

The cover features a white background with large, overlapping geometric shapes in blue, grey, red, and olive green. On the left, a photograph of a classical building with columns is visible against a blue sky. On the right, a faded photograph of a large, ornate building with a dome is shown. The title '2021 ANNUAL CASEWORK REPORT' is positioned in the lower right area, overlaid on the faded building image.

**2021**  
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 2,262 members from over 89 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 11,600 members from 149 countries.

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# EXECUTIVE SUMMARY

- At the time of writing this report, external developments take centre stage. The ongoing war in Ukraine, the upheaval to people's lives, industry and commerce around the world, directly and as a result of sanctions, have had and will continue to have seismic consequences. Geopolitical developments in Russia, Ukraine, and elsewhere will impact everyone and everywhere. At this stage predicting the effects on the LCIA, its staff, its operations, and its caseload, is impossible. All we can do is report on 2021 and seek to discern (partial) trends that may help to explain and inform future developments, without suggesting comprehensiveness and/or certainty.
- The COVID-19 pandemic continues to impact different countries in different ways and in waves. Two years after the first restrictions were imposed in the United Kingdom, the LCIA has been able to review and analyse the impact of the pandemic on its caseload with some perspective. There were fewer referrals in 2021 compared with the record high year of 2020, but a longer-term perspective of the data shows a return to numbers more closely aligned to 2019. In 2021, the LCIA received 387 referrals for its services, including 322 referrals for arbitration pursuant to the LCIA Rules.
- The ongoing war in Ukraine will no doubt have lasting effects on an already declining caseload from Russia (from 6.8% of parties in 2020 to 2.1% in 2021), as well as industry sectors from which the cases are referred. While the LCIA is faced with the immediate impact of sanctions in ongoing cases, predicting the longer-term impact will not be straightforward. To some extent, the fact that 2021 already saw a decrease in Russia-related cases suggests that the impact going forward has been mitigated. At the same time, the wider repercussions are likely to impact transactions, agreements, and resulting disputes much more broadly and profoundly, and these effects are far more complex and unquantifiable.
- In March 2022, following Decree No. (34) of 2021 of the Government of Dubai, the LCIA and Dubai International Arbitration Centre (DIAC) concluded an agreement by which the LCIA would administer all existing DIFC-LCIA cases from London. Approximately 130 DIFC-LCIA cases are now being administered from London and a payment mechanism has been agreed in relation to the funds paid by parties into bank accounts previously held on behalf of DIFC-LCIA and now owned by DIAC. More details on these cases will be reported in next year's Annual Report.

- In 2021, the percentage of parties from the United Arab Emirates more than doubled (from 4.3% of parties in 2020 to 9.5% in 2021). It is anticipated that going forward, the LCIA will see more referrals from this region.
- Referrals for the LCIA's other services, notably fundholding, have increased.
- The top three industry sectors of the LCIA's caseload remain banking and finance, energy and resources, and transport and commodities (together representing 65% of all cases).
- The fact that in 2020 more arbitrations were filed within a relatively short time after the conclusion of the agreement leading to a surge in new cases suggested that subsequent years would see a commensurate decrease and the 2021 numbers confirm this.
- The LCIA now comprehensively records the percentage of parties which are state bodies or state-owned entities. In 2021, 5.7% of parties were a state body or state-owned entity.
- Parties in arbitrations administered pursuant to the LCIA Rules continued to choose a variety of international seats and laws in 2021, and there was a similar spread of different seats and laws as in 2020. In a number of cases parties aligned non-English seats and laws, in particular selecting Mexico and Texas.
- The LCIA Court remains the main driving force in gender diversity, selecting women in 47% of all its appointments. While the overall proportion of appointments of women pursuant to the LCIA Rules remains steady at 32% (142 out of 449 appointments), the contribution of co-arbitrators and parties in appointing gender-diverse candidates still lags behind considerably, despite the fact that the LCIA selects a disproportionate number of sole and presiding arbitrators, for which generally (LCIA) experience is required.
- It is especially disconcerting that the percentage of women selected by parties decreased from 22% to 16%. 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.
- The number of challenges, seven in 2021, remains consistently low, also as a percentage of the number of new arbitrations (below 2.5%).

- Parties have taken up the new features provided by the 2020 Rules, including the ability to file a composite request for arbitration. In 2021, the LCIA received 29 such requests, commencing 96 arbitrations, equating to 30% of arbitrations received in 2021. The 2020 Rules also contain broader provisions for consolidation. In part probably nudged by the provision enabling parties to submit composite requests, the number of consolidation applications as a proportion of all cases increased somewhat. In addition, the proportion of successful applications increased and moreover, they took place at an earlier stage in the arbitration.
- Similarly, the express provision regarding early determination has found favour with users. Tribunals in LCIA arbitrations received 15 applications for early determination pursuant to Article 22.1(viii) of the Rules in 2021.
- Parties made more applications for expedited formation of the tribunal and the appointment of an emergency arbitrator in 2021 than 2020, a sign that the parties are utilising all the tools in the LCIA toolkit.

# CASELOAD

The LCIA received 387 referrals for its services, including 322 referrals for arbitration pursuant to the LCIA Rules. There were fewer referrals in 2021 compared with the record-high year of 2020, but a longer-term perspective of the data shows a return to numbers more closely aligned to 2019.

The following chart shows a breakdown of the 387 referrals to the LCIA in 2021, while the following section gives more details about the make-up of these cases.



## ARBITRATIONS PURSUANT TO THE LCIA RULES

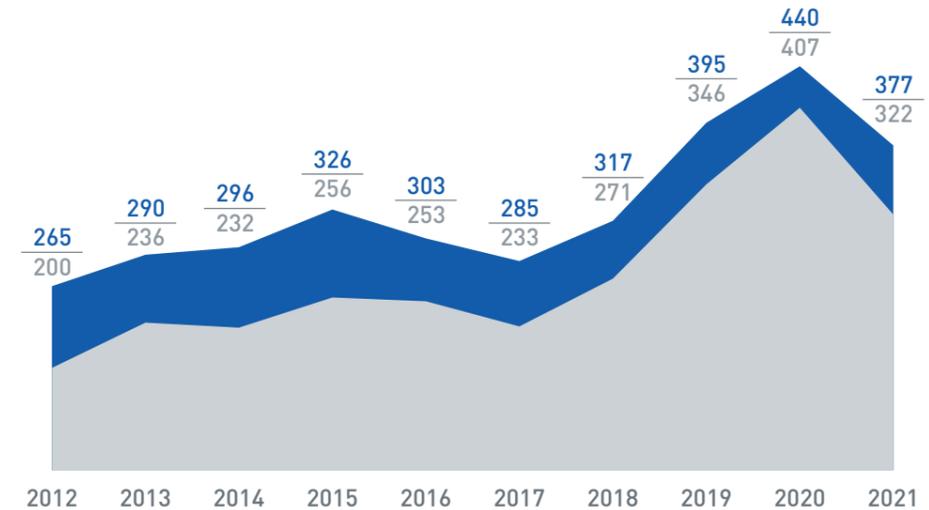
The LCIA received 322 referrals for arbitration fully administered by the LCIA pursuant to the LCIA Rules, accounting for 83% of referrals received in 2021. Included in the 322 arbitrations is one case pursuant to LCIA-MIAC Rules.

There is a 21% decrease in referrals in 2021 compared with 2020, when the LCIA experienced an unprecedented number of cases pursuant to LCIA Rules. The arbitration referrals chart on the next page showing case numbers for the last ten years illustrates a steady caseload on a similar level as 2019.

2021 was the first full calendar year following the launch of the LCIA Rules 2020. One of the new provisions of the 2020 Rules provides claimants the option to file a composite request for arbitration to commence multiple arbitrations against one or more respondents. The LCIA received 29 composite requests in 2021, commencing 96 arbitrations, accounting for 30% of arbitrations pursuant to the LCIA Rules. One of those composite requests commenced 27 arbitrations.

The impact of these 27 related cases on figures is highlighted in the relevant sections of this report, particularly industry sectors, agreement types and party nationalities.

## Arbitration referrals



● Total arbitration referrals    ● Referrals pursuant to the LCIA Rules

The above chart shows the steady increase in the number of referrals for arbitration pursuant to the LCIA Rules over the last ten years with the number of referrals pursuant to the LCIA Rules increasing by 60% in this time.

## OTHER REFERRALS

There has been an increase in referrals for other services provided by the LCIA. The LCIA received eight referrals for the administration of arbitrations pursuant to the UNCITRAL Rules, as well as ten referrals in which the LCIA acted as appointing authority. In eight of these latter ten referrals, the LCIA went on to provide fundholding services. By comparison, in 2020 the LCIA received two referrals for administration of arbitrations pursuant to the UNCITRAL Rules, and four requests to act as appointing authority (in three of which the LCIA went on to provide fundholding services).

