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In cooperation with

ARBITRALWOMEN
The International Network of
Women in Dispute Resolution

WOMEN PIONEERS IN DISPUTE RESOLUTION



2nd EDITION

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GIZ

Working together for change

As a service provider in the field of international cooperation for sustainable development and international education work, we are dedicated to shaping a future worth living around the world. GIZ has over 50 years of experience in a wide variety of areas, including economic development and employment promotion, energy and the environment, and peace and security. The diverse expertise of our federal enterprise is in demand around the globe – from the German Government, European Union institutions, the United Nations, the private sector and governments of other countries. We work with businesses, civil society actors and research institutions, fostering successful interaction between development policy and other policy fields and areas of activity. Our main commissioning party is the German Federal Ministry for Economic Cooperation and Development (BMZ).

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*Personnel and business figures as at 31 December 2017



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Preface

The book you have in your hands is the result of the tireless determination of the two founders of Arbitral Women, Louise Barrington and Mirèze Philippe, to promote active women in the field of dispute resolution; irrespective of their age, the country in which they practice, their specialty and more generally the angle from which they approach this activity.

This book is a tribute to those who were pioneers, but also those who more recently have embarked on the difficult path of highly competitive and coveted arbitration activities.

The choice to let each participant speak for herself highlights personal characteristics outside the law, which is a welcome element in a world that pays so much attention to what is now known as “soft skills”.

Finally, this book demonstrates once again the power of images, so fundamental in our world. I encourage readers to look at this unique book through images only (a bit like a “flip book”), so that a beautiful story is told that words alone cannot tell.

Enjoy!

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A Bouquet:

Stories from Female Practitioners Working in the Area of International Dispute Resolution

This publication is financed under the project “International Dispute Resolution Instruments” is a project financed by the German Federal Ministry for Economic Cooperation and Development and implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Open Regional Fund for South East Europe – Legal Reform (ORF LR).

Some of you might have seen also the first edition of Women Pioneer in Dispute Resolution. The publications are designed to serve as an inspiration for the young generation, looking for some examples in life. In many countries and in many fields, it is not easy to be a female. Stereotypes sometime are so deeply rooted into our culture, that needs a lot of time and courage to change those. At a recent conference about the Investor State Dispute Settlement (ISDS), one of the criticisms to ISDS was that there are very few or no females in the area, this is why there is still a lot to be done to promote female participation in the ADR world.

This publication is a small piece of the puzzle in the work to promote female in arbitration. It reports on prejudices, societal structures, and the absence of important networks that are faced by women every day. By analysing individual careers and opportunities and by reporting on the challenges of the daily lives of women working in the area of arbitration, deficiencies in society quickly become apparent.

Individual stories can often be construed as amusing anecdotes¹, but do not, however, provide either convincing or concrete evidence. Thus, a number of indices have been collected in order to measure the levels of deficiency in societies regarding gender equality. This data includes, 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.² However, European Union member countries scored highly when compared with the rest of the world, for example when compared with other countries that appear in the United Nations Gender Inequality Index.

1 Most of the time, such stories are not told as they do not have sufficient appeal or entertainment value.

2 See <http://eige.europa.eu/content/gender-equality-index>.



This book will, despite of all of the aforementioned facts, follow a non-scientific method. It collates individual stories that advocate that anecdotes may actually hold a lot more truth than would appear at first sight and show that it is, therefore, important for those observing to look more closely at the full picture.

GIZ has cooperated with ArbitralWomen. This organisation is best placed to act as a witness regarding stereotypes, to comment on the typical challenges faced by female arbitrators and whose members guarantee worldwide coverage. Many of those who have participated are experienced practitioners, but there are also contributions from those who are still at the beginning of their careers.

Contributors have been given total freedom on the way that they chose to report on their challenges: some summarised their CVs, others provided concrete examples in anecdotal form, and there are also some analytical contributions. The outcome is a colourful mosaic that shows that equality has still not been fully reached; it also shows that women can and do achieve - very often together with men, and to do so a lot of work, courage and sometime sacrifices are needed! I want to emphasize that women in this book they all “made it”, when we practice, when we live our lives we need to think also of those who could not “make it”, because of education, financial resources, distance to schools, fathers and brothers not allowing them etc..

The publication of this second edition would not have been made possible without the huge work and passion of my colleague Rezarta Veizaj, whom I would ask to thank so much! Unfortunately we never have time for a photo together even if we sit next to each other.

Enjoy the very diverse approaches of very different women, all of them working differently but all defying being branded as stereotypes!

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 several 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 honour 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 counsels 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 deputy 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. Political and legal developments in the U.S. and in Europe may threaten rights that women, especially the young who have not lived through the fights, take for granted. The practice of law and of arbitration is changing, sometimes in counterproductive ways. Competition to enter the workforce is tough, for both women and men. Women must still be vigilant and must work hard and work smart to protect and retain the progress already achieved, and to make further gains. 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.

Women Pioneers in Dispute Resolution: Joining Forces to Achieve Gender Equality - Mirèze Philippe

In a world where women outnumber men and where women are active in all business and legal fields, women remain under-represented in key positions in all fields. The legal field is sadly no different from any other profession although we are more fortunate than women for example in the fields of technology, engineering, sciences or military. The situation has only slightly changed in the last two to three decades and very slowly. Mentalities need to change, and the society cannot change overnight after centuries of biases and discriminations towards women. Women and men are trained alike and are talented alike. Therefore, is under-representation a question of discrimination, unconscious bias, or a question of sharing power? The author believes that it is a combination of the three which results in seeing few women in all fields being offered an equal opportunity for equal qualifications.

We owe this book to Adela Llatja and to the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. The first book about women published by the GIZ in 2013 was titled “Behind the Masks”. It featured 34 anonymous Albanian women wearing Venetian masks and telling their true-life stories. The common topic of the interviews was “Compromise”, which was chosen for two reasons as indicated in the introduction of the book: first, compromise is the essence of the European Union of which Albania would like to become a member, and second, women rarely have a voice in daily life, and the compromises they make in their lives are often forgotten. The women who prepared the book came from different backgrounds, but their common goal was to promote gender equality.

Adela and her colleagues were inspired to continue featuring women within the “Gender Oriented Implementation of the ADR Instruments in the Western Balkan” project. The project’s goal was to support the promotion of alternative dispute settlement mechanisms and particularly to promote the participation of female practitioners. Adela approached Louise Barrington and invited her to cooperate on this project aimed at featuring women who succeeded in dispute resolution. Louise and myself took this project forward with Adela, which resulted in the publication of the first edition of this book.

Thanks to the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, and the German Federal Ministry for Economic Cooperation and Development (BMZ), the first edition on “Women Pioneers in Dispute Resolution” was published in September 2015. Since time for preparation of the book was short, we were able to contact only a few women. The book featured 25 women who succeeded in dispute resolution and became pioneers. It is available on ArbitralWomen’s website: <https://www.arbitralwomen.org/women-pioneers-in-dispute-resolution/>

After the publication of the first edition, Adela, Louise and myself decided to publish a second edition if GIZ agreed to continue funding the project. Thanks to GIZ who generously offered once again to fund this project, we are able to publish this second edition featuring over seventy women from a wide geographical coverage and from all continents. The second edition includes updates from the 25 women featured in the first edition.

Gender and diversity are important components of the international dispute resolution environment. The main objectives of the book are to share success stories of women pioneers in their field of expertise and to promote female practitioners in dispute resolution. Why does it matter? Female practitioners have faced, and continue to face, many challenges and prejudices in a traditionally male dominated arena. Despite these difficulties, many women, some of whom are featured in this book, have succeeded to overcome obstacles and have been recognised by their peers. They share their experiences about their careers and opportunities. Some stories demonstrate that irrespective of where in the world they have been working, their challenges have been identical. They succeeded however in breaking down stereotypes and establishing their reputations. So yes, it does matter to witness the success of these women and to prove that success is possible for men and women alike.

Recently, discussions about gender parity in the dispute resolution field gained increased popularity around the world. The trend is more successful than anyone could have anticipated. This alone could be considered a victory and hope that the impact will be positive, because there remains much to be done to overcome under-representation. Women are part of this world, of its governance, of its evolution, of its legal system. Despite making up over half the population, the contribution of women is far below its potential. Talents should not be wasted.

Equality is a fundamental human rights principle, and “human” refers to men and to women. Equality is for the benefit of the entire society. We need to use available skills and talents, irrespective of gender, age, ethnicity, religions, disabilities. Associations of women have been particularly active in this last decade and have regularly renewed their call for an increase of women in all fields. Although little progress was made in the last decades, we now see positive signs of progress.

It is fascinating to see how involvement of women has evolved, although very slowly. Many crucial initiatives are undertaken by people around the world, including human rights and gender parity initiatives. Most of their actions are complementary. For example, ArbitralWomen is militating for gender equality in dispute resolution, and so is the Equal Representation in Arbitration Pledge, and GQUAL is militating for gender equality in all fields. The end result we are all seeking, no matter who starts an initiative, is parity and offering men and women equal opportunities for equal qualifications. The cooperation between these and similar organisations makes us stronger and contributes to better and faster results. The evolution since 2010 is visible. It is hoped that thanks to the many initiatives we will reach equality faster than in the last decades.

Women pioneers in dispute resolution considered for inclusion in the book are in general (i) women who have been active in this field since the 1980s/1990s and are role models and reputed, (ii) women of younger generations who have been pioneers in this field in their countries and who are reputed, (iii) women who were the first to be appointed at the head of a dispute resolution organisation, or (iv) women who have been pioneers in starting an organisation or an initiative related to dispute resolution. The stories demonstrate the change that has been brought about in society as a result of the work of the storyteller.

Many women pioneers, who were contacted have not been able to contribute for this edition and hope to be able to contribute for any future edition. We have tried to find as many women pioneers as possible, although it is difficult to know all women from around the world who could be featured. If through this book, readers think of other women, we would be delighted to note their names for any future edition.

Kudos to Adela and her colleagues who were inspired to produce books promoting women and featuring a bouquet of talented role models. Special thanks go to Rezarta Veizaj, administrative manager at Open Regional Fund for South Eastern Europe – Legal Reform (GIZ), without whom the preparation of this book would not have been possible.

This book is a tribute to the achievements of all the successful women featured and an inspiration for young generations.

We hope you will enjoy the stories.



Olufunke Adekoya
*Vice President,
ICCA Governing Board
Partner at AELX*

“ Mentoring and
Networking
is vital ”

Other people often have either a conscious or unconscious impact on one's career choices. I am where I am today because the impact of other people in my life. My venture into the realm of dispute resolution and then into arbitration was purely accidental. It started with me, serving my compulsory national youth service year after law school graduation, in a law firm where the male and principal partner was very supportive of women.¹ A client of the firm was horrified when he came into chambers for a pre-hearing briefing and discovered that I was assigned to handle his matter in court - a woman, and a young woman to boot! His demand to my principal to have his case re-assigned to a 'real' lawyer was met with a choice of two options: I either handle the matter, or he was free to debrief my principal. My principal prevailed, and I handled the matter – much to the client's satisfaction.

As a woman venturing into legal practice, having a mentor is vital. During my service year, my boss treated me exactly the same as everyone else – no privileges based on my gender, even though women were quite rare in legal practice at that time. Together with my male colleagues, I travelled to distant cities and towns, appearing in court matters for the firm. My love for litigation started from there.

After completing my LLM master's degree programme at Harvard in 1977, I discovered that my areas of interest – mergers and acquisitions were 'closed' to women, while monopolies and antitrust law were non-existent. I found myself back in litigation – where at that time, women lawyers were mainly briefed in 'soft law' disputes – matrimonial causes, tenancy disputes and minor commercial disputes.

¹ This in 1975, in a Muslim part of Nigeria where women were to be neither seen nor heard, and women lawyers were a curiosity.



In the early years of my career I enjoyed the status of being one of the very few female lawyers appearing in courts and endeavoured to surprise all those who felt that a woman representing a party in a litigation matter meant an easy walkover for them. Obviously, this meant an extra investment of time and effort in preparing my matters for trial, with a resulting encroachment on time available for family and domestic obligations. Child care, work - life balance issues are not the preserve of any country. A more senior female colleague with an active litigation practice, acted as a mentor, giving advice and guidance on work - life balance issues when I started having children. Some of her tips and snippets, I have in turn passed on to those that I now mentor. She also provided a ready shoulder to lean on when the rough and tumble of legal practice seemed overwhelming. Just knowing that someone before you has travelled the same path (a woman in the dispute resolution arena), makes things much easier.

After thirteen years with the law firm I joined during my service year, and where I had risen to partner level, I left to start up my own law firm; another rarity in 1990. My mentor had trod the same path many years before me and was again there to give guidance and advice.

In 2001, I became the 5th woman to be elevated to the rank of Senior Advocate of Nigeria, which many of my younger colleagues have told me has encouraged them to stay in the dispute resolution arena because they saw that it was possible for a woman to have a 'successful' career as a litigator.

So how did I get into arbitration? Again, by accident. Over the years our court dockets became more and more congested and I became increasingly disillusioned with the rigours of preparing a case for trial, only for the matter not to be taken on the date fixed for hearing.

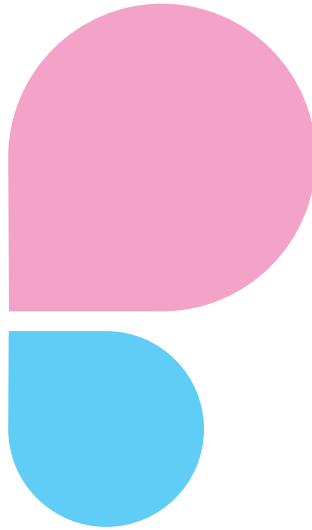
Another mentor appeared, which shows how important it is for women to create and maintain a network among themselves. She had been a senior state attorney in Nigeria's Federal Ministry of Justice, and Nigeria's representative on the UNICITRAL working group which produced the Model Arbitration Law; she had overseen its being enacted in Nigeria as our Arbitration and Conciliation Act. Upon her retirement from the Ministry she became a keen promoter of arbitration as an alternate mean of dispute resolution, and actively encouraged women to join the fold of arbitration practitioners. Noticing my interest in litigation, she 'tapped me on the shoulder' and introduced me to arbitration as a method of dispute resolution. She invited me to join the group she was putting together to form the nucleus of a Nigerian branch of the Chartered Institute of Arbitrators and suggested that I be the pioneer Branch Secretary when the group was finally granted Branch status. I eventually became the Branch Chairman some 10 years later. She also encouraged me to not only attend international arbitration events but get actively involved with their programmes and activities. I joined the ICC, the London Court of International Arbitration and ICCA (International Counsel of Commercial Arbitration) and got involved in their programmes. The rest, they say, is history. I am presently a Vice-President of the ICC Court of Arbitration as well as of ICCA, and a Council member of the African Users Council of the LCIA.



Despite the large number of Nigerian women now in the domestic dispute resolution arena, Nigerian women in international arbitration are still a rarity. After over 40 years practising as a litigator and about 15 years as an arbitrator, I am still possibly one of less than 5 Nigerian women actively involved in international arbitration. While being a forerunner may be an accident of fate, the opportunities it provides comes with responsibilities and obligations to those coming behind. Those of us who have benefitted from mentoring and networking opportunities need to 'pay it forward'. We still need to do more to bring more women into the fold. Actively mentoring younger female colleagues on the need to not just join international arbitration bodies but engage in their activities in order to showcase their profiles, thus promoting opportunities for their career growth is the way to go.



Mary Concilia Anchang
*Senior Partner Onambele,
Anchang & Associates*



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Remain focused
to achieve your
goals
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I am the second of eight with parents who had an irresistible passion for education. My father was a university professor, novelist and politician and my mom is a retired history high school teacher. They married and pursued studies while having kids. My father in the mid 70's was a Fulbright scholar at Southern Illinois University, Carbondale where he obtained a PhD in African literature and linguistics. He later published a Novel called "Taboo Love" in 1980 with a copy exhibited in the US library of Congress. My mother earned a bachelor's Degree in history 1980, from the University of The District of Columbia.

Born in the city of Bamenda, in Anglophone Cameroon, I went through primary and secondary schools in that part of the country then later moved to the French-speaking city of Yaounde, the nation's capital, where I attended high school and University eventually obtaining my law degree with a specialization in Private Law. This is the story of how I became one of Africa's pioneer ADR female specialists and ICC court member. I am also a seasoned Intellectual Property lawyer and international arbitrator and the founding Chair of the African Chamber of Trade and Commerce.

On January 4th, 1995, I was invited by the Director General of the World Intellectual Property Organisation (WIPO) to attend the launching of the WIPO Arbitration Centre in Geneva, Switzerland. As a young attorney, my invitation came concurrently with the appointment of Mr. Francis Gurry as the pioneer Director of the WIPO Arbitration Centre with launch of the WIPO Arbitration Rules at this event. I was excited and curious.



Prior to my invitation, I had been recently accredited as pioneer Intellectual Property lawyer with the status of IP agent with the African Organization of Intellectual Property (OAPI), a 17-member country organization of mostly French speaking African nations in November 1994. They had a law prohibiting lawyers from practicing Intellectual Property law within the member states of the Organization since its creation in 1962. When I was informed of such a law, I was taken aback and set out to reverse it. Upon my petition, the law was reversed, and I became appointed the first IP attorney in within in the 17-member states in the region authorized to practice IP within the organization. I, therefore, became the Pioneer IP African Attorney in French-speaking Africa by this decision. The List is above 100 today.

During the WIPO conference I was the sole attendee not only of my generation but also of gender and race, in a gathering of about 2000 participants from all parts of the world, I was the only African attendee. Barely over 30 years old, the craving for new information as well as, the desire to create a positive impression drove me. I did not want to be a lawyer limited by my local currency when I joined the bar. I had observed the dependence and limitations of local currency with the devaluation of the FCFA. This desire urged me to ask a question to a panellist. The question was; *“Sir how can you talk of Africa’s development and justice when we are not taught subjects like international commercial arbitration, Intellectual property law and other subjects that facilitate economic growth and progress in the world in African colleges and universities? I have sponsored myself here on my own and how does this expensive effort benefit a young African lawyer.”* Seeing my curiosity, Mr. Peter Lalive, then senior partner at the Lalive law firm in Geneva advised Mr. Eric Schwartz, then Secretary General at the ICC Court of Arbitration to take me through the ICC PIDA workshops as organized quarterly in Paris for training and to help me build an international career. This recommendation opened doors for me and enabled access to the best and most renowned arbitration lawyers from all parts of the world. Yan Paulson; Jacques Werner, Michael Schneider, Franz Fanon, etc. This marked my entry into the club of International arbitration and a major turning point in my life and career.

In September 1995, I started attending PIDA workshops at the ICC in Paris as organized by the court for 3 years. In 1998, after a series of self-sponsored trips, I felt the need to become a direct international member of the ICC in the absence of a national ICC committee in Cameroon. In appreciation of my efforts, late Mr. Francois Gabriel Ceyrac, then Director of National Committees at the ICC, recommended that I be issued a mandate to restructure the Cameroon National Committee of the ICC, so it becomes beneficial to many others drawing from my experience.

Striving to become a member of the International Chamber of Commerce and arbitrator transformed into a much bigger responsibility causing much resistance and antagonism in a typically chauvinistic society. In 2003 the Cameroon National Committee of the ICC was created. As a woman, it was harder to make my voice heard within a male-dominated system. My sole objective was to achieve my target. The ICC National committee leadership seemed to target against all that I had worked for, yet I was later appointed by the World Business Council of the ICC as the Cameroon country member of the ICC International court of arbitration in June 2006. A position I held from 2006-2010 under the presidency of Dr. Robert Briner at the ICC court of Arbitration. Interesting enough Eric Schwartz and I became arbitrators at the court under the same mandate. I then became the first female court member from Africa to sit in this position since its creation in 1923. It was a great accomplishment.

Unfortunately, running the National Committee later turned into a major leadership fight with violent opposition from my male counterparts for almost a decade. In 2012 while operating as an appointee by the ICC court as a sole arbitrator for an ICC international dispute, I was surprisingly and suddenly notified by the court to discontinue the case and return the court file to Paris within extremely short notice with no explanation as the rules require. This among many was one of the most significant and unforgettable instances of the gender-based discrimination I have faced in my career. Words cannot express.

As a female, despite all efforts to keep the National Committee afloat, several attempts to hamper its proper functioning were made to discredit my position and marginalize my input and impact. Though it was harder for me as a woman to make my voice heard, it remained a wonderfully rich experience. I remained a member of the IP and ICC Arbitration Commissions in Paris until 2016 and obtained a formidable professional experience traveling to all the major continents of the world.

Ultimately, the fight for NC leadership diluted the vision I fought hard to uphold leading to the dissolution of the Cameroon National committee in 2014 by the ICC. This was a very hard blow. It had come in spite of all my efforts to avoid the worst. The decision was based on unfounded allegations by local news sources. I learned a major lesson on the unpreparedness or immaturity of African businesses to face renowned world intuitions. There was misplaced emphasis on leadership titles rather than the issues to be addressed and promoted for common good.

Consequently, the closure of the Cameroon National Committee, urged me and a few others to create The African Chamber of Trade and Commerce, a platform where African businesses can better relate to each other in a federated structure to reduce the various gaps that divide African economies from each other and the rest of the world. There is an absence of optimal industrial facilities to grow production and incite real competition. ACC is geared towards influencing the business climate in Africa making African markets more competitive through proper structures and infrastructures for Start-Ups, SMEs and enterprises connecting through this platform, with respective development partners.

This should collectively facilitate the enforcement of ADR decisions and arbitration awards. For a positive impact within the continent and across the globe. My career path obliges me to think that ADR mechanisms are fast becoming the standard to resolve disputes in Africa in all aspects of litigation. We hope to build mutually beneficial partnerships with institutions like, Arbitral Women; ICC (for the values it holds for the economic development of the world), ICSID, TRIPLE “A” WIPO, OHADA and other ADR institutions.

I am very curious and permanently in search of new things to innovate upon. However, my resilience resides in my firm connection and belief in God. My faith in unseen things is my great source of support.

It is also thanks to the advice of my late father who raised all his daughters with much love and confidence that I am able to do the things I do without a complex. My father advised me to never quit. Also, my mother and all my siblings have been so wonderfully supportive. My husband has been a pillar. He has stood by me through it all and I am so grateful to him. My kids are simply wonderful. They watch me come and go with a lot of inquisitiveness. They ask many questions trying to understand what I do and why. This gives me hope that they are interested and may carry on the legacy. I am so grateful to them. I am also quite grateful to my staff for their tenuous devotion.

In spite of the hurdles I remain positive. I believe women need to remain focused to achieve their goals in life, without confusion of roles. Chauvinism need not dissuade women from their personal beliefs, attitudes and actions. Many female practitioners have faced, and continue to face, severe challenges amidst prejudice in male-dominated environments. Yet, I believe holding on to one’s vision with focus and faith through hard work and self-confidence constitute unequivocal ingredients in every success story, irrespective of gender. Resilience is a key to success. True success comes from missed or failed opportunities. It is often said that, how deep you fall generally determines how high you rise!

In closing, permit me thank you for honouring me with this distinction as an African woman pioneer in my career. My profession as an attorney strongly influences the decisions I make in life. Advocating for Africa’s Economic growth and development through the ACC platform and promoting ADR and IP in Africa is something I do with great love and passion.



Geneviève Augendre
SCP AUGENDRE



“ Becoming a
successful arbitrator
is possible ”

During many scientific and professional meetings, a specific question is frequently asked to me: how we can be or become arbitrators.

My answer is always the same: To be arbitrator and to access to the arbitration world, we have to obtain a theoretical knowledge and we have to practice arbitration.

In my experience, my access to the arbitration practice was accidental. In 1976, my partner Francis MOLLET-VIEVILLE had been elected as the head of the Paris Bar and in compliance with a professional tradition, the important cases on international arbitration were to be confided to him.

Since my first contact with arbitration, I was rapidly charmed by the new practice and progressively I began to discover the particularity and specificity of my new area of practice.

I found a big pleasure in drafting terms of references and awards. With the experience, I realized the importance of the terms of references and how to draft an efficient award which can avoid any risk cancellation.

At that time, arbitrators formed a small circus like club that the members knew each other, and they were the same in the majority of cases relating to arbitration. They dispatched the roles in arbitration procedures.

Although it was not required to fill a statement of independence and impartiality, they were very honest and independent. The awards that they rendered were rarely set aside by courts.

In fact, the independence of the arbitrator is a matter of conscience and honesty and it not related to fill an application or a statement.

With the experience, I discovered that the arbitration world was majorly constituted by men more than women. It was very easy to find a tribunal of arbitration was constituted by other ways than man. I realized the place reserved to the woman in this world of arbitration will not be easily obtained.

My first steps in arbitration were not very easy. Nowadays the situation becomes better and the woman can be arbitrator without any difficulty. In some cases, woman is preferred to men as an arbitrator.

At the same time, the presence of women in arbitration instances become nowadays familiar. However, this realty was not easily obtained. In the past, we can rarely find woman in the board of directors of the arbitration institutions. For example, at the foundation of Association For Arbitration (AFA) in 1976, by Francis MOLLET-VIEVILLE, there was only one woman in the Board of Directors. In order to defend the continuous presence of woman in the Board of Directors of the AFA, this member requested when she resigned to be replaced by another woman.

For many years, I was the only woman at the Board of Directors of the AFA which did not caused any disturbs for me. I was in similar situation in the Council of Paris Bar. In other arbitration institutions the situation of the woman was not better.

Nowadays, the situation becomes better and many women are appointed as members of the Board of Directors of the AFA. These women have been appointed because of their high degree of qualification.

When I was elected as President of the AFA, my preoccupation was to reinforce the place and the role of women in the Board and in its all activities.

I have set up a periodic training on arbitration organized by the AFA at least twice per year. The training is always animated free by very famous personalities from the arbitration world.

This training has a practical aspect (simulation of arbitration procedure) and tries to simplify arbitration to the participants.

This training can make the practice of arbitration easier and explain to the participant their role as an appointed arbitrator.

The training is important but it not indispensable and we can be a famous arbitrator with a previous practice.

I was the lawyer representing a foreign company which had an arbitration procedure in Paris and they charged me to nominate a person in Paris coming from the same country that could be arbitrator. I found this person who was a Professor of Law and asked him if he would accept to be appointed as arbitrator in the relevant matter. He hesitated to accept because he never practiced arbitration. I convinced him to accept and told him that the procedure would be the best opportunity for him to discover arbitration. This Professor accomplished his task with immense skills and today he is one of the famous arbitrators in Paris. So, we can be good arbitrators without a previous background.

Another very important element to knowing arbitration is to keep updated with knowledge, participate in seminars and scientific or professional activities on arbitration.

When I was the President of the AFA we organized many meetings and activities relating to the arbitration process (Conferences, annual dinner...).

I left the Presidency of the AFA with big satisfaction because during my time I reinforced the place of women in the arbitration, I was at origin of many important ideas. For example, I pleaded for the opening of the AFA and its cooperation with many foreign arbitration institutions. I collaborated with very famous personalities for the promotion of the arbitration in many countries through the world.

I was also included in the creation of the Commission of international arbitration in the UIA where I became President of this commission.

For the sake of collaboration between the different arbitration institutions in France, I was involved in the foundation of the Federation of institutions of Arbitrations where I was the first President.

Initially this federation was opened only for French institutions of arbitration, but today even foreign arbitration institutions can be members of the Federation.

In conclusion, the access of women to the arbitration practice was not very easy. I recall the difficulty that affronted women in accessing the law profession and head an important bar similar to Paris Bar. Nowadays, the place of the women in the arbitration is not questionable and their success is proven. The place should be reinforced. If a young lady lawyer asks me if she can access the arbitration world, I will answer without any hesitation that she can, and she should go ahead.



Bennar Aydoğdu
Founder, BennArb Law Firm
ICC Court member for Turkey
Co-chair, ICC Turkey Arbitration
Commission
Chair, CIArb Education and
Membership Committee



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The gateway to
success...

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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 happy to be called Chairman rather than Chairwoman or Chairperson, as for me gender issues are sometimes just a figment of our imagination. Since then I was also appointed member of CI Arb Board of Management and chair of CI Arb Education and Membership Committee.

I should add that back in 2015, I was one of the pioneers in the establishment of Bursa Chamber of Commerce and Industry Arbitration and Mediation Center (BTSOTAM) which is unique as being the first arbitration and mediation center established within the chambers of commerce and industry in Turkey. I am currently the vice chair of BTSOTAM. Also as of 2017, I was appointed as co-chair of ICC Turkey Arbitration Commission and as of 2018, I had the honor of being appointed a member of the ICC Court of Arbitration on behalf of Turkey. I am proud to say that I was the first female appointed to these positions in Turkey.

My other current positions in the field of ADR include being member of ICC Commission on Arbitration and ADR, chair of Bursa Bar Association Arbitration Commission and member of Istanbul Arbitration Association Board of Management.

I have also served as the first regional coordinating committee member of ICC YAF Turkey, Middle East and Africa Section, global advisory board member of ICDR Y&I and vice-chair of the Union of Turkish Bar Associations Arbitration Center.

I believe that ensuring the participation of women in all areas will facilitate the resolution of problems. Even if the field of alternative dispute resolution and in particular arbitration has been a field primarily dominated by men, the number of successful women breaking the barriers has increased significantly, but we still need more role models.

Looking back over my career to date, having conducted almost 80 international arbitration cases, and having sat both as counsel and 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.



Yas Banifatemi
Partner at
Shearman & Sterling LLP



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Be able to trust
one's own
judgment and
instincts

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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.



Louise Barrington
*Founder/Director of the
Vis East International
Commercial Arbitration Moot
Founding Co-President
of Arbitralwomen*



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

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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, with 14 teams taking part. 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 2018, Vis East 15 welcomed 118 teams and over 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 scores of Asian law schools, and participating is a badge of honour for the participants.



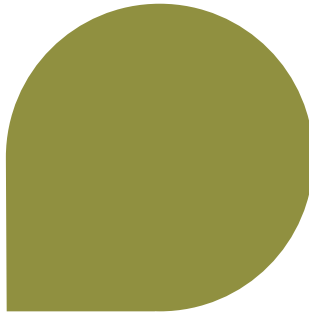


Over the years, we have seen a shift in participation, with more and more women competing. To encourage young women to compete, I asked the directors of ArbitralWomen, an organization I co-founded to promote women in arbitration, to provide a little financial support to deserving teams whose members were at least 50% women. The ArbitralWomen Awards, with contributions from local and international law firms, pay the registration fees for several deserving 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, although we are seeing more and more women leaders in arbitral institutions and in counsel positions. A number of women arbitrators have become very successful, and very visible. But this is no time for complacency; we are still far from gender parity among arbitrators. If we let up on the pressure now, those in command will return to the old habits and biases, just because it is easier. We must continue our work, and on a number of fronts, encouraging women to aspire to this traditionally male bastion. Personally, whenever I arbitrate a real case I try to engage a promising young woman 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 women arbitrators are the role models for the cohorts of future years. They will lead the changes that will keep arbitration relevant to the business world and respected as the best method for resolving international disputes.



Anne Marie Blaney
*Managing Solicitor, Law Centre
Board member
at Legal Aid Board Ireland
Faculty member Chartered
Institute of Arbitrators
Volunteer lawyer,
Irish Rule of Law International*



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Positive change is
always a possibility if we
organise and collaborate
together to secure it

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Themes and Inspiration

Justice, conflict transformation and gender equality have been guiding themes in my career. I was born in Newry, Northern Ireland at the time the ‘Troubles’ began resulting in a lengthy period of sustained communal violence and social upheaval. The outcome was death and trauma- individual and collective, that still resonates. The past fifty years of civil rights activism has transformed society and the hard won 1998 Good Friday Agreement has transformed Northern Ireland. .

Life at the time has been described as having an, ‘extraordinary normality’ by BBC Ireland Correspondent, Denis Murray; ‘In Belfast, security gates were erected around the shopping area in the city centre to try and prevent the planting of bombs. What was totally abnormal elsewhere in the western world became normal in Northern Ireland. Our lives were circumscribed by the extraordinary which just became ordinary.’ (BBC History: Everyday Life in the Troubles).

This was also the time when women found a voice with the establishment of the Northern Ireland Women’s Coalition in the mid- 1990s by Professor Monica McWilliams and Pearl Sagar OBE. They took their elected places at the N.I Forum and the multi- party peace talks. Their strength of resolve against personal insults and death threats showed their steadfast belief in participation by women in public life. They were integral to the inclusion of a clause in the Good Friday Agreement supporting the participation of women in politics.



Responding to this 'extraordinary normality' and the example set by Mc Williams and Sagar has gone some way to inspire my passion for conflict transformation, gender equality and access to justice in particular, my interest in women's inclusion in conflict resolution and peace building is inspired by a former Secretary of State for Northern Ireland, Mo Mowlam. She operated with sensitivity, directness and openness and brought people together.

My mother, who was required by the Irish State to give up work in order to marry, continues as a shining light. This marriage bar, whilst abolished in 1973, prevented her from doing the legal work that she enjoyed. Her support for my school studies is highlighted by my memory of her sitting in her car waiting for me outside my piano teacher's house, next door to a major military base with helicopters taking off and landing a few fields away. Not many people would linger there.

The curiosity about conflict also comes from my uncle Max Flood Blaney, a Royal Engineers bomb disposal officer in WW2, awarded a posthumous George Cross. He died, aged thirty defusing a bomb in central London in 1940.

Arbitration, Mediation, Gender equality and Access to Justice

Upon qualification as a Solicitor and Mediator in Dublin in the mid- 1990s, I returned to Northern Ireland to practice law, and volunteered with a domestic violence charity called Women's Aid. I was a member of a small group of activists in the women's rights and equality sector in my home town. Our focus was to manage a refuge, aftercare houses and services for women and children who were domestic violence victims. We provided advice and outreach support. Our service was overwhelmed by demand. When I took up the position of Director of the charity, contributed to a project resulting in a new resource centre for women and children. This achievement has endured because I can drive past it today with a sense of satisfaction.

Whilst my interest in Mediation was well developed, my interest in Arbitration began with entry on the CI Arb pathway and success at the membership assessment. In 1994, I moved to the Netherlands to the University of Utrecht where I studied International Commercial Arbitration and was awarded a Masters' Degree in European Private Law. This was the period that developed my ethical awareness. I took a break from law, and worked with Kluwer Academic Publishers, later Springer Science, as their Ethics and Philosophy of Law Editor. Exposure to new ideas and innovative thinkers developed my desire to take ethics seriously so I took on a new postgraduate programme in Ireland, after my return in 2006 and was awarded a Master of Arts in Ethics.

The rich opportunity offered by professional volunteerism and the personal satisfaction is something familiar to many of us. It has stood me well because of the opportunities to drive forward rule of law initiatives, and influence ADR policy as well as represent the interests of the ADR community as Chair of CI Arb Ireland, Vice Chair and PR officer between the years 2011 and 2016. I have been very active with the CI Arb Ireland Branch and was delighted to be elected Chair in 2015, significant as I am the third woman to become Chair, since foundation in 1982.



Through my conference proposal and subsequent CIArb joint collaboration with ArbitralWomen and Irish Women Lawyers' Association, the gender agenda received attention in Dublin in 2013. The impact was significant because seven conference streams brought together fifty speakers to celebrate and explore the participation of Women in Conflict Resolution. Partnership with such inspiring colleagues was intensely satisfying, resulting in the first Collaborative CIArb Ireland International Women's Day Conference. I was honoured to speak at the second International Women's Day Conference in 2016 at UNESCO Paris. On the topic of evolution or revolution, getting the chance to highlight the successful gender quota measures established in legislation that have been implemented in Ireland to increase representation of women politicians, was important. These measures have addressed systemic inequality and improved opportunity for women. Linking gender equality measures with the appointment of the panel of Adjudicators under the Irish Construction Contracts Act 2013 (enacted April 2016) isn't immediately logical but publication of the panel provoked the link when a panel of thirty male adjudicators was announced. It is a professionally diverse and very competent group. It was crucial for the gender inequality to be highlighted during the Civil Society consultation held in July 2016 by the Department of Justice and Equality under the Convention on the Elimination of Discrimination Against Women protocol, so I contributed my views on the gender issue at that event.

Working with project partners, sharing knowledge and learning from colleagues and driving initiatives within CIArb has had the dual purpose of improving knowledge about resolution options and promotion of CIArb standards of ADR excellence in Ireland. It has been very rewarding. A particular project example was the Chambers Ireland Business and Commercial Mediation Pilot Scheme. Leading the CIArb input, establishing a panel of Mediators, speaking at regional Chambers briefings and gathering survey results has impacted in greater numbers of SMEs and lawyers encouraging mediation.



In recent years, within law practice, I have also been able to increase the impact I can have in the areas of conflict transformation, access to justice and gender equality. From 2006, my legal work has involved provision of legal services to the public within the legal aid system. I am Managing Solicitor of a busy Law Centre in Dublin. The recent implementation of the Mediation Act 2017 gives scope to initiate ideas and projects that improve service delivery for citizens and increase uptake of dispute resolution mechanisms, including arbitration and mediation. As a lay trade union representative for solicitors with IMPACT union, I gained recognition as a trusted colleague and was elected to serve on the Irish Legal Aid Board where I participate in strategic governance decisions, policy and law reform and family mediation policy decisions.

The warm heart of Africa- Malawi- will continue to draw me to contribute to the Irish Rule of Law International Programme. The project began in 2011 with a scoping visit and delivery of training to paralegals. A strategic issue is promotion of restorative justice and alternatives to formal proceedings. In 2013, on a second trip, was invited as an expert to deliver dispute resolution training to Judicial Officers and share experiences with colleagues. This year, a learning exchange with Legal Aid Bureau Malawi colleagues was a success. These are complimentary initiatives to the primary programme of impressive work of Irish Programme Lawyers placed within the Malawian DPP, Police Service, Judiciary and Legal Aid Bureau.

I guess I have learned that, as citizens and as women, we don't have to accept 'extraordinary normality'. Injustice, conflict and discrimination are not permanent features of the world we live and work in. We may be influenced by the society in which we grow live and work, but we have the choice not to be defined by it. Positive change is always a possibility, if we organise and collaborate together to secure it.





Adriana Braghetta
*Partner at L.O. Baptista
Advogados*

“ How and when
International Arbitration
happened in my life ”

My passion for arbitration started in an International Arbitration class lectured by Prof. José Carlos de Magalhães back in 1992 within the Department of International Law. Even though we did not have an Arbitration law at the time (it would be enacted in 1996), the University of Sao Paulo-USP had had this class for more than 25 years already and it became the seed that would enlighten people like me.

At that time, although its little application in Brazil, but because it was so interesting from a philosophical point of view, I decided that my academic studies, including my Master of Law and my PhD, would be on International Arbitration. I obtained my master's Degree in 2000 and my PhD in 2008.

