



THE MARITIME ARBITRATION UNIVERSE IN NUMBERS: IS LONDON'S CROWN UNDER THREAT?

London has historically always been at the centre of global dispute resolution, however in recent years Singapore has seen a significant rise in popularity as a chosen seat of international arbitration, in close pursuit of London's arbitration crown. With record increases in caseloads reported in 2020, and reports that Singapore was on a par with London in terms of the most preferred seat for international arbitration in 2021¹, Singapore's popularity as a venue for international arbitration is clear. But has Singapore continued to attract arbitral parties in 2022, and does this popularity apply equally to maritime arbitration?

Since 2018, HFW has been compiling and comparing caseload statistics from the leading maritime arbitration associations and institutions around the globe. In this report we analyse the very latest maritime arbitration statistics, some of which have not previously been made publicly available, to determine whether London has retained its position as the leading maritime arbitration centre in the face of ever-increasing global competition.

A recap of 2019 and 2020's statistics

Our report in 2020² showed that in 2019 London handled in the region of 83% of all arbitrations concerning international maritime disputes, an almost 14% increase above London's 2018 maritime arbitration caseload. By way of comparison, Singapore handled the equivalent of

13% and Hong Kong saw the equivalent of approximately 7% of London's maritime arbitration caseload in 2019.

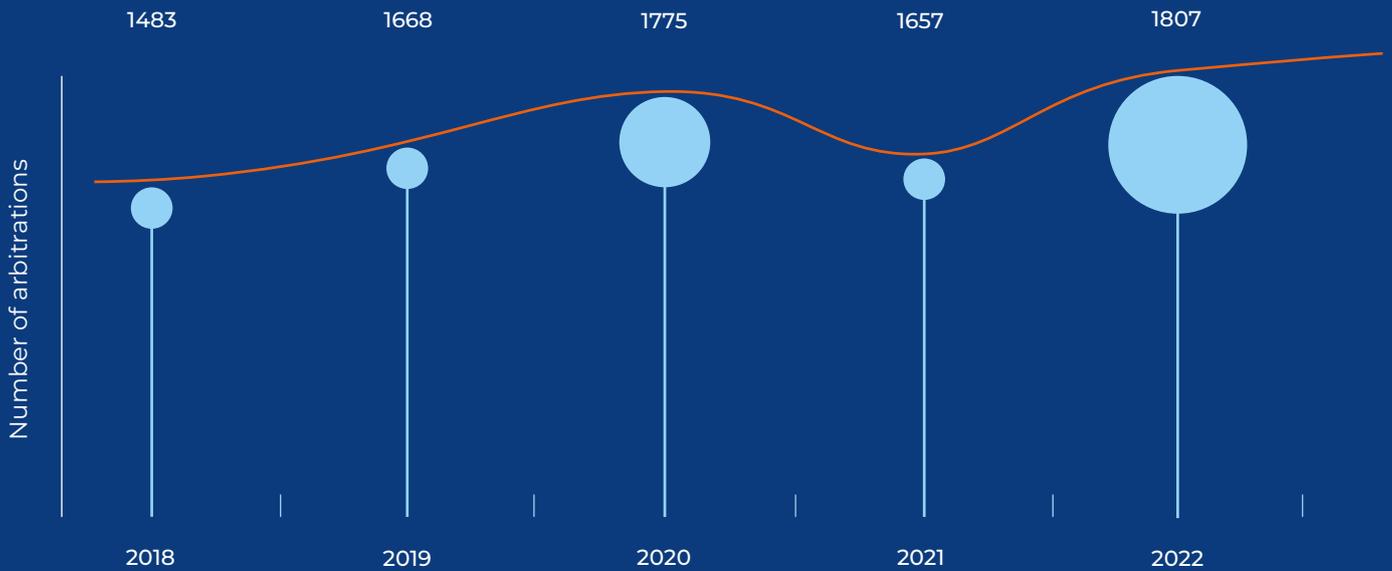
Additional research undertaken in 2021 indicated that, as in 2019, in 2020 London unequivocally held its position as the seat of choice for international maritime arbitration³. Singapore remained London's strongest competitor in 2020, handling the equivalent of approximately 6% of London's maritime arbitration caseload, with 117 new international arbitrations shared between the Singapore International Arbitration Centre (SIAC), the Singapore Chamber of Maritime Arbitration (SCMA), and International Court of Arbitration of the International Chamber of Commerce (ICC)⁴. Hong Kong followed closely behind Singapore, reporting particularly healthy figures for 2020; the Hong Kong International Arbitration Centre (HKIAC) administered approximately 59 new international maritime arbitrations in 2020⁵, a 34% increase since 2019, while the Hong Kong Maritime Arbitration Group (HKMAG) received 85 maritime arbitral appointments in 2020, up from 78 appointments in 2019⁶.

