



Industry Insights Issue 1

Construction Arbitration

October 2021

A report prepared by Jus Mundi

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Introduction

With the supply chain devastation and a shortage of construction materials worldwide, for the second year in a row, the construction industry is posed with a challenge to adapt to new realities. In addition, the pandemic-related recession caused inevitable delays and disagreements over the past two years that matured into arbitration disputes setting up new caseload records with many arbitral institutions worldwide.

This report – being the inaugural report of a series of industry-focused arbitration reports – will explore the construction industry [commercial arbitration](#). We set the focus on commercial arbitration for two reasons. First, most construction arbitrations arise from business and contractual disputes; second, Jus Mundi’s [mission](#) is to make commercial arbitration data available to everyone.

To further pull the curtain back on the industry, we surveyed Jus Mundi’s construction arbitration data as of October 2021 to provide a valuable overview of arbitral institutions, key actors involved, and exclusive statistics. Additionally, we have included a list of the latest construction arbitration cases from January 2021 until October 2021 to add new case law to your knowledge kit. Thanks to Jus Mundi’s open access, you can look into all this data for free.

We hope you find this report useful whether you are new to construction arbitration or a seasoned practitioner.



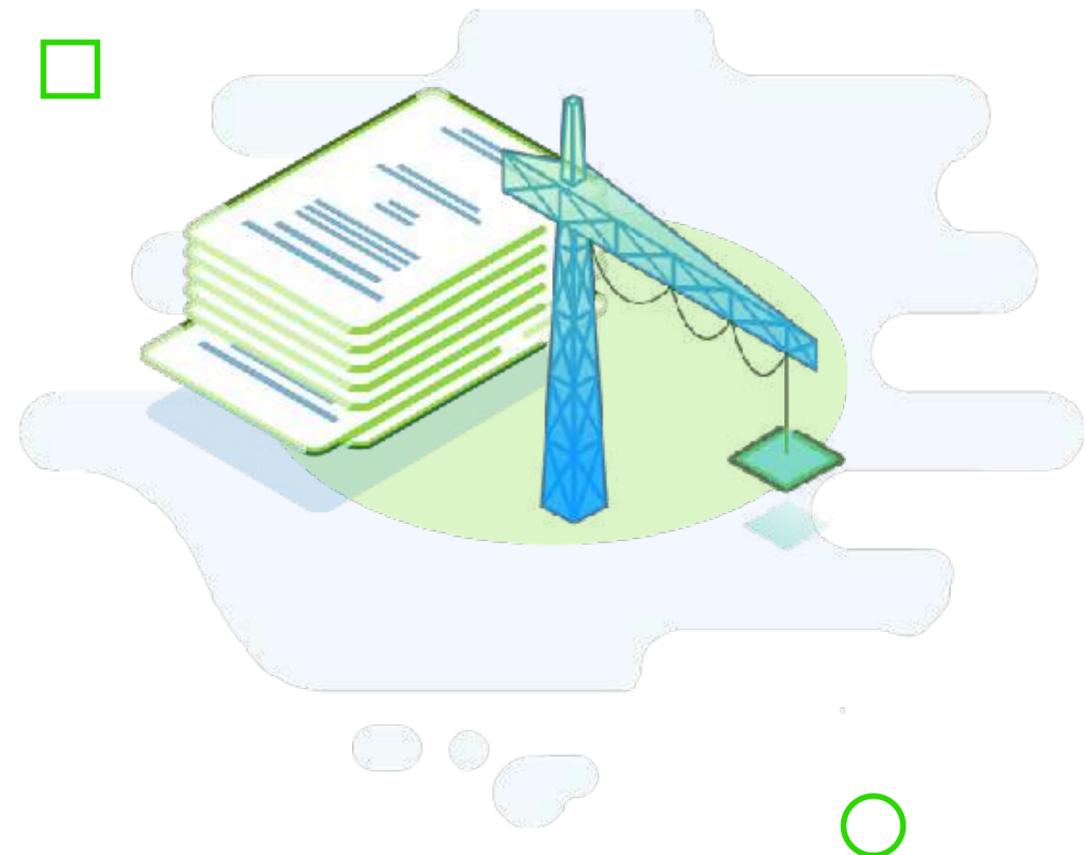
Construction Arbitrations in 2020

Let's look at the caseload statistics of major arbitral institutions and the share of construction arbitrations cases registered in 2020. The significant share of construction and engineering industry disputes in the caseloads of major arbitral institutions from 2020 gives us an idea of international arbitration's popularity.

Institution	Sector	Construction Arbitrations	Total Arbitrations
ICC	Construction/Engineering	194 (20.5%)	946
SIAC	Construction/Engineering	49 (4.5%)	1,080
HKIAC	Construction/Engineering	34 (11%)	318
LCIA	Construction/Infrastructure	20 (5%)	407
SCC	Construction	18 (8.4%)	213

Note: Arbitrations filed in 2020 according to the arbitral institutions' reported data and statistics.

Jus Mundi's database also revealed that institutions like the AAA (American Arbitration Association), the CAM-CCBC (Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada) and the CICA-CCIR (Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania) also handled construction arbitration cases in 2020.



Construction Arbitration Cases in 2021

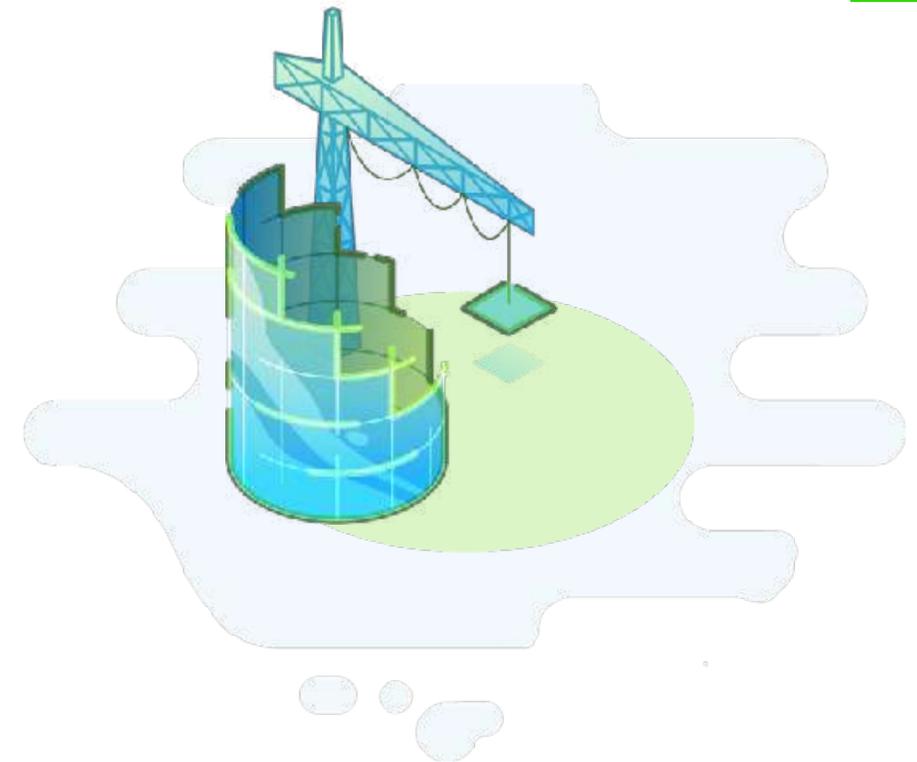
Various arbitration institutions have not yet published their caseload reports for 2021. So, we surveyed our data to find the status quo of the arbitrations filed in 2021. It comes as no surprise that ICC is leading the table so far, confirming its strong reputation for construction disputes.

Please refer to [Annex 1](#) below, containing the table of **88** construction commercial arbitration cases to access all pending, concluded, and settled cases in 2021. Overall, on Jus Mundi, there are **296** commercial arbitration cases available for construction arbitration. Our database is updated daily, so more cases are added for thorough legal research.

Tooltip



Jus Mundi's open data policy allows all users to access the data without an account or premium subscription.



Institution	Sector	Construction Arbitrations filed in 2021
ICC	Construction/Engineering	49 (pending)
SIAC	Construction/Engineering	1 (pending)
LCIA	Construction/Infrastructure	1 (pending)
AMCHAM - Brazil	Construction	1 (pending)

Note: Based on commercial arbitration data available on Jus Mundi as of October 2021

Construction Arbitration as an Economic Sector

Jus Mundi has accumulated a significant number of arbitration cases dealing with the construction sector. We have achieved this by collecting data using artificial intelligence, and through local public resources, open sources, exclusive partnerships with major institutions like [ICC](#), [VIAC](#), [RAC](#), and collaborative partnerships like with the [IBA](#), which receives arbitral awards from various contributors globally. At the time of writing, more than **1000 documents** related to construction arbitration are available within the Jus Mundi search engine dating back to 1976.

