

**ANNUAL
CASEWORK
REPORT
2023**



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 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 100 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 12,000 members from 146 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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EXECUTIVE SUMMARY

377
total referrals

327
LCIA Arbitration referrals

36%
of cases are transport and commodities

96%
of cases are international

- ◆ LCIA arbitration referrals over the last 10 years have grown steadily, with an exceptional upward movement, and subsequent commensurate downward correction, caused by the Covid-19 pandemic. The number of referrals in 2023 (377 referrals, of which 327 are for LCIA arbitration) demonstrate a return to the long-term upward trajectory.
- ◆ On 1 December 2023, the LCIA's revised terms and conditions for the LCIA's other services came into effect, including for (i) fundholding; (ii) administration of and/or provision of specific services in UNCITRAL arbitration; (iii) holding funds by way of security in arbitrations fully administered by the LCIA; and (iv) appointment services in adjudications, expert determinations and ad hoc arbitrations.
- ◆ Transport and commodities cases continue to dominate the LCIA's caseload, making up 36% of cases, a consequence of the ongoing impact of global developments on energy prices and supply chains. As a corollary, sale of goods contracts are the most-common type of agreement in LCIA arbitrations (31%), the majority of which are related to commodities.
- ◆ There has been a notable increase in disputes involving "younger" agreements. Almost half of the agreements out of which disputes arose in LCIA arbitrations commenced in 2023 were concluded within the two years previous to the year of referral. Such a high percentage of younger contracts is comparable to the situation in 2020, which was an outlier year due to the Covid-19 pandemic and its knock-on impact in cases being referred to the LCIA earlier in the lifetime of the contract than prior years. Almost half of the younger contracts in 2023 are sale of goods contracts, mostly involving commodities.
- ◆ The LCIA has a truly international reach, with 96% of cases being of an international nature. Seventy nine percent of cases do not involve UK parties, 17% involve one or more UK party and one or more non-UK party, and only 4% involve only UK parties.
- ◆ The number of states and state-owned entities as parties in LCIA arbitrations remains high. States and/or state-owned entities in LCIA arbitration were from 20 nations or states and accounted for 5% of parties. The percentage of cases involving states and/or state-owned entities was 11%.

48%
of LCIA Court appointments are of women

29%
quantified claims over USD 20m

11%
of cases involve states/state-owned entities

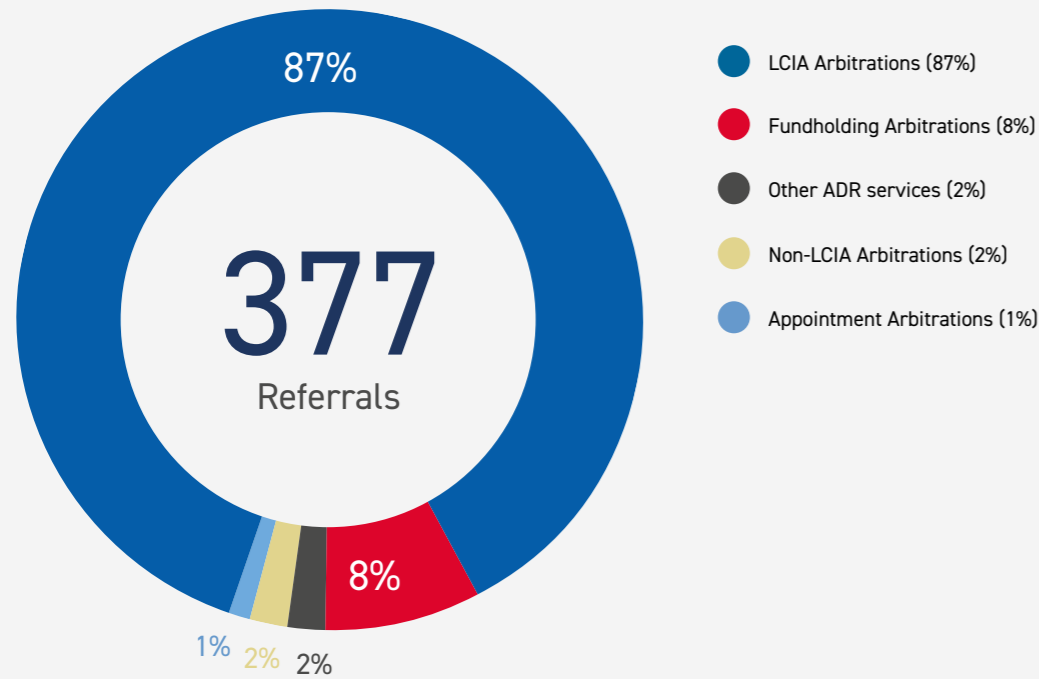
- ◆ There was a significant increase in the monetary sums claimed in requests for arbitration pursuant to the LCIA Rules. Almost 30% of quantified claims were over USD 20m, compared to 19% in 2022.
- ◆ There was a greater variety of seats and laws in LCIA arbitrations in 2023 compared to the previous year, and there were proportionally fewer English seats and cases with English governing law. The LCIA continued to see a mix and match of seats and laws, with some specific jurisdictions matching law and seat (Mexico being the most common).
- ◆ All stakeholders are improving in gender diversity in appointments, with the LCIA Court remaining the main driver and almost reaching gender parity in its selection of arbitrators. In LCIA Court appointments, 48% are of women (45% in 2022), 39% of all co-arbitrator appointments are of women (23% in 2022), and 21% of all party appointments are of women (from 19% in 2022). More input is needed from the parties and co-arbitrators to improve the overall percentage of appointments of women (33%), while being mindful of the need to minimise appointments of the same arbitrators.
- ◆ The majority of arbitrators in LCIA arbitrations (72%) are appointed once in the calendar year, and the median number of appointments for an arbitrator regardless of gender is one. Where repeat appointments are made, in particular in higher numbers, they are usually from party or co-arbitrator nominations.
- ◆ The LCIA continues to see a very low number of challenges in LCIA arbitrations (five in 2023), and very few are upheld. The LCIA's robust appointment system, where disclosures are dealt with efficiently and transparently, contributes to the low number of challenges.
- ◆ Almost all composite requests for arbitration have led to consolidation. There was a higher rate of success in applications for consolidations overall compared with 2022 and in those applications which were determined by the LCIA Court before the appointment of the Tribunal.
- ◆ The LCIA continues to close cases pursuant to the DIFC-LCIA Rules that were transferred to the LCIA for administration from London since March 2022. Only 18 arbitrations remain either active or stayed, the rest having been concluded by final award, settled, or terminated otherwise.

CASELOAD

The LCIA received a total of 377 referrals for its services, representing a 13% increase in the number of referrals compared with 2022 (333 referrals).

The following chart shows a breakdown of referrals in respect of the different types of services provided by the LCIA.

The following section provides more detail about the make-up of the 377 cases.



LCIA ARBITRATIONS

There were 327 arbitrations pursuant to the LCIA Rules, making up the majority of referrals to the LCIA (87%). One of the 327 cases is pursuant to the LCIA-MIAC Rules.

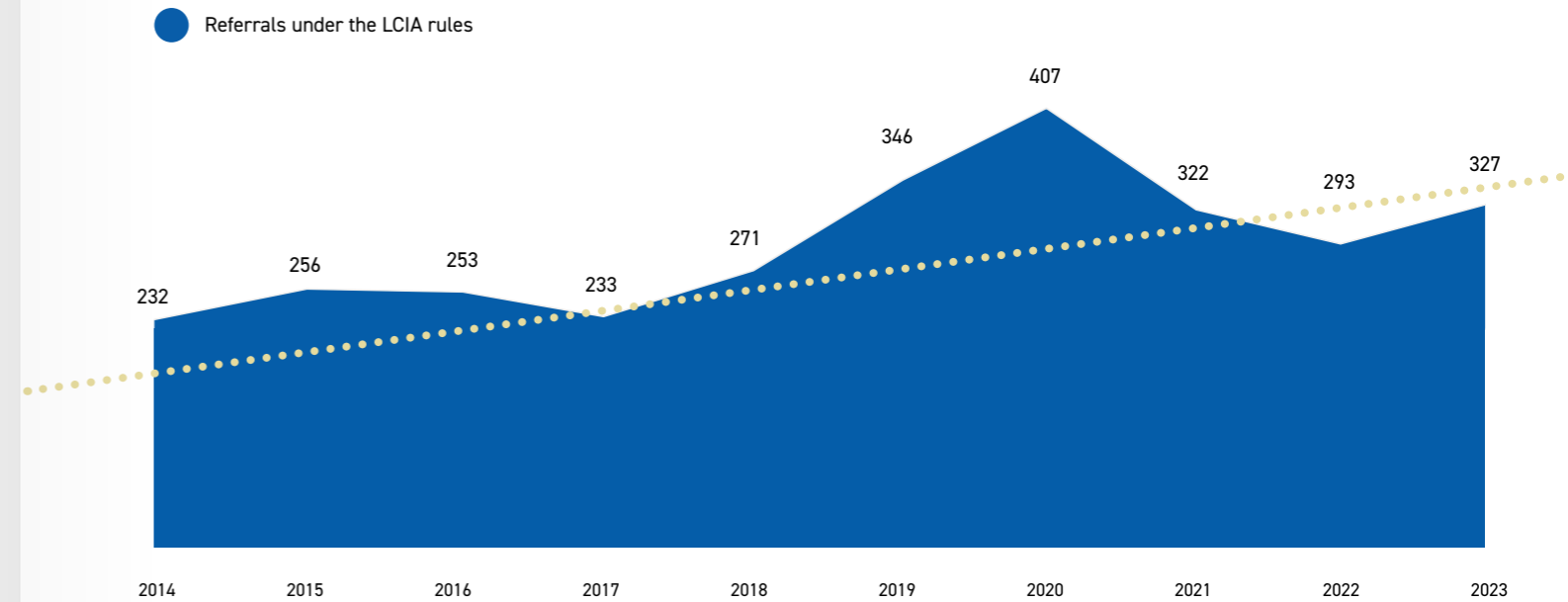
The following chart shows the evolution of the caseload of arbitrations pursuant to the LCIA Rules over the last ten years.

