



Women Pioneers in Dispute Resolution



Published by

giz Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ) GmbH

ARBITRALWOMEN
The International Network of
Women in Dispute Resolution

Women Pioneers in Dispute Resolution

Imprint

Published by the

Deutsche Gesellschaft für
Internationale Zusammenarbeit (GIZ) GmbH

Registered offices
Bonn and Eschborn, Germany
Open Regional Fund South East Europe – Legal Reform
Rr. Skenderbej, Pall 4 ap 10
Tirana, Albania
T/F + 355 4 2233374
orflex-al@giz.de
www.giz.de/

As at

September 2015

Printed by

Shtypshkronja Pegi

Photo rights

@Authors

Cover photo from

Darren Lebeuf

Design and layout

Vjola Niço

Prepare for Print

Erlanda Agaj

On behalf of the
German Federal Ministry for Economic Cooperation and Development (BMZ)

GIZ

An innovative partner for the global challenges of tomorrow

The wide range of services offered by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH are based on a wealth of regional and technical expertise and on tried and tested management know-how. We are a German federal enterprise and offer workable, sustainable and effective solutions in political, economic and social change processes.

Most of our work is commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ). However, GIZ also operates on behalf of other German ministries and public and private bodies in Germany and abroad. These include governments of other countries, European Union institutions, such as the European Commission, the United Nations and the World Bank. We are equally committed to helping our clients in the private sector attain their goals.

Facts and figures

GIZ operates throughout Germany and in more than 130 countries worldwide. Our registered offices are in Bonn and Eschborn. We have 16,410 staff members around the globe, almost 70% of whom are employed locally as national personnel.* GIZ's business volume was over EUR 1.9 billion as at 31 December 2013.

(*Figures as at 31 December 2014)

ArbitralWomen has existed informally since 1993, actively since 2000 and officially as a non-profit organisation since 2005. The group has grown to a few hundred members from over 40 countries and several hundred women practitioners in regular contact with the organisation. ArbitralWomen’s objectives are to foster and improve the visibility of women in international dispute resolution, advance their interests and enhance their involvement in the field. It also provides referrals to women and men. Some of its selected activities and projects include organising events, providing assistance in locating speakers and practitioners in international dispute resolution, offer a mentorship program to its members, offer support to moot competition teams, feature its members’ publications on Kluwer Arbitration Blog, publish a newsletter, and contribute to fostering gender diversity and equality. Further information on www.arbitralwomen.org.

Content

Introduction by Adela Llatja	9
Women Working For Change In Society: The ArbitralWomen Example by Louise Barrington	11
Bennar Balkaya	15
Yas Banifatemi	18
Louise Barrington	21
Beata Gessel-Kalinowska vel Kalisz	24
Judy Freedberg	26
Zinka Grbo	28
Inka Hanefeld	31
India Johnson	33
Judith Knieper	36
Flutura Kola Tafaj	39
Carolyn Lamm	42
Crenguta Leaua	45
Wendy Miles	48
Karen Mills	50
Corinne Montineri	54
Patrizia Netal	60
Ana Pepeljugoska	63
Miréze Philippe	65
Catherine Rogers	68
Duniya Stanikzai	71
Maja Stanivuković	74
Brigitte Stern	76
Mercedes Tarrazón	78
Vilija Vaitkute Pavan	80
Carita Wallgren-Lindholm	83

Introduction

A Bouquet: Stories from female practitioners working in the area of International Dispute Resolution.

The project “Gender Oriented implementation of the ADR instruments in the Western Balkan” is a project financed by the German Federal Ministry for Economic Cooperation and Development and implemented by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Open Regional Fund for South East Europe – Legal Reform (ORF LR). The project’s goal is to support the promotion of the alternative dispute settlement mechanisms (Arbitration and Mediation) in the Western Balkan, by especially promoting the participation of female practitioners.

This publication is a little piece of puzzle in the promotional approach by reporting on prejudices, societal structures society, missing networks that females face every day. By analysing individual careers, opportunities and reporting on challenges out of daily live of females working in the area of arbitration, the structural deficits become apparent. Young professionals are looking for models in their lifes, and in this book they can find theirselves or their models.

However, individual stories are often considered as amusing anecdotes , but do not provide either convincing or concrete evidence. Thus, a number of indices have been set up in order to measure the level of deficiency in society structures regarding gender equality, including, for example, a Gender Equality Index which operates at a European Union level. This Gender Equality Index shows that gender equality regarding the equality of power and of time availability has still nowhere near been reached within the European Union. However, European Union member countries scored highly when compared with the rest of the world e.g. when compared with other countries in the United Nations Gender Inequality Index.

This book will, despite of all of the aforementioned facts, follow a non-scientific method. It will collect individual stories advocating that anecdotes may actually hold a lot more truth than would appear at first sight and that it is therefore important for those observing to look more closely at the full picture. The female sharing their stories are not the only ones. There are many more successful women out there but this is the first attempt to give to those who look for models, their careers to find them.

GIZ therefore cooperated with ArbitralWomen, the organisation best placed to witness on stereotypes, on typical challenges female arbitrators face and whose members guarantee a worldwide coverage, participation of experienced practitioners as well as of those who are still at the very beginning of a career.

We gave the contributors freedom on how they best wanted to report on their challenges: some have very summarised their CV, others have reported on some concrete examples in an anecdotal form and we even have an analytical contribution. The outcome is a colourful mosaic showing that equality has still not been fully reached, but also showing that women can do it and did it- very often together with men! Time has not permitted to approach more reputed women pioneers and some who are approached could not contribute due to their agendas, and mainly, that list of women pioneers contributing is not exhaustive. Something along these lines will hopefully avoid disappointing those who could not contribute and were not contacted.

Enjoy the very diverse approaches of very different women, all of them working differently but all mastering stereotypes.



Adela Llatja
Coordinator ORF-Legal Reform
Gender Oriented Implementation of ADR
Instruments in Western Balkans

Women Working For Change In Society: The ArbitralWomen Example

Louise Barrington

ArbitralWomen is a network designed to recognize and promote women in alternate dispute resolution. Many have argued that such a group is either unnecessary, or even counterproductive. Clearly, the women who have joined the group, and the men who support it, think differently. We consider that women working together, focusing on particular interests of women, can be a powerful force for positive changes in society as a whole.

The notion of paying attention to women in arbitration first occurred to me during my first international conference as Director of the ICC's Institute of World Business Law, in Bahrain in the early 1990s. The occasion was an International Council Commercial Arbitration (ICCA) conference, and there were about 250 participants at the three-day affair. At some break in the proceedings, the women in the room – all ten of us -- had spontaneously congregated around the coffee table. We began to chat, and although the theme of that Bahrain conference has long ago fled my memory, the theme of our coffee break chat has not.

We remarked on the absence of women on the conference panels (there was only one among about 40 speakers in Bahrain) and even in the audience. Several recalled incidents where they were the lone splash of colour a roomful of grey suits, where lead counsel was asked to bring coffee to her junior, and where some male counsel simply ignored their presence. The somewhat rueful laughter led to some curiosity about whether there were other women involved in arbitration whom we hadn't met, whether their experiences were similar, and how were they dealing with life in a world of males.

Back in Paris, I sent a list around to the women from the Bahrain conference and asked them to add any names they knew, and return to me. I then wrote to the new names and asked them to do the same. This chain-letter list grew to nearly 150 names in the space of a couple of weeks and others continued to trickle in. I decided to invite the women of The List for dinner.

Sixty women attended that first gathering, from 13 different countries. Between the aperitif and the soup, each of the 10 women at the first table rose briefly to introduce herself and her interest in arbitration. As each course and table took the spotlight, the atmosphere underwent a marked change. The evening had begun with friendly curiosity: who were all these unknown faces and why hadn't we met before? The animation escalated, with the increasing awareness of the talent and power in that room. Many of those who shared that first evening still agree that it was an unforgettable moment.

In the following months, letters and suggestions arrived on my desk, from women who had experienced the excitement of that evening and the hope it could lead to something concrete. Women who had missed that first dinner wrote in to be added to The List. Male colleagues had remarked: "I'd be happy to appoint a woman arbitrator, but I don't know any qualified ones." The List was our answer. It was a start.

My next task was to find out something about those few female names already familiar throughout the arbitration community. In 1995 I distributed a 5-part questionnaire to all the women (by then over 200) on The List, to see what they could tell me. Eighty of them spent about an

hour on the questionnaire to tell me about their personal circumstances, their experience in arbitration, their own attitudes and those of their co-workers and their advice to others.

Of the 80, thirty felt that there had already been some progress for women in arbitration since the early 1990's. With more women in the practice of law, some had achieved recognition as speakers and authors. Women were lining up to take newly-established arbitration courses in law schools. There were a few men who actively promoted their female colleagues. And of course, there were a few successful women who loathed the idea of any focus on gender; they felt a gender-based approach would do more harm than good.

Rumour of The List and the research spread. To my amazement, I received an invitation to talk about my findings at a conference of the Chartered Institute of Arbitrators in Boston in 1996, thus beginning my long association with the Institute. That conference made me famous – or infamous – among men who came up to me at coffee breaks saying, “So you’re the young lady who wants to replace us?” My answer then and now is the same: we women don’t want to replace the men, only to join them.

Soon afterwards, while I was starting up ICC Asia in Hong Kong, it was my ICC Paris colleague Mireze Philippe who took on the challenge of creating a Yahoo! website to focus the energies of the women on The List and to expand it and create a forum for discussion. We began to have irregular dinners and mini-seminars in a number of cities, usually tacked on to an ICC arbitration commission meeting, an international conference or the Vis Moot. The numbers grew and women met and the network strengthened.

Women progressed, but in 2003, Focus Europe’s first study of large arbitrations highlighted the dearth of women in the top cases: only two women were arbitrating these cases. By the time Michael Goldhaber published his “Madame La Presidente” article in 2009, women were arbitrating 4% of the very large value cases. A few women were very successful and busy, but many others had yet to break into the cabal of international arbitration.

In 2005, again largely through the efforts of Mireze Philippe, we created ArbitralWomen as a not-for-profit company dedicated to fostering the role of women in international dispute resolution, through networking, communications and training. The inaugural general meeting took place in Montreal during the ICCA conference. In the six years of its existence it has grown to close to 500 members around the world.

Today, ArbitralWomen members organize dinners, informal meetings and seminars around the world for members and guests. In 2008 a mentoring programme began to match up experienced women in the field with those just starting out. ArbitralWomen gives out a number of grants each year to teams competing in the Vis Arbitration Moot in Vienna or the Vis East – provided those teams have at least 50% women. A quarterly Newsletter features members and our activities, and the ArbitralWomen website is a forum for members to post their CV’s and exchange messages. A directory of members lets and visitors alike to locate experts, counsel, arbitrators or speakers with an amazing range of expertise. In addition, countless numbers of professional connections and friendships have formed among ArbitralWomen. The group also recently introduced an award to honor men who have worked to promote the goals and values of the group. We also support initiatives by others which will further our goals.