In addition to the above, the LCIA provided fundholding services in 34 cases (compared with 25 in 2020), pursuant to various rules, including the UNCITRAL Rules, the London Maritime Arbitrators Association Rules, as well as other ad hoc arbitrations.

The LCIA also provided mediation services in three cases and received seven referrals for the appointment of an adjudicator. Further information about these referrals is provided at the end of the report. The comparative number of referrals for mediation and adjudication appointments in 2020 were three and one, respectively.

In each section below, the report will provide information on arbitrations administered pursuant to the LCIA Rules, followed by information on arbitrations administered by the LCIA pursuant to the UNCITRAL Rules, arbitrations in which the LCIA acted as appointing authority, and fundholding cases, to the extent that information is available.

In providing information about these additional categories of cases it should be noted that the services provided by the LCIA are not necessarily comparable with services rendered in arbitrations pursuant to the LCIA Rules, and the level of involvement may differ. These differences also affect the terminology (such as the use of "nomination" versus "appointment" of arbitrators pursuant to the LCIA Rules, which has no equivalence in the UNCITRAL Rules). In addition, the LCIA holds less information about the UNCITRAL appointment arbitrations and fundholding cases. This report therefore provides as much information as possible, and where relevant, identifies dissimilarities where these may affect the interpretation of data contained in the report.

# INDUSTRY SECTORS AND AGREEMENTS

When recording industry sectors and agreements, the LCIA endeavours to find the most appropriate classification to help identify the specific expertise needed for the selection of arbitrators.

For the purposes of this report, the cases are categorised by the dominant sector, that is, the sector that is most representative of the case, even though in practice disputes relate frequently to overlapping sectors.

To give users insight into the make-up of cases, the LCIA reports not only on industry sectors but also on types of agreements. As with assigning an industry sector to a case or to parties, a multi-dimensional nature is often also present in agreements. For the purposes of this report, agreements are recorded on the basis of the dominant characteristic.

## INDUSTRY SECTORS

The top three industry sectors dominating the LCIA's caseload are banking and finance, energy and resources, and transport and commodities (together representing 65% of all cases), consistent with 2020, although the percentage of cases in each of these three industries has changed.

Banking and finance disputes accounted for 26% of cases administered pursuant to the LCIA Rules, up from 20% in 2020. This increase is impacted by the group of 27 related cases, which made up 32% of all the banking and finance cases in 2021. The percentage of cases in the energy and resources sector remained steady at 25% of cases in 2021, compared with 26% of cases in 2020, and moved to second place. Transport and commodities moved from 22% in 2020 to 14% in 2021.

Similar to previous years, the other sectors each represent significantly lower percentages of the caseload. Construction and infrastructure sector is the next highest behind the top three industries, making up 7% of the LCIA caseload. Professional services and hospitality and leisure are at 6% and 4%, respectively.

The make-up of industry sectors of claimants and respondents mirrors generally the sectors of the disputes as a whole. In 2021, the respondents deviated from this pattern, as there was a high number of individuals as respondents (for which no industry was assigned) and a much lower percentage of respondents in the banking and finance sector compared to the case industry sectors. All respondents in the 27 related cases are in the food and beverage sector.



The table below details the industry sectors of arbitrations administered pursuant to the UNCITRAL Rules, appointment only arbitrations, and fundholding cases.

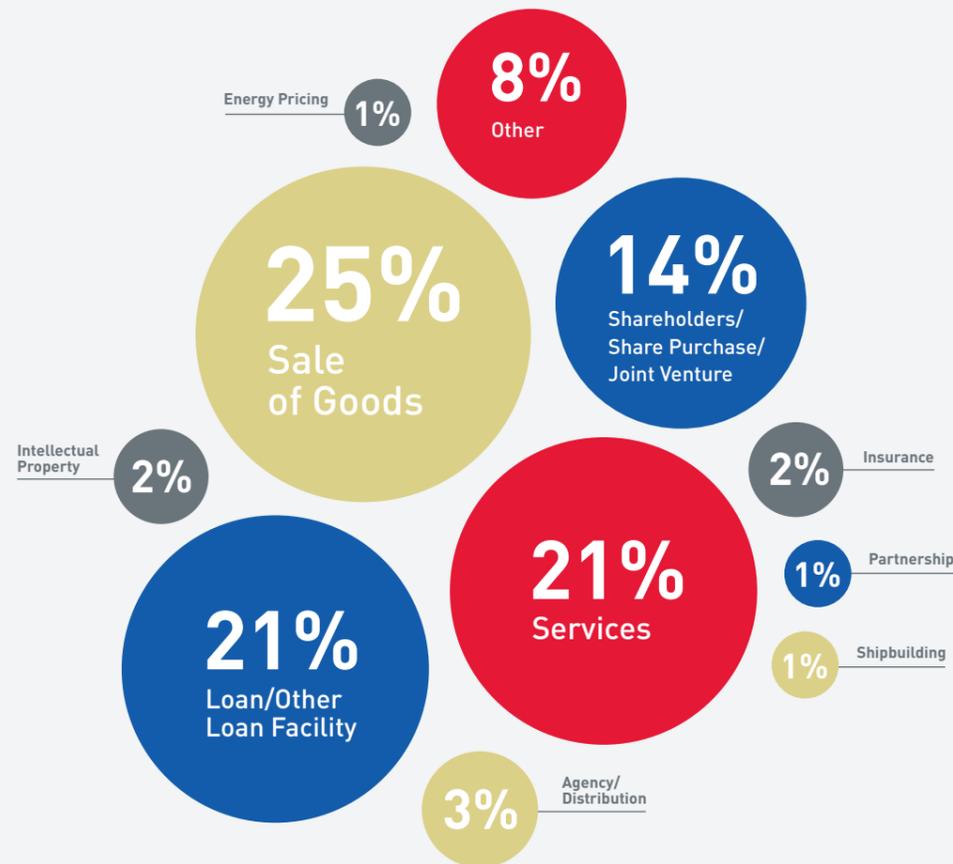
Industry Sectors	Administered UNCITRAL Arbitrations	Appointment Arbitrations	Fundholding Cases
Energy and Resources	2	-	2
Insurance	-	-	8
Construction and Infrastructure	1	1	2
Transport	1	8	3
Telecommunications	-	1	-
Other	-	-	12
Professional Services	3	2	1
Food and Beverages	-	1	-
Retail and Consumer Products	1	-	-

## AGREEMENT TYPES

The four most common types of agreements seen in arbitrations pursuant to the LCIA Rules remained the same in 2021, between them making up 82% of all agreements. These are sale of goods agreements, service agreements, loans or other loan facilities, and shareholders/share purchase/joint venture agreements.

The percentage of sale of goods agreements and service agreements in LCIA arbitrations in 2021 is almost the same as in 2020. Commensurate with the increase in the percentage of cases in the banking and finance industry, the LCIA saw an increase in loan and other loan facilities agreements in LCIA arbitrations, up from 16% in 2020 to 21% in 2021. Shareholders/share purchase/joint venture agreements were less common in 2021 than in 2020, moving from third most common in 2020 (20% of agreements) to fourth in 2021 (14% of all agreements). Eight percent of agreements were classed as the type “other”, including construction-related agreements and leases.

The spike in intellectual property agreements in 2020 was impacted by a group of 16 related cases, and did not continue in 2021, where 1.6% of agreements were intellectual property agreements.



The table to the right shows the types of agreements out of which disputes arose in arbitrations fully administered by the LCIA pursuant to the UNCITRAL Rules and where the LCIA acted as appointing authority.