The chart indicates a positive incline demonstrating a return to the normal trajectory of a steady growth in cases, following the impact of the Covid-19 pandemic which caused an unprecedented spike in case numbers and a subsequent dip.

Composite requests for arbitration are commonly used by parties in LCIA arbitrations to commence multiple arbitrations. In 2023, 29 composite requests were filed, which commenced 70 separate arbitrations (or 21% of all LCIA arbitrations).

As in other years, the LCIA received groups of related cases in 2023. The largest of these groups involved seven related cases, unlike in some previous years where the largest groups of related cases tended to comprise of more cases (16 in 2022, 27 in 2021 and 16 in 2020). Therefore, the impact of such related groups on the figures this year is limited.

LCIA arbitration referrals



OTHER REFERRALS

The LCIA provides services for mediation pursuant to the LCIA Rules. In 2023, the LCIA received six such referrals, compared to four in 2022.

On 1 December 2023, the LCIA's revised terms and conditions for services (other than for LCIA arbitration) came into effect. These are for (i) fundholding; (ii) administration of and/or provision of specific services in UNCITRAL arbitration; (iii) holding funds by way of security in arbitrations fully administered by the LCIA; and (iv) appointment services in adjudications, expert determinations and ad hoc arbitrations. The updated terms and conditions apply to requests for the relevant service after 1 December 2023.

The below table shows the number of other referrals received by the LCIA in 2023 with the 2022 figures following in brackets for comparison.

Fundholding arbitrations	UNCITRAL arbitrations	Appointment arbitrations	Other appointments	Mediations
32 (28)	7 (3)	2 (3)	2 expert determination appointments <i>(none in 2022)</i> 1 adjudicator appointment <i>(2 adjudicator appointments)</i>	6 (4)

INDUSTRY SECTORS AND AGREEMENTS

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

INDUSTRY SECTORS

The ongoing impact of global developments on energy prices and supply chains has contributed to the continued dominance of transport and commodities cases at the LCIA.

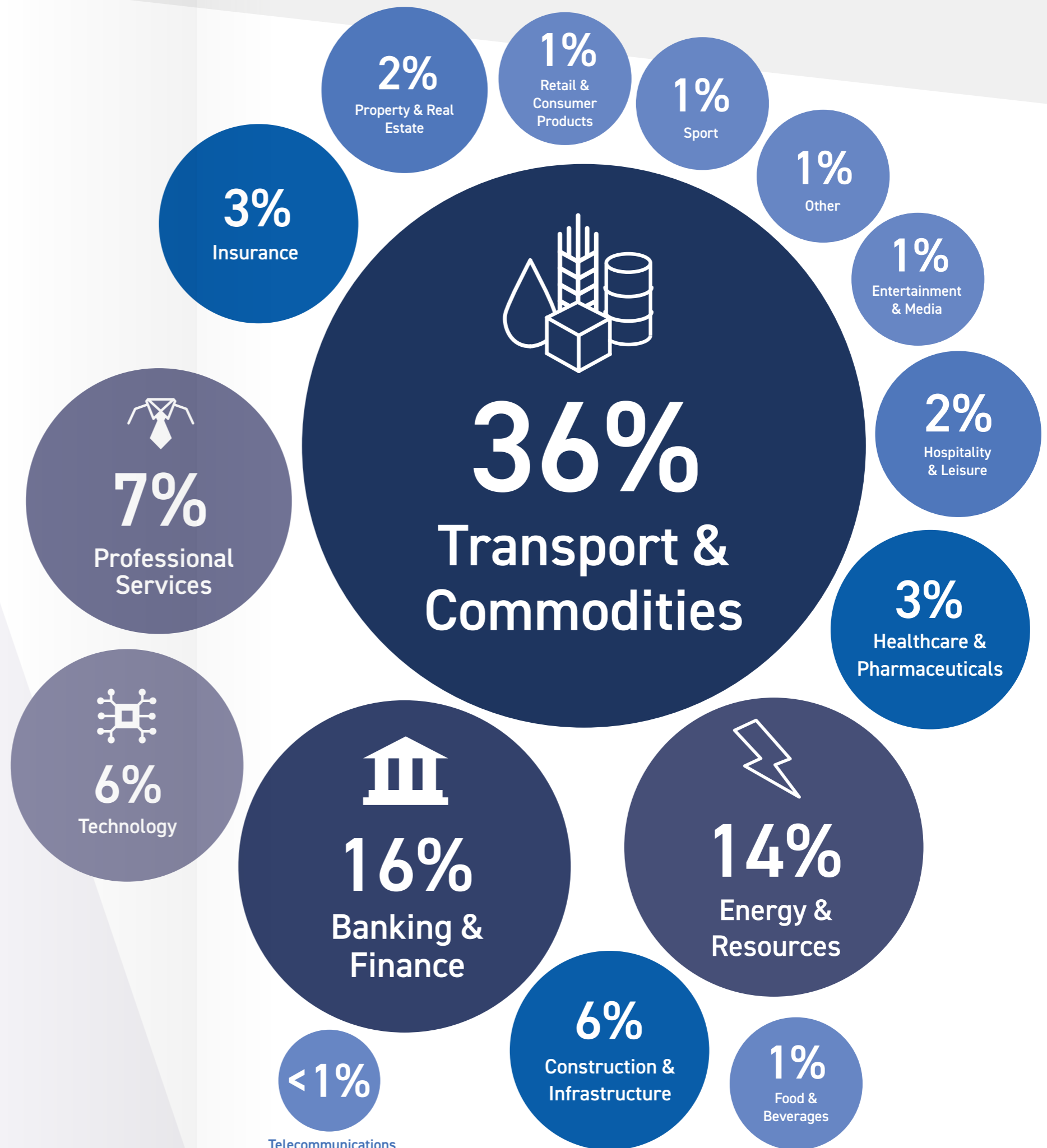
In 2023, 36% of LCIA arbitrations were from the transport and commodities sector (on par with 37% in 2022). The types of commodities that are the subject matter of the dispute are wide ranging, including LNG, coal, metals, fertilisers and agricultural products.

The second and third most-common industry sectors in 2023 were the same as in 2022, namely banking and finance and energy and resources sectors, representing 16% and 14% of cases, respectively, in 2023, and similar to 2022 (15% and 11% respectively).

A broad range of other sectors make up the rest of the caseload in much less significant portions, including professional services, technology and construction and infrastructure.

In fundholding arbitrations, the LCIA is not privy to the same information as in cases where the LCIA is administering the case or making an appointment. In fundholding arbitrations where the industry sector was known, insurance was the top sector, followed by transport and commodities, and professional services.

UNCITRAL arbitrations and appointment arbitrations were spread across a range of sectors, including energy and resources, healthcare and pharmaceuticals, hospitality and leisure, and professional services.



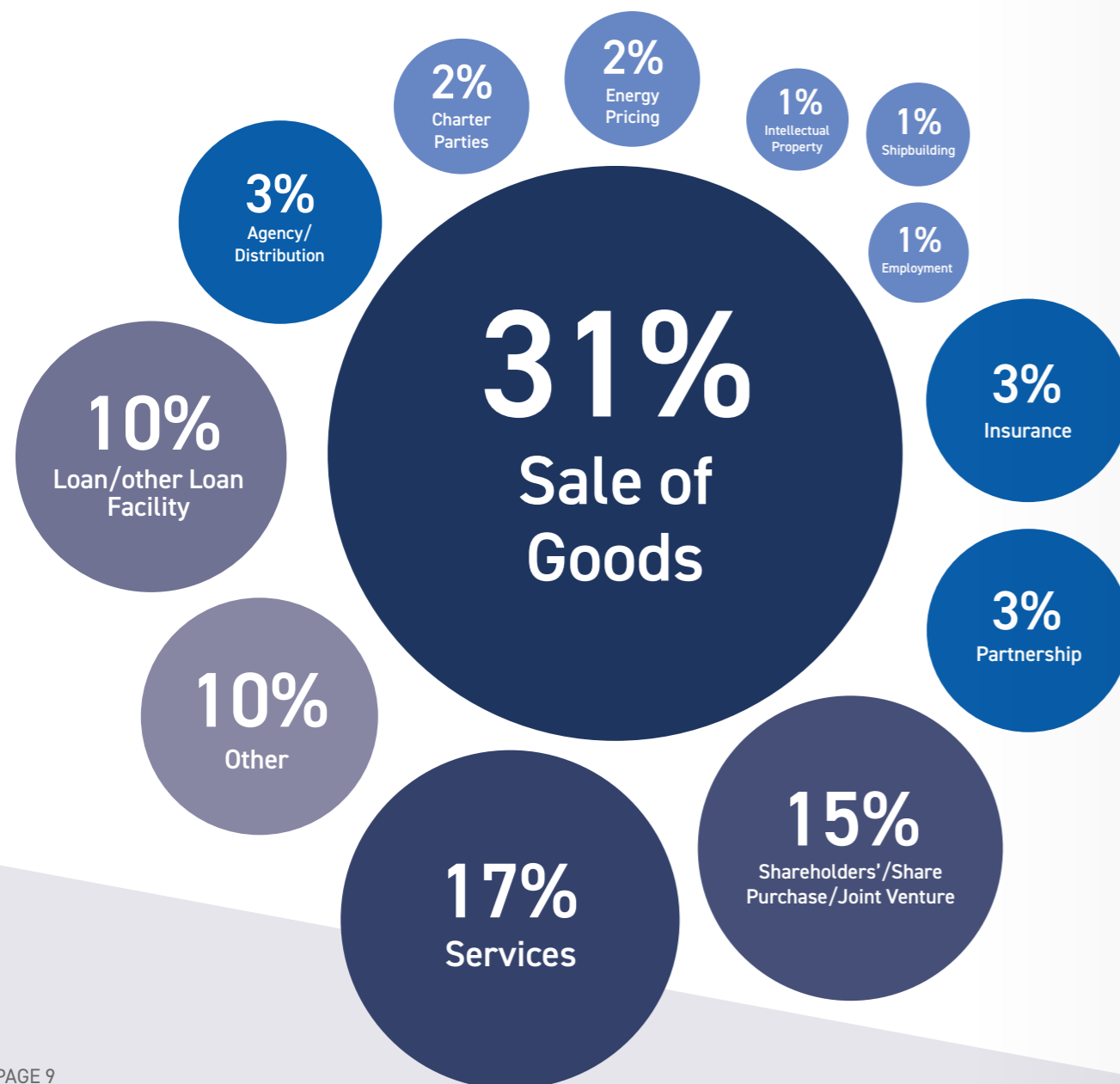
AGREEMENT TYPES

Sale of goods agreements were the most frequent type of agreements in LCIA arbitrations making up 31% of agreements (similar to 2022 where the percentage was 34%), which is consistent with the high number of transport and commodity cases.

