



PRESIDENT'S COLUMN

Since taking over as President in the middle of last year, it has been a great pleasure to sit down to reflect on what ArbitralWomen has achieved and to write this column. Initially, when I cast my mind back to the time since the last Newsletter, following our very successful week of events in London in September, there was an immediate sense of joy at the progress ArbitralWomen has made.

Since London we have successfully placed mentors with mentees across the globe. Despite being largely resident in Singapore I have agreed to take two mentees based in London as I am regularly in London on business. I welcome my two mentees to the fold both of whom are practising in international arbitration. I welcome all mentees. I am sure that your year with great role models will be a fulfilling one. But, please, don't stop the relationship after a year. My former mentees are firm friends and it gives me such satisfaction to see fabulous female practitioners rising through the ranks. Sometimes, all they have needed is a little support and someone to persuade them that they are every bit as brilliant as any of their male colleagues. In addition, I am particularly grateful to all the mentors who have agreed so wholeheartedly to participate. I know from my own experience as mentor that it is quite a responsible role to undertake but in the end a very gratifying one. More on all mentors and mentees from Karen Mills, the Chair of the ArbitralWomen Mentoring Programme.

We have also been very lucky to be in a position to award five teams attending the Vis Vienna and Vis East Mooting Competitions with financial assistance under our Mooting Awards Programme. The assistance was made possible through sponsorship funds received from a number of very generous colleagues. ArbitralWomen determined that each sponsor's donation should carry the donor's title as the Award. Thus, the results were:

- The Jane Willems Award went to the Diplomatic Academy of Vietnam;
- The Ashurst Award went to the National Law School of India and also to Universitas Gadjadara (Ashurst exceeded all our expectations by donating sufficient to allow AW to fund two teams!);
- The King & Wood Mallesons Award went to West Bengal National University of Juridical Sciences.

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As President, I also introduced a President's Award for an all-female Mooting team which also, otherwise, meets our criteria set out in the AW Protocol for Awarding Assistance. This year, I am very pleased that we have been able to award the Universitas Indonesia Vis Vienna Mooting Team.



Rashda Rana, President

There will be a full report on the Moot Awards with details of how each team fared in our next Newsletter. Again, on behalf of ArbitralWomen, I wish to thank the generosity of each of our sponsors. I also take this opportunity to urge each of you to consider being a sponsor for our teams. We usually have many more deserving teams than funds that can be allocated to this programme. It would be a great achievement if we were able to assist each deserving team! We can only do so with your assistance.

Our now traditional breakfast event on the first day of the IBA Annual Conference was a huge success. We gathered in October in Tokyo to discuss *Asian Perspectives on Party Representation* at the offices of Nagashima Ohno & Tsunematsu. Thank you to Yoshimi Ohara and her colleagues for hosting this wonderful event. Thanks must also go to the ICDR for their support in putting this event together. A full report by



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Gabrielle Nater-Bass, who worked very hard and diligently to make it all happen, is included in this Newsletter.

The success of the London SpeedNet event is being replicated in other parts of the world with upcoming SpeedNet events namely in Paris, Berlin and Sao Paulo. I am hoping that this will become one of our hallmark events and so I invite members in other parts of the globe to take up the opportunity to hold SpeedNet events in their local city. Please be sure to alert Gabrielle Nater-Bass and Beata Gessel to any proposed AW event.

Another exciting development to look forward to is the ArbitalWomen collaboration with TDM for a Special Edition issue on "Dealing with Diversity in International Arbitration", to be launched on 2 July 2015. Louise Barrington and I have the honour of being the Special Editors. In response to the Call for Papers, we had a remarkable number of responses from a diverse group from all over the globe. Ultimately, 20 were selected, including a number from Board Members about which I am very pleased. I want to thank everyone at TDM who have all been so helpful and supportive of the Special Edition ([click here for further information](#)).

I would also like to take this opportunity to announce the appointment of two new AW Board members: **Lorraine Brennan**, past president of ArbitalWomen, a full-time arbitrator and mediator at JAMS, who was instrumental in steering AW into its early structured life, will join the Board in an advisory capacity. **Juliette Fortin**, a Director at FTI Consulting, has been assisting in an informal capacity with accounts and finances and will join the Board as a co-opted member to assist the very time-consuming role of Treasurer (Karen Mills). We are delighted about Lorraine and Juliette's appointments and are more than confident that their participation will be extremely valuable.

I said in the beginning that my initial thoughts of the recent past were full of joy. Upon a more considered reflection, everyone will be aware that, for all of us, such reflection is shrouded with a tinge of sadness as a result of the Lindt Café siege in Sydney where, as well as the young manager of the Café, the life of a young female lawyer, mother of three and full of potential, was cut down and the Paris terror attacks where we were faced with the untimely and unnecessary deaths of 17 people. These attacks resulted in the importance of the rule of law being undeniably confirmed, in particular, the necessity for this ever changing world to live harmoniously with people of all races, religions, ethnicity and cultural backgrounds.

It may seem that those events have nothing to do with ArbitalWomen but it is with such events that we are reminded of the significant core of our own objectives - the promotion of peaceful and amicable dispute resolution in whatever form is most effective. We often think of it in the commercial context but let us not forget that these forms of dispute resolution grew out of the turmoil of world wars, particularly the Great War, the centenary of which was very poignantly marked last year and continues to be marked this year. Each one of us must take up the banner to prevent the world from falling into the anarchic times that preceded that Great War and regrettably also the Second World War.