The latest maritime arbitration numbers: 2021 and 2022

London

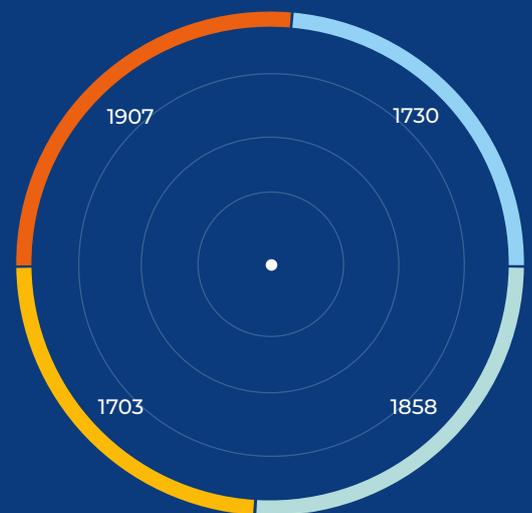
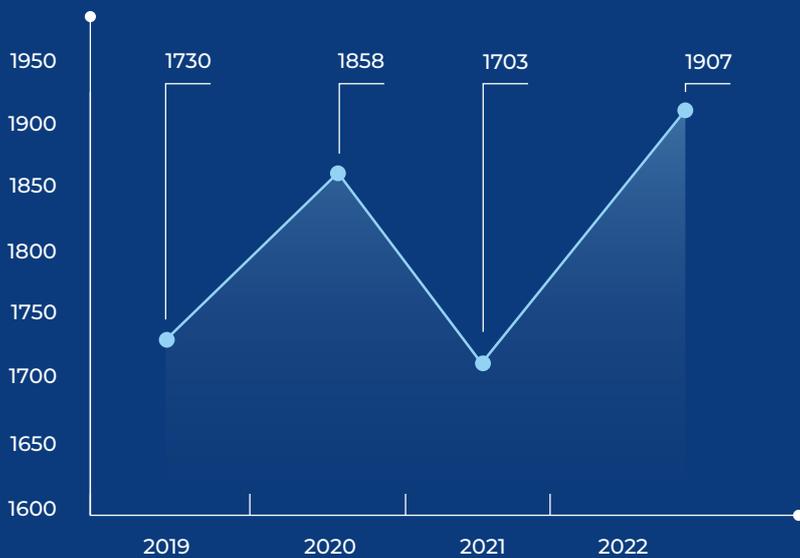
The London Maritime Arbitrators Association (LMAA) received approximately 1,807 new, individual maritime references in London in 2022, up from 1,657 in 2021⁷. Last year's volume of LMAA references was the highest since HFW commenced its Maritime Arbitration in Numbers series in 2016. The LMAA also reported a record number of arbitrator appointments for 2022, with 3,193 appointments, the highest number of appointments since 2013, surpassing its previous peak of 3,010 appointments in 2020 by almost 200⁸.

LMAA London Caseload Statistics



The maritime/transport sector continued to dominate London arbitration institutions' caseloads in 2022, with 37% of the London Court of International Arbitration's (**LCIA**) 2022 referrals for LCIA arbitration falling within the transport and commodities industry sector (an increase from 14% in 2021).