There were not many female professors in this area yet, until Selma Ferreira Lemes joined the “Arbiter” project and became one of the authors of the Brazilian Arbitration Act (“BAA”). Together with Carlos Alberto Carmona and Pedro Batista Martins, they were responsible for drafting the BAA based on the UNCITRAL Model Law and the Spanish Law.

But it was only in 2001 that it all began in Brazil (after the Brazilian Supreme Court decision on the constitutionality of the BAA in an enforcement proceeding of a foreign award (SEC 5206). The legal framework was completed with the ratification of the New York Convention in 2002.



A little bit prior to that, around 1999, ICC had probably its first training in Brasilia and I was one of the attendants. My early interest in International Arbitration resulted in an invitation from Prof. Horacio Griguera Naón, the ICC Court Secretary General at that time, to apply for and internship at ICC Court, as Selma Lemes and João Bosco Lee had previously done. In Paris, working as a trainee at the ICC Court, my world expanded: while there was no arbitration in Brazil, I could live the reality of having people from all over the world working in dozens of cases involving companies from the entire globe. The academic passion would become my professional life.

Back home, I joined the Brazilian firm associated with Baker and McKenzie - Trench, Rossi & Watanabe – that would very soon start to have arbitration cases due to its international clients and I was fortunate enough to participate in arbitrations since when it all started in Brazil.

As I had been one of the few lawyers studying International Arbitration, together with a select group of 30 lawyers (9 of which were women), in 2001 we founded Cbar – *Comitê Brasileiro de Arbitragem* after the invitation of João Bosco Lee, the first President of the association. I was the first female director and later the first female president of CBar. We could never imagine that it would become one of the lead institutions to foster arbitration in the world. Through CBar and with the help of the French community first –especially Prof. Philippe Fouchard -, and all the international community after, companies' executives, lawyers, students, Brazilian Professors, we all started to learn arbitration and to entail into important dialogues with Brazilian judges.

In the beginning of 2008, I joined LOBaptista, a Brazilian *boutique* in international Arbitration. Prof. Luiz Olavo Baptista, the founding partner, was a truly pioneer in the field of private international law and International Arbitration.

In 2010, CBar hosted the ICCA Congress in Rio de Janeiro, when I was its president, and we had the opportunity to show to the world of International Arbitration how much we had developed in such a short period. From that moment on, we started to have various academic encounters with Supreme Court Judges (from STJ and STF).

In 2012, I became an ICCA Governing Board Member. With the leadership of Albert Jan van den Berg and Jan Paulsson, I lived the amazing change in relation to diversity. ICCA began to foster diversity in all levels – gender, nationality, background, age, etc.

ICCA's lead influenced all other institutions and diversity started to be seriously considered by Arbitral Institutions and the entire community. The Pledge is a good example that followed.

Besides the low number of leading women as counsel, there was also a very low number of women sitting as arbitrators. The scenario has drastically changed. I´m sitting constantly as arbitrator with men but also had the opportunity to sit in Arbitral Tribunals composed only by women or two women and one man.

Another historic moment occurred in Brazil last August 2018, at the CBar annual Congress: all women in a panel.

For the last 10 years, I work exclusively with International Arbitral as counsel, arbitrator and professor of law (CEU Law Scholl in São Paulo and others).

I hope my story can somehow inspire the youth, not only as a woman, but on how to follow your dreams. Arbitral Women has contributed enormously for the transformed world that we are living in nowadays.



Lorraine Brennan
*Full Time Arbitrator and
Mediator and Adjunct Professor
Georgetown Law Centre
JAMS*

“ Speak up, speak out,
and strive for excellence ”

I never set out to be a ‘Pioneer’ in the field of dispute resolution. But as I became more involved in the field, the huge disparity of woman and people of colour vis a vis white male bothered me greatly. As a young litigator I was frequently underestimated by older male counsel or treated by certain judges as though I were merely a place-holder at settlement conferences. Even as recently as last year’s Vis Moot in Vienna I had an elderly man walk in the room and pronounce loudly, “Why look, we’ve got a lady Arbitrator” as though I was some rare species that should be called out for my gender. I looked him right in the eye and said “Well, you know I am an arbitrator, but you have no idea if I am a lady”. The whole room got a good laugh at his expense, but he chuckled as well, and I suspect he won’t be using the term “lady Arbitrator” any time soon.

Before I became a Federal Law Clerk in the Southern District of New York (the federal court in Manhattan where many high-profile cases take place), I worked as a litigator at a small law firm where I was thrust into Court the day I was admitted to practice. The benefit of a small firm was that I was taking depositions, handling motions, second chairing cases and learning a lot about how law was practiced in a courtroom setting. One of our clients was involved in an international arbitration and it was assigned to me, primarily because no one else was interested in doing arbitrations. I immersed myself in the world of international arbitration and I found it fascinating. I knew I preferred this form of dispute resolution to litigation, and I loved the international element.

Following the small law firm experience and the federal clerkship, I went to a big law firm in NY, Milbank, Tweed, Hadley and McCloy. As a young associate at Milbank I was lucky enough to work with an amazing mentor, William Jackson. His father Robert was a Justice of the U.S. Supreme Court and William was an Assistant Prosecutor at Nuremburg. William went out of his way to work with women as he had five daughters and he thought it important to encourage women. He assigned me to work with him on a very large international arbitration involving an American defence industry firm and the Government of Israel. Since the arbitration was so contentious, I had a two-year lesson on everything from the scope of the clause, theft of trade secrets, and just about any other issue that might come up in a large international case. From that point on I was hooked for good. After nine years of litigating, I went to the Fletcher School of Law and Diplomacy at Tufts, one of the top if not the top IR school in the country. The school awarded me a scholarship to study in Geneva, and while I was there I heard about a position at the ICC which seemed tailor made for me.

I became the Director of Arbitration and ADR, North America, ICC International Court of Arbitration, during which I travelled the globe spreading the word about the ICC and why North American users needed to know more about it. I set up subcommittees throughout the U.S. and spent a lot of time in Canada as well. I started in Newfoundland and hit almost every province on the way. I was instrumental (with the help and support of John Fellas) in getting YAF up and running in the US. And David Plant and I convinced the ICC to start a mediation moot that has grown exponentially since its inception. I enjoyed the creativity of the ICC position and was lucky enough to work with Robert Briner, the President of the ICC Court, and Anne Marie Whitesell, the Secretary General. Two incredible people who always listened to my ideas. I also instituted annual conferences in great places where we would have a captive audience. Cities such as Vail, CO; New Orleans, Charleston, SC, Cape Cod, MA (my parents lived there), Santa Fe, New Mexico, Torrey Pines, CA, and a resort in Arizona among others. I wanted the ICC to be known everywhere and was always looking for new ideas that would help make this happen. By keeping the conferences out of big cities, the group paid attention and forged friendships that remain today.

After leaving the ICC I was appointed Senior Vice President, International at CPR (the International Institute for Conflict Preservation and Resolution). CPR is a think tank. When I was there they were not administering arbitrations (they are now). I was exposed to many well-known GC's during my tenure and I started some projects such as Y-ADR, which is still flourishing, the Asia Pacific Advisory Committee with a lot of help from David Sandborg in Hong Kong who introduced me to a lot of the top players in Beijing and other parts of China, the CPR Annual Writing Competition and more. CPR was always innovating and changing the products they offered to the world so for me it was exciting to be working on projects in Asia, Brazil, and other parts of the world where CPR was not as well-known as it is today.

JAMS ultimately hired me away from CPR to open their London office. It was an exciting time as we literally started from scratch and put together a panel of dispute resolution professionals from around the world. My law firm experience was certainly valuable as to how I approached things at JAMS, as I literally had been on both sides of the table.

JAMS is unique in that it started out as a place mostly for retired Judges, hence the name "JAMS" which stood for Judicial Arbitration and Mediation Services. JAMS has changed dramatically in the past 30 years and now there are many retired law firm partners here as well. Many firms expressed concern at having a Judge run their international case, but we have several retired Judges at JAMS who are quite busy hearing international cases. I am now a full-time arbitrator and mediator at JAMS.



Throughout all of these various positions I was keenly aware of the lack of women and people of colour in the field. I became involved in Arbitral Women, which started out as a group of women getting together for dinner in Paris and discussing what could be done to rectify this problem. After much work by our founders, Louise Barrington and Mireze Philippe, we were finally set up as a real organization in Paris. I think the work this Institution has done and will continue to do has gone a long way towards bringing women 's issues in the field and possible solutions. We have an active database of women arbitrators that can be perused by anyone seeking s diverse arbitrator or speaker for an event.

As the former President of ArbitralWomen I am still dismayed when I see all male panels (manels) and while I think efforts are being made to rectify not only gender equality but other underrepresented groups as well, we still have a long way to go. Arbitral Women has made a huge difference in that regard and we have been able to reach out to so many women worldwide that our reach is now truly global. I will say that the institutions have innovated quite a bit since I first started in response to the needs of the client. The institutions need to continue to listen to their constituents as there is a lot of competition in the field now and clients have many choices.

The good news is that the major institutions have taken note and are making changes to encourage diversity.

JAMS try to put women on strike lists so that the parties will actually get to read the bios of some amazing women and hopefully appoint them. I know the other institutions are doing so as well, and that's a good thing.

In addition to my current work at JAMS, I also serve as an Adjunct Professor at Georgetown Law School and most of my classes are fifty percent women or more. I do a lot of mentoring for my students as I think that is important. I can help them with contacts or help them figure out what role they would like to play in the dispute resolution field. Now that I am a full time Arbitrator/Mediator I can also bring another viewpoint to the table. I have also been involved in the VIS Moot for twenty years and found that to be another great way to encourage young people just starting out. I have been proud of the various teams I have coached over the years and impressed by how seriously they took the experience.

Certainly, none of these positions were without challenges. I faced challenges when I wanted to innovate or try new ways of reaching the clients and the law firms. Sometimes my ideas were met with scepticism, but for the most part I had the support of the people I was working with. Early on I encountered some difficulties from some of the firms/companies I visited, but once they realised I knew what I was talking about they would sit up and listen. Frankly I also saw being a woman was a plus as there were so few of us in the beginning it was easier to get noticed. I have certainly faced sexism but the older I get the less it bothers me. I like someone to underestimate me, so I can prove them wrong.

My experience at the head of various dispute resolution organisations has certainly helped me with understanding and conducting procedures with the various institutions I now have cases with. I knew the Rules of the various institutions or I knew who to call if I were facing difficulties. I know so many brilliant people in the field that will always take the time to answer a call or an email if I need guidance.

In the last 30 years there has been a dramatic change in the international dispute resolution field. 70 percent growth in the field in the last 25 years and more institutions opening all the time. Law schools are now offering dispute resolution classes, and some have set up Certificate Programs, so the students can focus entirely on the field. I am seeing more and more women and people of colour, which is a good thing, but we still have a long way to go. I am hopeful for the future.

I see more innovation, particularly in the online space. I see more and more countries trying to make mediation work, which I think is a positive development. I foresee more women at the head of arbitral institutions, and more female arbitrators in general. I believe the future is bright, at least from where I sit.

I think one of my best contributions to the field was that I was never afraid to speak up when I saw injustice. When I saw conferences with all male speakers I would call the organiser and tell him or her that not only was I boycotting the event but that I would spread the word to all my other female colleagues. I have seen more women represented at these events as they should be. I also tried to inspire the younger women I met or worked with to keep soldiering on- the path might be difficult but definitely worth the journey.

My words of advice to women and other young people is to reach out more to more experienced women and invite them for a coffee/drink to pick their brains about which direction to go in. There are so many paths one can take in the field for those who don't want the big law firm life.

Finally, I believe my teaching and coaching teams for the Vis Moot has probably been one of my most satisfying achievements. I had nothing like that available to me in law school and now it seems students have a wide variety of options. I remain good friends with many of my students to this day, and I am always happy when they are in town and stop by for a visit.

Finally, I have always had a keen sense of justice, even as a little girl, so I enjoy trying to get to the truth and preparing an award that reflects justice.

When I get discouraged, as I do at times, I repeat to myself the immortal words of Eleanor Roosevelt: "No one can make you feel inferior without your consent."

Speak up, speak out, and strive for excellence.



Gillian Carmichael Lemaire
*Founder of Carmichael Lemaire
Ltd, London and Paris*

“

... in the field of international arbitration ... there is the space and opportunity for each individual to work in a way that suits her (or him)

”

One of the definitions of “pioneer” is “initiator of enterprise”. My story is punctuated by occasional very modest initiations of enterprise which I am privileged to share here.

When I was deciding what to study at university, the choice between law and languages was difficult. Luckily the University of Strathclyde in my home country, Scotland, was innovative at a time when you could not study law with a language for a combined qualification. I asked the University if, in addition to my law degree, I could sit in on French classes to degree level. They said yes, allowed me to sit the exams informally and even gave me a grant to study in Paris during the summer of my second year.

But it was to be some time before I would move to Paris. I first finished my law degree, postgraduate Diploma in Legal Practice and two-year traineeship to become a solicitor. It did not take me long to realise that I was not cut out for conveyancing and wills, trusts and executrices. The very idea was enough to prompt me to enquire about doing the whole of my traineeship in litigation. My firm allowed me to do so.

By the end of my traineeship my ambition was to live in Paris and become a member of the Paris Bar. I left Glasgow and arrived in Paris with a large suitcase, no job and nowhere to stay. Unexpectedly I landed in the world of international arbitration after posting a “job wanted” notice at the court. A small practice responded: they needed an English speaker to work on a series of international construction arbitrations. I spent most of the next 30 years in Paris working mainly for large international arbitration firms and also heading up a boutique practice for a foreign law firm.





Ultimately, I set up my own practice which I moved to London in 2016. I'm probably unusual in London, as many international arbitration practitioners here, whether counsel or arbitrators, work either in large law firms or barristers' chambers, whereas I practice solo as a member of the Paris Bar. I currently work as arbitrator, mediator and counsel. I feel very fortunate to be able to divide my time between London, Paris and Scotland, whilst also taking on cases further afield.

From a personal perspective, along the way, like so many of us, I have dealt with challenges such as parenting, including a significant spell as a single parent. Everyone's circumstances are different of course but generally I take the view that we have studied and worked hard, and whilst a career in the field of international arbitration is no doubt demanding, we should feel that there is the space and opportunity for each individual to work in a way that suits her (or him) rather than having to conform to traditional "moulds". One of the lessons I have learned is to ask for what you want and if you don't get it, try to make it happen yourself.

In addition to my mainstream work, there are a couple of areas in which I endeavor to make a difference, however small. First, I believe that early education about conflict management and dispute resolution is essential to improve both access to justice, equality and diversity: I address this issue in international conferences and at school level. Second, promoting walking as a means of managing conflict and resolving disputes is something about which I am passionate. For the moment I am "experimenting" and hope to do much more, especially in my native Scotland.

I am also delighted that things have come a full circle: having left my country in 1985, my move back to the UK has given me an opportunity to re-connect with Scotland. I am privileged to have been invited to share my experiences of international arbitration with a jurisdiction that has worked hard to put in place modern and fit-for-purpose arbitration legislation (the Arbitration (Scotland) Act 2010) and is primed to make its mark on the international arbitration scene.



Nayla Comair-Obeid
Professor at law



“
Maintaining continuity
and constant improvement
is important
”

When I started my career in Lebanon, I knew that asserting myself as a woman in the legal profession would be challenging. I was probably less aware that many of the obstacles I had encountered as a woman in my own jurisdiction would also exist at an international level.

I was brought up in a family where girls and boys had to abide by the same rules and were given the same opportunities. Nevertheless, when I decided to study law with the initial intention to become a judge, I was warned that it would be very difficult for a woman to succeed in such a field. In a region where the power of decision is traditionally reserved to men, how would a woman be accepted as a private dispute resolver and convince the parties that she is as trustworthy and professional as a man?

I faced similar reactions when I decided to become an arbitrator in 1979. At the time, acting as an arbitrator was a real innovation in the Middle East, even though a number of inspirational individuals, including women such as Samia Rashed and Hasiba El Kalyoubi, were pioneers in dispute resolution and had published engaging writings in the arbitration field.

In Lebanon, the legal system (except for provisions relating to personal statute) is secular and inspired by the Western legal culture and more particularly by the French civil tradition. As such, we do not have any legal provisions prohibiting a woman from being a judge or an arbitrator. However, does the reality reflect such an acceptance? My answer would be “not yet.”





As a woman arbitrator coming from Lebanon, I had many battles to fight. These battles included assuming both my roles as a professional arbitrator and as a wife and mother and accepting that I would often have to put my work before my social life and even before my family when necessary, which is difficultly reconcilable with Middle Eastern values.

The challenge became bigger when I started developing my career internationally and becoming over the years a professional dispute resolver worldwide. In addition to acting as counsel in arbitration matters or as arbitrator, which involved considerable commitment, my experiences included notably acting as a Commissioner for the United Nations Compensation Commission, and as a member of different arbitral institutions including the Board of Trustees for the Cairo Regional Center for International Commercial Arbitration, the Council of the Institute of World Business Law of the International Chamber of Commerce, the International Centre for the Settlement of Investment Disputes' Panel of Arbitrators and Conciliators, and recently the London Court of International Arbitration. I have also been working closely with the Chartered Institute of Arbitrators (CI Arb), an organisation with which I share a commitment to developing best practice and providing education and training in the area of ADR. I served as a Chair of the Lebanese branch of the CI Arb in 2000, in the CI Arb Board of Trustees between 2008 and 2016 and was the first Middle Eastern woman to have been elected as its Vice-President and President for 2016-2017.

To my surprise, while evolving in the international sphere, I often faced the same prejudices and stereotypes that I had encountered back home. In order to succeed, gaining the trust of my family has certainly been invaluable. I am very lucky to be able to count on the support of my husband and two wonderful children, who have chosen to embrace the challenge of becoming international dispute resolvers operating from Lebanon, and who share my passion for the law and for shaping the reality around us. My children have learnt from me as much as I learn from them daily, and they bring to the firm I have established a sense of continuity and of innovation.



Maintaining continuity and ensuring a constant improvement and renewal of approaches is very important in our profession indeed, and accordingly, my will to transmit the knowledge I have acquired to the next generation goes beyond my own family. I do so as a Professor of Law, having taught both in Lebanon and in Paris, and as a mentor for young professionals working at my firm. In addition to the fulfilment which comes with the transmission of knowledge and values to young professionals, my academic career has allowed me to serve the interests of my own country and of the broader Middle East region. By introducing international arbitration as a subject in two Lebanese Universities, by coaching young Lebanese students participating in moot court competitions, and by raising awareness about arbitration in Lebanon in academic writings, I also had in my mind the interests of a nation which I believe has the potential to flourish as an investment hub and a dispute resolution centre. I have also participated in several trainings in the Middle East, to raise awareness about arbitration among members of the government and the judiciary, and to spread the culture of out-of-court proceedings in the region.

In light of my experience, I would say that being a woman in arbitration is not a story of “men versus women”; nor is it a story of “women from the West versus women from the Middle East”. In fact, becoming an international arbitrator is a challenge in itself, be it for a man or a woman, and be it in the Middle East or anywhere else in the world.

Admittedly, efforts remain to be made both at the national and the international level, in order to ensure a change of mentality and to achieve gender equality. I believe that the most important changes have to come from within, from the women themselves along with the men who support such evolution. Only then would we be able to raise awareness about the importance of this issue and make women arbitrators more visible in the arbitration world.



Renate Dendorfer-Ditges

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Honorary Professor for Dispute
Resolution at EBS University for
Economics and Law, Wiesbaden
MCI Arb, Certified Mediator

“

Do not underestimate
the energy of women,
our willpower and talents

”

“You face two major problems”, I was told by a well-established German male arbitrator when I started my efforts in the field of arbitration in the nineties. *“You are working as a mediator and you are a woman”,* was the explanation of the supposed problems. However, he underestimated the energy of women, our willpower and talents. Nevertheless, arbitration in Germany is still a “man’s world” and needs much more women to be established in this area of conflict resolution.

My first and enduring contact to ADR – Alternative Dispute Resolution was during my LL.M-studies at Urbana Champaign (Illinois/United States). Before my most impressive year in the U.S., I was trained as a German lawyer considering the court proceeding as the only choice for dispute resolution. Because it was my goal from the beginning to work as an advocate, fighting for my clients but also for justice, fundamental rights and equality, I was fascinated by the court setting. And still, after more than twenty years of professional experience, I enjoy the special dynamic in court. However, I also realized that conflicts – especially in the commercial field – need a variety of methods for dispute resolution in order to be resolved in an efficient way to satisfy the parties. I also realized that court proceedings lead to a diverse allocation of power, often resulting in frustration and powerlessness of the parties. Therefore, I was impressed by the alternatives of arbitration and mediation and decided after my return to Germany also to focus on these fields in my professional life.





Whilst it was no problem to establish myself as a specialist for commercial mediation on the national and international level in relatively short term, it was much harder to find a place in the arbitration scene. The quote mentioned at the beginning was only one expression of the situation when I started my arbitration work.

In the meantime, I not only represented clients as counsel, but also acted as an arbitrator in various domestic and international arbitration proceedings. Since several years, I am listed by the German publication “Handelsblatt” in cooperation with Best Lawyers as expert for international arbitration as well as by Who’s Who Legal as leading expert for Germany in mediation.

Because I am also convinced by the methods of mediation, my focus in arbitration – but also in court proceedings – is on the interests of the parties. Therefore, I try to combine both worlds and to convince arbitrators to look beyond their own backyard for using also mediation techniques, if adequate. But I also try to convince mediators to be at least informed on the possibilities and advantages of arbitration.

In addition, I offer several courses and trainings in the area of ADR, e.g. at the EBS University of Economics and Law as well as at the Baden-Wuerttemberg Cooperative State University because it is my utmost concern to inspire young people for the existing different ways of conflict resolution, and to encourage especially young female lawyers to engage in the area of arbitration and ADR.



Diana Droulers

*President of Droulers and Asociados
Advisor at Dispute Resolution Data*

“ Research
and information
are valuable tools ”

If I had been asked when I was 16 and graduating high school where I would find myself in my late fifties, I would have seen myself designing things, not in the international arbitration world and never did I think the road to getting where I am would be so fascinating.

I grew up within different cultures, my father being French and my mother Venezuelan. My father worked in the oil business, so we had the chance to live in various countries thus changing schools and learning different languages. We had a very privileged childhood. I started law school in Caracas and interrupted after 2 years to get married at 19, had my children, boy and girl, and returned to Law School 10 years later when my baby was 7 and started 1st grade. It was a great choice to make, and my husband and family were wonderful supporters of my decision and continue to be so.

My career started in administrative law, at the Ministry of Finance, later I became a partner in a small firm and continued on to decentralization working with local governments in financing special projects. One of those projects was “justice of peace”, a dispute resolution method managed by counties to help the community solve smaller problems.

One day I received a call from a friend, asking if I would be interested in starting the Arbitral Institution within the Caracas Chamber of Commerce. He explained that the Arbitration Law had just passed in Congress, and they were looking for someone to get on with the project. When I explained my lack of arbitral knowledge he said that it wasn't necessary, they just wanted someone who would learn quickly and get the system going and accepted in the legal community. He said something of which I shall always be proud; this project can be as big as the person who runs it. I accepted the challenge.



The adventure began! Our Commercial Arbitration Law is quite free as to Arbitral Institutions, and so we based our rules on the ICC rules adapted to our Law and without the Court. We revived the ICC National Chapter, so I grew a second head and became ICC Secretary General in Venezuela, and I started to contact all institutions near and far that I could learn from.

Bogotá taught me that I could get financing from the IADB (Inter-American Development Bank), and I found out that I could co-finance with the CAF (Corporacion Andina de Fomento), so on we went to create programs and training, an online case management system, publish a series of publications called “cuadernos de arbitraje” (arbitration notebooks) and other publications. I looked up to the bigger players in the world of arbitration and they were all very helpful. ICC, AAA, Stockholm and ICSID were very enthusiastic that a local institution looks for their guidance, and all very generous in sharing their knowhow.

The main activity in an arbitral institution should be managing cases, and normally it takes quite some time between creating the Institution and receiving cases, but we were very lucky, 2 weeks after we approved the first rules we received 2 cases. I almost had a heart attack when the first one arrived. I knew it as a historic moment, the first institutional arbitration case in Venezuela, the parties did not have the arbitration clause in their contract but decided to sign the agreement and come to us. The second case, even better, was a party sent informally from a judge in the city of Maracay, who suggested the case was perfect for arbitration and so why not bring it in. The counterparty agreed to come. And so, we were launched into managing cases! That meant we dealt with parties and arbitrators, gently treating egos since this was new to all. We needed the cooperation of the judicial system and so had to create a good relationship to casually inform them of our activities so that they would know what to expect from us and what we expected from them.

During those 16 years of such creative work, of learning along with our clients, of taking care of business, development, publishing, managing cases, teaching programs and so many other activities, I met a lot of people and made a lot of friends. Not that I didn't have harsh times, such as forever fighting for budgets and even being personally sued, but even that gave me a bundle of experience.

Participating in activities directed by institutions that promote arbitration in various ways turned out to be a turning point in my career. It opened the world. The Arbitration Commission at ICC and what was then called Committee D at the IBA became spaces where interchange of ideas created respect and opened doors to new fora. Participating in different events gave me the chance to become a speaker and enjoy sharing panels with all sorts of different people from different backgrounds.

I have always been a great believer in diversity not only of gender, but of cultures and age. I guess because I was a young woman from a Latin American country who grew up in different cultures, and never felt discriminated, I never thought there was any. I did experience many arbitration events with a room full of older Caucasian men, but I never felt uncomfortable nor cheated. I always found it an advantage to be there, and I tried very hard to have others from Venezuela participate. In fact, it came as a surprise when I realized that I qualified as a minority because I am a woman, from a “developing” country, and younger. I was very pleased to become a founding member of Arbitral Women, it's Board and to chip into the expansion of our activities. I coached teams for the Vis Moot and worked on “south south cooperation projects” as well an IADB arbitration network within Latin America. The mentoring programs around the world have been very useful, and yes, the percentages of actors in this field have changed with the years.





I found that there is an Institution called the International Federation of Arbitral Institutions (IFCAI) which brings together 56 arbitral institutions to discuss and promote international Institutional arbitration, and works for the institutions discussing such common problems such as VAT, fees, insurance, common service providers, polls etc. We specially keep an eye out for any kind of government regulation which might endanger out curtail institutional arbitration. I was a member of the Board and then presided for 8 years. It is quiet work, unique and does not create “soft law”, yet it is decisive in maintaining superior standards in institutional arbitration.

Research and information have always been a very valuable tool for institutional arbitration, and the fact that commercial arbitration is confidential makes for mystery and what has been called “lack of transparency”. Keeping score of how many arbitration cases have been commenced in the world, how many have ended settled or with awards, with interim measures etc. has been a question that could not be answered until the information was gathered properly and directly from the institutions. The challenge has been faced by Dispute Resolution Data, an institution in which I take part and thus have the chance to maintain my connection with the institutional world.

I now have my private practice as an international arbitrator and consultant, I am a member of various working groups in different institutions on different subjects, a member of the ICC Court, enjoying the work with Dispute Resolution Data, and writing. I miss teaching.

Looking back at 20 years in arbitration, I can say that although not planned, I have contributed to making arbitration an effective form of dispute resolution in Venezuela, contributed to the institutional world of arbitration, and I will continue to do my best.



Selma Ferreira Lemes
Lecturer and professor
of arbitration

“ If the things are
unattainable . . .
nevertheless!
it isn't a motive for not
wanting them.
How sad the roads, if
it wasn't
the magic presence of
the stars!
(Mario Quintana)
”

Since I finished my Law Course at the University of São Paulo – USP (1978), I was delighted with the simplest way to solve disputes by Arbitration, compared to the judicial proceedings. But, in Brazil, at that time, arbitration was almost non-existent. The legislation was outdated, it did not encourage the use of arbitration and there was resistance in Brazil to sign international treaties in dispute resolution.

I studied the subject in depth, researching at the USP International Law Library (there was little national literature). We had no computers and internet at that time. When I started working in the Legal Department at the Federation and Center of Industries of the State of São Paulo (Federação e Centro das Indústrias do Estado de São Paulo – FIESP/CIESP, I considered the idea of establishing an Arbitration Chamber. The president of the FIESP was a lawyer and he quickly understood the advantages of arbitration and said: Go ahead!

To complement my studies, I needed to know about the practice, so I went to do an internship at the ICC International Court of Arbitration in Paris. When I returned (1991), I began a movement called *Arbiter Operation in Brazil*, to make a review the Arbitration Law Review. I collaborated with two colleagues (Pedro Batista Martins and Carlos Alberto Carmona), who participated in the committee that wrote the Brazilian Arbitration Bill (the current Law nº 9.307 of 1996). In May 1995, the São Paulo Mediation and Arbitration Chamber of FIESP/CIESP began its activities. I wrote its constitutive acts and rules. I was the director of the Chamber for 7 years.



Since the beginning of the activities of the Chamber and the Arbitration Act (now in force) we began a cultural diffusion of arbitration in Brazil.

I remember the emotion I felt in 2009 when I returned to the ICC International Arbitration Court for the monthly meetings and had a chair at the table who was a Brazilian member. At that moment, I remembered sitting in that room, in 1990, where I had sat in the corner of the trainees.

Participating in this adventure of modernization of Arbitration in Brazil has been amazing. I realized that the key to change is in little actions, having the opportunity of being with persons with an *avant-garde* vision, being in a certain place, at a certain time and working in a team. Seeing the development of Brazil in the arbitration field makes me very happy.

On my home desk I have this sonnet of the Brazilian poet Mario Quintana. It is called *On Utopias*²:

*If the things are unattainable . . . nevertheless!
it isn't a motive for not wanting them.
How sad the roads, if it wasn't
the magic presence of the stars!*

² Das Utopias:
"Se as coisas são inatingíveis...ora!
Não há motivo para não querê-las...
Que triste os caminhos, se não fora
A presença distante das estrelas!"



Cecilia Flores Rueda
*International Arbitrator,
Founder of the
dispute resolution boutique
FloresRueda Abogados*



“
Like the Phoenix
from the Ashes
”

Passion, courage, perseverance, and tons of hard work led me to establish my own dispute resolution boutique, *FloresRueda Abogados*. The road to it has been bumpy, I have tripped, and even fallen, but I have always stood up and risen, no matter the severity of the adversity, just like the Phoenix from the ashes.

The love and support from my beloved husband, my dearest mom, dad, and brother, and my cheerful friends, have made me capable of realizing that difficulties are part of life, are life itself. It all comes on the same package called life, that is “*vivir la vida*” as they say, or “*living la vida loca*” as Ricky Martin sings!

It all depends on how we take over adversity. I have tried to seize as much as possible and take what life has got for me. I have recovered from setbacks, but most of all, got the most out of the obstacles I have encountered.

My adventure in international arbitration began with an unusual job interview. The Director of the Arbitration and Mediation Center of the Mexico City National Chamber of Commerce (CANACO), was in his slippers, after his afternoon nap. His very first question was if I had any experience in international arbitration, and I had to say no.





At the time I went to law school, international arbitration was just a small subject, part of the Commercial law course, which by the way my professor decided to skip, as in his own words, an arbitration was just like a court procedure, but instead of a judge, it took place before an arbitrator. To my surprise after my honest answer, CANACO's Director hired me, saying that having no idea of arbitration was one of my best aptitudes, as he would show me the real basics. Thereafter, week after week, he lent me his arbitration masterpieces, with the promise that I should take good care of them. I studied them all and fell in love with dispute resolution.

After six years in CANACO and becoming Secretary General of the Mediation and Arbitration Center, I acquired deep understanding of dispute resolution proceedings, under various types of rules. Next, I joined large, renowned firms.

While working in a Mexican firm I participated in many arbitration and litigation cases, including one that is considered the largest arbitration case in Latin America, under the ICC Arbitration Rules. It was such a huge case, involving a variety of subject matters and experts from different backgrounds, it was a great experience.

Later I accepted the offer of a U.S. law firm to take up the litigation and arbitration practice in its Mexico City office and later gave into temptation and joined a large law firm, just to understand, why I was the very first woman to become a partner there.

Working in such firms made me grow as a human being and realize that I am no meek as a lamb, but a strong unruly woman who pursues her goals and dreams.



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.



Alice Fremuth-Wolf
*Secretary General of the
Vienna International
Arbitral Centre (VIAC)*



“ Do or do not,
there is no try
(Yoda) ”

Even though I am not an avowed star-wars aficionado, but being born in the 70ies and raised in the 80ies, I was influenced by the saga and its characters, and have instinctively followed Yoda’s credo throughout my career. When I completed my studies and started working in the field of arbitration in the mid-90ies, my perception was that the arbitration world was clearly dominated by the triad: “male-pale-stale” – a closed circle difficult to enter for younger professionals, let alone women, and deliberately kept that way. At that time, female arbitration practitioners in top-positions in Austria could be counted on one hand.

Something needed to be done. As a first measure, young arbitration practitioners like me started founding groups all around the world, as we were increasingly tired of waiting for appointments from older colleagues. I was one of the co-founders of the Young Austrian Arbitration Practitioners (YAAP) that again joined forces with other like-minded groups through the still-existing co-chairs-circle to promote each other and network. This has shown some effect but could not entirely tackle the issue of chronic underrepresentation of women in arbitration. So, some more needed to be done. When I joined the Vienna International Arbitral Centre (VIAC) in 2012 as Deputy Secretary General, one of my goals was to break-up old structures and convince stake-holders that just because it has always been handled in a certain way in the past does not mean that it cannot be done better in the future. In other words, it was about generating a new vision, a fresh perspective and opening up to the young generation.

Nowadays, more than 50% of law students in Austria are female, also on the graduate level, and still are when entering law firms and university jobs at a junior level. But it is striking that this percentage drops alarmingly when it comes to leadership positions, i.e. professors or partners in law firms, which is around 10% only. Why is that so? Surely, it cannot be lack of talent.

In my experience, one can be a professional, parent and wife by having support at home by a partner, at the office by colleagues, and leadership that is aware of these challenges. As far as my home is concerned, I am in a lucky position to have a supportive husband and three wonderful kids who teach me every day how important it is to be flexible and persistent at the same time. As far as my work environment is concerned, I never considered myself any different from my male colleagues. Nevertheless, I was faced with numerous challenges throughout my career, especially when my three kids were born.

It is my perception that women are still given a very specific role to fulfil in society and are generally expected to combine many different functions in one person, 100% professional but still warm-hearted and caring. Where do these attributions of characteristics come from? I think it all starts very early on in our lives. Having two boys and one girl, I had the chance to experience differences first-hand, e.g. when it comes to toys and games. My observation is that while toys for girls are more often designed to teach service, care and dedication, boys' toys rather teach to be assertive, decisive and strong, thus to be a "leader". But what makes a good leader?

Maybe we would be well advised to re-think our connotation about leadership. And maybe what we genuinely define as a "good leader" and the attributes we prescribe to such a person in fact prove to be exactly the opposite of being a good leader (e.g. arrogant, over-confident, manipulative, risk-prone, to name a few provocative ones). I fear that all these attributes are sometimes mistaken for charisma.³ For me, a good leader should be humble, sensitive, integrative, considerate Attributes that many women naturally do have. As a personal conclusion, I think we as women need to be more confident in ourselves and change the professional environment, and not necessarily change the way we are. Mentoring is a good way to pass on confidence and knowledge to younger colleagues. I have several mentees and it makes me proud to see them dwell.

Another obstacle on the way to leadership positions might be that women sometimes see their equals as rivals instead of their friends, by paying attention to unimportant things, instead of looking at the qualities that define us as a human being. This creates the worst type of discrimination and is a hateful obstacle in women development.⁴ We need to raise awareness that we can only be successful if we join our forces and support each other. And I mean: not just trying to be supportive but by actually doing it!

3 Tomas Chamorro-Premuzic, in Harvard Business Review, August 22, 2013, available at <https://hbr.org/2013/08/why-do-so-many-incompetent-men>, has stated in his article that is worth reading: "What it takes to get the job is not just different from, but also the reverse of, what it takes to do the job well."

4 Madeleine Albright has once put it very bluntly, "(t)here is a special place in hell for women who don't help other women." Strong words, indeed, that should of course not be taken literally.



What has always been very important for me is to take my time for recreation and a chill-out. For me travelling and sports as well as the power of yoga that combines mental strength with physical exercise, are ways to gather strength. One year ago, I met two fellow-soul-mates, at a cocktail reception during the Vis Moot week in Vienna and we got carried away by the vision of combining yoga and arbitration – and one year later, this is what happened: we founded a platform called “YogArb” bringing together arbitration practitioners that would like to practice yoga when abroad conducting tedious hearings or during arbitration conferences. I am very happy that with this initiative we may contribute to some mental peace during stressful times in the world of arbitration.

I feel very honored to have been invited to contribute to the 2nd edition of “*Women Pioneers in Dispute Resolution*”. As of 1 January 2018, I was appointed Secretary General of VIAC and I am very proud to have been entrusted with this function. I will continue my efforts to be a role model for young female arbitration practitioners and offer them support and guidance in their endeavors to break the glass-ceiling. To all of you: just go for your personal dream, you can do it!



Beata Gessel

-Kalinowskavel Kalisz

*Founding and Senior Partner,
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Court of Arbitration
Adjunct Professor at Law Faculty
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University in Warsaw*

“ 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, upon leaving this position in 2017, I was appointed Honorary President. 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!



Angela Grahame QC
*Vice Dean
of the Faculty of Advocates*



“

A new approach and fresh thinking can bring everyone together for the mutual benefit of all

”

As I look through the contributions to this book and see all the names of these impressive Women, who have achieved so much as pioneers in dispute resolution, I am humbled and cannot help wondering whether a reader would want to hear to my own modest story and to hear about my own nascent but developing career in arbitration.

I have come late to arbitration, having specialised as counsel and then as a QC at the Scottish Bar. My focus was originally, principally in litigation, until I became interested in additional methods of dispute resolution. Recently, in my own institution, I have been involved in bringing arbitration to the attention of my colleagues. Through this, I have learned that collaboration and education can lead to facilitation to the mutual benefit of all.

My story starts in early 2016. I was sitting in the Reading Room of the Advocates Library in Edinburgh. To paint you a picture, it looks exactly like an old gentlemen’s club from the 1800s, with wood panelling, red leather chesterfield sofas, and Turkish rugs. Ancient artworks of the judges of years gone by look down upon us and there is a quiet hush, interrupted occasionally by the chink of bone china cups on saucers. It is there that we sit and have coffee and chat (in hushed tones, of course).