The construction industry includes a wide variety of projects, ranging from simple construction of roads and building and spanning to complex infrastructure projects such as tunnels, bridges, nuclear power plants, and even entire cities. Each of those projects has unique specificities and peculiarities. The disputes arising out of those, likewise, are unique and can be distinguished into several types.

We have categorized the cases into construction industry sectors and sub-sectors according to [Standard Industrial Classification of All Economic Activities \(ISIC\)](#) to seamlessly deliver precise search results with our [economic filer](#) in the search engine.

The four sub-categories are:

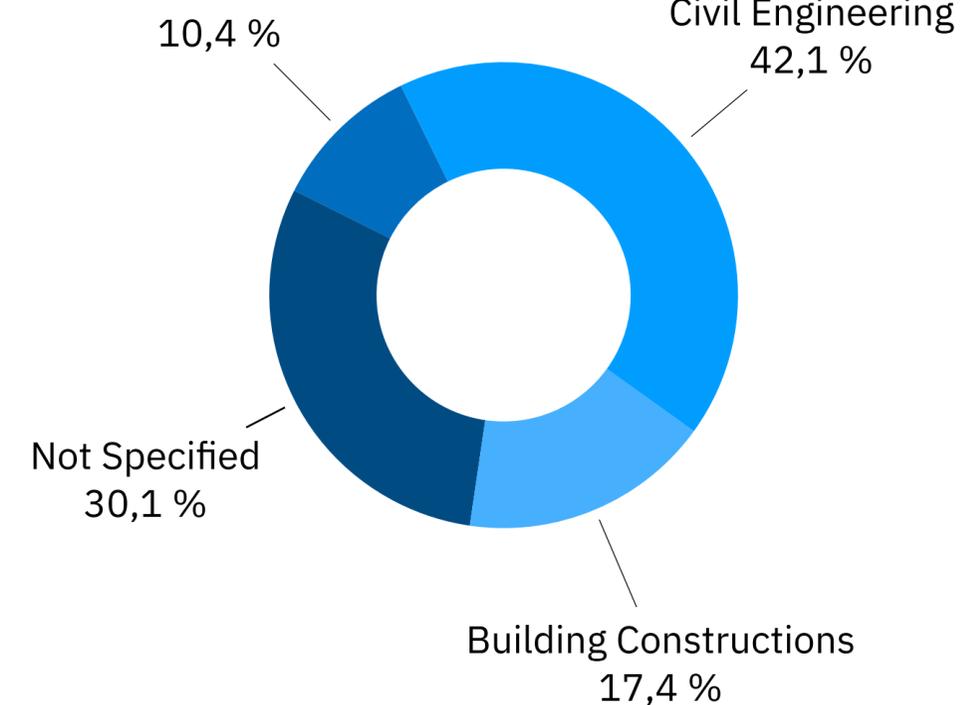
- Specialized Construction
- Civil Engineering
- Construction of Buildings
- Not Specified (but parent category is construction)

Tooltip



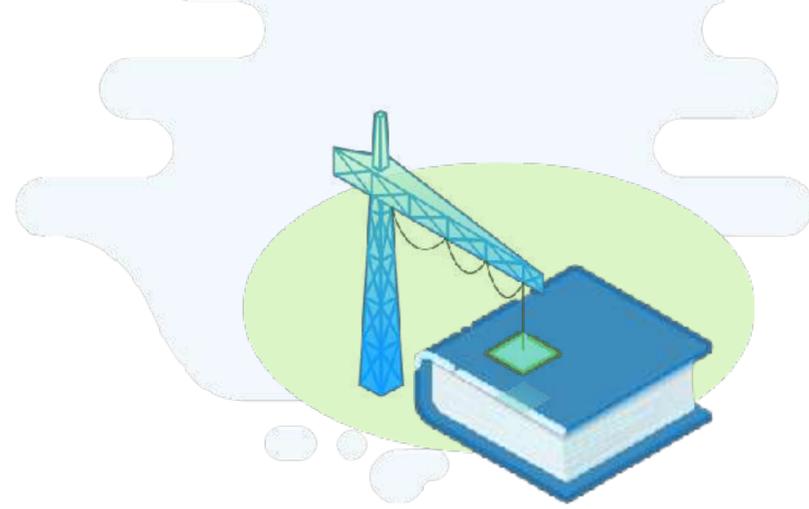
Economic filter is exclusively available on Jus Mundi's multilingual search engine for targeted search results.

Specialized Construction Activities



● Civil Engineering	126	● Not Specified (Parent Category Construction)	90
● Construction of Buildings	52	● Specialized Construction Activities	31

Note: Based on construction commercial arbitration cases available on Jus Mundi as of October 2021



As our data indicates that several arbitrations occur in civil engineering. Among them, it is worth mentioning [GUPC v. ACP \(II\) \(Concrete Arbitration\)](#) involving Grupos Unidos por el Canal (GUPC), a consortium made up of Spain's Sacyr, Italy's Webuild, and Belgium's Jan De Nul (Claimants) against Autoridad del Canal de Panama (ACP) (Respondent). Panama Canal is one of the largest engineering works ever built, both in terms of technical complexity and impact on intercontinental trade. This dispute arose out of the US\$3.5 billion canal expansion contract to build a third set of locks on the canal and cost overruns on the project.

The tribunal consisted of [Pierre-Yves Gunter](#) (President), [Robert Gaitskell](#) (Appointed by the respondent), [Claus von Wobeser](#) (Appointed by the claimant). The [Partial Award rendered on 21 September 2020](#) overturned the dispute resolution board decision and ordered GUPC to repay US\$265 million to ACP while requiring ACP to pay around US\$25 million.

GUPC challenged the arbitrators soon after the partial award, arguing about the undisclosed professional relationships. [The ICC Court dismissed](#) the challenge [on the merits](#), finding that the alleged failure to disclose certain professional relationships did not amount to impartiality. On 17 February 2021, the tribunal only awarded costs in the [final award](#).

Tooltip



Try Jus Mundi's Conflict Checker to identify past relationships and potential conflicts of interest.

Most Selected Arbitration Institutions

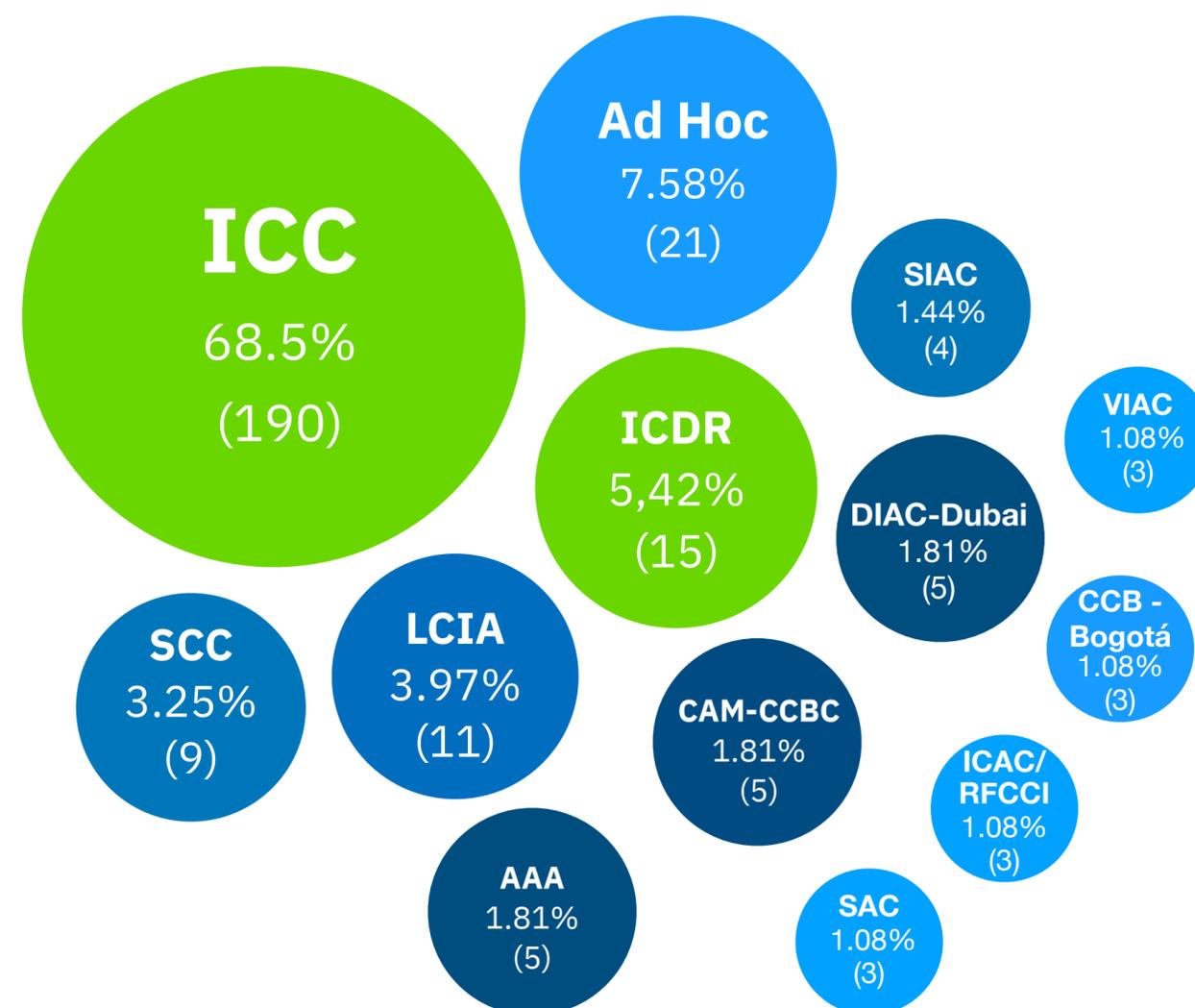
We looked at all cases relating to commercial arbitration for construction from 1937 - 2021. This data provides a diverse picture of the arbitration landscape, with parties opting for various local and international arbitration institutions. Here lies the most surprising finding of the survey: **ad hoc arbitrations** present in the data. For example, the Washington D.C. seated arbitration case of [Rutas de Lima v. Municipalidad Metropolitana de Lima](#) was an ad hoc arbitration. Our [search engine](#) also revealed companies like [Chevron](#), [ArcelorMittal](#), [Nigerian National Petroleum Corporation](#), and even States like the Republic of [Angola](#) opting for ad-hoc arbitration for construction disputes.