I try to keep in mind how the actions of a few can move the world in a tidal wave of goodness and greatness or, unfortunately, evil. I pray that all our efforts are concentrated on contributing to the general good of the world and the eventual suppression and elimination of harm brought about by terror. We can all do our little bit: many grains of sand are needed to make a beautiful beach.

International Women's Day 2015 Theme:
MAKE IT HAPPEN!

ArbitalWomen would like to join everyone, all around the world, in celebrating International Women's Day. The day represents an opportunity to celebrate the achievements of all women while calling for greater equality. The core objectives of International Women's Day align very neatly with those of ArbitalWomen: encouraging effective action for the advancement and recognition of women. Our focus is in the area of dispute resolution but the underlying philosophy remains the same.

The first International Women's Day was held in 1911. A century later, marking such a day is simultaneously disconcerting and yet comforting. It is comforting because as a result of the work of International Women's Day, the movement is growing in strength and raising awareness of the problems still faced by women. It is disconcerting to the extent that, more than a hundred years on, the inequalities faced by women have not yet been eradicated. It will be a long road requiring inter-generational collaboration and support. We will not give up. On behalf of the whole Board, I wish you a very good and happy International Women's Day! I hope you take time to reflect on and mark not just every woman's achievements on this important day but also your own. Pat yourself on the back and vow to do more and be the best woman you can be."

Until next time, keep well and go safely

Rashda Rana, President



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LEADING WOMEN IN ADR

ArbitralWomen has again been investigating the number of dispute resolution institutions managed by women and is amazed by the significant number. It has already presented several of them to allow readers to discover some leading women from different regions. It is not surprising to see women in such positions considering their efficiency both in terms of management and promotion of the institutions, and in terms of competence.

This issue is the fifth of a series of interviews with women leaders in dispute resolution ('DR') centres throughout the world, started two years ago.

Newsletter n°7 featured interviews with **India Johnson**, President and CEO of the American Arbitration Association (USA), and **Sarah Lancaster**, Registrar of the London Court of Arbitration (UK). In later issues ArbitralWomen introduced women leaders from four continents:

(i) issue n°9 featured women leading DR centres in Europe: **Beata Gessel-Kalinowska vel Kalisz**, President of the Lewiatan Court (Poland), **Annette Magnusson**, Director and Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce (Sweden), and **Sophie Henry**, Secretary General, Centre de Médiation et d'Arbitrage de Paris (France);

(ii) after Europe, issue n°10 was dedicated to women leaders in Latin America: **Diana Droulers**, Executive Director of the Arbitration Centre of the Caracas Chamber (Venezuela), **Carolina Diab**, General Director of CRECIG, Comisión de Resolución de Conflictos de la Cámara de Industria de Guatemala (Guatemala), and **Karin Helmlinger Casanova**, Executive Director and Secretary General of Arbitraje Internacional Santiago (Chili);

(iii) the following issue - n°11 - featured women leaders in Asia, all three in Hong Kong: **Chiann Bao**, Secretary General of the Hong Kong International Arbitration Centre, **Wenyang Wang**, Secretary General of CIETAC Hong Kong and **Cheng Yee Khong**, Director and Counsel, ICC International Court of Arbitration, Asia Office;

(iv) in this issue readers will learn about women leaders in Africa: **Megha Joshi**, Executive Secretary/CEO of the Lagos Court of Arbitration (Nigeria), **Bernadette Uwicyeza**, Secretary General of the Kigali International Arbitration Centre (Rwanda), **Bintou Djibo Boli**, Secrétaire Permanent Centre d'Arbitrage et de Médiation (Burkina Faso) and **Coumba Diatigui Diarra**, Director of the Conciliation & Arbitration Centre of Mali (Mali).

Mirèze Philippe

*Special Counsel, ICC International Court of Arbitration
ArbitralWomen Founding Co-President & Board Member*

MEGHA JOSHI

Executive Secretary / CEO of the Lagos Court of Arbitration, Nigeria



Megha Joshi

You have been the head of the Lagos Court of Arbitration since November 2012. What was the career path that led you to this post?

My path to a career in the dispute resolution industry was quite unorthodox. After graduating from university with a degree in Politics I worked in Hillary Clinton's Senate Office in New York. From there, I accepted a position in business development for an international media and public relations company, which involved creating national economic branding campaigns in eleven countries across Europe, the Middle East, East Asia and Africa. My campaign in Nigeria was a great success as I built a comprehensive 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



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consulting firm based in Lagos. The majority of my clients were from the financial, downstream oil and gas, media, transportation and public sectors.

Though I didn't have a legal background, my experience in 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). The position was appealing as it involved projecting Lagos as a regional centre for alternative dispute resolution (ADR), and implementing the institutional framework for the LCA.

I feel very pleased and honoured to take a leading role in developing one of the key institutions for the benefit of the future of Africa. I am first generation British, from Indian Gujarati origins. My father's family was second generation Ugandan and arrived in England as refugees in 1972 during the Idi Amin crisis. Some say I have come home to my African roots!

Is your appointment for a specific term?

The appointment is not fixed for a specific term. My first two years in office have passed by so quickly. I spent them focused on developing the processes of an efficient arbitral organisation; establishing a brand for the LCA, while developing links with Nigerian stakeholders and the international ADR community; and building a membership base.

Do you have specific goals that you would like to achieve during your term of office?