London maritime arbitrations



■ 2019 ■ 2020 ■ 2021 ■ 2022

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The latest 2021 and 2022 ICC statistics have not been publicly released¹⁰, however, although they do not record isolated maritime sector statistics, the ICC have confirmed their recent "transportation" sector arbitration statistics directly to us. In 2022, the ICC registered 42 transportation related arbitrations, a slight decrease from the 55 transportation related arbitrations they registered in 2021. The United Kingdom was the favoured seat for ICC arbitrations in 2021 (followed closely by France) and the second most frequently selected seat for arbitration in 2022 (with France moving up into first place).

In accordance with the statistics provided to us by the ICC, 12% of ICC arbitrations in 2022 were seated in the UK. Applying this percentage to the 42 "transportation-related" ICC arbitrations suggests that approximately 5 were London (UK) based arbitrations. In 2021, 13% of ICC arbitrations were seated in the UK, and we can therefore estimate that approximately 8 of the UK based ICC arbitrations were "transportation-related".

When the LMAA's figures for 2022 are combined with the LCIA's statistics from the same period, together with those from the ICC, we can report that London handled approximately 1,907 new international maritime (and transportation) arbitrations last year, up from 1,703 in 2021, representing an increase of almost 12%.

Singapore

Our research also indicates that Singapore, London's closest competitor in the dispute resolution market, saw the equivalent of approximately 5% of London's maritime arbitration caseload in 2022, with 96 new international arbitrations shared between the SIAC, SCMA, LCIA and ICC. While this represents a slight increase from the 92 new international maritime arbitrations shared between the same Singapore arbitral institutions in 2021, it is a decrease from the 117 equivalent arbitrations reported in 2020¹¹. In both 2022 and 2021 the SIAC registered the most maritime arbitrations cases in Singapore, with 47 in 2022 and 50 in 2021, closely followed by the SMCA with 45 and 37 respectively.

Hong Kong

Hong Kong, a rival to Singapore as an alternative regional centre for maritime arbitration, has reported particularly healthy figures over the past few years. The Hong Kong International Arbitration Centre (HKIAC) administered approximately 32 new international maritime arbitrations in 2022, and 31 in 2021¹². The Hong Kong Maritime Arbitration Group (HKMAG) have confirmed to us that they received 111 maritime arbitral appointments in both 2022 and 2021, up from 85 maritime arbitral appointments in 2020 (data on new arbitration cases filed was not available). Although the volume of maritime arbitrations in Singapore and Hong Kong are steadily increasing, the numbers indicate that both regions have some way to go to attract a more significant proportion of the maritime industry's litigants compared to London.

China

March 2022 saw significant developments within maritime arbitration in China. Both the China Maritime Law Association (CMLA) and China Maritime Arbitration Commission (CMAC) issued new rules simultaneously on 18 March 2022. However, as with our previous reports, we have not included statistics for China in this report, since these institutions administer mostly regional (rather than international) maritime disputes, and as a result companies unconnected to China are unlikely to select China as a seat of arbitration. However, China is certainly a jurisdiction to watch given its recent advances in maritime arbitration and we will continue to monitor its evolution.

Paris

Paris, which has a long-standing reputation as a safe seat for dispute resolution in Europe, continued to be a popular choice for maritime arbitration in 2022 and 2021. Paris arbitral institutions, the ICC and the Chambre Arbitrale Maritime de Paris (CAMP), hosted approximately 36 maritime arbitrations in 2022, and 37 in 2021¹³. This corresponds to approximately 2% of London's maritime arbitration caseload for 2022. As always, it should be noted that Paris has a significant *ad hoc* arbitration caseload that is not able to be included within the statistics.

Dubai

Following some uncertainty in the aftermath of Dubai Decree No. 34 of 2021 (Decree No. 34), the Dubai International Arbitration Centre (DIAC) published Arbitration Rules 2022 (the DIAC Rules), which came into force on 21 March 2022.