Women also have taken on substantial responsibility for arbitration administration. Anne Marie Whitesell recalls being one of only two women counsel at the ICC Secretariat when she arrived. (The ICC’s very first female counsel was not appointed until 1995.) Anne Marie worked her way to the top job as Secretary General, and when she left in 2009, two-thirds of counsel and assistant counsel were women. India Johnson will take over in 2013 as the first woman President of the American Arbitration Association, one of the major arbitration institutions in the world.

The impetus for recognizing women came from women, but in recent years the broader arbitration community has recognized the importance of encouraging women to exercise their talents. In 2006, the Toronto chapter of the International Law Association featured a star-studded panel called “The Changing Face of International Arbitration” in which a number of prominent men and women commented on the need for diversity in arbitration, and progress made to date. CPR established a diversity committee, and the committee presents an annual award for diversity in arbitration. In 2011, JAMS featured a panel in New York on the role of women in arbitration. Global Arbitration Review (GAR) published a list of the Top 30 Female Arbitration Practitioners in 2007. In GAR’s current list of the “Top 40 under 45”, women occupy 10 slots. As women now outnumber their male colleagues at law schools around the world, and upon graduation many may enter the international arbitration field, that number should rise.

ICCA, known colloquially as “the gods of arbitration” for decades had one lone female among its 50 members. Today there are six, including a vice-president. Even at the top, there is some slight movement. The Dublin conference of 2008 featured women in 40% of its

speaking slots. Sadly, that record has not even been approached in subsequent congresses at Rio, Geneva, Singapore. More positive news came from the Young ICCA Workshop held in 2011, where of 20 speakers, 7 were women.

As well as the publicity, women are taking interesting gender-based initiatives which may have far-reaching repercussions in and beyond the realm of gender balance. A network of women’s arbitration centres has been created in India. The centres serve women, but also highlight the female talent available and recognize women who can serve as role models for the future.

In Albania, a high-powered women’s round table initiated by the Deputy Minister of Justice is seeking creative ways to achieve positive change for women in their country as it prepares for entry into the European Union. I had the good fortune to receive an invitation through GIZ, the German aid agency, to meet these women in May 2012. According to Judith Knieper, “... current reforms should help to prepare countries in South East Europe to become members of the EU. Women play a crucial role in these reform processes, but are often forgotten. Legal projects should therefore be drafted and conducted according to the principles of gender mainstreaming in order to take into account both the interest of men and women.” The legal changes envisaged by this group, although important to women, are also for the benefit of the country as a whole. The reforms they advocate range from new business and arbitration laws, to combatting domestic violence and gender inequality in education.

On October 11, thanks to lobbying by a number of women’s and girls’ groups and the support of the Canadian government the world will celebrate for the first time the United Nations Day of the Girl Child. Its purpose

is to focus attention on the educational inequalities and gender-based violence that hinder the development of girls and women at all levels of society.

These seemingly disparate initiatives are in fact many facets of the same crusade. Common to all is the recognition that progress for women means progress for a community as a whole.

Judging anecdotally and from some institutional statistics, it seems clear that the growth of arbitration around the world, the feminization of the practice of law, and the efforts of many dedicated women and men together are literally changing the face of international arbitration. In September of 2011, among the 360 delegates to the Latin American conference in Miami, over 40 per cent were women, a far cry from the handful in Bahrain. Many of the Miami women were young, and just starting out in the field. It will be interesting to see how many of them will remain to climb the ladder and join that list of top arbitrators under 45, and then progress to the highest ranks of the field. What does seem clear however is that women have come a long way since Bahrain. As one of the GAR laureates was able to say, "...being female may even be an advantage in some respects. People nowadays are more conscious of the need to have balance in cases and conferences. There are more opportunities for women."

This is especially true for the region: In Albania, among arbitrators and people involved in arbitration 60% are male and 40% female. In Serbia, even though majority of arbitrators in the list of the Foreign Trade Court of Arbitration are men, women are frequently appointed arbitrators and in 2011, there was even the first case of an all whole-female tribunal. In Croatia, 27/105 of arbitrators listed for domestic cases are female, and 23/104 on international lists of arbitrators issued by the Court of

Arbitration.. However, the percentage of nominated male arbitrators is much higher than females, who appear as arbitrators only rarely and mostly when appointed by the appointing authority. However, there are some bright examples in that regard. One of the female arbitrators from the list has actually been appointed several times in last few years, both by the parties and by the appointing authority. In Bosnia&Herzegovina, Montenegro and Macedonia there are very few cases, but the proportion of women arbitrating is increasing. In Bosnia&Herzegovina, there are 4 female arbitrators and 16 male arbitrators, in Montenegro 30% of arbitrators are female and 70% male. In Macedonia's list for national disputes there are 8 females out of a total of 27, and for international cases 19 females out of 59.

ArbitralWomen is but one of many catalysts in the movement towards women's equality, by raising public consciousness, by positioning women in the foreground, and then by working along with others, both women and men, to bring about progress. It is a model that can be used anywhere to effect other changes that are important to women and to society at large. A relatively small group of talented, persistent women who work together, each in her own domain and jurisdiction, can raise public awareness, women's expectations and the reality of success.

The danger is complacency. Women must still work hard and work smart to retain the progress already achieved and to make further gains. Competition to enter the workforce is tough, for both women and men. But looking back to 1985, it's comforting to know that the door to equality is now cracked open, and more than a few women have squeezed past the obstacles to stand with the men.



Bennar Balkaya

Founder of BennArb Law Firm, Turkey

Immediate Past Chairman of The European Branch of Chartered Institute of Arbitrators (CIArb)

Member of the CIArb Board of Management

The gateway to success...

The gateway to success, the *sine qua non* of which is imagination, desire, hard work, eternal hope and the desire to achieve one's full potential, is paved with obstacles and determination; however such a path is not connected to any gender, nationality, race, age or classification. Let me tell you my story.

At the age of 22 I started working in a small law firm whilst I was still a law student; and thus a 'new kid on the block' moved from preparing binders, copying documents and dealing with paperwork to being a pioneer in my part of the arbitration world.

During my term as a legal intern, the firm was engaged to represent a client in an arbitration case seated in Atlanta, USA. Without even knowing the definition of 'arbitration', I began to assist with the preparation for a complicated case. For a year I worked tirelessly on this case and learned and understood as much of the process as I could. I was the youngest member of the team, aged 24, and also attended the hearing in Atlanta. This was not only my very first arbitration experience, but also my first international case; altogether this was a unique and exciting experience for a very young lawyer like me.

The turning point of my life, however, was when the lawyers responsible for arbitration cases left the firm a year later to establish their own practice; suddenly I was the only one in the firm with any experience at all in arbitration. I was just 25 when I was handed a file for a case in Geneva. It was my first arbitration case in which I was the sole counsel.

With a passion to know more about arbitration, I started to work on my LLM, wrote my thesis on arbitration, attended events, met with people around the world and became a member of ADR related institutions. It was at that time that I became familiar with the Chartered Institute of Arbitrators (CI Arb) and was later, at the age of 31, voted to represent the CI Arb European Branch committee. One year later I became the PR Officer for the Branch; two years after that, when I was just 34, I was appointed as Chairman of the European Branch. Being appointed to such an eminent position made me proud and excited, not only because of the prestige and reputation of CI Arb, but because I was the first female Chairman of the European Branch and also the youngest Chairman ever appointed. I was always happy to be called Chairman rather than Chairwoman or

Chairperson, as for me gender issues are sometimes just a figment of our imagination.

Looking back over my career to date, whilst still eligible to be a member of below-40 groups, having conducted almost 70 arbitration cases, and having sat both as counsel and as an arbitrator, I ask myself how did I arrive at this point at such a very young age? Nothing, however, comes without a price. Nevertheless, discounting the sacrifices that I have made, the challenges that I faced as a young lawyer, my concerns for the future and needless to say the numerous sleepless nights that I have endured, I believe that hard work is just a small price to pay for success. Nothing is impossible as long as you believe in yourself; you stand up taller and stronger even if you do fall but it is important never to let go of your determination.



Faith can move mountains!



Bennar Balkaya with ArbitralWomen members



Yas Banifatemi

Partner at
Shearman & Sterling LLP

Be able to trust one's own judgment and instincts

In order to stand out and succeed, women not only need to have outstanding credentials and impeccable work ethics, they must also overcome existing biases about women's ability to perform at the highest professional levels. In this context, it is crucial to be able to trust one's own judgment and instincts, and to voice one's own thoughts, even if this means going against the majority. This is what I have always done.

I grew up in a multi-cultural background, in Iran and in France. My family moved to France in 1980 following the Revolution in Iran. This probably explains my international roots and my interest for international law; pursuing a career in public international law and international arbitration simply became a natural choice for me.

Despite the many voices telling me that succeeding as a public international law practitioner would be extremely difficult – if not impossible – I decided that I would follow my own path. I completed my PhD in Public International Law at Pantheon-Assas University and my LLM at Harvard Law School in 1997. Shortly thereafter, I joined Shearman and Sterling's international arbitration practice.



Thanks to the support of those who trusted me, and first and foremost my mentor Emmanuel Gaillard, I managed to specialize in international arbitration while pursuing my passion for international law, and to establish and develop the PIL practice at my firm (which quickly became one of the most established worldwide).

To take just one example of my work, my expertise was instrumental in securing the USD 50 billion award on behalf of the majority shareholders of former Yukos Oil Company in an arbitration brought against the Russian Federation – a result that was achieved after a 10-year hard-fought battle. To date, this is the largest award ever rendered.

I am also increasingly solicited to act as an arbitrator. Earlier this year, I had the honor of being appointed both as Vice-President of the ICC International Court of Arbitration and as a Member of the LCIA Court.

I am deeply committed to promoting women in the field of international law and international arbitration and act as a mentor each time the opportunity arises for me to do so. Today, I am pleased that three of the four partners in our international arbitration practice in Paris are women. Looking back over the years, I feel that things have changed tremendously and that people's mentality has evolved, so I look forward to the next decade with great hope.



Yas Banifatemi



Louise Barrington

**Founder/Director of the
Vis East International
Commercial Arbitration
Moot**

**Founding Co-President
of Arbitralwomen**

**We have come a long way,
but there is still a great deal to be done!**

As a fledgling arbitrator, back in 1999, I arbitrated for the first time at the Vis Moot in Vienna. I was astounded and impressed by the enterprise: an educational experience in the form of a competition, providing a practical structure for law students to learn about the Convention on the International Sale of Goods and about practicing international arbitration. The steep learning curve of the students, arriving nervous and unsure, and leaving as confident advocates, won me completely. I also enjoyed the opportunity to meet my colleagues, including “star” arbitrators that I would never have had the chance to work with in an arbitral tribunal.

