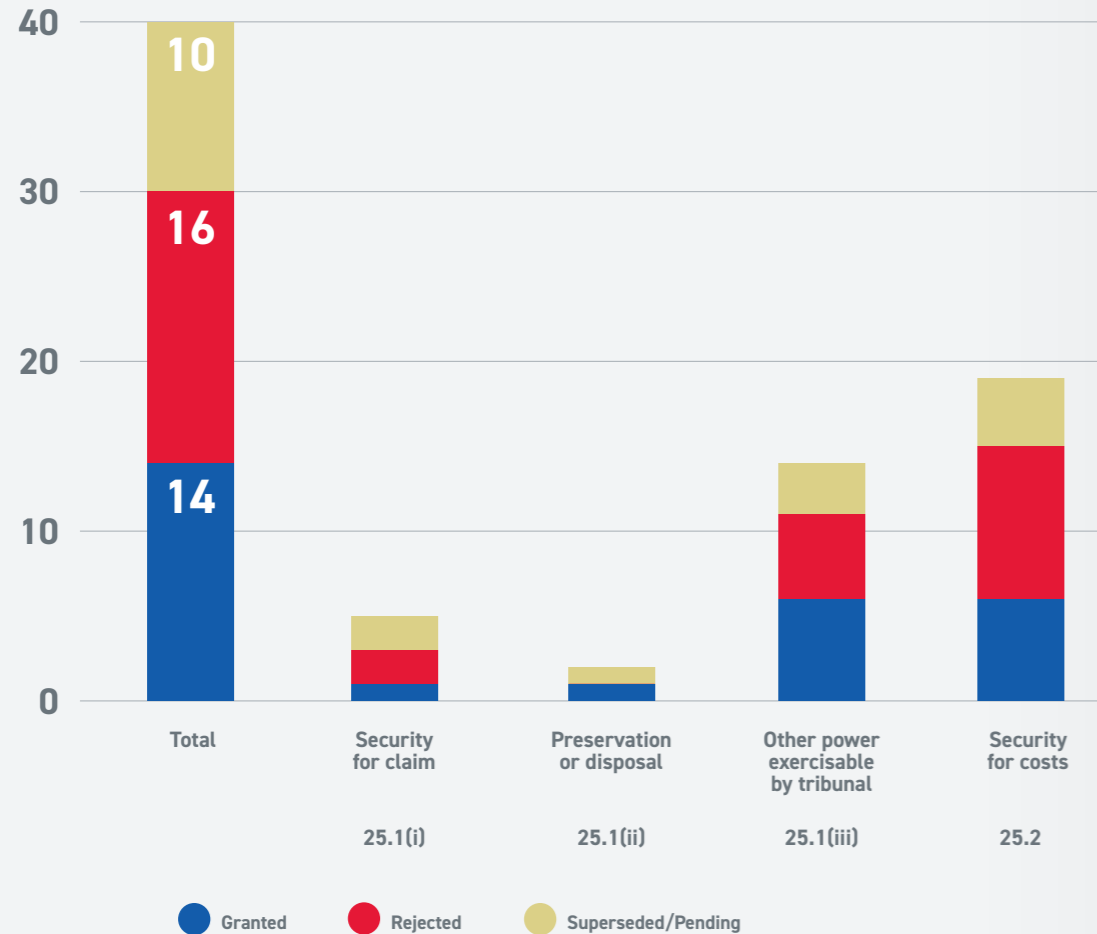
Of the remaining four applications, two were rejected and two are pending.

There were three applications made by parties pursuant to Article 22.7(iii) of the LCIA Rules for concurrent conduct of proceedings in 2022. One of these requests was granted, one request was superseded following the matters being consolidated and one request is pending.

INTERIM RELIEF

In 2022, parties made 40 applications for interim and conservatory measures pursuant to Article 25 of the LCIA Rules, involving 31 arbitrations. As in 2021, security for costs applications pursuant to Article 25.2 of the LCIA Rules were the most common interim relief sought by parties.

Tribunals granted the relief in 14 instances and rejected the application in 16 instances. The remaining ten applications were superseded, withdrawn, or pending at the time of writing this report.



EARLY DETERMINATION

In 2022, there were 15 applications for early determination, of which one was granted, five were rejected, three were superseded and six remain pending. As was the case in 2021, the most common grounds cited for the applications were that the claims or defence to the claims were manifestly without merit, and/or that the tribunal had no jurisdiction to decide the dispute.

The LCIA has observed that tribunals take different approaches when determining applications for early determination. In considering whether the standard for early determination has been met, tribunals have based decisions not only on the applicable laws but also invoked the standard applied in decisions in other forums.

DIFC-LCIA UPDATE

It has been over one year since 135 cases pursuant to the DIFC-LCIA Rules from the DIAC were transferred to the LCIA for administration from London, following the enactment of Decree No. (34) of 2021 of the Government of Dubai and the subsequent agreement concluded by the LCIA and the DIAC.

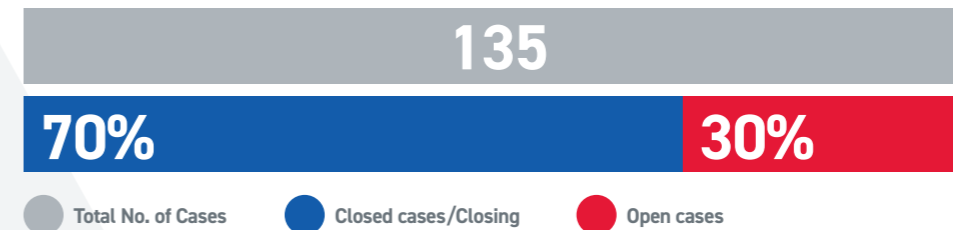
These cases were at various stages when they were transferred and, since then, the LCIA has closed over 70 cases, with an additional 21 in the final stages of closing. Only 41 arbitrations remain either active or stayed.

The profile of these cases is different to the cases which the LCIA usually receives. Many cases were from the United Arab Emirates, governed by the law of Dubai, the law of the United Arab Emirates or the DIFC, seated in the DIFC or Dubai, and were generally construction related.

Around two thirds of the parties in these cases were from the United Arab Emirates. Other parties were from other Middle Eastern countries (including Saudi Arabia, Qatar, Yemen, Bahrain, and Kuwait), and Asia (including India, Pakistan, and Singapore).

The main industry sectors in this set of DIFC-LCIA Arbitrations were construction and infrastructure, property and real estate, professional services, and banking and finance. The most-common agreements were services agreements (including in construction contracts and sub-contracts), shareholders/share purchase/joint venture agreements, sale and purchase of property and sale of goods.

The applicable laws in most of the arbitrations were (in order of most-common to least common) the law of Dubai and/or law of the UAE, English law, and the law of the DIFC. As for the seats of arbitration, the most-popular seat by far was the DIFC, followed by Dubai. There were only a handful of other seats.



OTHER ADR SERVICES

In 2022, the LCIA received two requests for the appointment of an adjudicator and four requests for mediation.

The disputes concerned a range of industry sectors including healthcare and pharmaceuticals, banking and finance, rail transport, professional services, and construction and infrastructure.

Sixteen parties were involved in ADR services, of which nine were from the United Kingdom, two from Sweden, and the others from the United States, Switzerland, Ireland, Denmark, and the Cayman Islands.



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