Furthermore, several ad-hoc construction arbitration disputes involved an African entity from [Rwanda](#), [Tunisia](#), [Tanzania](#), [South Africa](#), [Nigeria](#), [Kenya](#), etc. The [2020 report](#) written by Emilia Onyema confirms the trend of ad hoc arbitration in Africa. According to the report, 48% (168) of the survey respondents participated in ad hoc arbitration in Africa between 2010 and 2019. For cost reasons, the local companies likely opt for an ad hoc setting under [UNCITRAL rules](#) to avoid paying big arbitration institutions' costs.

Tooltip



Try our institutions and arbitration rules filters. Use CiteMap for rules of arbitration to find related jurisprudence based on arbitration rules.



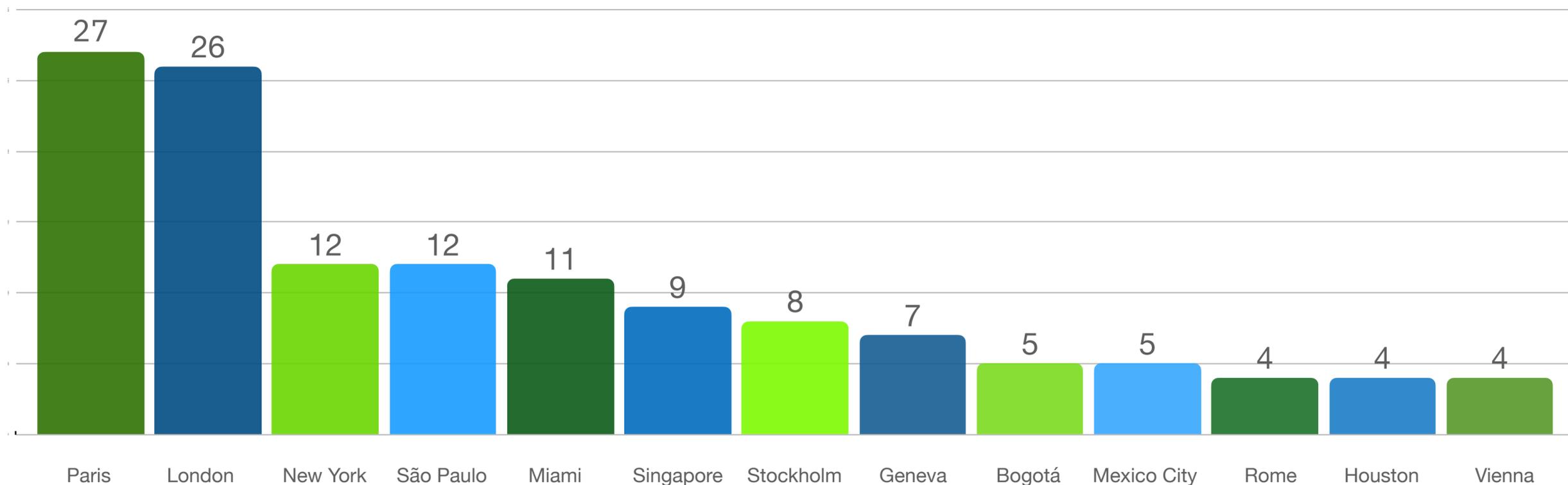
Note: Based on commercial arbitration cases available on Jus Mundi as of October 2021. Displaying institutions with three or more documents. Total number of cases are 274 for the purpose of this chart.

Considering the complexity and fact-heavy nature of construction arbitrations, selecting a wrong set of arbitration rules can impair the effectiveness and expeditiousness of the proceedings, eventually defeating the very purpose of international arbitration. This is why Jus Mundi has the **full text of arbitration rules** in the case documents and a dedicated [filter](#) to narrow down search results by applicable rules.

Most Selected Arbitration Seats

The selection of the seat of the construction arbitration is an important strategic choice that should be made with caution. Selecting an improper seat can result in several procedural and practical difficulties. As the challenge of arbitral awards is governed by the national law of the seat of arbitration, selecting a trusted seat with relevant judicial expertise and arbitration-friendly legislation is much more preferable. The survey of all construction cases shows traditionally popular seats: Paris, London, New York. Also, it is worth noting the selection of São Paulo and Miami as seats. The Brazilian Arbitration Act allows State entities to use arbitration, which is why we often see the [State of São Paulo](#) appearing as a party in several disputes for the transport system construction.

The Court of Appeals of the State of São Paulo (TJSP) has two chambers with specific jurisdiction to hear and decide all appeals in domestic or international arbitration matters. Furthermore, Brazilian courts are arbitration-friendly. Miami is the gateway to Latin America for international companies in Americas with several Spanish & Portuguese legal practitioners. Miami International Commercial Arbitration Court (MICAC) was created in response to increasing amounts of international arbitrations and to promote Miami as a preferred seat. MICAC is part of Florida's eleventh circuit division called Complex Business Litigation (CBL). Jus Mundi has a [seat filter](#) to narrow search results by seat of arbitration.



International Arbitrators for Construction Arbitration

With large engineering and construction projects, the expertise of the adjudicators is key to the effective management and resolution of the dispute. As such, international arbitration procedures allow parties to tailor the arbitrator selection to their specific needs and select the arbitrators that possess the required expertise.

At the time of writing, our [Directory](#) contains more than **5500** arbitrator profiles, of which **460** have appeared in commercial construction arbitrations.

The unique feature of our Arbitrator Analytics is that you also see **economic sectors** in which the arbitrator has participated in the past. This information is crucial for arbitration selection process. The table also reveals gender disparity among the arbitrators. Our database shows [Valeria Galíndez](#), [Judith Ittig](#), [Fatima Balfaqeeh](#), [Patrícia Ferreira Baptista](#), [Marina P. Bardina](#) and [Nayla Comair-Obeid](#). also hold construction arbitration experience. You can filter by gender, nationality for diverse arbitrator options in the Directory.

Tooltip



Jus Mundi's Arbitrator Analytics will show the industry experience of the arbitrator. Hover over the analytics to see the numbers.

Arbitrators with heavy construction caseload

No.	Arbitrator	Commercial Construction cases
1	Ugo Draetta	9
2	Bernardo M. Cremades Sanz-Pastor	6
2	Robert Gaitskell	6
3	Yves Derains	5
4	J. William F. Rowley	4
4	Eric A. Schwartz	4
5	Vivian Arthur Ramsey	3
5	Paolo Michele Patocchi	3
5	John W. Hinchey	3
5	Cristian Conejero Roos	3
5	Fernando Mantilla-Serrano	3
5	Stephen Furst	3

Note: Based on commercial arbitration data available on Jus Mundi as of October 2021. Displaying arbitrators with three or more cases. Please visit the profiles for the latest analytics.