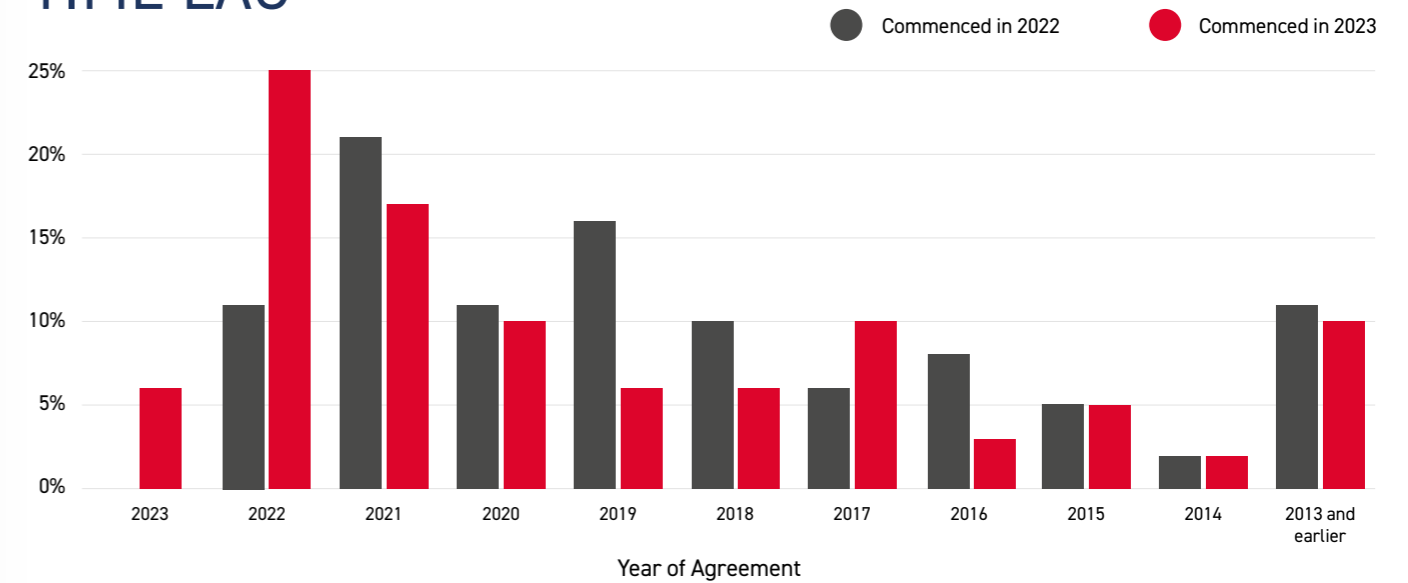
Other common types of agreement (although representing lower percentages than sale of goods agreements) are services agreements, which represented a smaller proportion of agreements in 2023 than in 2022 (17% in 2023 and 24% in 2022), shareholders'/share purchase/joint venture agreements (15% in 2023 and 10% in 2022), and loan/other loan facility agreements (10% in 2023 and 7% in 2022).

The 10% of agreements classified as "Other" in 2023 include guarantees, aircraft leases, construction-related agreements, and cryptocurrency-related agreements.

The agreement types out of which disputes arose in UNCITRAL arbitrations were primarily in respect of shareholders'/share purchase/joint venture and services agreements, and appointment arbitrations were in respect of shareholders'/share purchase/joint venture agreements, and agency and distribution 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 above chart shows the time lag for LCIA arbitrations in 2023, with 2022 shown for comparison.

The LCIA has seen an increase in more recently concluded agreements, specifically within two years prior to the year of referral of the dispute to the LCIA. The following table shows that in 2023 (and in 2018 – 2022), the majority of agreements in LCIA arbitrations are dated within the previous five years. In 2023, however, the percentage of agreements that are dated within the previous two years of the referral increased significantly (48%). Such a high percentage of "younger" agreements is comparable to the outlier year of 2020 (see below) where the Covid-19 pandemic had a knock-on impact

in cases being referred to the LCIA earlier in the lifetime of the contract than previous years. The table shows aggregate figures for the relevant number of years, and comparable figures for the last five years.

On review of the younger agreements in disputes referred to the LCIA in 2023 (the 48% group of agreements dated within the two years prior to the year of referral), almost half (49%) are sale of goods agreements. Over half of these sale of goods agreements (53%) are between commodities traders, and another large proportion (43%) are contracts for the sale of a commodity by a trader to the end user. The remaining few contracts do not involve commodities.

Of all the sale of goods agreements, the majority (75%) of the contracts are dated between 2021 and 2023.

Of the younger agreements that are not sale of goods, 26% are services agreements, 24% are shareholders'/share purchase/joint venture agreements, 22% are loan/other loan facility agreements, and the rest (insurance, agency/distribution, energy pricing, charter parties and others) represent much smaller percentages.

The high number of younger agreements, together with the prevalence of sale of goods contracts involving commodities, can be attributed to the volatility in the sector, impacted increased energy prices, a consequence of global conflicts, including the war in Ukraine. Commodities traders also continue to pursue some claims where the sums involved do not appear to be significant.

Except for one agreement, all UNCITRAL and appointment arbitrations were commenced pursuant to agreements from before 2021.

% of agreements	2023	2022	2021	2020	2019	2018
w/in the year	5.69%	10.56%	6.27%	4.60%	7.40%	8.30%
w/in the previous year	30.84%	31.39%	20.71%	25.58%	20.45%	22.59%
w/in the previous 2 years	48.20%	41.94%	34.60%	47.24%	30.40%	38.39%
w/in the previous 3 years	58.38%	58.33%	54.77%	60.14%	46.02%	53.49%
w/in the previous 4 years	64.37%	68.06%	63.22%	68.20%	61.65%	69.44%
w/in the previous 5 years	70.66%	74.17%	74.11%	74.65%	69.89%	77.41%
w/in the previous 6 years	80.54%	82.22%	83.65%	80.88%	79.26%	84.05%
w/in the previous 7 years	83.23%	87.50%	86.38%	87.10%	86.08%	88.04%
w/in the previous 8 years	88.02%	89.17%	88.28%	90.55%	89.49%	89.70%
w/in the previous 9 years	90.42%	91.67%	92.92%	92.63%	93.75%	91.03%

PARTIES

The LCIA has a truly international reach, with 96% of LCIA arbitrations being of an international nature (involving one or more international party), and 79% of cases involve only international parties (no UK parties).

Unless otherwise stated, in the map and in the remainder of this section, the figures reported represent the percentage of parties that are from a particular region/country, rather than the percentage of cases involving parties from a particular region or country. Parties in LCIA arbitrations originated from 91 different countries, and 85% of parties were from countries other than the United Kingdom.

Parties from the United Kingdom, Switzerland, the United States, Brazil, the United Arab Emirates, and Saudi Arabia were the most common.

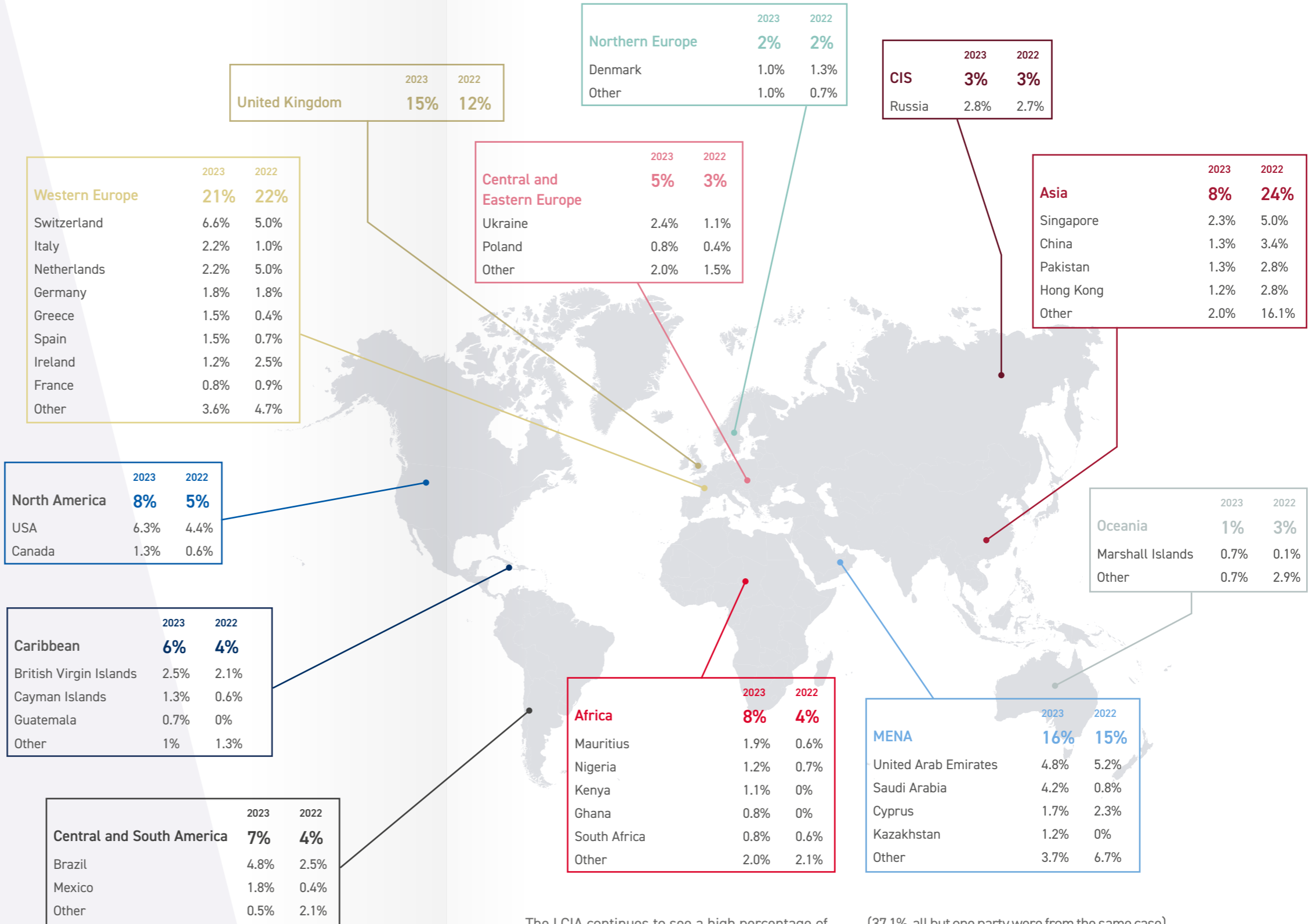
The percentage of parties from the United Kingdom remains low (15% in 2023 and 12% in 2022). Only 4% of LCIA arbitrations involved parties who were all from the United Kingdom (similar to last year), and 17% involve one or more UK party and one or more international party.

