

LIDW 2021: London and the New, Decentralised Disputes Resolution Landscape

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Crina Baltag (Editor) (Stockholm University)

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London International Disputes Week (LIDW) 2021 commences today and promises to deliver – in an online format, this time – a week full of exceptional events focused on dispute resolution (and London). As such, and as in 2019, LIDW focuses on more than just arbitration.

The second session of the first day of LIDW 2021, 10 May 2021, discussed **London and the new, decentralised disputes resolution landscape** and was chaired by Dame Elizabeth Gloster DBE. The speakers, Julian Akratopulo, Clifford Chance; Maria Gritsenko, VEON; Professor Dr Jacomijn van Haersolte-van Hof, LCIA; John Howell OBE, MP; Oliver McClintock, Opus 2, brought comprehensive and unique views on the topic. The discussion covered how litigation, arbitration, ADR and other dispute resolution methods have adapted to the new decentralised landscape. Furthermore, the panel explored whether the venue of the court, tribunal or seat matters and what, in particular, London offers to the global disputes community in the new, decentralised landscape.

One question to the panellists focused on the types of disputes heard or dealt with in London and the dispute resolution methods used. In answering this question, Jacomijn van Haersolte-van Hof highlighted that London is not only big, but also

fragmented and there are various arbitration centres in London. For LCIA, the top three sectors that populate the arbitration case load are banking and finance, commodities and energy related disputes. This is partly because of the popularity of English law and secondarily of London as a seat of arbitration. Julian Acratopulo explained that when it comes to litigation, the English courts, in addition to the types of disputes mentioned before, see aviation and insurance related disputes, as well as M&A disputes, in particular in the context of covid-19 pandemics. London, Julian Acratopulo added, also remains the preferred choice for disputes involving CIS and former CIS countries. Jacomijn van Haersolte-van Hof added that the 2020 LCIA statistics, to be released soon, show that 1/3 of the cases involve Russian parties. Maria Gritsenko made the point that companies prefer London, irrespective of the type of dispute, and English law is also widely used. John Howell OBE referred to the Parliamentary Group on Alternative Dispute Resolution and the need to extend ADR to different areas, such as planning, as well as the implementation of conflict avoidance boards.

Another question addressed by Dame Elizabeth Gloster DBE to the panellists focused on the changes in the past months in the aftermath of Brexit and covid-19, and whether it is a change for better or for worse. Oliver McClintock referred to these changes as being to the better, at least from a technology point of view. There have been two major swifts in technology adoption: increased use of technology by legal teams and the wider adoption of virtual or hybrid hearings at an unprecedented scale. On the latter point, Oliver McClintock highlighted that the UK courts, at the early stages of the pandemic, committed to remain open and that proceedings would continue through the use of technology, including in complex trials. As a direct consequence of the increased use of technology, one could see in the past months significant investment in technology, from courts to arbitration centres and law firms, and also new hearing venues becoming fully prepared for online or hybrid hearings. The prediction is that smaller matters, such as case management conferences, will remain fully virtual, and that hybrid hearings, with few participants in the room and the majority joining remotely, will become the new normal. Because of this, venue or hearing centres will continue to be relevant and the sophistication of the venue becoming even more important, to be able to address the complexities of the technical requirements for this type of hearing. Nonetheless, larger, more complex hearings will be conducted in person. For Maria Gritsenko, some return to in person contact is important for meeting clients and experts, while work can continue remotely in most of its part. John Howell OBE

highlighted the difference between arbitration and mediation in this online setting, mediation being more difficult to conduct, as it is a more intimate process in which the live, direct reaction of people is very important.

On the question of what London has to offer to the global disputes community and how this differs from other jurisdictions, Maria Gritsenko pointed out that London remains a preferred seat because of a combination of various factors, such as familiarity with London, the competence and integrity of London arbitration and courts, as well as the constant innovation of the processes. For John Howell OBE, the Parliament works to improve the position of London on the international disputes map, one example being the recent private international law act which would enable the UK to sign related international instruments, such as the Singapore Convention on Mediation. For Julian Acratopulo and Professor Dr Jacomijn van Haersolte-van Hof, it is important that London benefits from the support of the government and judiciary, in particular in developing arbitration and mediation.

The programme of LIDW 2021 is available [here](#) and some sessions are free of charge.