International Law Firms for Construction Arbitration

Jus Mundi's [firm profiles](#) survey revealed the active law firms with construction arbitration caseload. In the methodology used to calculate this data, we considered both commercial and investment arbitrations in the construction sector to provide a better overview of the key players in the market.

We recently launched the firm profiles in response to in-house counsel's needs to find the most suitable external counsel. Our profiles give a 360-degree overview, including the economic sectors in which the firm is active. In addition, the type of cases analytics gives you more control to verify the firms' expertise.

Tooltip



Get a 360-degree overview on your external counsel's expertise using Jus Mundi's firm profiles.

Law firms with heavy construction caseload

No.	Law firm	Construction cases
1	White & Case	24
2	Curtis, Mallet-Prevost, Colt & Mosle	16
3	King & Spalding	15
4	Shearman & Sterling	13
5	Quinn Emanuel Urquhart & Sullivan, Bonelli Erede Pappalardo	13
6	Freshfields Bruckhaus Deringer	11
7	Atkin Chambers, Mayer Brown	9
8	Baker & McKenzie, Seyfarth Shaw, Clyde & Co.	8
9	Jones Day	7
10	Vinson & Elkins, Latham & Watkins	6

Note: Based on commercial & investment arbitration data available on Jus Mundi as of October 2021. Displaying law firms with more than five construction arbitration cases. Please visit the profiles for the latest analytics.

International Experts for Construction Arbitration

Expert evidence is of paramount importance in construction arbitration as it can provide much-needed clarification and knowledge about fact-heavy and technically complex construction projects. Moreover, convincing expert evidence can be decisive for prevailing on specific or several issues in construction arbitration.

Be it delay, quantum, forensic accounting, geotechnics, or defects expert, involving the right professional in construction arbitration poses a vast set of challenges for the law firms and companies on either side of the dispute.

Our recent Paris Arbitration Week [panel](#) with in-house counsel also revealed the importance of involving experts in the early stages of the dispute or even in pre-disputes phase.

Recognizing this need, we launched expert filter in our [search engine](#) and expert profiles in our [Directory](#) with more than **3592** expert profiles based on our data. Recently, we also created [expert firm profiles](#) to give an overview, just like law firm profiles mentioned earlier. Very soon, you will also be able to do conflict checks on experts in Jus Mundi's [Conflict Checker](#) tool.

A further survey of available construction arbitrations identified **358** experts who have at least once acted either as a tribunal or party-appointed expert in construction commercial arbitration proceedings.

Individual Expert Profile Examples

[Brent Kaczmarek](#)

[Gervase Macgregor](#)

[Arturo Hoyos](#)

[Octavio del Moral](#)

[Rebecca Velez](#)

Expert Firm Examples

[FTI Consulting](#)

[Berkeley Research Group](#)

[Accuracy](#)

[Alvarez & Marsal](#)

[Exponent](#)

Tooltip



Jus Mundi's Expert Analytics will show the industry experience of the expert. Hover over the analytics to see the numbers. Conflict Checker for Experts is coming soon.

Selected Arbitration Award Analysis

Our Selection: [Omega Construcciones Industriales v. Comisión Federal de Electricidad](#)

→ Facts

The dispute that became subject to this arbitration is related to the construction of the project known as Chicoasén I, a hydroelectric dam near the community of Chicoasén, Chiapas, Mexico.

In 2015 the Chinese-Mexican Consortium (**Consortium**) was awarded a US\$390 million contract (**Contract**) to construct Chicoasén II (**Project**), a 240MW hydroelectric dam on the Grijalva river nine kilometers away from the original Chicoasén I project site.

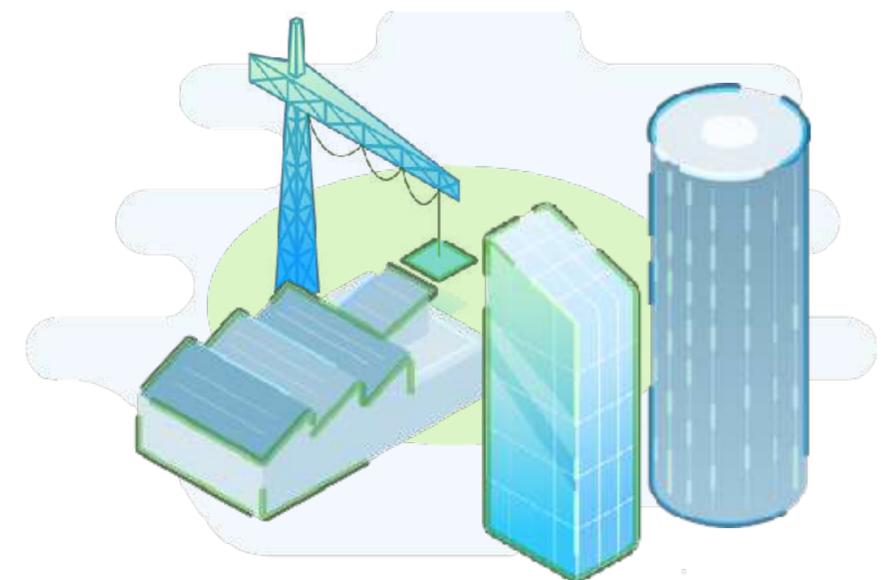
The Federal Electricity Commission (**FEC**), a production company of the Mexican state that was responsible for the generation, transmission, and marketing of electrical power in the national territory along with the Mexican state, undertook a series of "social commitments" before and during the construction of the Project promising that it would hire local residents in the various phases of the Project.

The plant was scheduled to be completed by 2018. Still, the construction was soon impaired by the number of local community blockades organized by ejidatarios, fishermen, laborers, & truck drivers that lasted for entire months, who were claiming that FEC did not uphold its promise to hire them

FEC addressed the blockades and ordered six temporary and partial suspensions of the Project, each lasting for 60 days and extending until 22 June 2017.

The Consortium submitted four contract termination notices, arguing that much time had passed, many problems and cost overruns had occurred, and no solution had been found. In addition, the Consortium pointed out that the suspension was in effect indefinite and that the events constituted a force majeure.

On 27 October 2016, suffering losses and unable to continue its operations, Consortium submitted the case for LCIA arbitration claiming breaches of the Contract by FEC, asking for early termination of the Contract and compensation for the frustration of the Project.





→ Constitution of the Tribunal

Victor M. Ruiz

President

Fernando del Castillo

Appointed by the respondent

Gerardo Lozano Alarcón

Appointed by the claimant

→ Tribunal's decision

The tribunal found that the Consortium's claims are arbitrable, rejected all the jurisdictional objections, and declared jurisdiction to resolve the dispute between the parties.

On the merits, the tribunal denied the FEC's counterclaim and decided that the FCE breached its obligations, importantly:

- 1 to provide access to the site
- 2 to obtain and maintain the real property rights;
- 3 to make its best efforts and cooperate with the Consortium in the execution of the Project; and
- 4 to ensure that its representations and warranties contained in the contract were true and correct.



As a result, the tribunal awarded the Consortium USD\$ 223 million in damages and ordered it to cover the costs of arbitration

→ Legal rationale

Jurisdiction

The FEC raised three jurisdictional objections, arguing that:

- 1 the dispute should have been submitted to the determination of an expert in accordance with the Contract;
- 2 the claims related to the alleged breach of obligations assumed by the FEC, as well as early termination, may not be resolved by arbitration; and
- 3 the tribunal lacks jurisdiction to rule on the Consortium's economic claims.

Addressing the objection that the dispute is technical and should be instead submitted for expert determination, the tribunal observed that the dispute requires an analysis of Mexican law of obligations, making the matter far from being categorized as "technical or administrative."



Ruling on the arbitrability objection, the tribunal held that the issues in question do not relate to the [ratione materiae](#) jurisdiction. Even if they were, it has full authority to consider the acts invoked by the Consortium related to the commitments assumed by the FEC since they may constitute the effective cause of the breach events attributed to the FEC.

Looking at the Contract's provisions on arbitration and expert determination, the tribunal found that it has jurisdiction to rule on [economic claims](#). The tribunal reasoned as follows:

“ *“it will not only make any sense to submit the dispute to expert determination and potentially to an additional arbitration if one of the parties disagrees with the decision of the expert but also, as a result, the text of the arbitration agreement would be completely ineffectual.”*

→ Merits

The FEC's obligation to guarantee access to the site

The tribunal ruled that the Contract required the FEC to guarantee the Consortium access to the Project site. Still, it refrained from doing so, but its acts and omissions caused the Consortium to be prevented from accessing the Project site and executing the Project resulting in a breach.