No one is allowed to enter this room until they are officially ‘admitted to the Bar’ as an Advocate (the English term is barrister). When I was admitted in 1995, there were 60 women and 295 men. Even after my admission, I would “sneak” into the reading room for coffee, hoping no one would notice me and question my entitlement to be there. Now in 2018, I am the Vice Dean of the Faculty of Advocates, the second most senior member of



the Scottish bar and only the second woman to hold that position. Elected by my peers in 2016, it is a challenging task and like all the best honours and privileges in life, attracts no additional money!

But I digress. In early 2016 I was having a coffee and a chat with a fellow Advocate who had heard of arbitration being proposed in other jurisdictions as a method of resolving personal injury cases. I knew very little about arbitration then. I raised my eyebrows at this recent development, expressed my interest with a nod, and went back to drinking my coffee. By mid- 2016, however, things had changed, as my election as the Vice Dean had got me thinking about this and I realised it would now give me a fantastic opportunity to encourage our Bar to explore the possibilities of using this as an additional method of resolving personal injury claims.

We were already a centre of excellence for litigation, but I could see that there was an opportunity for my fellow Advocates to discover arbitration, expand their horizons, perhaps to become skilled in and possibly even to embrace other dispute resolution mechanisms. I could also see, importantly, that this could provide additional services to clients.

This was the start of my journey, although, if I had known then what I know now, and how much of my time and commitment would be involved, I may have thought twice. My naivety however, has served me well.

What was clear from a very early stage, was that this was not something I could do alone. The Faculty had already done some initial groundwork and there was something to build on. We had a group of Advocates with an interest in alternative dispute resolution, called the Faculty Dispute Resolution Service (FDRS) They had taken some important, formative steps, but were still working towards persuading the internal market in Scotland to consider arbitration as an option and getting the message out externally to the global market.

We agreed we needed to address three key areas if we wished to achieve our goals. These areas were: (i) Collaboration (ii) Education and (iii) Facilitation.

Collaboration

I began by seeking help and guidance from people who knew a lot about arbitration. I met with experts in the field from inside and outside Faculty. Our own members had little option but to speak to me, when they were “summoned” to the Vice Dean’s room (!), but outside bodies were also very willing to meet with me and engage with the Faculty of Advocates. I met so many wonderful people and organisations including the Chartered Institute of Arbitrators (CI Arb); the ICC UK; International Arbitrators; QCs; the Scottish Government; Members of the Scottish Parliament; Professional bodies such as RICS; academics from the Universities; the Chair and CEO of the Scottish Arbitration Centre and of course, members of ArbitralWomen. When I was introduced to people, I brazenly absorbed their time and knowledge, which, without exception, was given generously.

I learned a great deal from my discussions with all these contributors, and I was extremely grateful for all the practical and helpful contributions from them. Their assistance and valued input, together with my increasingly “boundless enthusiasm” for the subject, made me realise that there could be additional benefits and opportunities for Advocates as well as clients. A “win-win” situation.

A common theme, however, was that Advocates, generally, were more accustomed to, and perhaps more comfortable with, litigating rather than arbitrating. The internal and external market needed convinced that my colleagues had the necessary knowledge and skills.

Education

I came to realise that it was vital that we, as Advocates, could demonstrate our knowledge in the subject. One of our members is an Honorary Professor in International Arbitration in the University of Aberdeen and he introduced me to a Senior Lecturer in the Law School there. The two of them had devised an online instruction course through the University and had had it recognised and accredited by the Chartered Institute of Arbitrators as one of the Institute's Recognised Courses.

The rest, as they say, is history. A 13-week comprehensive course was run in International Arbitration Law. It was developed to fit in with fulltime, working Advocates with busy practices. Delivery was online, with face-to-face tutorials for participants to come together and exchange ideas and discuss arbitration topics. A successful pass mark gave rise to automatic Membership of the CI Arb which in turn would give our members a world recognised benchmark qualification in the field.

Initially, I had no idea whether other Advocates might want to engage with this new arbitration initiative despite all the work that was going into this. We are all self-employed and fiercely independent in the Faculty, with our own areas of specialism. Another consideration was that any course would also involve the Advocates making a significant commitment of time, effort and money, combined with running their busy practices.

Getting Advocates to do anything as a group is often described as 'herding cats'. I had hoped to be able to persuade maybe six or so Advocates to do the course, but in the end, 35 sat and passed the exam. Fifteen of us thereafter signed up to do the Fellowship Course, also with the University of Aberdeen. The course started in January, we all sat the difficult and exacting exam and delightfully, all fifteen Advocates passed and are entitled to become Fellows of the Chartered Institute.

We have a number of CI Arb Associates, Members, Fellows and Chartered Arbitrators within the Faculty of Advocates, but we are also now running training courses for the Faculty membership generally and hopefully, we are on the way to developing a substantial body of qualified Advocates, able and willing to provide an excellent standard of advice and service to clients and solicitors considering and embarking on arbitrations, thus meeting the perceived failings which had been commented on previously by the end users.

It is amazing how an injection of enthusiasm, which I had in abundance, together with the help of others, can make such significant changes in an organisation.

Facilitation

Collaboration and education were, though, just the first two steps. I realised that we had to make it simpler for clients and solicitors to find out more about arbitration and for us, ultimately, to explain the arbitration process to them.

To this end, we adjusted and expanded our website content. Resources available to solicitors now includes Rules, Submission Agreements and Styles. We also made it easier to assist the parties in the appointment of the arbitral tribunal.

In addition, I realised that whilst all these things would assist our internal market, there was also an external market out with Scotland which might be interested in the Faculty's services. The future is technology and I became very interested in our potential to develop an online system to aid dispute resolution. I found my way to an ODR conference held in the ICC in Paris last year. With the encouragement of the extremely approachable Gillian Carmichael-Lemaire, International Arbitrator and the incredibly helpful Mireze Phillipe, ICC, I was inspired and encouraged to continue with our plans to develop an Online Dispute Resolution service. We had already taken some faltering steps in this direction, as we wanted to untether our services from our Northern European geographical seat! And so, attendance at the ICC Conference liberated me from an idea that had been holding me back, namely that any such system had to be perfect on "day one" of the launch. Mireze said: "It doesn't have to be perfect." She encouraged me to start the process and explained we could develop it as we went along, using client and solicitor feedback and our experiences of its operation. We tendered for a provider, were extremely fortunate to partner with eJust in Paris and we are presently in the final stages of "wireframes" and "beta testing" with a launch before the end of the year

Only by bringing together these three key elements - collaborating with and making ourselves known to existing organisations; assisting in educating our members to a verifiably and demonstrably high standard in arbitration; and finally making it easier for solicitors and clients in Scotland to find out the necessary information and to obtain documents and advice which they need to embark on the arbitration process - could we have hoped to achieve true credibility and provide a genuinely viable additional service for clients.

Last but not least, it is fundamental to me that as part of our Brave New World a significant number of women should be involved. The Faculty has traditionally been a very male dominated organisation and we want to see that change. We are not yet gender balanced, but we are introducing new policies and engaging with Equality and Diversity in a very proactive way.

We are seeking to do this in our arbitration plans as well - from the ground up. We have many female members (over a third) engaged with and enthusiastic about the Faculty's plans for arbitration, in becoming educated and participating in a full and active way. I hope to play my part in increasing their involvement, hopefully leading by example.

A final word about my own home jurisdiction. In 2020, ICCA is coming to Edinburgh. Exciting plans and arrangements are already being put in place. We, at the Faculty of Advocates, look forward to welcoming you all to our wonderful city and I look forward to meeting as many of you as I possibly can!



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 I am on the official List of Arbitrators in Bosnia. I completed my Master's in European Studies 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 a member of the Board of the Faculty of Law.

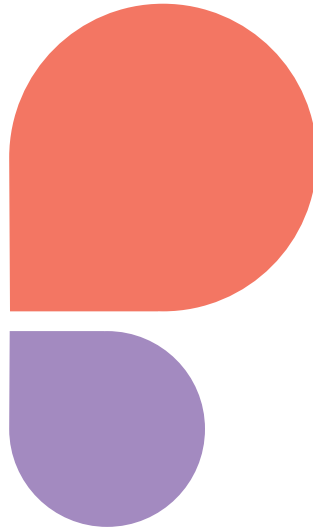
During the winter break this year I went skiing. While waiting for the ski-lift, with a female friend of mine, also a university professor and an arbitrator, I noticed that there were no other women in the queue although the resort was crowded. I made a comment about this to my friend and a man in front 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 realized 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.



**Elena Gutierrez
García de Cortázar**
*International Arbitration Lawyer
Independent Arbitrator
Professor at Law*



“ Women need to start believing and yet they need to stop believing ”

3 THINGS I HAVE LEARNED AS A WORKING GIRL

Fact 1: Women need to start believing they can be as successful as they wish, and they need to stop believing their future is in someone else hands.

One of the things I have learnt in life is that success is a moving target that means very different things to very different people. Thus, it is usually a bad idea to follow someone else's concept of success, as it will lead you to be utterly unhappy.

10 years ago, I left an ivory league firm (and a partnership track) to join an arbitral institution. I wanted to make an impact, and it all seemed to boil down to choosing between money and “influence”. I chose influence, that gives you power to change things.

I was the first woman to serve as Secretary General of the Madrid Court of Arbitration. As a matter of fact, no arbitration institution in Spain had ever appointed a female Secretary General before me.

During my time at the Madrid Court of Arbitration profound reforms to modernize, internationalize and increase the quality standard in the conduction of arbitrations were successfully accomplished. This resulted in the Madrid Court of Arbitration becoming the leading institution in Spain, a rising player in the international arena and the only one to hold an Observer Status before UNCITRAL (I attended Group II sessions for 5 years in that capacity).





During my time at the Court, the number of women included in the Arbitrators List rose from 8% to 25% and the number of appointments of female arbitrators increased from 5% in 2008 to 32% in 2016. During my time at the Court at least 35% of the speaking positions of all the conferences organized by the Court (which included 2 international congresses per year) went to women.

Being the Secretary General of the Madrid Court of Arbitration gave me much more domestic and international visibility, and far more power and influence than what I would have ever accomplished, had I followed the beaten track in a major law firm and had someone else decide on my fate.

In 2016 I moved to Paris for personal reasons and started my own arbitration boutique. Once again, I took my future in my hands and instead of knocking at some else's door, I believed in myself. I wanted the flexibility to organize my time in a compatible manner with my family and I wanted to be able to honour my academic commitments, which were on the rise. After a thorough due diligence, I could not think of a better boss than myself and a better title that founding partner.

Today I am increasingly solicited to act as an international arbitrator by parties, peers and institutions and spend 20% of my time teaching in several international graduate and postgraduate programs.

I have also been recognized by Who's Who Legal Arbitration as a Future Leader in the category of Partners.



Fact 2: Women need to start believing in sorority and they need to stop believing females are fighting for the same spot.

Helping women has always paid back. As a matter of fact, cooperation and generosity, in my experience, is the most successful method to grow as a professional (and a person).

12 years ago, I co-founded CEA-40, the under forty group of the Spanish Arbitration Club, which today gathers more than 400 members from 40 countries. I had the honour to be the first co-chair of the group and under my watch an unwritten rule which still applies today was established: parity in the offering of speaking positions. Customarily, about 50% of the speakers in all 10 international congresses of CEA-40 have been women. Historically, at least 50% of the chairs of CEA-40 group have also been women.

When I joined the Madrid Court of Arbitration years after I realized that parties were not appointing women. The Court was not either, but I could help fix that. Convincing the market to trust women seemed a little more challenging. It still is.

I believe visibility is the key to equal representation so the first step to take was making sure women in dispute resolution knew each other. I was on a mission to pull to pieces once and for all the myth that there were just not enough senior female professionals to be appointed as arbitrators.

So along with Deva Villanúa, in 2009 I organized the first networking cocktail for women in arbitration to ever be hosted in Spain. 30 women, from all ages, attended.

2 years after that I “partnered” with another woman, Urquiola del Palacio, who offered to host regular lunches at her home for senior women in arbitration and has done so for the past 5 years. The last lunch had an attendance of 50 women whose experiences ranged from 10 to 30+ years of practice. Attendees included lawyers, independent arbitrators, experts, inhouse layers, academics, court representatives, and public servants.

In 2016 I joined the Board of Arbitral Women after having been a member for several years. In that capacity I organized in Madrid along with Deva Villanúa (representing The Pledge) the first Women’s Breakfast to ever be hosted in the 12 editions of the Spanish Arbitration Club International Annual Congress. More than 100 women (and some men) from 20 different countries woke up early after a gala dinner to attend.

In 2017 I was elected a member of the Board of the Spanish Arbitration Club, who gathers approximately 1,000 Spanish, Portuguese and Latin-American practitioners. This organization is overwhelmingly governed by men. Just 4 months after my joining the Board, I was part of the steering committee who founded CEA Mujeres, the Women’s Committee of the Spanish Arbitration Club.

I currently co-chair the CEA Mujeres mentoring program (with Filipa Cansado Carvalho), and I am proud to say that in 2017 we managed to successfully match 80 mentees from 15 different countries with 75 mentors (both men and women).

Fact 3. Women need to start believing the can have it all, and need to stop believing those who tell them otherwise. Because they are lying, knowingly or unconsciously.

After 20 years in business, I have come to the conclusion that it is actually very possible for me to be the perfect arbitrator, the perfect lawyer, and the perfect professor, and yet also excel as a mother, and a daughter and a wife and a friend and even be there for me when I need me. The key is not to try to be all those things on the same day at the same time. So, some Mondays I will for sure not win a mother’s popularity contest, but and some Fridays I do not answer mails within the hour because I am too busy playing Lego.

The funny thing is that when I think about it, nobody in any given aspect of my life, personal or professional, has ever really expected me to be available 24/7. So, you can indeed have it all, just not on the same day of the week. Choosing well your “partner in crime” also helps enormously in that pursuit. At least, that’s my experience.



Diana Hamadé
Founder
- International Advocate
legal services

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I may not have chosen to be a lawyer but I chose to make a difference

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My story with the law did not start with the “Yes I do”, like the romantic me imagined everything to be, though it did end with happily ever after somehow. The truth is, I did not choose law school for my undergraduate nor post graduate studies, although I did dream as a child of being a lawyer or even a judge when I stared at the mirror wearing my father’s court robe, wondering secretly about the open pockets. It was my father’s choice as he, may his kind soul rest in peace, a lawyer himself insisted that I studied law, while promising to let me pursue my passion in media. Following his wishes, I went to the University in Al Ain which was the only UAE University at the time, where I earned my LLB from the Faculty of Sharia and Law. I later went to the UK where obtained my LLM in Commercial Law from the University of Aberdeen.

As soon as I got back from the UK, I joined Dubai TV for a News anchor job, which ,during my brief work experience proved not to be what I expected, but the internships my father insisted I did at the same time, opened my eyes to the dispute resolution practice which I enjoyed at both firms and the teams there thought I had great potential, especially due to the fact I spoke Arabic and English fluently which was not common among lawyers, who would usually be fluent in one but not the other.

After two years of trying to stand in a hammock, as the saying goes, my career ended before it even started when I got married in 1994. It was not until 2002 when my second child joined nursery and following his innocent words “Go to work mum” that I got the courage to apply for a job at the Dubai Chamber of Commerce and Industry (DCCI). With almost an 8 year gap in my employment, I thought it was a hopeless attempt, but miraculously I



landed a job at the legal department where DCCI offered its mediation services and took the lead on introducing Arbitration in the country, aiming to provide the businesses with an alternative forum of disputes settlement (ADR) as part of its mission and vision.

I got my mediation training at the Chartered Institute of Arbitrators in London as soon as I joined. A year later I was appointed at the Dubai International Arbitration Centre (DIAC) which was work in progress since 1994 when the Arbitration and Conciliation Committee was set up to assist businesses in Dubai settle their disputes away from the courts. I started working on case management with the Committee members until the DIAC was officially launched two years later. I was DIAC manager when it started, and I was involved in the setup of the centre as a Non-Government, not for profit entity. The mandate was too exciting to describe in any form of literature.

My work at DCCI was the starting point for me as a lawyer, and it was the platform I launched my career in ADR from. Thanks to the legal initiatives and the business advocacy policies which I was to initiate for the Chamber, that I got involved in the development of law and refined my drafting skills. My exposure to ADR and Advocacy was the main reason for my writings later, as being part of the laws consultation process, made me passionate about the letter of law and got me to research and share my views thereon.

I left the DCCI in 2005 when I got pregnant with my third child and joined the Dubai International Financial Centre (DIFC) in 2006 when my son was only 6 months old, which was not what I planned for. But as Eleanor Roosevelt said about the energy it takes to wish and to plan, my wish to launch the second Arbitration Centre in Dubai, no other than the DIFC- LCIA, prevailed and I accepted the job offer the DIFC made to me to move forward the joint venture put on hold following extensive negotiations with the LCIA in London. The agreement to set up the Centre as a JV was signed in London and the Centre opened under the patronage of His Highness Sheikh Maktoum Bin Mohamad bin Rashid Al Maktoum.

My work at both institutions covered ADR from A to Z, whether it was laws to be issued, drafts of the UAE Arbitration Law and DIFC Arbitration Law, even rules drafted according to the UNCITRAL model, and adapting the LCIA rules for the DIFC Arbitration Centre and last but not least case management which got me introduced to the ADR practice locally and internationally at a time when the practice was sought by expatriates in the UAE to avoid the local courts where the language and law were a serious challenge.

In 2008 I ventured into private practice by opening my own law firm when many sole practitioners were joining larger firms as the supply of legal services was growing beyond the existing demand. Many thought I was crazy especially that I was a woman approaching her forties, but I managed to get my trade license, set up the firm and hire staff, while working on two cases, attending to my three young children and preparing for two hearings scheduled right on the day I got my license.

My boutique law firm was meant to fill a gap in the local legal services market, caused by the reluctance of the international firms to serve small and medium businesses and individual expats seeking legal services. The market had the big firms where English language was spoken and the small Arabic speaking local firms, with no medium level firm available for the English-speaking client at reasonable rates. In the beginning the case load in the office was mostly civil, commercial and property cases before courts and arbitration, both ad hoc and institutional, but a couple of years later, just when I started writing my legal affairs column in the National, (the Abu Dhabi official newspaper in English language), a different type of clientele started approaching us.



My first attempt at writing articles and reviews of the law and the legal practice was for the “National” the English newspaper of Abu Dhabi, the Capital of the UAE, where I wrote on the most controversial issues of our practice, like the lack of local laws expertise among the expat practitioners, the ADR regulatory issues and areas of law where clarity was scarce. I could not have thought I would ever become, “the lawyer made in heaven”, which many of my clients insisted I was, if it was not for my passion for the law, my ability to communicate in English and of course my Sharia knowledge.

The above seemed to set me as the lawyer uniquely positioned for the practice I was drawn into by whatever factors and being a woman, which was supposed to be one of my deficiencies, in a jurisdiction where the number of women sole practitioners could be counted on the fingers of one hand, turned out to be my winning card to a certain extent.

My Legal affairs Column went on for 3 years and as a result I was awarded the Best Legal affairs Writer. The column raised issues related to challenges the expatriate community in the UAE faced in succession cases before the courts as well as issues related to legal practice. I am proud to say that many of the matters I wrote about got the attention of the legislator and were addressed by laws and rules which I was happy to comment on from time to time.

In 2014 I wrote for the Brief, a Thomson Reuters legal publication, a local legal column, which also seems at the time to have got its share of views and I got awarded the most influential woman lawyer in the UAE.

My work on women empowerment and my advocacy for women integration in the legal forums, amending laws to support them and to align laws with women development was welcomed. Hence, I am asked regularly to appear on talk shows to discuss laws affecting women in Dubai as well as internationally, in addition to attending conferences worldwide as a speaker or contributing as an author on women empowerment to many publications.

Last year I was awarded the Author Excellence Trophy by LexisNexis where I am involved with their publications as an author and commentator. I have many pieces published in many of their reviews and I am also part of their lawyers' trainings and other initiatives concerning GCC women lawyers. I was also honoured to receive the Award of the ITP "Arab Woman Awards" competition for the legal segment in 2016. My involvement in the Book fairs in the UAE are always focused on the women lawyers and women empowerment and I am always happy to take part.

My litigation experience is already entering its 10th year and although I have junior counsels, I make sure I appear before the courts regularly, and I continue my involvement in arbitrations as counsel and as arbitrator. Lately I am pursuing mediation as it is apparent to me that within family businesses and family law it is required as it makes much more sense as far as confidentiality and fees are concerned.

My "Legally Stylish Column" a piece I have started writing 2 years ago for a privately owned and selectively distributed quarterly magazine, focused on showcasing Emirati women talents, has been the highlight of my authoring lately. The Column, according to many, has changed women's views of the law in the country. Now women read the law through my column and think of it as a trendy and stylish subject because I present them to the law just as I present the law to them, like a smart subject which deserves their keen interest and regular follow up.

I am not sure whether my wishes will continue to take the lead over my plans, but I know they both deserve my energy and I know that I would love to see many more women in the practice of law, as I know they will make a difference and make it better.

My wish for the coming generation of women lawyers in the MENA region, where women share the same issues and concerns in relation to the laws in place, is to have passion for justice, to embrace the law and to empower themselves by reaching out to whoever may be able to support and push forward the woman legal agenda in the region. Making a difference in the business of law and justice is possible if you have the passion for it. The published word on the law for me has been the tool. Making a difference is the ultimate goal, so I am working towards the end result with the tool I know best, the law.



Inka Hanefeld
Founder and Partner at
Hanefeld Rechtsanwälte

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Do not give up
too quickly...!
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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. Further, at that time, business was almost exclusively carried out by major law firms and by men. Only a few women had embarked 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 very rewarding to create my own professional environment, to be surrounded by the right people, to set and refine strategies, to stay focused, and at the same time to contribute actively to justice and 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, post-M&A, banking and finance, and investor-State disputes. I have sat as arbitrator in more than 85 cases with disputed amounts ranging up to EUR 1 billion. As counsel, I have successfully asserted the rights and interests of large listed companies before arbitral tribunals, with recent recurrent engagements in the off-shore energy business. In 2013, I was, along with others, nominated by the Federal Republic of Germany for appointment to the ICSID list of arbitrators. In June 2015, I was appointed as Vice President of the ICC International Court of Arbitration.





This entails chairing ICC Court sessions which I find particularly meaningful and rewarding. Since 2015, I have also served as a member of the LCIA Court.

The challenges I have faced as a female practitioner are well known to many women around the globe. It is a stretch and sometimes 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. My meanwhile 9-year-old, most precious son likes to be told about the world and how disputes are resolved. In 2017, my firm was awarded 'Law Firm of the Year in Dispute Resolution' at the prestigious Juve Awards and was listed by Global Arbitration Review as one of the 100 leading arbitrations firms in the world.

All of this I find promising and rewarding, even if it has meant going 'the extra mile'. For further inspiration, you may wish to read "Dare greatly – How the courage to be vulnerable transforms the way we live, love, parent and lead" by Bréne Brown.



Samaa Haridi
Partner, Hogan Lovells,
New York

“ My journey into becoming an international arbitration lawyer was far from linear. ”

I grew up to an Egyptian diplomatic family, living two to four years in a number of countries including Switzerland, Egypt, Belgium and Morocco. To maintain a common educational thread between those environments, I was enrolled in the French *lycée*, and I obtained my Baccalauréat in Cairo in 1993. I was 17, and a fortuitous event that year changed the course of my life, quite literally.

I was expected to attend the American University in Cairo and pursue business administration or political science majors. The prospect of living abroad alone to attend university was not on the table. There was only one problem with my family’s proposed path: it required me to study in English, when all I wanted was to keep fully immersed into the French language and culture. I learned through a teacher at the lycée that the University of Paris I Panthéon-Sorbonne was planning to offer a first-year French law curriculum at Cairo University. I traveled to the University to verify if this was real, and I was greeted by a then young French man, who had been sent to Cairo to teach at the Sorbonne branch and assess the feasibility of offering a French law degree in Cairo. That man is Francois-Xavier Lucas (one of the leading French lawyers in insolvency and restructuring, a Sorbonne law Professor and the Sorbonne’s Director of the *Institut d’Etudes Judiciaires*), who convinced me during a 20 minute conversation that I should enroll into this brand new law program, with no guarantees that it would continue beyond a first-year offering. In Egypt, law studies are often looked down upon because the admission threshold from high school is quite



low. That explains why every member of my family (which features no lawyers) opposed my decision. I went on and took part in this experimental journey of the Sorbonne University establishing itself in Cairo, and I fell for law like one falls off a cliff. Mr. Lucas, who taught me civil law, spent countless hours framing my mind, mentoring me and encouraging me to be the best jurist that I can be. Because none of the voluminous French legal curriculum books were available in Cairo at the time, he would purchase or photocopy them in Paris and bring them to us. Even after his return to Paris, during my second-year, he continued mailing photocopied practice books to Cairo to help us climb the hill that was before us to keep up with the Paris-based students. No amount of words or superlatives can describe my admiration for him, or my gratitude for what he has done for me. Sadly, not enough students successfully passed the exams in Cairo to justify the opening of a third year class (the program was eventually reinstated a couple of years later). I benefited from this unfortunate circumstance by being awarded a Valedictorian scholarship by the French Embassy in Cairo to pursue the rest of my studies at the Sorbonne in Paris. By then, I was filled with determination to push myself as far as I could because I could not bear to disappoint those who gave me these priceless opportunities.

I completed my *maîtrise* and was selected to attend the Sorbonne's prestigious *diplôme d'Etudes Approfondies en droit international privé*, then taught by Professeurs Paul Lagarde and Pierre Mayer. To be surrounded, and constantly challenged, by the group of exceedingly bright professors and students that formed part of this one-year program remains a highlight of my life. It was obvious to me by then that a multicultural student like me would best fit into an international arbitration practice....in Paris, of course.

But that year, the Sorbonne University entered into an Exchange agreement with the University of San Diego in California and offered a merit-based LL.M. scholarship to study in the United States, which I earned. I was suddenly propelled into a different universe, which, I must say, I had a difficult time appreciating. For personal reasons (I met my husband during my LL.M. year), I decided – notwithstanding significant skepticism – to give the United States a try.

I took the New York and California bar exams, worked on my *curriculum vitae*, and showered every law firm I knew of with a job application. I still keep a pile of more than 150 rejection letters (all of which I received in hard copy, as email was not the norm at the time) from all of the New York and Washington firms that I dreamed of joining. It is no exaggeration to say that I was called for a single job interview, at the Los Angeles offices of Mayer Brown, and I got the job as a first year litigation associate. After an exceedingly stressful but thrilling couple of years of practice as a US domestic litigation lawyer in L.A., it was time to move on and pursue my ambition of practicing international arbitration. At the time, that meant moving to the East Coast of the United States, so I did in 2003. With a big law firm name under my belt, the New York firms were finally willing to take a look.

One could count on one hand the number of women partners practicing international arbitration at large firms in New York during that time (Lucy Reed of Freshfields and Dana Freyer of Skadden, our New York pioneers, were it). But slowly, the way was paved for a number of talented women based in New York to come through the ranks, and I count many of them today as my closest friends. We faithfully looked (and continue to do so) for every opportunity to refer conflicted work to one another, as if we were colleagues in the same firm. I was fortunate to have several mentors throughout my career, including Ollie Armas with whom I started practicing international arbitration in 2004, and who is

my partner today. My real break came when my mentor and dear friend, Arif Hyder Ali, hired me in 2008 to help him build a then burgeoning international arbitration practice with a Middle East focus at Crowell & Moring. I had been deeply craving an opportunity to reconnect with my Middle Eastern identity, and with his remarkable talent and vision, endless support, and with our hard work, we were able to build a practice to be reckoned with. That's when I understood how much of a privilege it is to be in this noble practice that is international arbitration. My proudest moment as an advocate was a cross-examination of a hostile witness that I undertook in 2010 while 8 months pregnant, on behalf of the United Nations, which led to a complete victory on the merits for our client. And to be able to gain the trust, respect and friendship of the many bright arbitration practitioners and clients around the world, including becoming Egypt's representative at the ICC Court this year, and increasingly sitting as arbitrator on international tribunals, has been immensely rewarding on professional and personal levels.

Although I always long for the day where I might return to France and find myself immersed again in the complex and rich culture of this country that I love so deeply, I am grateful for all the opportunities the United States has offered me. That an Arab, Muslim, civil-law trained woman like me is a partner in the New York office of one of the largest global law firms is a testament only to one fact: with the proper amount of hard work and determination, one can be successful building a legal career in the United States (and frankly, anywhere), irrespective of gender, origin, or religion. That is my belief, and I do my best to arm the many students and younger lawyers I mentor with these convictions: no boundaries should ever be artificially set in anyone's mind on these bases.

I also do all I can to instill those principles into my two children, and to help them appreciate and embrace every facet of their multi-ethnic identities. Their father and my husband (an American, who is also a lawyer) plays no small part in that. My Egyptian family came around to appreciating what we built together: a modern multi-cultural family where the Middle Eastern wife and mother has the more demanding career.

A partner of mine, who is of Cuban descent, once described our shared drive to push ourselves and succeed as being a product of the "immigrant mentality." Those words often come to my mind because I believe they hold substantial truth. I have also seen how fellow practitioners based in non-traditional arbitration hubs have fought for prominence and recognition, and won. I am always in awe of the numerous ethnically diverse members of our international arbitration community who have risen in recent years, overcoming challenging environments where the brightest of minds can be buried underneath a heavy blanket of interwoven political, social and economic exigencies and pressures. They are all pioneers, and may we continue to facilitate their well-deserved path towards international success.





Sally Harpole
*International Arbitrator
and Mediator*



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Work in China led to my career as an international arbitrator

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From the beginning, the 1970's, my practice in the People's Republic of China included international arbitration issues, and that led to my career as an international arbitrator.

Those were pioneering days in many respects. I was already bilingual Chinese/English. I managed the Beijing office of Graham & James from the early 1980's, when we were one of only three foreign law firms in China. Today, there are hundreds.

The Chinese legal and judicial system was abolished during the Cultural Revolution of 1966-76. But by the mid-1970's China started to open up, and multinational companies were eager to participate. My clients' projects broke new ground at a time when China's legal framework was incomplete. Most international contracts signed in China, therefore, contained arbitration clauses, an approach supported by both Chinese officials and international corporations.

I was fortunate to build a strong base in China/international commercial matters during my thirty+ years as a transactional lawyer. I assisted companies in numerous industries with a broad range of transactions including joint ventures, M&A, intellectual property and licensing, manufacturing, natural resources and energy, film and entertainment, hotel management, import-export, you name it. Every client asked about dispute resolution in China's developing legal environment. Although the rapid creation of China's legal codes was impressive, it also stirred uncertainty in the minds of foreign investors because it was relatively new and untested.



During the 1970's and '80's all arbitrators in China were Chinese nationals. But, in 1989, the China International Economic and Trade Arbitration Commission (CIETAC) invited three foreigners to join its arbitrators' panel. I was one of those three. Ever since then, I have treasured the opportunity to work with Chinese arbitrators on tribunals where I am often the only non-Chinese. Today, there are hundreds of foreigners listed on China's arbitrator panels. In September 2018, I was the first and only foreign national to be awarded CIETAC's "Honored Arbitrator" title. A humbling honor which I prize highly.

As my career developed, the arbitral institutions of Hong Kong, Singapore, Malaysia, Korea, Taiwan and Japan, as well as the newer Chinese institutions welcomed me onto their arbitrator panels. It has been exciting to participate in the rapid growth of arbitration in Asia.

Diversity in arbitration throughout Asia means not just gender, but also culture, nationality, language, race and age, and is extremely important. I've seen up close the benefits that different cultures and diverse viewpoints bring to the arbitral process, especially when the parties or counsels themselves come from different countries. Women, although perhaps still a minority, play a key role in Asian international arbitration and are among the most capable and hardworking one can find.

During my time in China I also became active in various professional organizations which can help women develop arbitration careers. I was privileged to meet and form friendships with a wide range of business representatives through participation in the American Chamber of Commerce in Beijing, where I was twice elected President. The International Bar Association (IBA) Arbitration Committee, which I co-chaired in 2007 and 2008, helped me broaden my horizons beyond China into European, Latin American, and African arbitral issues. These and other organizations, including Arbitral Women, offer opportunities to develop a network of friendship and contacts with professionals from every continent. For those seeking an international career, the friendships and the experiences we gain from contributing our time to those organizations are invaluable.

After 36 years in Asia I relocated to San Francisco in 2014, where I continue as an arbitrator for Asia-related complex commercial cases. Frequently, I perform the fascinating role of serving as a bridge between Western and Asian cultures, no matter where the arbitration is seated. Arbitration has enriched my life.



Hilary Heilbron QC
*Brick Court Chambers
London*

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I come from a
pioneering legal family

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For the majority of my early professional career I practised as a barrister in the English courts, principally in the Commercial Court and sometimes appearing as counsel in arbitrations. We have a split profession in England: barristers and solicitors, and although traditionally advocacy was only undertaken by barristers, that has all changed.

In 1972, when I joined Brick Court Chambers, London, I was its first female member or tenant and remained in that position for many years. I was lucky and was warmly welcomed by my male colleagues who treated me no differently from any male barrister. It was, however, rare for me to attend professional meetings where there was present another female lawyer. In 1987 I became the first female practising commercial law in the Commercial Court, jointly with Barbara Dohman QC, to be appointed a “silk” called after the silk gown worn by Queen’s Counsel. I was in fact only the 29th female Queen’s Counsel appointed. In silk I have undertaken cases in our Supreme Court (formerly House of Lords), Court of Appeal and Privy Council, as well as the High Court. I became involved in many issues concerning the Bar, including chairing a committee of barristers and solicitors looking into civil justice, chairing the Bar Council’s International Practice Committee and acting as Vice Chair on the first committee of the Bar Council to look at discrimination of women at the Bar.



I come from a pioneering legal family, in that my late mother, Dame Rose Heilbron, was England's first female silk in 1949, made jointly with Helena Normanton QC. She was in her time a very famous advocate. My Mother was also England's first female senior judge when made a Recorder, a part time judicial position, in 1956. She achieved many firsts for women in the legal profession in England. She later became England's second woman High Court Judge. A few years ago, I wrote her biography which is still in print. She was, of course, my inspiration to become a lawyer myself, although I do a different type of work from the sort of cases she undertook. One of the things she taught me was that achievements in one's profession came later for women and one had to be a little patient.

There has been a huge change in England over the period since I first became a barrister. My chamber now has 21 female tenants. More than half of the law graduates from university are now female and there are more, though not yet enough, female judges at all levels of the judiciary. The nature of commercial work in England, both national and international has also changed. In the early 1970s I was instructed in what became the longest commercial case there had ever been. It was originally intended to last 3 weeks but lasted 6 weeks. Today's cases in the Commercial Court are measured in months. It is one of the attractions of arbitration that complex cases can be resolved more speedily.

In recent years I have concentrated more on international arbitration, principally sitting as an arbitrator, but also still doing some advocacy in arbitrations and arbitral related and other court work. Because of the generational difference in that the more established arbitrators are, like judges, older than practising advocates, I have noticed a semi-reversion to my earlier times at the Bar in England as the preponderance of arbitrators tend to be male. One notices this at conferences and in one's co-arbitrators, but that is fortunately changing, particularly with such initiatives as the "Pledge" and ArbitralWomen.

I find international arbitration most rewarding both as arbitrator and as advocate. One learns a lot from each role which one can put into good use in the other. International arbitration provides a wonderful opportunity to learn from others their different cultures and legal backgrounds. I have particularly enjoyed learning of the experiences of female lawyers from other jurisdictions. I have always found it a very friendly environment to work in and the work extremely interesting. There is no eureka moment I can point to, but my commercial litigation background has provided an invaluable basis for the sort of substantial and complex cases I now undertake in arbitration.

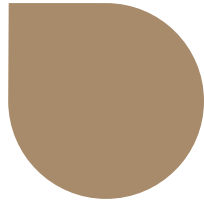
I am sometimes asked by other female lawyers wanting to pursue international arbitral practises as arbitrator how I got known in the international arbitration community and among foreign lawyers? The difference between international arbitration and national courts is of course that the world is one's catchment area. How does someone in Korea know about say an English lawyer like myself unless they have heard of you or met you or seen you speak? So, when I first transitioned to a more arbitral focussed practice I attended and spoke at conferences and wrote articles as well as a book on international arbitration and thereby, together with undertaking arbitrations as both counsel and arbitrator and working hard and long hours, hopefully, I became known among a wider circle of international colleagues. My one regret is that I am not fluent in other languages and I envy those who can conduct arbitrations other than in their mother tongue.

When I started practice over 40 years ago, it was virtually unheard of for women to be involved in international arbitration. We have come a long way, but it has been a long and evolving process of education and a change of culture and it will take time. However, I am confident that as the groundswell of numbers of female lawyers increases, the barriers to preferment and achievement will reduce.

But there is much that women can meanwhile do for themselves. They should support each other, not just by words, but by action, such as appointing female arbitrators; they should not cut corners, but do as good or preferably a better job than the men; and they should not keep looking over their shoulder and blaming each setback on being female, but instead look to ways to counter-act such difficulties and go out there and make their mark. Ultimately, as for the future, the distaff side of arbitration is here to stay and increase – there is so much female talent that quite literally clients and legal firms cannot afford to ignore it.



Sophie Henry
*Executive Director Centre for
Mediation & Arbitration of Paris
(CMAP)*



“

Have faith in your ideas,
trust in your opinions

”

I practiced as a lawyer within the Paris Bar for about 10 years, then I worked at the European Economic and Social Committee for a study on Court rulings' recognition within the European Union. It is within that context that my interest started shifting towards Alternative Dispute Resolution (ADR), namely mediation and arbitration. I had of course — although briefly — studied arbitration during my law degree, but I didn't know mediation at all and this process has been a real discovery for me. I was a practicing lawyer in Private Law, where I would be the voice of companies in Court. I remember very clearly the amount of paperwork, money, time and people that was invested in those cases: astronomical.

I had seen that even when winning in court, my clients were exhausted by years of time-consuming procedures, which was counterproductive for their business. At first it didn't seem odd to me, because that's what I had been taught in Law school and it was the reality of this field of work. It didn't seem odd to hundreds of experts, to law teachers, to CEOs of companies why would it seem odd to me? But after several years of being part of this system, it really started to feel vain. I noticed a lot of companies seem to go to court so they can get “revenge”.

It takes years of constant stress, a heavy monetary investment, for an uncertain result. But they are stubborn; they think they can only win if the other loses more than them. There is a sense of pride more than wisdom here, much like a duel in ancient times. Duels, like endless lawsuits, are inefficient in actually resolving conflicts: they take dramatic proportions, with often dramatic results.

I grew genuine passion for mediation. It seemed to me like the simple answer of reason and diplomacy. It creates a solution that resolves a conflict quickly.

