Kluwer Arbitration Blog

LIDW 2025: Arbitration in Transition—Insights on Efficiency, Diversity, and Global Practice

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London International Disputes Week ("LIDW") 2025 commenced with International Arbitration Day on 2 June 2025. The opening event, hosted by Linklaters LLP, featured a keynote address by Kevin Nash, Director General of the London Court of International Arbitration ("LCIA"), followed by a panel of in-house counsel discussing best practices and jurisdictional insights in international arbitration, which this post proposes to summarise.

Keynote Speech: London as a Leading Forum for Resolving Disputes

Kevin Nash delivered a bold, compelling speech, highlighting statistics and the revised English Arbitration Act that reinforce London's status as a top arbitral seat.

Nash first emphasised the advantages of institutional arbitration over its *ad hoc* counterpart, citing cost-efficiency, institutional credibility, and procedural support, particularly in instances requiring referee-like intervention. However, he cautioned against a rigid, purist outlook in this era of renewed scrutiny. According to him, a flexible approach using mediation, negotiation, and hybrid models like med-arb would be more advisable.

Furthermore, Nash noted the rising resistance to expedited procedures, despite their benefits in saving time and resources. He commended institutions like the LCIA for achieving efficiency without formal fast-track rules and emphasized the broader importance of adaptability across arbitral frameworks. On emergency arbitration, he highlighted the delicate balance between avoiding judicial overreach and ensuring timely court support, stressing the need for effectively drafting clauses that ascertain the parties' intention to resolve disputes alternatively, in addition to ensuring that parties submit matters to arbitration before taking the judicial recourse. He closed by praising institutional case management for its precision, discipline, and timeliness, adding that structured systems can also promote diversity through meticulous data and oversight.

Nash concluded by noting that while LCIA rules currently in place remain perfectly adept to tackle any present issues, evolving legal needs call for a targeted upgrade, particularly to accommodate rapid modernisation and also in procedural domains such as early and mid-case assessments, sustainability, mass claims, and counsel conduct. With characteristic humour, he likened the process to tidying up a messy child's bedroom by describing arbitral institutions as both "petri

dishes of innovation" and "guardians of arbitral standards," noting that those institutions which are financially, legally, and operationally independent are uniquely positioned to uphold and evolve best practices in the field.

Disputes in the Middle East: Giga Projects and the Role of Arbitration

Linklaters LLP also hosted a session on Middle Eastern giga projects and the role of arbitration. The panel, which was moderated by Teresa Laboucarie-Polak (Linklaters), comprised of Anneliese Day KC (Fountain Court), Julian Hodda (Neom), Ahmed Ibrahim (Ibrahim ADR), Haroon Niazi (HKA), and Christian Alberti (SCCA). The panel started by highlighting logistical, political, and contractual risks that arise in large-scale construction efforts. Scope variations, design changes, delays, and payment issues are just a few of the frequent causes of disputes which generally drive up the cost and time in arbitration process. In these kinds of disputes, emergency arbitration and standing Dispute Avoidance/Adjudication Boards ("DAABs") have emerged as useful tools, but only when used thoughtfully. Ibrahim emphasised the rising importance of the dispute avoidance role of DAABs in the construction projects.

Panellists further emphasized that proactive planning is essential, whether that means ensuring clarity on how changing laws are addressed in contracts, setting consistent internal standards for multinational corporations, or choosing the right dispute forum from the outset. Panellists noted that mediation, DAABs, and arbitration each have their role, but their success depends on tailoring them to the specific nature of the dispute and the broader project context.

Finally, enforcement remains a concern, particularly in jurisdictions where legal systems are still developing. Alberti pointed out that enforcement mechanisms have improved in Saudi Arabia. The panel cautioned that legal differences, such as Sharia's law on interest and varying definitions of good faith, remain key challenges to enforcement and require nuanced legal handling.

Procedural Efficiency in Arbitration

The last panel, also hosted by Linklaters, offered a focused and pragmatic discourse on procedural efficiency in arbitration. The event was moderated by Christopher Style (One Essex Court) and featured insightful deliberation from Alexander Fessas (International Court of Arbitration of the International Chamber of Commerce ("ICC")), The Rt. Hon. Dame Elizabeth Gloster DBE, PC (One Essex Court), Andres Larrea Savinovich (Singapore International Arbitration Centre ("SIAC")), and Alison Ross (Global Arbitration Review). The panellists reflected upon how institutions, tribunals, counsel, and parties can work in concert to streamline proceedings without compromising fairness or party autonomy.