Breach by the FEC of its obligations to obtain and maintain the real property rights



The tribunal found that the acts and omissions such as: Lack of timely payment. Not carrying out the expropriation of the land on a timely basis. Not compensating the ejidatarios for the occupation of their land for approximately one year. Not paying the amount it promised to pay for such occupation constituted the effective cause of the FEC breaching its obligation to obtain, and keep in effect, the real property rights.

FEC's breach of its obligation to make its best efforts and cooperate with the Consortium in the execution of the Project

Referring to the Contract, [good faith obligations](#), and excessive powers of the CFE the tribunal found that CFE, by not having taken all of the actions within its power so that it would not leave "one stone unturned," breached the obligation under the Contract.

Breach by the FEC the obligation to ensure that its representations and warranties contained in the Contract were true and correct.

The tribunal ruled that the FEC breached its representations and warranties provided in the Contract by not informing the Consortium about the proceeding that might adversely affect the FEC obligations under this Contract. In particular, the tribunal found at least two weeks before the Contract was signed, one of the Chicoasén ejidatarios had filed an indirect suit for constitutional protection.

These events prevented the Consortium from knowing about the issues indispensable for analyzing and foreseeing the risks they would face and taking the measures within their power to mitigate and/or overcome the shutdowns and blockades.



Tips From a Forensic Expert – Did You Notice the Iceberg?



Thomas Hofbauer

Senior Managing
Director, FTI Consulting
(Munich, Germany)

How can IT support project forensics to help experts structure information in complex construction and engineering disputes?

This piece is contributed by Thomas Hofbauer, Senior Managing Director at FTI Consulting. He is a member of the Forensic and Litigation Consulting segment. Thomas works in the Construction Solutions practice and is a civil engineer with over 20 years of experience in the construction and engineering industries and acts as both delay and quantum expert, in English and German language disputes.

Thomas initially shared the valuable tips and advice in this article during the Baltic Arbitration Days 2021 during a panel on the topic of “IT in Arbitration”. Thomas provides intricate details on how IT can support project forensics to help experts structure information in complex construction and engineering disputes.

Typically, construction arbitrations are fact-heavy since the evidence accompanying the construction and engineering projects is enormous. As a result, communication in construction and engineering projects generally involves a mix of thousands to hundreds of thousands of irrelevant and relevant documents and emails, including attachments on hard drives or data transfer of documents. On top of that, in recent years, emails, direct messaging, video conferences, and chats have been added to already existing traditional formats of communication.

The “iceberg,” as depicted by Thomas when referring to the enormous amount of information generated by the construction project, includes communication, visual, cost progress, and anecdotal information.

The experts base their assessment on team knowledge and data analysis. After the project team shares their views and project data is received, the challenging analysis task begins.

As the number of documents in construction and engineering projects can easily exceed thousands or even tens of thousands of items, the first objective is to eliminate irrelevant data and reduce the number of files for review.

In the process, various visualization techniques are used to portray the duration of issues based on contemporaneous records and correspondence. In addition, one of the aims of visualization is to allocate the “criticality” of issues timely. Lastly, delay analyses are conducted to understand progress as compared to logic changes. We will cover each concept in four detailed tips below.



Tip #1: Reducing the number of documents

The starting point with digging into the huge pile of data and documents will be to get rid of duplicate information in the data set, as, in the process of communication, many documents and data are duplicated and are irrelevant for arbitral proceedings.

Python coding comes to help substantially reduce the data and to facilitate manual review. For “external” purposes, the same is enabled by exporting Excel spreadsheets that include filtering options. We will further investigate a real-life example of how deduplication and data reduction play out with voluminous evidence.



Example:

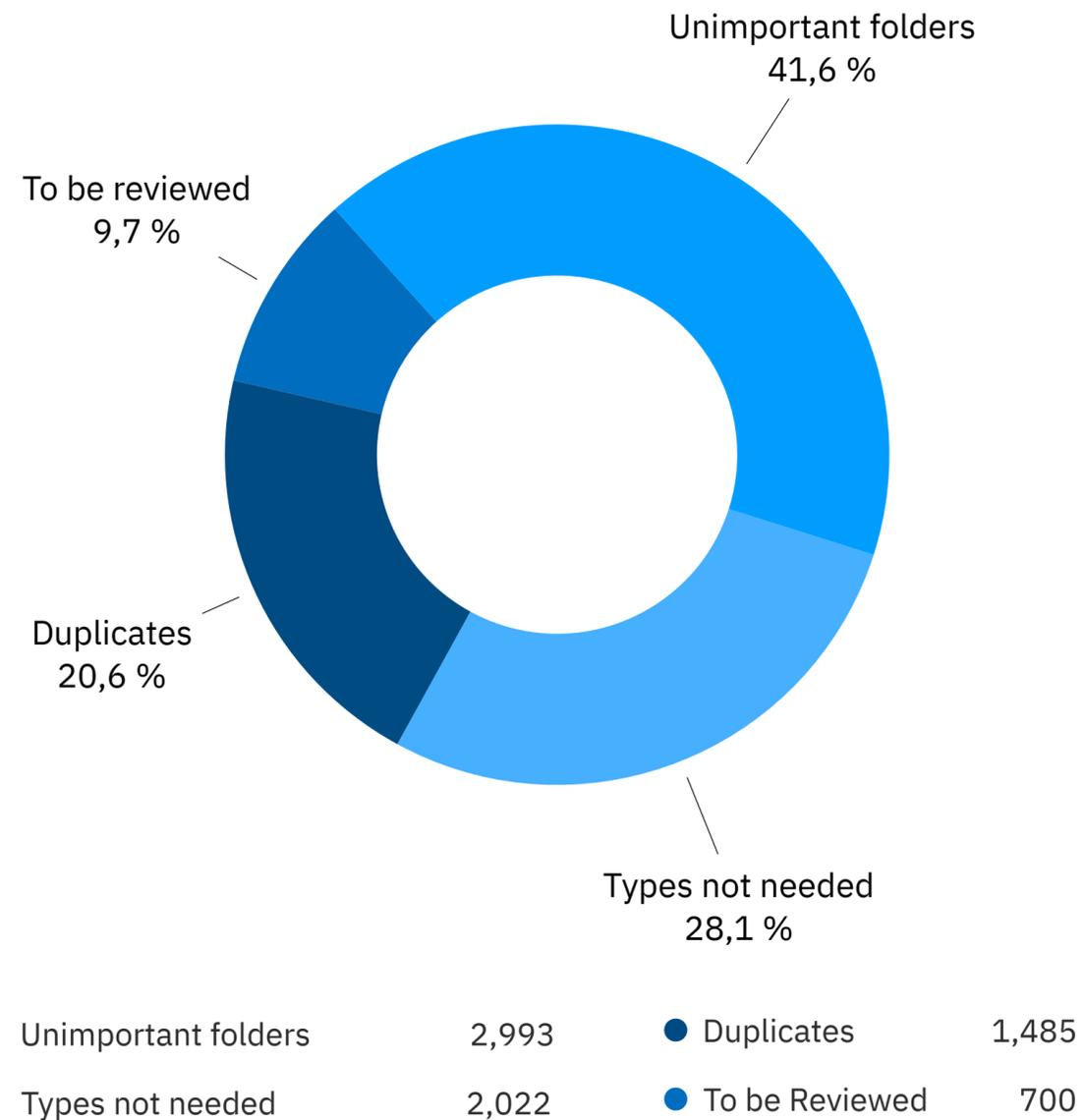
Data at the start: ~7,200 documents
Data reduction: ~6,500 documents
Date for review: ~700 documents

Out of a total of received 7,200 documents, deduplication removes around the fourth of the documents, whereas defining what types are of more importance reduces around 2,000 documents that are about 27 % of the initial pile. Lastly, defining the specific folders to be excluded, like templates and archives, allows an additional reduction of 3000 docs, leaving us with only 700 documents to review. The below chart illustrates the proportions of reduced documents in more detail.

Steps for reduction of items for review :

- Exclude duplicate files (reduction of ~1,500 docs)
- Define time periods (step not applied following the first review)
- Define file types of importance (reduction of ~2,000 docs)
- Define specific folders to be included/excluded (e.g. templates, archives) (reduction of ~3,000 docs)

Breakdown Example



As can be observed, after the reduction, only around 10 % of the initial volume is left for further investigation.