That said, there was a distinct absence of Asian faces among the thousand or so students who participated in Vienna back then. I decided that Asia needed a Vis Moot too.

Moot founder and director Professor Eric Bergsten was dubious at first. Rejecting the idea of a regional run-off, he tentatively agreed to a “sister” Moot, which would in theory compete with Vienna, hopefully slowing its growth, while attracting new participants from Asia. Thus, Vis East was born, in 2003. We welcomed 14 teams. Professor Bergsten visited Vis East in its second year, arbitrating in the Final Round, and saw for himself that Vis East held true to the philosophy that he and his fellow founders had envisioned. In 2015, Vis East welcomed 107 teams and close to 1500 students, coaches, arbitrators and sponsors. It has not slowed the growth of Vienna, as many schools now participate in both competitions. Today, mooting, and the Vis Moots in particular, have become an integral part of the legal

education of hundreds of law schools, and participating is a badge of honour for the participants.

Over the years, we have seen a shift in participation, with more and more women competing. To encourage young women to compete, I asked the directors of ArbitralWomen, an organization I co-founded to promote women in arbitration, to provide a little financial support to deserving teams whose members were at least 50% women. The ArbitralWomen Awards pay the registration fees for several teams each year, in many cases as the first donor – the one that convinces others to come forward and help as well. It is so gratifying to see these two organisations working together to help in the formation of future generations of lawyers and arbitrators.

Women continue to be under-represented as arbitrators, but we are seeing more and more in lead counsel positions, and a few women arbitrators have become very successful, and very visible. Personally, whenever I arbitrate a real case I try to engage a promising young women as a Tribunal Secretary. I like having company, and it is great to give young women the opportunity to participate in a real arbitration. Today's young arbitrators will be role models for the cohorts of future years.



*We have come a long way,
but there is still a great deal to be done!*





**Beata Gessel
-Kalinowska vel
Kalisz**

Founding and Managing
Partner, Gessel Attorneys
At Law

President, Lewiatan Court
of Arbitration

**My story is one
of taking up new challenges!**

My history with arbitration started back in 1995, only a few years after the change of the political system in Poland when arbitration in Poland was still in its infancy. I had the opportunity to observe how arbitration in my country had evolved and had been transformed into an efficient business tool in the free market economy.

Polish arbitration has come a long way; it started to develop within a centrally planned, socialist economy which had no private business entities, where domestic commercial arbitration not allowed and was not much needed, and where arbitration courts were attached to the one and only acceptable Chamber of Commerce and designed to resolve disputes between state-owned companies located within the states of the Warsaw Treaty. In 1989 the first break-point was reached when the settlement of a dispute before an arbitration court became the legal right of any person in Poland. The second stage began with the amendment of the Polish Code of Civil Procedures in 2005; this provided for the addition of a fifth part to the Code, dedicated to arbitration, and adjusting the legal system to meet the international standards outlined in the 1985 UNCITRAL Model Law.

Today, arbitration in Poland is a modern institution which follows international trends and standards. I consider that one of my biggest successes has been taking part in its transformation from an isolated communist relic, closed to participants in terms of efficiency, to a new system that is open to the needs of the business environment. The road which led to contemporary arbitration was not, however, always the easiest.

My input into development of Polish arbitration started in 2005 when I became Vice President of the Lewiatan Court of Arbitration to gather pace when I became its President in 2010. To date, I remain the only female president of any arbitration institution in Poland.

My efforts as President were concentrated on the popularisation of arbitration amongst the community of Polish entrepreneurs, on the modernisation of Lewiatan Court Rules, on promoting Poland as an arbitration center in the CEE region and finally on drawing together all of those involved within the Polish arbitration environment to jointly prepare proposals for further amendments in the Arbitration Law for the Polish Legislator.

My story is one of taking up new challenges, of daring to step a bit further outside recognised parameters, of thinking outside the box and opening myself up to new possibilities, of reaching out to people, trying to recognise their needs and trying to find ways of fulfilling them.

The most rewarding moment on my road to arbitration so far was when, in 2015, Chambers Global Ranking credited me for, 'bringing Poland onto the international arbitration scene' and here come the apples as a parallel for Poland with its blooming economy; it is the world's biggest apple exporter. Polish arbitration is hopefully heading in the same direction as Polish apples!



Beata Gessel-Kalinowska vel Kalisz



Judy Freedberg

Retired General Counsel

Managing Editor and
Lecturer in International
Arbitration

“How did you get this job?”

This question was asked during a presentation given to a group of American Bar Association visitors at the Permanent Court of Arbitration in the Great Hall of Justice at the Peace Palace.

At the time, I held the position of General Counsel at the PCA and was also the Managing Editor of for ICCA Publications. How did I get this job? It all started when I moved to the Netherlands from the USA with my husband and children. After enjoying a few years of relative leisure as a stay-at-home mother, I interviewed for a job as an English-language typist at the TMC Asser Institute. By a stroke of good fortune, Bette Shifman, who had been working with Albert Jan van den Berg in the newly formed Department of International Commercial Arbitration created by Pieter Sanders, saw my application and recommended that I should replace her as she knew that she would be leaving soon after. My first assignment was to read an early draft of Van den Berg's thesis on the 1958 New York Convention. I began working on the ICCA Yearbook as a sub-editor, collaborating with editors Pieter Sanders and Albert Jan van den Berg. Thanks to their trust and confidence in me, I was given increased responsibility for all ICCA publications. This work brought with it the opportunity to correspond with, and to meet with those who had contributed to publications as well as meeting

with ICCA Council members at ICCA conferences all over the world. Because there were very few women in this group we all got to know each other quite well. My acquaintance with Martine Briat, who was, at that time, the Director of the ICC Institute of International Business Law and Practice, led to us collaborating on editing three conference volumes regarding the international trade in art.

I was principally a philosophy student and initially had no aspirations to study law. However, advancement in my career required a law degree so I undertook to study law at Leiden University part-time. By then, more than 50% of the students were women and the composition of the arbitration world was also changing. The field had already become more diverse and inclusive.

ICCA Publications moved their operations to the Permanent Court of Arbitration which was just beginning to reassert its role as a recognized international arbitration

facility. Bette Shifman reappears again, at this point, in my narrative as she was assisting the Secretary General, Hans Jonkman, to revitalise the organization. She played a key role in facilitating this achievement and also in embedding ICCA Publications in the PCA. Happily ensconced, I became General Counsel at the PCA and along with representing the ICCA, I worked on raising the profile of the PCA.

I retired from this position at an 'appropriate' age, moved to Miami, and continued to work there for several years at the School of Law at the University of Miami; my role was to coordinate specialisation in the field of International Arbitration.

How did I get this job? I worked hard, very hard, but I also had the generous help of female colleagues whose contribution I am happy to have the opportunity to recognise.



Zinka Grbo

Associate Professor
Of Business Law and
Company Law, Faculty of
Law, University of Sarajevo

This is not difficult for us...

I have held the position of Associate Professor of Business Law and Company Law at the Faculty of Law at the University of Sarajevo since 2000. I was appointed as an arbitrator by the Arbitration Court of the Chamber of Commerce of Bosnia and Herzegovina in 2009 and am thus on the official List of Arbitrators in Bosnia. I completed my Master in European Studies Degree at the University of Sarajevo, the London School of Economics and the University of Bologna and later graduated with a PhD from the Faculty of Law, Sarajevo. I have published numerous articles and have been granted two awards, one by the *Junior Faculty Development Program (JFDP) Fellowship* and the other, a stipend for excellent students (EWP), by the *World University Service (WUS)*.

I am very much engaged in the education of my students and was Vice-Dean for Student Affairs as well as being a member of the Board of the Faculty of Law.

During the winter break this year I went skiing. While waiting for the ski-lift, with a female friend of mine, also a university professor and an arbitrator, I noticed that there were no other women in the queue although the resort was crowded. I made a comment about this to my friend and a man in front of me replied, "Of course there are no women, all normal women are either at work or are at home."

I was shocked. I was obviously not perceived as normal from his point of view. Was something wrong with me, or with him? Is it the case that none of my private relationships (I am a wife, a mother, a friend) or professional positions (I am a professor, an arbitrator) are worth anything if I am not a good housewife? Then, I realised what is wrong; I am breaking the mould. I am breaking traditional stereotypes. Actions such as mine are not well viewed in a patriarchal society such as mine. I am fine but there are problems with the environment in which I live and with men such as the one at the ski-slope. The only way that things can change is for women to demonstrate their power. Thus, for this very reason, I invited five of my female friends to go skiing with me the next day. All six of us are, therefore, pioneers and have played our part in demolishing prejudices against women in the same way that others before us took off their bras to demonstrate against inequality. Women wish to be trusted in society in the same way as are men; change is possible and will occur. Women can be dedicated to their families, their careers, their friends and their clients. This is not difficult for us; we already do it. We can also ski; we are perfectly able and competent to do that too.



Zinka Grbo



Zinka Grbo



Inka Hanefeld

Founder and Partner of
Hanefeld Rechtsanwälte,
Hamburg, Germany

Do not give up too quickly...!

My name is Inka Hanefeld (date of birth: 9 January 1970, German national) and I am both the founder of, and a partner at *Hanefeld Rechtsanwälte*, a boutique dispute resolution firm based in Hamburg, Germany.

I was 35 when I founded my own private practice in 2005. Back then, the concept of a highly specialized boutique dispute resolution firm focusing specifically on arbitration did not exist in Germany; business was almost exclusively carried out by major law firms and by men. Only a few women had started to embark on such adventures in other countries on their own. Looking back, I think that I took the ambitious step to 'go it alone' at the right age and at the right point in time. Despite the challenges that I have faced, I have never regretted anything but have rather found it incredibly rewarding to create my own professional environment, to be surrounded by the right people, to set and refine strategies, to keep focused, and at the same time to contribute actively to diversity within the arbitration scene.

Today, I primarily act as an arbitrator and as counsel in domestic and international arbitration proceedings in the fields of industrial plant building, energy and banking & finance. I also act in post-M&A disputes. I have sat as arbitrator in more than 70 international and domestic cases where disputed amounts have totaled up to EUR 1



Inka Hanefeld Team

billion. As counsel, I have successfully asserted the rights and interests of large listed companies before arbitral tribunals. Additionally, I have acted both as counsel and arbitrator in investor-state arbitrations. Along with others, in 2013, I was nominated by the Federal Republic of Germany for the ICSID list of arbitrators. In June 2015 I was appointed as Vice President of the ICC International Court of Arbitration and am also a member of the LCIA Court and the ICDR Panel of Arbitrators.

The challenges I have faced as a female practitioner are well known to many women around the globe. It is a stretch and a significant challenge to combine the demands of work with family needs. However, I can only encourage others not to give up too quickly. The number of successful women in arbitration is growing. This is promising and rewarding, even if one has to go 'the extra mile'.