Agreement Types	Administered UNCITRAL Arbitrations	Appointment Arbitrations
Partnership	-	1
Sale of Goods	3	8
Services	5	3
Shareholders/Share Purchase/Joint Venture	1	-
Other	2	4

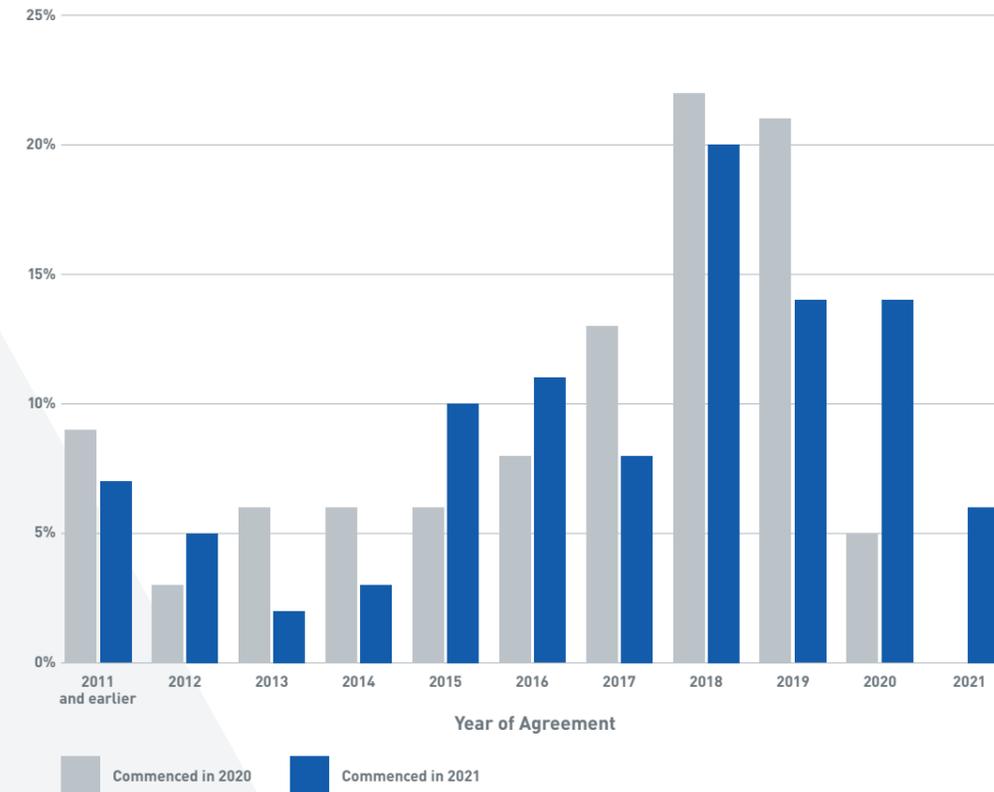
## AGREEMENT DATES

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 when disputes are referred to the LCIA.

The majority of disputes arise within five years of the date of the agreement, which is a long-term pattern. Namely, in 2021, 74% of disputed agreements were entered into within the five calendar years prior to the one in which the arbitration commenced, compared with 68% in 2020, 62% in 2019, and 69% in 2018.

However, as reported last year, in 2020 a spike was recorded in the percentage of arbitrations commenced within the two years of the date of the agreement (43%), compared to the relative period in 2019 and 2018 (23% and 30%, respectively). In 2021, this percentage was 34%, thus down from 2020 but still above earlier levels. As noted last year, this change in pattern was in all likelihood attributable, at least in part, to the pandemic and the surge in new cases was expected to lead to a commensurate decrease in subsequent years. The 2021 figures appear to bear this out.

The agreement dates for cases referred to the LCIA pursuant to the LCIA Rules in 2021 are shown in the following chart, with 2020 shown for comparison.



The date of the agreements out of which disputes arose in arbitrations administered by the LCIA pursuant to the UNCITRAL Rules and where the LCIA acted as appointing authority only were spread evenly over the years. There is a small peak in 2014 agreements due to seven related appointment-only arbitrations, accounting for five of the six agreements made in 2014.

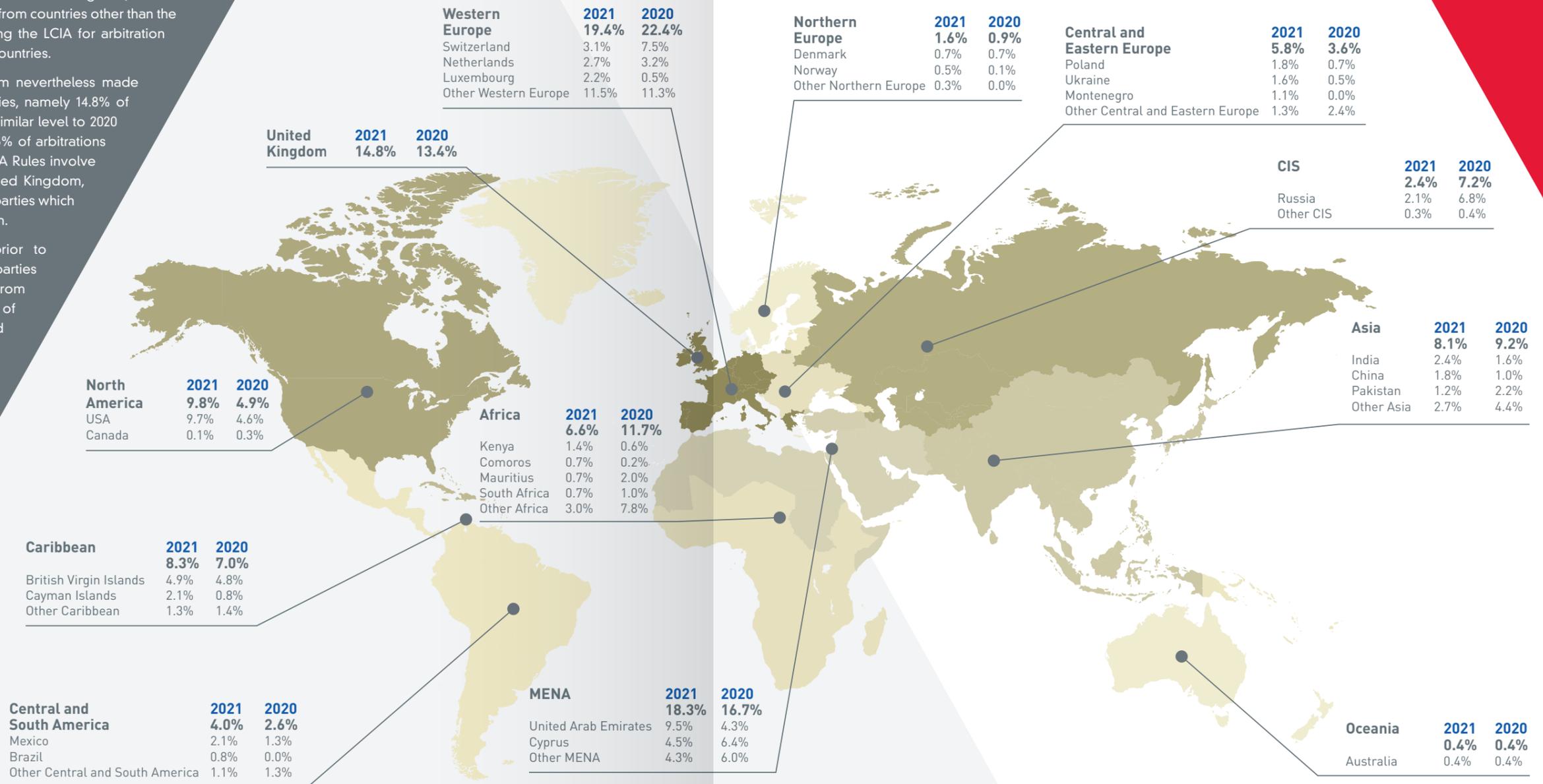
Year of Agreement	Administered UNCITRAL Arbitrations	Appointment Arbitrations
2020	1	-
2019	1	1
2018	1	1
2017	-	1
2016	1	-
2015	3	2
2014	-	6
2013	-	1
2012	1	-
2011 and earlier	3	4

# PARTIES

The LCIA's caseload continues to be truly international, with 85.2% of parties in arbitrations administered pursuant to the LCIA Rules coming from countries other than the United Kingdom, similar to 2020 when 86.6% of parties were from countries other than the United Kingdom. Parties choosing the LCIA for arbitration services came from 90 different countries.

Parties from the United Kingdom nevertheless made up a significant share of all parties, namely 14.8% of all parties in 2021, which is on a similar level to 2020 at 13.4%. It is noted that while 23% of arbitrations administered pursuant to the LCIA Rules involve at least one party from the United Kingdom, only 5% of arbitrations involved parties which were all from the United Kingdom.

In line with the two years prior to 2021, around one fifth of the parties in LCIA arbitrations were from Western Europe. The group of 27 related cases commenced by a composite request for arbitration impacted the percentage of parties from the United States (and North America as a region), rising from 4.6% of parties in 2020 to 9.7% in 2021.



The percentage of parties from the United Arab Emirates has more than doubled, from 4.3% of parties in 2020 to 9.5% in 2021, while the percentage of parties from the MENA region as a whole increased by almost 2% compared with last year (from 16.7% to 18.3%).