Tip #2: Visualizing the data

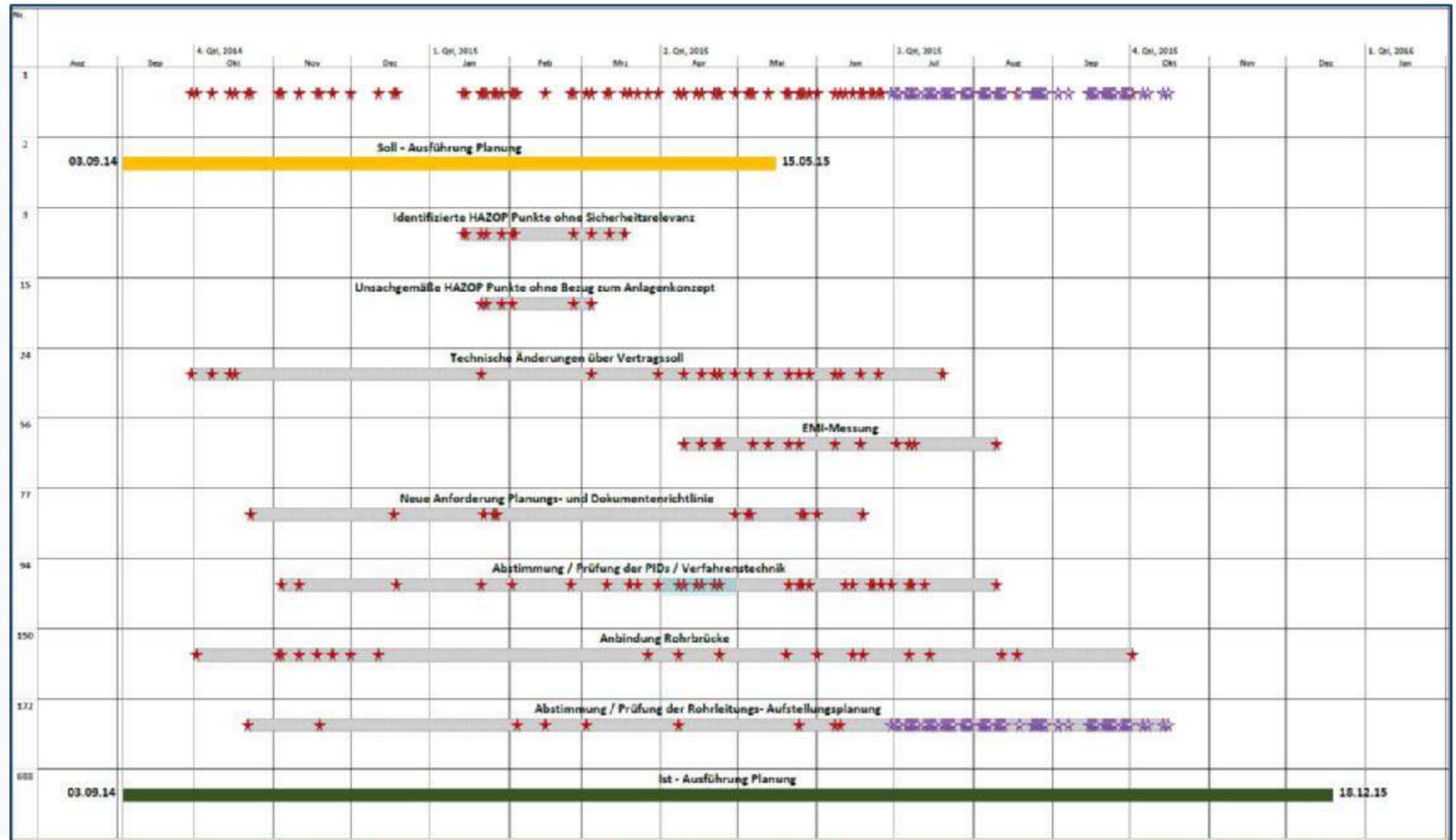
This step includes visualizing the duration of issues based on contemporaneous records and correspondence. That allows concentrating on identifying issues based on the available data. Possible identifiable examples of issues are Client's or third party's interference with engineering such as design changes, late approvals by clients, clashes between work plans of different contractors, and unplanned levels of resources.

The task requires:

- ➔ Client's or Third Party's interference with engineering such as design changes
- ➔ Late approval by clients
- ➔ Clashes between work plans of different contractors
- ➔ Unplanned level of resources

Situations where data visualization may reduce complexity:

- ➔ Client's or Third Party's interference with engineering such as design changes
- ➔ Late approval by clients;
- ➔ Clashes between work plans of different contractors
- ➔ Unplanned level of resources



Note: This graph by Thomas Hofbauer provides a visual representation of the complexity of documents



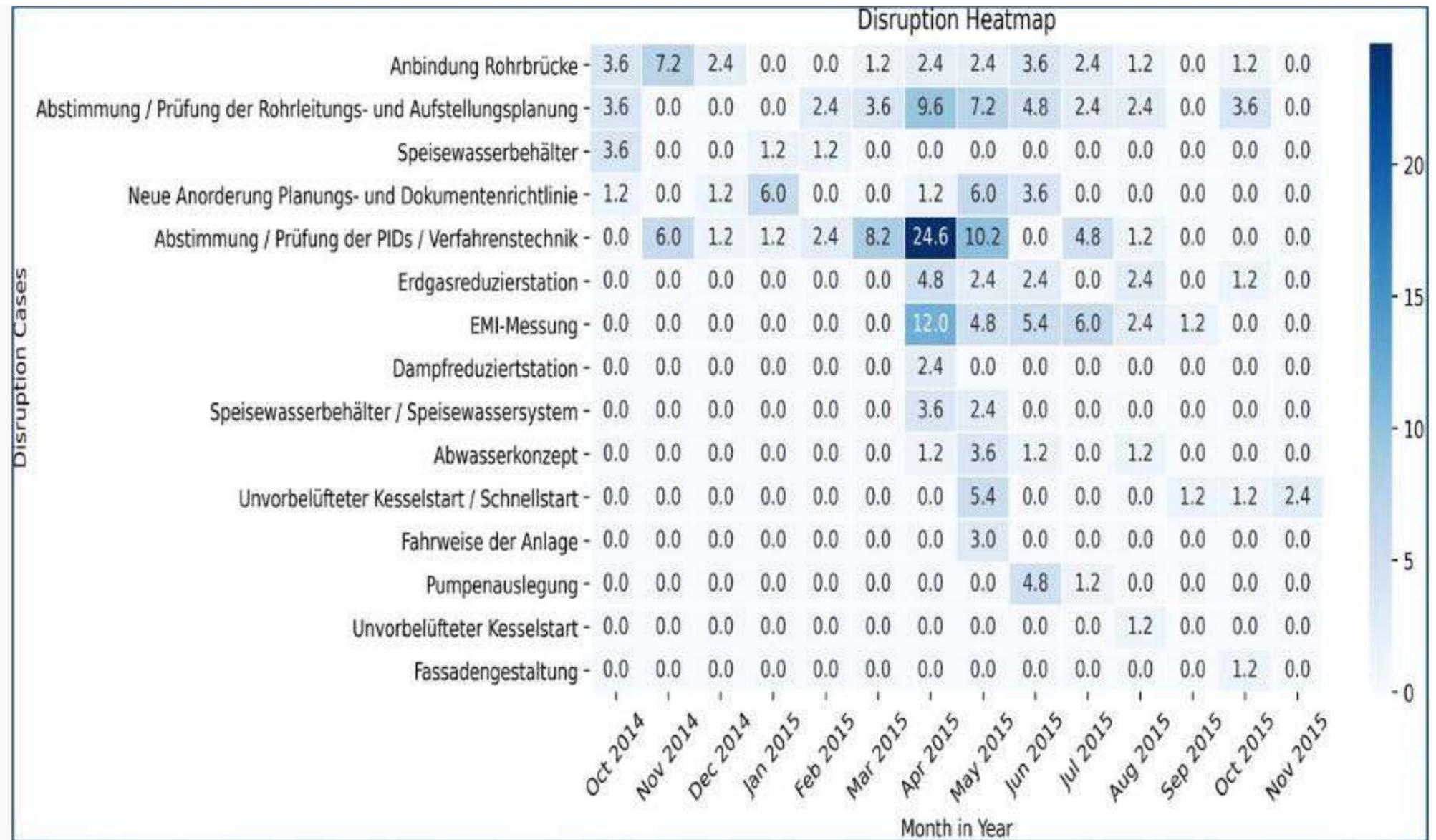
Tip #3: Weighting data

The weighting approach is made in three general steps:

- ➔ Identify event/topic of interest
- ➔ Assessment of impact in the period and the criticality of the period
- ➔ Scoring of critical events referred also to as evidence Impact score.

An example of the weighted approach visualization is provided on the right side.