India Johnson

President and CEO
American Arbitration
Association

Completing the circle: Fulfilling a promise!

I was officially appointed President and CEO of the American Arbitration Association on January 1, 2013, the first woman to hold the position in the 89-year history of the Association. The word “groundbreaking” was used considerably at the time in response to the announcement. For me, however, the word has even greater significance than its reference to my position at the AAA. It represents the fulfillment of the pioneering work that was done by Frances Kellor, a key figure in the very early days of the Association and its First Vice President in charge of development and administration.

In 1926, no one could have predicted the influence that Frances Kellor would have on the field of dispute resolution, a field which up to that point had been dominated by men. She was a unique woman who pierced the “glass ceiling” in the early 1900s—a lawyer, equal rights activist, suffragette, political appointee, voluminous writer, and arbitration supporter, among other things. Given her wide range of social and political interests and her deep commitment to promoting social welfare, justice and equality, it isn’t surprising that she became interested in arbitration, most likely in the early 1920s.¹

When the AAA was formed in 1926 through the merger of the Arbitration Society of America and the competing Arbitration Foundation, Kellor was named First Vice President and elected to the AAA Board of Directors. She devoted a great deal of time and attention to a number of areas that she recognized as divisive to the industrial advancement of the country as well as to international stability, especially the growing number of labor disputes prior to the outbreak of World War II.² In 1943, Kellor wrote, “Arbitration has demonstrated over and over again—in more than 50% of the instances where it has been tried—that the presence of a neutral, fair and competent person chosen by both sides, so promoted cooperation and goodwill that negotiated settlements result without even formal proceedings.”³

In short, Frances Kellor was a visionary whose many efforts included developing programs to uplift immigrants, improving the status of women, reforming prisons, creating the Code of Arbitration Practice and Procedure, securing an alliance with the Pan-American Union to bring arbitration to Latin America, among many other initiatives. I like to think that in some ways I am the end product of her efforts, bookending her zeal and determination to make arbitration fulfill its potential with my own commitment to growing the AAA and moving it in meaningful new directions.

1. Sandra K. Partridge, “Frances Kellor and the American Arbitration Association,” 67 (1) *Dispute Resolution Journal* 18 (February/April 2012), from Obituary, *N.Y. Times*, Jan. 6, 1952, and Obituary of Frances Kellor, 6 *Arbitration Journal* 194 (1951).

2. Partridge, *id.* at 19, from Kellor, “Foreword, Coordinate Mediation and Arbitration in Labor Relations,” 5(3-4), *Arb. J.* 239 (Summer-Autumn 1941).

3. Frances Kellor, “Why and How Arbitration Can Be of Use,” Draft Report, November 1943.



Frances Kellor



Judith Knieper

Legal Consultant
Vienna, Austria

Gender is a topic that irritates people

Gender is a topic that irritates people. When gender is on the programme most people roll their eyes and moan that ‘it has been dealt with – why does it have to be discussed all the time?’

In a number of societies it is, indeed, carried out on paper, but in reality, in terms of implementation, it is ‘not done’.

As the contributions in this book are limited by space, I have decided to analyse my experiences during the last two weeks wearing ‘gender glasses’. Here are my findings.

1) In the Austrian school system, teachers usually keep the same class for four years during the first four years of a child’s education. However, my daughters’ teacher became pregnant when they were in their 3rd grade¹. Some parents reacted by asking why she had not taken advantage of advances in medicine and technology to better plan her pregnancy, i.e. that she should have delayed her pregnancy by another year. In other words, the implication is that women should plan when they give birth to meet the needs of

their profession. Mothers and future mothers, please take such requirements into account and comply with them accordingly!

2) The school organised a sports day. A sponsor (a public institution) offered free gifts for the children: the boys got key-rings and the girls got purple nail polish and a ring. Having a key represents independence and the ability to go home alone. What do the beauty products represent?

These two examples have not been taken from the world of arbitration, but have been taken from a world which will produce arbitrators in the future.

3) My third example is, however, taken from the world of arbitration. When trying to convince female arbitrators to report on their challenges, I suggested to one of them that

she should write a diary to represent her normal working day. She told me that she could not do this. If her clients were to read about the challenges she faced daily with her children, she felt that they would prefer to choose a man who was not encumbered with such hassles and who might, in their opinion, concentrate better on the case. Other female arbitrators and counsel confirmed this concern. This book already, therefore, presents an embellished version of the challenges faced by female arbitrators and counsels when juggling their work with children and family². Maybe this approach is wrong. Maybe clients would choose to employ those who are experienced in solving every-day, down to earth problems and who know how to improvise, work quickly, are able to multi-task and are not over-confident in themselves nor believing being overly important.

1. I would like to wish Anna and Sophia’s teacher, Antonette Natter, good luck. I also wish to thank her for educating (along with Martina Strigl, her assistant teacher) my children in such a way that she was not only sensitive to individual needs (not only gender differences) but she also implemented equality in the classroom. If we had more teachers like her, equality would be reached much sooner.

2. I am including ‘family’ as a challenge for women as taking care of sick relatives normally ends up being the responsibility of women. My aunt Christa Knieper, for example, takes care of my uncle and therefore has a job that full-time arbitrators do not have: 24/7, 365 days a year.



Judith Knieper with her daughters



Flutura Kola Tafaj

Lecturer at Law Faculty,
University of Tirana

Attorney at Law

Founder/Partner of
"Kola&Associates" Law Firm

“ Face a challenge and find joy in the capacity to meet it.

Ayn Rand

*Happiness lies in the joy of achievement
and the thrill of creative effort.*

Franklin D. Roosevelt ”

Upon the completion of my law studies in 1995 at the Faculty of Law at the University of Tirana, I began a new journey in my life. My teaching appointments, and later, advocacy presented few challenges. Teaching at that time required endless hours of study and research when Albania was still in its first years of democracy, when a totally new legal framework was being implemented, when comprehensive western literature was absent, and when new teaching methodologies should have been adopted. However, the opening of law office in 2005 presented a completely different set of challenges. Entering a competitive market that was dominated mostly by men required hard work, preparation and confidence. One of my biggest challenges associated with teaching was the introduction of alternative dispute resolution as a special course within the curriculum of the Faculty of Law. As an attorney, however, my biggest challenge has been the promotion of arbitration as an effective method of resolving disputes amongst business circles.

ADR, and arbitration in particular, have always been very attractive to me. I have spent years conducting scientific research in this area which has resulted in me writing articles and dissertations in order to obtain the titles of Master, Doctor and most recently Associate Professor. Cumulatively, my work has enabled me to successfully develop a completely new curriculum for Alternative Dispute Resolution for the Faculty of Law at the University of Tirana. However, the introduction of this ADR course was not my only challenge. During recent years I have fought hard to enable the Faculty of Law of the University of Tirana to be represented in the most prominent competition in the world regarding international commercial arbitration, the Williem C. Vis International Commercial Arbitration Moot. In order to achieve this goal, I held dozens of meetings with university representatives, with legal offices and with many international organizations in Albania in order to get funding. In addition to this I also spent hundreds of working

hours trying to achieve a dignified representation. I can confidently say that I have also successfully managed to meet this challenge. For the last two years, the Faculty of Law of the University of Tirana has been present and active at the Williem C. Vis International Commercial Arbitration Moot. The next challenge is to make turn this tradition of participations into a tradition of victory.

Meanwhile I have not been able to abandon my love for arbitration, thus allowing it to remain undeveloped in practical terms. Consequently I am engaged as an attorney at law. My qualifications and teaching experience in the area of arbitration have made my commitments as a consultant and my representation of numerous domestic and foreign clients as an arbitrator in both domestic and international arbitration processes much easier. The above achievements have marked many moments of joy and happiness in my life; thus I will always be in search of new challenges.



Premoot Team, Tirana Law Faculty



Carolyn Lamm

Attorney at the
Washington Office of
White & Case, USA

Just remember that indeed you can!

I knew I wanted to be an international litigator from a really young age; I had a keen interest in everything that was of an international nature, in languages and I also had a wonderful cousin who was an attorney. At law school I took the entire available international and civil law courses and was active in both the Jessup and in the International Law Society. When I joined the US Department of Justice after Law School I tried to get involved in any cases that comprised international issues whilst simultaneously polishing up my skills as a lawyer. At that time there were few women working in this area – in my law school class there were only 10 women out of a total of 370 students; in the Civil Division at DOJ I was one of only 20 women out of a total of over 400 employees. Undaunted, I vigorously pursued my passion and my vision for my career. In 1980, when I joined White & Case LLP, I was thrilled to find that I would have the opportunity to practice in the field that I loved. Once again, I found that I had few female colleagues but there were, however, many supremely talented men working with me at every level; they opened many doors for me, mentored me and provided me with opportunities to excel. In addition to my work as a lawyer, I have also been active in many international law societies

and have worked on various projects including ALI's Draft Restatement on International Arbitration and Restatement IV on the Law of Foreign Relations. Most significantly, I have been blessed with wonderful clients who have provided me with the opportunity to practice in the field that I love and as a result I have fought in some of the most cutting edge cases in the field of international arbitration and dispute resolution.

When I started to work in the field of international arbitration there were very few women either as role models or mentors. The demands of travel and the intensity of effort required for submissions and hearings made it particularly challenging for women. A supportive spouse and family that offer a great deal of help and support do make an incredible difference. If this field is indeed your passion it is possible to make it work and the rewards, in terms of professional accomplishment and personal relationships around the world along with incredibly interesting issues

and clients, are unparalleled. As it turns out, I have made it all work. I love my work, my firm and the colleagues I work with and have also been very fortunate to have a wonderful and supportive family.

The position of women in the legal profession has greatly evolved from the time when the courtroom was 'no place for a lady'. It is surprising, however, how much gender continues to affect all aspects of our careers and lives. I wish I could assure the next generation of female lawyers that we have resolved all of the gender inequality issues, but unfortunately we haven't. I can, however, tell you that when doubts surface that you don't belong, that you simply cannot make it because of your background, race, ethnicity, nationality or gender, just remember that indeed you can. Diligence, excellence and energy are the most important factors for pursuing your goal; together, they will help you to achieve all that you are capable of being.

Carolyn Lamm



Crenguta Leaua

Founding Partner “Leaua & Asociatii”, Bucharest, Romania

Practicing Arbitrator

It is about trust

There are some facts about me that possibly drew me to the attention of the editors of this book: 10 years ago, I set up the first law firm in Romania that specialised in arbitration. My concept was to act as either counsel or arbitrator and to form a team of colleagues specialising in arbitration to work with me. The project proved to be successful and after 5 years my firm was included in the GAR 100 firms specialising in arbitration. In 2008, I became the first female Vice-President of the Romanian Court of International Arbitration and held this office for 4 years; the Romanian Court of International Arbitration is the most prestigious arbitral institution in the country and was set up over 55 years ago. In 2013, I was elected to be on a team to set up an LL.M. programme in International Arbitration at the Bucharest University Faculty of Law; this was the first programme to be taught in English in the Romanian state education system. Thus, I also introduced International Comparative Arbitration for the first time into the curricula of a Romanian university. In 2015, I became the first Romanian to be appointed among the Vice-Presidents of the ICC International Court of Arbitration. Today, I still continue to divide my time between acting as a professor, as counsel, as an arbitrator, and as a member of an arbitral institution body.