There were some decreases in the percentages of parties from Africa and the CIS regions, from 11.7% to 6.6% and from 7.2% to 2.4%, respectively. In both regions, large groups of related cases in 2020 impacted the percentages of Nigerian and Russian parties recorded in that year. The percentage of parties from Russia in particular fell from 6.8% in 2020 to 2.1% in 2021.

For the first time, the LCIA is able to provide some figures on arbitrations involving state bodies or state-owned entities as a party. In 2021, 5.7% of parties were a state body or state-owned entity. These cases are largely in the energy and resources and banking and finance sectors.

There were 24 parties involved in cases administered by the LCIA pursuant to the UNCITRAL Rules, six of which were from the United Kingdom. The 18 other parties were from Australia, the British Virgin Islands, Canada, China, Cyprus, Denmark, France, Kenya, Kuwait, the Netherlands, Singapore, and Switzerland.

Thirty parties participated in arbitrations for which the LCIA acted as appointing authority, seven of which were from Germany and five from the United Kingdom. The remaining 18 parties were from Armenia, the British Indian Ocean Territory, Egypt, Kenya, Mauritius, the Philippines, Qatar, Switzerland, and Uganda.

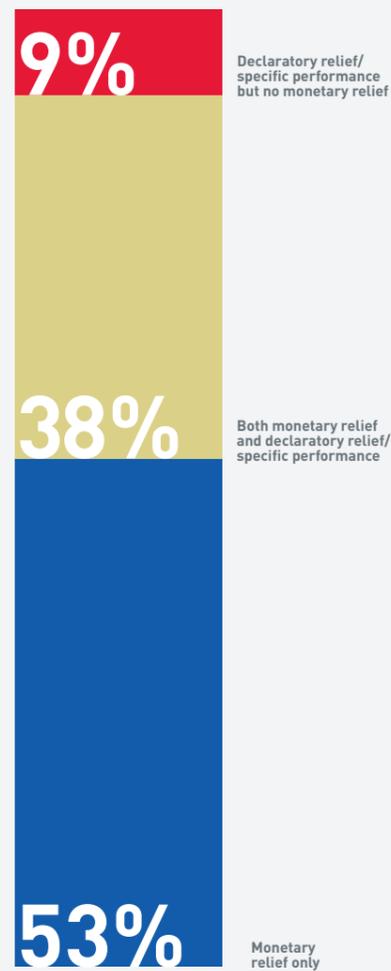
In the 34 cases for which the LCIA provided fundholding services only, 115 parties from 32 nations participated. The highest number of parties were from Papua New Guinea (16%), the United Kingdom (13%), the United States (8%), Cyprus (5%), and the United Arab Emirates (5%).

# RELIEF SOUGHT

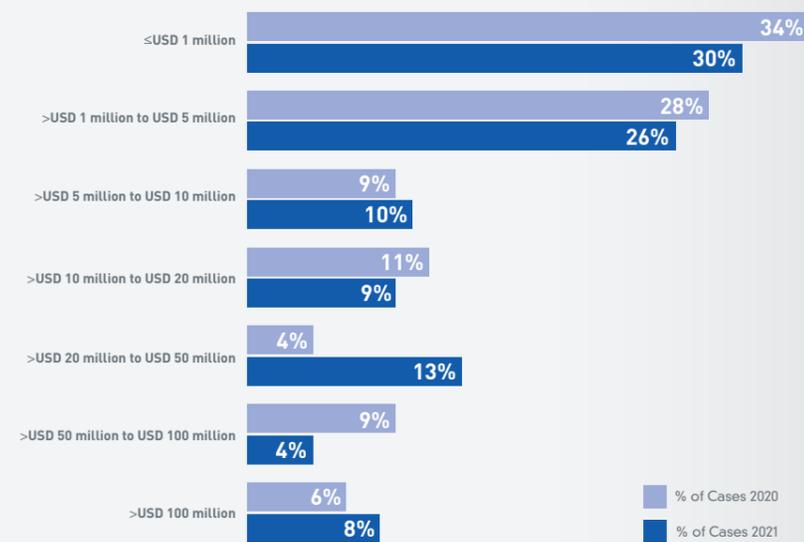
This section looks at the relief sought in requests for arbitration pursuant to the LCIA Rules as they are filed. Two significant caveats are in order. First, claims are often subject to subsequent amendment and additional quantification and these changes are not captured by this report. Furthermore, 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.

More claimants sought monetary relief in arbitrations administered pursuant to the LCIA Rules in 2021 (91%) than in 2020 (85%). Continuing the trend seen in 2020, there were fewer arbitrations for claims for USD 1 million or less in 2021, and more arbitrations in the higher brackets of claims between USD 20 million to USD 50 million, and over USD 100 million.

## Type of relief sought



## Monetary relief sought in requests for arbitration



Monetary relief was the sole relief sought by claimants in 53% of requests for arbitration pursuant to the LCIA Rules and in 38% of requests claimants sought both monetary relief and declaratory relief and/or specific performance. In the remaining 9% of requests, claimants sought only declaratory relief and/or specific performance.

In the eight arbitrations administered by the LCIA pursuant to the UNCITRAL Rules, six claimant groups sought monetary relief, with three of these seeking declaratory relief as well. Three claimant groups sought less than USD 1 million, two sought between USD 10 and 20 million, and one sought between USD 1 and 5 million. One claimant group sought declaratory relief and specific performance, and the final claimant group sought only specific performance.

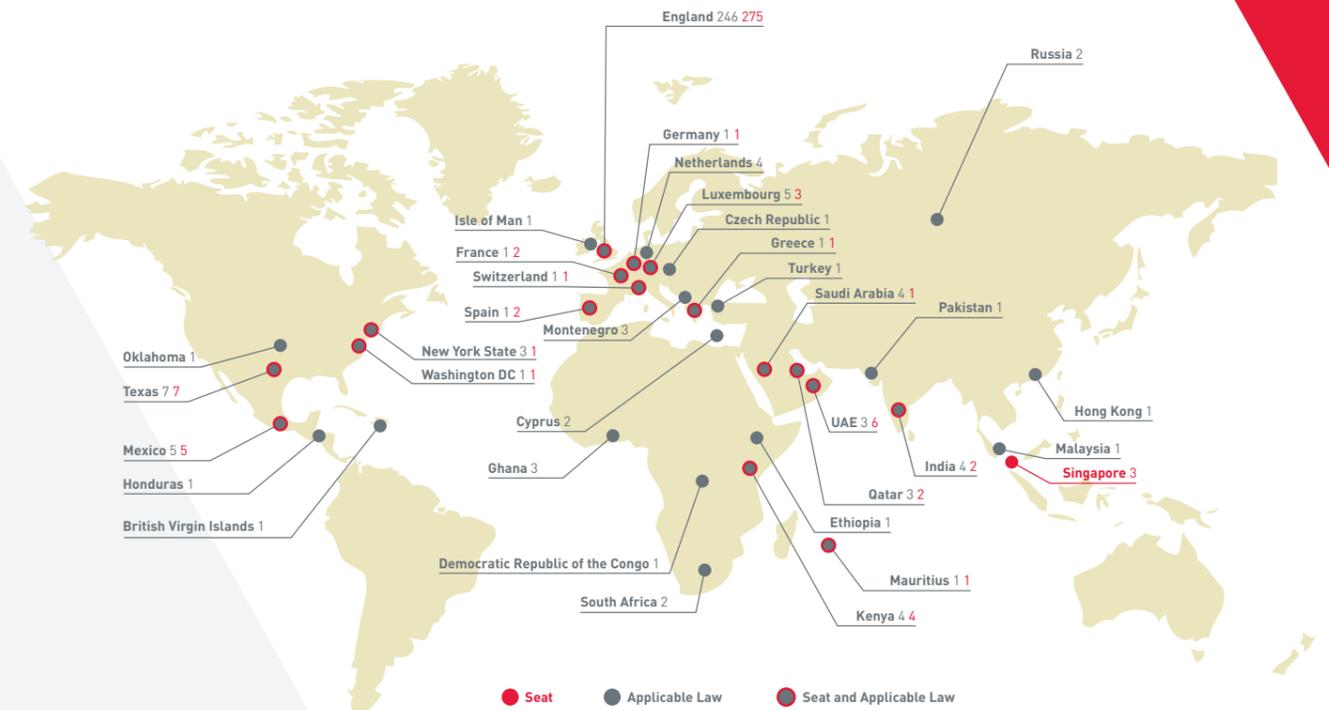
In the 13 arbitrations where the LCIA acted as appointing authority, monetary relief was sought in eleven cases, and in three of these eleven the claimant(s) sought both monetary and declaratory relief and/or specific performance. In one case, the claimant sought only declaratory relief. Six claimant groups sought between USD 1 and 5 million, three sought less than USD 1 million, one sought over USD 100 million, and another did not quantify the monetary relief sought.

