



SAUDI LAW CONFERENCE  
المؤتمر السعودي للقانون

UNDER THE THEME OF: REINFORCING A SUSTAINABLE  
AND INCLUSIVE BUSINESS ENVIRONMENT

# INTERNATIONAL COURT OF ARBITRATION & SECRETARIAT

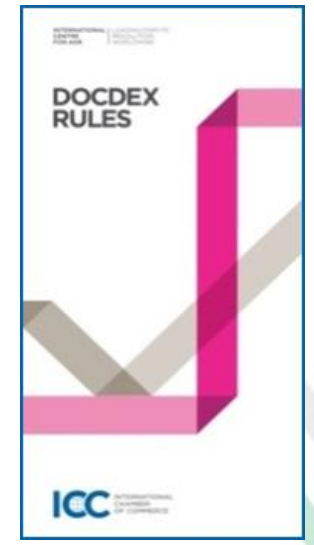
SAMI HOUEBBI



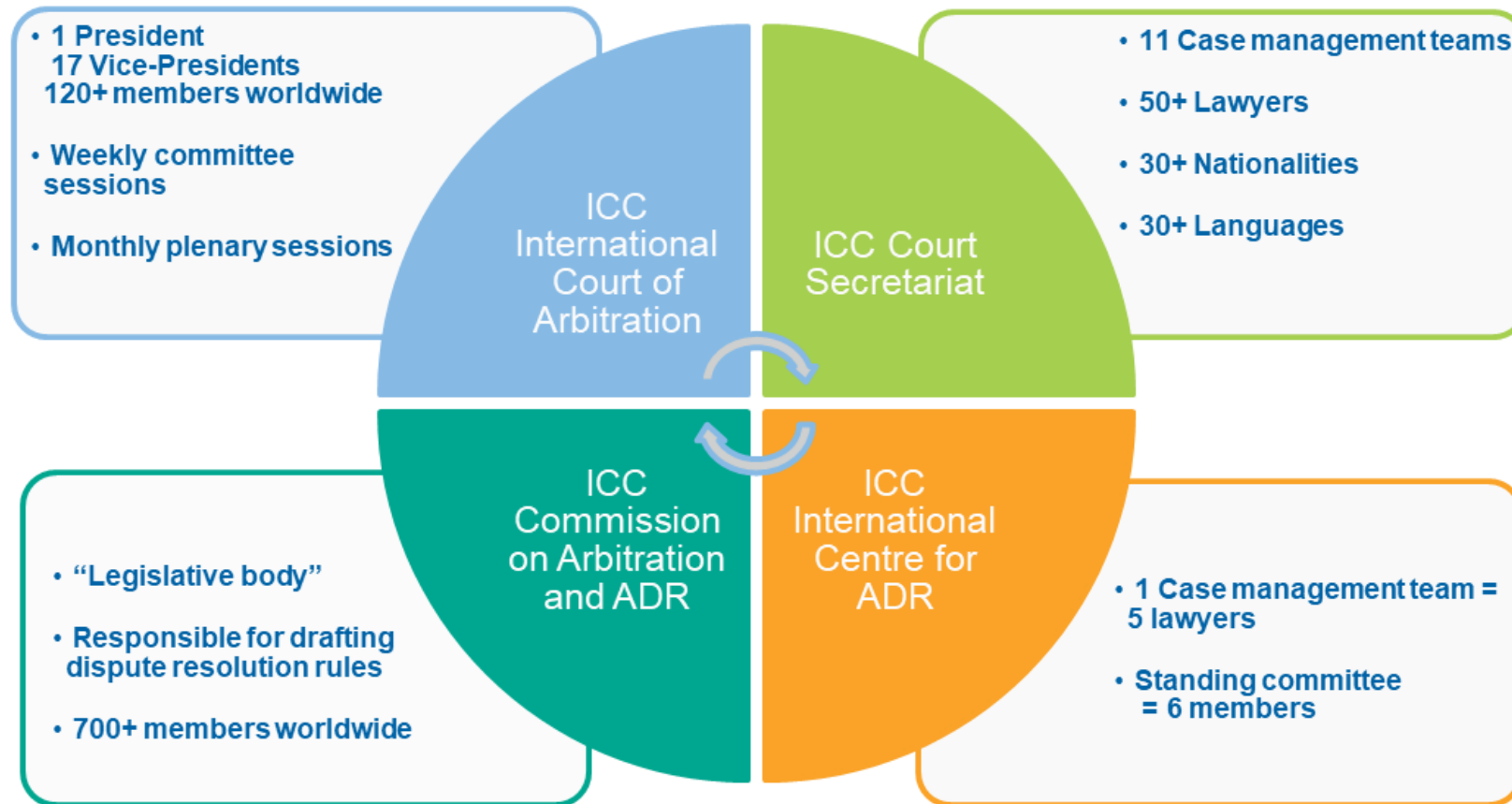
# ICC DISPUTE RESOLUTION SERVICES

ICC International Court  
of Arbitration

ICC International Centre  
for ADR



# WORLD CLASS ADMINISTRATION & EXPERIENCE



# THE INTERNATIONAL COURT OF ARBITRATION

---

<b>International Court of Arbitration (HQ in Paris)</b>	<b>Arbitral Tribunal (any place in the world)</b>
<ul style="list-style-type: none"><li>▶ Does not settle itself disputes</li><li>▶ Supervises the work of the Arbitral Tribunals and administers the proceedings</li><li>▶ Constitution of the Arbitral Tribunal</li><li>▶ Controls time limits under the Rules</li><li>▶ Award scrutiny</li><li>▶ Fixes arbitrator's fees and administrative expenses</li></ul>	<ul style="list-style-type: none"><li>▶ Decision on the merits of the case</li><li>▶ Management of the case in consultation with the parties</li><li>▶ Principles of rapid, diligent and contradictory process</li><li>▶ Drafts the terms of reference, renders procedural orders and awards</li><li>▶ Decides on the allocation of costs among the parties</li></ul>



# THE INTERNATIONAL COURT OF ARBITRATION

Founded in 1923

To date: 24 000+ cases

Court sessions are in English, special sessions are held in other languages

Members of the Court are appointed for a renewable three-year term by the World Council of the ICC

Composition

One President: Alexis Mourre

17 Vice-Presidents

194 Members from 116 countries and territories

Sessions

Committee sessions

Weekly

3 Court members

All type of decisions

Plenary sessions

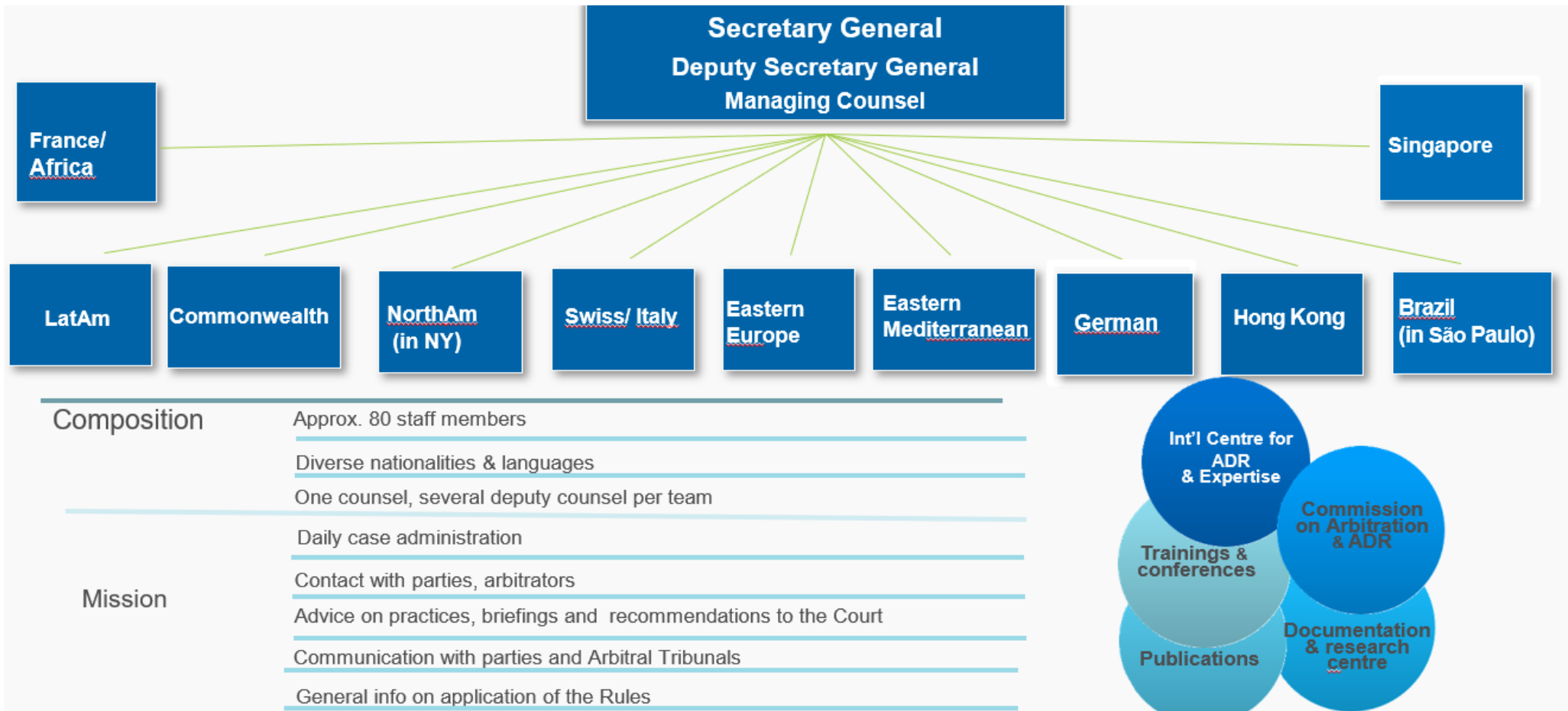
Monthly

Open to all Court members

Challenges, majority awards, States



# THE ICC SECRETARIAT



# STANDARD ICC ARBITRATION CLAUSE

---

*“All disputes arising out of or in connection with the present contract shall be finally settled under the **Rules of Arbitration of the International Chamber of Commerce** by one or more arbitrators appointed in accordance with the said Rules”.*