In line with previous years, around one fifth of parties in LCIA arbitrations were from Western Europe. In 2023, the top five countries in Western Europe from which parties originated were Switzerland (6.6%), Italy (2.2%), the Netherlands (2.2%), Germany (1.8%), and Greece and Spain (joint fifth, each representing 1.5%), not dissimilar to the top five in 2022 (the Netherlands, Switzerland, Ireland, Germany and Luxembourg).

The percentage of parties from the MENA region represents the second highest proportion of parties in LCIA arbitrations. The most-significant increase in this region was the percentage of parties from Saudi Arabia, from 0.8% in 2022 to 4.2% in 2023. The percentage of parties from the United Arab Emirates remains steady (5.2% in 2022 and 4.8% in 2023).

The percentage of parties from Africa has doubled. While the top two countries in the African region from which parties originate in 2023 are the same as in 2022, namely Mauritius and Nigeria, the percentage of parties from each of the two countries was higher in 2023.

Parties from North America also represented a higher percentage than last year (5% in 2022 to 8% in 2023).



In 2023 there were fewer Asian parties than in 2022, similar to 2021. The percentage of parties from Singapore, China, Hong Kong and Pakistan have more than halved.

In the Central and South American region, the most-notable increase was seen in the percentage of parties from Brazil, from 2.5% in 2022 to 4.8% in 2023.

The LCIA continues to see a high percentage of cases involving states (including government bodies) and state-owned entities, which made up 11% of cases in 2023 (15% in 2022). States and state owned entities in LCIA arbitration were from 20 nations or states and accounted for 5% of parties (13% in 2022).

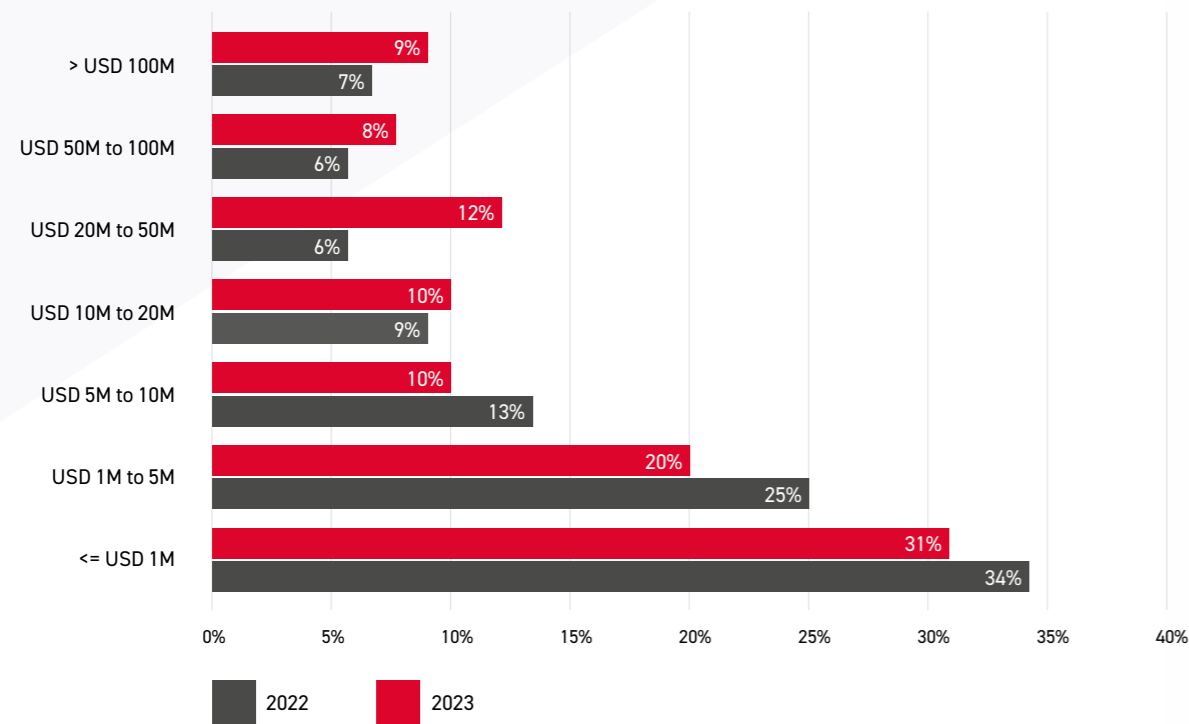
In fundholding cases, parties from Hong Kong made up the largest group of parties by country

(37.1%, all but one party were from the same case), followed by parties from Malta (12.7%, all but one party were from the same case), and the United Kingdom and the United States (both 9.6%).

In UNCITRAL arbitrations, parties were from Spain, Uzbekistan, Mauritius, United Kingdom, and Tanzania. In appointment arbitrations, parties were from Angola, Brazil, United Kingdom, and United Arab Emirates.

RELIEF SOUGHT

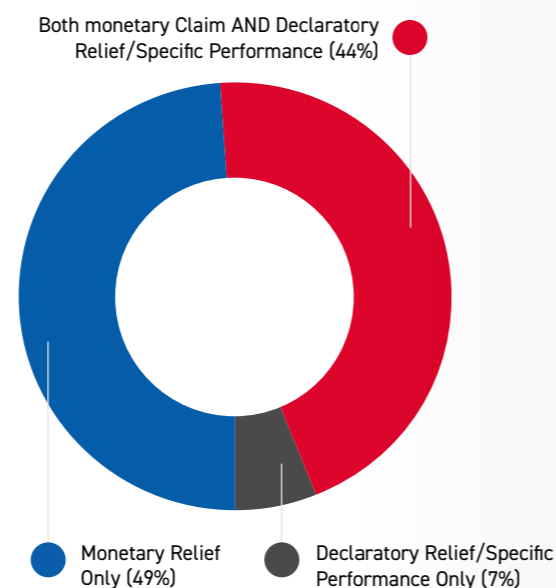
Relief sought (as a percentage of cases with quantified monetary claims)



In 2023, claimants in 94% of cases sought monetary relief. A significant number of arbitrations include higher amounts in dispute than the year before. Claims over USD 20m increased from 19% of monetary claims in 2022 to 29% in 2023. As a corollary, there are proportionately fewer cases with lower value claims than in 2022.

The charts display a snapshot of the claims as they are filed in the requests for arbitration. Where a request includes multiple monetary claims, these are totalled, excluding costs and interest. 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).

Type of relief sought



SEAT AND APPLICABLE LAW

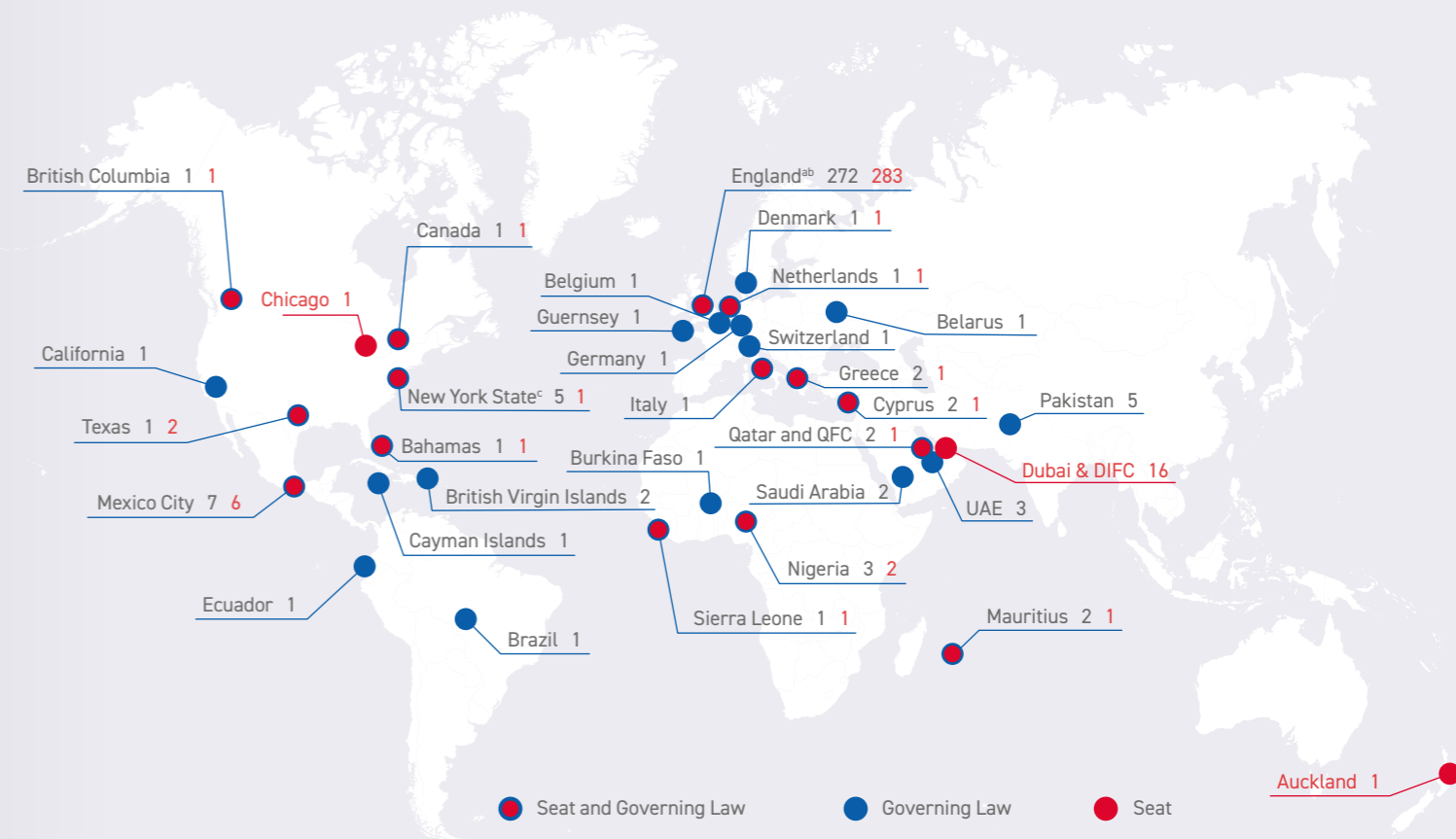
Parties in LCIA arbitrations chose seats in 16 countries and the laws of 27 countries were chosen as the governing law in LCIA arbitrations, which is more varied than in 2022 (12 and 19, respectively).