- 1) I will be very pleased when ADR becomes widely adopted and accepted by the Nigerian/ African business community, and the LCA is the go-to centre for ADR services in the region.
- 2) To become the beacon for online dispute resolution services for the region.
- 3) To be in the position to anticipate the demands of business disputes and utilise technology to deliver solutions.

Can you tell us more about your dispute resolution centre? Do you administer arbitration cases or only appoint arbitrators? Do you have domestic and international arbitrations?

The LCA is an independent, private sector-driven, international centre for the resolution of commercial disputes that was formally launched in November 2012. Given the fact that Lagos is an economic

powerhouse in Africa, the LCA is well-suited to become an ADR hub.

I like to refer to the LCA as a total ADR services provider! The services include: arbitration, mediation, negotiation, conciliation, neutral appointment, neutral evaluation, case-management, administration, secretarial services, fund-holding, facilities hire, transcription, conferencing, seminars, membership services, research, policy advocacy, publications, rules, schemes and draft clauses.

At the moment, we are in start-up phase and as our docket is small, we are able to streamline our processes and interaction with the clients to ensure they receive one-on-one administrative support and maximum value from the administrative fees. Upon request, we are also able to appoint neutrals. To date, we have administered domestic arbitrations with international arbitrators, and look forward to receiving international cases soon.

What were the challenges you faced when you arrived at the Lagos Court of Arbitration? What are your major challenges as a woman at the head of this organisation?

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.

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 has played out quite successfully, particularly when addressing negative perceptions about Lagos as a place to work, visit, enjoy and arbitrate!

What is the percentage of women, in your opinion, acting as arbitrators, mediators, lawyers or other dispute resolution professionals in your environment or your country?

I am not aware of the exact figures, but I am very encouraged when I see how many women are registering for certification at the Chartered Institute of Arbitrators, and who also participate in legal conferences and events organised by the Nigerian Bar



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Association. In fact, the majority of Lagos State High Court Judges are women. The Chartered Institute of Arbitrators (UK) Nigeria branch has had numerous women hold the position of Chairperson in the past.

Although Nigeria may not necessarily be ready for a female President of the Bar Association, and the legal industry is still significantly male dominated, no one can overlook the contribution Nigerian women have made to the legal community both in Nigeria and abroad. Women in this region should be inspired to develop their ability; I am very pleased that many students and younger women training as legal professionals have expressed interest in working in ADR.

Advancing women is the goal for AW. Does your organisation have a policy on advancing women or a practice to address the issue of increasing the number of women on panels or in programmes?

Although the LCA does not have a specific policy on advancing women, presently 2/3rds of the LCA Staff and 1/3 of the LCA Board of Directors are women. In fact, when recently discussing new appointments to the LCA Board, the directors actively sought a balanced representation. The LCA makes an effort to ensure women are represented in our publications and also on panels during our programmes and events.

How does the Lagos Court of Arbitration appoint experts, mediators and arbitrators?

All neutrals must be members of the LCA and are approved for listing by the LCA Neutrals Selection Committee, in accordance with the LCA Neutrals Qualification Criteria. The LCA acts as the appointing authority if stipulated in a contract or upon request. If parties are choosing the neutral themselves, they can select from our list of neutrals, or we can short-list and recommend candidates based on experience and special knowledge. In the case that a specific expertise is required, we may recommend an outside neutral. There are due diligence measures in place before any appointment is confirmed to ensure there are no conflicts of interest.

You have been involved in international arbitration for two years. How has the field changed during that span of time?

As far as Nigeria goes, there have been many changes over the past two years, the most important of which has been the judiciary embracing arbitration and ADR.

With the financial support of the Investment Climate Facility for Africa (ICF), the LCA delivered focused ADR training workshops for all of the judges in Lagos State. This activity has reinforced the importance of the judiciary's role in award enforcement, and in turn helped the LCA become a more appealing destination for ADR.

The LCA invested a lot of time in raising awareness about ADR within the Nigerian business and legal communities. It resulted in ADR becoming more widely recognised as an effective alternative to the court system. When we started promotion of the LCA, presentations were about the benefits of using ADR, then explaining the difference between institutional and ad-hoc ADR. Now there are requests for more in depth explanations of the processes, rules and applications.

In two years, membership (domestic and international) has grown from zero to 186, and the inclusion of the LCA dispute resolution clause has become more prevalent. We are currently administering six cases, and anticipate significant growth in the coming years.

What do you see as the future of international dispute resolution?

As 'best practices' become the norm within the dispute resolution sector, I think seat selection will boil down to costs. I expect Nigeria will play a large role in the African context, given the vast pool of skilled and experienced international arbitrators that reside here and the amount of commercial disputes that take place here.

I believe technology will play an increasingly important role in ADR administration. Within the LCA, we are building systems that use secure online processes, which will make administration so much more efficient.

Do you have relations or programmes in common with other dispute resolution centres? If not, do you think it would be valuable to have a sort of a regional meeting from time to time to share experiences and help develop the dispute resolution field in this region?

Currently, we do not have any programmes in place with any dispute resolution centres, but we have benefitted from knowledge-sharing activities with other international arbitration centres.



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In June 2014, the LCA took part in a roundtable discussion about the trends and challenges faced by arbitral institutions; the event was organised by the International Senior Lawyers Project (ISLP) in partnership with Judicial Arbitration and Mediation Services, Inc (JAMS), held at White & Case LLP in New York. Present were key figures from JAMS International, American Arbitration Association-International Centre for Dispute Resolution (AAA-ICDR), International Chamber of Commerce -Secretariat of the International Court of Arbitration North America (ICC-SICANA), International Institute for Conflict Prevention and Resolution (CPR) and the New York International Arbitration Centre (NYIAC). This forum where everyone shared experiences in ADR administration was a great first introduction to the US market. It provided the LCA with the opportunity to knock some negative perceptions about Nigeria on the head. Following the roundtable discussion, we visited all of the participants at their respective headquarters to continue in the knowledge-sharing. We were very warmly received by everyone and the experience was extremely insightful.