# SEAT AND APPLICABLE LAW

Parties in arbitrations administered pursuant to the LCIA Rules continued to choose a variety of international seats and laws in 2021. The spread of different seats and laws was similar to that of 2020. In 2021, arbitrations were seated in 16 countries and the laws of 31 nations were chosen by parties to apply in arbitrations.

England remained the most popular seat for parties with 85% of LCIA arbitrations being seated in England, a similar percentage as 2020 (84%). Parties chose English law in 76% of arbitrations, slightly less than in 2020 where English law applied in 78% of arbitrations.

The LCIA continued to see some cases where the parties selected a seat and law from the same location, notably in relation to Mexico and Texas.



The eight arbitrations administered by the LCIA pursuant to the UNCITRAL Rules were seated in London. The governing law in six of these cases was the law of England and Wales, and in the other two cases the governing laws were those of Cyprus and Kenya, respectively.

Of the twelve arbitrations in which the LCIA acted as an appointing authority, seven were seated in London, four in Beijing, and one each in Mauritius and Singapore. The governing law in ten of these 12 cases was the law of England and Wales. In the two other cases the governing law was Kenyan law and Mauritian law, respectively.

English law and seat were the most popular choice of law and seat in fundholding only referrals. Nineteen of the 34 fundholding arbitrations were seated in England. Other seats were located across Africa, the Middle East, and Asia.

In 12 of the 34 fundholding referrals, the governing law was English law. Other choices of law in fundholding cases were the laws of countries in Africa, the United States, Cyprus, Oman, and the United Arab Emirates.

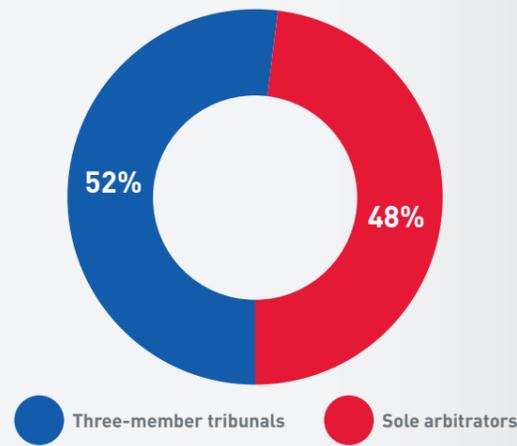
# ARBITRATOR APPOINTMENTS

In 2021, the LCIA Court made a total of 449 appointments of 298 different arbitrators in arbitrations administered pursuant to the LCIA Rules, including three appointments of emergency arbitrators.

The 449 appointments made by the LCIA Court include nine replacement arbitrators, seven replacements to six three-member tribunals and two replacements of sole arbitrators.

The charts on this page show the relatively even split of three-member tribunals and sole arbitrators, consistent with the long-term pattern. In addition, there were two two-member tribunals appointed by the LCIA Court in accordance with the parties' arbitration agreement.

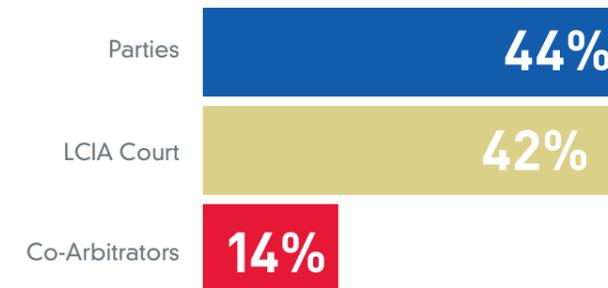
Three-member tribunals vs sole arbitrators 2021



Three-member tribunals vs sole arbitrators 2012 - 2021



Arbitrator selection 2021



The percentage of appointments where the LCIA Court is requested to select arbitrators remains steady. In 2021, the Court selected arbitrators in 42% of appointments in arbitrations pursuant to the LCIA Rules, compared with 45% of appointments in 2020. This reflects the continued involvement of the LCIA Court in one of its key roles in arbitrations pursuant to the LCIA Rules.

Pursuant to the LCIA Rules, parties and co-arbitrators may (and often do) nominate their own arbitrator, while formal appointment by the LCIA Court is contingent on the Court's approval of the candidate following a review of the candidate's independence and impartiality, and of their availability. In 2021, the parties and the co-arbitrators together selected arbitrators in 58% of appointments, compared to 55% of appointments in 2020. Occasionally, third parties are requested to nominate an arbitrator, and the LCIA had one such case in 2021.

The LCIA is not privy to the same level of information regarding the selection of arbitrators in UNCITRAL arbitrations and fundholding cases as in cases pursuant to the LCIA Rules. In addition, the process and terminology, as well as the stage and level of involvement of the LCIA differs in these cases.

In arbitrations pursuant to the UNCITRAL Rules, arbitrators are generally appointed by the parties and the co-arbitrators in accordance with the procedure pursuant to the UNCITRAL Rules, without review by the LCIA Court. Two sole arbitrators were appointed by the LCIA Court in arbitrations administered by the LCIA pursuant to the UNCITRAL Rules. In both cases, the LCIA provided a list from which the parties selected an arbitrator jointly.

In cases where the LCIA acted as the appointing authority and then went on to provide fundholding services, the LCIA Court appointed eight sole arbitrators and one co-arbitrator. Seven of the sole arbitrator appointments were of the same arbitrator in a group of related UNCITRAL cases requiring the same Tribunal. The remaining sole arbitrator was appointed in an arbitration proceeding pursuant to the English Arbitration Act 1996, while the co-arbitrator appointment by the LCIA Court was made on behalf of a non-participating respondent in an UNCITRAL case.

The LCIA Court appointed three sole arbitrators in arbitrations for which it was the appointing authority only. The seats in these arbitrations were Singapore, London, and Mauritius. In the arbitration seated in London, the designation of the LCIA as appointing authority was made by the English High Court.

In cases for which the LCIA has provided fundholding services only, the LCIA was informed of 91 appointments of 74 different arbitrators, and of one mediator. The great majority of these cases involved three-member tribunals (96% compared with 4% sole arbitrators).