London was the chosen seat in 86% of LCIA arbitrations, compared to 88% in 2022. Parties chose the law of England and Wales in proportionately fewer arbitrations compared with 2022 (83% of LCIA arbitrations in 2023, compared with 85% in 2022).

Parties mix and match applicable law and seat more frequently. Other than combining English law and London as seat, parties in some specific jurisdictions matched the law and seat, such as Mexico, Qatar, and Canada.

Most 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. Most of the fundholding arbitrations seated in London and governed by English law were insurance or transport and shipping cases.

All UNCITRAL arbitrations were seated in London, with English, Tanzanian, or Uzbek as the governing law. One appointment arbitration was seated in London, while the seat of the other is unspecified. Both were governed by the law of England and Wales.



^a includes one duplicate, as one case referred to both London and Auckland as possible seats, but the parties settled before a decision was reached as to the seat

^b including one case counted twice, as it is governed by both English and Ecuadorian law

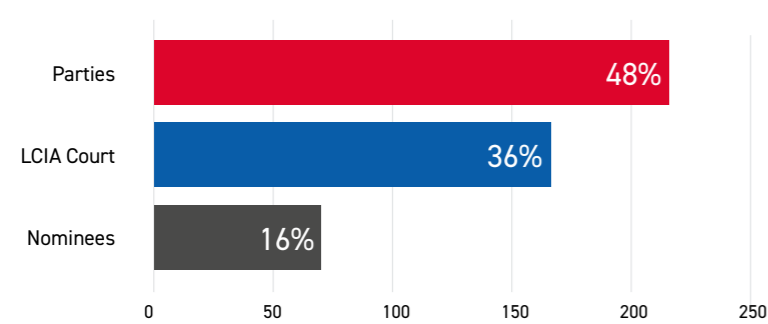
^c including one case counted twice, as it is governed by both the law of the State of New York and by Mauritian law

ARBITRATOR APPOINTMENTS

In 2023, the LCIA made a total of 445 appointments of 303 different arbitrators in LCIA arbitrations. This includes the appointment of one emergency arbitrator. The 445 appointments made by the LCIA Court include seven replacement arbitrators.

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.

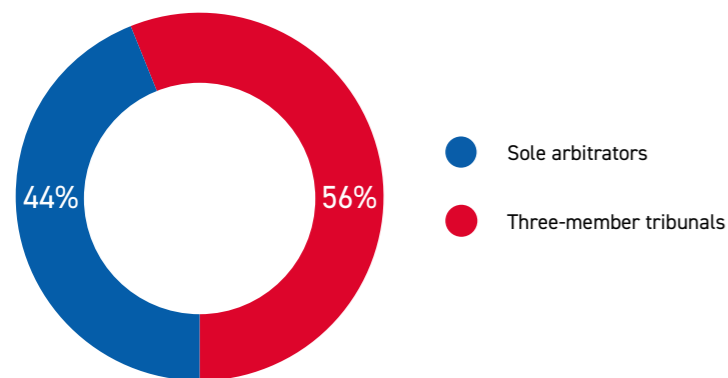
Arbitrator selection 2023



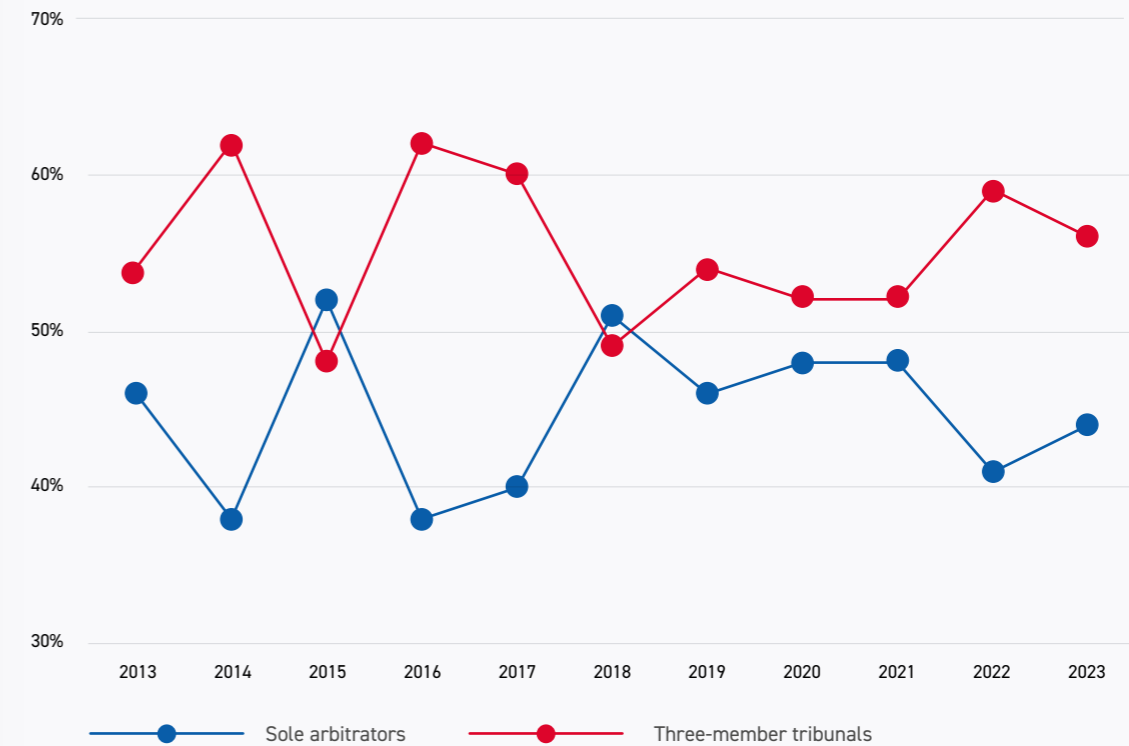
This overview shows that selection of arbitrators is driven in significant part by the parties, directly or indirectly. In the below section, we will provide more details about the nature of the appointments.

The first chart shows the split between three-member tribunals and sole arbitrators appointed in 2023 in LCIA arbitrations and the second chart at the top of the next page shows the split over the last ten years showing that there is limited diversion from a relatively-even split.

Three-member tribunals vs sole arbitrators 2023



Three-member tribunals vs sole arbitrators 2013 - 2023



In fundholding arbitrations, the LCIA was informed of 84 appointments of 65 different arbitrators. The vast majority of these cases involved three-member tribunals.

In appointment arbitrations, the LCIA Court appointed two sole arbitrators pursuant to the UNCITRAL Rules. The LCIA Court also appointed three sole arbitrators in UNCITRAL arbitrations.

DIVERSITY IN ARBITRATOR APPOINTMENTS

When the LCIA Court is tasked to appoint arbitrators, it works hard to ensure that it appoints as many different arbitrators as possible, and achieve diversity in its appointments in different ways, including nationality, gender, first time appointments where possible and appropriate, and avoiding repeat appointments. Often, the LCIA Court is asked to appoint sole arbitrators or chairs of three-member tribunals, where prior LCIA experience generally is preferred, and nationality restrictions apply. Further, the prevalence of English law cases means that English law experience will necessarily be a key consideration when selecting suitable candidates. Despite these limitations, and as shown in the following sections, the LCIA Court achieves a remarkable level of diversity and notably outperforms the parties and/or arbitrators in this respect.

ARBITRATOR NATIONALITIES

Arbitrators from all over the world are appointed in LCIA arbitrations. In 2023, arbitrators from 41 different countries were appointed¹. Despite the fact that 82% of LCIA arbitrations are governed by English law, 42% of appointments (or 187) were of non-British arbitrators, a higher percentage than in 2022 (40%). One hundred and forty different non-British arbitrators were appointed.

Of the 187 appointments of non-British arbitrators, 48% were made by the LCIA Court, 40% by the parties and 12% by the co-arbitrators.

The LCIA Court selected more non-British arbitrators as a percentage of its total appointments than the parties and the co-arbitrators, as shown in the below chart.

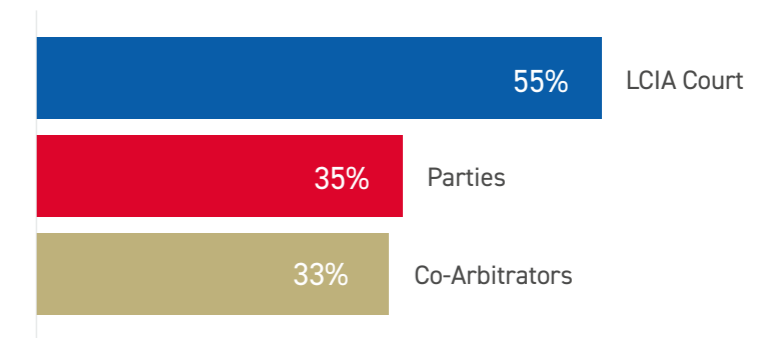
The parties and co-arbitrators both selected British arbitrators more frequently as a percentage of their respective total appointments. Overall, of the 58% of appointments of British arbitrators, 28% were selected by the LCIA Court, 54% were selected by the parties and 18% were selected by the co-arbitrators.