I realise that it may sound as though the past 10 years have been a continuous struggle. This is actually not far from the truth. Some colleagues, for whom I have great respect, shared with me their scepticism about my goals and my ability to achieve them whilst others generously encouraged and supported me. Looking back, I consider all of them as being equally valuable in terms of my professional development. Balancing all of these various views provided me with a great opportunity to learn about people.

However, in total honesty, each achievement was achieved due to the trust I put in myself and in those around me rather than through my personal struggles. I believed in myself that international arbitration suited me, both intellectually and personally; thus I was able to work with great commitment, sufficient for me to become respected as a professional in this field. While being passionate about my work, arbitration has unexpectedly given me the opportunity to do some things I have found possibly even more rewarding such as building teams, building opportunities, building connections and, most of all, building trust with the people with whom I have worked.



Crenguta Leaua



Wendy Miles

Global Head of Arbitration
in the London Office of
Boies

I learned to find and cut my own path...

A pioneer is one who is amongst the first to explore a new area or approach. International arbitration and alternative dispute resolution benefits from the skills, expertise and judgement of many women who have blazed a trail before me. I walk as their follower and admirer.

There are nevertheless some pioneering aspects of my own personal and professional journey. A rural New Zealand upbringing offered me no university-educated or professional role models, just an abundance of encouragement and unconditional support. I learned to find and cut my own path. This proved a valuable skill to acquire. Even now, few women lead global arbitration practices in major international law firms. Even fewer – men or women – actively seek to promote arbitration as a mechanism for resolving the major disputes of our age, from major conflict resolution to the global management of natural resources and climate change justice. So, in this respect, I still endeavour to help cut new paths.

Reflecting on work-life-family challenges, I recognise how much time and attention intra-family relationships take. Both parents play a critical role in all stages of family life and time must be found, including for one another. Working parenthood is just that – you work fulltime and you parent too on top of that. It is both exhausting and rewarding in equal measures. I was fortunate to have had our sons

while I was young(ish) and to be blessed with a supportive spouse. The extraordinary demands of busy professional practice are easier when you are doing something you love doing.

The practice of law gives me enormous joy. I have counted myself lucky every single day that I found a lifetime career doing something that I genuinely love and in which I believe. As I become more senior it seems increasingly feasible that I really can make a difference in society in the field of conflict and dispute resolution. I feel privileged and deeply fortunate to be where I am. There have been times – especially when our sons were very young and I was very junior – that I existed merely to put one foot in front of the other. During those years, I had to learn to be kinder to myself, to be patient and to learn to wait. Not everything can happen all at once; and if it did it would be overwhelming.

Primarily, I consider myself to be a lawyer rather than a female lawyer. Yet certain events have shaped me as a woman: giving life; fighting the fierce fight of a mother and being the defender of a bullied child; loving a young person in his least lovable moments; bidding farewell to beloved grandmothers and family matriarchs; being a wife; being an aunt who opens her niece's eyes to the world; and inadvertently ending up as mentor to the next generation. Our experiences belong to us as women. And when we come into the law firm office or the hearing room, as we



Wendy Miles

listen to clients' problems and identify solutions, and as we advocate for them in international tribunals and courts, our experiences inform and shape our manner, our responses, our approach, our answers, our advice, our decisions and ultimately our outcomes.

They also give us the tools to nurture, to develop and to retain within the law a new generation of extraordinary women in dispute resolution. Writing this, I am reminded of an African proverb that I heard whilst working with the South Sudanese:

“
*If you want to go fast, go alone.
But if you want to go far, go together!*”



Karen Mills

One of The Founders of
Karimsyah Law Firm
Jakarta, Indonesia

Where the journey will lead from here

When I decided to attend law school, I could never have imagined that I would end up practicing law in Indonesia, a country I had not even heard of at that time. And I certainly could not have imagined that I would be representing the Indonesian Government in disputes with foreign investors.

After freezing in Wisconsin during my first year at UW law school, I fortunately did well enough to transfer back home to New York where I completed my legal studies at NYU. I had no idea what kind of law interested me most (working with NY's Legal Aid did not endear me to litigation. As graduation loomed closer I went for two interviews and, after being offered both jobs, opted for what was then the country's leading Maritime and Aviation firm, Haight Gardner Poor and Havens, joining their Maritime Finance division. I can't remember exactly what attracted me except that I liked the people and loved to travel, and there appeared to be distinct possibilities for travel in that firm. There were a few travel opportunities: to register ship mortgages and to arrest delinquent debtors' vessels, but not much more. Five years after I started working at the firm I was invited to become the first woman partner. I realised that I did not want to become entrenched in New York forever and decided to leave the firm to check out the rest of the world. I crossed the Pacific and embarked on a journey that changed my life and resulted in my current status.



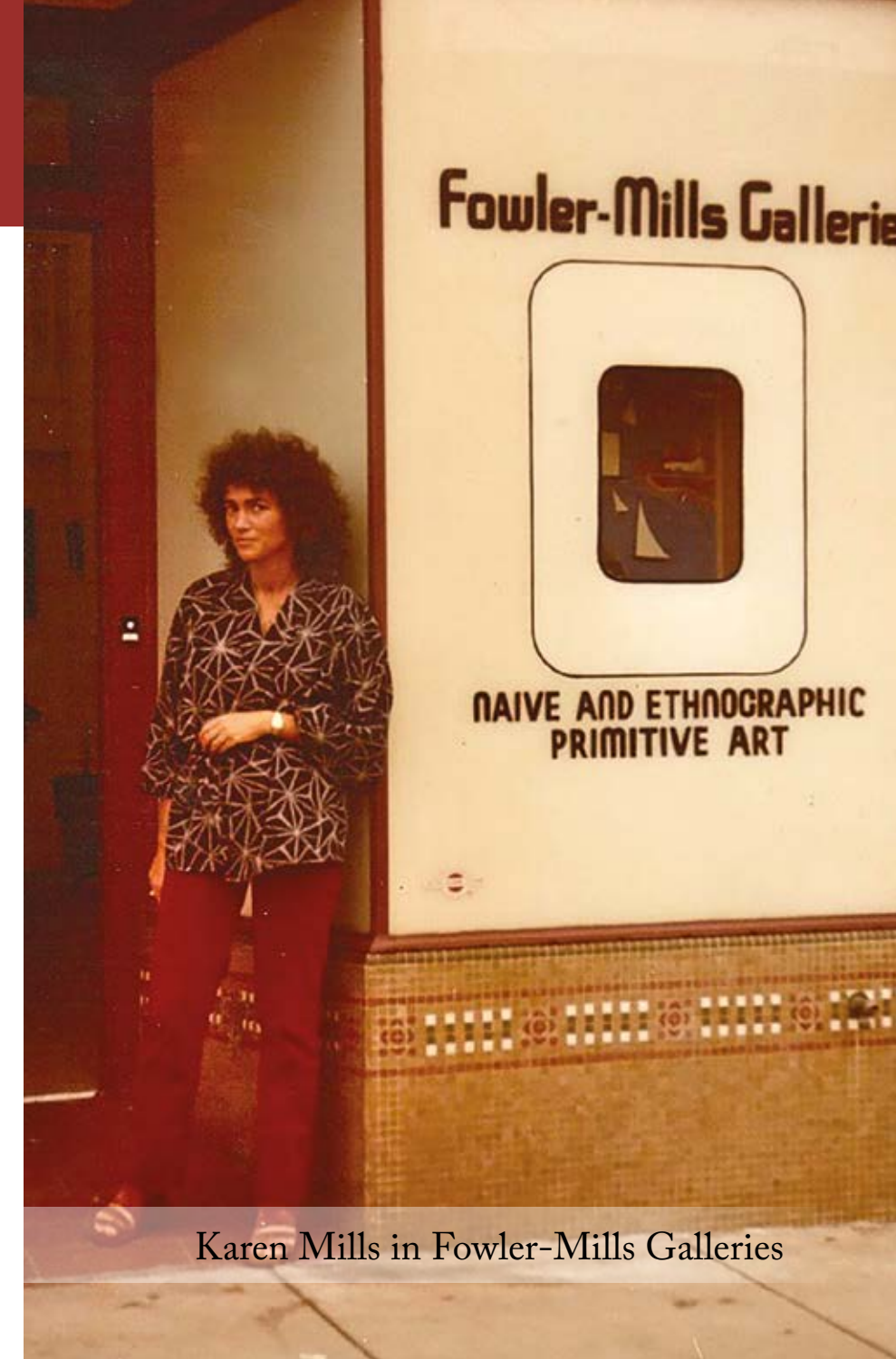
Karen Mills

First, there was a hiatus of about 12 years in my legal career. Whilst in Australia I met, and later married, Welsh-born anthropologist, John Fowler. Together we travelled through some of the least known Pacific Islands (I was told that I was the first white woman to walk across the island of Malaita in the Solomons). Later we combed the Philippines, Bali and other parts of Indonesia, collecting tribal art and paintings and photographing for eventual publication, before setting up a gallery in Santa Monica, perhaps the first in the US to deal in ethnographic and naïve primitive art.

Some of the people I met in my subsequent collecting trips to Indonesia began to ask me to assist them in handling various legal matters in Jakarta; I found practicing there extremely interesting and challenging. Eventually, when John and I drifted apart, I decided that I wished to recommence my legal career in Jakarta. This was not as easy as it may sound, and I had to overcome tremendous administrative and political obstacles, and to reinvent myself and my practice several times during the first fifteen years or so. Nevertheless I was fortunate to work

with some of Indonesia's most prominent lawyers, and to draft legal opinions for the tax wing of the local Arthur Andersen branch. During this time I became interested, and qualified, in arbitration, and was fortunate to be appointed to act in a number of cases in the region. At the time, the local arbitration body was equipped only to handle minor domestic cases, so I was able to assist with upgrading their rules and was responsible for bringing foreigners to join their panel.

Finally, in 1997, together with some senior Indonesian lawyers, I established my current firm, KarimSyah. This quickly gained an excellent reputation in a number of the areas I had mastered, not only arbitration but also oil, gas, mining and energy, financing and insurance. Another division of our firm is a leader in the field of commercial litigation. Today I spend the majority of my time involved in international arbitration, both as an arbitrator and as counsel. Over the past ten years I have acted as lead counsel for the Indonesian Government in a series of investor-state cases. The first of these was a contractual case, in which the government brought arbitration against an errant US



Karen Mills in Fowler-Mills Galleries

mining company. This was one of the first cases of its kind anywhere and I am happy to say we won. More recently I have successfully defended the Government in two treaty cases, one under ICSID and one under the multilateral OIC Agreement.