## Suggestions:

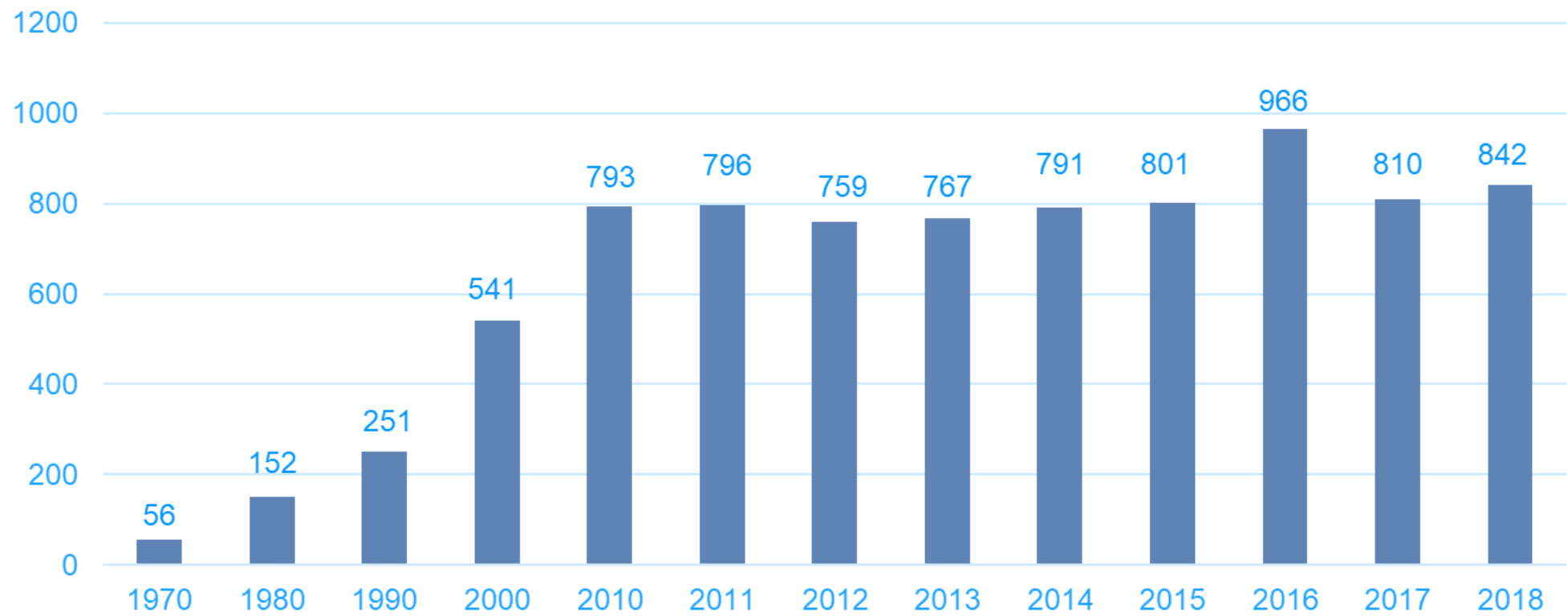
- ▶ Place of arbitration
- ▶ Language of arbitration
- ▶ Applicable law
- ▶ Number of arbitrators (1 or 3)

Emergency Arbitrators and Expedited Procedure Provisions apply according to conditions provided by the Rules.