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 cases were British (63%), American (8%), or Canadian (5%).

In cases where the LCIA Court appointed sole arbitrators in appointment arbitrations and UNCITRAL arbitrations, the arbitrators were of British, Indian, and Finnish nationality.

Non-British Arbitrators

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



¹ For the purposes of statistical information, this report only counts the primary nationality indicated to the LCIA by the arbitrators.

GENDER DIVERSITY

The LCIA Court's appointment of women as arbitrators has reached near parity at 48% of all LCIA Court appointments (45% in 2022).

Co-arbitrators have made a positive leap from 23% of all co-arbitrator appointments being of women in 2022 to 39% in 2023. Parties selected a marginally higher percentage of women in 2023 (21%) than in 2022 (19%).

The moderate increase in the percentage of appointments of women by co-arbitrators and parties contributed to a higher overall percentage of appointments of women which was 34% in 2023 (compared with 28% in 2022), however it remains a low percentage, demonstrating that still more can be done, especially by parties.

A total of 95 different women were appointed (in respect of 150 appointments). Further information can be found in the Repeat Appointments section that follows.

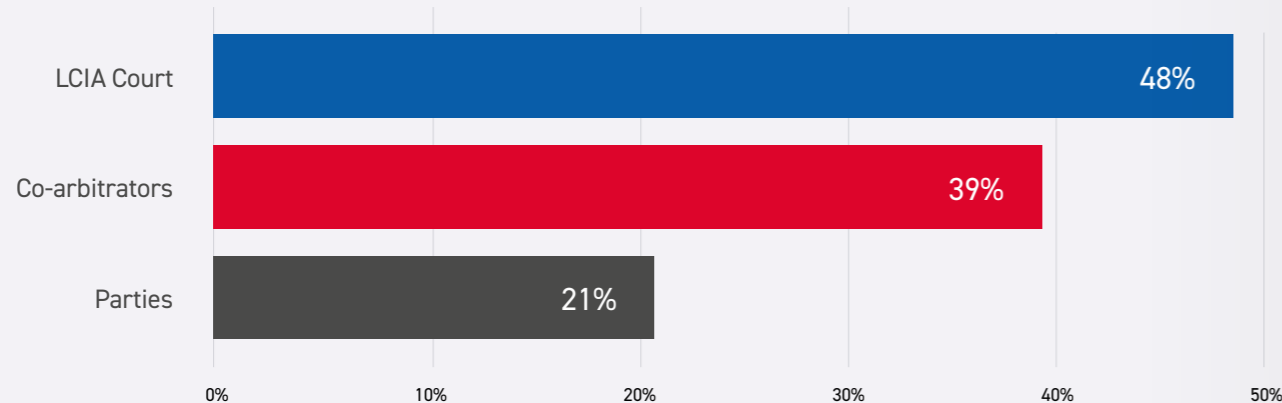
Of the sole arbitrator appointments, 38% were women, of which the vast majority (86%) were direct appointments by the LCIA Court. In three-member tribunals, 27% of co-arbitrator appointments and 43% of chair appointments were of women. Of chair appointments of women, 53% were by co-arbitrators, 37% by the LCIA Court, and 10% by the parties (including parties from a list provided by the Court).

In fundholding arbitrations, 12% of appointments were of women and 88% were of men.

In cases where the LCIA Court appointed arbitrators under the UNCITRAL Rules (appointment only and administered arbitrations) three appointments were of men and two were of women (the same individual in two related cases).

Gender diversity

Appointments of female arbitrators as a percentage of all LCIA arbitration appointments by selection method



REPEAT APPOINTMENTS

The majority of arbitrators in LCIA arbitrations (72%) are appointed only once in the same calendar year (74% in 2022).

Eighteen percent of arbitrators were appointed twice, and 6% of arbitrators were appointed three times (compared with 18% and 4%, respectively, in 2022). The remaining 4% of arbitrators were appointed more frequently (the same proportion as in 2022), most of whom were appointed by nominations from parties and co-arbitrators.

The median number of appointments for all arbitrators was one appointment, regardless of gender (as in 2022).

The percentage of repeat appointments of men was 30% and of women was 35%. This compares to 14% for men in 2022 and 31% for women in 2022.

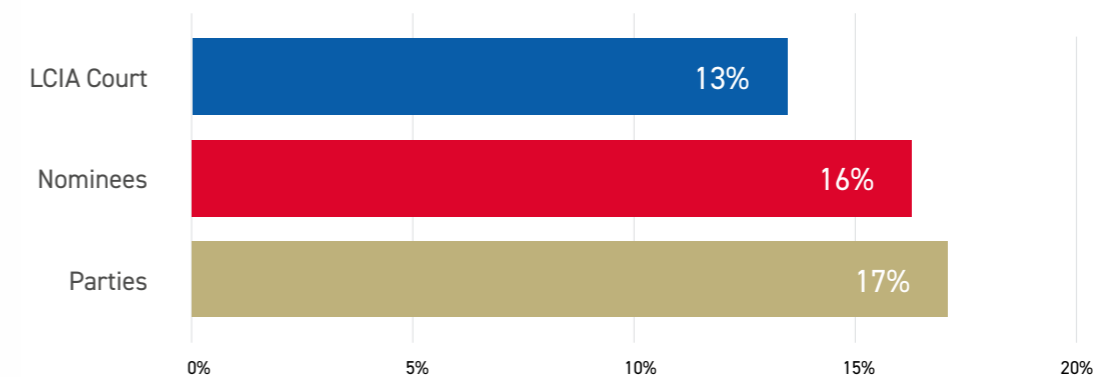
FIRST-TIME APPOINTEES

The number of appointments of first-time appointees as a percentage of direct LCIA Court appointments was 13% in 2023 (14% in 2022). The percentage of first-time appointees nominated by the parties in 2023 was similar to 2022 (17% and 20%, respectively). The percentage of first-time appointees nominated by the co-arbitrators is also in line with 2022, at 16% and 14% in 2023 and 2022, respectively.

The overall percentage of appointments of candidates not previously appointed by the LCIA Court was 16% (69 out of 445) (compared to 17% in 2022). The majority of the arbitrators appointed for the first time in an LCIA arbitration were appointed as co-arbitrators (72%, or 50 out of 69). Twelve first-time appointees (17%) were appointed as chair of a three-member tribunal, 11 of which were by nomination by the co-arbitrators. Six first-time appointees were as sole arbitrators (half selected by the LCIA Court and half by the parties). The LCIA Court also appointed a first-time appointee as emergency arbitrator.

First-time appointees

Appointments of first-time appointees as a percentage of all LCIA arbitration appointments by selection method



TRIBUNAL SECRETARIES

In 2023, tribunals made 49 appointments of tribunal secretaries in LCIA arbitrations. Of the 49 appointments, 43% were of men (including three instances of repeat appointment) and 57% were of women (including three instances of repeat appointment).

Tribunal secretaries were appointed more often to assist three-member tribunals than to assist sole arbitrators. Thirty-nine percent of tribunal secretary appointments were to assist sole arbitrators and 61% were to assist three-member tribunals.

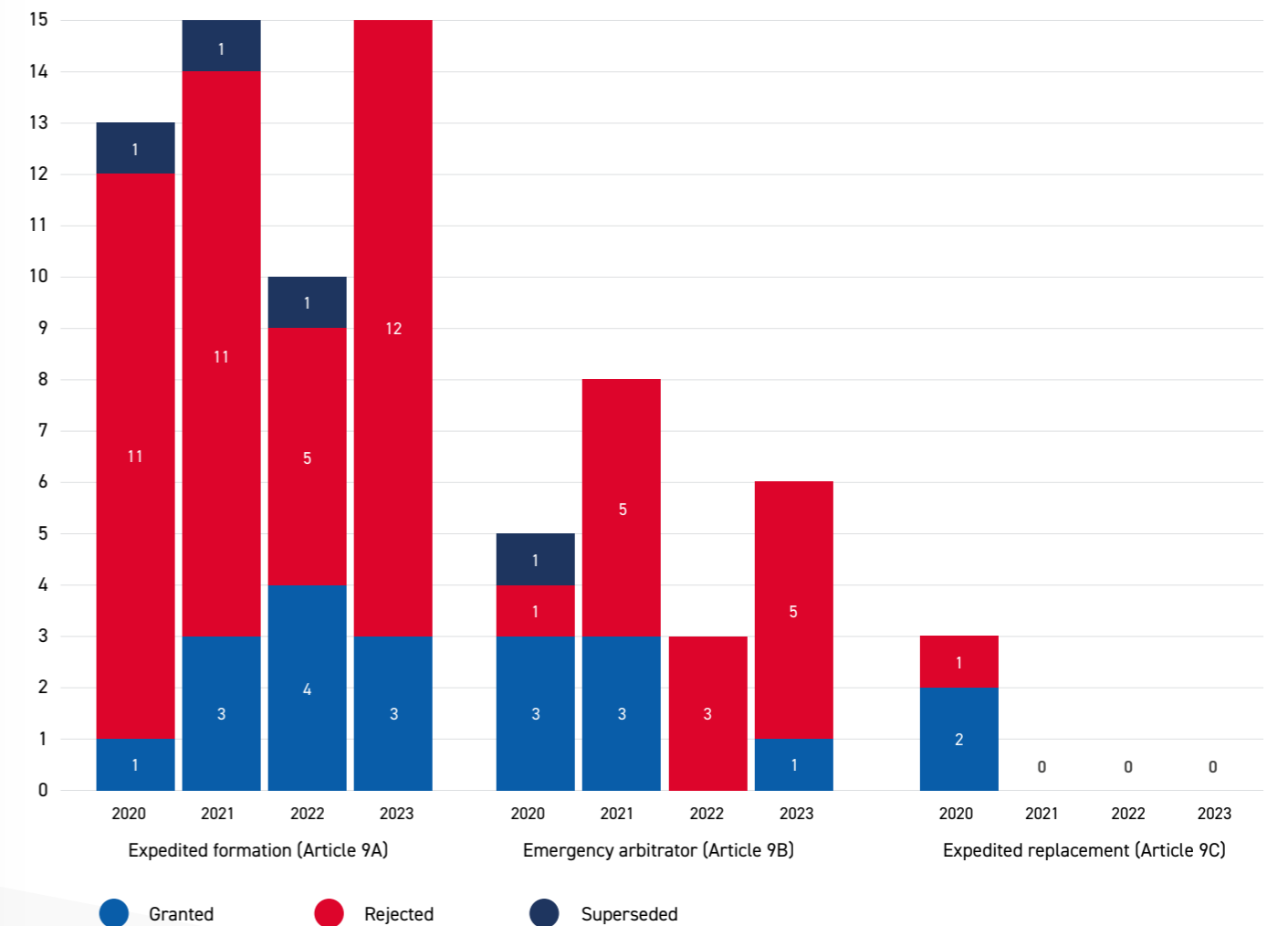
As with arbitrator nationalities, the following statistics count only the primary nationality indicated to the LCIA by the tribunal secretaries. The tribunal secretaries held 18 different nationalities. British nationals were most common (accounting for 18% of tribunal secretary appointments), with Italian nationals coming in second (12% of appointments). Singapore was the third highest represented country, with 10% of tribunal secretaries being Singaporean.