Under Decree No. 34, the Emirates Maritime Arbitration Centre and the Dubai International Financial Centre (DIFC) Arbitration Institute (and effectively, the DIFC-LCIA Arbitration Centre of which it was a part) were abolished. Their work was subsumed into the DIAC, which has become the principal arbitration centre in Dubai. Unless agreed otherwise, those with arbitration agreements referring to the abolished arbitration centres will now have their arbitration administered by the DIAC under the DIAC Rules¹⁴.

The DIAC's inaugural annual report was published on 8 June 2023, and confirms that in 2022 it registered 340 new cases, and while 44% of the new cases had an international aspect, only 2% originated from the maritime sector. This equates to approximately 7 maritime references, which corresponds to just under 0.4% of London's 1,907 maritime arbitration references for 2022.

USA

For the first time in our maritime arbitration statistics series, we have also been able to obtain data from the United States which indicates the confidence of maritime parties to select the United States as a seat of maritime arbitration. The Society of Maritime Arbitrators (SMA) recorded 102 arbitral appointments in New York in 2022, down from 163 in 2021. While this reduction represents a decrease of 37%, the first half of 2023 looks set to rival 2021 figures, with 66 appointments reported already by

June 2023. Furthermore, the number of awards issued in 2021 and 2022 remain remarkably constant, despite the fluctuation in appointments, with 24 awards issued in 2021 and 22 in 2022¹⁵.

As with Hong Kong's maritime statistics, we cannot directly compare statistics for New York and London maritime case references, as the SMA do not report these. However, comparing appointment statistics for the SMA in New York (102) and the combined LCIA and LMAA appointment figures in London (3,288) suggests that New York maritime arbitration appointments equate to a respectable 3.1% of London maritime arbitration appointments.

In addition to New York, maritime arbitrations also occur in the United States under the auspices of other organisations such as the Houston Maritime Arbitrators Association, the Miami International Arbitration Council, the United States Maritime Arbitration Association, the American Arbitration Association, and the International Centre for Dispute Resolution.

While statistical data is not available for those organisations, the Houston Maritime Arbitrators Association (**HMAA**) confirmed in 2021 that they typically register approximately 25 maritime proceedings each year¹⁶ and have this year advised us that its numbers continue to be "steady".

Commentary

The numbers referred to above clearly illustrate that London, followed by Singapore, Hong Kong and then Paris respectively, was by far the most popular seat for maritime arbitration in 2022, handling over 85% of the world's maritime arbitration in 2022.

Despite Singapore's popularity as an international arbitration hub, London remains at the forefront of the maritime arbitration sector. As we anticipated in one of our previous reports, Brexit has not affected London's status as the most trusted jurisdiction for resolving shipping disputes.

Parties to maritime arbitrations continue to elect to arbitrate in London and include clauses specifying arbitration (instead of court) as their preferred method of dispute resolution, with the knowledge and reassurance that the procedural rules and, perhaps more importantly for commercial parties, confidentiality will be respected and that enforcement will continue under the New York Convention 1958. Given the 2021 International Arbitration Survey by Queen Mary University¹⁷ identified "*greater support for arbitration by local courts and the judiciary*" as the most significant "*adaptation*" affecting parties' seat preference, the importance of this knowledge should not be underestimated.

Adapting and evolving to industry challenges

London maritime arbitration, and in particular LMAA arbitration, also maintained popularity during 2020 and 2021 by adapting quickly and effectively to the changing circumstances created by the Covid-19 pandemic. With the pandemic itself giving rise to disputes, together with the need for social distancing, most arbitration institutions were required to adapt quickly to virtual

hearings. The LMAA, which was no stranger to conducting remote hearings prior to the pandemic, was quick to adapt, and introduced a protocol for virtual and hybrid hearings in the summer of 2020. The option for virtual hearings remains available, and was formalised into the wording of the LMAA Terms 2021 which came into effect on 1 May 2021¹⁸.