We also have good relationships with Kigali International Arbitration Centre (KIAC) and Mauritius International Arbitration Centre (MIAC) in Africa. All three centres started at roughly the same time and maintain strong ties, participating in one another's events and providing advice when useful.

What was/is your most satisfying achievement since arriving at the Lagos Court of Arbitration?

As the LCA's first chief executive, I am 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.). A key aspect of my position is acting as an ambassador for positive change and institutional development in Nigeria, and de-risking investments in Africa. It is challenging and all-encompassing, but I definitely felt a huge breakthrough when one of the largest multinational corporations operating in Nigeria agreed to use the LCA in all of their contracts up to a certain value. I also enjoy receiving positive feedback from clients using our services and other confirmations from large indigenous companies using the LCA in their contracts.

From your own experience do you have advice for women seeking to further their careers in dispute resolution?

Most women in arbitration stand out because they have garnered a reputation for being particularly hard-working and producing excellent work. Receiving certification is very important; it is also good to see a commitment to continuous learning, and activity at conferences and events rather than just attendance. For younger women, I recommend surrounding yourself with motivating and qualified people (men and women), absorbing all of their knowledge and experience. You can learn a lot from just watching. Lastly, be proactive to make yourself known - network, share, write, contribute, participate.

How can a woman practitioner use AW to advance her career?

As with most organisations, you would get out what you put in to it. AW offers great networking opportunities and access to women in other parts of the world. It is a helpful information tool, providing insight into ADR trends.

Can you share with us the particular characteristics of AW in your view?

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 women have on the industry today. I was introduced to AW last February when I met with Co-Founder Mirèze Philippe for a knowledge sharing discussion at the ICC in Paris. She is a wonderful lady who was very supportive and encouraging, happy to share her experiences, and facilitate introductions. I think this captures the essence of the organisation and its objectives.

Is there any particular issue that you feel needs immediate attention or is there anything else that you would like to share with our readers?

It is a very exciting time for the LCA; in April we will open the doors to our purpose-built ADR centre with dedicated rooms/space for hearings, workshops, meetings, conferences and events. We look forward to welcoming the international ADR community to use our facilities and services.

The release of our biannual publication, "Dispute Resolution Journal", will coincide with the unveiling of our new building. We welcome submissions of articles for consideration. Please refer to www.lagosarbitration.org for further information.



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BERNADETTE UWICYEZA
Secretary General of the Kigali
International Arbitration Centre,
Rwanda

What was the career path that led you to become head of KIAC?

The Kigali International Arbitration Centre (KIAC) in Rwanda was established in 2012 with a mandate to help Economic Operators resolve their disputes out of court. I have been Head of KIAC since February 2012. Before joining the Centre, I was a legal consultant with Trademark East African supporting the East African Community (EAC) in Economic Integration and advising the Ministry in charge of EAC Affairs on the legal challenges of the integration process. I also worked with the Justice Sector Institutions from 2006 to 2011 under the competitiveness and Enterprise Development project/World Bank, coordinating all legal reforms to enhance the investment climate and to make doing business in Rwanda easy, including ADR promotion.



Bernadette Uwicyeza

Is your appointment for a specific term?

No, I have an open-ended employment contract with the Centre.

Do you have specific goals that you would like to achieve during your term of office?

Yes, my specific objectives are:

- 1) Institutional development: building the capacity of the Centre to deliver quality services in arbitration and ADR in general.
- 2) Creating local capacity in arbitration and other ADR methods like mediation and adjudication.
- 3) Building stakeholders' capabilities: corporates, SMEs, Public Institutions, NGOs, etc.
- 4) Increasing public awareness of ADR.

Can you tell us more about your dispute resolution centre? Do you administer arbitration cases or only appoint arbitrators? Do you have domestic and international arbitrations?

KIAC administers arbitration cases under its own Rules in domestic and international arbitrations. The Centre started to register cases during its first year of operation in 2012, a total of 25 cases, including four international cases and one Emergency Arbitrator Case.

What were the challenges you faced when you arrived at KIAC? What are your major challenges as a woman at the head of this organisation?

When I arrived at KIAC, the challenge was to manage the stakeholders' high expectations of the Centre in a context where people do not have a good understanding of the concept and practice of arbitration.

In my country people are used to seeing women in leadership positions and I am well known in the legal community in my country, having had the opportunity to work with the Judiciary, the Ministry of Justice and the Bar Association before joining the Centre. However, there are still challenges in building networks in the male-dominated business community: it is important to meet its members and market the Centre's Services.

What is the percentage of women in your opinion acting as arbitrators, mediators, lawyers or other dispute resolution professionals in your environment or your country?

- 1) KIAC panel of Domestic Arbitrators for appointment in domestic cases: 10% (a panel of 30, only 3 women).
- 2) Panel of International Arbitrators: 14,7% (on a panel of 34, only 5 are women).
- 3) KIAC Accredited Mediators: 13% (34 accredited mediators and only 4 women).
- 4) Appointment: only one woman appointed by the Centre (default appointment) out of 25 cases.
- 5) Women Lawyers Members of the Rwandan Bar Association: 28%

Advancing women is the goal for AW. Does your organisation have a policy on advancing women or a practice to address the issue of increasing the number of women on panels or in programmes?