Nationality of tribunal secretary	No. of appointments	Nationality of tribunal secretary	No. of appointments
 British	9	 Unconfirmed	2
 Italian	6	 Austrian	1
 Singaporean	5	 Canadian	1
 French	4	 Chinese	1
 Indian	4	 Finnish	1
 Nigerian	3	 Hungarian	1
 Australian	2	 Romanian	1
 Belgian	2	 Swiss	1
 Russian	2	 Uruguayan	1
 Spanish	2		

EXPEDITED FORMATION OF TRIBUNALS AND EMERGENCY ARBITRATOR APPOINTMENTS

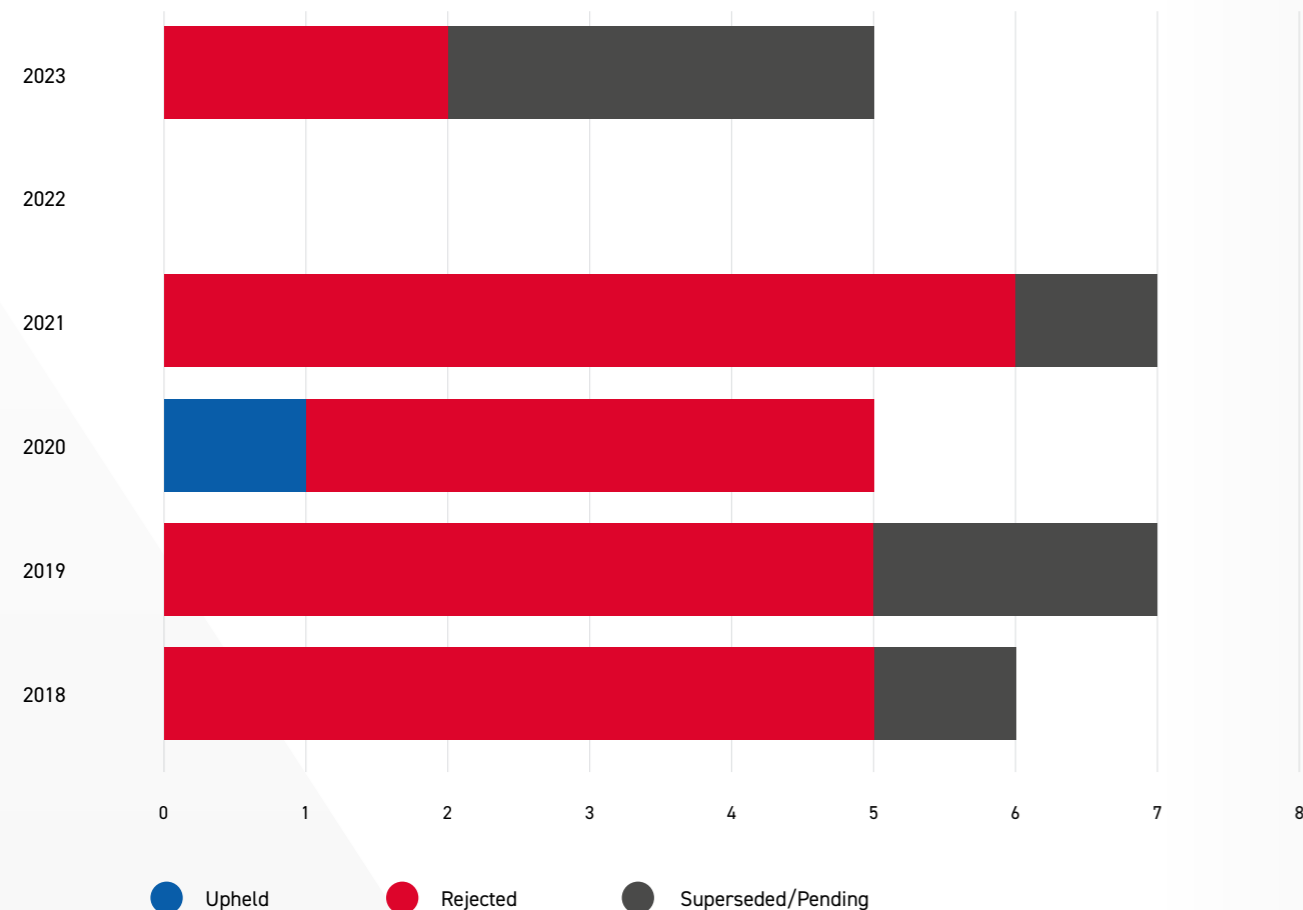
As shown in the below chart², parties continue to utilise the tools in Article 9 of the Rules for seeking expedited formation of the tribunal (Article 9A) and/or urgent relief from an emergency arbitrator (Article 9B). More applications were made in 2023 than in 2022. As in previous years, more parties seek expedited appointment, where in a successful application the tribunal deciding the dispute will be appointed as soon as possible, rather than the appointment of a temporary emergency arbitrator.

As was the case in the last two years, no applications for expedited appointment of a replacement arbitrator were made by parties in LCIA arbitrations.



² The outcome of the Article 9 applications and all other applications are updated as at the time of writing this report.

CHALLENGES



The number of challenges to arbitrators in LCIA arbitrations remained low in 2023, similar to the previous years (excepting 2022 where there was a complete absence of challenges). There were five challenges in LCIA arbitrations, two of which were rejected, in one case the arbitrator resigned and in two cases the applications are pending.

The LCIA's robust appointment system, where disclosures are dealt with efficiently and transparently, contributes to the low number of challenges. Objections based on pre-appointment disclosures were made by parties in relation to 14 appointments in 2023. The LCIA Court proceeded with the appointment in eight 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. There were four such challenges in 2023, in a group of four related cases. All four challenges were rejected.

MULTI-PARTY AND MULTI-AGREEMENT ARBITRATIONS

In 2023, 2% of LCIA arbitrations involved disputes arising out of more than one agreement, compared with 7% in 2022. 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.

In 2023, 24% of LCIA arbitrations involved more than two parties, and 2% of arbitrations involved ten or more parties. In 2022, 20% of LCIA arbitrations involved more than two parties and less than one percent involved ten or more parties.

Of the seven UNCITRAL arbitrations, five cases involved more than two parties. In the appointment arbitrations, one involved more than two parties. There were 10 fundholding arbitrations involving more than two parties, including one case with 65 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 for arbitration, thereby becoming multi-agreement/multi-party arbitrations.

JOINDER

Only four applications were made for the joinder of a third party in 2023, three of which were rejected, and one of which was granted. This is one of the lowest numbers of joinder applications in recent years. In 2022, there were 6 applications, four of which were granted and two rejected.