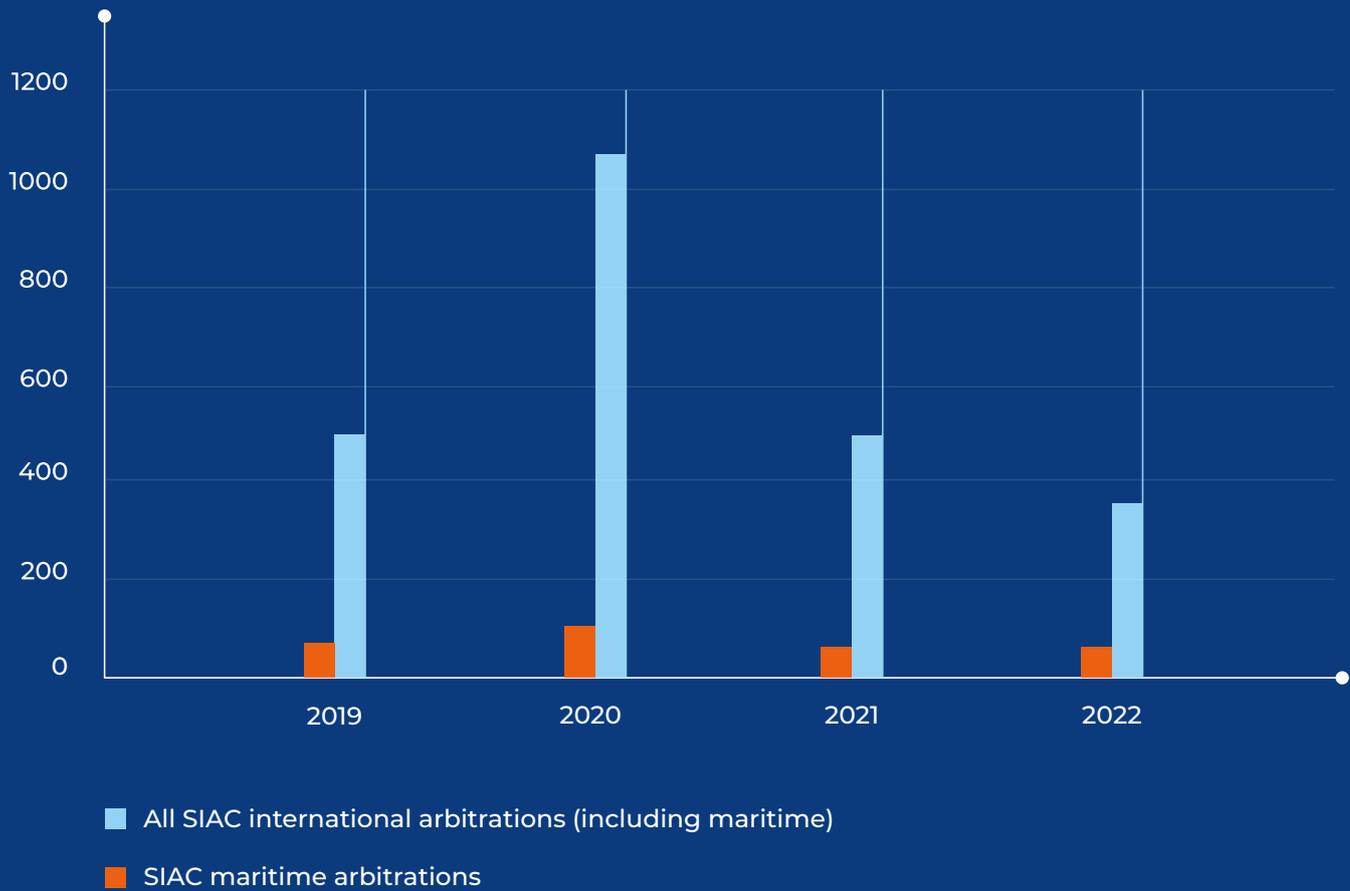
The LMAA was not alone in its evolution towards virtual and hybrid hearings; other arbitral institutions adapted similarly, with many continuing either virtual or hybrid hearing options in 2022, reflecting the ability of the maritime industry to adapt and providing flexibility in terms of how hearings are conducted¹⁹. For example, it is possible to have a hearing with counsel and arbitrators attending in person, but with witnesses and experts testifying virtually.