It is probably these successes, along with our involvement in CIArb (I set up the Indonesian Chapter after becoming a Fellow and Chartered Arbitrator) that has resulted in the present high reputation held by our firm. Following recent changes in the government, we have advised some of the new officials on various sensitive matters, including what should be done about the large number of bilateral and other investment treaties, with which the Government is not at all happy. Where the journey will lead from here is anybody's guess, but my own focus, and that of the entire firm, is to assist Indonesia to take its rightful place in the world economy.



Corinne Montineri

Legal Officer in the
Secretariat of UNCITRAL

Gender equality is vital to the realisation of human rights for all...

The question of women participating in dispute settlement mechanisms should be considered in the broader context of women participating in decision-making processes that shape societies and impact on the lives of people. As underlined by the United Nations Population Fund (UNFPA), there is systemic inequality between men and women. Universally, there are clear patterns of women having inferior access to opportunities.¹

Gender equality is vital to the realisation of human rights for all, and that view is too often neglected by decision makers. For instance, if a chief executive officer has to make a decision on the choice of counsel or arbitrator, what place will the consideration of diversity have in his decision making process?

On a personal basis I have had access to education and have barely felt any inequality in treatment during my career; thus I feel much gratitude to all those who have fought over the centuries for women's rights. I graduated in the late eighties from the University Pantheon Sorbonne (Paris I) specialising in Private International Law and in

International Commercial Law and subsequently graduated from Science Po, Paris. I spent the first twelve years of my career working in French multinational companies, and had the opportunity to negotiate contracts in various parts of the world, including Europe, Asia, where I was based for a few years, and also in the Middle East and North Africa. During that time, I was only prevented from travelling once in a country because I was a woman. The company's management did not decide to give the file to a male colleague, which would have been both possible and easy. The result was that the contract was negotiated in France. I give this example to illustrate the fact that the key for furthering gender balance lies, in part, with the decision makers who should not forget the main principles which are key human values.

Indeed, looking back over the past decades, and more precisely at the United Nations' contributions to improving women's rights, there has been a constant effort towards

the goal of gender equality. The United Nations' support for the rights of women began with the organisation's founding Charter. Among the United Nations' purposes declared in the Charter is 'to achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'. The landmark Universal Declaration of Human Rights of 1948 reaffirms that 'all human beings are born free and equal in dignity and rights' and that 'everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, ... birth or other status'. In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In its 30 articles, the Convention explicitly defines discrimination against women and sets up an agenda for national action to end such discrimination. It is important not to lose sight of these texts which frame policies and should be complied with.

Diversity and inclusiveness are a part of cultural transformation and that takes time. It was only in 1995, at the Fourth World Conference on Women, held in Beijing in 1995 that women's rights were affirmed as human rights and that gender equality was considered 'an issue of universal concern, benefiting all'. Before that, in 1985, the 157 governments participating in the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women declared 'all issues to be women's issues'. This is indeed still recent history and this fact should not be forgotten.

In the aftermath of the Millennium Declaration of the September 2000 Millennium Summit, gender issues were integrated in many of the subsequent Millennium Development Goals, explicitly in Goals ('Promote gender equality and empower women') and ('Reduce by three quarters the maternal mortality rate').

As part of our daily activities we can contribute to achieving gender balance, and can show respect for diversity and openness. As stated by Ms. Lakshmi Puri, Deputy Executive Director of UN Women, 'Ultimately, upholding women's rights will not only make the economy work for women, but will also benefit societies at large by creating a fairer and more sustainable future. Progress for women is progress for all'².

How does the concern for gender equality translate into the work of the United Nations Commission on International Trade Law (UNCITRAL), a body that has been very active in the field of international commercial arbitration, has developed legal standards and has provided technical assistance for law reform?

UNCITRAL is fifty years old and was established as an organ of the United Nations General Assembly; its mandate consists of developing international legal instruments aimed

at harmonising international trade law. It is very seldom that the question of gender balance is looked at within the context of its activities. This Commission, along with its working groups which have been established to develop instruments in specific areas of trade law, comprises various states. UNCITRAL sessions are open to all Member States of the United Nations and to international organisations, both governmental and non-governmental. Delegation members have a variety of different backgrounds; some are civil servants, others are practitioners or academics. A president is elected at each annual session of the Commission. Working group sessions established by the Commission are also led by Chairs that are elected at each session. A few women, in recent years, have indeed been elected to preside over the work of the Commission and over its working groups. This reflects a general trend in society of women gradually participating more frequently as leaders.

Focusing on the UNCITRAL Working Group on International Commercial Arbitration and Conciliation, there has been an evolution in terms of the participation of women in these sessions. When the Working Group resumed its work in 2000, 15% of the delegates were women. In 2014, when the Working Group finalized the draft text of the United Nations Convention on Transparency in Treaty-Based Investor-State Arbitration ('Mauritius Convention on Transparency'), 35% of the delegates were women. This is progress but is not yet a balance.

The Secretariat of UNCITRAL is a great example of the achievement of gender balance, due to a pro-active policy introduced by the Secretary of that Commission: out of six working groups, four are led by women, all of which perform the function of secretary in a working group.

Regarding instruments developed by UNCITRAL in the field of arbitration, the UNCITRAL Arbitration Rules were

drafted in 1976 using 'he' to designate the arbitrator until the revision of these rules in 2010. More generally, since then, policies have been developed to draft texts in a gender neutral manner.

UNCITRAL also works to promote its texts, to adoption them and to apply them. Technical assistance activities are of key importance to ensure that standards are established and that there is agreement among Member States to apply them. In order to ensure the wide accessibility of UNCITRAL texts, a number of instruments have been developed. The key aspects of UNCITRAL's work are that all instruments should be available in the six official languages of the United Nations, and that they are accessible free of charge. Among the most prominent of these instruments is the Guide on the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), along with its web platform (<http://www.newyorkconvention1958.org>). Neither of these could have been developed without

the vision and energy of a woman, Ms. Yas Banifatemi. This was the very first time that more than 1000 case laws, in their original language, together with translations and summaries in English, were freely accessible. A bibliography comprising more than 500 resources can also be found on this web platform. This initiative permits equal access to knowledge in relation to the most important instrument in the field of international arbitration.

The question of gender balance and how that affects our lives is multi-faceted. I have concentrated on the efforts of the United Nations to achieve a more diverse, open and tolerant world as I believe in the strength of messages sent by governments and international organisations in such multilateral settings. A critical aspect of promoting gender equality is the empowerment of women, with a focus on identifying imbalances and giving women the autonomy to manage their own lives. This starts with each one of us, and with the choices that we make on a daily basis. Another



Corinne Montineri

aspect of this is to achieve a balance between work and private life, a challenge for both men and women who not only want to contribute to society through their work, but also consider the education and wellness of their children to be a priority. An adequate legal and regulatory framework needs to be in place to allow for such a balance, and the wider use of means such as flexible work arrangements are key to achieving that goal. Putting in place an adequate framework in the workplace requires courage and creativity. In 2011, the United Nations adopted happiness as the ninth development goal, based on a proposal put forward by the Government of Bhutan. The present aim is for the international community to explore alternative measures for addressing well-being and social progress; this is a goal to which we can hopefully all maintain as a priority and seek to uphold.

1. See more at: <http://www.unfpa.org>

2. See more at: <http://www.unwomen.org/en/news/stories/2015/5/lakshmi-puri-progress-geneva#sthash.D8T8n15U.dpuf>



Patrizia Netal

Co-Director of The
Willem C. Vis Moot

Willem C. Vis International Commercial Arbitration Moot

I started to make my first steps in the arbitration world in my first year at law school when I began to work in the organisation of the Willem C. Vis International Commercial Arbitration Moot. The Willem C. Vis Moot is an international student competition based on an international sales dispute to be resolved in arbitration. At present, I am co-director of the Willem C. Vis Moot and practising successfully as arbitrator and counsel in international arbitration. Over the past 17 years in which I developed my own career and worked in different roles for the Willem C. Vis Moot, I had to face, on a personal level and generally, the progresses made in terms of gender equality and the vast issues that still need to be tackled.

In my first years, arbitration was an old boys club. In the Willem C. Vis Moot, most of the arbitrators that came to Vienna to judge the students in the oral rounds were men. This reflected the reality in the practitioner's world of arbitration. The Willem C. Vis Moot had a significant impact in promoting female practitioners as it allowed thousands of female students to succeed based on merits rather than



Patrizia Netal

personal connections. Many of these former students became successful practitioners, academics or took leading roles in arbitral institutions across the world. However, there is still a gap in high profile female arbitrators and you can still sense the lack in the more prestigious elimination rounds at the Moot.

The reasons for this are the same I faced in my personal career: Women tend to spend less time for networking because they have greater family constraints (which men do not seem to have to the same extent), they are expected to work harder in comparable positions, and there is still the perception that pregnancy, or the possibility of a pregnancy, is an obstacle to high-profile arbitration and counsel work. I have personally overcome this still existing realities of gender inequality by employing traditional techniques of successful women: working harder, working at any time my constraints as a mother allowed, and building my own personal network despite the enormous time needed for this.



Patrizia Netal



Ana Pepeljugoska

PhD Candidate, 'University
Ss. Cyril and Methodius',
Faculty of Law 'Justinianus
Pri-mus', Skopje

Attorney at Law,
Pepeljugoski Law Office,
Skopje

Arbitration changed my life...

I was first introduced to arbitration by Professor Toni Deskoski in 2011. I was a student at the time and had entered the WILLEM C VIS International Commercial Arbitration Competition, a competition held in Vienna every year. The preparation work for this was arduous and required lot of devotion and self discipline. During the months leading up to the competition I worked for about 18-20 hours each day, researching arbitration cases worldwide. During this time I was given a lot of support by my parents, my friends, and all my acquaintances. The end result was that my team was chosen to enter the competition as one of the best 16 universities in the world; I was granted an Honorable Mention in the Martin Domke Award for Best Oralist.

Since then I have been invited to be a member of the Macedonian Coaching Team and also to be an arbitrator at the competition; I consider both of these invitations to be personal challenges. I teach young students to be dedicated to their work and to try to achieve better results whilst remembering that there is also life as well as



Ana Pepeljugoska

arbitration. The Macedonian team has also been successful this year and another successful generation has had the opportunity to compete with the best 32 universities in the world.

At the moment I work as a paralegal assistant in domestic and international arbitration cases and will, in the future, hopefully get the chance to become an arbitrator. Being a woman in the field of arbitration requires a lot of dedication to serious and continuous research, attendance at various conferences and seminars and a lot of knowledge in different fields of law. I have decided to use all of my knowledge and experience to draft my PhD thesis. I find it challenging to work in a field that is still just development in the Republic of Macedonia and strongly believe that the current network of young professionals can, and will, contribute positively to its development. It is fair to conclude that, in my case, arbitration has changed my life and has opened up an international dimension in my career.



