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Global Trends in International Arbitration: Insights from Key Regions

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Executive Summary

International arbitration is evolving distinctly across different regions, with each region facing unique challenges and opportunities. This evolution is shaped by a complex interplay of legal tradition, institutional maturity, economic pressures, and political developments. While global convergence around procedural best practices is evident, regional dynamics continue to influence how arbitration is perceived, practiced, and institutionalized.

In some regions—such as **Europe** and **North America**—arbitration is long established, supported by sophisticated legal frameworks, specialized commercial courts, and globally respected arbitral institutions. These jurisdictions are now grappling with challenges such as rising costs, procedural delays, and the need for greater transparency, efficiency, and diversity in arbitrator appointments. According to the International Bar Association’s (IBA) *2025 Study on Ethnic Diversity in International Arbitration*, 68% of respondents believe ethnic diversity in arbitral tribunals is lacking. The report underscores the need to enhance legitimacy and global relevance. This evolving landscape represents both an opportunity and challenge for Africa’s evolving participation in shaping arbitral norms.

In contrast, regions like **Africa**, **Latin America**, and parts of **Asia-Pacific** are still in the phase of institutional strengthening and legislative reform. These regions face hurdles such as judicial inconsistency, limited pools of experienced arbitrators, and resistance from domestic courts.

These regions remain in a developmental phase regard arbitration, characterized by ongoing institutional consolidation and legal reform. According to ICC and LCIA data, while global arbitration filings have grown, only 10–13% of parties originate from Africa and Latin America combined, reflecting underrepresentation. In sub-Saharan Africa itself, although over 89 arbitral institutions exist, only a fraction handle more than a dozen cases annually—highlighting limited caseload experience and resource constraints. A 2023 SOAS survey found that over 60% of respondents in Africa cited judicial inconsistency and unfamiliarity with arbitration law as major obstacles, while Latin America continues to face fragmentation in enforcement standards despite modernized legislation in countries like Brazil and Colombia. Similarly, the Asia-Pacific region outside of key hubs like Singapore and Hong Kong still grapples with capacity-building gaps, especially in smaller economies, where less than 25% of arbitrators have handled more than five

international cases. These structural issues limit trust, increase delays, and make parties more likely to opt for foreign arbitral seats.

Meanwhile, the **Middle East and North Africa (MENA)** region is steadily consolidating its position, driven by reforms to arbitration laws, increased ratification of international treaties, and the strategic development of arbitral hubs such as Dubai and Cairo. Altogether, while the core principles of international arbitration—neutrality, party autonomy, and enforceability—remain consistent, the paths of development are regionally diverse. Understanding these regional nuances is essential for arbitration practitioners, policymakers, and investors as they navigate the changing contours of global dispute resolution.

Africa

In **Africa**, arbitration is experiencing significant growth, particularly in jurisdictions such as Nigeria, Ghana, South Africa, Kenya, and Rwanda. Emerging arbitral seats—namely Johannesburg, Lagos, Kigali, and Mauritius—are steadily gaining recognition. However, systemic challenges persist, including high costs, inconsistent judicial support, and a limited pool of skilled arbitrators. Encouragingly, local institutions like the Kigali International Arbitration Centre (KIAC) and the Lagos Court of Arbitration are building credibility, though career development in the field remains hampered by a lack of structured specialization and regulatory constraints in some jurisdictions.

Growth of African arbitral institutions and courts' support

Domestic arbitration across Africa continues to expand, with over **89 arbitral institutions** now operating in about 42 of the continent's 54 countries. Notable hubs include Kigali (KIAC), Nairobi (NCIA), Lagos (LCA), and Cairo (CRCICA). Kenya and Rwanda are actively strengthening their frameworks by adopting or continuing their support for the UNCITRAL Model Law, while national courts increasingly uphold arbitration agreements and enforce awards—an encouraging trend toward judicial reliability and arbitration-friendly jurisprudence

African parties in international arbitration

There has been a sharp rise in African involvement in international arbitration at leading institutions. For instance, LCIA cases with sub-Saharan parties grew from just 4.5 % in 2011 to 11.7 % by 2020, and ICSID cases involving sub-Saharan states nearly **tripled** over the same period. Ongoing mega-investment and infrastructure disputes in energy, mining, and transport often result in arbitration, making it the default recourse for large-scale African parties seeking neutral and enforceable outcomes.