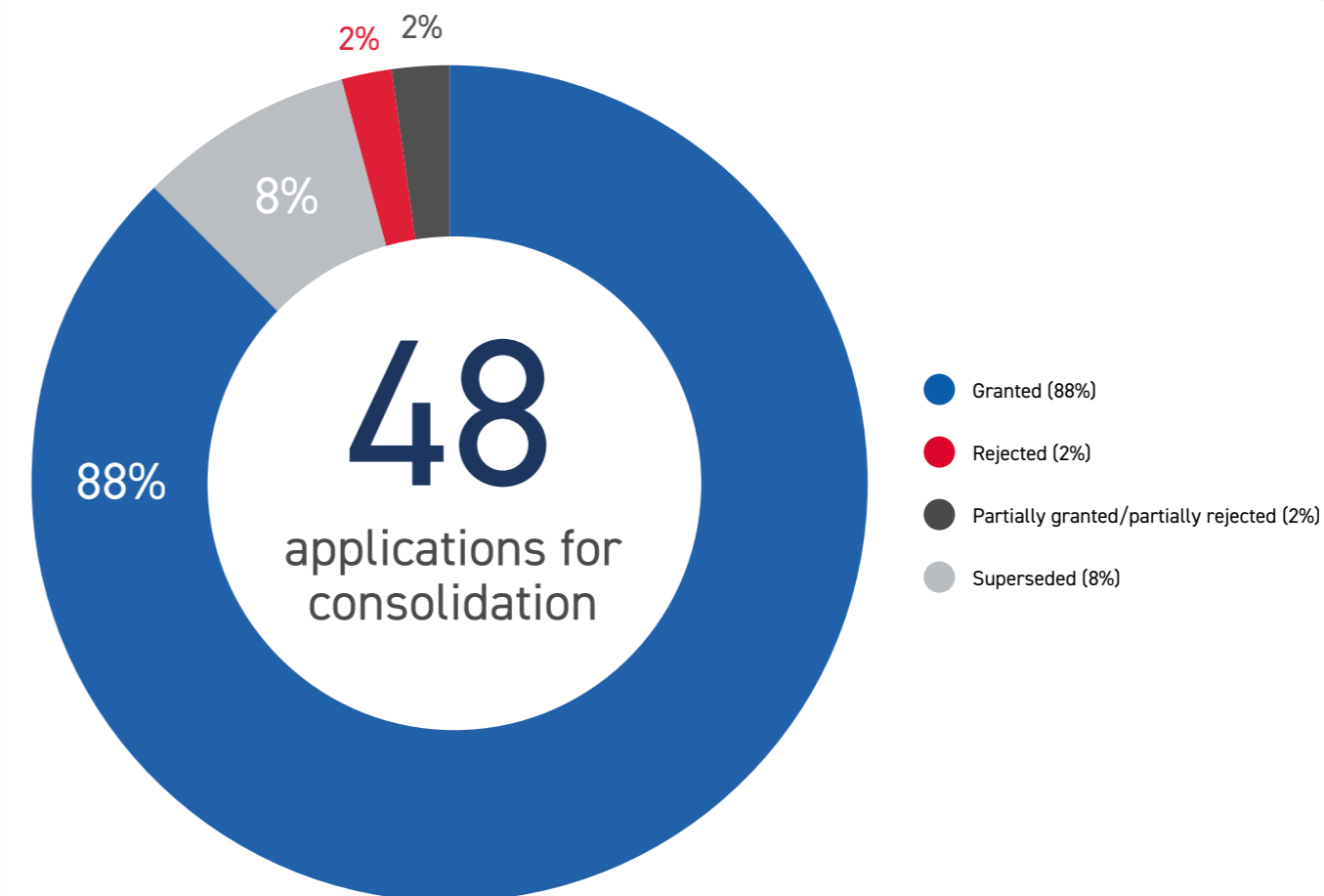
CONSOLIDATION AND CONCURRENT CONDUCT OF ARBITRATIONS

In 2023, 48 applications for consolidation were made by parties in LCIA arbitrations (or in 15% of LCIA arbitrations commenced in 2023, similar to 2022 (12%).

The percentage of successful applications granted by the LCIA Court (rather than tribunals) in 2023 is higher than in previous years (84% in 2023, including one partially granted, compared with 69% in 2022 and 79% in 2021) reflecting the continued uptake by the parties of the consolidation provisions under broader circumstances introduced by the 2020 Rules, and a preference for consolidation to take place before the tribunal (or tribunals) is appointed.

The majority of composite requests filed in 2023 resulted in consolidation (26 out of 29), demonstrating that composite requests are a useful tool for parties seeking to consolidate multiple arbitrations at an early stage in the arbitration.

The chart on the right sets out the number of consolidation applications granted by the LCIA Court and by tribunals, respectively, and a breakdown showing whether there was party agreement in writing:



	LCIA Court	Tribunal (with approval of the LCIA Court)
Agreement in writing	27 (pursuant to Article 22.8(i), 2020 Rules)	3 (pursuant to Article 22.1(ix), 2014 Rules or Article 22.7(i), 2020 Rules)
No agreement in writing	9 (includes one partially granted) (pursuant to Article 22.8(ii), 2020 Rules)	4 (pursuant to Article 22.7(ii), 2020 Rules)

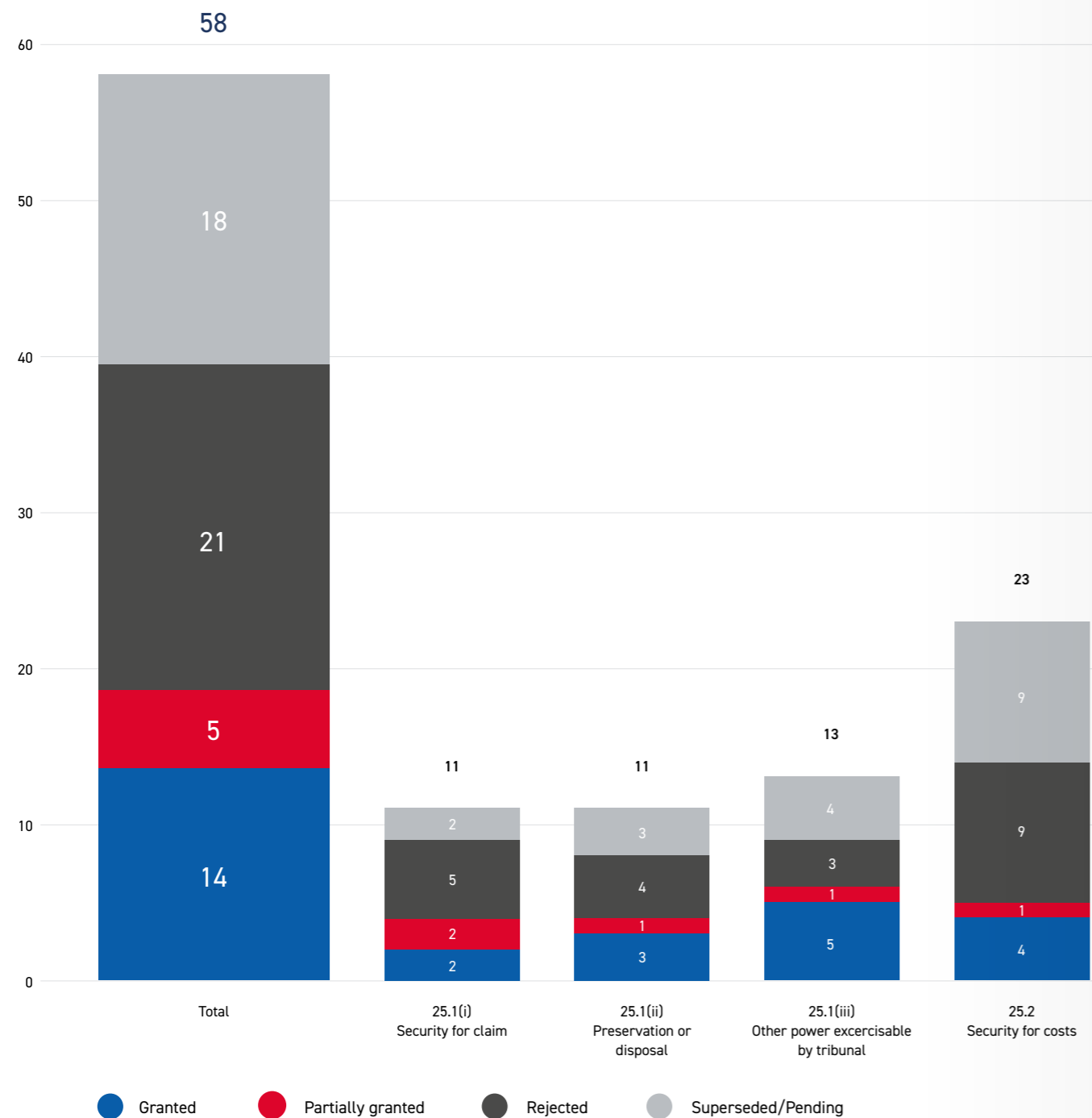
Of the remaining 5 applications, 1 was rejected, and 4 were superseded.

In 2023, the LCIA recorded one request for concurrent conduct of proceedings pursuant to Article 22.7(iii) of the LCIA Rules. The application was granted by the Tribunal and approved by the LCIA Court. Parties appear not to be utilising this provision given the consistently low number of applications pursuant to Article 22.7(iii) since its introduction in the 2020 Rules.

INTERIM RELIEF

In 2023, parties made 58 applications for interim and conservatory measures pursuant to Article 25 of the LCIA Rules, involving 43 arbitrations. Security for costs was the most common interim relief sought by the parties.

Tribunals granted the requested relief in 14 instances and rejected the application in 21 instances. Five applications were partially granted, and 18 were superseded or are pending.



EARLY DETERMINATION

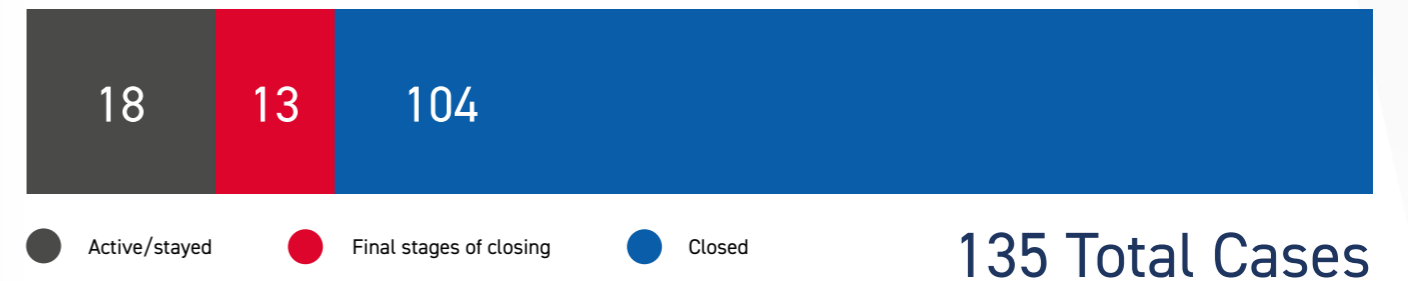
In 2023, there were 24 applications for early determination, of which two were granted, 15 were rejected, three were partially granted/partially rejected, one was withdrawn, and the three remaining applications are pending.

The most common grounds cited for the applications were that the claims/counterclaims or defence to the claims were manifestly without merit, and/or that the tribunal had no jurisdiction to decide the dispute, and/or that the claims were inadmissible.

DIFC-LCIA UPDATE

It has been over two years since 135 cases pursuant to the DIFC-LCIA Rules from 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 DIAC.

These cases were at various stages when they were transferred and, since then, the LCIA has closed over 100 cases, with an additional 13 in the final stages of closing. Only 18 arbitrations remain either active or stayed.



OTHER ADR SERVICES

In 2023, the LCIA received six requests for mediation, two requests for appointment of an expert in an expert determination, and one for the appointment of an adjudicator.

Of the four mediators appointed by the LCIA Court all were British, and half were men and half were women. The LCIA Court also appointed one adjudicator (a woman of British nationality) and one expert (a man of American nationality).

The disputes concerned a range of industry sectors including construction and infrastructure, professional services, technology, energy and resources, and insurance.



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