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Hogan Lovells and Middlesex University Dubai

MENA Arbitration Survey:
Key Findings



Hogan Lovells and Middlesex University Dubai have collaborated on a survey gathering insights into the current landscape of arbitration practices within the Middle East and North Africa (MENA) region. The survey has been focused on commercial arbitration practices, with a specific interest in construction and energy related disputes. We have set out our key findings from our summary below. We will be sharing our substantive report and analysis in the coming weeks.

Arbitral Seats and Institutions

- For final and binding dispute resolution, 78% of respondents prefer institutional arbitration seated outside the MENA region, while 61% favour institutional arbitration seated within the MENA region. Aside from litigation and arbitration, 42% of respondents favoured party-party negotiation.
- For disputes relating to the MENA, the DIFC, is the overwhelmingly preferred seat, though Abu Dhabi, Doha, and Riyadh also receive notable support. Outside the MENA region, London stands as the leading choice by a considerable margin, followed by preferences for Paris and Singapore.
- When selecting an arbitral seat for disputes involving the MENA region, respondents highlighted the following factors as important: the ease of enforcing arbitration agreements and arbitral awards in the courts of the chosen seat, the neutrality and impartiality of those courts, and the extent to which the courts are perceived as generally supportive of arbitration.



- When resolving disputes in the MENA region, respondents indicated a strong preference for the following arbitral institutions: (1) LCIA, (2) ICC, and (3) DIAC. According to respondents, this preference is primarily driven by factors such as the quality and expertise of arbitrators available through these institutions, along with the extensive experience these arbitrators bring in handling cases administered by these bodies.
- In respect of green/sustainable arbitrations, 54% of participants considered sustainability when considering arbitral institutions and arbitral members. The key “green” initiatives are e-bundles, e-hearings and reducing travel for hearings. Over 70% of participants also considered that the use of technology has impacted the efficiency and effectiveness of these proceedings.

Construction and Energy Sectors

- Among those working in the construction industry, a significant majority of 87% respondents anticipate growth in their work within the MENA region, with the primary driver being a rise in commercial and government investments, particularly in infrastructure projects.
- 82% of respondents anticipate their construction projects will face disputes within the next three years. Many cited delays as the primary reason for potential disputes, with disruptions and additional costs following closely behind.
- Among respondents in the energy industry, 58% considered that their work in the MENA region will increase and this is across traditional energy projects and renewable energy. These respondents identified that the fluctuation in prices and economic instability is likely going to impact their business and a significant portion of the respondents expect these projects to result in disputes (across a variety of issues, but particularly sourcing disputes and life of project disputes).

Future outlook

- When asked in which jurisdiction respondents expect to see revenue growth, the survey results overwhelmingly highlight the Kingdom of Saudi Arabia, within the construction and energy sectors. Respondents attribute this expected growth mainly to Saudi Arabia’s increased investment initiatives, natural resources and population growth.
- Survey findings indicate that when asked about the role of artificial intelligence in future growth, only 33% of respondents believe that their organisation’s success in implementing AI within operations or practice will be “somewhat important” to its growth over the next five years.

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