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Only when preparing the answer to this questionnaire did I realize that there is an issue of participation of women in our programmes and I would like to learn from AW and think about what may be done to support women lawyers. The requirement for all institutions in Rwanda is female participation of at least 30%.

How does KIAC appoint experts, mediators and arbitrators?

Parties are free to nominate their arbitrators, subject to confirmation by the Centre in accordance with the KIAC Rules. KIAC appoints only in a default position in case of failure by parties to agree on an appointment procedure or when parties have designated the Centre for appointment.

In one case only, the Tribunal appointed an expert and ordered parties to make a deposit with KIAC to secure the payment of the expert.

In mediation, we are in a pilot phase offering free mediation services provided by our trained mediators and we use a simplified approach. But we have already developed Rules we share with users for them to understand the principles of mediation.

You have been involved in international arbitration for three years. How has the field changed during that time?

I started in international arbitration not as a professional but as leader of an arbitral institution. It is too short a time to evaluate the changes. But I note that in Africa, progress is being made in terms of awareness and public education. Four institutions were established between 2012 and 2013: KIAC in May 2012, Mauritius in December 2012, the Nairobi Centre in 2013 and the Lagos Court of Arbitration in July 2012, with each institution playing a key role in creating local capacity and as knowledge sharing forums. We can expect changes in the next five years in terms of improvements in practice and inclusion of the Continent in the international arbitration market, not only as a consumer, but also as a player.

How do you see the future of international dispute resolution?

The future of arbitration is inclusion: inclusion of new entrants, inclusion of women and young professionals, which means capacity building in Africa and other developing countries, and awareness to ensure that users become more knowledgeable in the dispute resolution field.

Do you have relations or programmes in common with other dispute resolution centres? If not, do you think it would be valuable to have a regional meeting from time to time to share experiences and help develop the dispute resolution field in this region?

I would like a Regional meeting in Africa where I am based, and I think we have also a lot of work to do for women.

What was/is your most satisfying achievement since arriving at KIAC?

Having been able to build trust with some business people who now call me when negotiating an arbitration clause with a foreign counterpart.

From your own experience do you have advice for women seeking to further their careers in dispute resolution?

As a young member of the profession I can't give advice at this stage. I can only say, we are not re-inventing the wheel, things have been done and we just need to be part of a network of professionals in our field, learn from others and find the right coach. Women are generous enough to share what they have.

How can a woman practitioner use AW to advance her career?

Sharing challenges faced in her career development and learning from others.

Can you share with us what are the particular characteristics of AW in your view?

An organisation of women practitioners in arbitration willing to help each other and coach new entrants.

Is there any particular issue that you feel needs immediate attention or is there anything else that you would like to share with our readers?

I would like to be linked with members of AW in the region and know if they organize regional meetings and, if not, I would like to organize a regional meeting where AW members can share their experience.



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BINTOU DJIBO BOLI
Secrétaire Permanent Centre
d'Arbitrage et de Médiation,
Burkina Faso

You have been the head of the Centre d'Arbitrage, de Médiation et de Conciliation of Ouagadougou (Burkina Faso) (CAMC-O) since 2005. What was the career path that led you to this post?

As a graduate in business law and with a Master degree in International Business Law, I started my career working as a constitutional judge of the Supreme Court of Burkina Faso from 1992 to 2002. I was simultaneously the head of the legal department of the Burkina Faso Chamber of Commerce and Industry (CCI-BF) from 1994 to 2005.

Thanks to the experience I had acquired in law and litigation, my interest in alternative dispute resolution methods (ADR), and the trust that the founders of the CCI-BF had placed in me, I was charged with the heavy task of directing the creation of the CAMC-O and later on with the position of permanent secretary of this institution.

Is your appointment for a specific term?

My appointment at the head of the CAMC-O was not formally made for a specific term since I am a senior employee of the CCI-BF seconded to the Centre. The CAMC-O is in fact an institution which was born from the will of the Burkinabe economic actors and was founded by the CCI-BF.



Bintou Djibo Boli

Do you have specific goals that you would like to achieve during your term of office?

Given that the use of ADR is quite recent in Burkina Faso, many projects ought to be geared towards giving ADR a more central role in the business life of our country in particular and Africa in general.

In this regard, I wish to achieve the following goals during my mandate:

- Enhance the positioning of the CAMC-O as a centre of reference in Africa;
- The adoption of a statute granting jurisdiction to a specific judge in Burkina Faso for matters relating to arbitration;
- The adoption of a specific statute for mediation in Burkina Faso;
- The adoption of a uniform Act on mediation by the Organization for the Harmonization of Business Law in Africa (OHBLA);
- The promotion of women mediators and arbitrators in arbitral institutions in Burkina Faso and Africa;
- Enhance the common actions of African arbitral centres;
- Provide assistance to other African centres in their development.

Can you tell us more about your dispute resolution centre? Do you administer arbitration cases or only appoint arbitrators? Do you have domestic and international arbitrations?

As indicated above, the CAMC-O was founded in 2005 by the CCI-BF and was assigned the following missions:

- Promote the use of ADR through public awareness, information and training; and
- Administer arbitral and mediation proceedings.

As a dispute resolution institution, the Centre not only administers proceedings in both arbitration and mediation but also ensures that these proceedings are properly conducted. In light of the experience of our Centre it is also often invited by users to act as appointing authority.