I have afterwards been designated, at the beginning of the millennium, as the supervisor of a European program financed by the European Commission, which was designed to inventory civil and commercial mediation practices within different countries of the EU. After that, still under the aegis of the European Commission, I coordinated different international programs meant to raise awareness around commercial mediation and arbitration, in order to help develop internal and international commercial relations. I have been lucky enough to travel a lot, meet hundreds of business directors, lawyers, magistrates, to convince them of the relevance and efficiency of the ADR. Today, I lead the Centre for Mediation and Arbitration of Paris (CMAP), which was initially created by the Paris Chamber of Commerce, and we administer both commercial mediation and arbitration procedures. Although they are by nature very different — one is an amicable process, the other a jurisdictional process — they are perfectly complementary. They share this idea that parties can choose the frame of their conflict resolution.

Arbitration has existed for a long time and is perfectly known within international business circles, although it would deserve better recognition in France for internal law.

Mediation on the other hand, was not very well known by economical actors and judiciary professionals and has taken time finding its place as a dispute resolution method alongside court procedures and arbitration.

Legal professionals perceived it as an unprofessional tool. When the CMAP started putting mediation procedures into place, at the initiative of judges from commercial courts, lawyers refused almost systematically, explaining their client paid them to win a case, not for a psychotherapy session!

Mediation is obviously not a psychotherapy session, but it is very effective reinstalling communication between the parties, helping understand the root of the conflict. It allows finding — within few hours, weeks or months at the most — a satisfying solution for all.

To help people understand what mediation is, we can define it very easily as a negotiation assisted by a third party. The final solution needs to be found after an in-depth analysis of legal statutes and jurisprudence, and lawyers need to make sure the process preserves the interests of their clients. If a solution can't be found, the conflict will proceed to arbitration or to court.

Today, the CMAP handles cases regarding dozens of millions of euros, something completely unthinkable only a few years ago. Mediation is starting to be trusted as a serious method of dispute resolution, and business owners can see its potential.

However, the journey has not yet ended and the most important remains to come: a cultural change has to profoundly take place within society. Many business executives and lawyers are still not ready to recourse to mediation. It suggests concessions, compromises, not being in opposition to make one opinion prevail over another; and is still often seen as an act of weakness when really it only shows intelligence.

Compromises allow for companies to stay afloat and for their employees to live decently. Compromises allow for trade deals and economic stability. Why shouldn't a compromise be initiated before introducing a legal or arbitration proceeding? Let us hope the 21st century will allow for this Cultural Revolution.

In this context, I created the Mediation Contest, which celebrated its 10-year anniversary this year. It is open to law schools, but also to business or engineering schools, students today who will be economical actors tomorrow.

The aim is to sensitize them to mediation so that, within their professional career, they acquire the reflex of using it to resolve conflict.

The main feature of this contest is that the students play the mediator's role themselves, and the parties of the conflict are played by professionals: lawyers, magistrates, business executives, etc... under the supervision of a jury president formed to mediation techniques.

Since the creation of this contest, I have had the pleasure of seeing several students who, within the frame of their professional activity, (lawyer, legal counsel, etc...) had convinced their own executives to use ADR. The wager is won!

If I were to give advice to a young female lawyer, it would be this: As long as you know that you're right, give it everything you have. Working for something you believe in gives you surprising strength. Keep challenging yourself, asking yourself everyday if there is something you can do better to achieve your goal.

Be the voice of reason and make sure it's heard all over the world.

I will conclude with the words of French poet Louis Aragon who once said: "Women are the future of Mankind". May mediation be the future of litigation!



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 “ground breaking” 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.⁵

⁵ 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)



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 II⁶. 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.”⁷

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 fulfil its potential with my own commitment to growing the AAA and moving it in meaningful new directions.

⁶ Partridge, *id.* at 19, from Kellor, “Foreword, Coordinate Mediation and Arbitration in Labor Relations,” 5(3-4), *Arb. J.* 239 (Summer-Autumn 1941)

⁷ Frances Kellor, “Why and How Arbitration Can Be of Use,” Draft Report, November 1943



Megha Joshi

*Executive Secretary/Chief Executive Officer, Lagos Court of Arbitration International Centre for Arbitration and ADR 2012-2016
Founder, OMJ Strategies Ltd*

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Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has

”

My path to a career in the dispute resolution industry in Nigeria was quite unorthodox. After graduating from Manchester University, UK, with a degree in Politics I worked in Hillary Clinton’s Senate Office in New York and specialised in urban regeneration and electioneering.

From there, I accepted a business development position for an international media and public relations company, which involved creating national economic branding campaigns for eleven countries across Europe, the Middle East, East Asia, and Africa. The country reports were published in International Herald Tribune, Fortune Magazine and The South China Morning Post. In this capacity, I was responsible for scheduling and leading over 1,000 interviews and meetings with each of the countries captains of industries, political leaders, and personalities.

The role brought me to Lagos in 2008, and my campaign was a huge success as I built a comprehensive professional network of key players from the private and public sector. During this time, I recognised there was a need for business development services in Nigeria and began a public relations and government affairs consulting firm based in Lagos. Many of my clients were from the financial, oil and gas, media, transportation, and public sectors.

Though I did not have a legal background, my experience in lobbying, project management and a history of working with key decision makers from an array of industries made me an attractive candidate for the role of Executive Secretary/Chief Executive Officer of the Lagos Court of Arbitration (“LCA”) International Centre for Arbitration and Alternative Dispute Resolution (“ICAA”).



Coincidentally, I was on vacation in Singapore when the opportunity to apply for the job came up, so I visited the Maxell Chambers to understand the scope of the work. I locked into the vision for Lagos immediately. The LCA was an exciting mission to improve the business environment in Nigeria by easing access to commercial justice, and to project Lagos as a regional centre for alternative dispute resolution (ADR) in Africa. Given Lagos' economic powerhouse status in Africa, the LCA was well-suited to become an ADR hub.

As the LCA's first chief executive, I was responsible for all aspects of setting up the business, administration, and engagement of all stakeholders (government, federal and state judiciary, public and private sectors, foreign investors, etc.), both nationally and internationally. The LCA was part of Lagos State's initiative to create a more inviting investment climate, and as such, a large part of my role entailed acting as a spokesperson for Lagos to the international legal and business communities.

My 4-year term was challenging, but extremely rewarding. Over the tenure, we grew the LCA from a little-known entity out of a temporary office suite in City Hall, to operating a 1900sqm multi-purpose facility with 36 hearing/function rooms. From a handful of support staff, I formed a talented team to offer Dispute Resolution Services and generate ADR rich content for in-house industry-specific training seminars and publications. The LCA Executive Arbitration School was a welcomed initiative by budding arbitral professionals and delivered by an internationally reputable panel of facilitators. It felt great to collaborate with so many credible international organisations such as AW SpeedNet; SOAS, for the 2nd edition of the African Arbitration Series of Conferences; ICCA; ILA; WIPO; and many more.

I think the greatest challenge was overcoming some of the negative perceptions associated with having our centre based in Nigeria. We had to prove to both the Nigerian and international community that as a private sector-driven initiative, with specific parameters in place to ensure neutral and enforceable awards, we were a reliable option for dispute resolution services. With over 700 companies as recognised users of the LCA's dispute resolution services (clauses), numerous judicial ADR sensitisation and awareness courses administered, and 450+ members, the LCA had become a strong change agent, and lobbied at the National Assembly for ADR reform to improve the ease of doing business in Nigeria. It was particularly satisfying to see the first enquires and cases come through the LCA's docket and impress experienced international arbitrators with our commitment efforts to build a centre of excellence.

There were also mixed feelings about having a younger, non-legal, expatriate as the head of a Nigerian international arbitration centre. However, the logic of having a business-orientated, internationally-minded, independent, and neutral chief executive played out quite successfully, particularly with addressing cultural sensitivities and negative perceptions about Lagos as a place to work, visit, enjoy and arbitrate! I also became an Associate Member of the Chartered Institute of Arbitrators UK Nigerian Branch.

I admire the fellowship that AW has provided over the years. It brings women from all over the world together to promote progress, growth, and collaboration. It is empowering to see the impact of likeminded women on the industry today. The AW network welcomed me with open arms thanks to Mirèze Phillipe, and it was wonderful to meet so many other women radiating with positivity. Due to AW's encouragement, I was the only female on a five-member panel discussion about regional trends in arbitration that provided an institutional perspective at the Commercial Dispute Resolution - Autumn Arbitration Symposium in London, November 2015.



The best part of women lobbying for other women are the genuine friendships. During my tenure at the LCA, I am grateful for the unwavering support of Hairat Aderinsola Balogun, OON, Honourable Chief Justice (Retired) Ayotunde Phillips and May Agbamuche-Mbu, *both on the Board of the LCA*, and Nankunda Katangaza – all trail blazing women in their own rights and unreserved advocates for other women.

I feel very pleased and honoured to have taken a leading role in developing one of the key institutions serving as a bastion for truth, conciliation, and integrity, for the benefit of the future of Africa. A personal highlight was being announced as the “Most Influential Women in Arbitration for Africa” at the Atlanta International Arbitration Society (AtIAS) Conference in 2014. Although I am first generation British from Indian origins, my family was based in Uganda for three generations until Idi Amin exiled all Indians from the country in 1972. I like to think I have come home to my African roots!

Now, I offer management consulting services for both existing businesses in Nigeria, as well as foreign companies looking to explore opportunities in West Africa. I am co-founder of a social-selling fashion accessories platform that empowers thousands of women across Nigeria, and soon Africa. I am tremendously proud of its success so far, and of my business partner, Allison Feig, another courageous and pioneering woman.



Jean Kalicki
*Independent Arbitrator,
Kalicki Arbitration*

“ Success requires gumption, initiative and perseverance ”

I was raised in New York City by parents who taught me to value curiosity, engagement and debate, as well as education, the spoken and written word, and the fundamental value of integrity. My mother was remarkable in many ways: a leader at both work and home at a time when that was rare, but also unfailingly compassionate, a great listener, and a champion of both her children, without gender distinction. She was both my greatest role model and my lifelong inspiration. I regret that she did not live long enough to be my guest when I accepted *Global Arbitration Review*'s 2017 award for "Best Prepared and Most Responsive Arbitrator," as I would have dedicated it to her. I do so now in my heart.

At the time I entered law practice in 1989, there were few prominent women in international arbitration, and I was not fortunate to have any of them as mentors. Nor was there much attention in the field to gender diversity even as a goal. This is reflected in the complete silence on the issue in the 1998 book, *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order*, which examines the historic roots of our practice. The index had a single entry called "women arbitrators," and it referenced not a chapter, or a subsection, or even a passage, but a single footnote. That footnote in turn observed that the CPR national panel, adjudicating mostly US domestic cases, included one woman out of 67 neutrals. The index identified many individual arbitrators and advocates by name, but virtually all of them male. That book was published 20 years ago, when I was nine years out of law school. It gives an accurate sense of the bleak prospects my generation faced at the time, but also of how far we have come since then, which should give us enormous hope. Any book today about international arbitration would have to tell a very different story about how far women in the field have come, and how many talented younger women are successfully rising through the ranks.





While I didn't have female mentors, I did benefit from the support of a few men who were forward-thinking. The incomparable William Rogers was a public international lawyer of the old school, but his vision and values outstripped the more typical confines of his generation. He was willing to challenge the cultural biases of his clients by putting me forward in 1999 to a major Saudi family to lead two high-value ICC cases. I am certain that a 35-year-old, 5'3" blonde Jewish woman was not the image the Saudis had of their lead courtroom warrior, when they first asked Bill for his advice. But Bill flat out told them I was the right person for the job -- and the Sheikhs accepted his judgment. That was how I came to "first chair" an arbitration hearing, and though I've now done it many times as counsel, and also presided over many hearings as tribunal chair, I have never forgotten this first lesson-by-example.

Active mentorship, of the sort Bill Rogers gave me, means more than providing quiet guidance behind the scenes. It means publicly championing your juniors, lending them the imprimatur of your confidence through endorsement, and sometimes stepping aside yourself, in order to give them an opportunity to shine. I have tried to do this along the way with the younger lawyers I have mentored. In my many years as an advocate in both investment and commercial arbitration, before leaving practice in 2016 to become a full-time arbitrator, I always made sure that the senior associates had speaking opportunities at the hearings, and not just mute supporting roles. I also always insisted that anyone who helped me prepare an article should get equal by-line credit, not just an acknowledgment in the footnotes. For the most part, my co-authors have been younger women, which means this policy helped them build out their resumes, not just further pad mine. I strongly believe that those of us who have reached a certain stage in our careers have an obligation to "pay it forward." And as team leaders, we only benefit from their strength and their success.

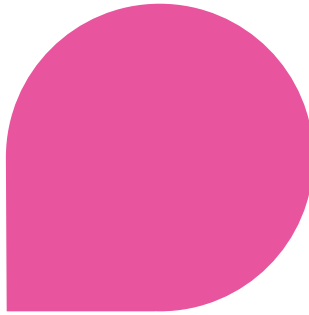
A personal support network is also essential. I was fortunate that my husband supported my goals and was willing to work with me to balance our schedules, even though his job was equally demanding and involved a lot of travel. I also was blessed to be able to find wonderful back up childcare. I'm acutely aware that not all women have these blessings, and women more than men still need to be particularly creative in how we balance the demands of work and home. At the same time, one of the gifts of international practice is that clients, counsel and arbitrators are spread around the world, not down the proverbial hall checking on our office hours and our attire. This means that in our field more than others, we can work from home when we need to, or from the school auditorium or the side-lines of the soccer field (as I have done), without others ever being the wiser about our multitasking. I raised two sons at the same time I was building my career, and though I often berated myself for not giving them my undivided attention, the balance seems to have turned out OK. My sons are now amazing young men who are wiser and kinder than I ever could have hoped. I learn far more from them than I teach.

Success in our field also requires gumption, initiative and perseverance. No matter what I have said about mentors and support networks, this is not a career that will be handed to you by anyone; it requires not only hard work and preparation, but also networking, a degree of self-promotion, courage, and a willingness to risk rejection. All of this is true for men as well as women, but women still need to work harder. I used to be a tap dancer, and always enjoyed the famous saying about Fred Astaire and Ginger Rogers -- that "everything Fred did, Ginger did backwards ... and in heels." Women do need to work harder, in international arbitration and more generally as working professionals and working parents. And that means that responsibility falls on each of us to be our own best advocate, not to rely on others to identify opportunities and promote our own visibility. To be specific, this means volunteering for public roles and not only support ones; joining outside organizations and reaching out to people at institutions, not just trusting that your own organization will be your champion; creating your own opportunities, by organizing events and preparing articles, or by designing platforms that allow you to announce events or articles to others; and not just showing up at arbitration conferences, but actively working the room. In terms of relationship-building, more gets done during the coffee breaks than by absorbing substantive presentations during the working sessions.

All of this may seem like obvious advice, but it can't be overstated. This is a field where being recognized and known is important. While arbitration is not quite a Kardashian universe where people are famous just for being famous, it still requires more than just quality work behind the scenes; if you're not known outside your small circle, you simply can't advance. And that is a reality that for too long held women back. As a group we tend to be more reluctant to put ourselves forward, and more trusting that if we do good work, good things will come to us in time. But in this field as in many others, recognition doesn't come to those who simply wait. We need to actively reach for opportunities, and actively support others who seek the same. I am so exhilarated by the momentum in both regards that I see in the field today.



Daphna Kapeliuk
*Partner, Goldfarb Seligman
Law Offices, Tel Aviv, Israel*



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Confront problems with
creativity, intelligence
and without fear

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As a grand-daughter of a Zionist pioneer who came to Palestine in the early 1920's and a grandmother who was among the first women to study medicine in Poland, a daughter of an international journalist and peace activist and of a professor of linguistics in Ethiopian languages, I grew up in a multi-cultural environment. I spent my early childhood in Jerusalem, where I was brought up with the notion that one must seek justice and peace. My parents would take my sister and I to meet their Palestinian friends in Jericho and Beth-Lehem, as they discussed the path to peace making in the region. During my teenage years I attended high school in Paris, where I was exposed to a vibrant social and intellectual community.

It is with this background that I made my first steps as a pioneer in international arbitration in Israel. After completing my LL. B. at Hebrew University of Jerusalem, I attended Katholieke Universiteit Leuven in Belgium, where I was exposed to International Arbitration for the first time, in a course taught by Professor Hans Van Houtte. Upon my return to Israel, I decided to follow an academic career in the same field that inspired me so much. My Ph.D. thesis focused on the interrelationship between courts and arbitration in Israeli, French and English legal systems.



As the sole academic expert on International Commercial Arbitration I have been the only professor teaching the topic in Israel's major universities and colleges for the past 15 years. As such, I had the opportunity to educate hundreds of young students, who now practice law in Israel's major law firms and who are equipped with tools to understand international arbitration in their daily work. In addition, apart from introducing international arbitration to Law School curricula, I published numerous publications in the field, among other on international arbitrators' decision patterns and behaviour, where I analysed their incentives and constraints in arbitral decision making. My article "The Repeat Appointment Factor – Exploring Decision Patterns of Elite Investment Arbitrators" published in 2010 in Cornell Law Review explored the common assumption that arbitrators tend to split the difference in order to be reappointed again. Other publications on arbitral behaviour and decision making followed. My publications have been routinely quoted by Israeli Supreme Court and by District Courts deciding cases on domestic and international arbitration and by legal scholars focusing on international arbitration and investment treaty arbitration.

Being the only expert on international arbitration in Israel, I had the opportunity to advise both arbitrators and counsel in matters relating to the field, and to be nominated as expert witness. I was invited as expert to the meetings of the Constitution, Legislation and Law Committee of the Israeli Parliament, in relation to bills to amend the Arbitration Law in 2008, and the Courts Law by including a section on mandatory arbitration in 2012. I lectured before judges on International Arbitration and on the stand that Israeli Courts should take in with respect to enforcing both arbitration agreements and awards.

Following an extensive academic career, I decided to move to private practice where I could combine theory with the real world. I chose Goldfarb Seligman Law Offices and joined its Commercial International Litigation Department. As a leading arbitration expert, it has been my goal to mentor young attorneys to confront any problem, with creativity, intelligence and without fear. I have been involved in some of the most complex and high profile international arbitrations involving both Israeli and foreign parties (among other under the rules of the ICC, LCIA and ICSID).

Practicing law gives me great pleasure. Taking theory and transforming it into the real world gives me even greater joy. I love my work and feel extremely fortunate to be surrounded by a great team of professionals in my firm. I enjoy the challenges, the strategy, the research, the team work, and the search for the optimal solution where many options are at stake. As practitioner, academic and professor, I try to pass my love of the profession to the younger generation.





Judith Kaye †
August 4, 1938 – January 7, 2016



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The road ahead
is promising
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OUR LOSS: JUDGE JUDITH S. KAYE

It is with sadness and gratitude that I write these few words about Judge Kaye’s life, a life impossible to capture on paper. I met Judge Kaye in connection with the creation of the New York International Arbitration Center. She was the driving force and made it possible. And she achieved that goal while making every one of us who worked with her feel her warmth and enjoy her humor. I offer here a short summary of her life and invite you to read excerpts from the article she wrote in 2012 for the New York Dispute Resolution Section entitled *Déjà Vu: A Personal Reflection on Women in International Arbitration*, reflecting on entering the world of international arbitration, which had as few women as the law firm world had 50 years earlier. Edna Sussman

On January 7, 2016, the New York community lost Judith S. Kaye, a towering figure who left an indelible imprint on the New York courts and on New York society. She served for 25 years on the New York Court of Appeals, the highest court of the State of New York, 15 of them as Chief Judge. Judge Kaye joined the international arbitration community when she reached the court’s mandatory retirement age of 70.

Judge Kaye was born in a small town in upstate New York to Jewish immigrants from Poland who fled religious persecution. Her parents lived on a small farm and later opened a small woman's clothing store in the village where Judge Kaye worked from the time her nose reached the counter. Judge Kaye attended a one-room schoolhouse and was so bright she graduated from high school at 15 after skipping two grades. She was a 1958 graduate of Barnard College and sought to become a journalist. She worked for a short time as a reporter for the Hudson Dispatch in Union City, New Jersey and was assigned, as women generally were in those days, to cover society news. Thinking that it would help her in her goal of becoming an international reporter, she worked as a copy editor by day and took night classes at NYU Law School where she graduated in 1962, 6th in a class of 290 of whom just 10 were women.

Following graduation, she joined the firm of Sullivan & Cromwell, one of New York's most prestigious firms. After a stint in IBM's legal department and working part-time as an assistant to the NYU Law School dean while raising a family, she joined the firm of Olwine Connelly where she became the first woman to be named partner. In 1983 New York Governor Mario Cuomo appointed her to a vacancy on the Court of Appeals. She was the first woman to serve on that court. She was appointed chief judge of that court in 1993, a position she held longer than any of her 21 male predecessors.

As a judge, she was valued as a collegial consensus builder and wrote many significant majority opinions. She is widely regarded as one of the great American jurists. In cases involving education funding, free speech, and gay rights, she was a staunch defender of equality. She is also remembered for her dissent in a case in which a four-judge plurality ruled that same-sex couples did not have a constitutional or statutory right to marry. Judge Kaye relying on the equal protection clause of the United States Constitution wrote, "I'm confident that future generations will look back on today's decision as an unfortunate misstep." The New York legislature and the U.S. Supreme Court similarly later concluded. Lamenting the small number of women on the bench throughout the United States at the start of her judicial career, Judge Kaye launched her "red shoes" campaign, a proxy for urging the appointment of more women to the bench.

As Chief Judge she was also chief administrator of the 16,000 – employee statewide judicial system. In the words of NYC Mayor Bloomberg "She was a trailblazer in every sense of the word. She was the first chief judge to have a vision of a justice system that was not only blind to bias, but also centered on solutions." Among many other innovations, Judge Kaye created problem-solving courts that combined punishment with help by giving judges more options and defendants more opportunities, through counselling, treatment, and social services. She launched the commercial division to provide judges specialized in complex commercial matters. Under her guidance court supported mediation centers were founded throughout the state. Committed to equality and equal participation by all in societal duties, she eliminated occupational exemptions for jury service (including one for lawyers) which meant that even mayors and CEOs would have to serve on juries.



Upon leaving the bench, ever energetic and seeking opportunities to make a difference, Judge Kaye devoted herself to issues relating to improving the lives of children and to our great benefit, she enthusiastically joined the community of international arbitration. She served with distinction on many arbitral panels and on many arbitration related committees. Judge Kaye's signal achievement in the international arbitration world was envisioning and launching the New York International Arbitration Center. Without her unique talent in cajoling forty New York law firms to participate in the venture there would be no Center. Her determination and perseverance made it happen, an enormous achievement given the initial scepticism she faced. In a sign of admiration and an acknowledgment of her pivotal role in its creation, following her death, the Center's Board of Directors, comprising a lawyer from each of the member firms, voted to bestow the honor of "Founding Chair" on Judith and to hold an annual lecture in her honor.

On a personal note, Judge Kaye was a class act. She was funny, stylish and had an unmatched warmth. In the words of Judge Albert M. Rosenblatt who sat with her on the Court of Appeals: "It had never been attempted of course, but I would make an analogy to a blindfold tasting. I suggest that if the person with whom Judith was speaking was unidentified, an observer would not be able to tell whether she was speaking with a governor, a mail room attendant, a judge, or someone there to shampoo the rugs or take out the trash. She treated everyone with graciousness and good nature, with not a grain of haughtiness. That is what she was really like."

Judge Kaye is survived by her three children and her grandchildren. Her husband, who she met during her time at Sullivan & Cromwell and to whom she was devoted, passed away in 2006.

Excerpts from Judge Kaye's article:

Déjà Vu: A Personal Reflection on Women in International Arbitration, New York Dispute Resolution Lawyer, Vol. 5 No. 1 (spring 2012)

I have a sense of “deja vu all over again” (to quote Yogi Berra) about the place of women lawyers, particularly in the fascinating world of arbitration that is increasingly a part of my life.

Getting Beyond the Front Door - I had my first real taste of being a female lawyer in a virtually all-male world in the early 1960's, still in the lifetime of many of our readers. One of ten women in a class of 300 at New York University Law School, I set my sights on the unattainable goal of a position in the Litigation Department of a major Wall Street firm.

I've heard Justice O'Connor – just a couple of years ahead of me at Stanford Law School – tell of her own extensive job-hunting efforts, which netted her an offer of a secretarial position in a major California firm. Ultimately, I did better, securing a spot in the Litigation Department at Sullivan & Cromwell, but only after scores of written and oral rejections saying, in essence, “Our quota of women is filled.” The only other Wall Street firm to offer me a position made clear that my compensation would be lower than my male classmates. Today, of course, that is illegal conduct. It's all much more subtle today.

What stands out for me is not simply that law firms did such things but that they did so routinely, openly, even proudly if they actually employed a woman attorney. But even more breathtaking is the fact that women were so accepting for so long. The reasons were, after all, perfectly sound, weren't they? Clients wouldn't have us; we would not be able to travel to distant cities with male colleagues; we couldn't work late (all-nighters were unthinkable); and we were in the law only to find husbands, then we would leave the profession.

Fast Forward Fifty Years - So imagine my disappointment, in 2009, as I settled into my “after (Chief Judge) life” at the great international firm of Skadden, Arps, to be greeted by headlines that for me harked back to the early days, like “Too Few Women Among Top International Arbitrators.” In all the articles, the very same few women arbitrators, and single digit statistics, are featured. By now I can recite the names and numbers, not far above those 1962 law school statistics, despite female law school graduates topping fifty percent in recent decades. A Sorbonne professor is quoted as saying, “Of course progress is being made, but the progress is quite slow,” the author concluding that “the dynamics of arbitral selection and the incentives at major law firms suggest that parity will be a long time coming.” A dismaying message I am seeing played out in real life.

For me a number of the “explanations” offered – for example, that clients prefer experienced lawyers who project an image or gravitas with which they are familiar – resonate with sounds of the '60's. When I visited a recent meeting of Arbitral Women, I saw lots of gravitas, lots of highly credentialed, highly experienced, highly impressive women. Pity that, despite our advances and society's progress, women still have to work so hard simply to find our way through that glass ceiling. (After nearly fifty years as a woman lawyer, I question whether that ceiling is really made of glass, which generally symbolizes a fragile object.)



The Positive Signs Ahead - I have now collected several articles on the subject of women in international arbitration and learned of surveys on the subject is in a sense even good news. The imbalance, dismal though it may be, is being noticed, talked about. A sign on the wall of a client's facility decades ago left me with an unforgettable message: "People Do What You Inspect." Greater public consciousness, even in the very private arbitration world, matters. And there are simply more of us—more networking, more channels of mutual support and mentoring, more exposure, all of which translates into greater opportunity.

So, though I am sorely disappointed that, half a century later, we seem still to be breaking the glass, or reinventing the wheel, the road ahead is distinctly more promising.



Laurence Kiffer
Partner at Teynier Pic



“

How to become
an arbitrator?

”

This is the question most frequently put to me by students after lectures. Not an easy one to answer as it takes a long time and substantial effort before being chosen by your peers and gaining the trust of arbitration users to handle their cases. It's an endless story...

Experience allowed me to overcome these hurdles. I began practicing international arbitration immediately after university. At the time, there were no specialized class sections in arbitration or dispute resolution at the university, but through my Master of law in international trade law I was able to tackle this field along with other legal aspects of international trade. I did not know that this subject would generate a passion that would guide my professional life. As soon as I left the University of Tours, I joined an arbitration boutique in Paris where I spent two-thirds of my professional life growing to become an arbitrator.

When I started practicing international arbitration, the arbitration world was very different from the arbitration sociology described by Emmanuel Gaillard. There were fewer “actors” in the sense that there were fewer practitioners, fewer arbitration institutions and fewer women, also. Arbitration was much more Europe centered, and the Swiss Chambers Arbitration Institution had not yet gathered under the same banner to form a single arbitration institution. Arbitration funders had not yet appeared.

However, the practice of arbitration was already demanding – energy and time consuming. Arbitration is a simple dispute resolution process but what is fascinating is that all cases are different in that they always raise different legal and technical questions. The international environment of the proceedings, where parties, counsel and arbitrators may be of different nationalities and speak different languages and the applicable law may be foreign, makes arbitration very attractive, as it creates very rich cultural exchange.





Although arbitration became the usual means of dispute resolution, it is often used to settle disputes regarding international contracts with huge issues and amounts in dispute, which require lot of energy and time to study.

This practice, which is a source of fun and excitement, is a continuous learning process. Before becoming an arbitrator, you need to be a good lawyer who can draft properly and think for yourself. Working with Yves Derains, who sat as a General Secretary of the ICC, and set up his own firm to practice as a lawyer and an arbitrator was at least as valuable as any academic education. I sat as administrative secretary to arbitral tribunals – which is probably the most useful training for becoming an arbitrator.

This experience led to my first appointment as an arbitrator, which is of such great importance and necessity in promoting oneself as an arbitrator. A new step is reached through that first appointment, but it does not mean that the learning process is over. I found it so interesting how I had to domesticate this position of arbitrator. Although I had participated in numerous arbitration proceedings and worked with arbitrators, sitting as an arbitrator is something totally different. You have your own style, but you learn from others. Moreover, sitting as a sole arbitrator, as a chair of an arbitral tribunal or as a co-arbitrator requires a new skillset. Sitting as arbitrator bolstered by ability to advocate for my clients in other arbitration proceedings.

In 2007, I joined my partners Eric Teynier and Pierre Pic and reinforced their firm's international arbitration practice. My professional activity is now shared between counsel in arbitration and arbitrator.

Through my professional background, women were not predominant. From that point of view, things have also evolved. In the early nineties, few women were sitting as an arbitrator and few women were advocating in arbitration or holding responsibilities at the head of companies or legal departments. Technical experts doubted that a female lawyer could understand technical issues, but they had no choice other than patiently explaining...

Arbitral Women started its fight against conferences where speakers were 100% male speakers. Although I participated in the first gatherings and events, I must confess that I did not feel so very feminist at the time. However, my involvement in the professional elections at the Bars led me to be elected as a member of the Paris Bar Council in charge of the international activity of the Bar and made me realize that it was essential to be feminist to make things move toward gender equality.

Because of the French women-quota laws for boards of directors, there are almost 40% women in the most important French companies' boards of directors. This obviously changed the companies' governance.

Among Paris lawyers, the Paris Bar figures show that women make up the majority at law school, at the Bar school and over the five first years in the law firms. The number of women in Paris law firms falls drastically after five years of experience and women are the minority by far at the partner level. Moreover, compensation discrepancies persist among male and female lawyers.

With respect to arbitration, where are we? There is still a lot to do despite the past and ongoing initiatives. Data from the main arbitral institutions confirm that women arbitrators account for approximately 10% in institutional arbitration. Several institutions publish statistics about women arbitrators. Most women arbitrators are appointed by the institutions. However, since institutions are not involved in the selection of arbitrators in the clear majority of cases they administer, the onus for addressing gender diversity is mainly on the parties and their counsel. In investment arbitration, the percentage of women arbitrators is even lower.

Another initiative is the Equality Representation in Arbitration (The ERA Pledge) which was launched in May 2016 to increase the number of female arbitrators on an equal opportunity basis. As a member of the Steering Committee for France, I was able to influence the Paris Bar to sign the Pledge. By signing the Pledge, law firms, corporations, arbitral institutions and government bodies involved in arbitration commit to improving the profile and representation of women and to taking reasonable steps to ensure women are appointed as arbitrators on an equal opportunity basis.

All these initiatives favour the presence of women in the field of arbitration. I am also involved in facilitating women's access to the positions of arbitration partner and arbitrator. I am pleased to welcome Shaparak Saleh as an additional woman partner in my firm, Teynier Pic.



Meg Kinnear
*Secretary-General,
International Centre for
Settlement of Investment
Disputes, World Bank*

“

Take risks...
you miss 100% of the shots
you don't take...!

”

The title of this book makes me smile, since my ancestors were pioneers in the very literal sense of the word. They left Scotland in the late 1700s and moved to the brutally cold, rugged northern region of Quebec. My great-great-great grandmother, Harriet Wilson Kinnear, opened the first general store in the region in 1847. Family lore has it that Harriet Kinnear was legendary for single handedly driving a horse-drawn buggy to Quebec City every week to get supplies, accompanied only by two pistols and a lot of gumption. I would like to think that I inherited some of the pioneering spirit of Harriet in my DNA, (and not just the love of anything retail!).

My pioneering is certainly more modest than that of Harriet but channelling her spirit has come in handy from time to time. When I went to law school in 1978, I was one of a handful of women in the class. I met several women at law school who went on to do fabulous things in various areas of law and business and seeing them succeed has been an inspiration.

In 1984 I joined the Canadian Department of Justice to practice constitutional and civil litigation. Again, there were few women in this field at the time and it took real effort from those few (and from some wonderful male colleagues) to ensure women got the opportunity to speak in court, to lead on important files, or to appear in the courts of appeal and the Supreme Court of Canada. The Department of Justice also gave me the chance to work as the executive assistant to two Deputy Ministers of Justice, where I developed new skills I had never contemplated in law school. This experience taught me an incredible amount about policy development and leadership and made me realize that taking a professional risk and trying something new was scary but exhilarating.





In 1999 I took another risk and moved to the Department of Foreign Affairs to do international trade and arbitration. I call this a risk because I had never done this work before and I had to learn on the job – fast! I found a world that was fascinating and challenging, and was privileged to work on international negotiations, NAFTA investment arbitration, and WTO appeals, while managing a group of 70 Justice and Foreign Affairs staff. My experience in civil litigation was very handy in this phase of my career, especially in preparing arbitration cases and presenting them to tribunals. I still recommend that arbitration practitioners get litigation experience in their career to develop some of the basic instincts about case preparation and presentation.

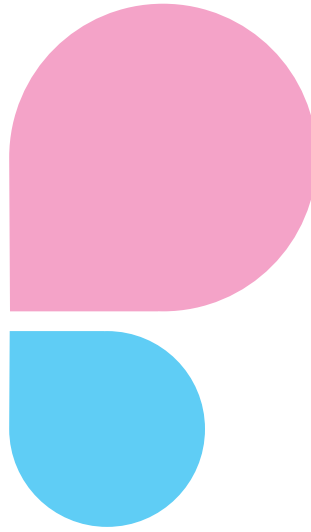
In 2008, the World Bank converted the job of Secretary-General of ICSID into a stand-alone position. Knowing this was the “job of my dreams”, I considered whether to put my application forward. I wondered whether I had any chance to get the job but reminded myself of the famous (Canadian) mantra: “you miss 100% of the shots you don’t take”, so put my best foot forward. I was selected for the job in 2009. In retrospect, I think this was the challenge that all my previous experience had prepared me for, and I am so glad I took the risk. Initially, I was one of the few female leaders of an arbitral institution. Today, I am glad to say that there are several very capable women running arbitral institutions in different corners of the world.

Being Secretary-General has been an extraordinary opportunity and a daunting challenge. I have seen the inspiring work done by the World Bank and have been able to contribute to it through the mandate of ICSID. One of the best parts of my job is seeing how international arbitration plays a role in economic development around the world. Another privilege has been meeting international arbitration specialists from every region and sharing experiences with them. I am so impressed with the “next” generation of arbitration practitioners who are leaders in our field. They are smart, multi-faceted, multi-lingual, and leave me in awe every day. I include both female and male lawyers in this category.

I know in many cases female lawyers must still work harder, smarter and longer to get to the same place as their male counterparts. But I also see so much improvement in the opportunities available for women. Our job is to pass them a world that is increasingly open to all, not just technically or theoretically, but also in fact, and I am very optimistic that we are getting closer to this every day.



Judith Knieper
Legal Consultant
Vienna, Austria



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Gender is a topic
that irritates people

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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 grade⁸. 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!

⁸ 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) 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 counsels 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 family⁹. 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.

⁹ 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.



Flutura Kola Tafaj
*Lecturer at Faculty of Law,
University of Tirana
Attorney at Law
Founder/Partner at "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, University of Tirana, I began a new journey in my life. My teaching appointments, and later, advocacy presented few challenges. Teaching at that time, 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, required endless hours of study and research. However, the opening of my law firm in 2005 presented a completely different set of challenges. Entering a competitive market that was dominated mostly by men required hard work, dedication 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 my Master and PhD degree and the Associate Professor title. The researches I have conducted, and the obtained qualifications have enabled me to successfully develop a completely new curriculum for the Alternative Dispute Resolution Course in the Faculty of Law, University of Tirana and also to teach International Arbitration in the School of Magistrates, which is attended by candidates for judges and prosecutors. Another achievement in my academic life is the publication of a text book on the course of





Alternative Dispute Resolution in October 2015, which is now used as the main text book in different law faculties, public and private ones. However, the introduction of this ADR course and the publication of a textbook on that 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 Willem C. Vis International Commercial Arbitration Moot.

In order to achieve this goal, I held dozens of meetings with university representatives, with law firms 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 dignifying representation. I can confidently say that I have also successfully managed to meet this challenge. The Faculty of Law, University of Tirana has participated three times in the Willem C. Vis International Commercial Arbitration Moot. My next challenge will be to turn this tradition of participations into a tradition of victories.

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 arbitration have made my commitments both as a counsel and arbitrator in numerous 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.



Marielle Koppenol-Laforce
*Senior Partner
at Houthoff Law Firm*

“ Give hope
and support
to other women ”

Currently, I am a senior partner in the Dutch law firm Houthoff. My career path started when I was studying at Erasmus University Rotterdam back in 1979.

After two years, I became a student-assistant and in 1982 and 1984 my two sons were born. Later in life, women who I had studied with back then told me that they took comfort in seeing me studying and working while being pregnant. I fell for the area of private international law and tried to lecture (in the Netherlands and abroad) and write as much as I could while raising the children and working at the university. I wrote about novel topics like the European Economic Interest Grouping, the European company, or a comparison of the international procedural law and the private international law aspects of the introduction of the euro in 2001.

I wrote my Ph.D. thesis on the Hague Trust Convention (1997). I have always been heavily involved with foreign students and have been the coach of the Leiden University Vis Moot team since 2009. In 2000, I left Erasmus University Rotterdam to become a practitioner. I used to write opinions for lawyers, but always in my role as a member of university staff. Unfortunately, the move into practice had a rough start. I joined the law firm of KPMG, but that went bankrupt one and a half years after I joined as a partner.

In April 2002, I joined Houthoff and built a practice that is now a thriving practice in international arbitration and litigation. I coordinate a large team. Moreover, I have always continued publishing and teaching alongside this. I started in 2004 at Leiden University and got my chair in January 2010.