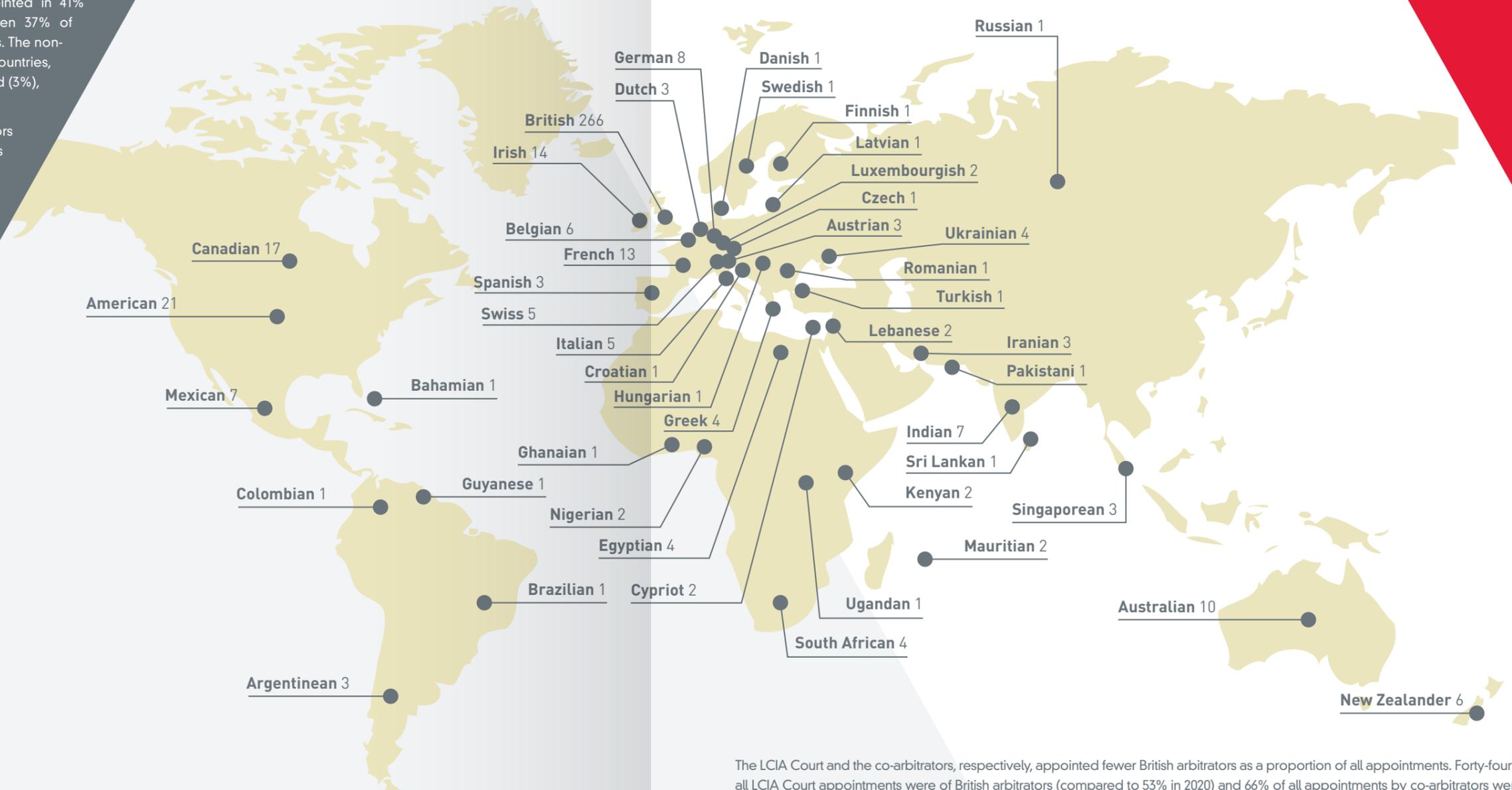
# ARBITRATOR NATIONALITIES

For the purposes of statistical information, this report only counts the primary nationality indicated to the LCIA by the arbitrators. For the purposes of appointments, the LCIA considers all additional nationalities to ensure that all requirements of the LCIA Rules, and other rules where relevant, are met.

In 2021, non-British arbitrators were appointed in 41% of appointments, more than in 2020 when 37% of appointments were of non-British arbitrators. The non-British arbitrators were from 46 different countries, including the USA (5%), Canada (4%), Ireland (3%), and France (2%).

The LCIA Court selected non-British arbitrators 47% of the time, compared to the parties selecting a non-British arbitrator 28% of the time and co-arbitrators 33% of the time.

As to British arbitrators, it is noted that most of these appointments (67%) were by nomination by the parties or the co-arbitrators.



The LCIA Court and the co-arbitrators, respectively, appointed fewer British arbitrators as a proportion of all appointments. Forty-four percent of all LCIA Court appointments were of British arbitrators (compared to 53% in 2020) and 66% of all appointments by co-arbitrators were of British arbitrators (compared to 82% of co-arbitrator appointments in 2020). The parties appointed British arbitrators 71% of the time in 2021, compared to 68% in 2020.

The LCIA Court appointed one British arbitrator and one Ukrainian arbitrator in arbitrations administered by the LCIA pursuant to the UNCITRAL Rules. Of the twelve arbitrators appointed by the LCIA Court as the appointing authority, ten were British, one was from the United States, and one was French. In the arbitration in which the LCIA Court appointed one of the three Tribunal members, the two Tribunal members were German.

The LCIA Court does not have a role in the selection of the arbitrators in fundholding cases and most arbitrators appointed in fundholding cases were British (74%) or from the United States (6%).

# DIVERSITY

The LCIA aims to appoint diverse candidates to tribunals and different arbitrators as often as possible.

Where the LCIA Court is required to select arbitrators, the LCIA will consider whether potential candidates have already received an appointment in the same calendar year and will propose candidates not previously appointed as often as possible. Where parties and/or co-arbitrators are selecting arbitrators, the ability to ensure diversity is obviously restricted (in order to give effect to party autonomy and the parties' and co-arbitrators' selection of arbitrators) leading to more repeat appointments as well as less diverse profiles of arbitrators.

The LCIA Court remains the key driving force in gender diversity. While in 2021 the co-arbitrators contributed more to gender diversity than in previous years, the percentage of women selected as arbitrators by the parties has actually decreased in 2021 and this is compounded by a greater proportion of repeat appointments of individual arbitrators.

In 2021, 47% of all LCIA Court appointments were of women, a higher proportion than in 2020 where 45% of appointments were of women. The parties nominated women 16% of the time, compared to 22% in 2020, and co-arbitrators selected women 33% of the time, compared to 30% in 2020.

The overall number of appointments of women pursuant to the LCIA Rules remains steady at 32% (142 out of 449 appointments), compared to 33% in 2020.

Of all appointments of sole arbitrators, 42% were appointments of women. In three-member tribunals, 27% of co-arbitrator appointments and 29% of chair appointments were of women. Two of the three emergency arbitrator appointments were of women.

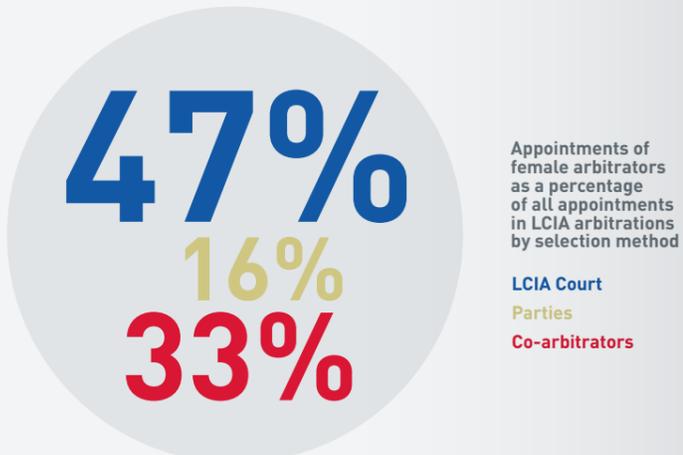
The overall percentage of arbitrators appointed only once in the same calendar year in arbitrations administered pursuant to the LCIA Rules increased from 62% in 2020 to 68.5% in 2021. Twenty percent of arbitrators were appointed twice, and 7% of arbitrators were appointed three times.

The remaining 4.5% of arbitrators were appointed more frequently, which is due partly to appointments in related cases and are largely nominated by parties and co-arbitrators.

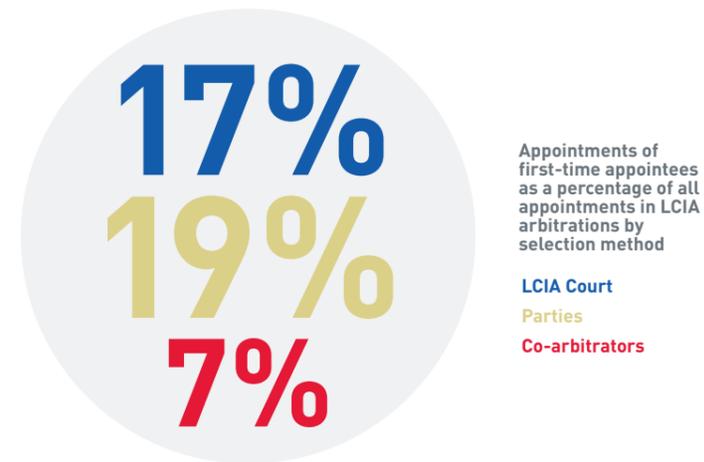
The average number of appointments for all arbitrators was one appointment, regardless of gender. This compares to an average of two appointments for women and one for men in 2020.

Regarding appointments of men to tribunals, 33% were repeat appointments and, regarding appointments of women to tribunals, 35% were repeat appointments. This compares to 38% for appointments of men in 2020 and 60% for appointments of women.

## Gender diversity



## First-time appointees



Proportionately, the LCIA's figures for appointing candidates not previously appointed by the LCIA Court are only slightly lower than that of the parties, despite the LCIA Court selecting five times as many sole arbitrators and five times as many chairs as the parties, roles for which prior experience of LCIA arbitration is typically required.

Of the appointments in 2021 to tribunals in arbitrations pursuant to the LCIA Rules, 17% (76 out of 446) were of candidates not previously appointed by the LCIA Court, compared to 14% in 2020.

The percentage of first-time appointees in LCIA Court appointments increased from 10% of all Court appointments in 2020 to 17% of appointments in 2021. The percentage of first-time appointees nominated by the parties increased slightly from 17% in 2020 to 19% in 2021. The co-arbitrators selected fewer first-time appointees with only 7% of appointments being arbitrators who had not been appointed before, compared with 13% in 2020.

In arbitrations administered by the LCIA pursuant to the UNCITRAL Rules, as well as those arbitrations where the LCIA acted as the appointing authority, two appointments were of women. Where the appointment was made in accordance with the list procedure, the LCIA Court included women.

In cases for which the LCIA provides fundholding services only, where the LCIA Court is not involved in the selection of arbitrators, 15% of appointments were of women.