The Rules of arbitration of the CAMC-O derive from the OHBLA treaty and the Uniform Act on arbitration which, in its article 1, refers to "any arbitration", be it domestic or international. As such, the CAMC-O administers both domestic and international arbitral proceedings. Since the beginning of its operation in 2007, our Centre has registered 356 cases among which 131 were arbitration cases and 6 % of these cases are international arbitrations.

What were the challenges you faced when you arrived at CAMC-O? What are your major challenges as a woman at the head of this organisation?



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The main challenges I had to face at the beginning of my activities as permanent secretary of the Centre were the following:

- to create space for the use of ADR in an environment where litigants had as a unique reference the recourse to state courts;
- to arouse awareness among law practitioners and train these same practitioners in arbitration which was a novelty at the time;
- to work for the insertion of the CAMC-O in the legal and judicial system of Burkina Faso in order to give this institution a prominent role as a credible forum for alternative justice.

The main challenge that I had to face as a woman was to impose my leadership and associate the staff and different actors in the common project that the development of the CAMC-O was. But I also had to meet the high level of performance which was expected from me as a woman and to demonstrate the ability of a woman to manage such an institution just as well as or even more successfully than a man.

What is the percentage of women in your opinion acting as arbitrators, mediators, lawyers or other dispute resolution practitioners in your environment or your country?

The percentage of female arbitrators acting in CAMC-O cases is 16% and 36% of mediators acting in CAMC-O mediations are women.

Advancing women is the goal for AW. Does your organisation have a policy on advancing women or a practice to address the issue of increasing the number of women on panels or in programmes?

The CAMC-O develops a policy encouraging female applications for arbitrator or mediator positions. Strengthening women's skills is also a concern for the CAMC-O, as reflected in the Centre's activities and the different agreements concluded with our technical and financing partners.

This was notably the case in the agreement for the promotion of mediation in Burkina Faso concluded in 2010 between the CAMC-O and the International Finance Company (IFC), in which particular attention was given to the gender issue.

How does the CAMC-O appoint experts, mediators and arbitrators?

Arbitrators and mediators are recruited through an international call for applications. Applicants who are selected are required to follow training which complies with international standards before they can be registered on the CAMC-O list of certified arbitrators and mediators.

As for experts, they are required to produce a certificate showing that they are regularly admitted to act as experts before the State courts of their country of origin. They further need to show substantial experience in their field of expertise before they can be appointed/registered with the Centre.

You have been involved in international arbitration for over a decade. How has the field changed during that span of time?

A positive evolution in the practice of and recourse to arbitration is noticeable. From an embryonic stage at the beginning of the 2000's, we have witnessed a growing interest in and use of arbitration by the business community for adjudicating their disputes. This is evidenced by the growing insertion of arbitration clauses or post-dispute agreements to arbitrate in commercial contracts. Such an evolution results from promoting actions (awareness, training and information) carried out by the CAMC-O with the support of its technical and financing partners.

What do you see as the future of international dispute resolution?

Considering the specificities of commercial relationships and the concerns of the business community in need of speed, confidentiality and mainly preservation of good relationships with commercial partners, international dispute resolution through ADR mechanisms will likely become the rule in Africa. This reality is palpable through the fact that most countries are amending their national laws positioning arbitration as a privileged dispute resolution mechanism. The almost automatic reference to arbitration in international contracts evidences this trend. In the future, arbitration will become the normal way of resolving commercial disputes in African States.

Do you have relations or programmes in common with other dispute resolution centres in Africa? If not, do you think it would be valuable to have a sort of a regional meeting from time to time to share experiences and help develop the dispute resolution field in this region?

The CAMC-O collaborates with other similar centres and



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institutions in Africa. A great example of such collaboration is the creation in 2008 in Ouagadougou (Burkina Faso) of the African Centre for Arbitration and Mediation (ACAM) whose mission is to promote ADR and to share experiences in order to boost the development of these centres. The Chairmanship of ACAM is led by the CAMC-O.

However, the number of meetings with other centres is insufficient. A programme called ITC used to organise meetings among managing bodies of the centres every two years in Chamonix. Since this programme ended, and due to lack of funds, it has been impossible to directly share our experience through such meetings. Accordingly, we are looking for funding partnerships in order to help us organise many meetings.

What was/is your most satisfying achievement since arriving at the CAMC-O?

My most satisfying achievement is to have succeeded in inserting the CAMC-O in the Burkinabe business environment, giving the Centre visibility and credibility, which was not easy considering that ADR was almost unknown to the business sphere. Today, both from an internal and OHBLA region point of view, the CAMC-O is given due consideration, which explains why I am invited to conduct training sessions and seminars in various places.

From your own experience do you have advice for women seeking to further their careers in dispute resolution?

From my modest experience, I would advise women aspiring to further their career in the area to put some emphasis on training, research and high performance in the execution of their duties. Open mindedness and a collaborative spirit are also essential skills to this end.

How can a woman practitioner use AW to advance her career?

AW is a privileged platform that women could use to promote their skills, for example, by exchanging their resumés through AW, putting emphasis on their experience and skills. These resumés could then be consulted on AW's web site or dispatched within national or international bodies willing to call upon their services.

Is there any particular issue that you feel needs immediate attention or is there anything else that you would like to share with our readers?

The issue of fundraising for the centres deserves particular attention as it triggers questions of their development and survival.