At most conferences and in joint publications in the 80s and 90s, I was the only woman in my private international law field when it concerned commercial topics. In 1993, I started to teach private international law and international procedural law in former Eastern Bloc countries, in particular Latvia. The classes started out with nearly all men, but later more and more women joined. The same is true for university classes. The percentages have shifted quite spectacularly. In law firms, it is 50:50, although some practices are still more 'manly' than others. Unfortunately, the higher you rise in the ranks, the fewer women you see. It is difficult to really put a finger on why this is. I coach women and try to stimulate my female team members in their careers.

I have been told over the years that I give hope and support to other women by having done and continuing to do what I do and by being where I am now. I like what I do very much, I like what I have done, and I like how I have done it. It would be great if it helps others to rise in their lives to get to where they want to be.



Carolyn Lamm
*Attorney at the
Washington Office of
White & Case, USA*

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Just remember that
indeed you can!

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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 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.



Crenguta Leaua

*Managing Partner
- Leaua Damcali
Deaconu Paunescu - LDDP
Associate Professor of Law
- Bucharest University
of Economics*

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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 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.



Christine Lécuyer-Thieffry
Thieffry & Associés

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Balancing professional
and personal life is hard,
but it is possible

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My mother once told me *“nowadays a woman needs to have a job for her opinion won't be taken into consideration if she does not have professional experience.”* And she added: *“teaching is a good position: it is the best way for a woman to conciliate professional work and children's education while tending to the household.”* I followed only part of her advice and started studying law. Not, as was often thought in the mid-70s of a young girl going to law school, in order to find a husband: even if I was fortunate enough to meet my spouse there, who has been a continuous support and an incentive in my career development from that moment on, my primary purpose was to satisfy the genuine interest I had in international matters.

I have always been curious of different cultures and of all matters relating to international public and private law, and comparative law, which I had studied in law school, and I started my professional career in a law firm dedicated to international business law and international litigation. With a father who had spent his childhood in Vietnam and a British and an Italian great grand-mother, I always felt more European than French, and a citizen of the world.



As a result, I did not hesitate to follow my young husband in Algeria, at the time still under the State monopoly over international trade. Thereafter, a few months after our return to France, I also moved to Atlanta, Georgia, with our four months old baby, struggling to understand the Southern accent and to improve my English which I had only taken as a second language in school. Thanks to a scholarship of the French Ministry of foreign affairs and to my law firm, I was given the opportunity of an internship in the international department of a law firm, where I had my first contact with arbitration, by studying various issues related to the enforcement of an ICC award rendered in Paris that was pending before the Federal District Court.

Back in France in the early 80s, I soon became a partner of the firm that had sent me to the United States. As the years went by, I gained a multi-faceted experience in various areas of international business law: for example doing due diligence in Arizona and Colorado, negotiating settlement agreements in London, or contracts for the remodeling of luxury hotels in New York, managing court litigation in Germany with local counsel, and French court litigation for foreign clients in such diverse situations as infringement of intellectual property rights, libel or antitrust, and state aids... Unlike some of my colleagues, my work as a lawyer has been far from a narrow specialization. This safeguarded me from being caught in established patterns and solutions, which tend to restrain imagination in the analysis of a legal issue and in the search of a satisfactory outcome for a particular situation.

Arbitration has always been part of my practice as a lawyer although, until recently, not an exclusive part. As counsel of French public-owned entities and of private companies, I was involved in arbitrations relating to disputes over the construction of various facilities in Asia and the Middle East, development contracts in Eastern European and African countries, shareholders agreements often involving multiple parties and contracts, and private and public interests. All the experience accumulated proved very useful afterwards when I acted, and still act, as an arbitrator.

I had my first experience as an arbitrator during a second four-year stay in the United States, after my firm had opened an office in New York in the mid-eighties. From a personal standpoint, this experience was memorable as my second child was born just a few days after we held the hearing. From a more professional standpoint this had a significant impact on my way of presenting a case as counsel in Korea a few months afterwards, during a 10-day hearing in a large construction case. My heart shrunk when I had to leave my baby in the good care of his older sister and of my step-mother who had fly over to New York for the occasion and, upon my return with a 12-hour jetlag, I slept for 24 hours straight. In the long term, both my practices as counsel and as arbitrator were mutually reinforced and enriched.

This was encouraging I thought, as a first step to start a larger arbitration practice when returning to France, although my partners were skeptical as to the prospect of a woman entering the male dominated market of arbitration. Patience, perseverance, and the evolution of the legal market finally did the job. I gained some public exposure through my active participation in various ICC task forces and the ICC international commission on arbitration, so that over the past twenty years, one appointment after the other, first as sole arbitrator in “small” but not necessarily less complex matters, then as chair of the arbitral tribunal in large, complex matters, my activities as an arbitrator have become predominant.

I probably benefited from the fact that I faced fewer conflicts of interests than some of my colleagues in larger firms, and, in the recent years, from the diversity policies arbitral institutions have put in place. For example, I was appointed as president of the arbitral tribunal with two male colleagues from sub-Saharan countries. I have heard, however, of other situations where, given the opportunity to strike out 2 names of a 5-name list containing 4 prominent women practitioners, the parties left the party-appointed arbitrators with only one choice, the man! There is still some way to go...

Looking back, I did not fully follow my mother’s advice, and whether I have always been able to maintain a balance between my professional and personal lives, I do not know. Some days were hard, but with the help, encouragement and support of my husband, I think we have achieved this goal, together: I act more and more frequently as arbitrator, and my two children are conducting successful careers, one in consulting, and the other has picked up my passion for international matters and arbitration. We must thus have done some things right.



Loretta Malintoppi
*Barrister at
39 Essex Chambers*



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The most important single ingredient in the formula of success is knowing how to get along with people (Theodore Roosevelt)

”

Personal Reflections on the Practice of International Law

My plan was never to become a lawyer. But you know what they say about telling God that you have a plan... Life happens, and things turn out to be quite different.

I come from a family of lawyers: both my parents and three of my grandparents were lawyers, not to mention members of my extended family. Even my life partner and father of my child is an international lawyer. My daughter swears she does not want to become a lawyer; we shall see what the future has in store for her.

So, although law was perhaps in my genes, I initially thought that I could display some imagination and do something different.

But when I was a young girl, my father took me to The Hague to see him plead as one of Spain's advocates in the Barcelona Traction case. I was hooked from the beginning, in the solemn surroundings of the World Court, in what to me as a child looked more like Sleeping Beauty's castle than the building hosting the principal judicial organ of the U.N. If I had to be a lawyer, I wanted to be that kind of lawyer: engaged in international disputes; involved in cases that mattered both politically and legally – and not necessarily because of their financial import.





The years went by and, even though I studied law at Rome University, I tried other avenues, mainly involving research in comparative law and international affairs. Then, life happened again: my father suddenly passed away in 1986, at the young age of 55, and I decided that I wanted to pursue a career in international dispute resolution. I obtained a Fulbright scholarship and left for Washington DC where I obtained an LLM at Georgetown Law School. International arbitration was not taught there at the time, but that was what I wanted to do and so I persevered.

It was not easy to find a job in the field in Europe at the time. In those days, there were no dedicated international arbitration or public international law teams in law firms; just a handful of practitioners of international commercial arbitration in Paris and London. As for State-to-State disputes, those remained the monopoly of a small circle of professors of international law and senior silks, - counsel who were frequently former Legal Advisors of the Foreign Office. A truly selective Club.

As my home town of Rome was not an option for international work at the time, I moved to Paris, and, after three years at the OECD, I wound up working in the only law firm which was then practicing pure public international law and representing States before the World Court and ad hoc tribunals: Frere Cholmeley, which was later taken over by Eversheds. I ended up staying with the same firm for over 25 years.

I was lucky enough to start in the profession in the early 1990s, at a time when State-to-State disputes submitted to third-party adjudication or arbitration were on the rise, and the International Court of Justice was busier. My first case was a territorial dispute before the International Court of Justice: Libya/Chad. Subsequently, I became familiar with the Permanent Court of Arbitration, which, after many years without administering many cases, resumed its involvement with the Eritrea/Yemen case about sovereignty over islands and maritime delimitation in the Red Sea, where I had the privilege of representing the Government of Yemen.

While at Eversheds, I had the good fortune to work in many high profile inter-State cases. My practice as counsel was diverse: from territorial and boundary disputes to environmental and State responsibility matters, all involving high stakes and concerning matters of great public interest for the countries involved. In addition, my work as counsel included many commercial and investor-State arbitrations. With time, I have increasingly focused on my practice as arbitrator and left the firm to join a set of Barristers' Chambers, 39 Essex Chambers, based in Singapore and London.

During my career I had the honour of working with, against and in front of, some of the best and brightest international lawyers of our time. It is a humbling experience to measure one's worth next to such intellectual giants, but it certainly kept me on my toes!

There is a saying that experience is something you do not acquire until after you need it. That may be true, but I have learned something useful from every experience.

Although the times are changing and the opportunities for women have grown exponentially in the past twenty years, prejudices and obstacles still remain and can be all the more insidious because they are not immediately apparent. So, you will need to be aware of the challenges ahead and at the same time persevere; do not be discouraged. When I started practicing, there were no women judges on the International Court. Now there are three, and Dame Rosyln Higgins was in my view one of the Court's most impressive Presidents. Similarly, few women practiced in the field of investment arbitration; now there are many.

It is also important not to waste time looking at other people's accomplishments and comparing them to your own. Focus on yourself and your capabilities, and don't get sidetracked by things you have no control over. Be confident and remember that your success is not measured by other people's approval or praise.

A woman should never sell herself short. Confidence and a proper sense of self-worth are important – as long as they do not turn into self-importance and arrogance. The former qualities are empowering, the latter limiting and counter-productive.

Life is full of opportunities but often we don't recognize them in time. So, my advice is to explore different avenues and learn how to recognize opportunities when they come your way. When that happens, reflect, weigh the options, but ultimately be brave, take chances and do a good job. Remind yourself not to give up, and not to be impatient. This is a long end-game, but there will be a prize in the end if you persist.

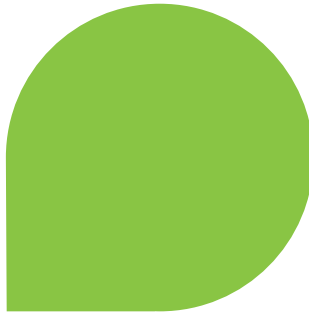
Perhaps the most important lesson I have learned is that relationships make you a better and happier human being and can be key to professional success and growth. Through good relationships based on trust you can receive mentoring and useful feedback, you can exchange ideas and information, obtain referrals, and – in some cases – much needed human sympathy and support. That is particularly valuable for women in the legal profession, which has been traditionally dominated by men.

So, cultivate those relationships and remember that your colleagues do not have to be your competitors, but can be your friends and allies.



Anna Mantakou

*Secretary General of the Hellenic Association for Arbitration
Attorney at Law “Dr. Anna P. Mantakou Law Office”
International Experts Committee:
Commercial Court of the Supreme Court of People’s Republic of China*



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Being a woman
is a privilege

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I have been an ICC Court member for 15 years. I am the Secretary General of the Hellenic Association for Arbitration. After being both Partner and the Head of Arbitration Department for several years in one of the most prestigious law firms of Greece, I established in 2006 my “boutique” “Dr. Anna P. Mantakou Law Office” specializing exclusively in arbitration.

After my Law studies in Greece, I had the chance to study Public and Private International Law at the Graduate Institute of International Studies in Geneva and therefore to find myself in a truly multilingual and international environment. Having acquired my Diploma from Geneva, while at the same time, being a lawyer at the Athens Bar, I started working as a “collaboratrice scientifique” at the Hellenic Institute of International and Foreign Law, an entity affording legal information on Public International Law and the Laws of all the jurisdictions of the world.

It was at that time and place that I met the love of my life, which happens to be arbitration, while betraying (as a typical woman...) my first love: the public international law. At that time, in the early 90’s, the investment arbitrations and the public international law background required in this respect were not very popular. On the contrary, commercial arbitration especially construction, energy, defense and gaming were flourishing. “Incited” by my then Director of the Institute, a high international “flyer” and arbitrator, I abandoned my plan to make a PhD in PIL and mad one in arbitration instead.





I started working in arbitration practice from the lowest rank as a Secretary of various arbitral tribunals. I was learning the job from the very first step to the end. I was also serving coffee from time to time. I am not sure whether I would have been asked to do so if I were a male Secretary of the Tribunal, but frankly Ladies, I did not really care. Firstly, because I am a woman and I find no wrong to act as hostess from time to time and secondly because my purpose was to move towards the next step to become an arbitration counsel.

When this happened to me, as a partner in a big law firm, the experience was great. It was the first time I felt proud of being a lawyer in a country where most aspects of the judiciary system (from premises and organization to extreme and unnecessary formalities in decision making) was governed by mediocrity. As an arbitration lawyer I had to deal with high profile international cases in key sectors such as gas price revisions, pipelines construction, huge telecom projects, greyhound races, casinos administration, sports' disputes and the like.

In the course of the years, I realized that being a Partner in a law firm was an obstacle for achieving the next step of the arbitration career which was to be appointed as arbitrator, due to the conflict situations very often arising thereof. In addition to that, in a small arbitration market, as the Greek one, my persistence to work exclusively on this field was seen at that time as a "quixotic attitude". However, against all odds, I decided to abandon the safety of the big law firm upon a friendly divorce and establish my own independent one.

Acting as counsel for a couple of years under my own firm's hut (from serious defense sector cases, such as electronic war and submarines to gas pipelines constructions and petroleum units, I realized the conflict effect between counsel and arbitrator even within a "boutique" law firm. Therefore, as from 2011, I have stopped acting as arbitration counsel. I was compensated by this choice: due to both my previous experience and the subsequently acquired status of independence, I received a cascade of appointments either as co arbitrator or president in numerous constructions (roadways, compression stations, airports' maintenance, undersea channels) internet betting, litter administration, off sets, competition in the gas sector and photovoltaic park cases.

In the course of the years I also realized that old loves really never die, when I received an appointment as arbitrator in a BIT dispute taking place in the premises of the ICJ at the Hague Palace and Four ICANN appointments, all of them requiring a Public International Law background.

In the above long course, I never ever felt that I met obstacles because of my gender. On the contrary, I have always had the feeling that both businessmen and Parties, that trusted me, were absolutely ready to abide by my advice, instructions and strategy presumably subconsciously affected by a "matriarchate archetype". Obstacles that I have experienced have to do with the fact that I come from a small jurisdiction in terms of arbitration. In this sense, it is very difficult to compete in the international level with Swiss colleagues or Spanish speaking nationalities. As per our colleague's Marili Paralika's joke: "Swiss receive appointments from the age of six years old."

So, Ladies the point that I am trying to communicate to all of you is that being a woman is a privilege even in the field of arbitration. If the female gender is so far underrepresented, this is because women did not get interested earlier. From the moment that women went for arbitration, it is just a matter of little time for us to achieve equal participation, if not reverse discrimination against men; the latter is an issue for I am very much concerned in relation to many aspects of modern life.



Noiana Marigo

*Partner, Freshfields Bruckhaus
Deringer LLP
Develop your talents, exploit
yours strengths and seize
opportunities*



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Develop your talents,
exploit your strengths
and seize opportunities

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I hadn't always wanted to work in arbitration. But after joining the international law firm Freshfields in Paris in 2002, I found that the discipline played to my skills. Twelve years later, I became the firm's first ever partner from Latin America and have since become co-head of the firm's Latin America group.

In my formative years, I never imagined I would have an international career. I was born and raised in a small town in the region of Patagonia in the south of Argentina. There were few opportunities in that part of the world so, after leaving high school, I moved to Buenos Aires, where I studied law. After I graduated, I was certain that I wanted to do something that had an international outlook. So, I decided to spend time in Germany and France with a view to improving my language skills. On returning to Argentina, my French and German came in useful as I was hired as a finance lawyer by Marval, O'Farrell & Mairal, one of only a handful of local law firms with international clients.

In the late 1990s, there were few women in the legal profession in Argentina. But while at Marval I met Patricia Lopez Aufranc, someone who is undoubtedly a pioneer owing to the fact that she is the country's first ever female partner. Patricia wasn't a formal mentor to me, but she was certainly a huge inspiration, always encouraging me to try something different. For example, Argentinian lawyers typically went to the United States to further their studies. But Patricia suggested that I go against the grain and study in Paris instead – just as she had done herself. While I was at university in the French capital, I met Nigel Blackaby, who had recently been elected to the Freshfields partnership and is now co-



head of Freshfields' world-leading international arbitration group. Nigel was (correctly) predicting that Latin America would be the source of increasing numbers of investor-state disputes, particularly in Argentina as it emerged from a severe economic crisis. He thought that I would be a good fit for the firm's ambitions in the region so offered me an internship with the dispute resolution practice.

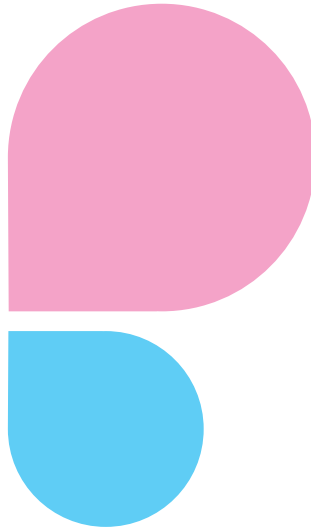
Even in this junior role, Nigel gave me a lot of responsibility. For example, at my first client meeting, I had to do a presentation to a room of executives from a French oil and gas company. There were around 20 attendees and I was the sole female. It was certainly nerve-wracking, but I told myself that I was the one with the specialist knowledge so there was nothing to be afraid of. Being a minority of one, as was often the case, gradually became less of an issue. At the same time, my confidence grew – as did my credibility with my international clients. This enabled me to start building a team that – like me – had an international outlook but also the local know-how to match.

I'm proud that I have helped Freshfields' international arbitration group become recognised as the world's best. But I'm also interested in developing the practice of international arbitration beyond the firm too.

To this end, I mentor women in the field and encourage them to believe that, although difficult, they can make it work. You need passion, excellence and courage to seize every opportunity, no matter how challenging they seem. I also helped establish – and sit on the steering committee of – [Equal Representation in Arbitration](#), a group of professionals committed to improving the profile and representation of women in arbitration, particularly in the tribunals themselves. I recognise that women will continue to face various barriers to advancing their careers whether as an arbitration practitioner or in other professions. But I'm hopeful that this initiative, which has already over 3,000 signatories, will go some way towards giving the world of international arbitration a better gender balance.



Fabiola Medina
Founding Partner
Medina Garrigó Abogados (MGA)
boutique law firm



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How to juggle 10 balls
without perishing
in the process

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DISPUTE RESOLUTION, A HUSBAND AND SIX CHILDREN: HOW TO JUGGLE 10 BALLS WITHOUT PERISHING IN THE PROCESS.

During my 40 years of practice I have been committed to the pursuit of equality in the area of dispute resolution, a field widely dominated by men within our jurisdiction. The path has not been an easy one, especially because there are other important goals in life that also demand great devotion to succeed.

Litigation requires the implementation of strategic thinking, pragmatism and a true commitment to abide by ethics and the rule of law. Experience has taught me that to stand out as a woman – attorney or mother – it is essential to have strength of character, true passion, perseverance and capacity.

In order to be an inspiring and successful practitioner preparation is a must. I initiated my studies in the *Universidad Nacional Pedro Henriquez Ureña* (UNPHU) and graduated *Summa Cum Laude* with a Bachelor's Degree in Law and then pursued a Master's Degree at the *Université Libre de Bruxelles* receiving a *Grande Distinction* and a *Plus Grande Distinction*. Through the years and as a firm believer in a lawyer's commitment to continued education, I have remained active in academic circles, acting as professor in my alma mater and other prominent institutions of higher learning; and most recently as an alumnus in the final stages of obtaining a Master Degree in Administrative Law from the University of Salamanca.



My professional experience started before graduation as a paralegal in a very renowned law firm, which would go on to hire me as a junior associate. I can laugh today at one of my first experiences as a young associate when, at 21 – in a hearing of a private matter conducted in a male judge’s chamber because of the nature of the lawsuit – the President of the court asked my client if she was aware that she needed an attorney to represent her. My client (the law firm’s client, in fact) shyly pointed at me while the judge insisted that she needed *un abogado*, which, contrary to all evidence, he thought I was not.

After getting my Master’s Degree and succeeding in my doctor candidature paper presentation -my first one in arbitration-, in 1982 I had the fantastic opportunity of working in the public sector, where I was appointed as Deputy Attorney to the Chief Legal Advisor to the President. Dealing with ministers, general directors, high ranked officers and the President himself was not an easy endeavour for a young lady of 25. Achieving this status gave me the opportunity to introduce important legislation regarding the recognition and protection of women’s rights. Nonetheless, it will never cease to amaze me the discrepancies between female and male staffers even in frivolous aspects of our work; for instance, while there was no official uniform for the attorneys in my position, women were required to wear conservative outfits with high necks and mandatory long sleeves and skirts. Overcoming less frivolous discrepancies was a challenge that I frequently and successfully faced, but that never discourage me in all aspects of the profession.

After working as a public servant, I joined as partner a private practice led by my former boss at the office of the President. In addition to the litigation work, I also handled administrative matters. Once again, I was placed in the unique position of being a woman in a field controlled by men.

In 1992 I joined Codetel, later Verizon Dominicana, the principal telecom company in the country; where in 1994 I became the first female Vice - President of the company in 74 years in an executive team of 8 men. Even if you are used to be the minority from the early stages of your career, nothing can fully prepare you for the corporate battles within an all-male executive team. Even if my yearly evaluations were consistently top notch, my monetary compensation was factored as some kind of “additional help” to my husband’s obligation to provide for the family. Not funny.

In the meantime, other challenges also required my attention. I am a mother of six –my husband is a divorcee father of 4 and together we have 2 children. Though I am married to a wonderful *Latino* husband, and an active participant in PTAs, sciences fairs and prom planning, one of my biggest prides in life is the fact that my children did not notice how late I used to arrive home from work: they truly believe that I was always there for them.

I am a firm believer that we must inspire women to design their own paths. By participating in different sectors in the country I had the opportunity to influence the recruitment and retention policies of many companies, and in doing so, raise awareness for the subject of equal opportunity for women in the workplace. Presiding over the FINJUS and the Board of Trustees of INTEC, for instance, gave me the chance to provide guidance to young colleagues inside and outside different entities and to encourage many women to keep pursuing their career plans; some of those women still hold important positions in the public or private sector.



Gender equality is a huge challenge and an obstacle to development in the Dominican Republic. The mere presence of women in some areas is an affront to many men. Senior positions in law firms and in the judiciary are still overwhelmingly dominated by men. Law firms such as Medina Garrigo Abogados, where 90% of the lawyers are women and where I am currently Managing Partner are the exception. Law firms should provide more opportunities for women internally in order to have a positive impact in the rise of participation of women in different markets.

My experience in arbitration began when it was a field widely unknown in the country and when all types of litigation were controlled by men. I was co-author of the first Rule of Arbitration of the Chamber of Commerce of Santo Domingo in 1987 and a member of the *Bufete Directivo* of the Center for Alternate Dispute Resolution for 25 years. In 2005 I was appointed as the first Dominican member of the International Court of Arbitration. Later, I had the opportunity to participate in the drafting of the Law of Commercial Arbitration enacted in 2008 and the modern Rule of Arbitration of the Chamber of Commerce in 2011.

The process of breaking barriers in this area of law where women have been historically absent remains a challenge. The subtle gender biases that persist in Dominican organizations and in society disrupt the learning cycle of women and the opportunity for them to stand out. Despite their capacity, obstacles to female leadership are numerous and are preventing capable female lawyers from reaching decision-maker positions.

One solution to this systemic problem is to promote the role of women in arbitration in both national and international agendas. Some initiatives have been addressed to improve the lack of presence of some minorities in national and international arbitration and the existence of bias. Certain steps have been taken during the recent years and the debate towards inclusion is gaining presence in international forums. During the 2015 ICC Arbitration Conference in Miami I had the chance to perform a presentation with the subject of “*Unconscious Bias in Arbitration*” and during the 2016 ICDR Miami International Arbitration Conference, “*Is the World of International Arbitration Diverse and Inclusive—or Exclusive?*” Having a voice and increasing the visibility of talented female lawyers are some of the steps towards more inclusion.

Likewise, international organizations and initiatives created to address this subject, such as the Equal Representation in Arbitration Pledge (ERA), are important. As member of the ERA, an international organization that promotes equality in arbitration, I am committed to the promotion of inclusion in this field and am deeply engaged in the execution of activities to achieve this objective. These types of initiatives advocate for inclusion and encourage women to come along for a mostly bumpy ride, to fight the good fight with the certainty that by seeking equal opportunity, whether access to the workplace, or equal pay for equal work, we are contributing not only to her small gain but to the improvement of society as a whole. The underutilization and/or exclusion of talented women in the workforce is having impact in our economics as a whole.

Giving opportunities to talented female practitioners in arbitration and other fields of law contributes to the strengthening of institutions. Investment in female participation and leadership is needed due to the positive effects on women on the process, awards and on the decision-making process towards effective solutions.

Progress has been made, but it is still a long path to parity, especially in developing countries such as Dominican Republic. Fortunately, we women are natural, resilient and successful jugglers!



Heidi Merikalla-Teir
*Secretary General
The Arbitration Institute of
the Finland Chamber of
Commerce (FAI), Finland*



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Where there is a will,
there is a way

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When I was in school, some of my classmates prepared a yearbook describing each one of us with a saying. “*Where there is a will, there is a way*” was the one chosen to describe me. I believe that the quality of determination or Finnish “*sisu*” (something close to guts and resilience), as we call it, stems already from my early years. I feel fortunate to have always been surrounded by many strong and wise men and women who have, by their example, shown to me that with a right attitude, hard work and by being true to one’s own values anything is possible. This is the message that I wish to convey to younger generations, including my own daughters.

To bring sustainable change in society, changing mindsets is needed. That, in turn, requires not only open-mindedness and open dialogue, but also willingness to take the required effort to accomplish change, curiosity and belief that a change is possible and in fact an opportunity.

As a Finnish woman, I can be proud of my country’s and fellow citizens’ achievements in bringing change in society both in terms of gender equality and conflict resolution. To give a few distinct examples:

At the outset, Finland can justifiably be called as a gender equality pioneer. Finland was the first country in the world to grant women full political rights already in 1906. Then, after only one year, the first female members were elected to the Finnish Parliament and, some twenty years later, the first woman minister was appointed in Finland. A new milestone was reached in 1990 when the first woman Minister of Defence in the world, Ms Elisabeth Rehn,



was appointed. Moreover, we had the first female President, Ms. Tarja Halonen, in office between years 2000 and 2012. She has been an advocate and a role model of equality since then. Among other things, Ms. Halonen is currently a member of the Council of Women World Leaders, an international network of current and former women presidents and prime ministers whose mission is to mobilize the highest-level women leaders globally for collective action on issues of critical importance to women and equitable development.

In terms of conflict and dispute resolution, Finland has been, for a long time, well known and recognized worldwide for conflict and peace settlement efforts. For the good reputation we have very much to thank the Nobel Peace Laureate and former President of Finland Mr. Martti Ahtisaari, a renowned peace mediator in international conflicts, and the Crisis Management Initiative (CMI), an independent Finnish organization founded by President Ahtisaari in year 2000 that works to prevent and resolve violent conflicts. Following Mr. Ahtisaari's footsteps, also Mr. Pekka Haavisto, Member of the Finnish Parliament and Chair of the European Institute of Peace, and Ms Elisabeth Rehn, have become recognized international peacemakers.

I am particularly honoured to finalise this list of selected achievements by combining both gender equality and conflict resolution. Firstly, I wish to applaud Ms. Carita Wallgren-Lindholm, an internationally recognized Finnish arbitrator, for her new position at the helm of the ICC Commission of Arbitration and ADR as of January 2018. Her career is unparalleled and she has by her example inspired me and certainly many other women in dispute resolution in the Nordics and elsewhere. Secondly, as an advocate of mediation, I am proud to note that the current National Conciliator, who is to act as a mediator in labour disputes, is a woman, Ms. Vuokko Piekkala. She has held the post since August 2018. Her predecessor Ms. Minna Helle was the first female National Conciliator in Finland. Ms. Helle was rightfully praised for taking leadership, being an opinion-maker and a forerunner. All this despite being a relatively young, but at the same time experienced, female mediator for rather traditional industries. A true role model indeed.

During recent years, gender equality has been a widely addressed topic in business. The Finland Chamber of Commerce's 7th Women Directors and Executives Report shows a record number of female appointments on the boards and executive teams in Finnish listed companies in 2017. An excellent achievement considering that, contrary to the situation in many other countries, this result has been achieved through self-regulation instead of quotas in legislation.

Against this background, I cannot avoid asking myself: How is it possible that despite these great examples of change in Finnish society, leadership positions in dispute resolution continue to be predominantly taken by men, also in Finland. Not much has changed since I started to work for one of the largest Finnish law firms after my graduation from law school in 2002, although I am delighted to note that we have recently witnessed some positive developments in this respect.

I would be inclined to say that women's impact on dispute resolution relates more broadly to the needed mindset changes in dispute resolution. This change might entail rethinking our services and organization structures and adding weight to new types of skills required from lawyers working in dispute resolution.



In times of increasingly changing and complex business environment, when digitalization and artificial intelligence are inevitable, dispute resolution will not remain unaffected either. The toolbox and skills required from dispute resolution lawyers and arbitrators, let alone those lawyers involved in mediations as counsel or mediators, need to be increasingly versatile. “Soft skills”, like listening, emotions and empathy, have not traditionally been on top of those skills required from, or valued, in a dispute resolution lawyer. From my personal experience, I vividly remember the moment when a colleague long time ago once stated to me that *“you are too nice to be a good litigator”*. For me, the comment reflected then, and even more so today, an old-fashioned and unfortunate attitude. The importance of emotional intelligence, diplomacy, genuineness and respect are among those characteristics that also Finnish peacemakers consider highly important in the resolution of conflicts to reach sustainable results. Increasing value is given to these softer skills also in a business context. I anticipate that these skills will be explicitly demanded in dispute resolution as well, particularly as interest in mediation increases. This does not mean that superior legal knowledge and a brilliant mind would become less important; on the contrary. However, the required skillset is becoming more diversified.

Another question that needs to be addressed when discussing gender equality in dispute resolution is arbitrator nominations by the parties and appointments by the institutions. The FAI has been at the forefront of establishing diversity in arbitrator appointments, already before it signed the Equal Representation in Arbitration Pledge in 2016. In terms of gender diversity, both in 2015 and 2016, 32% of the arbitrators appointed by the FAI Board were women. In 2017, the share of female arbitrators was 29%. These internationally high shares have been accomplished by encouraging open-minded discussion on suitable arbitrator candidates at the FAI Board meetings. We have recognized the fact that as the reputation of arbitral institutions very much depends on the quality of the arbitrators and their work, we cannot afford not to appoint the best and most suitable people for each individual case, including the appointment of women as arbitrators on an equal opportunity basis.

The FAI’s experience is, however, that, traditionally, the parties themselves have rarely nominated women as arbitrators. Indeed, before 2016, this happened in a couple of FAI cases only. In 2016 and 2017, we have seen a slight improvement in this respect. Roughly 16% (in 2016) and 7% (in 2017) of the arbitrators nominated by the parties were female. Not percentages to brag about, though.

The change in dispute resolution starts from a right mindset, which sees dispute resolution as a service reflecting the changes in society. If we wish—as we should—keep dispute resolution up with developments in business life, we need to rethink what is sustainable and responsible dispute resolution and how we can meet the end users’ needs to meet requirements of equality, sustainability and responsible business in their organizations and as part of their reporting obligations. If we add the fact that end-users are increasingly women with background in law firms and even experience from their dispute resolution practices, I see a momentum for a change.

I hope that we at the FAI can become the forerunners in changing the mindsets in dispute resolution. For us, being ahead means rethinking our services from the users’ perspective and providing our clients the best possible service, including the appointment of arbitrators on an equal opportunity basis.

I believe that where there is a will, there is a way to change also traditional business practices, such as dispute resolution.



Wendy Miles QC
*Partner at
Debevoise & Plimpton*



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

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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 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*

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Where the journey
will lead from here

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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.



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 onto 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 fifteen years I have successfully 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 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. I also frequently sit as arbitrator in all nature of commercial cases throughout the region, including in Singapore, Hong Kong, Malaysia and elsewhere.

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.





Nagla Nassar
Attorney at Law
“Nassar Law” Boutique Firm

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Perseverance
and hard work are
one’s best mentor
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My story with practicing arbitration is as strange as studying law. Though my ancestors have studied and practiced law, ever since Mohammed Ali sent Egyptian students to France to have the human resources necessary to establish modern Egypt (NassarLaw was established in 1885), which became a long-standing family tradition and profession. However, I never felt it was made for me; strange enough in my first year of university after trying several other disciplines which either bored or antagonized me, I went to pick a friend from the faculty of law (she dropped out after the first term) and listened to a lecture about law as a tool of social change and establishing justice. I was fascinated and from there on I was blessed with studying and practicing law and never had the urge to do anything else.

However, law was always for me a tool to pursue justice and from day one I wanted to be a judge. At the time of my graduation the path for being a judge was to work first with general prosecutor’s office and then go into the judiciary. At that time there were no females allowed in the general prosecutor’s office on the allegation that it was a tough job requiring males especially in view of society’s conceptions and traditions. I sued the state and lost and had no choice but practicing or teaching. Combined both careers for a while but as time passed I felt more desire to concentrate on practicing. I wanted to do arbitration and to eventually be an arbitrator which for me was the nearest I could get to judging and judicial work.

Again, at the eighties of the last century arbitration was a male dominated profession and for my first years after graduation I practiced corporate and contract law. However, I decided to carry my doctoral research on arbitration decisions in respect of sanctity of contracts which allowed me to solidify my knowledge of arbitral justice and opened the



door for practicing arbitration. After a couple of years in private arbitration practice I joined ICSID secretary. Being part of the ICSID secretary gave me the necessary leap to further a recognizable arbitration career. Joining ICSID was yet another incident of mere destiny. I was there for a temporary assignment studying ICSID case files and classifying them and extracting legal principles I left after really an exhausting period with lot of hard work which paid off soon after. A couple of months later ICID called me to apply for a position that came available in the Secretary. I joined this arbitration institution in time of expansion which allowed me a lot of exposure and insight understanding of the arbitration process. After a couple of years in ICSID it was time to leave to capitalize on such unique exposure and I went back to private practice.

With my degrees, publications and experience under my belt the road was paved to a flourishing arbitration career. For the first decade I mainly did counselling work in all types of cases. Thereafter, I started being selective picking disputes posing a legal challenge or novel legal issues. Never miss a deadline or let down a client and never accept a losing claim are the main elements for building a reputation as an arbitration lawyer. It is better to decline a dead claim and, forego the fee, than accept it and loss the case. Working hours were, and are still, very long but this is the nature of arbitration practice. Dedication is the main ingredient for success in arbitration practice which is, and was always, a very competitive field.

Alongside my counselling work arbitration appointments started coming along; first in small arbitration cases and they were few and apart. Gradually, as my reputation build up, the number of appointments increased, and the type of cases changed. The bigger cases involving higher stakes and more complex issues became the norm not the exception. Arbitration is one area of practice where a practitioner has to build up her/ his name and reputation which requires both time and pursue of excellency to ensure success. Now, after thirty years, my practice is mainly focused on being an arbitrator with the odd instance of acting as counsel if the case involves sophisticated interesting legal issues.

Finally, my dream goal came true. It was an adventures ride to realize my dream being a woman did not make it any easier though definitely it made it more interesting. With every challenge or obstacle, a struggle to prevail gave me renewed energy and determination to realize my goal. I believed in my abilities and relied on myself. I had no mentor but support and encouraging and helping hands were there. Loving parents who thought the world of my professional abilities and both being lawyers made me feel I have a legacy to live up to and a mission to carry to the next generation. Professors, colleagues as well as clients who guided the way.

Last but not least, I have to emphasise the importance of writing and publishing in determining my path and success. Throughout my career, and ever since my graduation, I always published and attended a limited number of conferences. Publishing is the best recommendation one can get and attending conferences helps keeping one's knowledge up to date and allows one to meet others active in the field and draw on their experience and knowledge. It was a long road where determination, perseverance and hard work allowed me to find my own way and certainly helped me to attain my dream goal of being an arbitrator in a male dominated field. Hard work is one's best mentor without which any mentoring or support is of limited effect.



Corinne Montineri
*Legal Officer in the
Secretariat of UNCITRAL*



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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 opportunities¹⁰

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

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



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, color, 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'¹¹.

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.

¹¹ See more at: <http://www.unwomen.Org/en/news/stories/2015/5/lakshmi-puri-progress-geneva#s-thash.D8T8 n15U.dpuf>

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 adopt 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 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 wellbeing and social progress; this is a goal to which we can hopefully all maintain as a priority and seek to uphold.



Gabrielle Nater-Bass
Partner at Homburger Law Firm



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Juggling it all:
it's possible!

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All roads lead to Rome, but there are various roads leading to a partnership in an international law firm.

My journey began in 1988 when I decided to study law at the University of Zurich. I grew up in Naters near Brig, in the canton of Valais in Switzerland. The Valais region is impressive with its unique nature and imposing mountains. However, like the mountains which dominate the region, so too does a traditional and conservative understanding of the role of women in society, and this, even more so 30 years ago. It was thus a big step for me in the 80s to go ahead with my decision to study.

Not only was I the first member of my family to even consider further education, but I was even more adventurous and was the only one in my graduation class who decided to study far away from Valais, in Zurich. I have never regretted this decision and I quickly got used to university life and settled in well in Zurich.

In 1994, I successfully completed my studies. Immediately afterwards, I completed an internship at a district court, where I also met my husband. As I was preparing for the bar exam in 1995, coincidence would have it that I met one of the partners of Homburger, a Zurich based law firm. He convinced me to apply for an associate position at Homburger upon completion of the bar exam. The firm was very appealing to me, especially because it was one of the few law firms that had a female partner at the time. In January 1997, I started my career at Homburger.





After having had my first taste of a lawyer in a large law firm, I started to plan new career paths with my husband, who was also a lawyer in a Zurich law firm. In keeping with the trend at that time, our focus was initially on obtaining an LL.M. degree from an American university. So, we arrived at the University of Virginia in the late summer of 1998 and graduated with an LL.M. in the summer of 1999.