Given the differences in the appointment process in UNCITRAL arbitrations and the fact that the LCIA is only aware of those UNCITRAL arbitrations, which it administers, it is not possible to provide comparable repeat or first-time appointment statistics in UNCITRAL arbitrations or fundholding cases.

# TRIBUNAL SECRETARIES

In 2021, 39 appointments were made of tribunal secretaries in arbitrations conducted pursuant to the LCIA Rules. Forty-one percent of the appointments were of men (including five repeat appointments) and 59% were women (including four repeat appointments).

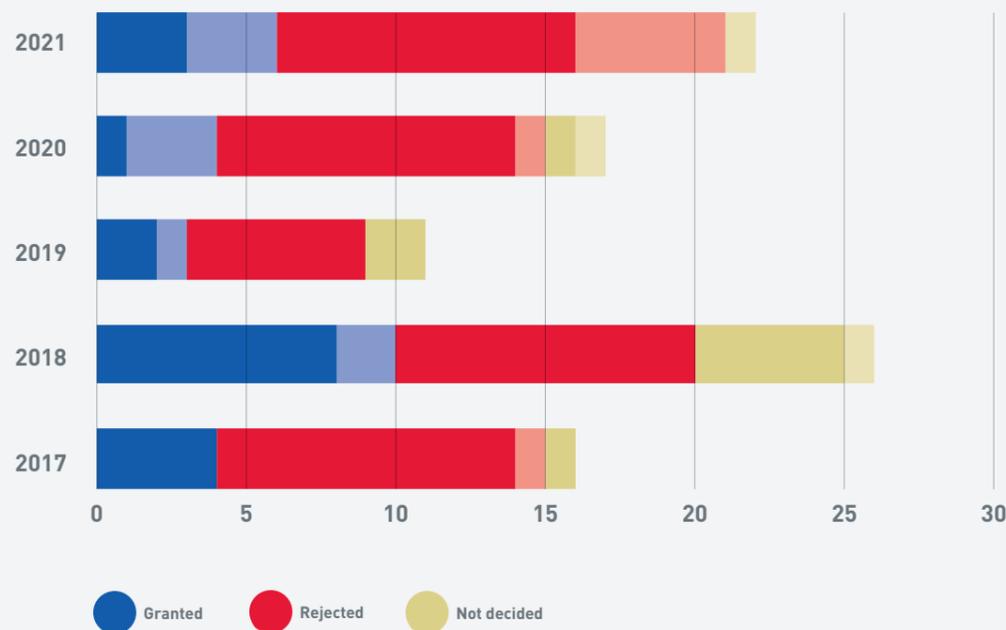
There were more tribunal secretaries appointed to assist sole arbitrators than three-member tribunals in 2021, in comparison to in 2020. In 2021, 64% of appointments of secretaries were to assist sole arbitrators and 36% to three-member tribunals. In 2020, the split was more even with 44% of appointments of tribunal secretaries assisting sole arbitrators and 56% assisting three-member tribunals.

Tribunal secretaries hold nationalities from across a wide range of countries, and while the percentage of British nationals is the largest (30% of appointments), it is smaller than for arbitrators.

# EXPEDITED FORMATION OF TRIBUNALS AND EMERGENCY ARBITRATOR APPOINTMENTS

In 2021, there was an increase in applications for both expedited formation of the tribunal and for the appointment of an emergency arbitrator. There were 15 applications for expedited formation of the tribunal pursuant to Article 9A of the LCIA Rules, two more than in 2020. The number of applications as a percentage of new cases for 2021 and 2020 was 5% and 3%, respectively. Eleven of the 15 applications made in 2021 were rejected, three were granted, and one was superseded by the parties' agreement to an expedited timetable overall.

Parties to LCIA arbitrations made eight applications for the appointment of an emergency arbitrator pursuant to Article 9B of the LCIA Rules, compared with five in 2020. The number of applications as a percentage of new cases for 2021 and 2020 was 2% and 1%, respectively. Five of the eight applications made in 2021 were rejected and three were granted.



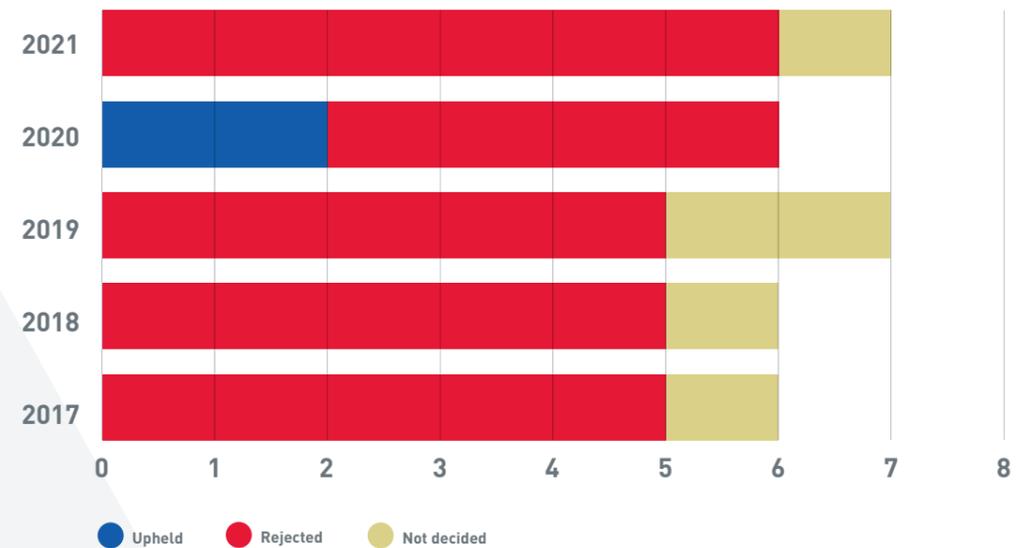
In the above chart, the lighter shades indicate emergency arbitrator applications. Applications for expedited formation of the tribunal and expedited appointment of a replacement arbitrator are displayed together in the darker colours.

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 Rules enable parties the opportunity to address preliminary matters with the tribunal at an early stage as well.

# CHALLENGES

The number of challenges pursuant to Article 10 of the LCIA Rules as a percentage of the number of arbitrations commenced pursuant to the LCIA Rules is consistently low in absolute numbers and as a percentage of all cases (2.02% in 2019, 1.47% in 2020, and 2.17% in 2021).

There were seven challenges to arbitrators, four of which were in related cases. Six challenges were dismissed, and in the other case the arbitrator resigned before a decision was required.<sup>1</sup>



In addition to formal challenges pursuant to Article 10 of the LCIA Rules, once an arbitrator has been appointed, objections on the basis of pre-appointment disclosures were made by parties in relation to eight arbitral candidates in 2021. The LCIA Court proceeded with the appointment in three of those cases.

Where the LCIA Court is the designated appointing authority in an arbitration pursuant to the UNCITRAL Rules, the LCIA Court will step in and decide the challenge. The LCIA records these challenges separately from those made by parties pursuant to the LCIA Rules, and there were two such challenges made in 2021, both of which were pending at the end of 2021.

<sup>1</sup> Any discrepancy between the outcomes in the following chart and previous reports are attributable to updates of pending challenges.

# MULTI-PARTY AND MULTI-AGREEMENT ARBITRATIONS

In 2021, 8.4% of arbitrations commenced pursuant to the LCIA Rules involved disputes arising out of more than one agreement, up from 5.4% in 2020.

In 2021, 24% of arbitrations commenced pursuant to the LCIA Rules involved more than two parties, and 1.24% of arbitrations involved ten or more parties. There were fewer multi-party arbitrations compared to 2020, where 31% of arbitrations involved more than two parties.

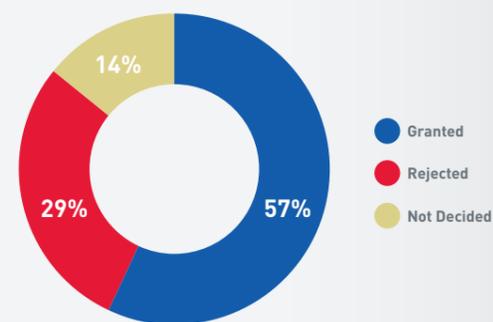
One of the eight cases administered by the LCIA pursuant to the UNCITRAL Rules involved two agreements. Of the eight arbitrations pursuant to the UNCITRAL Rules that the LCIA administered, five involved more than two parties. Where the LCIA acted as appointing authority, three arbitrations involved more than two parties. There were eight fundholding arbitrations involving more than two parties.