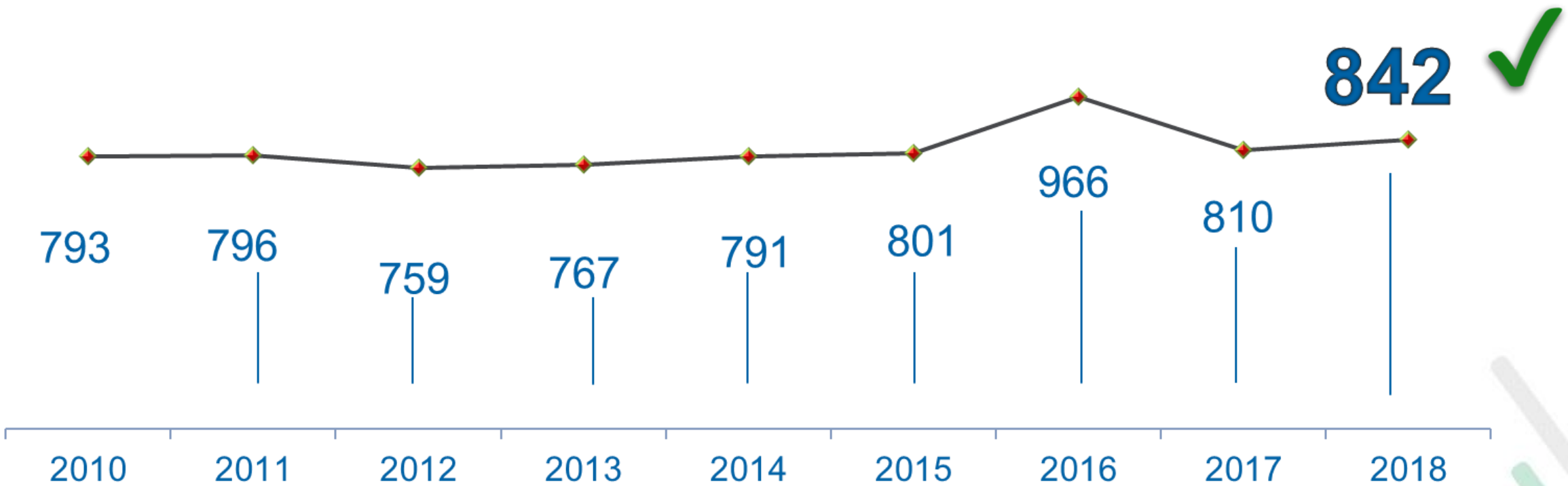


# HISTORY

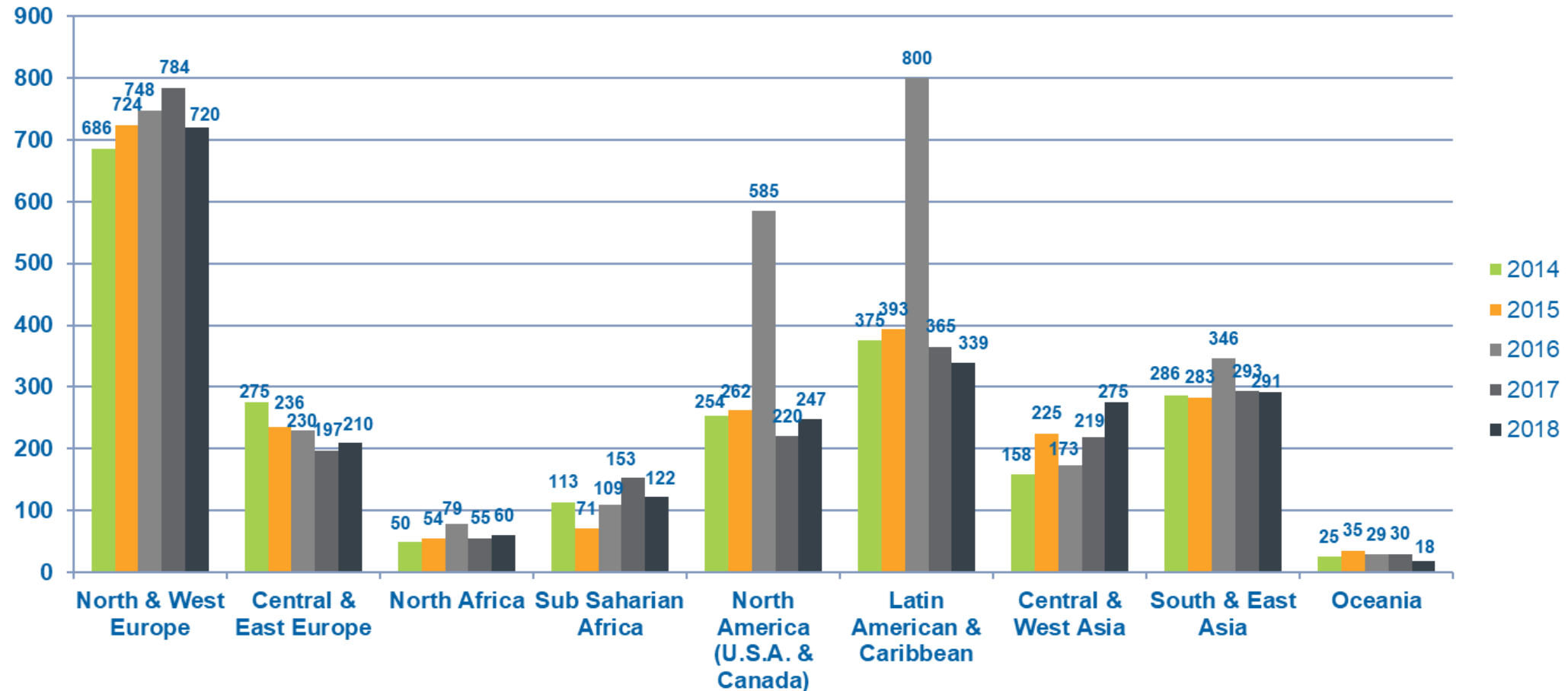
Number of cases registered by year



# REGISTERED CASES PER YEAR

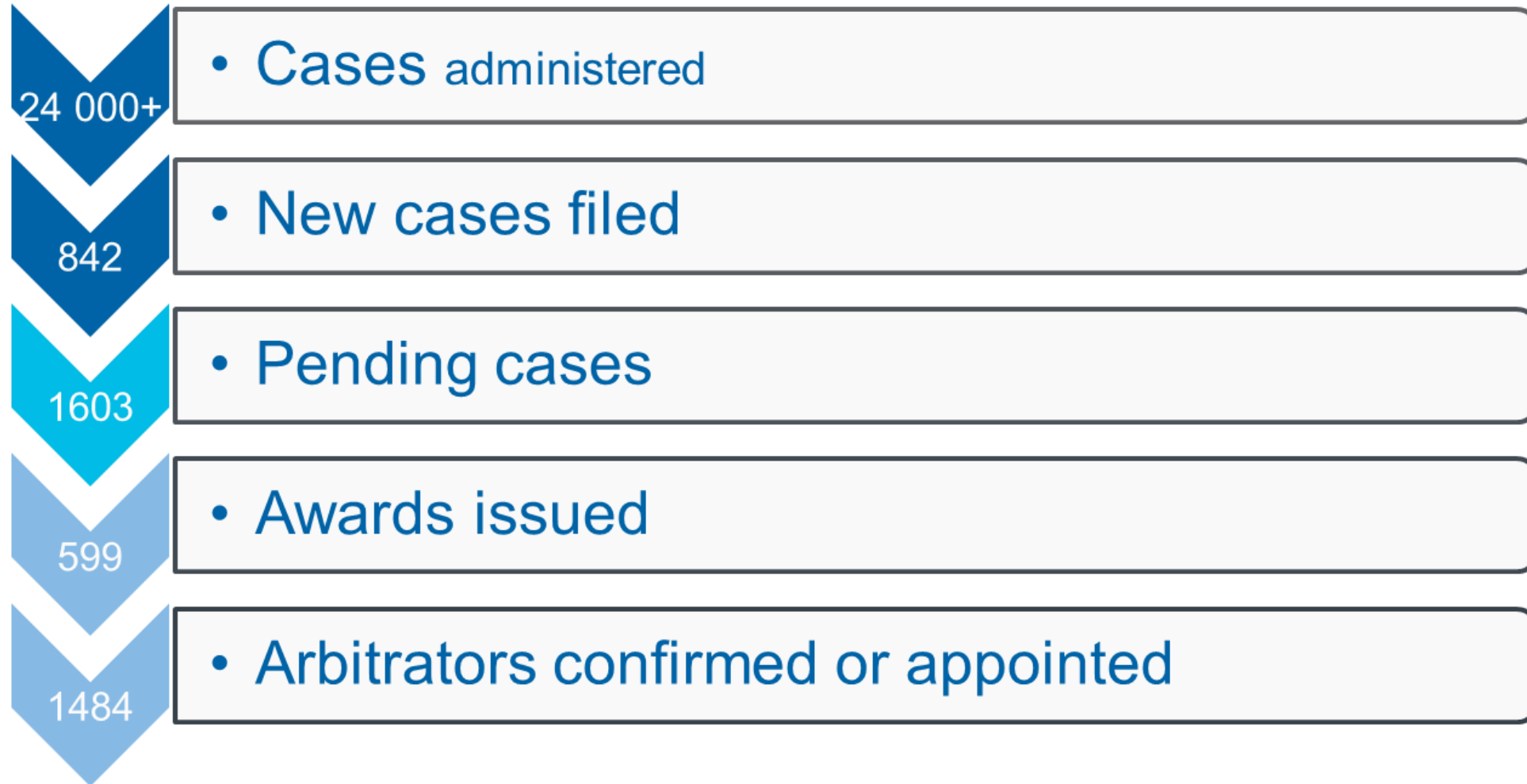


# YEARLY BREAKDOWN OF ICC ARBITRATIONS BY REGIONAL ORIGIN OF PARTIES



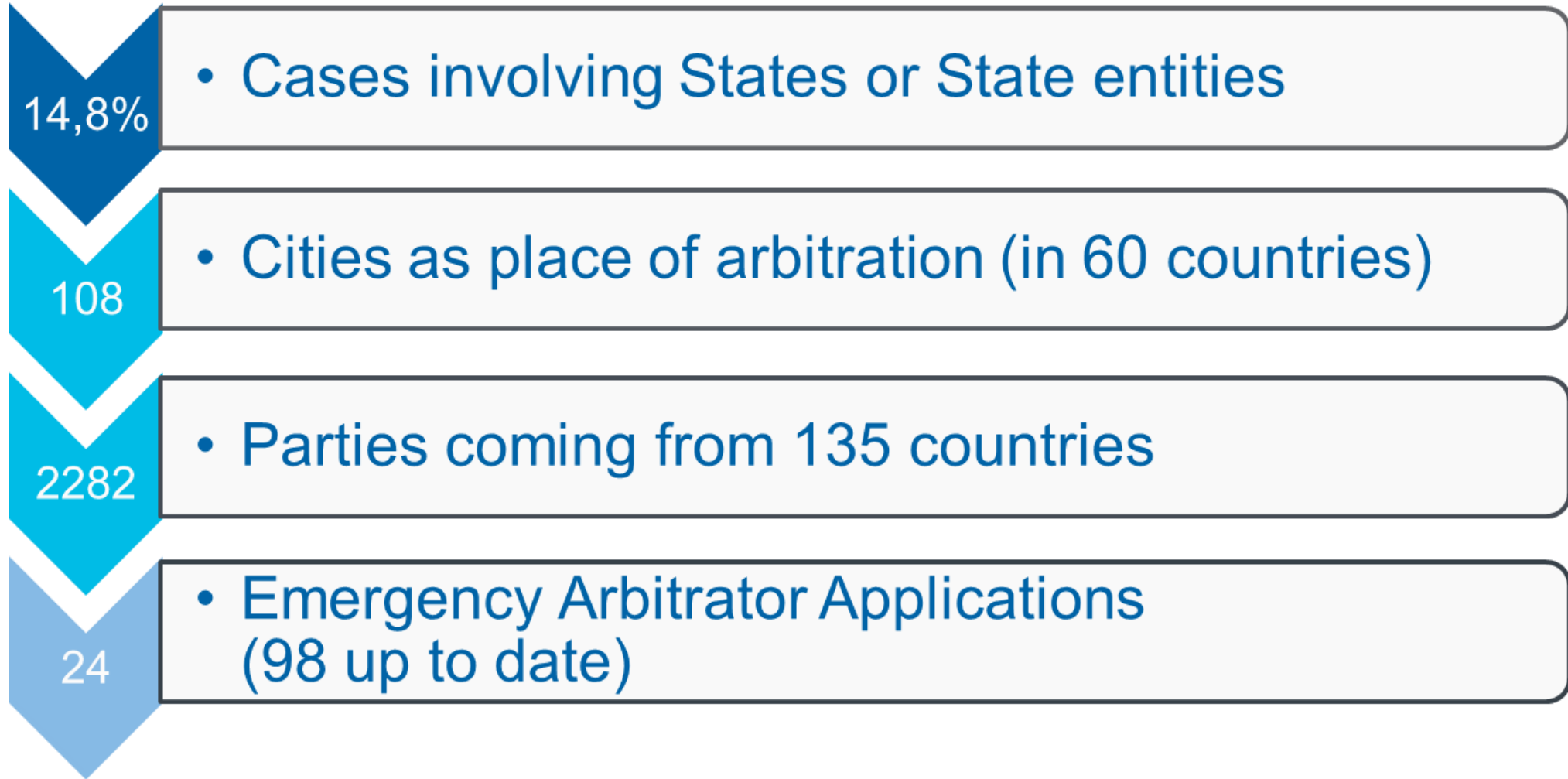
# GENERAL STATISTICS (2018)