By that time, I had already developed a great interest in international arbitration. Markus Wirth, a partner at Homburger, had sparked my enthusiasm for this area of law. In his role as chairman of various arbitral tribunals, he often brought me in as a secretary, even before my LL.M. studies. The international nature of the arbitration proceedings was very appealing to me. During my studies in the US, I therefore developed a strong interest in the subject of “alternative dispute resolution”. Since I wanted to gain some practical experience in this field in an American law firm, I started working as a Foreign Associate at Wilmer, Cutler & Pickering (now Wilmer Cutler Pickering Hale and Dorr LLP, or WilmerHale for short) in Washington, D.C., upon the completion of my studies. The excellent reputation of Gary Born, one of the partners at WilmerHale, who in 1999 was already regarded as a distinguished expert in the field of arbitration, was a decisive factor for me. However, when I started working I soon realised that the international arbitration practice in the US was not yet so well developed and that Gary Born was mostly active in London. From my office in Washington, D.C., I wrote an e-mail to Gary Born expressing my interest to work in international arbitration. Although I got no immediate answer, I did receive an unexpected visit from Gary Born himself. After an exciting conversation, he bade me goodbye with the sentence: “I promise you a case”. I had however to earn my spurs by first researching for one of his publications. But then came the promised first case; there were several arbitrations ongoing at that time regarding the granting of GSM licenses to telecommunications companies, and also one with a “Swiss connection”, thus enabling me to join Gary Born’s team in London in the spring of 2000.



The time I spent in Washington and London was an intense and informative period during which I gained a lot of practical experience in international arbitration. At that time, Gary Born's team in London was still small, but shaped by strong and ambitious young lawyers. They also introduced me to other young and aspiring "arbitration practitioners" from all over the world. Upon realising that there were so many talented young colleagues working in the background for distinguished arbitration experts with no knowledge of each other, my colleagues decided to found the YIAG (Young International Arbitration Group) in 1997, supported by the London Court of International Arbitration (LCIA). It didn't take much for them to convince me to join as well, as I was excited about the idea of such a network.

In the late autumn of 2000, I returned to Switzerland and resumed my work at Homburger. In the spring of 2001, I was actively involved in the foundation of ASA below 40, the "young group" of the Swiss Arbitration Association (ASA), as there had been no association of young arbitration practitioners in Switzerland until then.

In 2004, I took over as co-chair of ASA below 40. In the years that followed, this network developed tremendously. Today, ASA below 40 has over 1,000 members. YIAG and ASA below 40 have paved the way for further associations of young arbitration practitioners in other countries around the world, with whom we have maintained close contact and conducted joint seminars.

Today, I look back on the years in which these networks were institutionalised – with joy, satisfaction and a little bit of pride.

When I was up for election to partnership in my firm in the spring of 2002, I initially caused somewhat of a controversy in the partnership. I openly stated that I had family plans, which would entail that I would be seeking a part-time partnership – at least temporarily. At the time, Homburger still had only one female partner, but she had no children. Part-time models for partners were only available in very few exceptional cases, such as for example, partners involved in academic work, since the firm considered this to be advantageous to attract young talent at universities. For some of my male colleagues, it was very difficult to imagine at that time that the requirements for a partner could be reconciled with the requirements of a mother, especially since – in my particular case – my husband was (and is) also working full time.

My eventual promotion to partnership was quickly followed by pregnancy and, in January 2004, our daughter was born. Shortly thereafter, I returned to work, but only at 75 percent of my time. On 1 January 2006, I officially became a partner. In all honesty, the following years were not the easiest of my professional life. The balancing act between being a mother, a wife and a partner in a law firm demanded a lot from me, not least the willingness to often forego a considerable amount of sleep. However, I was happy and satisfied with my situation and therefore willing to face the challenges presented to me each day. Back then and still today, I consider it a privilege to be able to combine the dream of having a family with that of a successful and exciting career. This was not only possible because I wanted it and actively sought it, but also because I had a partner at home whom I could count on and who would always support me. In 2008, I increased my workload from 75% back to 100%.

Today, I look back on the 20 eventful years at my law firm, including ten years as a partner. At the end of 2017, there were still only two female partners at Homburger. However, there has been a lot of change in the attitude of my fellow male partners in recent years. So much so that they are no longer sceptical about female colleagues who wish to be both partners and mothers. At the beginning of 2018 the firm welcomed two female colleagues into the partnership, one of whom is a mother of two. Today we have many excellent female lawyers who purposefully and successfully make their own paths. I am convinced that many others will brave the step of combining motherhood or their desire to have children with a career as a partner. And it fills me with pride to be a role model to many of them and to have paved their way.

Everything can be achieved with the right attitude and in the right environment. My almost fourteen-year-old daughter is living proof of that. Full of confidence and conviction that she wants to become a lawyer herself, she finds it great that I have a very busy professional life and can tell her a lot of interesting stories.

So yes, juggling and still having it all is possible!

In addition to my work as a partner, I have had numerous engagements outside my firm. As a founding member, I have been very active with ArbitralWoman since its beginnings. During my tenure as Vice President from 2014 to 2018, I developed the idea and chaired the “young group” of ArbitralWomen, YAWP (Young ArbitralWomen Practitioners), which was founded in 2016. I am now a member on the ArbitralWomen Advisory Board. It is very satisfying to see the development of this organisation over the years and the important role it plays in the promotion of women in the still male dominated international arbitration community. I am confident that we will see more and more female leaders in the future, a cause that is important and noteworthy to ArbitralWomen.



Patrizia Netal
*Co-Director of The
Willem C. Vis Moot*

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It is a fact that women
are successfully
represented in the
legal community

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When I was a law student at the University of Vienna, I started to help in the organization of the Willem C. Vis International Commercial Arbitration Moot. This was definitely a rewarding experience that triggered my passion for international arbitration. While I found other areas of law interesting, arbitration was particularly challenging and intellectually stimulating – an image that it has lived up to throughout my career. I am currently the co-director of the Willem C. Vis Moot. Over the past 15 years, during which I developed my own career as counsel and arbitrator and worked in different roles for the Willem C. Vis Moot, I experienced the progresses made in terms of gender equality and the numerous issues that still need to be tackled.

At the very beginning of my career women working in the field of international arbitration, which had been traditionally considered a “men’s club”, were rare. In the Vis Moot, most of the arbitrators that came to Vienna to judge the students in the oral competition were men, which reflected the reality of arbitration practice back then. I was certainly lacking female role models that could have provided guidance for my career. Now, this has fortunately changed and there are many excellent female arbitration practitioners providing the younger generation with examples of how to pursue successful careers in international arbitration. As co-director of the Vis Moot I am proud of the significant impact the Moot had and still has on empowering female practitioners as it allowed thousands of female students across the globe to succeed based on merit rather than other criteria. Many of these former students became successful practitioners, academics or took leading roles in arbitral institutions.





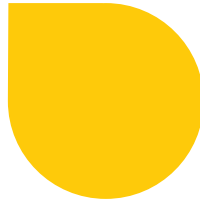
As counsel and arbitrator, I have mostly concentrated my work on international commercial arbitration. In 2016, I co-founded KNOETZL, a dispute resolution firm in Vienna specialized in arbitration, litigation, alternative dispute resolution, business crime and corporate crisis management. I am particularly proud that half of KNOETZL's team members are women, including at the partner level. It is a pleasure to work in a truly international and diverse team and I am personally convinced that diversity creates better working results and helps making the right decisions.

It is a fact that women are successfully represented in the legal community. However, women tend to spend less time on 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 personally overcame this still existing reality 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. I am grateful that I found the right partners and the right working environment for my profession and career.



Sylvia Noury

*Partner at
Freshfields Bruckhaus Deringer*



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Just do it.
What's stopping you?

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Born in London of a Spanish mother and Iranian father, by the age of three I had lived in all three countries. Perhaps this nomadic status left an imprint on my young soul. My early legal career spanned four cities in four years (Buenos Aires, London, New York, Paris). And it was the allure of international politics, culture and travel, as well as my love of public international law (superbly taught at Cambridge University by Professor James Crawford) that ultimately propelled me into the world of international arbitration.

Starting as a trainee in Freshfields' London office in 1998, I was one of an intake that was 50 percent women. My trainee overseas secondment took me to New York, where I worked with the arbitration group's newest recruit, Lucy Reed. It was not until I reached our Paris office as a newly qualified lawyer in 2000 that I found myself the only woman in a stellar team of all men (whose senior members included Jan Paulsson, Eric Schwarz, Peter Turner, Nigel Blackaby, Constantine Partasides and Stephen Jagusch).

However, as a junior lawyer I did not focus on the lack of women in my team, or more broadly in my field. I focused on doing exciting and challenging work, meeting interesting clients and witnesses, travelling the world and winning cases. At all times, I received a huge amount of support and encouragement from my male colleagues, particularly Nigel Blackaby, who swiftly co-opted me (as the only Spanish speaker in the Paris team) into his master plan to build from scratch the firm's (now award-winning) Latin American arbitration practice. Somehow, all of this distracted me from the fact that every hearing, conference, event and meeting I attended in the world of arbitration was male dominated – particularly



in the microcosm of Latin American BIT cases. Indeed, it was not until relatively recently that I attended a hearing with even one female arbitrator. (No prizes for guessing who: Professor Gabrielle Kaufmann Kohler.) And more recently still that I faced my first (lead) female opposing counsel. (Melida Hodgson of Foley Hoag, who I was both surprised and delighted to see leading a large team in an ICSID hearing with only one male member).

While I had stubbornly ignored the issue as a junior lawyer, in the run up to partnership it came more sharply into focus. There was only one female partner in our global arbitration group: Lucy Reed. And she had been recruited laterally. There were no obvious role models who could help me navigate the road to partnership in the over-achieving arbitration group at Freshfields; a road that was particularly daunting to a newly-wed woman whose main priority in life was starting a family. Luckily for me, my new husband gave me the right advice: Just do it. What's stopping you? It's what every man would do. You'll be great. And luckily for me, he's been equally supportive in my career choices ever since.

Navigating that particular road opened my eyes to the minority in which I stood. I became increasingly conscious of the paucity of women at senior levels: in partnerships of law firms, arbitral tribunals, institutional committees, conference panels, leadership positions in general. And it became increasingly unpalatable. This creeping discomfort culminated in 2015, when I decided, spurred on by conversations with a few female clients including Jo Cross at BP, and Jackie van Haersolte-van Hof at the LCIA, to take some action.

And so, starting with a dinner in London, the Equal Representation in Arbitration (ERA) Pledge was born. What began as a good idea in the eyes of 25 women and men gathered around a table at a restaurant in Berkeley Square in April 2015, quickly morphed into a successful international campaign. Over the next year, to ensure global reach and buy-in, similar dinners gathering cross sections of the international arbitration community were held in every other country where Freshfields has an arbitration team. By 2016, a high-powered Steering Committee comprising of members from a variety of arbitral institutions, firms, chambers, corporations and jurisdictions was established. Together, the Steering Committee, which I have the honour of co-chairing alongside Wendy Miles QC, put together a Pledge with concrete commitments to address the under-representation of women on international arbitral tribunals. The objectives of the Pledge were and remain (1) to improve the profile and representation of women in arbitration; (2) to appoint women as arbitrators on an equal opportunity basis. (www.arbitrationpledge.com)

The Pledge was launched in May 2016, with around 330 signatories. Today signatories are approximately 3000, comprising over 2400 individuals and over 550 organisations including most of the major arbitral institutions (e.g. AAA, ICC, LCIA, HKIAC, SIAC, SCC). The time was manifestly right for such an initiative, and I have been delighted and stunned in equal measure by its success. Not only in terms of the sheer number and quality of signatories, which has led to enhanced global awareness of the issue. But also, how those signatories have faithfully implemented the commitments they signed up to, resulting in concrete progress. Since the inception of the Pledge, statistics from arbitral institutions (more of which are now publicly available thanks to the Pledge) show a marked improvement in the gender diversity of arbitrators. While we still have a long way to go, the winds of change are palpable. I have witnessed first-hand the two institutions in which I hold positions (the SCC Arbitration Institute, led by Pledge Steering Committee member Annette Magnusson, and the ICC UK Appointments Committee, led by the impressively feminist Matthew Weiniger QC) take meaningful and tangible strides in the appointment of women arbitrators. I have seen an immediate and dramatic change in the representation of women on conference panels. The last two conferences I co-chaired after the Pledge (GAR Live London and the ITA-IEL-ICC Conference on International Energy Arbitration in Houston) achieved 50% female speakers with no difficulty. More anecdotally, I see and hear of lists of arbitrator candidates becoming more gender balanced, and of all-male lists being sent back. Previously male-dominated committees are being shaken up within arbitral institutions and other organisations. And firms active in arbitration are taking a critical look at their partnership numbers and leadership structures. My own recent elevation to London Head of International Arbitration at Freshfields is, I hope, but one example. (<https://globalarbitrationreview.com/article/1168867/noury-takes-helm-at-freshfields-in-london>)

To end on a personal note. Following that dinner in London in April 2015, the world changed for me. Two weeks later, my two-year-old daughter was diagnosed with cancer. This led to a sustained period of absence from work, while my daughter underwent intense chemotherapy, followed by frequent stints in hospital for the next two years. Some re-prioritisation naturally occurred during this time, but one project that stayed top of my list was the Pledge. By the time we launched the Pledge in May 2016, my daughter was fully on the road to recovery. And at the first anniversary of the Pledge in May 2017, I brought my six-week-old son to the drinks party to celebrate (on message in his Pledge “onesie”). When I eventually retire from the wonderful world of arbitration, I know that – head and shoulders above the fascinating cases, exciting hearings and successful awards and settlements – the Pledge is the professional achievement that I will be most proud of.



Carmen Núñez Lagos
Partner at Hogan Lovells



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Arbitration
is the answer

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Even as a young girl it was clear to everyone that I was going to become a lawyer. With a passion for human rights – an aspiring Red Cross worker at age 15, where my application was frustratingly rejected due to being underage – and known for needing to keep track of “mis papeles”, this was never in question. Through my university studies, however, I was exposed to diverse international environments, and while I very much enjoyed studying law, the focus on corporate, IP and other non-contentious facets of international business law left me feeling that there was one big question that remained unaddressed: how to resolve international disputes? At the time, arbitration just wasn’t taught on university curricula or a topic of discussion.

When I first heard about arbitration – at a summer school conference at the Complutense University in Madrid in 1989, given by visiting Professor Giorgio Bernini – it was a light bulb moment for me. This is it, I thought. This is the answer to my question. I understood at once the relevance that this would have for international commerce: resolving disputes through international arbitration. It also provided me with a more personal answer. As an internationally-minded student who had by this point studied abroad both at the University of Bologna in Italy and at Exeter University in the UK, I understood that this was what I wanted to do and decided on the spot to pursue a career in International Arbitration.

The first step in pursuing this goal was a month-long internship at the end of my LLM, participating in the Uruguay Round of the GATT in Geneva. This was notably the first time the U.S.A. allowed interns to attend GATT negotiations and also gave me my first taste of arbitration in practice by enabling me to participate in various arbitration panels to resolve disputes between GATT member countries. On completion of my internship I returned to Spain, now doubly fuelled by my passion and sense of purpose: to begin my career as an arbitration practitioner.



At that time in Spain the decision of where to apply was very straightforward as there was only one firm practicing international arbitration - B. Cremades & Asociados. Ten minutes into my interview I was told that there was no suitable position for me. I was adamant however that arbitration was what I wanted to do, the answer to my question, and so I began to advocate in defence of my chosen career. In that moment, my clear conviction and persuasive argumentation helped me to defend my first client: me. I succeeded in convincing the partner to create a position for me and was hired the next day - the first female arbitration practitioner in the team, in the only firm to handle international arbitration in Spain. This was in 1990 and was not only a massive personal achievement but also, given the historical context of Spain, a welcome sign of the changing times and a symbolic breakthrough for Spanish professional women.

The early days of my arbitration career were very exciting, especially since I was working for the only arbitration practice in Spain meant that almost all the arbitration proceedings relating to the country, involving both Spanish nationals and foreign investors, were handled by us. From the outset, I was exposed to truly international cases involving parties from countries including Algeria, Iran, Morocco, Mexico, Korea and India, and to my first ICSID case involving Argentina. It was this kind of multicultural context that I had first imagined when studying business law and which had led me to question how disputes arising between parties from such diverse cultures, with differing practices and norms could be resolved.

This idea of using arbitration to mitigate parties' cultural differences and enable the efficient resolution of commercial or investment disputes has always appealed to me. It was however also a vital part of carving out my career, as a woman in arbitration, against this international backdrop. I still remember to this day being sent to Paris in the late 1990s to plead a case on behalf of a Spanish bank against a party from the Middle East. At the end of the hearing everyone started to shake hands, but the opposing party passed me over, refusing to shake my hand: "In our culture we do not shake hands with women". This was not the first time I had encountered this kind of sexist behaviour, explained away under the guise of cultural norms, and sadly nor will it likely be the last. It was the reaction of the President of the Tribunal, however, which to me embodies the impartial and egalitarian nature of arbitration. Calmly, he explained that arbitration is by nature an impartial process which puts aside parties' cultural differences, and that therefore those who choose to submit to arbitration are agreeing to respect its principals. He then compelled them to shake my hand.

This episode made quite a lot of noise at the time, highlighting attitudes towards gender equality within the profession. It also strengthened my belief in the principles and power of arbitration to put aside such attitudes. This is not to say that there are no challenges in achieving gender equality, or that all practitioners are as willing to apply the principles of arbitration to their professional conduct as the President in that case. Indeed, as one of two women partners within my firm by that stage in my career, and among the very few women partners acting on cases on an international scale, I can tell you it was very male-dominated world.



Years later in 2006, and after further international experiences notably in Hawaii and Peking, I actually moved to Paris due to family commitments. I therefore set about qualifying at the Paris bar and began my next step at the reputed French firm Bredin Prat. In 2012 I moved to my current position as partner at Hogan Lovells and have now amassed in total over 28 years' experience in the arbitration world, acting both as counsel and arbitrator.

This distinctly complex mechanism, involving parties with such different cultural and legal backgrounds, requires – as I see it – a combination of an open-mindset, a fast and subtle understanding of various cultural situations, a capacity for listening and strong legal reasoning. As with the nature of arbitration, with regard to its principals of impartiality and fairness, many of the qualities required to be an arbitration practitioner seem to me to also lend themselves to the promotion of gender equality.

For me, arbitration started out as both the answer to an intellectual problem that I had, and to the very personal question of how I wanted to spend my life. It may be however that it also holds in its essence the answer to achieving gender equality within the profession and beyond for those that are willing to embrace its inherent values.



Mirèze Philippe

*Special Counsel, International Court
of Arbitration of the International
Chamber of Commerce (ICC)
Co-Founder of Arbitral
Women and Board Member*

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I believe in people,
their talents and
their achievements

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I did not plan to be a lawyer practicing in the field of dispute resolution and never imagined I would be considered a pioneer. Life is full of surprises which can turn out to be wonderful if we seize every occasion to build on. I learned from my parents to be positive in all circumstances and to build great things out of simple things. I seized every opportunity to make every event in my life interesting and later to develop my professional 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 and made the best out of each situation. I owe my achievements to my parents, my family and my husband. I was also fortunate to meet many amazing men and women who have been an inspiration, starting with my ballet teacher Georgette Gebara.

My path and my projects were different from what I ended up doing. I studied business in Beirut (Lebanon) where I was raised. I was a ballet dancer and was convinced that I would share my life between my passion, ballet dancing, and practicing business for my living. But the war broke out in Lebanon in 1975 and all my plans changed. As I spoke German, I first landed in Germany and worked in a marketing department of a firm. I then managed a small firm in Belgium and later joined my sister in Paris. I returned to Lebanon in 1982 and continued to practice business and exercise ballet. In addition, since the war broke out and for twenty years I was very active in humanitarian organisations in Lebanon and in France; one of the projects I elaborated and conducted concerned training jobless people in countries coming out of a war. I was president of a Lion’s Club for two years and a Board member for several years. In autumn 1983, I was in France on holiday when the airport in Lebanon closed. So, I took temporary jobs until the opening of the airport could allow me to go back home.



One of the jobs happened to be at the ICC where I still work and where I had a wonderful experience.

The first aspect of my story as a pioneer concerns my role at the Secretariat of the ICC International Court of Arbitration.

When the Director of the ICC Court, Tila Maria de Hancock, offered me a job at the Secretariat of the Court, I declined at first but later accepted it. I worked with a German counsel, Alexander Schill, who convinced me to study law. Coming from a business background I thought that it might be indeed interesting. I eventually graduated with a DEA from university Paris I Panthéon-Sorbonne. Jean-Jacques Arnaldez then encouraged me to start publishing, which in the 1990s was not as easy as it has been in the last fifteen years, but I was fortunate to be offered the opportunity to do it with the support of the late Philippe Fouchard, one of the French gods of arbitration.. I was not interested in staying at the ICC in my position as Deputy Counsel and informed the ICC of my intention to leave. The ICC asked me to stay and offered me to take on additional responsibilities under the leadership of Sigvard Jarvin at the beginning. Later, Benjamin Davis included me in his team entrusted with the creation of a case management system which later became the basis for the NetCase platform that I built. All of these colleagues have been wonderful mentors. I was a pioneer in this respect, as I was the first Court staff member to carry out several functions simultaneously and for various projects. Fifteen years later, I was promoted to the position of Special Counsel and entrusted with numerous projects, which I enjoyed and led successfully. Like any person, I experienced difficult moments, but also satisfaction, as I succeeded to develop my position and undertake interesting projects.

The second aspect of my pioneering role is related to co-founding and successfully building ArbitralWomen.

In 1993, my colleague at that time, Louise Barrington, started an initiative which later became ArbitralWomen. She was a role model for me. I believed in her initiative and joined her to build this successful network. I started up an electronic group on Yahoo in 2000 to gather together women practitioners in dispute resolution. My business experience in marketing and public relations were extremely useful in promoting this initiative. As the group was exponentially growing, Louise and I decided to incorporate ArbitralWomen in 2005 and to create a website. ArbitralWomen is globally recognised as the leading professional organisation for the advancement of women in dispute resolution. ArbitralWomen's success was permitted thanks to the full cooperation between Louise and myself and to the unconditional support of my husband. Bringing the organisation to its successful position represents a lifetime's dedication, considering the time invested since 2000 to developing ArbitralWomen and its activities. I am happy and proud that our efforts, together with those of ArbitralWomen Board members, were worth the investment. We have succeeded in raising awareness about the role of women in international dispute resolution and have contributed to making women much more visible. I published several articles to report about women in the dispute resolution environment, including articles as a tribute to all women pioneers and role models (see articles under my profile on <http://www.arbitralwomen.org/Profile/userId/14>). In 2015 I also started contributing to the project of the Equal [Representation in Arbitration Pledge](#) and became member of the Steering Committee and the Search Committee. This dedication and lifetime efforts towards promoting women in dispute resolution were crowned with a CPR Diversity Award that I received on 8 March 2018 (see [ArbitralWomen Newsletter issue 25](#)), the day on which the international women's day is celebrated.



The third aspect of my story as a pioneer is related to building the NetCase platform to give access to ICC arbitration users to their cases in a secure online environment and becoming one of the pioneers in the field of online dispute resolution (ODR).

I was entrusted in 2000 by Robert Briner, president of the ICC Court at that time, with building the platform but I was not interested in a project that I thought was technical. I learned very quickly that a significant part of technology projects includes legal issues. I eventually accepted to take on the project and lead it successfully. I continued since then meeting with a group of pioneers in ODR who convened an annual forum aimed at following up the progress in using technology to resolve disputes. I organised the 2017 edition in Paris, a successful two-day conference during which we discussed about equal access to information and justice. I submit that giving access to justice through online mechanisms to offer remedy to people who cannot afford going to courts is a question of human rights, and preventing such access equates to denial of justice. With my fellow ODR practitioners, we militate for a better access to justice through ODR.

The lessons that I learned from my experiences, are to be positive as my parents taught me, to persevere, to develop our individual talents and to seize every opportunity to make things better. We should not relinquish what may be considered at first sight non-essential for our career; it may end up being one of the aspects that helped us build or improve our career. Another lesson I learned is the importance of selecting one or two fields in which to build experience and become one of the specialists. Finally, we should never think that we no longer need mentoring to continue building experience; mentors and mentees can learn from each other, especially when their practices are different and when they are of different generations.

I recently concluded an article citing Oscar Wilde who said that progress is the achievement of utopias. I remain very positive about the future of gender equality in dispute resolution. We will hopefully see more and more talented women in lead positions. Statistics show positive signs of progress, which despite being quite low in numbers, are encouraging, because mind-sets and practices have changed. Diversity and transparency have been in the recent years the centre stage in the business and legal communities and are being celebrated. Progress can thus only continue. We are living in a crucial period where change is happening quicker than in the past. We can all contribute to building parity as this is everyone's responsibility.

I believe in people, their talents and their achievements. I dedicate this book to all women who militated for women's rights and for equal treatment, especially the ones who remained anonymous.

Mirèze Philippe is Special Counsel at the ICC International Court of Arbitration, founder of the ICC Court's Secretariat Amicale, Co-Founder of ArbitralWomen and Board member, member of the Equal Representation in Arbitration Steering Committee, member of the Board of Advisors of Arbitrator Intelligence, member of the Advisory Board of Association Arbitri, member of the Editorial Board of the International Journal of Online Dispute Resolution, fellow of the National Centre for Technology and Dispute Resolution ('NCTDR'), and was member of the UNCITRAL Working Group III on ODR (work ended in February 2016).



Chitra Radhakishun
*United Nations Conference
on Trade and Development*



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It is a fact that women
are successfully
represented in the legal
community

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Just and Fair Resolution of International Economic Disputes: International Legal Aid and Ombuds-services

It is with great pleasure that I participate in this project which aims to illustrate how women in arbitration can be agents of change and development. As requested by the editors, the contribution focuses on activities and projects I have been associated with.

The United Nations Conference on Trade and Development, UNCTAD, is an important catalyst of societal change and advancement of global justice. The institution's main objective is to assist people from developing and Least Developed Countries to participate beneficially in the global economy, to allow their peoples decent standards of living and ultimately, increase their welfare. Since 1964 UNCTAD is serving the cause of development and it has been my privilege and good Karma to have served the mission of UNCTAD for many years.

In 2003 the management of UNCTAD's Project on Dispute Settlement in International Trade, Investment and Intellectual Property was assigned to me. Thus, bringing me, in a most unusual if not mysterious way, back to my first passion: Arbitration, the topic I had planned to write my master's thesis on in Law School.



UNCTAD's Dispute Settlement project responded to the need of developing countries for increased capacity in international dispute settlement. The birth of the World Trade Organization (WTO) in 1995 with its Dispute Settlement system, had laid bare the then still less discussed side-effect of rules-based international commercial exchanges: the need to be well-equipped when involved in dispute settlement. In its early years, the WTO did not provide training on its dispute settlement system. To remind, at the turn of the century information and communication technologies were, compared to today, still in their infancy and e-learning systems, today considered common, did either not exist or were not yet well-developed.

Through a series of modules, some written under UNCTAD's auspices by leading international specialists, others in cooperation with other United Nations and multilateral organizations such as the United Nations Commission on International Trade Law, UNCITRAL, the World Intellectual Property Organization, WIPO, and the World Trade Organization, WTO, the project provided cutting-edge knowledge to its beneficiaries. In the first five years of its launch, close to 1 million copies of the modules, offered free of charge, were downloaded. The project also delivered national and regional capacity building activities and could barely cope with the large numbers of requests it received. The importance of the project for the advancement of global justice and development cannot be underestimated.

As manager of the Project and at all times keeping sight of the objective of development of beneficial trading relations for developing countries, I emphasized the need for dispute avoidance, alongside providing handles on settling disputes. A key message in the training programmes was that for developing countries the necessity of maintaining peaceful trade relations, that is, for dispute avoidance and prevention, was more important than it was for industrialized countries. For these countries, dealing with disputes diverted time and money from production and the so dearly needed income therefrom. Time and money that could much better be spent on essential socio-economic programmes, be these access to clean water or granting loans to poor farmers.

Serving the UNCTAD project allowed me to meet leading arbitrators, to keep abreast of new developments, to learn from the best – but also, to build strategic development alliances and find support for causes such as for the advancement in the world of arbitration of women arbitrators and practitioners from developing countries. It did the community proud to see that renowned arbitrators such as Hew Dundas, Jacques Werner, and (the late) Thomas Wälde, to mention just a few, espoused these causes from the beginning.

Soon after I had become manager of the project, I met ArbitralWomen's co-founder Louise Barrington. Louise needed little effort to convince me to join ArbitralWomen. This has been a decision I never regretted. History shows that ArbitralWomen rapidly became a central arbitrators' platform and a trusted global brand. ArbitralWomen is now the "Who- is-Who" of women in arbitration, thanks to the leadership of Mirèze Philippe and Louise Barrington. Trailblazers Louise Barrington and Mirèze Philippe had a vision. With continuing efforts for over 25 years, mostly behind the scenes, with lots of late night and weekend work, always moving forward, with courage and optimism, they built the organization brick by brick, event by event, and made history in the world of arbitration. These women are leaders among other pioneers, some of whom associated to ArbitralWomen for a short while, some for a bit longer. All of them deserve praise. As there are too many to list here and as they are all well-known in the community, that may not be necessary.

Increasingly aware of the challenges developing countries faced in dispute settlement, I searched for options to meet the challenges to redress power imbalances. My research showed that developing countries' lack of access to legal support kept them at the weaker end in dispute settlement, on the one hand, while there were systemic challenges on the other, such as the multi-layered dispute settlement systems and more especially the increasing number of Dispute Settlement Forums.

What developing countries needed in legal support was comprehensive, easily accessible and inclusive international legal aid. Partial solutions existed. One good example is the Geneva based Advisory Centre on WTO Law, ACWL, which offers support in trade disputes. This successful provider of legal support benefits from international funding and has a good record for assisting governments with advice, support and training on WTO Dispute Settlement.

While proposals for providing international legal aid kept resurfacing in one form or the other, no structural comprehensive international solution existed. Building on the results of my research, in 2009 I published a proposal for the creation of a dual international Legal Aid Facility and United Nations Ombuds office. The proposal aimed to achieve a better balanced, more just and fair resolution of international economic disputes, and to respond to developing countries' need for legal aid. The envisaged Ombuds office would be a provider of ADR, conciliation and mediation services, in international economic disputes, under the umbrella of the United Nations. The legal aid facility I proposed was to be a one-stop universally accessible facility and was also to be created under the auspices of the United Nations.

“Confidence and Perseverance”

Though my position as Project Manager left me room to present analyses and proposals through published think pieces, my mandate did not allow for transforming the 2009 proposal into programmes or projects. There were no means for me, in the position I held, to work on the creation of the proposed facility at that time. I did get, however, opportunities to present the concept on international and national conferences and meetings, and through publications. One of the great opportunities to present the concept was the 2013 ArbitralWomen Conference, in Dublin.

How can I respond to the question of what I see as my contribution to change?

In 2018 there still is no system for the just and fair resolution of international economic disputes! And this is not among the main objectives for the immediate future either. Fifteen years after I started to work on dispute settlement, obtaining fair and just outcomes in dispute settlement remains a challenge for many developing countries... .

Nevertheless, some eight years of promoting the proposals, have resulted in increased awareness and support. I am therefore optimistic that a system for a more just and fair resolution of international economic disputes will, sooner or later, become reality.



A lesson I learned is that it is important to make use of opportunities that present themselves. I have always been aware that the impact of actions of an individual is for an important part determined by the external environment. Therefore, I tried to look for supportive external environments. I found these in two structures, both of which with moral authority and an international mission, namely ArbitralWomen and the United Nations. The first one is an open structure, which welcomes and endorses ideas and is a catalyst for change. The latter is the principal organization at the service of all Peoples of all Nations. To realize its objectives, the United Nations is increasingly partnering with development stakeholders, especially from Civil Society, and provides opportunities for all actors to promote new ideas.

Both ArbitralWomen and the United Nations are universal vehicles with recognized brand names, that can provide support to agents for change. I feel privileged to be associated with these two international organizations whose missions I continue to wholeheartedly endorse.

Chitra Radhakishun is a national from Suriname. The views and opinions are those of the author and do not necessarily reflect those of the organizations she was or may currently be affiliated with.



Lucy Reed

*National University of Singapore
Formerly head of Freshfields'
global international arbitration
group*

“ Unexpected
Immersion in
International
Arbitration ”

I am often asked how I came to be where I am in international arbitration, and I usually answer: “Two words – Islamic Revolution”. It is actually more correct to say, “Six words – political events in Chile and Iran”.

How is that? I did not study international law at the University of Chicago, and courses in international dispute resolution were nowhere on the horizon. When I graduated in 1977, my ambition was to be a litigator and so I took a position as law clerk to a federal trial judge in Washington DC, the late Barrington D Parker. By chance – really by chance, because at that time cases were assigned by spin of a wheel – Judge Parker was assigned the criminal case stemming from the assassination of former Chilean diplomat Orlando Letelier by car bomb in Washington, allegedly by Pinochet Government secret agents. This led to a long trial, with international discovery, extradition, treaty law, comparative criminal law and on and on. Again, by chance, Judge Parker was assigned the case in which the US House of Representatives sued President Carter for “giving away” the Panama Canal, the case in which CIA Director Richard Helms plead guilty for lying to Congress about foreign covert activities, the “rice bribery” case involving a Congressman and Korean diplomats. I was immersed in international law and practice. I never looked back.





When I finished my clerkship in 1979, I went to the small(ish) Washington firm of Wald Harkrader & Ross – a founder of which was the late Bob Wald, Judge Patricia Wald’s husband – to do litigation and especially international litigation. The Islamic Revolution was starting in Iran. In 1981, after the Algiers Accords were signed and the US hostages were released, the Iran-United States Claims Tribunal was set up in The Hague.

Also, by chance the late John Westberg had friends at Wald Harkrader. John had founded the first Western-style law firm in Tehran, which he of course had to abandon after the Revolution. He joined the firm, bringing with him loyal Fortune 100 companies with contract breach and expropriation claims against the Islamic Republic. We ended up with over 40 claims for US investors, which I personally (and single-handedly, for reasons I cannot remember) filed in the Peace Palace in January 1982. Beyond box-carrying, I worked on several early cases at the Tribunal, and well remember researching expropriation cases in the library of the American Society of International Law when there was not even a card catalogue. I was on the legal team representing Phillips Petroleum Company, resulting in (to my knowledge) the first international arbitration award of lost future profits based on DCF for an energy concession contract.

Fast forward to 1985, when I transferred my growing experience to the Legal Adviser's Office of the US State Department (in DC shorthand, "L"), specifically the Office of International Claims and Investment Disputes ("L/CID"). Those were fun days, as L/CID was in effect an international litigation boutique with laterals from other firms, and we were the lead advocates in very high-profile cases for the US government. After some other L assignments – and the arrival of our daughter in 1988 – I was named the US Agent to the Tribunal. In my three fascinating years in The Hague – which saw the arrival of our son in 1991 – I tried many treaty interpretation and contract cases for the US Government, advised "large" private claimants (over \$250,000) in countless contract breach and expropriation cases, helped negotiate the settlement of the 2500 "small" claims, and worked on various ICJ cases and Hague Conference on Private International Law initiatives.

To use fewer words, I backed into my long career in international arbitration. And I had the good fortune to be immersed in international arbitration cases early in my career, both at Wald Harkrader and in the State Department. I was able to learn by doing, by having scores of cases rather than a handful. Other women leaders in our field, albeit by different routes of academia or specialized law firms, share this immersion experience, or trial by fire.

I hasten to add that I owe my success to more than good fortune. First, one has to be ready to accept good fortune. In our field, there is no substitute for hard work, intense study, endless refining of written and oral advocacy. Second, good fortune does not fall from the sky – it comes from others. I owe a great deal to my seniors and, for this history, especially to Mike Matheson of L, who seemingly had no second thoughts about sending a woman to The Hague as US Agent opposite the Agent for the Islamic Republic of Iran. If Mike Matheson – one of the best and more rigorous international lawyers I have ever had the privilege to know – thought I could do the job then, well, I surely could.

The same goes for the late Ambassador Stephen Bosworth, who delegated lead negotiator authority to me – again, seemingly without blinking an eye – when I was General Counsel of the Korean Peninsula Energy Organization (KEDO), the International Organization set up in 1995 to deal with the North Korean nuclear program (in part). I was the only woman professional in the Secretariat in New York, and there were never any women on the delegations from our member States or North Korea. Among my most memorable tasks was leading a delegation of some 100 experts (engineers, doctors, bankers, police, agriculturalists, prosecutors, telecoms experts ...) on a ship from South to North Korea (the first since the Korean War) to spend weeks negotiating what was in effect the regulatory infrastructure for our nuclear plant construction project -- all men (well, except my KEDO interpreter, who was seasick). Did I have doubts about how I could manage it all? Of course. Did I show them? Never.

Do I consider Mike Matheson and Steve Bosworth to have been mentors? No – rather sponsors, who saw and trusted what I was capable of and sent me off to do it.

This is the role I most like to play with young international arbitration lawyers, especially women. Of course, I do my fair share – maybe more than my fair share – of hands-on editing, teaching legal strategy, mootings, giving career guidance. But I measure my greatest success in the field to be when I can say to a junior: "You are ready to take this opening, or do this cross-examination, or meet with this client, or run this negotiation", and she or he, maybe with a nudge or even with a shove, jumps off the cliff.



Adedoyin Rhodes Vivour

*Managing Partner
Doyin Rhodes-Vivour & Co
Legal Practitioners and Arbitrators*

“ Every appointment is a privilege and an opportunity to render the highest standard of service ”

I graduated in Law from the University of Lagos, Nigeria in 1980 and was subsequently called to the Nigeria Bar in 1981 after attending a course of Study at the Nigerian Law School. I later went back to the University to study for a Master's in Law at the University of Lagos. During my student days arbitration and ADR were not being taught in Nigerian educational establishments despite arbitration and ADR being part of our traditional means of resolving disputes and its continuing recognition in the Nigerian legal system. At this time very few Nigerians indeed only two persons one of whom was a woman; Chief Mrs. Tinuade Oyekunle, C.Arb; Past Chairman of the Chartered Institute of Arbitrators Nigeria Branch were known in the international arbitration arena.

Fortunately, in the early part of my career I worked in the Lagos State Government Ministry of Justice and at a time when United Nations Centre for Transnational Corporations working with the Department of Justice was spear-heading a series of educational seminars as a means to capacity building in Nigeria. Arbitration Contracts were a core aspect of those seminars and gave me a fuller understanding of the arbitration clauses I was coming across in the course of my official work. I resigned from the Ministry in 1990 to go into the corporate field but my interest in this area had been ignited and I focused on gaining as much knowledge as I could in the field. In 1997 I resigned and set up my own law firm. I have seen my law firm grow over the years and it has further provided the opportunity to mentor younger ones including law students who regularly intern with us. I continue to maintain a relationship with my mentees.

In 2001 I was awarded the prestigious British Government Chevening Scholarship in the area of Peaceful Settlement of International Disputes. I attended King's College, London University of London where I studied for a Master of Arts in International Peace and Security an integrated study of international law and international relations. During my study year I continued to play an active membership role in International Arbitration Organizations.