New and improved arbitration laws in Africa

Several African countries have recently reformed their arbitration laws to align with international

best practices. For example, Malawi passed the **International Arbitration Act 2024**, replicating the UNCITRAL Model Law, joining Nigeria—which updated its arbitration regime in 2023—and South Africa, which already has a robust framework under its IAA. Nigerian courts have also signaled a strong stance against abusive challenges to awards, reinforcing enforceability and promoting arbitration as a credible alternative to litigation

Challenges and future opportunities

Challenges remain, including limited skilled arbitrators, institutional capacity constraints, and concerns about cost and awareness. Nonetheless, regional integration efforts such as the AfCFTA promise to boost intra-African trade and investment. Its Protocol on Investment envisages both investor–state and commercial arbitration mechanisms (ICSID, UNCITRAL, regional institutions), which could amplify dispute resolution across the continent. Additionally, initiatives like the **ICCA-KIAC Conference (June 2025, Kigali)** promote continental cooperation and highlight “untold stories” of arbitration in Africa

Key Arbitration Events in Africa

Below are highlights of key arbitration-related events that have taken place in Africa and recent developments:

- **2025 CIMA Investiture and Graduation Ceremony in Ghana**
The Center for International Mediators and Arbitrators (CIMA), England & Wales, hosted a landmark investiture and graduation event in Accra, Ghana, reinforcing professional standards and regional collaboration in ADR.
- **KIAC's Continental Expansion in Rwanda**
The Kigali International Arbitration Centre (KIAC) in Rwanda has expanded its visibility across Africa through training programs and institutional partnerships, positioning itself as a model regional arbitral institution.
- **Lagos Court of Arbitration (LCA) Initiatives in Nigeria**
The LCA has undertaken reforms to boost efficiency and user confidence, including digitization and enhanced arbitrator training initiatives in Nigeria.
- **Establishment of the Nairobi Centre for International Arbitration (NCIA) in Kenya**
Kenya's NCIA has launched multi-sectoral training and case management reforms, increasing East Africa’s relevance in cross-border arbitration.

Asia-Pacific

In the **Asia-Pacific**, arbitration is firmly established and continues to expand, with Singapore and Hong Kong recognised as the region’s safest and most preferred seats. Other jurisdictions, such as South Korea, India, Kuala Lumpur, and Seoul, are also making notable progress. Institutions like the Singapore International Arbitration Centre (SIAC) and the Hong Kong International

Arbitration Centre (HKIAC) dominate, supported by efficient frameworks and judicial systems. Nevertheless, challenges remain in the form of rising procedural costs, delays, and a shortage of experienced arbitrators. The region is witnessing greater specialization and growing acceptance of third-party funding.

Key Arbitration Events in Asia-Pacific

Below are highlights of key arbitration-related events that have taken place in Africa and recent developments:

- **CIMA Sponsors MIMAC 2025 in the Maldives**

The Center for International Mediators and Arbitrators (CIMA), England & Wales, is **Title Sponsor and Official Training Partner** of the **Maldives International Maritime Arbitration Competition (MIMAC) 2025**, set for **October 25, 2025**, in **Malé, Maldives**. MIMAC brings together global students and young practitioners to argue complex maritime and commercial disputes in a realistic arbitration setting. CIMA will offer **pre-moot training, internships**, and **certificates** for outstanding participants, while also hosting a special **ADR Roundtable** on the sidelines of the final. This sponsorship underscores CIMA's commitment to global capacity-building, cross-border ADR excellence, and visibility for African and developing-world arbitrators.

- **HKIAC's Technology and Language Innovations**

The Hong Kong International Arbitration Centre (HKIAC) has introduced e-hearing platforms and multilingual case administration tools, furthering accessibility in Asia.

- **SIAC Case Growth and Global Outreach**

The Singapore International Arbitration Centre (SIAC) continues to experience record case filings and has expanded representative offices globally, reinforcing its position as a top arbitral seat.

- **Launch of India's New Delhi International Arbitration Centre (NDIAC)**

India has formalised NDIAC as an institution of national importance, though it still faces structural and practical challenges.

- **KLRCA Rebranding to AIAC (Malaysia)**

The Kuala Lumpur Regional Centre for Arbitration rebranded as the Asian International Arbitration Centre (AIAC), with a revised ruleset and expanded jurisdictional appeal.

Europe

Europe remains home to the world's most prestigious arbitral institutions, such as the ICC, LCIA, and SCC, with Paris, London, Geneva, and Zurich maintaining their dominance as arbitral seats. Newer hubs such as Vienna, Helsinki, and Madrid are also gaining traction. Despite this maturity, European arbitration faces ongoing criticism for its cost and efficiency issues, particularly regarding tribunal delays. The region is also witnessing trends towards third-party funding,

increased transparency, and a push for sectoral and procedural specialization, although competition remains stiff for young practitioners seeking entry.