COUMBA DIATIGUI DIARRA Director of the Conciliation & Arbitration Centre of Mali



Coumba Diatigui Diarra

You have been the head of the Centre de Conciliation et d'Arbitrage du Mali (CECAM) since January 2010. What was the career path that led you to this post?

From June 1988 to date I successively occupied the following positions:

- From July 1988 to December 1990: staff Manager at the CERPOD (Centre for Research on Population for the Development).
- 1991 to 2009: Head of the International Cooperation Division at the Malian Chamber of Commerce and Industry.
- January 2010 to date: Director of the CECAM at the Malian Chamber of Commerce and Industry.

Is your appointment for a specific term?

No, my appointment is based on a non-determined period contract with the Malian Chamber of Commerce and Industry.

Do you have specific goals that you would like to achieve during your term of office?

- Animation of a Structure for the Coordination of Arbitration and Conciliation-Mediation Centres from the member States of the West African Economic and Monetary Union (WAEMUE), the Economic Community of West African States (ECOWAS) and Organization for the Harmonization of Business Law in Africa (OHBLA).
- Creation and animation of a gender-based network of Managers of Arbitration and Conciliation-Mediation Centres from the member States of the WAEMUE, ECOWAS and OHBLA.



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- Creation of an organization taking into account the gender dimension, which would gather entities in charge of arbitrations, conciliations and mediations in Mali implementing ADR in order to secure the business environment in Mali.

Can you tell us more about your dispute resolution centre? Do you administer arbitration cases or only appoint arbitrators? Do you have domestic and international arbitrations?

Implementing a culture for alternative justice requires a constant promoting effort. It is imperative to inform economic world actors of the missions assigned to the Centre of Conciliation and Arbitration so that the Centre can plainly assume its role, notably participating in the securing of the business environment in Mali, promoting ADR for economic operators, entrepreneurs, traders and other actors of the national and international business world.

The CECAM has both a national and international dimension. Its mission is to organize through conciliation and arbitration, the resolution of disputes arising from national or international contracts. The CECAM does not itself resolve disputes, but organizes arbitration and conciliation procedures and ensures that the proceedings are properly conducted. Developing the Centre's activity will contribute to relieving the commercial courts and tribunals and ensure the expeditious resolution of disputes.

The Centre is composed of three organs:

- The Orientation Council (orientation organ)
- The Arbitration and Conciliation Committee (controlling organ)
- The Management (administrative organ)

The Orientation Council's mission is to assist the Centre in elaborating its ADR policy. From this perspective, it advises the Centre and contributes to the development and promotion of arbitration, conciliation and mediation.

The Arbitration and Conciliation Committee's missions consist in:

- Ensuring that arbitration rules are observed
- Confirming or nominating arbitrators
- Dealing with procedural incidents
- Deciding on draft awards

The Centre's Management is in charge of the day to day administrative and financial management.

- The Director is the cornerstone of the Centre. In this regard, she is assisted by various competent persons; a necessary assistance for an arbitration centre's effective functioning
- The Director ensures that arbitration, mediation and conciliation procedures are properly conducted.
- Aside the three functional organs, the Centre has a list of registered arbitrators coming from various backgrounds. Almost all arbitrators are lawyers and have recognized experience.

What were the challenges you faced when you arrived at CECAM? What are your major challenges as a woman at the head of this organization?

During seminars held for the implementation of the Project for the Improvement of Capacities of the CECAM, I had the opportunity to gather various actors of the judicial community who are involved in classic justice and disputes management. We obtained the judicial community's adherence to this project.

What is the percentage of women in your opinion acting as arbitrators, mediators, lawyers or other dispute resolution practitioners in your environment or your country?

Currently, there are only two women listed, although there are a certain number of female applicants (approximately ten).

Advancing women is the goal for AW. Does your organisation have a policy on advancing women or a practice to address the issue of increasing the number of women on panels or in programmes?

The gender dimension is considered by the CECAM and I was myself a gender focal point for the Malian Chamber of Commerce and Industry.

How does the CECAM appoint experts, mediators and arbitrators?

Pursuant to the Arbitration and Conciliation Rules, experts, mediators and arbitrators are designated by the parties from the Centre's list of arbitrators and mediators. Where the parties fail to do so, designation is made by the Arbitration and Conciliation Committee of the CECAM.

You have been involved in international arbitration for over a decade. How has the field changed during that span of time?

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When I joined the Centre, it was poorly known to the concerned actors, and we decided to focus on one objective:

Convince the Malian business world and foreign investors to resort to ADR for the resolution of their disputes. Accordingly a communication strategy was elaborated with the support of the ICF (Investment Climate Facility for Africa), which allowed us to achieve the following goals:

- Strengthening collaboration and complementarity with national jurisdictions
- Identifying and diagnosing ambivalence and obstacles which severely jeopardized development of ADR.
- Increasing the performance indicators focusing on the results.
- Increasing the CECAM's visibility at a national, regional and international level
- Increasing recourse to the Centre
- Getting equipped with fundamental instruments necessary to the harmonious development of an alternative justice system

Do you have relations or programmes in common with other dispute resolution centres in Africa? If not, do you think it would be valuable to have a sort of a regional meeting from time to time to share experiences and help develop the dispute resolution field in this region?

Yes, notably with the centres from Tunisia, Senegal and Burkina Faso.

Besides, the Centre is also a member of the African Arbitration and Mediation Centres Association.

We are also appealing to our national authorities in order for the CECAM to become a member of the OHBLA Commission.

What was/is your most satisfying achievement since arriving at the CECAM?