An important part of my career development was attending conferences, workshops and seminars organized by major arbitral institutions which I later joined. These events exposed me to high level qualitative training and gave the opportunity to meet top professionals in the field. I also devoted substantial time on writing articles on topical issues in the field. I became an Associate of the Chartered Institute of Arbitrators in 1995 a Fellow in 1999 and was later elevated to Chartered Arbitrator status in 2004. I had earlier received my first arbitration appointment in 1998 whilst an associate of the Chartered Institute of Arbitrators. It was a dispute between a major oil company and one of its contractors. I was appointed through the default appointment mechanism and I was very proud of my award which I painstakingly drafted. The trainings I had received from top international arbitral institutions stood me in good stead.

I have since received various other appointments domestic and international. To me it's important to consider every appointment as a privilege and an opportunity to render the highest standard of service. It did take some years between my first listing on international panels and actually receiving international appointments, but I was patient, hopeful and increased my network while remaining focused on developing myself professionally and then the appointments started coming. In arbitral proceedings it may be challenging at times to deal with the dynamics of the various participants including the arbitral tribunal. However, I always look to stay focused on the task ahead with emphasis on maintaining my independence, impartiality and integrity and my duty to render a fair, valid and enforceable award.

I have a yearning to play a role in developing the arbitration field in Nigeria ensuring it meets international standards whilst enlightening our populace on the benefits and advantages of arbitration and ADR, the need for our practitioners to develop skills of a qualitative excellent standard and also imbibe the essential standards required should arbitration and ADR continue to be popular.

In 2005 I was appointed the pioneer chair on the Nigerian Bar Association (NBA) Section of Business Law Arbitration/ADR Committee. Our strategy was to organize seminars and conferences, organize moot arbitration sessions and interface with our judiciary. Realizing that our maritime community had very little knowledge about arbitration and ADR despite arbitration and ADR being the traditional method of resolving maritime disputes and having gained from my international exposure I invited some of my colleagues who shared the same vision to form the Maritime Arbitrators Association of Nigeria (MAAN) with a view to promoting maritime arbitration in Nigeria. I served as the founding president of that Institution for five (5) years. I am presently the Chairman of the Chartered Institute of Arbitrators Nigeria Branch having been a member of the Nigeria Branch since inception and also a member of the International Law Association International Committee on International Commercial Arbitration and the Pioneer Chair of the Nigeria Branch. I was also nominated by Nigeria to serve as a member of the Court of the Permanent Court of Arbitration (PCA). I believe I am the first woman to be nominated by Nigeria to serve on the court of the PCA. I served between 2010 and 2016.

This various organizations which I support and continue to play a leadership role in have given me a platform to promote arbitration and ADR. One of my future plans is to participate actively in international arbitration moots. Though I have received several invitations I have unfortunately not been able to participate thus far due to my schedule. I believe the international moots are of significant impact in developing the career of our younger ones and I intend to play a future role in the moots.



I do not focus on my gender nor see myself disadvantaged as a woman. In appropriate circumstances I demonstrate the ability to stand up for my rights and do not condone any discrimination. Excellence to me is the watch word and that is the standard by which I gauge any reference or work I am involved in. To me, knowledge and self-worth is power and a means to actualize ones' vision.

Recently I was co-opted into the Equal Representation in Arbitration (ERA) Pledge International Steering Committee (a first step in the direction of achieving more equal representation of all under-represented groups) allowing me the opportunity to be of service in promoting diversity in the international arbitration field and promoting opportunity for women on an equal opportunity basis without sacrificing merit and hard-work. Though I recognize that many professions started off as being male dominated my belief that the world has a place for women did not allow gender issues to deter me from the onset. The recognition that I can prove that women can do equally what a man can do has always encouraged me to look to reaching the heights of my profession. I enjoy mentoring younger women on the route to success. Over the years I have seen an increase in the number of African arbitrators on the international arena. In particularly in Nigeria, a number of younger female arbitrators have climbed onto the ladder and are distinguishing themselves.

I emphasize dedication, hard-work, focus, service, integrity and the need to maintain a good work/family balance. I do believe in a higher being, my creator. I enjoy the work I do and being part of a dynamic landscape. When I was younger I wanted to be an ambassador and I do feel that I am fulfilling that role through the expertise and competence I have developed over the years I am able to showcase my country as a country with properly qualified and competent arbitrators and ADR practitioners. I love the opportunity my work has given me to travel and make friends across the globe.

From very early in my career I was determined to write a book which will be comprehensive on commercial arbitration law and practice in Nigeria to further guide members of the judiciary, practitioners, academicians and students. I started collating my materials a long way back and thankfully the book was published by LexisNexis in 2016.



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 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.

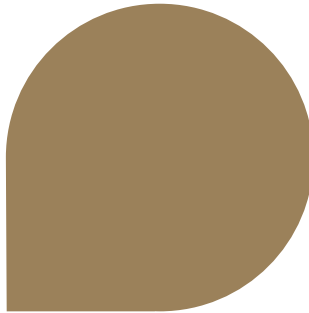
Firstly, I have learned perseverance. The idea for AI derives from an article I wrote 10 years ago. For the first 6-7 years I tried to push my concept forward but was constantly given reasons why it would never work. Some people even told me that they hoped it would fail.

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.



Vikki Rogers
*Thought-leader,
Innovator, Lawyer
Vice-President, Learning,
Development & Research, IACCM*



“ Access is a gateway to knowledge, opportunity and resolution ”

The field of dispute resolution is in a transformative period. Technological innovation – analytics and visualization, artificial intelligence, social-networks, voice-driven interactions, and blockchain – is impacting our frameworks for interaction and transactions, including those that are legal. We are experiencing its impact on the performance of our legal work, re-thinking our notions of access and justice, as well as the organization of public and private justice systems.

During this period of rapid transformation, I realize I have been drawn to opportunities to pioneer global initiatives that leverage technology to provide access to legal information, training in dispute resolution and the development of legal frameworks and systems for online dispute resolution (ODR). In my current role, I am participating in projects that represent a convergence between content, technology and design to shape the future governance frameworks for global commerce.

My foundation is as a practicing lawyer and academic in international arbitration and international commercial law. When I first started my legal career in 1999, I benefited from working as a research assistant at prestigious research institutes, including the Institute of International Commercial Law, Law Centre for European and International Cooperation (RIZ), and the Institute for Comparative Law, the Conflict of Laws and International Business Law.

I also gained valuable insight and practical experience working on international arbitration cases as an Associate at Shearman & Sterling in their Frankfurt and New York offices. For a brief period, I experienced the process through an additional lens, working as a case manager at the AAA International Centre for Dispute Resolution. During these years, I also taught international arbitration and international commercial law at various law schools and maintained a close connection to the Vis Moot supporting students around the globe to achieve success in the competition.

As I have progressed through my professional journey, I sought roles that afforded me the opportunity to acquire new knowledge and perspectives, working on innovative projects with thought-leaders and leading experts. For this reason, I re-joined the Institute of International Commercial Law in 2009. For the first two years of this tenure, before his passing, I worked with a most influential mentor, Professor Albert Kritzer. I credit Professor Kritzer with planting the seeds of innovation from which my work has grown.

The first seed of innovation to sprout revolved around the online dissemination of legal information, and its power to level the legal playing field and foster uniformity in the application of international laws. I led the development of a content management system (CMS) and website project to enable the technical longevity and sustainability of the CISG Database (UN Convention on Contracts for the International Sale of Goods). I developed an expertise in CMSs, as well as ancillary issues including taxonomies, multi-lingual collections, searching, website design, user interface, and migration of thousands of unstructured records. I married technology and legal information in a way to ensure that the technological architecture was sustainable, agile and legitimate to support the future development of uniform sales law.

Another seed of innovation that sprouted in my career related to online teaching initiatives in dispute resolution and international sales law. I became acutely aware from students and lawyers that access to educational programs in international arbitration and international sales law were expensive and usually require travel. There was a gap in the market, with sharp divides in the level of training and support that were being provided to law students and lawyers around the world.

I decided to positively impact that dynamic to level the playing field. I developed a portfolio of online learning programs in international arbitration and international commercial law to support law students, lawyers, judges, and academics, globally. They were a combination of massive open online courses and modestly priced certification programs. These were some of the first programs that experimented with the delivery of dispute resolution training in a live online environment. Based on the success of these projects, I was inspired to create an online Vis pre-moot drawing hundreds of students and arbitrators annually from across the globe to conduct online arbitration hearings. It was exciting to use innovation to further access, as this program was the vehicle for many teams to connect with the rest of the world. These initiatives collectively also started a wave of similar initiatives by other teams and schools.

Ironically, it was my focus on international sales law that led to me to grow the seed of innovation in ODR. Around 2009, my Institute was leading an initiative to create a Convention on Contracts for the International Sale of Goods to Consumers, which included a proposal to create an ODR system to enable the resolution of disputes arising under the Convention. Although this project never came to fruition it did ignite my work in ODR and led to a long series of engagements that culminated in the development of ODR systems and the legal frameworks to support them.



I first collaborated on the development of an ODR framework at the OAS for cross-border B2C disputes. It was decided we needed to bring this work to a global stage, and I took a leadership role on the initiative, first working with UNCITRAL to organize a colloquium on ODR, then drafting the paper supported by dozens of NGOs to create a working group on the subject.

I served as an expert to UNCITRAL on the Working Group once it was established, and then as an observer, until I shifted roles to become part of the delegation representing the United States government at the Working Group until the completion of the project. The work took about six years and culminated into the first set of Technical Notes established for ODR at a global level.

On a national scale, I used my role as a Fellow at the National Center for Technology and Dispute Resolution to organize and host an ODR conference that helped lead the exploration of the application of ODR to domestic court systems. Subsequently, as co-Chair for the ABA Dispute Resolution Section Committee on ODR, I advised the ABA Commission on the Future of Legal Services to support the establishment of an ODR system in the New York courts, and have work closely with the New York courts as they implement ODR for some of their caseloads.

Today, I have the privilege to advise various governments, start-ups and inter-governmental organizations on the creation of ODR systems, and supportive legal frameworks as they consider how to re-think the delivery of their services.

Over the years, I've been attracted to the synergies between technology and the law because they enable access in non-traditional forms. Access is a key to creating opportunity, increasing diversity and achieving the best in creative-problem solving and innovation. It is also an issue that you become particularly aware of, and strive for, when balancing a career and family. The initial seeds that were planted continue to grow exponentially, and there are possibilities for all of us to impact the evolving future of dispute resolution.



Dorothee Ruckteschler
Partner
Rechtsanwältin

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Do what YOU
want to do

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I have been a lawyer since 1983 and for many years worked part-time in a large law firm – CMS Hasche Sigle – in order to be able to take care of our two sons, born in 1989 and 1992. In the meantime, I have been a partner with CMS Hasche Sigle for 18 years, have built my practice and reputation as counsel and arbitrator in litigation and arbitration, initiated, developed and led the Dispute Resolution practice of CMS Germany and have headed the International Arbitration Group of the CMS alliance for several years.

In achieving this, I have been very lucky to find great supporters. But what is more important: I have always loved my work and have enjoyed the challenges that came with it. And I always knew that this was what I wanted to do and that I wanted to have success.

There have been two occasions in my career when I felt discriminated against and was really frustrated, but mainly extremely furious. On both occasions, I decided to stand up against that discrimination and convince the relevant people to rethink their approach. Certainly, it was not easy to do this, but I gained a lot of experience and also independence from successfully challenging my counterparts.

The first instance was when I was interviewed for an associate position in a very well-esteemed German law firm in 1987, before I had children. The law firm obviously wanted to hire me. However, just as obviously, they did not want to take the risk of being obliged to pay my salary during statutory maternity leave if I were to become pregnant. So, they offered to hire me on a freelance basis rather than in a proper employment position as an associate.



I managed to quell my anger and told them that I was willing to accept a freelance position if the firm were willing to pay a considerably higher remuneration than the normal salary for employees (covering for example higher cost for social security, different tax breaks, etc.) in order to put me financially in the same position as an employee. Upon this suggestion, they did not pursue their offer of freelance work, but rather hired me as a regular employee.

The second instance was when I returned from maternity leave after having given birth to our second son. I enquired about my career prospects as a part-time employee. The answer was that there is no such concept as a part-time partnership. Never have I felt more discriminated against, frustrated, demotivated and furious than when I received this answer. However, I decided that I really wanted to continue my career as a lawyer, wanted to be a successful lawyer and wanted to be partner in a law firm. Therefore, I decided that – for the time being – I would stay with that law firm.

However, I mustered all my courage and very openly told the partners of that firm that I had never experienced such demotivating feedback and that the question of how much time one spent in the office was not a relevant factor for becoming a successful lawyer. Furthermore, I announced that I would continue my part-time work and would demand to be considered for partnership when I was ready for that. I had the impression that the partners were somewhat shocked by this bold announcement. However, eventually, I won them over and was made the first part-time partner in my firm and probably also in any German law firm. I started with (formally) 50 %, gradually increased to 80 % as the boys grew older and finally went full-time about 10 years ago. Today, CMS Hasche Sigle has a significant number of female partners working on different part-time models.

There are some very important lessons which I learned from these experiences: The first lesson is that you can be very good at what you do and be very successful if you really do what you want to do and love to do.

However, this means that you have to find out what YOU want to do. This may prove difficult when you are a young woman surrounded by caring family and friends suggesting to you what you should be wanting to do rather than encouraging you to figure out your own way.

From my experience, it is therefore necessary to stop listening to all such advice, but to concentrate on what your own inner voice tells you, then set out and just do it – even if that means trying something out without being sure about the result.

I also learned not to shy away when I encounter headwinds. Of course, this requires a lot of courage and energy and it sometimes takes a while to figure out how to meet the headwinds. However, it is definitely worthwhile figuring this out as each headwind will teach you another valuable lesson.



Birgit Sambeth Glasner
*Partner at Altenburger
Vice-President of
the Swiss Bar Association*

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They did not know it
was impossible, this
is why they did it
(Mark Twain)

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In June 2017, I was elected Vice-President of the Swiss Bar Association and I shall be its President in 2021-2023 (the second women president in history). Almost unbelievable when thinking that I am not a Swiss borne attorney-at-law and, furthermore, that I am mostly practicing in ADR, Alternative Dispute Resolution, as Neutral, best known as international commercial Mediator!

But the world has changed and I strongly believe that we, the *Women (Pioneers) in Dispute Resolution*, are part of that change, pumping a new breath in the Dispute Resolution World, while with a bit of courage, motivation, energy, curiosity, creativity, idealism and ... a lot of hard work, we manage to challenge the long established and perceived as only right rules and ways of acting and dare to rethink DR.

Driven by efficiency, taking into account the true interests of the clients we serve, the fast-evolving world and generational gap, we are trying to answer the needs for tailor made DR tools and processes which address.

I started my career immediately after passing an LL. M. in Boston, USA, in 1986 and my Bar exam in Geneva, Switzerland, in 1990, while working for Baker Mc Kenzie, when I joyously answered an ad for a job in Basel where one of the “Big Four” was looking for “a (male) attorney-at-law, tax specialist, with 5-6 years of experience”... Hence, a fresh beginner with no tax experience, I was chosen and became the first women in the tax and legal department of Ernst & Young Switzerland.





However, as a mother of two baby boys and as it was still not standard practice in Basel to be working 80% and be a Vice-president at the same time, I changed life and founded my own law firm back in Geneva in 1994.

At the same time, I was elected as Deputy judge at the Geneva Court. Acting as a deputy judge for 12 years was quite enlightening, notably with respect to the immense responsibility which lies on the shoulders of a Neutral, even more so as he/she and the procedural rules have not been chosen by the parties. Fortunately, part of my activity was to act as Conciliation Judge in civil and commercial matters: I had found my way, assisting parties to resolve their legal disputes and my statistics were incredibly high.

Slowly, the sleepless nights drafting and redrafting judicial sentences were counterbalanced by the force of creativity and motivation resulting from the facilitated negotiation process until, one day in 2005, I started mediating an important commercial case within the chemistry industry in Switzerland with a renowned mediator from CEDR (Center for Effective Dispute Resolution, London, www.cedr.org).

I have never stopped mediating since, from huge multimillion/-billion ICC commercial cases, to international family /inheritance disputes, complex criminal cases, and by far more important humanitarian issues such as some conflicts concerning Syrian refugees in Switzerland.

The real turn in my career happened 7 years later, while I was turning 50. I was a proud mum of two almost grown up children, married to my always highly supportive husband Daniel, a partner at Altenburger Ltd legal + tax and already a member of the Council of the Board of the Geneva Bar, when, suddenly, I was stuck with a midlife crisis I had not seen arriving.

I needed some answers and the only person who could give them to me was myself! Thus, after a thorough preparation of 6 months, on the 15th of October 2011, I went, alone, for a 4 months' sabbatical to South America. Following a month of Spanish classes in Buenos Aires during the days followed by Tango dancing at Milongas during the nights, I took my backpack (1 jeans, 1 shorts, 2 t-shirts, 1 sweater, 1 anorak, climbing shoes, baskets, tongues, a sleeping bag and my iPad) and went with the state bus from Salta to Mendoza and then to Santiago de Chile, got inspired by Pablo Neruda in Valparaiso, rode my bike nearby the volcano Osorno, navigated across the Chilean Fjords to Patagonia, walked a trek around the Foz Roy nearby the Lago Argentino before heading back north and finally to home Switzerland.

Enjoying time: time to take the time, time to reflect, time to meditate, time to wonder, time to sing, time to cry... time for myself!

I came back reinforced that in Dispute prevention, management and resolution lies my essence and that I want to be part of the fast-changing world in this business, practicing and teaching holistic, flexible and interest driven DR processes.

A couple of months later, in June 2012, I was elected the first women President of the Board of Directors of a Law Firm in Switzerland, which happily has inspired others since. Acting as Neutral in Mediations, Conciliations, Arbitrations as well as in Hybrid proceedings (Arb-Med-Arb, Parallel Arb-Med, MEDALOA), setting up Dispute Boards, together with teaching in various Masters degrees such as MIDS (Master in International Dispute Settlements, Geneva, www.mids.ch) and intervening as panelist, has allowed me to "think out of the box" and to test new developments, still being aware of concerns and addressing critics.

Its translation in the various organizations I belong to and in which I play active roles, such as the Swiss Chamber of Commercial Mediation, ICC, CEDR, IAM International Academy of Mediators, IBA, ABA, UIA, the ADR Commission of the Geneva Bar, and now the Swiss Bar Association, has certainly been a driver for the change in today's public and professional perceptions about ADR in Switzerland.

Indeed, there is no unique way.

There is a rainbow of dispute resolution tools and processes and I understand my role as being multitasked with a holistic view, assisting clients and professionals to set up and use the right ones, to share knowledge and experience with the younger generation, to get inspired and to inspire.

As William URY said during one of his enlightening speeches at the Graduate Institute in Geneva in 2017: "Keep Expectations low and Aspirations high!"

Needless to say, I fully agree with that statement.



Ingeborg Schwenzer
*Dean Swiss International
Law School
Professor (em.) University
of Basel, Switzerland
Adjunct Professor Bond
University, Australia*

“ Young women need older and more experienced women as role models ”

Studying law in Germany in the 1970s meant that as a woman you did not have any role models. At that time, in Germany, Switzerland and Austria there were only two female full professors; one in Cologne in criminal law and one in Bonn in tax law. In Freiburg, where I studied there were not even female assistants at that time. Hardly any female judges, nor attorneys either. From the way many of your female co-students dressed and behaved you could tell that their interest was not really law, at least not exclusively. Actually, there was a saying; if at the age of 30 you have not achieved your doctor yourself you have to marry one...

Still, I did not allow myself to be discouraged. Actually, at that age I did not even feel any discrimination. As I always reached my goals I was convinced that there was none. In the 1970s we even took sexual harassment by male professors for granted. We were just too afraid that they might examine us later. Already in my second year of law school I decided to become a law professor. And as I enjoyed travelling a lot I decided to become a professor in comparative law. Each step was neatly planned. (It was only many years later that I learned that this is very atypical for a woman. At least at that time due to the lack of female role models and a low self-esteem most women usually had to be pushed into academia by some male mentor). At Boalt Hall, UC Berkeley, I took my LL.M. and for the first time I met female professors, among them famous Professor Herma Hill Kay who later was to become the first female dean in the history of Boalt Hall. The next steps followed; PhD, Second State Exam and finally the postdoctoral lecture qualification. In the meantime, we have reached the 1980s and more and more women could be found at the university,



at least at other faculties of the humanities. As a group of female assistants from different disciplines – law, history, psychology, and theology – we organized a seminar on “Feminist science”. Only gradually we started to realize that science and university structures were heavily male driven and that we wanted change. At the same time, I discovered the German Women Lawyers Association, an association that gathered and still gathers leading female lawyers from all professions. Impressive women, many of whom later became leading persons in politics, the judicial system, and at universities.

Whatever I did almost always I was the first woman to do it; the first one to receive the postdoctoral lecture qualification at the law faculty of Freiburg University, the first female law professor in Mainz, the first female full professor in law in Switzerland, and so on. When I moved to Basel everybody invited me and wanted to know who this rarity was, this first female law professor from Germany.

At that time, one of my main fields of research was family law. In the 1980s in Germany and Switzerland family law was still very status oriented. Illegitimate children were discriminated, unwed fathers did not have any rights, divorce in Switzerland was still fault based, joint parental responsibility of divorced or unmarried parents was not recognized. Coming from a comparative background I was thrilled by the development family law had already undergone in many – especially Common Law - legal systems and introduced these new concepts into the Germanic discussion. Many of my male colleagues feared that the world would collapse if one were to embrace such modern thoughts. Families would break down and nobody would have children anymore.

Aiming at and fighting for law reform needed and still needs a lot of stamina. In the end, almost all of what I suggested in the 1980s finally became law in Germany and Switzerland albeit some of it not until the 2000s and even 2010s. On some occasions the German Constitutional Supreme absorbed and implemented my ideas, for example the necessity for judicial control of prenuptial agreements which until the 2000s was deemed to be left entirely to freedom of contract.

My other main field of research was and still is contract law, especially international sales law, as well as international arbitration. Since the time of my studies I have been truly convinced that especially in the field of contract law we all have to work to overcoming the differences of domestic legal systems and to harmonizing and unifying the law to the benefit of all actors concerned.

Towards this goal I not only participated as member of the Swiss delegation at UNCITRAL suggesting a further unification of contract law at the global level but mostly as member and since 2011 chair of the CISG Advisory Council. Teaching the law of international commercial contracts to students around the world was also part of this endeavor.

Whereas nowadays on the international level many women can be found in family law, international contract law and mostly international arbitration is still to a large extent dominated by men (“pale, male, stale...”). Having written extensively not only on the Swiss law of obligations but primarily also on international sales law was a door opener first to becoming an expert witness in many international state court and arbitral proceedings, and later being nominated as arbitrator and acting as Swiss Counsel in international teams. The practical insight that I gained was most valuable for my scholarly writing, too. Some of the teams I worked with – although only very few – were led by women. And finally, through the Vis Moot Court Competition I met Louise Barrington, the founder of Vis East and one of the founders of Arbitral Women...



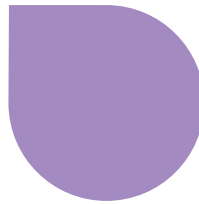
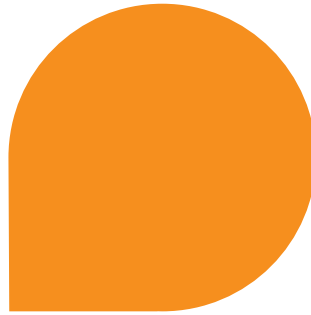
My third major concern always has been teaching. Teaching at universities, however, is still the same – one might even say as in the 19th century. I tried to engage students and make them realize that learning actually can be a lot of fun. However, this aim is difficult to implement in the current university institutions. Thus, it was more than consequential that we founded Swiss International Law School (www.swissintlawschool.org) and started to offer a LL.M. in International Commercial Law and Dispute Resolution with a truly innovative approach; entirely online, truly comparative, highly interactive, outcome-based, and with a high caliber faculty from all over the world. Everybody participating as student or teacher was enthusiastic about this program and convinced that this approach is the future of teaching law. The whole program has now been transferred to Bond University, Gold Coast, Australia, and will be further developed by us.

What has changed throughout the more than 45 years that I have been describing? Certainly, the number of professional women in law has increased considerably. Thus, presumably there is no longer any law faculty in Germany, Switzerland, or Austria without any female professor at all, although we are still far from any true equality. Likewise, the number of female judges at Supreme Courts is constantly rising. Most leading law firms now feature at least one or even more female partners. Still, law is still dominated by men, despite the fact that more than 50% of first year law students are female. We may only speculate about the underlying reasons.

Young women still need older and more experienced women as role models encouraging and supporting them in the profession. For example, I always aimed at 50%/50% male and female assistants at my chair. And out of eight persons that I supervised for their postdoctoral lecture qualification five are women all of whom are now holding chairs at Swiss universities. The impact of our new teaching approach will certainly crystallize in the future. If I achieved anything in my life, I think it was being a role model as a female scholar and teacher showing women (and men) that a lot is possible in this very conservative and mostly male legal world. It is up to the next generation to continue the work that has been started.



Tatyana Slipachuk
*Partner at
Sayenko Kharenko Law Firm*



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Be prepared to
turn opportunity
into success

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I always say to my young colleagues that in order to succeed in legal profession you need not only work hard, but also you need to be able to turn opportunities into wins. Maybe I am a lucky girl, but the latter happened to me. I managed to transfer opportunities into success.

I was born and graduated in Ukraine in times of the Soviet Union. My choice of legal profession was based on the very personal reasoning – the idea to assist in bringing justice and establishing fairness. After the crush of the Soviet Union and establishment of independence, Ukraine faced the necessity to set its own institution for settlement of international commercial disputes, actually being the first of such kind in its history. And I was questioned by my University professor Igor Pobirchenko whether I am ready to join him in this challenge. I did agree and treated this as the great opportunity to be among the team of the pioneers. This decision revealed for me the endless world of international arbitration with all its attractiveness: intellectual depth, cultural diversity, competitive procedure and supremacy of fairness. 10 years of my professional life in capacity of Secretary General of the ICAC at the Ukrainian Chamber of Commerce and Industry were devoted to the development of reputation and practice of the said institution. It was a hard task to launch international arbitration institution and to ensure services being in line with the international standards. And I would say with deepest gratitude that many institutions in Eastern and Western Europe were open to advise and assist. Until now, ICAC continuously considers from 350 to 600 international disputes per year.





In parallel, I was trying to learn as much as possible, each day, in order to develop my knowledge. It was an opportunity to get experience and to start practice as an arbitrator. Work with institution was extremely important, besides it gave me many personal contacts. Later I switched to the private practice, namely international arbitration and cross-border litigation. On my way to be recognized as arbitrator, the main challenges I faced were my origin from Ukraine (so called emerging country) and gender. I was a “pioneer from Ukraine” in this rather closed world of international arbitrators and counsels. Frankly speaking, the latter predetermined a continuous confirmation of my professional and personal skills to be accepted in this circle. Fortunately, Ukrainian business entered the era of international disputes that created new opportunities for me, even despite the fact that Ukrainian UBOs and companies were more inclined to appoint foreign arbitrators and counsels to act in non-Ukrainian arbitration institutions. Many of my experienced colleagues and friends, to whom I have great respect and gratitude encouraged and supported me on my way. It would not be possible for me to develop myself as arbitrator without such friendly and valuable support. Thus, building connections and personal relationships within the international arbitration community is another opportunity that could be a step to future success. The triple combination of my practical experience as officer of international arbitration court, arbitrator and counsel also could be treated as well as one more opportunity to develop professional and personal skills using different philosophy and psychology of these three positions.

Finally, I can say that within 25 years of legal practice all opportunities and challenges opened to me made me stronger, experienced and happy with the results achieved.

Today many things are easier reachable than 20 years ago. But the main challenges I faced – getting equal acceptance as arbitrator despite of my origin from the country being less known as pro-arbitration jurisdiction and gender equality within the process of nomination by institutions as arbitrator or by international arbitration associations/institutions as officer – still seems to remain.

However, as before, personal success depends on your competence, connections and personal skills, dedication to your job and ability to keep balance in professional and family life. Just remember Mark Twain’s wisdom saying: “Success is a journey, not a destination. It requires constant effort, vigilance and revaluation”.



Maja Stanivuković

*Professor of Law
The University of Novi Sad, Serbia
President of the Belgrade
Arbitration Center*

“ Arbitration is
the art of
deliberation ”

My first arbitration was in 1988 in Belgrade 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 presiding arbitrator assigned me a task to draft the facts of the award. So, I had the first bite of an arbitrator's work, this fabulous dessert in a lawyer's career.

During the war years in Yugoslavia (1991-1999) I raised three children and worked as a professor and later vice-dean at the Faculty of Law in Novi Sad. Then in 2000, when Serbia was reborn from the ashes of the former Yugoslavia, I started practicing arbitration. Over the last years I acted as arbitrator in many international cases under the rules of the FTCA, ICC, the Swiss Chambers, ICSID, UNCITRAL and recently LCIA. In 2013 I was elected by my peers to be the first woman president of an arbitral institution in the Balkans, the Belgrade Arbitration Center. Part of my time is dedicated to preparing students for arbitration moots and thus developing the young generation of arbitrators.

Initially, my appointments came from Serbian companies. There were also several important appointments as sole arbitrator and presiding arbitrator in high value cases that came from the president of the FTCA which was at that time the only arbitral institution in Serbia administering international disputes. If I was appointed by a party the tribunal always had the same gender layout – meaning my gender was outweighed by one in the tribunal of three. This was so until 2006 when I was called on the phone from Switzerland by Ms Claudia Kälin-Nauer, was the claimant's appointee in an arbitration where I was nominated





by the respondent. We had to agree on the presiding arbitrator. We discussed one well-known female name, but we ultimately agreed on the candidate of the opposite gender. This was my first majority female arbitral tribunal and there were not many afterwards. Although I did not feel isolated by my male colleagues in other cases, it was a good change to have such composition of the tribunal and I tremendously enjoyed working in it.

A few years ago, my appointments started originating from the institutions such as the Permanent Court of Arbitration and the LCIA in disputes which involved no Serbian parties. Times were changing, which made me very happy because I knew that this was a step in the direction of becoming a truly international arbitrator.

As I often found myself in the role of a wing arbitrator I occasionally had to deal with the situation of being “on the dissenting side of a difficult problem”. Where this happened, I always tried to refrain from writing dissenting opinions that would needlessly undermine the award and serve no purpose other than to show that there could be a different view on the matter. On two occasions however, I did feel impelled to express my divergence from the majority. Looking back at those two dissents, which were written more than a dozen years ago, I still think they were sound. What connects them is the absence of real deliberation in reaching the decision. Only where there was no adequate opportunity to exchange the arguments in a fair and balanced discussion preceding the award I felt the urge to express the reasons that made it impossible for me to subscribe to it, because arbitration is all about deliberation. Good decision-making requires art and craft, law and science, sense and sensibility.



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.



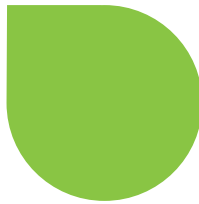
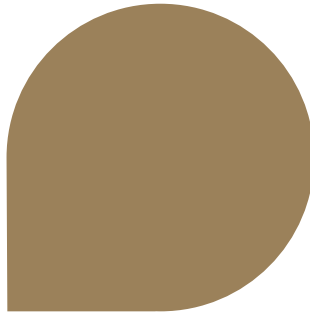


I really think this triggered my career as an arbitrator, because I was transformed – at midnight of course – from a French professor into a person with some international visibility. Soon after that, in 2000, I received my first appointment to an ICSID tribunal from a colleague who was both a professor 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.



Edna Sussman

*Arbitrator, FCI Arb
Mediator, IMI Certified
Distinguished Practitioner
in Residence, Fordham Law School*



“

We make a living
by what we get.
We make a life by
what we give
(Winston S.
Churchill)

”

I came to the U.S. when I was five years old from Israel and attended schools in New York City and then Barnard College and Columbia Law School. While that might sound like quite a provincial background limited to one locale, speaking three languages fluently at the age of six (including Polish which my parents spoke at home) inspired a long-time interest in international matters.

Upon graduation from Columbia Law School, I was fortunate to obtain a position as an associate at White & Case where I handled a wide variety of matters, first as an associate and then as a partner in the litigation department. Frequent exposure to clients from foreign jurisdictions engaged in U.S. based litigation or seeking advice on U.S. law issues whetted my appetite for increasing my commitment to an international practice. A representation of the government of Indonesia in connection with the attachment of ships in the New York harbor confirmed that for me this was the most exciting area of the law.

While the international aspects of the practice were fascinating, I became somewhat frustrated by the length of time court proceedings took and the tremendous expense incurred by the parties. It seemed to me that there had to be a better process for resolution of disputes. With four children at home and no internet or computer capability available at the time requiring essentially all work to be done with a physical presence in the office, I concluded that a full-time arbitration practice offered a more productive process better suited to providing user satisfaction and which would provide me with greater flexibility.



I joined the American Arbitration Association panel in 1994 and the U.S. Southern District Court mediation panel in 1997. My practice as a neutral grew over the years as I devoted my efforts to establishing my reputation through bar association activities, public speaking, and publishing and of course, most importantly, working hard and doing my best on the cases I handled. I currently serve on institutional panels in many jurisdictions around the world, including Switzerland, Vienna, Hong Kong, South China, Shanghai, Singapore, Korea, Kuala Lumpur, Vietnam, Brazil, Dubai, Lagos, Kigali and British Columbia. I have handled over 200 arbitrations as sole, chair and co-arbitrator, and over 200 mediations in complex commercial disputes under many institutional rules and ad hoc, split approximately evenly between domestic and international cases.

What was surprising as I entered the international arbitration arena was to find that in international arbitration there was a paucity of women, just as was the case at the major U.S. law firms when I first graduated from law school. In fact, my graduating class from law school was the first year the law firms in New York hired women in any numbers, but only as a result of claims with the Equal Employment Opportunity Commission and a class-action sex discrimination lawsuit filed against many of the major New York firms. Entering the world of international arbitration as an arbitrator over two decades later it was literally “*déjà vu*.” With the attention now being focused on diversity, not only gender but also geographic and ethnic, we must hope and expect that significant strides will be taken, and progress achieved with an increasing number of women being appointed as arbitrators. However, progress will only be made if all players consider qualified women whenever there is an opportunity to select an arbitrator – the institutions, inside counsel, outside counsel and the arbitrators- and all seize opportunities to mentor others.

I have always made a special effort to counsel and mentor young women in the field and have had wonderful mentees assigned to me by ArbitralWomen from Turkey, Indonesia, Kenya and New York. Each had a unique set of interests and qualifications which will serve them well. As the Distinguished ADR Practitioner in Residence at Fordham Law School over the past several years and as the co-chair of the annual Fordham International Arbitration and Mediation Conference, I have the opportunity to nurture young women with aspirations in the field and to ensure appropriate representation of women as speakers at the conference. It will take a village to bring about change and we are all members of that village.

I believe in doing what we can to improving the world and have tried to do so in my world by undertaking initiatives to improve the dispute resolution field. Giving of one’s time and energy provides an enormous sense of personal satisfaction as well as coincidentally generating respect and recognition from others. The three initiatives I have pursued of which I am proudest are (1) launching the AAA-ICDR Foundation, for which I serve as chair of the board; (2) working as the chair of the Alternative Dispute Resolution and the Renewable Energy Committees of the American Bar Association’s Section of Environment Energy, and Resources to promote the use of alternatives to court for the resolution of energy and environmental disputes; and (3) serving as one of the founders of the New York International Arbitration Center (NYIAC) for which I serve as first vice-chair.



After several years of discussion and planning, the AAA-ICDR Foundation, now in its third year, was launched. The Foundation is a separate 501(c)(3) not-for-profit organization from the AAA but receives significant support from the AAA which shares similar goals. The Foundation supports the use and improvement of dispute resolution processes in the U.S. and internationally. With its broad mission, it has funded initiatives to provide conflict resolution skills education in schools, prisons and internationally, improve access to justice through online dispute resolution for courts and online pro bono legal advice, use of ADR to address community disputes both cultural and environmental and promoting ADR academic research.

Following a stint as the executive director of an environmental not-for-profit organization, I found myself compelled to marry my two worlds and work to improve outcomes where conflicts arise over energy, environment and climate change related projects. Through a series of monthly webinars, conferences and dedicated newsletters, information about the benefits of arbitration, mediation and multi-stakeholder facilitation for such conflicts was disseminated and success stories emphasized and circulated.

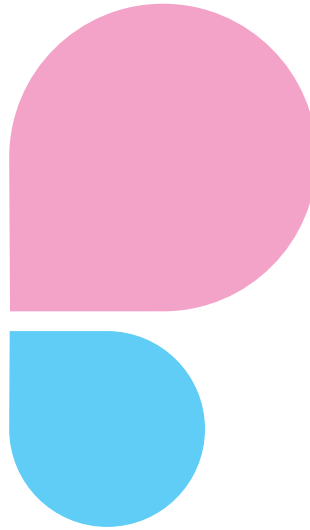
With the proliferation of arbitration centers around the world it became clear that while several excellent administering institutions were based in New York, there was a need for an arbitration center. We worked on identifying a physical facility for NYIAC, corralled law firm support and established practices and procedures. NYIAC, now in its fifth year, not only provides world-class hearing facilities but has also successfully developed programs and materials to inform the global arbitration community about arbitration in New York.

My practice as an arbitrator has been fascinating and rewarding. But equally rewarding and perhaps more so on a personal level is feeling like I have been part of advances which have improved outcomes for individuals and companies enmeshed in a conflict that required outside assistance to achieve resolution. I encourage everyone to find an area of special interest outside the day to day work load and pursue it. It will lead to both personal satisfaction and in unpredictable ways also to professional reward.

Post Script: I wrote this text a year ago and included a picture of the only all woman tribunal I had sat on. Today I am sitting on three tribunals that are all women – we are making progress!! Hang in there.



Mercedes Tarrazón
*FCIArb, FCI Arb Mediation
IAM Distinguished Fellow
Founder and Partner of Dispute
Resolution*



“ True passion is a surprisingly powerful resource... ”

I consider myself a business woman and a lawyer with a true passion for assisting people in solving their problems.

It is with a smile that I look back at the beginning of my career and the determination and endeavour with which I built up my own firm, the only structure that allowed me to both continue devoting time to family businesses –I had been involved in them from a young age- and, indeed, focus my practice on international business law and arbitration in order to combine both my experience in the world of business and my strong legal vocation.

Fluency in several languages and publicizing the advantages of international arbitration in business fora opened doors to this practice for me. In 1992, when following the Program of Instruction for Lawyers of Harvard University, I heard of mediation for the first time and I saw quite clearly that it was a highly useful complement for resolving some conflicts.