---

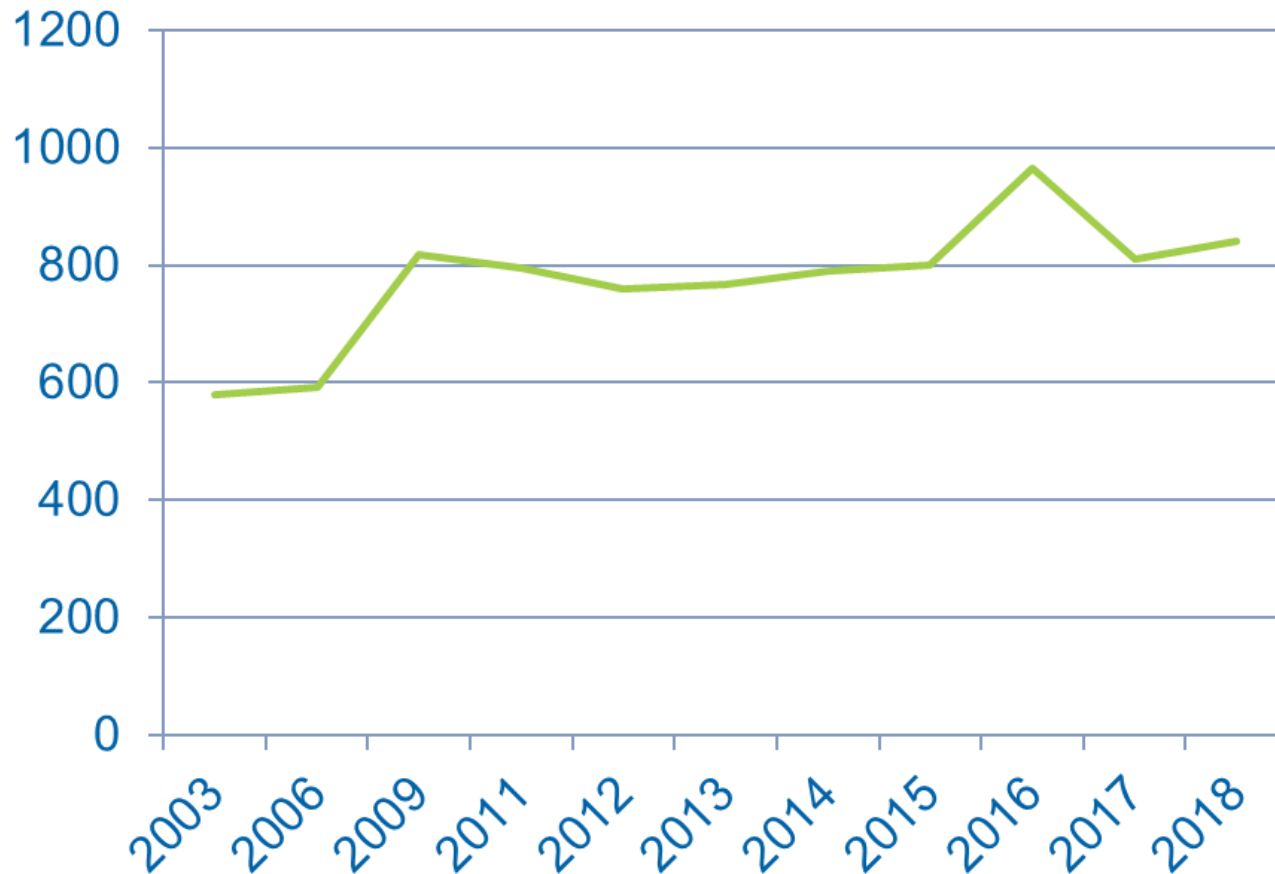


# GENERAL STATISTICS (2018)

---



# TREND IN NUMBER OF CASES REGISTERED BY YEAR



Number of new cases filed in 2018

842

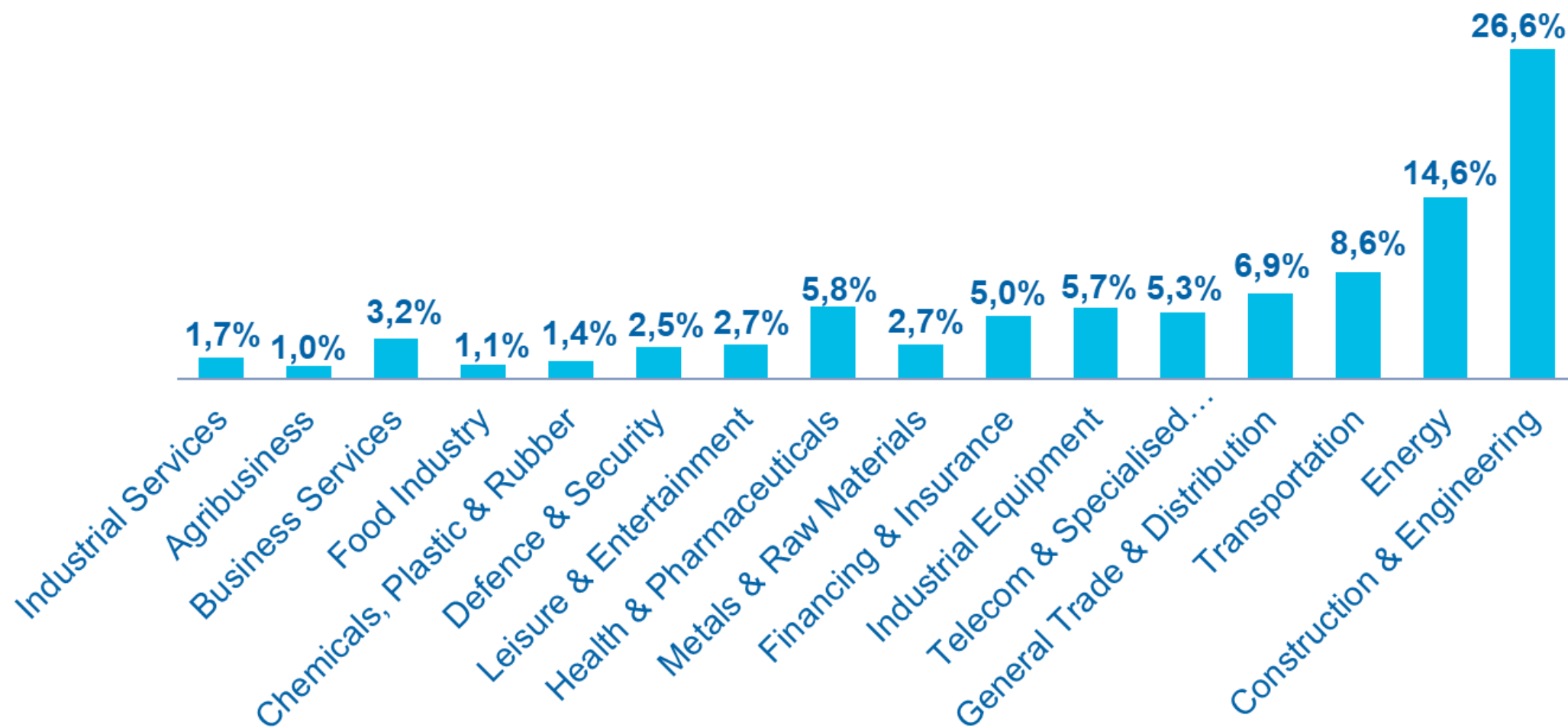
Including 24 applications for Emergency Measures