Mirèze Philippe

Special Counsel,
International Court
of Arbitration of the
International Chamber
of Commerce (ICC)

Co-Founder of Arbitral
Women & Board Member

I believe in people...

I come from a business background and never thought that I would become a lawyer. I hold both Lebanese and French nationalities. I was travelling in France in 1983 when the airport closed in Lebanon and therefore I could not return; consequently I took temporary jobs whilst waiting for better times in Lebanon where I already had a job and was also a ballet dancer. One of the jobs that I took was at ICC. When the Director of the ICC Court, Tila Maria de Hancock, offered me a job, I declined at first but then later accepted. I worked with a German counsel, Alexander Schill, who convinced me to study law; I followed his advice and eventually graduated. I was not interested in staying at the ICC in my position of Deputy Counsel and informed the ICC of my intention to leave. The ICC asked me to stay and gave me a number of additional responsibilities. I was a pioneer in this respect as I was the first person to be employed to carry out several functions simultaneously. 15 years later I was promoted to the position of Special Counsel and entrusted with numerous projects which I enjoyed and led successfully. Like everyone else, I experienced frustration and satisfaction, but I learned from my parents to be positive in all circumstances. I seized every opportunity to make things interesting for myself and to develop my position. I am from the Woodstock generation and love the song by Crosby, Still, Nash and Young that says, "If you can't be with the one you love, love the one you are with." I applied this principle to all events of my life.



In 1993, my colleague at that time, Louise Barrington, initiated a women's group which later became ArbitralWomen. I believed in her initiative and started up an electronic group in 2000 to gather together women practitioners in dispute resolution. My business experience in marketing and public relations helped me a lot. In 2005, Louise and I officially founded ArbitralWomen and together created our own website; it kept growing and has become visible and very well known. ArbitralWomen has succeeded thanks to full cooperation between Louise and me since the inception of the group. It represents a lifetime's dedication as a third of my time since 2000 has been devoted to developing ArbitralWomen and its activities. I am happy and proud that our efforts, together with those of the board, have paid off. We have succeeded in raising awareness regarding the role of women in international dispute resolution and have

contributed to making women much more visible. Louise and I are pioneers in that we have founded a group for women in dispute resolution.

As a tribute to all women who are pioneers and models for other women, I recently published an article which gives an overview of how women got on stage: 'When Did the Doors to Dispute Resolution Open for Women?' TDM 4 (2015), www.transnational-dispute-management.com (URL: www.transnational-dispute-management.com/article.asp?key=2251).

The lessons to be learned from my experiences are to be positive, to persevere, to develop our individual talents and to seize every opportunity to make things better. I believe in people and consider that communities such as ArbitralWomen are important.



Catherine Rogers

Founder and Director of
Arbitrator Intelligence (AI)

Arbitrator Intelligence (AI)

I was invited, as the Founder and Director of *Arbitrator Intelligence (AI)*, to submit a contribution as 'a successful woman who had broken stereotypes to make an important contribution to the developing role of women in dispute resolution'. While it is probably premature to call *Arbitrator Intelligence* 'successful', we do aim to break through some traditional barriers that have made it particularly difficult for women arbitrators to develop professional reputations.

By way of background, *Arbitrator Intelligence* is a community-sourced, online searchable platform and database designed to increase and equalise access to information about arbitrators. As an independent clearing-house for information about arbitrators, *AI* promotes transparency, fairness, and accountability in arbitrator selection, and promotes diversity among international arbitrators.

To accomplish these goals, *AI* is currently developing information taken from three sources:

1. Aggregated web-based information;
2. Information from past awards by arbitrators; and
3. Information generated through feedback questionnaires completed by parties to arbitrations.

Each of these sources will make information about prospective arbitrators searchable and more equally available as well as making the process for appointing arbitrators fairer and more efficient.

Arbitrator Intelligence is innovative in three ways. Firstly, it seeks to harness the democratising force of transparency and technology along with the power of community-sourced information in order to transform the market regarding information about arbitrators. In this respect, *AI* seeks to innovate not merely the arbitrator selection process, but also to revolutionise it for the benefit of all users, particularly for those who are not repeat players like women.

Secondly, *AI* is unique in terms of its commitment to non-profit status and its ability to inspire widespread volunteerism. In particular, arbitration specialists who are younger and are at the so-called 'periphery' of the community—including women—actively support *AI* because they understand that they have the most to benefit from its success.

Thirdly, *AI* creates a virtuous circle of incentives and relationships amongst stakeholders in order to encourage

participation. *AI* aims to make more information a win-win-win for the arbitration community as a whole.

Today, *Arbitrator Intelligence* is still at the stage of a 'work-in-progress' and is also still in its early start-up phase. It will be interesting to see whether it accomplishes all that it aims to. In any case, I have learned a lot in my work to get this far.

Firstly, I have learned perseverance. The idea for *AI* derives from an article I wrote 10 years ago. For the first 6-7 years I tried to push my concept forward but was constantly given reasons why it would never work. Some people even told me that they hoped it would fail.

Secondly, I have learned both to believe in my own ideas whilst also being fearless about answering questions and accepting criticism. Criticisms of *AI* forced me to rethink, refine, and ultimately strengthen my approach.

Thirdly, I have learned to think creatively about problems and how to solve them. Concerning *AI*, this process has involved evaluating problems from the viewpoint of all interested stakeholders in order to see where the tensions and synergies lie.



Duniya Stanikzai

Law Graduate
from Kabul University

Gender inequality is a huge challenge...

Gender inequality is a huge challenge and an obstacle on the way to development in Afghanistan. As an Afghan woman I study hard to enhance my knowledge and bring positive changes in the life of Afghan Women. I feel lucky to have gone through normal education processes in a tense environment such as Afghanistan. I have recognized my passion in practicing international commercial field, and attending the Vis Moot would certainly bring me an opportunity to improve myself I made the decision to participate in the moot on the spur of the moment, but have never regretted my decision though being an afghan woman with such tense environment was hard to manage, but I am glad I did.

Learning about arbitration and having the opportunity to advocate before qualified arbitrators has been fantastic. I enjoyed the company of my fellow mooties very much and forged some unexpected but lovely friendships. Travelling to Qatar (Pre-Moot) and Hong Kong was obviously a highlight. Opening myself to various opportunities, this potentially did me a favor in my future career in Afghanistan. After having returned to Afghanistan, I was offered a job based on my moot experience even though the law firm didn't have any openings.

It is my impression that having participated in the moot has given me an invaluable qualification on a practical level that could not be equaled even by top grades in the LL.M. program.

Its impact on my future career is difficult to overestimate because, first of all, it contributed a lot to my self-identification as a dispute resolution lawyer. In other words, now I have a firm intention to make a career in this field. I also obtained skills necessary for working in the international environment. Moreover, I got a job and as well persuaded other students (especially females) and their families to let them to participate in Vis moot.

When I participated from Afghanistan for the first time we were only four, with lots of risks but the year afterward, there were 20 students from 3 universities . I got the opportunity to coach, and as well this year I will be coaching. It is a highlight of my life; I love doing the Vis and hope to do it for years. I am trying to bring positive changes in Afghanistan and with my moot experience and I can realize it. Currently I am a lawyer in law firm as beside that I am consultant and mediator in the newly established ACDR (Afghanistan Center for Commercial Dispute Resolution).



Afghan Team



Maja Stanivuković

Professor of Law

Head of Department of
International Law

President of The Belgrade
Arbitration Center

We should have done more...

My first arbitration case was in 1988 in Belgrade; it was between a Spanish fruit-seller and a Yugoslav producer of beech fruit crates. I was the fourth musketeer, i.e. the Secretary to the Tribunal. When the hearing was over, the Chairman assigned me the task of drafting the facts concerning the award. Thus I had my first taste of arbitration work; a fabulous dessert in the career of any lawyer.

During the war years in Yugoslavia I raised three children and worked as a professor; later I was appointed as Vice-Dean at the Faculty of Law in Novi Sad. In 2000, when Serbia was reborn from the ashes of the former Yugoslavia, I started to practice as an arbitrator and over the past 15 years I have acted as arbitrator in more than 30 international cases. In 2013 I was elected by my peers to be the first female president of an arbitral institution in the Balkans, the Belgrade Arbitration Center.

Of all of my many memories I would single out one case administered by the FTCA, ten years ago, in which the tribunal was confronted with what I later learned was a 'common fact pattern'. An English consultancy company with nominee directors and no employees, sought to collect a seven figure fee expressed as a percentage of the contract value; there was no proof whatsoever of any consulting activities. In fact, the contract expressly stated that the consultant was entitled to collect fees notwithstanding any activity. Witness statements were taken and there were strong



indications that the real objective of the contract was to traffic influence by the claimant in a Central Asian country in order to procure a public contract for the respondent. Additionally, the contract contained a pathological arbitration clause that did not mention the FTCA, or indeed any other arbitral institution. Pursuant to Serbian law, the law chosen as the applicable law, traffic in influence is a crime. This is as a result of the implementation of the UN Convention against Corruption (2003). Taking all of this into consideration, I thought that I understood the situation; however, the outcome of the deliberations came as an unexpected surprise. Whilst I was convinced that the contract was null and void, and furthermore, that the

tribunal lacked jurisdiction, my colleagues in the tribunal took the opposite point of view. The chairman, a well-known and experienced arbitrator, did not wish to waste much time arguing and simply rendered a majority decision in favor of the claimant. The award was later annulled by the Belgrade Commercial Court but, upon appeal, the High Commercial Court remanded the case for a rehearing. At that point, the parties decided to settle the dispute. This was the first time that I had been directly confronted, as an arbitrator, with claims tainted with crime. I honestly believe that over time we should have done more to enforce anti-corruption laws.



Brigitte Stern

International Arbitrator

Nomination after nomination...

I studied in Strasbourg, Paris and New York and then wrote my thesis – on international responsibility and damages – and became a full professor in 1970 at the age of 28. I have taught at three universities: first at Dijon in Burgundy, then at Paris X Nanterre, where the May 1968 revolution started, and then at Paris 1, from which I retired a few years ago. I have also given courses in other universities, like Tokyo and São Paulo University – the latter course has even given birth to a book on arbitration in Portuguese! So I am basically an academic, and have never had any involvement with a law firm.

However at a certain point I started to receive some counsel or consultation work in the area of international dispute resolution – although nothing as an arbitrator initially. For example, in the late 1980s, I defended France in the Rainbow Warrior case – a famous case in which two French secret agents sank a Greenpeace ship

berthed in New Zealand, that was protesting against French nuclear testing in French Polynesia. The dispute went to arbitration after France did not respect the terms of a mediation by UN Secretary General Javier Pérez de Cuellár – and the case had important theoretical implications for public international law on state responsibility.