It should be noted that 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 subsequent to the Request and then become multi-agreement/multi-party arbitrations.

## JOINDER

Parties in arbitrations pursuant to the LCIA Rules made more applications for the joinder of a third party to the arbitration in 2021 than in 2020, bucking the downward trend in joinder applications over the last three years. Fourteen applications were made for the joinder of a third party in 2021, eight of which were granted, four were rejected, one was withdrawn, and one was superseded by the withdrawal of claims. In most cases all parties agreed to the joinder of the third party. In 2020, parties made five joinder applications.

Applications for joinder



# CONSOLIDATION

The decision to consolidate involves an assessment by the LCIA Court or the Tribunal of the concrete facts and circumstances of the relevant arbitrations. Each request will be decided on the basis of the facts and circumstances of the specific case. The following quantitative information provides some guidance on the provisions invoked and/or which were the basis of the order for consolidation.

In 2021, 43 applications for consolidation (13% of LCIA cases commenced in 2021) were made by parties pursuant to the LCIA Rules, a small increase from 2020 (50 applications or 12% of LCIA cases commenced in 2020). Twenty-seven of the 43 applications were to consolidate arbitrations commenced by a composite request for arbitration.

Of the 43 applications for consolidation:

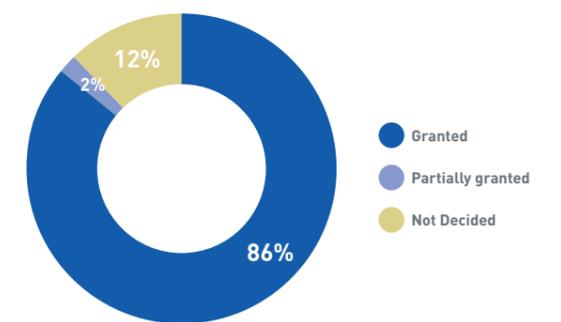
- seventeen applications were granted by the Court pursuant to Article 22.8(i) of the LCIA Rules 2020, following agreement by the parties;
- twelve applications were granted by the Court pursuant to Article 22.8(ii) of the 2020 Rules, and one application was granted partially by the Court pursuant to the same provision;
- five applications were granted by the Tribunal, with approval of the Court, pursuant to Article 22.1(x) of the 2014 Rules or Article 22.7(ii) of the 2020 Rules one of which was an application to consolidate two already-consolidated groups of cases under the same provision;
- three applications were granted by the Tribunal, with approval of the Court, pursuant to Article 22.1(ix) of the 2014 Rules or Article 22.7(i) of the 2020 Rules following agreement by the parties; and
- five applications were pending at the end of 2021.

The 27 cases which were submitted by a single composite request were all consolidated, some by the LCIA Court and some by Tribunal.

The LCIA Rules 2020 permit consolidation under broader circumstances, allowing more arbitrations to be consolidated by the LCIA Court at an earlier stage in the arbitration as demonstrated by the numbers below. In 2021, 30 of the 38 (79%) successful applications for consolidation were granted by the Court, compared to 15 out of 41 (37%) of successful applications for consolidation being granted by the Court in 2020.

There were no requests for concurrent proceedings.

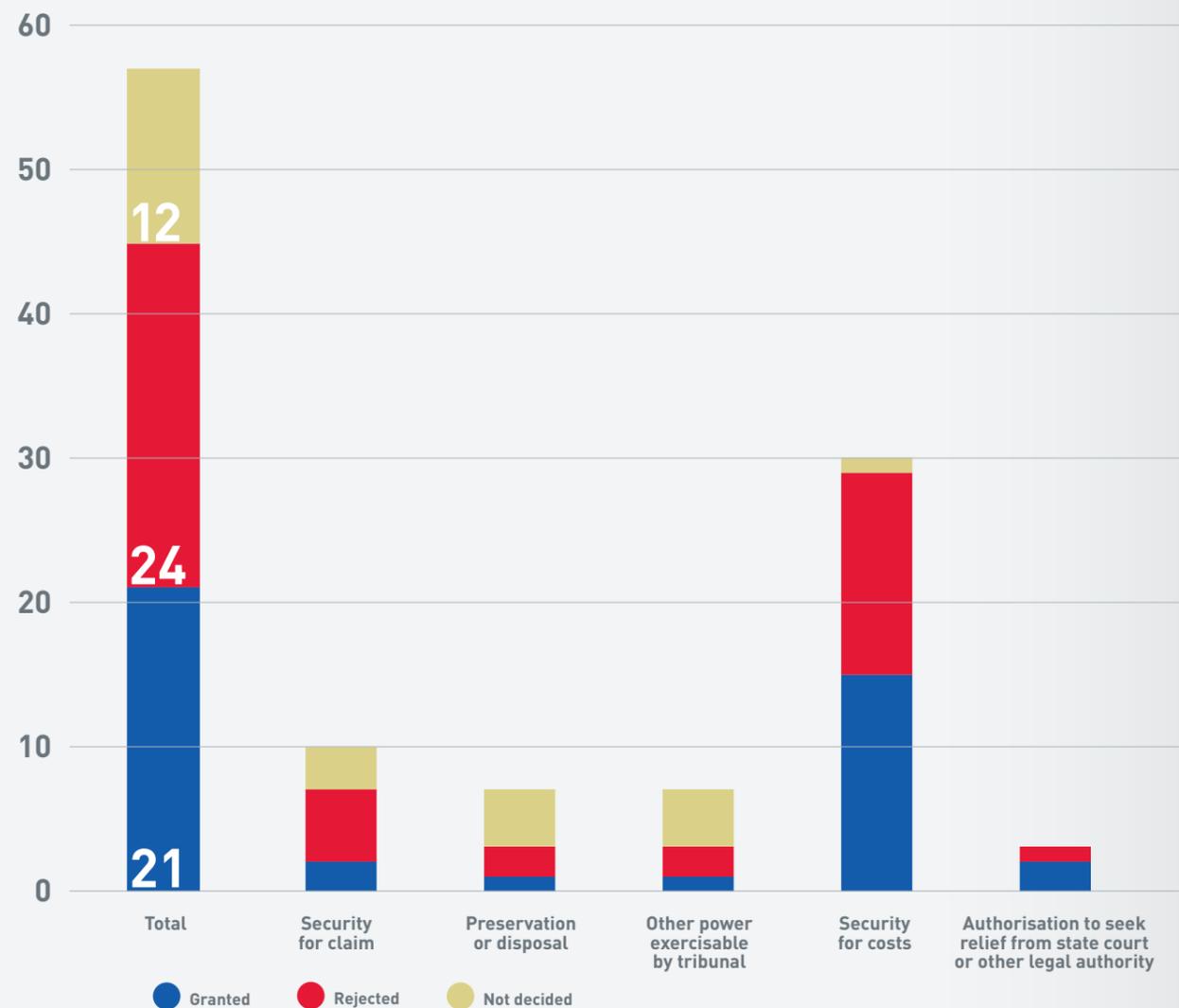
Applications for consolidation



# INTERIM RELIEF

In 2021, parties made 57 applications for interim and conservatory measures pursuant to Article 25 of the LCIA Rules, involving 38 arbitrations. Security for costs was the most common interim relief sought by the parties.

Tribunals granted the relief in 21 instances and rejected the application in 24 instances. The remaining 12 applications were superseded, withdrawn, or pending at the end of 2021.



In arbitrations administered by the LCIA pursuant to the UNCITRAL Rules, there was one application for interim relief, which was granted.

# EARLY DETERMINATION AND EXPEDITED PROCEEDINGS

The LCIA Rules 2020 expressly confirmed the power of the Tribunal to make an early determination and expedite proceedings.

In 2021, there were 15 applications for early determination, seven of which were granted, two were rejected, one was superseded by the parties' settlement of the case, and five were yet to be determined at the end of 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 Rules do not include a set fast-track procedure, but instead contain a whole tool kit which aims to expedite proceedings and allows for flexibility. It is therefore difficult to quantify precisely the instances where proceedings are expedited. As a result of not having a single procedure, the LCIA sees few explicit references and applications to expedited proceedings. In 2021, there were two explicit applications for expedited proceedings.

# OTHER ADR SERVICES

The LCIA received seven requests for adjudication and three requests for mediation. Four of the agreements were governed by English law. The governing laws were not disclosed in the other cases.

The disputes concerned a range of industry sectors including construction and infrastructure, insurance, professional services, and transport and commodities.

Thirty-one parties were involved in ADR services, 16 of which were from the United Kingdom, and one from each Guernsey, Turkey, and the USA. In one mediation, the nationalities of the twelve Respondents were not confirmed before the parties settled the dispute.



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