With institutional efforts as the initial focus, the participants then addressed emerging challenges. ICC's revision of its rules and reconsideration of the terms of reference, as highlighted by Alexander Fessas, reflect a broader trend: leading institutions such as ICC and SIAC are actively deploying procedural tools like expedited rules and summary procedures to manage time and cost more effectively. However, as Savinovich noted, these tools are only as effective as their adoption and use by both the tribunal and the parties.

Gloster underscored the responsibility of legal representatives to structure arbitration efficiently. Strategic use of tools, such as bifurcation, well-managed timetables, and pre-hearing case management, is instrumental to the process. Yet, she observed a general reluctance to use strikeout powers and summary dismissal, even when claims lack merit. Drawing a comparison to court procedures, she argued that arbitrators should be more willing to dismiss meritless claims early on, provided the process remains fair and transparent. Still, the spectre of bias challenges often deters arbitrators from exercising such discretion.

Fessas highlighted that institutional rules sometimes prioritize efficiency by limiting party autonomy. This balancing act between efficiency and autonomy was a recurring theme throughout the discussions, as Savinovic further argued that expedited procedures offer a middle path, preserving party control while promoting efficiency.

Christopher Style pointed out the selection of tribunal members itself poses challenges, especially when procedural conduct becomes contentious. Alison Ross added insights from the LCIA-GAR Roundtable in early 2024, where procedural inefficiencies were dissected. Common concerns per the roundtable included insufficient early-stage information, inconsistent procedural ownership, and lack of incentives for improving efficiency. Recommendations from the roundtable included empowering arbitrators through “soft powers” and better procedural frameworks.

Gloster raised an important nuance: granting tribunals full access to all documents and information from the outset may inadvertently escalate time and costs. There is no one-size-fits-all solution; party intentions must remain central, and procedural standards must adapt to the nature of each dispute. Cultural and jurisdictional differences in practices around document production and witness evidence can further complicate proceedings. Here, she called for clearer institutional rules granting tribunals more explicit autonomy in managing these processes. Fessas distinguished between general procedural powers and more serious measures like strikeouts, noting their differing legal weights. The panel ultimately agreed that procedural tools, such as early dismissal, summary arbitration, emergency measures, and expedited timelines, are only effective when embraced collaboratively by institutions, tribunals, and parties.

Artificial Intelligence

The session concluded with a discussion on artificial intelligence (“AI”), during which Fessas cautioned against overlooking public policy risks, citing the example of the European Union. Gloster also echoed these concerns, noting that while AI can improve efficiency, issues like transparency, confidentiality, and jurisdictional compliance must be dealt with care. To sum it all up, procedural efficiency in arbitration hinges not on rules alone, but on collective responsibility, practical judgment, and case-sensitive application of tools and technologies.

Conclusion

The outstanding merits of arbitration have become increasingly evident, placing it firmly within a league of its own. For years, the international arbitration community has strived over a critical endeavour as to how arbitration could better serve its clientele. The response lies, partly, in its capacity to accommodate local norms, commercial realities, and cultural expectations—elements

that are often overlooked, just as the pressures borne by arbitrators themselves may not always be fully appreciated by parties. Yet perhaps a more pressing question now emerges: how can we, as practitioners, better serve arbitration?

In light of the opening addresses and discussions on International Arbitration Day, a recurring theme emerges—one of thoughtful introspection. Whether through the recalibration of expedited procedures, a deeper understanding of the operational complexities of giga projects in the Middle East, or the rethinking of procedural design, each panel reaffirmed arbitration's relevance in meeting the demands of modern commerce. As the field continues to evolve in response to technological advancements, geopolitical shifts, and growing expectations around transparency and inclusivity, its continued success will depend not only on institutional innovation but on a collective commitment to refine, adapt, and uphold the integrity of the arbitral process.

This post is part of Kluwer Arbitration Blog's coverage of London International Disputes Week 2025.

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