I was put on France's ICSID list in 1990, but for almost 10 years I did not sit on any cases. However I did work on other forms of international dispute settlement – for example I was counsel to Bosnia in the genocide case against Serbia before the International Court of Justice. I came closer to arbitral work when I was elected by the United Nations General Assembly as a judge of the UN Administrative Tribunal – UNAT – which resolves employment disputes involving UN staff and internal disciplinary matters.

I really think this triggered my career as an arbitrator, because I was transformed – at midnight of course – from a French professor into a person with some international visibility. Soon after that, in 2000, I received my first appointment to an ICSID tribunal from a colleague who was both a professor and a lawyer, to hear a case arising from a mining contract, *Ridgepointe v Republic of Congo*. There was a hearing in New York, but the case settled quickly. My second ICSID case, *Booker v Guyana*, was based on a bilateral investment treaty and also settled quickly. In that case, I was initially appointed by the claimant – but then Guyana accepted that I sit as sole arbitrator to minimise costs. That was extremely scary as I did not have much experience back then! After that, I think the wheel started to turn easily by itself and I had nomination after nomination.



Mercedes Tarrazón

International Arbitrator and Mediator

Founder of DISPUTE MANAGEMENT SL, Barcelona

Member for Spain at the ICC International Court of Arbitration

Vice-president of the Inter-American Commercial Arbitration Commission (IACAC)

True passion is a surprisingly powerful resource...

I have been involved in the management of family businesses from a young age and studied law with the intention of devoting myself to arbitration, an underdeveloped specialism in Spain at the time. It seemed to me to be the best way to combine my experience in the business world with my strong legal vocation.

From that time onwards, I furthered my studies and developed my own firm; this was the only way that enabled me both to continue devoting time to family businesses and also to focus my practice on international business law and arbitration. No firm would have entrusted these responsibilities to a young attorney. Fluency in several languages and publicising the advantages of international arbitration in business opened many doors for me in an area of law that only received something of a boost in Spain with the passing of the Arbitration Act in 1988.

In 1992, whilst engaged in the Harvard Program of Instruction for Lawyers, I heard of mediation for the first time and saw quite clearly that it would be a highly useful tool for resolving a variety of conflicts. Because I was used to swimming against the tide when defending the virtues of international arbitration, it was not difficult for me to take up a second flag and to also defend the advantages of business mediation; in Spain, nobody was talking about this yet and, in the rest of Europe, only a few people knew about it.



I took on a number of cases and satisfied clients recommended me and brought to me other clients. In 2000, I made a complete break with family-business management and, that same year, in a completely unrelated manner, was appointed as a member of the ICC International Court of Arbitration, as a member of the Consulate of the Sea of Barcelona, and as a member of the Barcelona Court of Arbitration. I have been successively reappointed to these posts and continue still to hold all of them today. Other capacities held are vicepresident of the Interamerican Commercial Arbitration Commission (2008-2014) and member of the Board of Management of the Chartered Institute of Arbitrators (2006-2012).

A large part of my work comes from Latin America, where arbitration (naturally, with considerable variations between the different countries) has received a considerable boost during the past decade. I also take on a substantial amount of work from Europe and from North Africa. I trust that, in time, I will also expand my practice to include The United States.

I am sometimes asked how a woman with her own firm has managed to develop a practice such as mine. I know only that, at all times, I did what I felt I had to do. True passion for whatever you do is a surprisingly powerful resource. It is as important as training, preparing yourself and developing stamina; it is probably actually the most important thing of all. In the end, it is what gives you strength in the face of adversity, a very important factor when you are creating and carrying out your own projects.



Vilija Vaitkute Pavan

Lithuanian Arbitrator

“It’s always about timing. If it’s too soon, no one understands. If it’s too late, everyone’s forgotten.”
Anna Wintour.

My journey in international arbitration began by simply being at the right place, at the right time. It was 1996 when I was presented with an arbitration case under LCIA rules in my first week with law firm Valiunas Ellex (formerly LAWIN.) The case involved a breach of charter party agreement between Lithuanian and an Icelandic company. Although I had experience in shipping law and had obtained a LLM in Maritime Law from Queen Mary in 1994, I had no knowledge of arbitration. In fact, no one in Lithuania had knowledge of arbitration and the Lithuanian Law on Commercial Arbitration was passed a few months prior but only scratched the surface of state arbitration proceedings. With the assistance of my colleagues in London, and fervent reading of English precedents and statutes, I was able to gain both theoretical and practical knowledge of international arbitration through a live case experience. From this experience, I became fascinated with the cross-border nature of arbitration that involved different parties and issues. My favourite thing about arbitration and litigation, besides the sweet taste of victory, is the finality: at the end you know whether you win or lose. But most importantly, I am very lucky to have work that I love.

Today, entering arbitration, becoming successful in arbitration, and maintaining success in arbitration requires more than just being at the right place at the right time and being a “gifted” student.

Entering Arbitration

To enter arbitration today, you need to be strategic and visible. Strategy first involves becoming competent in the field of arbitration. Your first couple must-reads are: 1) Comparative International Commercial Arbitration by Lew, Mistelis et al. (2003) and 2) Legal Theory of International Arbitration by Emmanuel Gaillard (2010). Visibility requires seeking out traineeships where you can display your competency.

Becoming Successful in Arbitration

In addition to being a gifted student, to become successful in arbitration you must be proactive and visible. A couple ways to achieve this is to: 1) attend conferences and network (be sure to follow up with the people you meet); 2) further your education by obtaining a LLM in Arbitration (which I recommend after some years of practical experience where you are able to identify the personal gaps you have in your understanding between theory and practice); 3) find a mentor or someone in the field you aspire to become like (research this person and find a commonality); and 4) have an “it” factor that allows you to be distinguished and remembered (ie. publish.)

Maintaining Success in Arbitration

In order to maintain your success in arbitration, you must have cases (the number of which depends on existence of arbitration agreements.) More arbitration clauses, lead to more arbitration, which then leads to more practical experience for you to build your record of success in arbitration. Well selected arbitrator is very important for your satisfaction with arbitration process. In arbitration, both counsels and arbitrators are working for the clients which means that both parties must be equally hard working. When seeking arbitrators one should assess whether the case at hand is a case of fact or law. If your case is one of fact, then your aim should be to find arbitrators not formalistic, with a good sense of justice who can offer a wide view of their vast experiences. If your case is one of law, then you should prefer finding an arbitrator who due to his publicly spoken or written articles would more likely support your interpretation of particular legal issues.

If your goal is to ultimately be selected as an arbitrator you should build appropriate reputation among your clients and colleagues. Your ability to exude professionalism and visibility through publications and conferences remains



Vilija Vaitkute Pavan

relevant at this stage as well. Publication is not limited to journals—LinkedIn or a personal blog are great alternative mediums. Opine on areas that are pending development. Additionally, your continual participation at conferences overtime leads to opportunities to become a speaker and ultimately referrals for more work.

The Torch is in Your Hands

If I could start all over and pick a profession, I would still choose arbitration, despite my growing fascination with biology and genetics as it relates to the health and longevity of the human race. Arbitration allows me to transcend my legal capacity beyond my local market, interact and engage with colleagues from all over the world, simultaneously gaining deeper grounding in Lithuanian law.

Unlike national proceedings, arbitration has the future even despite globalization and technological advancements. Due to its contractual nature, procedural flexibility, the field of arbitration continues to remain neck and neck with the development of technology through the availability of electronic hearings, including cross-examination of witnesses, experts and submissions.

Ultimately, the key to success in arbitration is not dependent on your status as a woman. It depends on your competence, hard work, dedication to the client's needs, and your ability to exude professionalism. Add to this the love for what you are doing and you are well on your way to carrying my torch in arbitration.



Carita Wallgren-Lindholm

Member of the ICC International Court of Arbitration

Vice-chair of the ICC Commission on Arbitration and ADR

The gender 'play-ground' is very even...(if the test is unbiased listening)

The professional situation of women in the Nordic countries has often been held up as an example of gender balance. After some 35 years of professional existence I am still struggling to establish whether this perception is, or has been, true of my home jurisdiction, Finland, and also whether it has been true regarding my profession, the practice of law.

It was clear at my graduation in the late seventies that I, as a female lawyer, having prepared my dissertation on international arbitration and having majored in French prior to law school, was too much of an odd bird to be hired by any of the big business law firms in Helsinki, or indeed by any other law firm for that matter. With this 'baggage' I decided, therefore, to migrate to Paris to work for two major international law firms where international arbitration was actually practiced. When looking at my mosaic of life experiences I can clearly single out two features of my *séjour* in France: firstly, my gender did not seem to be an issue (this I know is not uncontested in Paris today) and secondly, the most senior female arbitration practitioners appeared to allow themselves to be true to their gender (admittedly a complex and not uncontroversial statement) much more than I had been used to in my home country where gender was downplayed and almost annihilated.

Prospects in Finland had not improved by the time I returned from France; my time in international practice in Paris was seen, rather, as a threat to the monolithic culture of Helsinki law firms and was expressly stated as being such. Finally, after giving birth to my first child, I was given an associate position in a big Helsinki law firm. It was, however, made clear to me that I could not expect to engage in allegedly *high-flying* international dispute resolution but needed to develop a solid foundation in corporate law and M&A, an experience that, today, I am grateful for having. However, when arbitration cases were offered to the firm and when I started to receive arbitral appointments, the firm always supported me despite the rather meagre fees that were paid for my initial appointments.

I spent 25 years with my firm and together we worked through many firsts: how to organize work for associate maternity leave and thereafter for partner maternity, how to reconcile the marketing work required for an arbitrator with firm branding for counsel work, two partly distinct activities from a firm perspective.

As a partner and practice leader, I wanted my firm to capitalise on what I perceived as my essential learning curve to enable the next generation of women to thrive in the profession; I used to say that we had to develop a *bilingual* firm, to allow diverse manner of speech, variable jargon. I believe that communication is fundamental (my statements in my first partners' meetings required 'translation' despite the fact that they were in our native tongue). A truly 'bilingual' firm allows all practitioners to articulate themselves and to act in a manner that is true to both their nature and their gender.

Today, as an international arbitrator, I have no reason to revise my view that to listen openly and carefully, without bias, and to show respect for culture, gender, jurisdictional, regional and other diversities are essential attributes when hearing disputes. In this respect I believe that the gender 'play-ground' is very even.



Carita Wallgren-Lindholm

Deutsche Gesellschaft für
Internationale Zusammenarbeit (GIZ) GmbH

Open Regional Fund for South East Europe-
Legal Reform

Rr. Skenderbej, Pall 4 ap 10
Tirana, Albania
T/F + 355 4 2233374
orflex-al@giz.de
www.giz.de/