1 603 pending cases

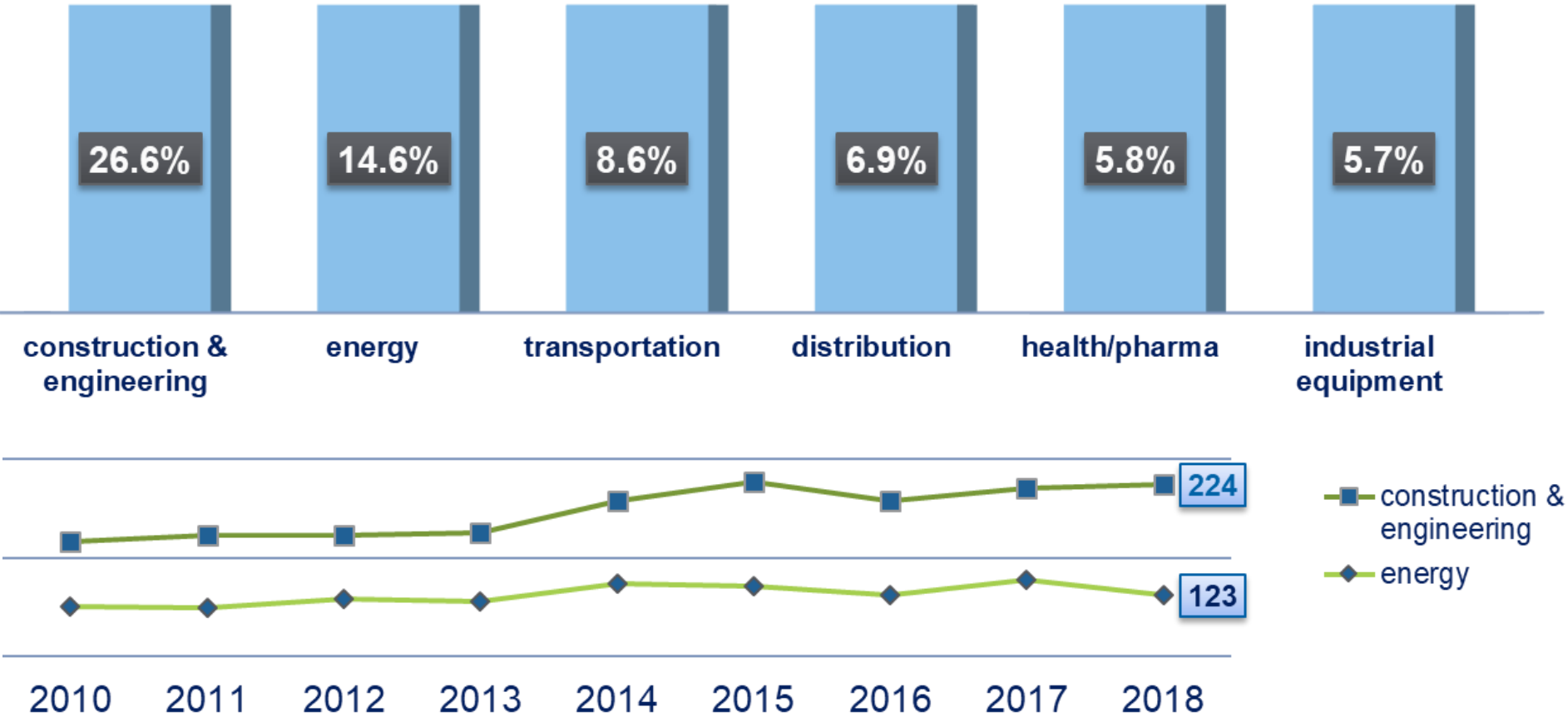
14,8% of cases involving states or state entities



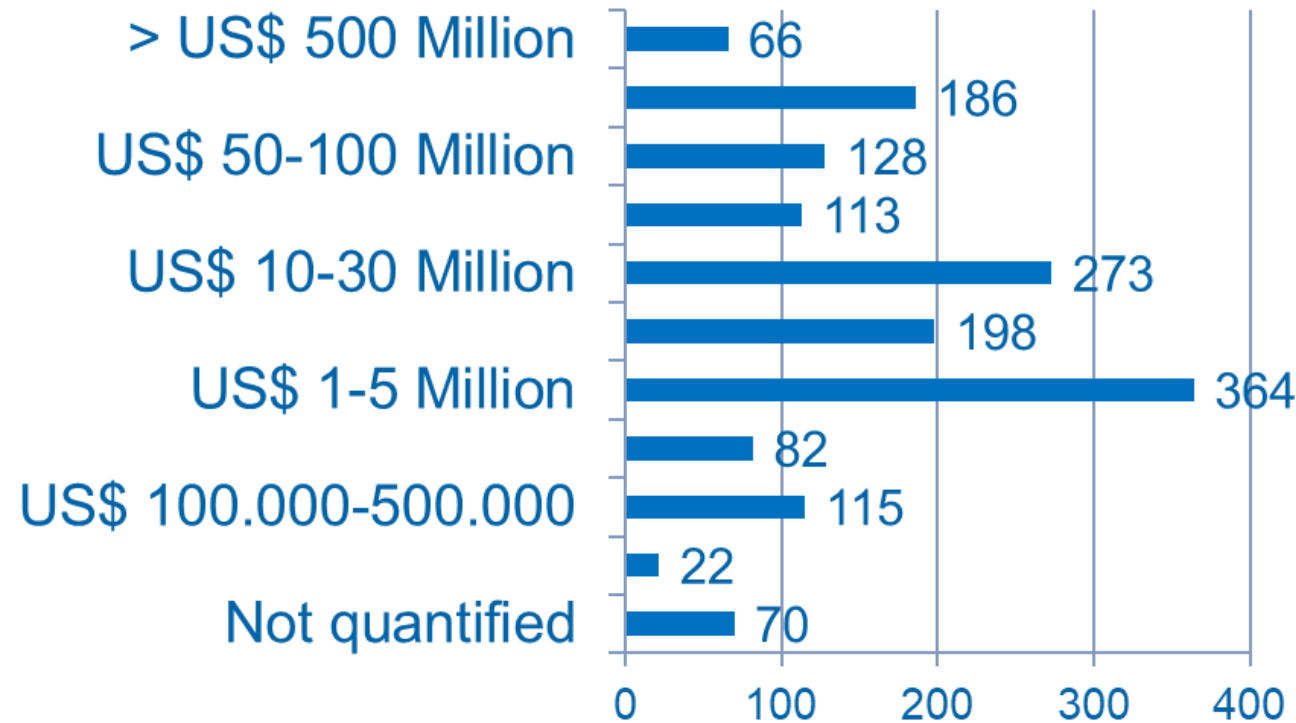
# BREAKDOWN OF 2018 ICC ARBITRATIONS BY ECONOMIC SECTOR



# MAIN SECTORS - TRENDS



# AMOUNTS IN DISPUTE IN PENDING CASES AS OF JANUARY 2019



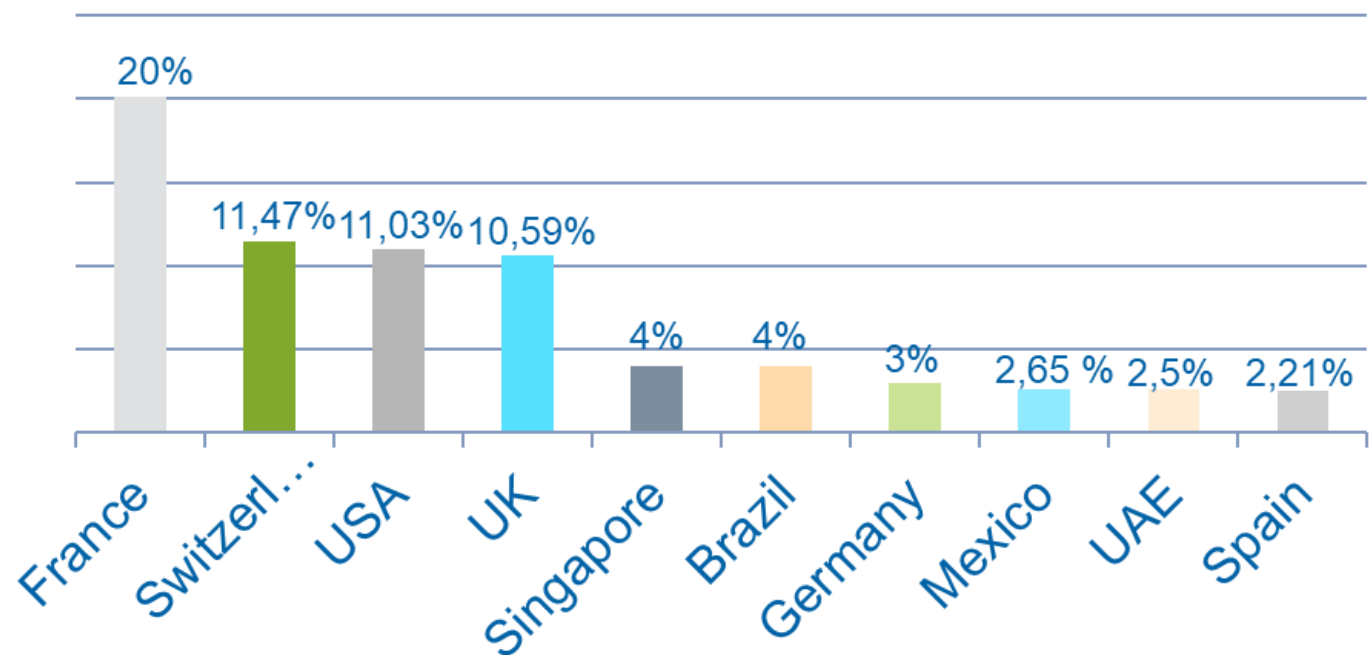
Average amount in pending cases: US\$ 131 546 145

Amount in dispute < US\$ 2 million in 21% of cases



# PLACES OF ARBITRATION IN 2018 ICC ARBITRATIONS

- Place of arbitration fixed by the Court in 8,1% of cases
- Ranking of top 10 countries