Key Arbitration Events in Europe

- **ICC Paris Moves Toward Digitization**
The International Chamber of Commerce (ICC) in Paris has enhanced its digital case management systems, leading global best practices in e-filing and virtual hearings.
- **LCIA's Institutional Rule Revisions (London)**
The London Court of International Arbitration revised its rules to incorporate modern case management techniques, emergency arbitrators, and data privacy safeguards.
- **Swedish Arbitration Association's Green Protocol Initiative**
Stockholm led a sustainability push in arbitration, releasing environmental best practices for tribunals and parties.
- **New Arbitration Law in Ireland**
Ireland revised its arbitration legislation to align with UNCITRAL standards, aiming to boost Dublin's status as an EU arbitration hub.

Latin America

In **Latin America**, arbitration is on the rise, although litigation continues to dominate in many jurisdictions. Seats like São Paulo, Mexico City, Santiago, and Bogotá are gaining acceptance, though parties still often prefer international seats like Paris and New York. The ICC remains a popular institutional choice, while local centers are gradually strengthening. However, court interference, weak enforcement mechanisms, and uncertainty surrounding interim relief continue to hamper growth. The profession is tightly held, with most practitioners splitting their time between litigation and arbitration.

Key Arbitration Events in Latin America

- **Growth of CAM-CCBC (Brazil)**
Brazil's Centre for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC) has become a preferred institution for high-value regional disputes.
- **Arbitration Reform in Peru and Colombia**
Legislative and institutional reforms in Peru and Colombia have sought to curb court interference and improve procedural autonomy.
- **Santiago Arbitration Centre (Chile) Expansion**
Chile's CAM Santiago has expanded its regional scope and reinforced neutrality, becoming a forum of choice for commercial disputes.

- **Arbitration in Infrastructure Projects (Mexico)**
Increased use of arbitration clauses in Mexican public-private infrastructure agreements has elevated arbitration's profile in state contracting.

Middle East and North Africa

The **Middle East and North Africa (MENA)** region now treats arbitration as a standard tool for resolving complex commercial disputes. Dubai, DIFC, Egypt, and Tunisia are regarded as leading or promising arbitral seats. The increase in arbitration use is largely attributed to the ratification of the New York Convention and growing dissatisfaction with local court processes. Legislative reform, particularly in the UAE and Qatar, is expected to enhance the region's credibility. For high-value disputes, institutions like the ICC and LCIA remain the preferred forums, though local institutions are gaining ground.

Key Arbitration Events in Middle East and North Africa

- **Reforms to UAE Arbitration Law**
The UAE implemented sweeping reforms to its arbitration framework to modernise enforcement and reinforce DIFC-LCIA's autonomy.
- **Rise of the Cairo Regional Centre for International Commercial Arbitration (CRCICA)**
CRCICA remains the leading African-Arab arbitration institution, now hosting a diverse docket of investor-state and commercial disputes.
- **Qatar International Court and Dispute Resolution Centre (QICDRC) Progress**
Qatar's institution has developed streamlined enforcement mechanisms and welcomed major foreign law firms to its register.
- **Arbitration Integration into Tunisian Legal Reform**
Tunisia continues to modernize its arbitration legislation and increase judicial support for ADR, especially in post-conflict reconstruction contexts.

North America

Lastly, in **North America**, arbitration is a mature and specialized field. International arbitration is anchored in seats such as New York, Washington D.C., and Toronto, while regional centers like Miami and Vancouver also feature prominently. The ICC, LCIA, and ICDR are key players. Major concerns center around escalating costs and sluggish tribunal conduct, which have invited comparisons with increasingly efficient commercial courts. The market is highly competitive, and career pathways in arbitration tend to be narrow and demanding, favoring practitioners with deep specialization.

Key Arbitration Events in North America

- **New York International Arbitration Center (NYIAC) Expansion**
NYIAC has continued its rise as a premier venue for international hearings, especially for Latin American and energy-related disputes.
- **ICDR's Online Dispute Resolution Suite**
The International Centre for Dispute Resolution (ICDR) launched cutting-edge virtual hearing tools and AI-powered case management.
- **JAMS and AAA Innovations in Med-Arb and Diversity**
American institutions such as JAMS and the AAA have introduced hybrid med-arb programs and diversity initiatives in arbitrator appointments.

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