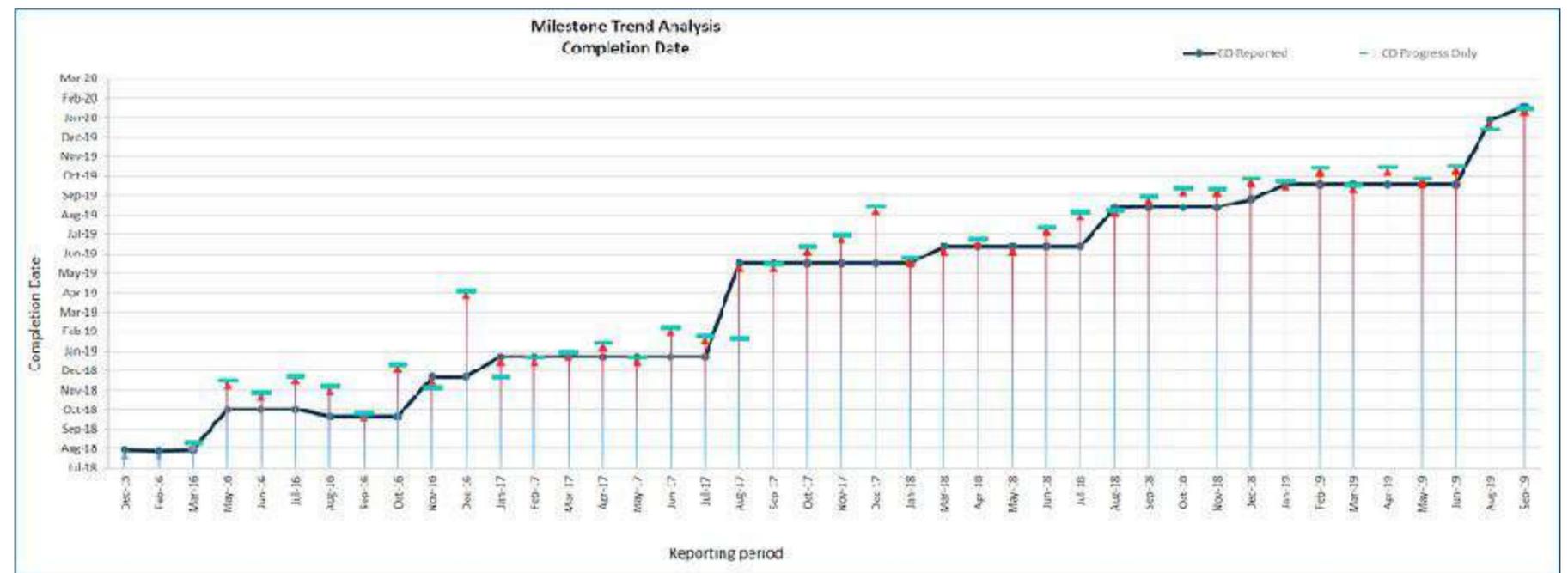
The occurrence of an issue doesn't necessarily mean that this issue causes a problem. Before incorporating issues into the project assessment, the issues must be weighted based on the expert's expertise.





Tip #4: Delay analysis – Progress vs Logic changes

The progress vs. logic analysis allows us to understand and visualize if logic changes between two schedule updates led to overstated delays or hidden delays. Based on this information the expert may ascertain whether the project was already delayed, which is an essential indicator for delay claims in construction arbitration. The rather detailed and data-heavy analysis compares the reported project completion milestone and the actually calculated project completion milestone based on achieved progress.



5 key takeaways

Here are the five key takeaways of this discussion:

- ➔ Reducing data to reduce and focus review efforts;
- ➔ Structuring data to separate relevant from irrelevant information;
- ➔ Analyzing with appropriate tools (but not only);
- ➔ Taking advantage by visualizing data; and
- ➔ You cannot avoid data. If you don't look at it. The other party will.

Annex 1: 2021 Construction Arbitration Cases

Case Name	Institution	Claimant	Respondent	Year of Introduction	Latest Update	Status	Sub-Sector	Arbitration Seat
Concessionaire of the Line 18 Bronze Monorail S.A. v. State of São Paulo	CAM-CCBC	Concessionaire of the Line 18 Bronze Monorail S.A.	State of São Paulo	2020	27 Sept 2021	Pending	Civil engineering	São Paulo
China International Water and Electric Corporation v. National Highway Authority (Pakistan)	ICC	China International Water and Electric Corporation	National Highway Authority (Pakistan)	2015	14 Sept 2021	Concluded	Specialized construction activities	Paris
(1) Grupo Unidos por el Canal, S.A., (2) Sacyr, S.A., (3) Webuild, S.p.A. (formerly Salini-Impregilo S.p.A.), (4) Jan De Nul, N.V. v. Autoridad del Canal de Panamá (II)	ICC	(1) Grupo Unidos por el Canal, S.A., (2) Sacyr, S.A., (3) Webuild, S.p.A. (formerly Salini-Impregilo S.p.A.), (4) Jan De Nul, N.V.	Autoridad del Canal de Panamá	2015	13 Sept 2021	Concluded	Civil engineering	Miami
Delhi Metro Rail Corporation v. Delhi Airport Metro Express Pvt Ltd (Reliance Infrastructure Limited and Construcciones y Auxiliar de Ferrocarriles, S.A)	Data not available	Delhi Metro Rail Corporation	Delhi Airport Metro Express Pvt Ltd	Unknown	9 Sept 2021	Concluded	Specialized construction activities	New Delhi
(1) Grupo Unidos por el Canal, S.A., (2) Sacyr S.A., (3) Salini-Impregilo S.p.A. and (4) Jan de Nul N.V. v. Autoridad del Canal de Panama (IV)	ICC	(1) Grupo Unidos por el Canal, S.A., (2) Sacyr S.A., (3) Salini-Impregilo S.p.A. and (4) Jan de Nul N.V.	Autoridad del Canal de Panama	2016	6 Sept 2021	Pending	Civil engineering	Miami
ICC Case - ID No. 1850	ICC			2021	1 Sept 2021	Pending	Construction	
ICC Case - ID No. 1832	ICC			2021	1 Sept 2021	Pending	Construction	
SSK Ingeniería y Construcción S.A.C v. Técnicas Reunidas de Talara S.A.C	ICC	SSK Ingeniería y Construcción S.A.C	Técnicas Reunidas de Talara S.A.C	2018	30 Aug 2021	Concluded	Construction of buildings	Miami
Consortium EFACEC/ANSALDO v. State of São Paulo and Companhia Paulista de Trens Metropolitanos - CPTM	ICC	Consortium EFACEC/ANSALDO	State of São Paulo and Companhia Paulista de Trens Metropolitanos - CPTM	2017	17 Aug 2021	Pending	Civil engineering	São Paulo
Consortium ENERGI v. State of São Paulo and Companhia Paulista de Trens Metropolitanos - CPTM	ICC	Consortium ENERGI	State of São Paulo and Companhia Paulista de Trens Metropolitanos - CPTM	2017	13 Aug 2021	Pending	Civil engineering	São Paulo

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ICC Case - ID No. 1823	ICC			2021	1 Aug 2021	Pending	Construction	
ICC Case - ID No. 1824	ICC			2021	1 Aug 2021	Pending	Construction	
ICC Case - ID No. 1834	ICC			2021	1 Aug 2021	Pending	Construction	
ICC Case - ID No. 1844	ICC			2021	1 Aug 2021	Pending	Construction	
ICC Case - ID No. 1843	ICC			2021	1 Aug 2021	Pending	Construction	
ICC Case - ID No. 1849	ICC			2021	1 Aug 2021	Pending	Construction	
Fomento de Construcciones y Contratas v. Caja de Seguro Social Panameña (II)	ICC	Fomento de Construcciones y Contratas	Caja de Seguro Social Panameña	2020	21 July 2021	Settled	Specialized construction activities	Panama City
Fosmax LNG v. STS (Maire Tecnimont S.p.A., TCM France (formerly known as Sofregaz SAS) and Saipem S.p.A.) (II)	ICC	Fosmax LNG	STS (Maire Tecnimont S.p.A., TCM France (formerly known as Sofregaz SAS) and Saipem S.p.A.)	2017	20 July 2021	Concluded	Civil engineering	Paris
WCT Holdings Berhad and Arabtec Construction LLC v. Maydan Group LLC	DIAC - Dubai	WCT Holdings Berhad and Arabtec Construction LLC	Maydan Group LLC	Unknown	13 July 2021	Concluded	Construction of buildings	
Damietta International Ports Company S.A.E v. Damietta Port Authority	ICC	Damietta International Ports Company S.A.E	Damietta Port Authority	2015	8 July 2021	Concluded	Civil engineering	Cairo
DP World Limited v. Port of Djibouti SA	LCIA	DP World Limited	Port of Djibouti SA	2018	7 July 2021	Pending	Construction	
ICC Case - ID No. 1804	ICC			2021	1 July 2021	Pending	Construction	
ICC Case - ID No. 1805	ICC			2021	1 July 2021	Pending	Construction	
ICC Case - ID No. 1817	ICC			2021	1 July 2021	Pending	Construction	
ICC Case - ID No. 1855	ICC			2021	1 July 2021	Pending	Construction	
Omega Construcciones Industriales, S.A DE C.V., Sinohydro Costa Rica, S.A., Desarrollo y Construcciones Urbanas, S.A. DE C.V. and Caabsa Infraestructura, S.A. DE C.V. v. Comisión Federal de Electricidad	LCIA	Omega Construcciones Industriales, S.A DE C.V., Sinohydro Costa Rica, S.A., Desarrollo y Construcciones Urbanas, S.A. DE C.V. and Caabsa Infraestructura, S.A. DE C.V.	Comisión Federal de Electricidad	2016	30 June 2021	Concluded	Civil engineering	Mexico City