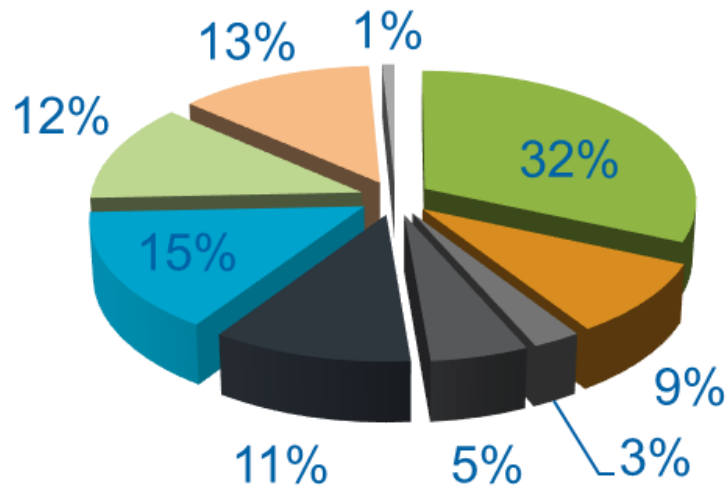


Place of arbitration in 2008	50 countries
	93 cities
Place of arbitration in 2018	60 countries
	108 cities



# ORIGINS OF PARTIES IN ICC ARBITRATIONS

2018



- North & West Europe
- Central & Eastern Europe
- North Africa
- Sub-Saharan Africa
- North America
- Latin America & Caribbean
- Central & West Asia
- South & East Asia
- Oceania

Number of parties in 2008 1758 parties

120 countries

Number of parties in 2018

2282 parties

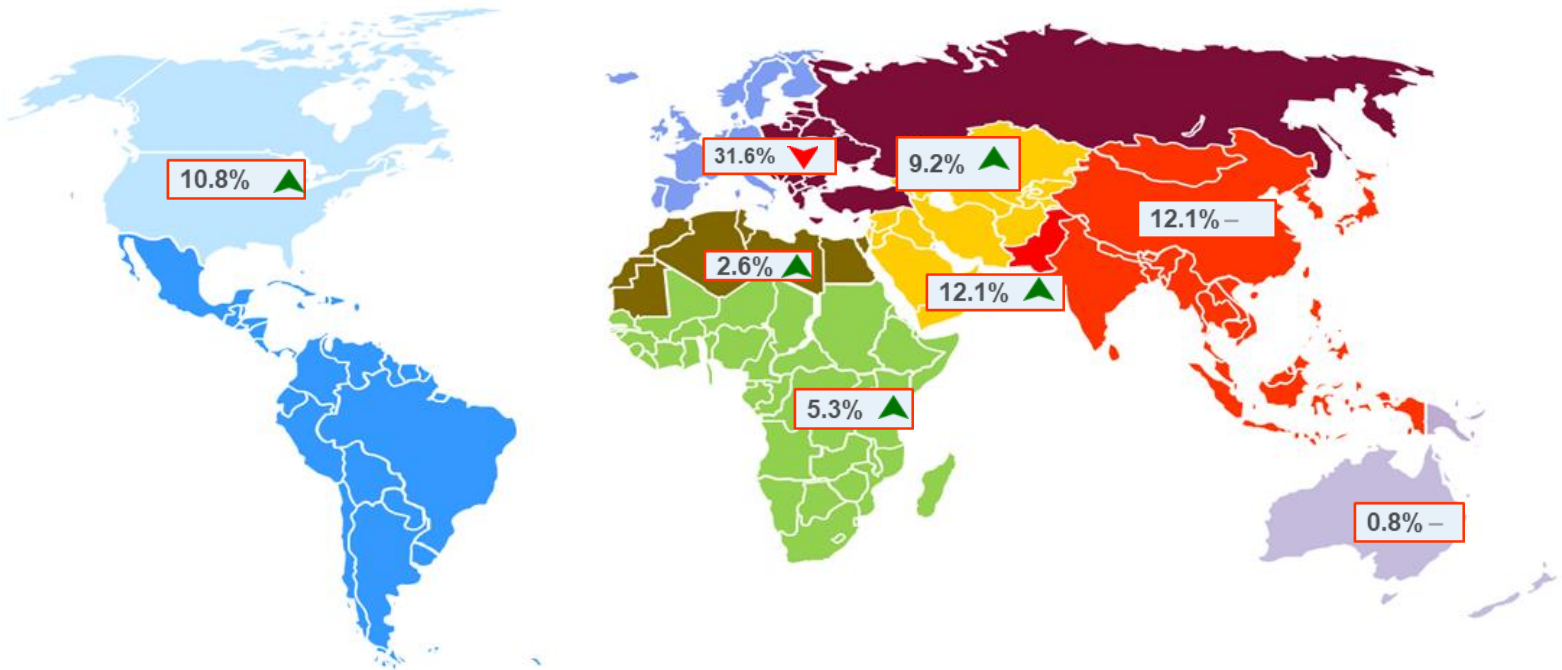
135 countries

32,7% of cases with more than two parties

25% of cases with parties of same nationality



# PARTIES



2018	2,282 parties
	135 countries
	33% (or 275) of new cases are multiparty
	25% of cases involve parties of same nationality
	15% of cases involve States or SoEs

Notable increase in parties from the Middle East and Central Asia

In all other regions, changes – if any – have been less significant



# ORIGINS OF PARTIES: TOP 10 GENERAL RANKING

2016		
1	USA	554
2	US Virgin Islands	269
3	Belize	135
4	France	124
5	Brazil	123
6	Germany	115
7	Mexico	105
8	Spain	88
9	Italy	84
10	Rep. of Korea	82

2017		
1	USA	194
2	Germany	128
3	France	124
4	Brazil	115
5	Spain	102
6	Italy	73
7	China PR (HK)	69
8	UK	68
9	Rep. of Korea	59
10	Netherlands	57

2018		
1	USA	210
2	France	139
3	Brazil	117
4	Spain	110
5	Germany	95
6	Italy	87
7	Mexico	71
8	UAE	69
9	United Kingdom	69
10	Turkey	62



# ORIGINS OF PARTIES: TOP RANKINGS

2017			
1	USA	8.3%	194
2	Germany	5.5%	128
3	France	5.4%	124
4	Brazil	5%	115
5	Spain	4.4%	102
6	Italy	3.2%	73
7	China PR (HK)	3%	69
8	UK	3%	68
9	Rep. of Korea	2.6%	59
10	Netherlands	2.5%	57

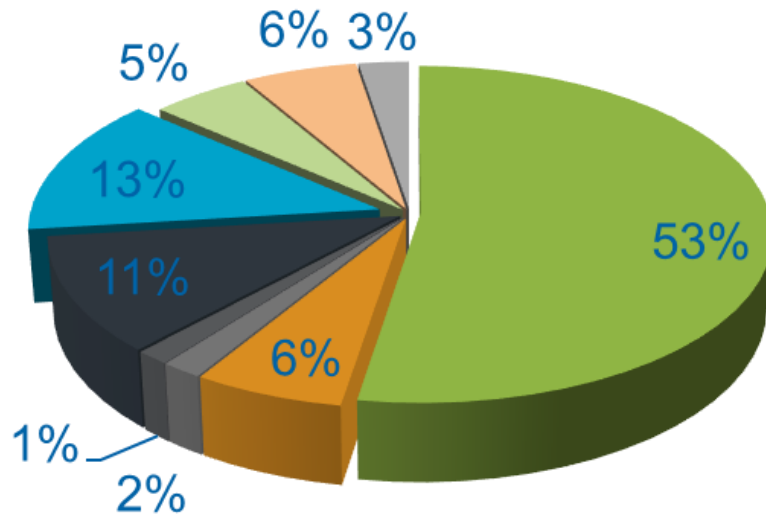
2018				
1	USA	9.2%	210	▲
2	France	6%	139	▲
3	Brazil	5.1%	117	▲
4	Spain	4.8%	110	▲
5	Germany	4.1%	95	▼
6	Italy	3.8%	87	▲
7	Mexico	3.1%	71	new
8	UAE	3%	69	new
8	UK	3%	69	▲
10	Turkey	2.7%	62	new

China PR (/HK SAR), Korea, the Netherlands, Saudi Arabia and India complete the 2018 top 15 ranking with numbers in the 50s.