While it has not been possible to scrutinise with any certainty the influence of geopolitical events occurring over the past few years on maritime arbitration trends, these events undoubtedly had, and will continue to have, an impact on the maritime industry, and in turn on maritime arbitration.

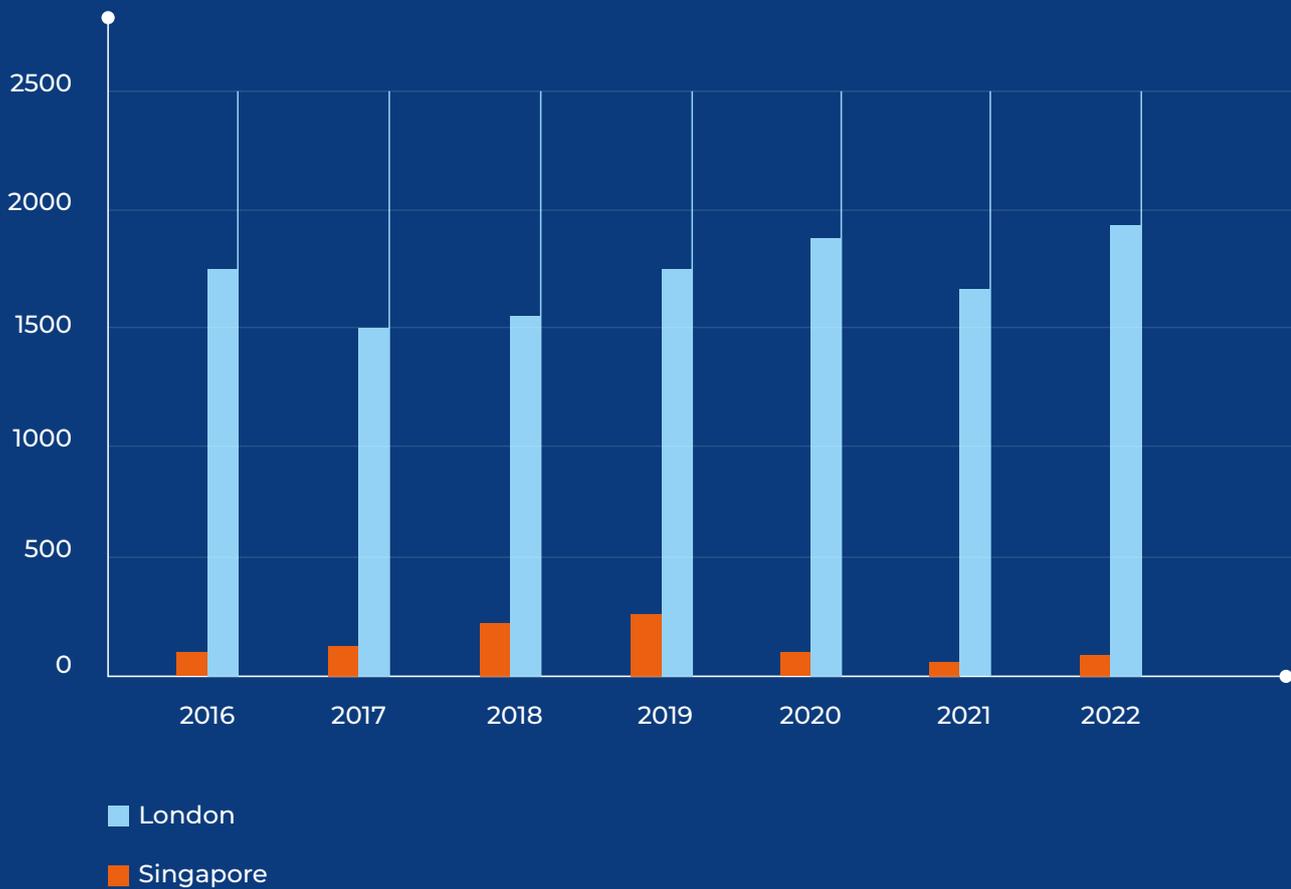
Although the most significant impact of the Covid-19 pandemic now looks to be behind us, new global challenges have presented themselves in the guise of the war in Ukraine, increased international sanctions and supply chain issues, developments in climate legislation, and evolving technology and cyber risks. All of these are likely to affect global maritime statistics, as parties respond to the obstacles presented and the implications for their businesses, whether financial, political or logistical. However, given the confidential nature of maritime arbitration, it is - and will most likely remain - impossible to determine the full impact each of these developments have had on maritime arbitration to date, and how they may influence the statistics going forward.