Case Name	Institution	Claimant	Respondent	Year of Introduction	Latest Update	Status	Sub-Sector	Arbitration Seat
Lendlease (US) Construction Inc. v. China Oceanwide Holdings Limited	AAA	Lendlease (US) Construction Inc.	China Oceanwide Holdings Limited	2020	15 June 2021	Concluded	Construction	Los Angeles
Compagnie Sahélienne d'Entreprise v. The Republic of Guinea	ICC	Compagnie Sahélienne d'Entreprise	The Republic of Guinea	2016	14 June 2021	Concluded	Civil engineering	Paris
Eight City Co (Kempinski Hotels S.A and others) v. Incheon Metropolitan City	ICC	Eight City Co (Kempinski Hotels S.A and others)	Incheon Metropolitan City	2019	1 June 2021	Concluded	Construction of buildings	Hong Kong
ICC Case - ID No. 1795	ICC			2021	1 June 2021	Pending	Construction	
ICC Case - ID No. 1800	ICC			2021	1 June 2021	Pending	Construction	
ICC Case - ID No. 1793	ICC			2021	1 June 2021	Pending	Construction	
ICC Case - ID No. 1796	ICC			2021	1 June 2021	Pending	Construction	
ICC Case - ID No. 1788	ICC			2021	Data not available	Pending	Construction	
Webcor ITP Limited, Grand Marché de Libreville v. la Commune de Libreville, la République Gabonaise	ICC	Webcor ITP Limited, Grand Marché de Libreville	la Commune de Libreville, la République Gabonaise	2015	25 May 2021	Concluded	Construction of buildings	Paris
BEG S.P.A. v. ENELPOWER S.P.A.	CCIAA	BEG S.P.A.	ENELPOWER S.P.A.	2000	20 May 2021	Concluded	Civil engineering	Rome
CEF and CEG v. CEH	ICC	CEF and CEG	CEH	2016	19 May 2021	Concluded	Civil engineering	Singapore
Zakhem International Construction Ltd. v. Sonatrach	ICC	Zakhem International Construction Ltd.	Sonatrach	2016	18 May 2021	Concluded	Construction	Paris
ICC Case - ID No. 1775	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1771	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1772	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1770	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1777	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1781	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1784	ICC			2021	Data not available	Pending	Construction	
Chevron Australia Pty Ltd on Behalf of and as Joint Venture Operator of the Gorgon Participants v. Leighton Contractors Pty Limited (Currently Known as CPB Contractors Pty Ltd), Saipem SA and Saipem Portugal Comercio Maritimo LDA	Ad hoc	Chevron Australia Pty Ltd on Behalf of and as Joint Venture Operator of the Gorgon Participants	Leighton Contractors Pty Limited (Currently Known as CPB Contractors Pty Ltd), Saipem SA and Saipem Portugal Comercio Maritimo LDA	2016	20 Apr 2021	Concluded	Civil engineering	Perth

Case Name	Institution	Claimant	Respondent	Year of Introduction	Latest Update	Status	Sub-Sector	Arbitration Seat
Storag Etzel GmbH v. Baker Hughes (Deutschland) GmbH (I)	DIS	Storag Etzel GmbH	Baker Hughes (Deutschland) GmbH	2015	16 Apr 2021	Concluded	Construction of buildings	Hannover
Electra Essid Neji v. Ferrovial Agroman (II)	Ad hoc	Electra Essid Neji	Ferrovial Agroman	2010	13 Apr 2021	Concluded	Specialized construction activities	Tunis
Consortium TIISA / CONSBEM / SERVENG (Brazil) v. State of São Paulo (Brazil) and Companhia Paulista de Trens Metropolitanos (Brazil)	ICC	Consortium TIISA / CONSBEM / SERVENG (Brazil)	State of São Paulo (Brazil) and Companhia Paulista de Trens Metropolitanos (Brazil)	2018	5 Apr 2021	Pending	Civil engineering	São Paulo
ICC Case - ID No. 1758	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1743	ICC			2021	Data not available	Pending	Construction	
Prinvest Shipbuilding Investments LLC, Logistics International SAL (Offshore) and Logistics International Investments LLC v. The Republic of Mozambique and Mozambique Asset Management SA (MAM)	SAC	Prinvest Shipbuilding Investments LLC, Logistics International SAL (Offshore) and Logistics International Investments LLC	The Republic of Mozambique and Mozambique Asset Management SA (MAM)	2019	11 Mar 2021	Pending	Civil engineering	
Holding Slovenske elektrarne and Šoštanj Thermal Power Plant v. General Electric	ICC	Holding Slovenske elektrarne and Šoštanj Thermal Power Plant	General Electric	2017	10 Mar 2021	Settled	Construction	Vienna
Todini Costruzioni Generali S.p.A. v. Ukravtodor - State Road Agency of Ukraine	ICC	Todini Costruzioni Generali S.p.A.	Ukravtodor - State Road Agency of Ukraine	2017	9 Mar 2021	Pending	Civil engineering	Paris
ICC Case - ID No. 1715	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1708	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1707	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1702	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1736	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1733	ICC			2021	Data not available	Pending	Construction	

Case Name	Institution	Claimant	Respondent	Year of Introduction	Latest Update	Status	Sub-Sector	Arbitration Seat
ICC Case - ID No. 1710	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1703	ICC			2021	Data not available	Pending	Construction	
Anaklia Development Consortium LLC v. Georgia	ICC			2020	25 Feb 2021	Pending	Construction	
Concessionaire Rodovia Dos Tamoios S.A. v. State of São Paulo and Regulatory Agency for Public Services Delegates of Transportation of the State of São Paulo	AMCHAM - Brazil	Concessionaire Rodovia Dos Tamoios S.A.	State of São Paulo and Regulatory Agency for Public Services Delegates of Transportation of the State of São Paulo	2021	19 Feb 2021	Pending	Civil engineering	São Paulo
Pak Matiari-Lahore Transmission Company v. National Transmission & Despatch Company	Data not available	Pak Matiari-Lahore Transmission Company	National Transmission & Despatch Company	Unknown	6 Feb 2021	Notice of Intent	Civil engineering	
ICC Case - ID No. 1695	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1689	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1690	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1682	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1684	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1681	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1685	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1697	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1695	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1689	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1690	ICC			2021	Data not available	Pending	Construction	
CAI and Claimant B v. CAJ and CAK	ICC	CAI and Claimant B	CAJ and CAK	2016	29 Jan 2021	Concluded	Specialized construction activities	Singapore
ING Real Estate Development B.V. v. Strukton Construction B.V.	RvA	ING Real Estate Development B.V.	Strukton Construction B.V.	2009	29 Jan 2021	Concluded	Construction of buildings	Amsterdam
Company X v. Company Y	ICC	Company X	Company Y	2019	11 Jan 2021	Unknown	Construction	London

Case Name	Institution	Claimant	Respondent	Year of Introduction	Latest Update	Status	Sub-Sector	Arbitration Seat
Beijing Everyway Traffic & Lighting Tech Co. v. The Republic of Ghana (II)	LCIA	Beijing Everyway Traffic & Lighting Tech Co.	The Republic of Ghana	2021	2021	Pending	Civil engineering	
ICC Case - ID No. 1666	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1678	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1672	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1676	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1659	ICC			2021	Data not available	Pending	Construction	
ICC Case - ID No. 1656	ICC			2021	Data not available	Pending	Construction	
Korean Aerospace Industries v. Airbus Helicopters SAS	SIAC	Korean Aerospace Industries	Airbus Helicopters SAS	2021	2021	Pending	Civil engineering	
FMT US Inc. and Christof Industries GmbH n/k/a Christof Industries Global GmbH v. Swiss Krono SC, LLC and Siempelkamp Maschinen- und Anlagenbau GmbH	ICDR	FMT US Inc. and Christof Industries GmbH n/k/a Christof Industries Global GmbH	Swiss Krono SC, LLC and Siempelkamp Maschinen- und Anlagenbau GmbH	2018	2021	Concluded	Specialized construction activities	

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