# ORIGINS OF ARBITRATORS IN ICC ARBITRATIONS

2018



- North & West Europe
- Central & East Europe
- North Africa
- Sub-Saharan Africa
- North America
- Latin America & Caribbean
- Central & West Asia
- South & East Asia

---

2008 1156 arbitrators

---

74 countries

---

2018 1484 arbitrators

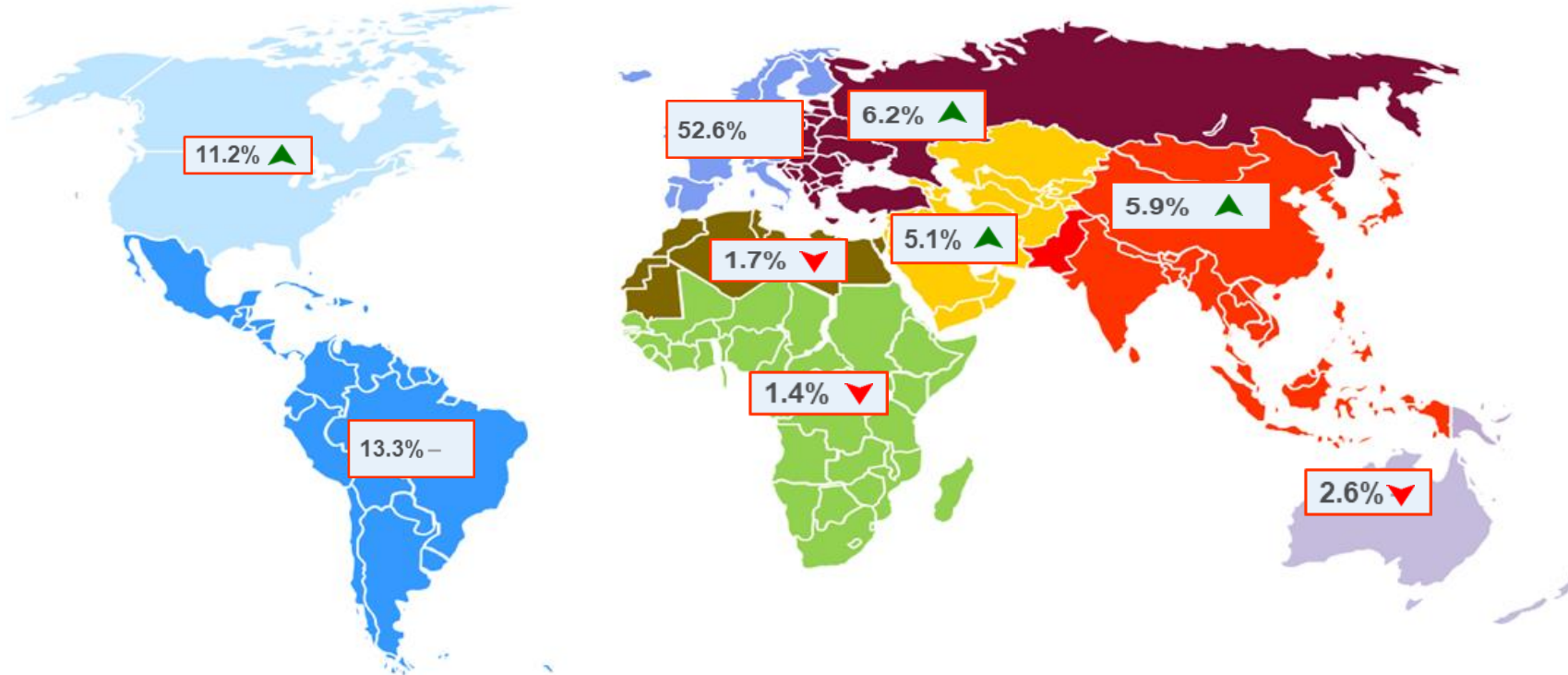
---

87 countries

---



# ARBITRATORS



**2018**

1,484 appointments and confirmations

1,021 individuals



87 countries

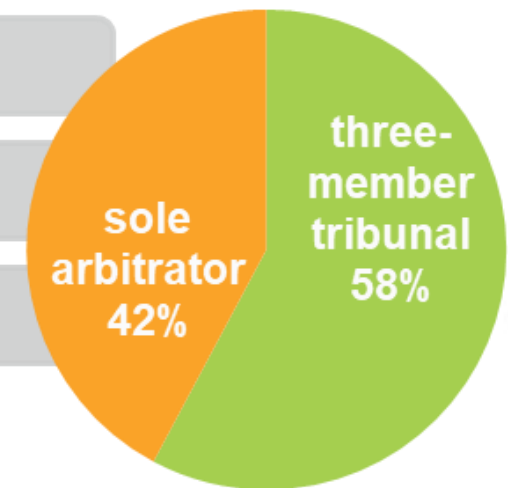


Increase in arbitrators from North America  
and Asia

Minor drops in other regions save LatAm



# CONSTITUTION OF TRIBUNALS



**2018**

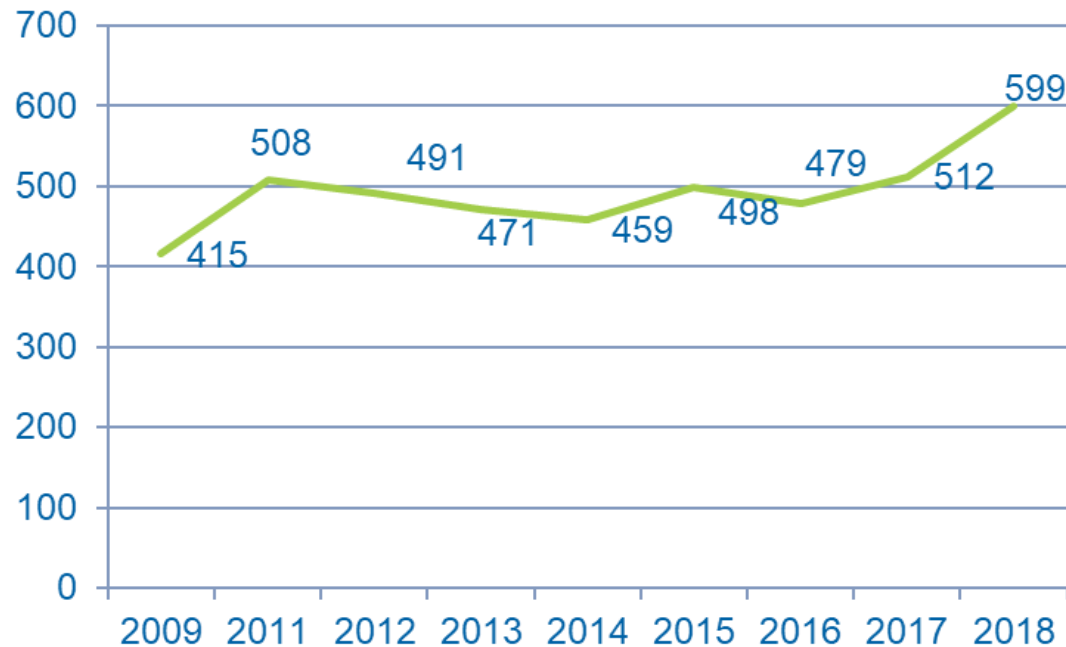
Very slight drop in party nominations

As more arbitrators served in 2018, Court appointed slightly more arbitrators than in 2017



# GENERAL STATISTICS: AWARDS

Trend in number of awards approved  
by year



Number of  
Awards  
Approved  
in 2018

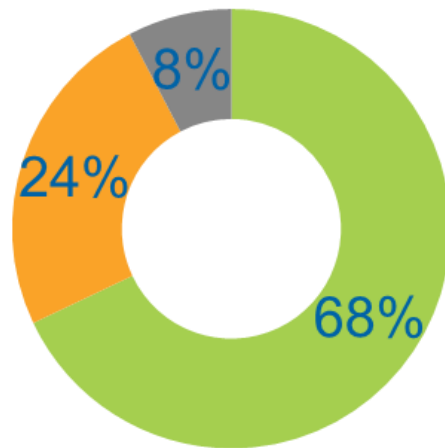
599



# 2018 AWARDS

---

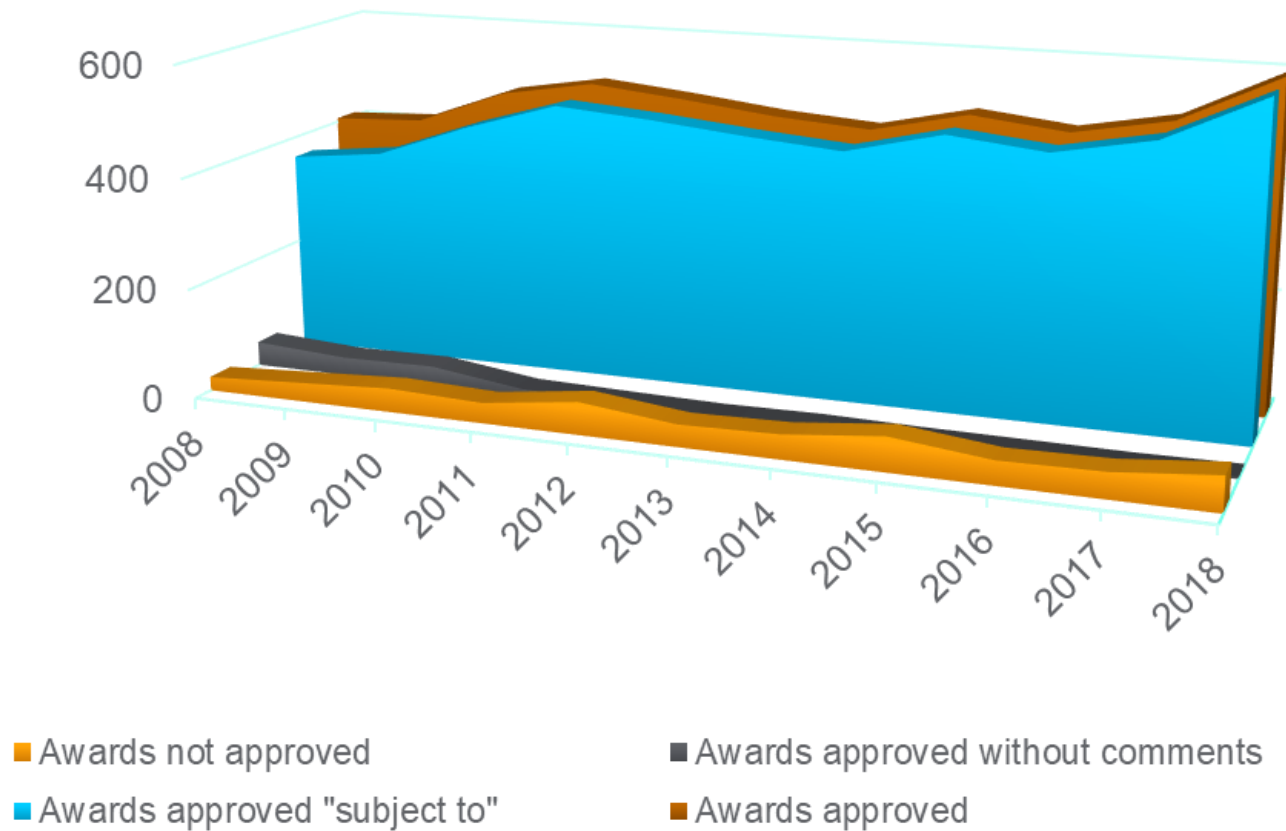
- ▶ 599 awards approved
- ▶ 99,6% of the approved awards were approved with comments (“subject to modification”)
- ▶ 63 awards sent back (10,5% of awards)