The increasing popularity of *ad hoc* arbitration for resolving disputes in the maritime industry also cannot be overstated, and is another example of how arbitration can evolve and adapt to industry requirements. *Ad hoc* arbitration can be less expensive, but most importantly it allows the parties more flexibility to independently determine the dispute resolution procedures themselves, without recourse to an arbitral institution. This of course relies on the parties' cooperation to ensure success, and failure to cooperate can lead to logistical issues, delays and potentially additional disputes. That said, in theory the *ad hoc* arbitration route enables parties to ensure that the arbitration procedure is tailored to their businesses and specific industry sectors, and can be managed by practitioners and experts from those industry sectors. The LMAA's 2022 and 2021 caseload statistics highlight the continuing popularity of *ad hoc* arbitration in the maritime sector. Similarly, although the LCIA 2022 report does not refer to *ad hoc* arbitration, the LCIA's 2021 and 2020 reports both confirm LCIA involvement in *ad hoc* arbitrations, by way of appointing authority and/or provision of fundholding services. Likewise, the ICC's latest report (2020) indicates that 17 cases were filed with the ICC as the appointing authority, of which 5 were *ad hoc*.

SIAC Statistics



Maritime arbitrations: London & Singapore



Looking ahead

Looking to the future, we anticipate London will remain firmly at the centre of global maritime dispute resolution. London's solid reputation as a trustworthy and neutral forum for international arbitration, together with its renowned history of maritime expertise, hundreds of years of English case law precedent, and as headquarters to numerous international shipping, trade and insurance associations, including the IMO, International Chamber of Shipping, Lloyds of London and the Baltic Exchange, to name just a few, make it an extremely attractive option for resolving maritime disputes, including *ad hoc* arbitration. Our analysis of the latest statistics provides no indication that a decline in London's popularity for maritime arbitration is on the horizon for 2024.

The statistics referred to above are our best estimates produced from the figures for maritime arbitrations, both published and provided to us upon request. They cannot completely capture all global maritime arbitration references as not all institutions provide full breakdowns by jurisdiction and sector, and ad hoc arbitrations are difficult to track. Arbitration institutions also use different methods to record their arbitration statistics, which makes comparative analysis of figures more difficult. Please find a comprehensive explanation of the statistics [here](#).

Footnotes:

- 1 The 2021 International Arbitration Survey by Queen Mary University identified Singapore and London jointly as the most preferred seats for international arbitration. Furthermore, the Singapore International Arbitration Centre (SIAC) was listed in the 2021 Arbitration Survey as being one of the five most preferred arbitral institutions globally. <http://www.arbitration.qmul.ac.uk/research/2021-international-arbitration-survey/>
- 2 <https://www.hfw.com/downloads/002203-HFW-Maritime-Arbitration-in-Numbers-July-2020.pdf>
- 3 When the LMAA's figures for 2020 (1,775 new, individual maritime references) are combined with the LCIA's statistics from the same period, together with those from the ICC, London administered approximately 1,858 new international maritime arbitrations. <https://lmaa.london/wp-content/uploads/2023/03/Statistics-up-to-2022-for-website.pdf>

The number of arbitrations administered in 2020 under LCIA Rules categorised in the transport and commodities sector was approximately 90 (22% of 407 cases administered pursuant to LCIA Rules), with England chosen as the arbitral seat in approximately 84% of cases (approximately 76 cases). <https://www.lcia.org/LCIA/reports.aspx>