Because I was used to swimming against the current by defending the virtues of international arbitration –a relatively little-known field in Spain in those days-, it was not hard for me to take up a second flag and defend, too, the advantages of business mediation. In Spain nobody was talking about it yet and, in the rest of Europe, only a few people were.





The cases came in and the satisfied clients brought me other clients. In 2000, I made a complete break with family-business management as my law firm required full-time commitment from me. Since then I have kept on working a lot and enjoyed taking full advantage of all opportunities to learn. I registered the trademark Dispute Management as the name for my practice and have seen it grow to offer legal advice and dispute resolution consultancy together with my frequent appointments as arbitrator, conciliator, mediator or facilitator.

I learned from my father that if you would like to prosper in an industry you have to fully understand how it works and be ready to devote time to assist it to grow and improve. To this end, on the one hand I created the project in 2000 for the Barcelona Chamber of Commerce to transform its Consulate of the Sea in an ADR Centre. On the other I have served for six terms as member of the ICC International Court of Arbitration, been vice president of the Inter American International Arbitration Commission (2008-2014), member of the Board of Management of the Chartered Institute of Arbitrators (2006-2012) and member of the CPR European Advisory Committee (2007-2015).

All this has certainly allowed me to have a sound grasp of the dynamics and needs of dispute resolution institutions. It has also given me the opportunity of reading many, many awards of all sorts of practitioners from around the world and of analysing the conflicts beneath the legal surface of many, many cases. It is an experience I will always be grateful for.

If there is a motto in my life it is to do what I feel I have to do at all times. The passion for what you do is a surprisingly powerful resource. It is as necessary to train yourself to maintain and strengthen it as it is to have it in the first place. In the end, it is what keeps you steady in the face of adversity, which is always a factor, when you create and carry out your own project.

On a very similar basis, my commitment to gender equality is an act of conviction and coherence. I am well aware that if I can fully exercise my citizen's rights it is because many women in the past fought for that. To honour their struggle and efforts the least I can do is to try to leave it a bit easier for the young women and girls who come after us. I would not dare to give advice on how things are to be done, but here are some of the things I do to try to put my bit.

When back in 1998 I was elected member of the Executive Committee of the Barcelona Chamber of Commerce –the first woman ever on that Board- I said to myself “never again”. Since then whenever I am the only woman on a board or institution –and this still happens-, I do my best to make sure more women are enrolled.

In my professional life I have had the opportunity to organise many conferences and seminars on different topics -mostly on dispute resolution but also on business law, IP and entrepreneurial leadership- and I have always made sure there were women panellists on all the round tables.

Being in the international dispute resolution arena has also brought to me the opportunity to seat often as judge in many competitions, be it the Jessup International Moot Court Competition, the ICC Mediation Competition, the IBA-VIAC CDRC Vienna Mediation and Negotiation Competition or the Madrid Moot. As I have very often found myself with women law students coming to me after those competitions seeking advice on how to move forward in their professional lives, I have always tried to answer their questions to my best and share thoughts that might be of use to them, but also reminded them Seneca's quotation: “it is not because things are difficult that we do not dare, it is because we do not dare that they are difficult”.

When I was invited to share my experience in the first edition of *Women Pioneers in Dispute Resolution* there were 24 of us. It is rewarding to see that we are 73 for this second edition. Every day we are nearer to the moment when the dispute resolution industry will no longer need reminders to get the most of ALL the talented, well-prepared and thorough professionals that is within its grasp. Let's keep on rowing at our best to make this happen soon.



Nancy Turck
Independent Arbitrator

“ Make the
most of every
opportunity ”

I did not plan a career in arbitration when I was graduated from law school. Rather, as with so many things in life, my arbitration practice was due in part to being in the right place at the right time with the right people.

Indeed, I wanted to be an international commercial transactions lawyer and I interviewed firms in New York with that in mind. So imagine my surprise and disappointment my first day at Shearman & Sterling when I was assigned to a “bank corporate” team in the firm’s uptown office, largely to accommodate a deal between the head of the uptown litigation team and the head of the bank corporate team to second me as needed to the former for his work on US anti-boycott regulations, a subject in which I already had a national reputation. I hated bank corporate work and much admired the head of the litigation team; by my second year, I moved to that team. And that move also resulted in having my first taste of arbitration as a very junior player in the *Sonatrach v. Chemico* ICC arbitration in which S&S represented the Claimant.

When I interviewed at S&S, I asked about the possibility of working in the firm’s Riyadh office, as I knew my husband’s employer eventually would ask him to work in Saudi Arabia. The then chairman of the firm replied the oft-stated “Women cannot work there”. But 3 years later I got a job in the then largest Saudi law firm (all of 14 lawyers) to whom a British and a Dutch firm each regularly seconded lawyers. The Dutch firm seconded a young lawyer, Albert Jan van den Berg, who needed assistance in editing *The Yearbook of International Commercial Arbitration*. I readily agreed to help; we wrote the first *Yearbook* chapter covering arbitration in Saudi Arabia and, some years later, Albert Jan asked me to update that chapter. That experience informed me on the laws of all the countries included, as well as the leading cases of the day. It was an invaluable primer.





Nancy Turck and David Cairns co-chairing a LCIA Tynney Hall session 2017 @The London Court of International Arbitration

I wished I had that background prior to Albert Jan's arrival and after the departure of a Coward Chance litigation partner, when I inherited an ad hoc arbitration brought by a U.S. client against the Arabian American Oil Company (ARAMCO). There was no internet to electronically access arbitration materials and no library to speak of. Communication was by telex (not the dark ages but almost). Coward Chance pouched me reams of materials copied from its library books. I was so nervous during the hearing, at ARAMCO headquarters in Dhahran, that I lost 10 pounds in 14 days. I was the sole counsel; I had no assistant during the case preparation and my only assistant at the hearing was an inexperienced summer intern working for the client. ARAMCO brought its former general counsel, a highly regarded American, out from retirement to conduct the case, aided by a top in-house lawyer. Two days into the hearing, my client discovered, in a warehouse in the Arabian desert, a trove of documents I had been seeking during the prior six months. I stayed up all night analyzing the documents and the following day, after conferring with opposing counsel, we removed that aspect of the claim and settled it separately in our client's favor. Additionally, the Coward Chance lawyer who had filed the claim before departing the Kingdom claimed for "interest", which is not permissible under the Hanbali school of *sharia*. I tried to amend the claim to read "loss of use of money", which is permissible, but to no avail. In short, I was plunged into the arbitration, won part and lost part. ARAMCO's expert witness on Saudi law, a lawyer I had known for a few years, took leave of the Tribunal after his testimony to come to my table to ask me to dinner! It was grueling, but I was hooked. I also realized that every contracts lawyer should go through an arbitration or litigation to understand the ramifications of bad contract drafting.

Even then I was one of six female lawyers to have practiced in Saudi Arabia. Of the six, however, I think I was the only one with a regular law practice. I like to think I helped better inform people that there was (and is) no outright prohibition on women working in the Kingdom. Saudi Arabia now has a law school for women and female Saudi lawyers are in several firms there. I never felt any discrimination while working in the Kingdom; on the contrary, when I moved to the UK initially with an English firm, a client asked me to bring him some coffee!

Essam Tamimi and I were the first co-chairs of the IBA's Arab Law Forum. In the early 90s, at a Forum conference in Dubai, every session had at least one and, in some cases, a majority of female panelists, at least half born in the Middle East. They were good, and they had experience in the subjects. The then-chair of the IBA's Business Law Section remarked to me that he had never before attended an IBA conference with women on a panel, strange as that may seem. So many young Arab women lawyers came up afterwards to say how exciting it was to see women on the panels.

My move to Fulbright & Jaworski in London enabled me to develop an arbitration practice. Albert Jan, by then back in The Netherlands, asked me to be an expert witness on Saudi law in an arbitration in which he was counsel; I learned a lot working with him. My break came when Heribert Golsong, former general counsel of the World Bank, joined F&J's London office, attracting a series of ICC FIDIC arbitration cases through his World Bank contacts. Cases multiplied, and each was a new experience. I met Julien Lew, who invited me to act as a rapporteur at two arbitration conferences, Arthur Marriott who invited me to speak at various conferences he organized, and John Merrett, then chair of the UK delegation to the ICC Commission on Arbitration. John invited me to attend a Commission meeting (I am a dual US/UK citizen). I kept my Commission contacts and became a member of the US delegation for many years. Early on also I joined the IBA's arbitration committee, asking Karl-Heinz Böcksteigel, then chair, how I could develop my profile—he replied, “edit the Committee's newsletter”. I did not feel I had the time, but that was and remains good advice for a young practitioner. Back then, the arbitration committee was much smaller, and one actually got to know most of the people in the room.

My first arbitral appointment came from the ICC in the mid-90s—as a sole arbitrator. The case value was small, the plaintiff represented itself and the respondent never appeared. Moreover, the Claimant alleged that I had taken its deposit, which of course could hardly be possible given the ICC handles all the funds. Like the ARAMCO case as sole counsel, this was baptism by fire as an arbitrator! Anne-Marie Whitesell, the ICC counsel for the case, was of invaluable assistance.

Then there was the famous dinner of arbitral women at Thoumieux in Paris in November 1993, organized by Louise Barrington. Louise wrote to a few of us and asked each of us to suggest others.

A not insignificant number of today's most highly regarded female arbitrators were among the 75 or so gathered in the restaurant's upper room. Out of the dinner grew long lasting friendships and contacts and Arbitral Women, of which I was asked to be an initial director.

I like arbitration for the diversity of facts, of the disputes, of the laws and the internationalism of the parties and counsel. No case is the same. And perhaps I am biased, but I think the camaraderie among the practitioners, including with their families, is special. I really enjoy attending International Arbitration Day when I can and the LCIA's Tylney Hall. But perhaps the most rewarding part of the practice is volunteering as an arbitrator for the pre-moots in Paris and in London. I am continually impressed by the quality of the students, their preparedness and their enthusiasm; if I can impart some of my experience and enthusiasm and give them confidence, I feel I have done a small part for the next generation of arbitrators.



Vilija Vaitkute Pavan
Lithuanian Arbitrator
Partner at Ellex Valiunas



“

“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 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.



Jacomijn van-Haersolte van Hof
LCIA Director General

“ Simply put, female arbitrators are not their gender ”

In 2014 at the ICCA Annual Conference in Miami, I had a small idea. The idea was to create a “pledge”, which members of the international arbitration community would sign to indicate their commitment to taking concrete steps to increase diversity. In the years following the conference, this small idea took on a life far beyond me, and thanks to the hard work and insight of, in particular, Sylvia Noury at Freshfields Bruckhaus Deringer, and of countless other talented and diligent people, grew to become the hugely successful Equal Representation in Arbitration Pledge.

At the time of the conference, I was a few months out from taking up my current role as Director General of the London Court of International Arbitration (LCIA). Just as I didn't quite appreciate the life my idea would take on, I also didn't fully appreciate that promotion of diversity was about to become a significant part of my job.

I was invited to the Conference as a commentator to a panel titled “Who are the Arbitrators?” In my response to that panel, which I expanded upon in a paper published in the Congress Book, I argued that lack of diversity in international arbitration was a key issue, and that concrete commitments were required if anything of substance was to be achieved. To this end, I proposed a pledge which could be taken by members of the international arbitration community, modelled on an earlier pledge by general counsel to insist on diversity in law firms they engaged, and award work only to those firms who demonstrate a commitment to diversity.



Diversity has a moral component: diversity is necessary to ensure that no-one is discriminated against for what have proven time and time again to be wholly irrelevant considerations. But diversity is a sword as well as a shield: studies repeatedly show that diverse groups simply perform tasks *better* than overly specialised groups. Diverse groups bring a variety of perspectives to a task and are better able to cover each other's blind spots. It is presumptuous and misguided to think that an arbitral tribunal, a team of counsel, or a working group should be any different.

The pledge I proposed wasn't focussed solely on gender diversity, as evidenced by the title of my paper: "Diversity in Diversity". Other forms of diversity, such as race, ethnicity, sexual orientation, disability, age, nationality, and religion are all vital. Why then, did this original pledge for diversity in all its many and varied forms, become a pledge for gender representation?

The focus on gender through the Pledge and other forums is, to a large extent, a practical one. For one, it is easy to define success: given the approximate 50-50 gender divide in the population at large, all things being equal we should – one day! – expect to see roughly a 50-50 split in males and females appointed as arbitrators. This is reflected in the ultimate goal expressed in the commentary to the Pledge: full parity. The 50-50 benchmark also reveals the scale of the problem: 50% of the population are potentially subject to discrimination on the basis of gender. Finally, the fact that we were (and are) so far from achieving parity demonstrated that there was a lot of low-hanging fruit. Other forms of diversity, of course, remain critical. But by focussing on gender, the Pledge could make tangible progress in the immediate future and help to establish a realistic expectation of diversity.

In the LCIA, I was fortunate to join an organisation that was already conscious of the importance of gender diversity. To take effective action, facts and transparency are needed. Since 2012, the LCIA has published statistics in relation to the gender of its arbitrators. It is, perhaps, no coincidence that 2012 was the year that Sarah Lancaster joined the LCIA as Registrar. Other institutions, no doubt prompted by the Pledge, have since followed the LCIA's lead in relation to publishing statistics.

Statistics allow us not only to see the scale of the problem, but also to celebrate victories: at the LCIA, the proportion of female arbitrators appointed in LCIA arbitrations has in recent years doubled, from 10% in 2012 to 20% in 2016. This improvement is the result of concrete internal changes to the Secretariat's working methods which I have introduced, such as ensuring that each shortlist of potential arbitrators provided to the LCIA Court by the Secretariat includes at least one woman. While the increase is a cause for rejoicing, a closer examination reveals the areas in which more work can be done: the LCIA itself is now appointing female arbitrators at near parity (40%), while parties and co-arbitrators are nominating female arbitrators at much lower rates (4% and 16% respectively).

A criticism sometimes levelled at the focus on gender diversity is that this somehow hampers other forms of diversity. My experience in organising an LCIA African users' event in Mauritius provided a compelling refutation of this critique. Our initial consideration was to ensure regional diversity by having a significant proportion of African panellists. By achieving this goal of regional diversity, and with no conscious effort, we ended up with an excellent gender balance. The women involved came from a wide variety of cultural, religious, racial, and national backgrounds. These powerful women had one thing in common: their competence, professionalism, and suitability for their chosen field.



Simply put, female arbitrators are not their gender – they bring to each case their age, their racial and national background, their experience, and countless other characteristics. They are the sum of their experiences and are no less capable of representing an underrepresented minority than a male arbitrator.

During a recent trip to Nigeria which incidentally was the occasion of the very successful launch of the Pledge in Nigeria, organised by Adayin Rhodes-Vivour, I picked up a painting by local artist Nefe Ogodo, titled "Migration". In it, a seemingly endless stream of humanity is making its way from left to right of the scene. Each of the figures are not much more than a couple of brushstrokes, but each is distinct and unique. There is no suggestion of hierarchy, no suggestion that any person is less or more significant than any other. And while the setting of the scene in a displaced persons camp is stark, the bright and colourful painting is positive and uplifting. For me the painting serves as an apt metaphor for diversity: while each person brings their unique experience with them, they can and must work together to achieve a common goal and a better future.



Vera van Houtte
Independent Arbitrator
Member, ICCA Governing Board

“ A truly
independent
arbitrator ”

Having started to practice in the early seventies, my story probably is somewhat a-typical from other arbitral women's.

The first international arbitration confronted me right away with the gender issue. Opposing counsel - claiming that our client had obtained a large construction contract by bribing the officials of the public owner with the assistance of call-girls – bluntly commented during the first meeting with tribunal in Geneva that my client was even in this arbitration trying to get its way with the assistance of a young girl.... My next case had also a gender-incident. Our client was a businessman from the Middle East seeking damages from his partners following the break-down of their partnership. Lead counsel asked me to fly to the Middle-East seat for the negotiation of the terms of reference but had not informed the client of this arrangement. The latter was unpleasantly surprised to see me arrive for negotiation with his Muslim counterparts. The client was US educated, open-minded and himself not a Muslim, but nonetheless feared to lose face with a young woman as his counsel. In this case too, all went well, but the two experiences enhanced my consciousness of cultural differences in international arbitration.





A second distinctive feature of my story may be that I never planned to become an arbitrator. After post-graduate studies at Harvard Law School, I was first an associate at a US law firm, assisting its clients with their investments in Europe; my colleagues were, besides American and Belgian, from other EU countries. This was a thrilling environment: not only because of our daily exposure to comparative and international law, but also due to the broad training in every field of the law (which both proved very valuable in my later arbitration work). I joined the Brussels bar only 10 years later to become also a litigator. Initially active in commercial law in general, I gradually developed a clientele in the construction industry. As most Belgian attorneys at the time, I combined consultancy and court work. From construction law, I ventured into energy law. Eventually, the international activities of my Belgian clients and my IBA network led me to international arbitration.

However, as long as I was a partner in a law firm, the number of cases I could take on as an arbitrator was limited due to conflicts of interest and the firm's business model. Thanks to the thriving "construction and energy law" department which I was heading and the firm's acknowledgement of the benefit of the occasional experience at the other side of the (arbitral) bar, I was able to develop a discreet practice as arbitrator which, combined with my vice-chairmanship of the LCIA and later of the ICC Court, gave me a reputation which, at partner-retirement age, allowed me to become a truly "independent arbitrator".



Nina Vilkova

*Professor of law, Department of
Private International Law, Russian
Academy of Foreign Trade*

“ We were born
to make a fairy
tale happen
(Russian song)
”

I graduated at the Law Faculty of Moscow State University named Michael Lomonosov. After termination of my studies I worked in the Law and Treaty Department of the Ministry of Foreign Trade. Then I studied as a postgraduate student in the All-Union Research Institute of Legislation and Comparative Law, where I defended Ph.D. and Doctor's dissertations on the problem of unification of the law of international contracts. I am Doctor of Law, Professor, Honored Lawyer of the Russian Federation, Member of Chartered Institute of Arbitrators, Member of ICC Arbitration Commission and ICC Commission for Commercial Law and Practice, vice-president of ICC Russia's Arbitration Commission.

Being a professor at the Russian Foreign Trade Academy (a Russian university for students of law and economics), I teach Private International Law, Global Law of International Contracts, Unification of International Contracts, Investment Arbitration, Incoterms, EU Contract Law. I have taught as a visiting professor in two universities: Paris-12 - Business Law in Russia and CIS countries (in French) and University of Lapland, Finland - Unification of Law of International Contracts, Contract Law in Russia and CIS countries (in English).



In 2014, it was one of my initiatives, where for the first time in our country I organized a student moot on International Sale of Goods at the Academy of Foreign Trade. The competition bears the name of Mikhail Rosenberg, one of the creators of CISG, an arbitrator of the ICAC with 50 years of experience. He prepared a collection of ICAC decisions on CISG, published by Pace University¹². This event is supported by the Chamber of Commerce and Industry of Russia. 32 teams from three countries (Russia, Belarus, Kazakhstan) participated in the 5th moot-court. Thus, students of these countries had the opportunity to learn the details and particularities of international arbitration, which is quite important for countries where international arbitration emerged in the early 1990s.

Arbitrators of the moot court are not teachers of the Academy, but only independent arbitrators of the ICAC and foreign arbitration centers. The next moot court will be held on March 22-24, 2019 in English and Russian. This will allow students to improve their knowledge of international arbitration and participate in the proceedings in English, the language of international arbitration.

My first acquaintance with international arbitration took place many years ago at the International Commercial Arbitration Court at the Chamber of Commerce and Industry. Initially, I was a case reporter, kept records of the hearings and carried out instructions of the arbitral tribunal related to arbitral proceedings, then was appointed arbitrator, and was elected to the ICAC Presidium. I am the only woman –member of the ICAC Presidium.

12 <http://www.cisg.law.pace.edu>

My experience in settling disputes in the ICAC has been several decades, I was fortunate enough to participate in arbitration proceedings with well-known international arbitrators: Mark Boguslavskyi, Vladimir Pozdniakov, Oleg Sadikov, Serguei Lebedev, Alexander Komarov, Alexander Makovskyi, Michael Rozenberg.

Currently I am participating as an arbitrator in the resolution of disputes in the ICAC and in the Arbitration Center at the Union of Industrialists and Entrepreneurs.

The ICAC is the leading arbitration institution in Russia and in East European countries which deals with resolving disputes of international nature. It is the successor to the Foreign Trade Arbitration Commission (FTAC), created in 1932.

Annually the ICAC administers about 300 international commercial arbitrations involving parties from numerous countries. Since 27 January 2017 the new Rules and Regulations of the ICAC came into effect in accordance with the new Russian legislation on arbitration. Since that date the ICAC also administers arbitrations of domestic disputes, as well as corporate and sports disputes (both internal and international).

In 2001, I became the first Russian person and first Russian woman to be appointed a member of the ICC International Court of Arbitration. Experience as a member of the court allowed me to get acquainted with the practice of administering cases, drafting Terms of Reference, scrutinizing arbitral awards, approaches by foreign arbitrators to solving complex situations and applying international instruments and national law. But most importantly, I was lucky enough to meet colleagues from different countries, to participate with them in the activities of the ICC International Court of Arbitration, in the Arbitration Commission and international conferences. This is an unforgettable experience, helping me in teaching and in arbitration activities!

The most rewarding moment on my road to arbitration so far was when I was included in the International Who's Who of Business Lawyers, Commercial arbitration 2016, according to which I am one of the nine most prominent arbitrators in Russia.

Today, I continue to divide my time between acting as a professor and as an international arbitrator, and I'm happy that I have such an opportunity!



Carita Wallgren-Lindholm

*Chair of the ICC Commission on
Arbitration and ADR
Past member of the
ICC International Court of Arbitration*

“ 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 40 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 Master’s thesis 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.

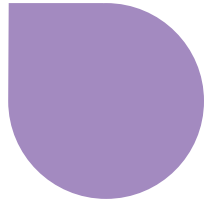
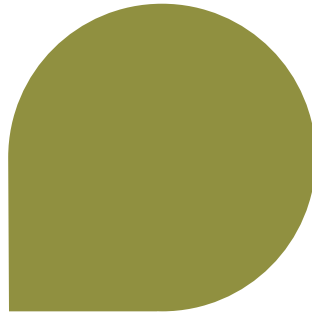
As a partner and practice leader, I wanted my firm to capitalise on what I perceived as my essential learning curve to enable the next generation of women to thrive in the profession; I used to say that we had to develop a bilingual firm, to allow diverse manner of speech, variable jargon. I believe 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.





Janet Walker
Professor and Arbitrator



“ Rewarding careers
for the coming
generation ”

For as long as I can remember, in growing up, I wanted to do the things that men did. It was not the lure of doing what was forbidden, or lack of regard for the roles toward which women were steered. I admired enormously my mother’s extraordinary capacity for planning, organizing, preparing, and delivering on projects large and small. She was a consummate wife, mother, homemaker, seamstress, gardener, outdoorsman, Girl Guide leader and local volunteer – a true inspiration and a wonderful role model. She took the resources at hand and with great ingenuity and skill, she crafted from them an interesting and enjoyable life for her family and community. But, from an early age, I knew that the work she did, important though it was, was not ultimately what interested me most.

That said, I came of age at a time when, for women, pursuing professional careers generally required them to choose; and not being willing to choose, I started as a full-time mother and homemaker, keeping alive the hope that one day I would also do something else. For many reasons, I am fortunate to have spent that time as I did: a tenth grandchild now on the way and children pursuing interesting careers, including as lawyers; the secure sense that I missed nothing of their early years; the benefits of having experienced the joys and challenges of the domestic arts and, in so doing, gaining respect for the overwhelming majority of the world’s women whose lives are dedicated to nurturing and supporting others.





However, in those days, that was a risky plan that left me with no legitimate expectation of ever achieving a professional career as I had dreamed. And yet, when it became necessary to find work to support my children, there came a chance to return to university to study law. It was love at first sight. And, from there, the opportunities, first to study at Oxford and then to teach the subject of my passion at the law school of my choice, were nothing short of miraculous.

I spent the first decade – perhaps the first two decades – of my academic career running as fast as I could to catch up with younger colleagues who had remained in the full-time workforce. However, being older, more determined, and clearer in my objectives in the early days enabled me to develop many important supporting professional relationships that advanced my fledgling career. The majority of these relationships involved serving in supporting roles to men – not because I preferred to work for men rather than women, but simply because men occupied almost all of the senior positions in the fields that attracted me. To be sure, they varied in their level of interest and their ability to mentor and nurture, and I worked hard to justify whatever respect and recognition I received from them and through association with them. But the best of them were true benefactors and it is fair to say that I owe my much of my early success to them.

In those days, I frequently found myself in places where few women had gone before. When admitted to the then 38-member ‘roster of arbitrators’ of the ICC Canadian National Committee in 2001, I found only one woman on the list before me. When organizing the gathering of the two-dozen people most capable of persuading the International Law Association to hold a future biennial conference in Toronto, I was the only woman in the room. As a member of a small group that we called the “Arbitration Roundtable of Toronto” (shown in the picture below), I would wryly introduce myself at outreach events as the “token academic”, knowing that my gender was as much the outlier, if not more, than my choice of career as an academic. But throughout, I loved the work and was, by and large, taken seriously for that. I was always eager to take on roles that advanced my understanding and experience and did not hesitate to decline invitations that did not present a challenge.

Not all of this occurred in the field of international arbitration. Serving as Associate Dean in the largest Canadian law school, responsible for the teaching program, the student services, and the myriad other issues of academic standing, dishonesty, and complaints, taught me decisiveness and how to manage effectively difficult situations and anxious and angry people. Serving as a Master Warrant Officer in the Canadian Forces Reserves, a 40-year career (longer than any other woman retiring from a Tank Regiment in Canada) taught me how to appreciate and to work well with those whose strengths and ambitions were very different from my own. Persisting in playing the French Horn as an amateur musician throughout has taught me that the elusive moments of joy of playing beautiful music well, and not just listening to it, is worth the disproportionate struggle involved.

This time of reflecting on the benefits that I have received from my experiences is rare. On the contrary, it is the project underway, the plan for the way forward, the opportunity to advance the career of a member of the coming generation that occupies my attention. With each new arbitral appointment or expert consulting engagement, there is real excitement, and the hours pass unnoticed in dealing with the issues at hand. At the same time, I am delighted to feel all the more empowered to help others. Having admired much of the activism from the sidelines, I have still enjoyed the contributions that I have been able to make. The “Changing Face of International Arbitration” (shown in the picture below) was a panel that we developed for the International Law Association Conference in 2006 in Toronto before panels on diversity were common.

I recall an early informal meeting of Arbitralwomen, circa 2003, when Louise Barrington initiated a tour de table in which each of us introduced ourselves and offered our perspectives on the work of Arbitralwomen. I reported on my gratitude to have had the good fortune to be able to pursue a career that I love despite the challenges of doing so, and that my focus in Arbitralwomen was to work with others like myself to find ways to support one another and those who are starting out. I am enormously proud of what has been achieved and of the accomplishments of women colleagues and younger women. Below are pictures of two former students, Rabeb Yaseen, a member of the first Tunisian Vis Moot team I coached in 2008, and Rayhan Asat, a Uyghur student of mine from China and then Canada, who is now a Harvard graduate and member of a prominent US law firm. They, and others like them, are our future.

There is much to be done in the collective effort to further the opportunities for coming generations to pursue rewarding careers that enable them to make the best contributions that they can to the field of international dispute resolution and the communities it serves. It is a joy and a privilege to part of it!





Anne Marie Whitesell
*Professor and Faculty Director,
Program on International
Arbitration and Dispute
Resolution, Georgetown
University Law Center*

“ To exist is
to change...
(Henri Bergson) ”

When I was invited to contribute to this book, I thought how lucky I have been to work in this field during such momentous times of change. I have seen international dispute resolution evolve on both a substantive and procedural level, with new laws and rules being adopted, new institutions being created and new technology bringing the world together. More significantly, I have witnessed the opening of the practice to a much more diverse group of participants.

I have had the good fortune to view international arbitration from four different perspectives: as counsel, institutional representative, arbitrator and academic. I started my role as counsel in the late 1980s, working for a law firm in New York where I was often the only woman involved in a case. I had a wonderful mentor, Gerald Aksen, who strongly supported women and is indeed the person responsible for my having pursued a career in this field.

Many years later, in 2008, I returned to work in a law firm as counsel and was marked by how much the practice had changed, but especially by how numerous aspects for women had not improved despite the passage of years.

When I started at the ICC International Court of Arbitration in 1996, the Secretariat was approximately 35 people, all located in Paris. The first woman counsel had just recently been appointed. There were very few female ICC Court members – perhaps three. I went from being counsel responsible for one of the case management teams to Deputy Secretary General and eventually to Secretary General in 2001. Once again, I had the chance to receive great mentorship and invaluable support from two Presidents of the ICC Court, Robert Briner and Pierre Tercier.





Although I was often the only woman in meetings, speaking on panels or intervening with governments and international organizations, I was watching the world change. I remember when the ICC appointed a three-woman tribunal. We were delighted!

Acting as arbitrator since leaving the ICC, I have also seen how the role played by women has evolved. Not only are there more women serving as arbitrator and counsel today, but these women are younger, with a multiplicity of backgrounds, coming from all parts of the world.

Being an academic, I now witness the preparation of the future. There are more women than men in my classes, eager to study arbitration. Many of them come from far away jurisdictions, absorbing information and learning skills which I am sure they will put to good use as they continue the evolution of the field.

Although it is not always easy to be a “pioneer,” there is indeed great pleasure and satisfaction in watching progress occur. There is, of course, much work that remains to be done for greater diversity and equality of treatment in the practice of international dispute resolution, but I am confident that the young women entering the field today will be capable of leading the way forward.



Rabab Yasseen

*Partner, Mentha Avocats, Geneva
Deputy Judge, Geneva Civil Courts*

“ Growing
recognition of
women ”

Whether I am arbitrating a case in Dubai or sitting as a judge in the Geneva civil Courts, I am always awed and humbled by the power and the responsibility that comes with the position.

International law and diplomacy brought my family to Geneva, where I grew up in a unique atmosphere, which we all took for granted. With hindsight, I realize that I was given early a very special gift, a multi-cultural awareness which has become second nature, and proves to be essential to an international practice.

I studied in Switzerland and the UK, with degrees in Law, Literature and History. I qualified in both jurisdictions, and gathered a wide experience over three decades, giving me the tools to understand the disputed transactions, which I find invaluable in my arbitration practice.

My first contact with arbitration was rather daunting. It was a multi-million-dollar case, and my first as a trainee. The opposing counsel was an amazing lady, who has become a household name in the field. Arbitration has since given me many unforgettable moments.

One of these was being a member of the Ad Hoc Division of the Court of Arbitration for Sports, at the Rio Olympics. Selections were based on gender-equal and geographical criteria, with six women chosen from four continents. It was awesome to sit on an all women panel and take decisions which would impact beyond the case we were hearing.





I see a growing recognition of women in the field and am heartened by the enthusiasm of the younger generation, with all women student teams at arbitration competitions.

Some 50 years ago, my mother, a university professor and a pioneer of her generation, authored "*Collaboration between International Organizations and Arab Middle East States to Improve the Status of Women*". She would be proud to see that the issues close to her heart resonate and evolve in a promising way.



Tatjana Zoroska Kamilovska
*Professor of Law at Ss. Cyril and
Methodius University
Head of the Chair of Civil Procedure
Vice-president of Permanent Court
of Arbitration
Attached to the Economic Chamber
of Macedonia*



“

How I went above
and beyond,
something that any
woman can too

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How I went above and beyond, something that any woman can too

I cannot say that I wanted to be a lawyer since a young age. I would rather say that I struggled up with this decision until the time I applied to law school. Despite my great fascination with the medicine, I chose the law and from today's perspective, I think it was a right decision. During the 24 years of teaching and practicing law, I realized that legal profession is a continuing, eternal, demanding life experience.

My beginnings in the area of arbitration are connected with my academic work. I was an assistant professor of civil procedure in 2007 when I was given the opportunity to coach the University team for the Willem C.Vis International Commercial Arbitration Moot. It was great challenge and exceptional experience, for both my students and me, something that opened me up new horizons and a new sphere of activity. After four years of participation in the Moot, in 2012, our team was among the 16 best University teams. I had quite mixed feelings: disbelief, happiness, satisfaction and definitely a boost to new challenges. The first one was to write a book on arbitration law, the first book written in the Macedonian language, an adventure that is already completed in 2015. Even though the list of my scientific books and papers is quite long, this book is my 'firstborn' and pride, just like I am a women pioneer in arbitration in my country.





Along with my academic work and almost during the same period, I actively joined the reactivation of the work of the Permanent Court of Arbitration (PCA) attached to the Economic Chamber of Macedonia. It is widely known that in the global commercial community Macedonia has an image of country which is not entirely arbitration-prone. Arbitration is neither well-known nor well-exploited. It was a challenge for me to join a group of enthusiasts whose goal was to move the arbitration from a dead-end. In 2011, PCA was re-established and I was elected as a member of its Presidency. We were three females in the Presidency at that time. Five years later I became a vice-president of this arbitral institution - a first female on that position in my country. I personally experienced it as a crashing the myth of so-called 'glass ceiling' which provides for men to move up the professional ladder while leaving equally talented women in low-level positions.

My work as a vice-president is focused on the promotion of arbitration among the business community in Macedonia, especially on the promotion of PCA as an arbitration center. Much of my time is spent on modernization of the PCA Rules, and lately on preparing the amendments in Macedonian Arbitration Law.

However, the most exciting moment for me in the world of arbitration is practicing arbitration. Even though I cannot boast of a rich experience as an arbitrator, I am pleased that slowly, but surely, I am gaining confidence in this field too. Contrary to the harsh truth that a large majority of the individuals chosen to serve as arbitrators (and particularly as a presiding arbitrator) are male, and generally quite senior, I was honored to sit as a sole arbitrator, as well as a presiding arbitrator of a several arbitral tribunals, mostly in international cases.

What is even more interesting, as a presiding arbitrator I was appointed not only by the appointing authority, but in some cases jointly by the appointed male arbitrators. Frankly speaking, this is a rare practice even in countries with tradition and developed arbitration culture, something that Macedonia is certainly not. Namely, although the business community in Macedonia has significantly transformed over the last decade and attaches an ever-increasing importance to the best practices and standards applicable in doing business, it seems that regarding arbitration it is still lagging considerably behind global trends. In addition, the major commercial firms in Macedonia are men-dominated, which puts me in front of an even bigger challenge: as a female to promote the arbitration in a traditionally men's world. However, the experience is beyond expectations and I enjoy the idea working on a promotion of arbitration in Macedonia not only in general, but also among the female practitioners. The results are not spectacular, but they do not discourage me at all.

Thanks to the support of those who trust me and help me to reach and maintain the place on the highest rungs of legal profession. The majority of them are male who see me as an equal partner, sharing the same passion and joy for all common successes.



Galina Zukova

*Partner, B lot Malan & Associ s
Associate Professor, Riga Graduate
School of Law and University of
Versailles (Paris-Saclay)*

“

Thanks to international arbitration, my professional life also belongs to various worlds or, should I say, the entire world

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I was born in the USSR. I was born in Latvia. Both my parents are originally from Belarus. My first language is Russian. Besides Latvia and Belarus, I have family members in Lithuania and Ukraine. Each year until I entered the University, my parents and I travelled to visit our relatives outside my native Latvia. Now, looking back and trying to understand how I got to where I am now, I think that crossing the borders was always part of my life. I was always exposed to different cultures, languages and traditions. I think it is only natural that I never could see myself to be constrained just to one single country, be that my family or professional life.

I was the first one in my family to choose a legal career. There were no lawyers around me to guide me in this decision. But I do remember why I decided in favour of law. These were early 1990s. The Soviet Union with its planned economy did not exist anymore, and the entire region was going through major transformations. There was a massive economic crisis. Nearly all families around me, including mine, struggled to make ends meet. Teachers, doctors, engineers were paid peanuts. There were massive lay-offs. Old values disappeared, new values were not there yet. No one was sure what tomorrow would bring. This is when I decided to pursue a law degree. I believed that a legal career would provide with the necessary skills to navigate through these turbulent times.

As many arbitration practitioners, very early I developed an interest for international (including European) law. After Latvia, I continued my studies in the UK (Exeter) and Italy (Florence, EUI), where I obtained PhD. Yet, my arbitration story started in the U.S., at Yale, where I was extremely fortunate to follow arbitration courses with Professor Michael Reisman and Guillermo Aguilar Alvarez. What courses these were! Not surprisingly, quite a few of my fellow students from that Yale year have a successful arbitration career.

I remember it was the summer of 2008 when I saw an advertisement for the position of Counsel at the ICC International Court of Arbitration for the new team which would administer cases with the parties from Central and Eastern Europe, CIS, as well as Greece, Cyprus and Turkey. Back in Yale, Guillermo Aguilar Alvarez had told me that I should consider applying to the ICC. It also happened that I had met Jennifer Kirby, former ICC Deputy Secretary General, at a conference in Riga. She had just left the ICC so I contacted her for advice as to whether I should apply. Her response was that I was a perfect fit for that position. So, I applied. And I got the job.

I stayed with the ICC Court for four years, which provided me with an amazing experience and unique insights into international arbitration world. I always dispel the myth about quiet and stress less life in arbitration institutions. It was not my experience. I worked hard. I oversaw nearly a thousand of arbitration matters. I scrutinized hundreds of draft awards. I worked on tens of challenges against arbitrators. And I travelled extensively throughout the region spreading the word not only about the ICC Court as such, but about international arbitration in general.

My professional career always was and remains twofold: I follow both an academic and a private practice track. Today, I am an Associate Professor at the Riga Graduate School of Law and at the University of Versailles (notably, I am part of the MACI (*Master Arbitrage & Commerce International*) programme). In my private practice, I act mostly as arbitrator and occasionally take assignments for counsel work. Besides that, I am currently member of the ICC International Court of Arbitration, member of the Board of the Finnish Arbitration Institute and a Council member of the Georgian International Arbitration Centre.

I could not be where I am now without support and encouragement of many people close to my heart. My mother always wanted me to pursue university studies and have a profession. She taught me that I have to be able to earn my bread – and the bread for my loved ones – on my own. I was lucky to have been guided by many outstanding professors and colleagues. Many of these colleagues are ArbitralWomen members. And I am lucky to have support of my own family, of my husband, who often surprises me as to how much faith he has in my abilities. I listen to him. I do not want to disappoint him. And I grant it – many of my achievements became possible because he is next to me.

As in my childhood, my personal life continues to belong to a variety of worlds. Thanks to international arbitration, my professional life also belongs to various worlds or, should I say, the entire world. This is my comfort zone. This is who I am.