- Final Awards
- Partial Awards
- Awards by Consent
- 4th Qtr



# SCRUTINY OF AWARDS: TRENDS 2008-2018



## 2008:

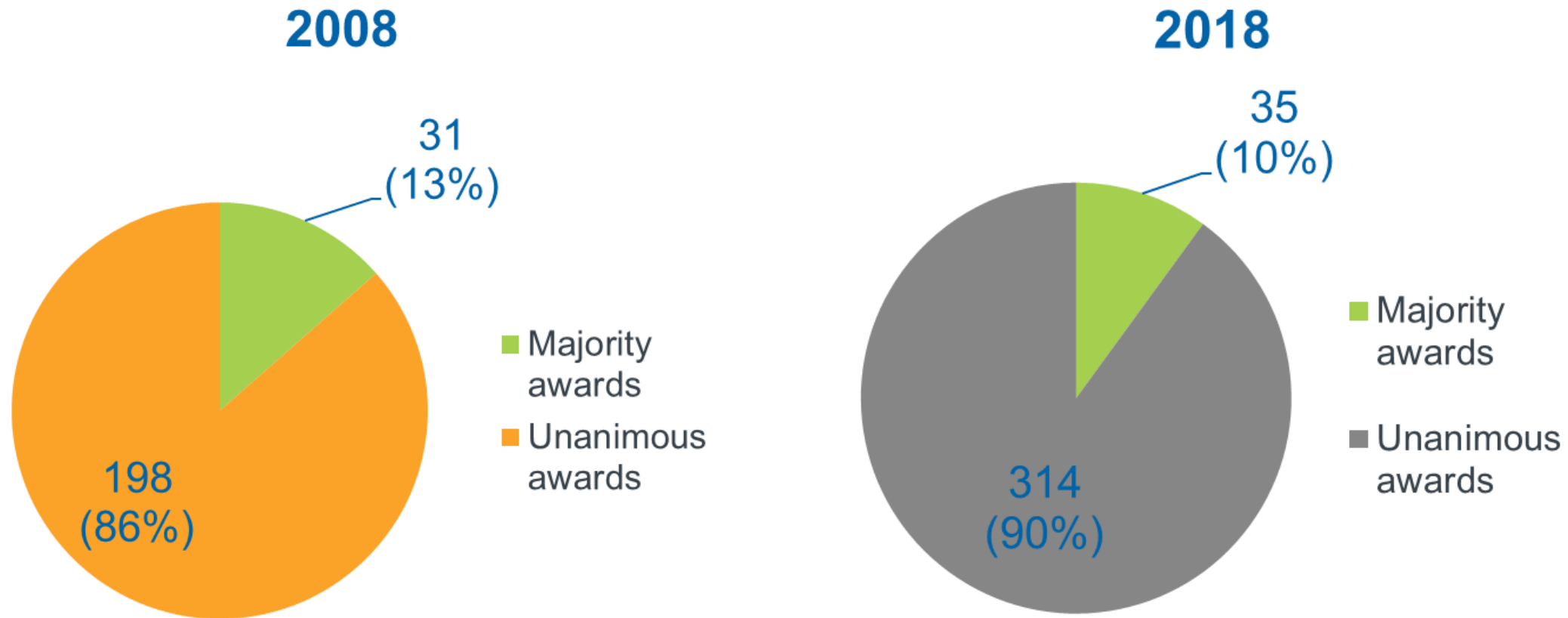
407 Awards  
25 not approved  
363 approved "subject to"  
44 approved without comments

## 2018:

599 Awards  
63 not approved  
595 approved "subject to"  
4 approved without comments



# MAJORITY AWARDS: TREND 2008-2018

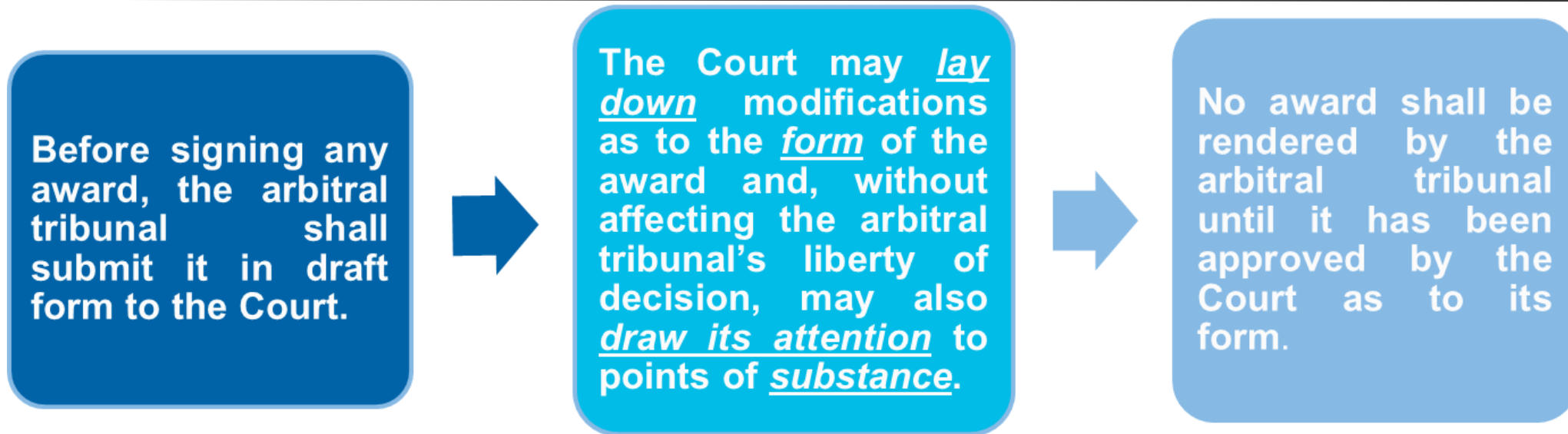


# ICA ADMINISTERS ARBITRATIONS UNDER THE RULES

- Prima facie jurisdiction over parties and/or claims (art. 6(4) i) ii))
- Consolidation of cases (art. 10)
- Place of arbitration (art. 18)
- Number of arbitrators/ confirmation/ challenge/ replacement (art. 12-15)
- Advances on costs/ separate aoc/ arbitrators' fees (art. 37 & Appendix III)
- Approval TOR if lack of signature or lack of participation of one party (art. 23(3))
- Scrutiny of award (art. 34)



# SCRUTINY OF AWARD (ART. 34): PROCEDURE



▶ Art. 32(2):

The award shall state the reasons upon which it is based

▶ App. II, Art. 6:

When the Court scrutinizes draft awards, it considers, to the extent practicable, the requirements of mandatory law at the place of the arbitration

▶ Art. 42:

In all matters not expressly provided for the Rules, the Court and the AT shall act in the spirit of the rules and make sure that award is enforceable at law.





INTERNATIONAL  
CHAMBER  
OF COMMERCE

INTERNATIONAL  
COURT OF  
ARBITRATION®

INTERNATIONAL  
CENTRE  
FOR ADR

▶ More information on [www.iccarbitration.org](http://www.iccarbitration.org)

- > Events, trainings & online learning
- > ICC Young Arbitrators Forum (ICC YAF)
- > Careers & internships

▶ ICC Digital Library <https://library.iccwbo.org/>

- > Material available upon both free access & subscription