The ICC registered a record total of 946 new cases in 2020 and, using 2018 and 2019 data provided by the ICC as an indicator, we estimated approximately 12% of the ICC's new arbitrations relating to the transportation sector (which accounted for approximately 6% of ICC caseload) were seated in London. <https://iccwbo.org/news-publications/arbitration-adr-rules-and-tools/icc-dispute-resolution-statistics-2020/>

<https://iccwbo.org/news-publications/news/icc-announces-record-2020-caseloads-in-arbitration-and-adr/>
- 4 The SCMA oversaw 43 new maritime case references in 2020 (<https://www.scma.org.sg/SiteFolders/scma/387/YIR/SCMA2020YearInReview.pdf>). The SIAC received 72 new maritime references (https://siac.org.sg/wp-content/uploads/2022/06/SIAC_Annual_Report_2020.pdf) and using data provided by the ICC as an indicator we estimate the ICC received 2 new maritime cases in 2020.
- 5 <https://www.hkiac.org/about-us/statistics>
- 6 These statistics were provided by email from HKMAG.
- 7 <https://lmaa.london/wp-content/uploads/2023/03/Statistics-up-to-2022-for-website.pdf>
- 8 LMAA arbitration: a strong showing in 2022 - LMAA. <https://lmaa.london/lmaa-arbitration-a-strong-showing-in-2022>
- 9 In 2022, the number of arbitrations administered under LCIA Rules categorised in the transport and commodities sector was approximately 108 (37% of 293 cases administered pursuant to LCIA Rules), with England chosen as the arbitral seat in approximately 88% of cases (95 cases). In 2021, the number of arbitrations administered under LCIA Rules categorised in the transport and commodities sector was approximately 45 (14% of 322 cases administered pursuant to LCIA Rules), with England chosen as the arbitral seat in approximately 85% of cases (38 cases). <https://www.lcia.org/LCIA/reports.aspx>
- 10 The ICC unveiled preliminary 2021 statistics in January 2022, but the full statistics are not publicly available.
- 11 The SIAC's statistics can be found here: https://siac.org.sg/wp-content/uploads/2023/04/SIAC_AR2022_Final-For-Upload.pdf and <https://siac.org.sg/wp-content/uploads/2022/06/SIAC-AR2021-FinalFA.pdf>.

The SCMA 2022 Year in Review report can be located on their facts and figures page: <https://www.scma.org.sg/about-us#FactAndFigures>.

We estimate the ICC registered approximately 2 to 3 maritime cases in Singapore in 2022 and 2021 based upon their statistics provided to us by email, however the ICC have cautioned that of their 5% and 6% of cases seated in Singapore in 2022 and 2021 respectively, this may also include cases registered in the preceding year, if the seat was determined at a later date.

We estimate that approximately 1-2% of the LCIA's new arbitrations were seated in Singapore in 2022 and 2021, which equates to approximately 2 cases each year (please see links to LCIA's reports in footnotes 3 and 9).

The LMAA has not provided Singapore statistics this year.
- 12 <https://www.hkiac.org/about-us/statistics>
- 13 The ICC's statistics were confirmed by email, and CAMP's statistics were inferred based upon data provided in 2019 and 2020.
- 14 <https://www.hfw.com/DIAC-issues-its-new-and-long-awaited-Arbitration-Rules>
- 15 The SMA records appointments reported and awards issued but does not keep track of the number of registered cases commenced.
- 16 The HMAA were unable to provide their 2022 statistics
- 17 <http://www.arbitration.qmul.ac.uk/research/2021-international-arbitration-survey/>
- 18 <https://lmaa.london/wp-content/uploads/2021/05/COMMENTARY-ON-THE-LMAA-TERMS-2021.pdf>
- 19 The 7th edition Consultation draft of the SIAC Rules (released in draft form on 22 August 2023 – <https://siac.org.sg/siac-announces-public-consultation-on-the-draft-7th-edition-of-the-siac-arbitration-rules>) includes express reference to hybrid as a form of hearing option.



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