Promoting arbitration, mediation and conciliation via information/ awareness campaigns, publication and training.

Through its various encounters, the CECAM has contributed significantly to the training of the Centre's actors and in dispersing any misunderstanding that ADR conflicts with adjudication by the national courts.

Obtaining funds for Phase II of the PRC/CECAM project.

Organisation of the Symposium on the Perspectives and Stakes of Arbitration in the WAEMUE Area. This gathering was the opportunity for arbitral structures to evaluate the achievements carried out so far, exchange on their experiences and promote the specificity of arbitration.

From your own experience do you have advice for women seeking to further their careers in dispute resolution?

A strong conviction and team spirit, and networking, would be the guidelines.

How can a woman practitioner use AW to advance her career?

Join AW and network.

Can you share with us what are the particular characteristics of AW in your view?

Due consideration given to the gender dimension while implementing ADRs in light of securing the business environment.

Is there any particular issue that you feel needs immediate attention or is there anything else that you would like to share with our readers?

Exchange experiences and recount the historical background of the consideration of the gender dimension in the field of dispute resolution through conciliation or arbitration.

*Many thanks to **Diamana Diawara**, Deputy Counsel, ICC International Court of Arbitration, and **Oriane Marion**, LL.M International Business Law, Kings College, U.London for their translations from French to English of the interviews of Bintou Djibo Boli and Coumba Diatigui Diarra.*



Diamana Diawara



Oriane Marion

**SHARE WITH US YOUR
FEEDBACK ON THESE ISSUES**



ARBITRALWOMEN RECENT PROMOTIONS

ArbitralWomen regularly features in its Newsletter the promotion to partnership and other achievements and recognition of its members and this Newsletter is no exception. In fact, since our last Newsletter there have been a notable number of promotions which you can read about in the interviews below.

We have included brief biographical details for each woman, as well as her views and comments on the advancement of women in the field of dispute resolution and in the particular context of her practice (e.g., a law firm, barrister's Chambers, etc.)

Some interesting points emerge from the interviews which show how women are advancing in our area of the legal profession:

- Many law firms are giving special priority to and providing specific support for diversity of all forms, including career progress for women.
- In certain firms a high percentage of associate promotions are women.
- In many firms, especially the London offices of those firms, the number of women partners is steadily increasing.
- Clients are playing a key role as regards the advancement of women in law firms.
- Women are generally playing an increasing leadership role in the field, including in dispute resolution centres.
- However, appointments of women as arbitrators do not seem to be following the above trends.

We hope you enjoy reading about these remarkable women and are keen to have your feedback on the issues addressed. We would also be glad to hear from other members who have been promoted and who would like to be mentioned in our next Newsletter.

In alphabetical order, and showing the date of their promotion, the women featured are:

- Elizabeth Blackburn QC, Stone Chambers, London (November 2014)
- Clara Brillembourg, Foley Hoag, Washington, D.C. (January 2015)
- Ruth Byrne, King & Spalding, London (November 2014)
- Elodie Dulac, King & Spalding, Singapore (November 2014)
- Yasmine Lahlou, Chaffetz Lindsey, New York (December 2014)
- Karen Maxwell, Stone Chambers, London (January 2015)
- Wendy J. Miles QC, Boies, Schiller & Flexner LLP, London (January 2015)
- Dorothee Schramm, Sidley Austin, Geneva (January 2015)
- Vasanti Selvaratnam QC, Stone Chambers, London (November 2014)
- Claire Stockford, Shepherd & Wedderburn, London (January 2015)
- Ana Vermal, Proskauer, Paris (November 2014)
- Jane Wessel, Shepherd & Wedderburn, London (December 2014)

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Elizabeth Blackburn QC, Vasanti Selvaratnam QC and Karen Maxwell, Stone Chambers, London

Elizabeth Blackburn QC and Vasanti Selvaratnam QC have been appointed Joint Heads of Stone Chambers, we believe making them the first female joint heads of chambers. Karen Maxwell, a barrister who was previously at 20 Essex Street and also spent time at PLC establishing and leading Practical Law Arbitration, joined Stone Chambers in January 2015. Stone Chambers is a leading set of commercial and shipping barristers, based in London and Singapore, specialising in international commercial litigation and arbitration.



*Elizabeth Blackburn QC
Stone Chambers, London*

Elizabeth Blackburn QC acts as an Arbitrator under the ICC, LCIA and LMAA rules, specialising in commercial contracts, such as large scale supply contracts in the energy section, shipbuilding contracts and international trade disputes. She has been appointed as both chairman and sole arbitrator in a number of such disputes by the ICC International Court of Arbitration on the recommendation of the UK National Committee. She has now also begun to be appointed as an Arbitrator under the Rules of the Electricity Arbitration Association. In December 2009 Elizabeth was appointed as a first instance arbitrator on the Lloyd's Open Form Arbitration Panel. A recommended silk in both Legal Chambers & Partners and the Legal 500, they describe her as "a first-rate commercial barrister, who is approachable and very practical in the advice she gives."

Vasanti Selvaratnam QC is a leading silk in international arbitration and shipping, consistently recommended in Chambers and Partners and Legal 500. Within international arbitration in the latest Legal 500, she is



*Vasanti Selvaratnam QC
Stone Chambers, London*

described as "An absolute pleasure to work with; she is thorough, articulate and easily gets into the detail." Vasanti has been in practice since 1985 and was one of the first females with an Asian background to be appointed Queen's Counsel in 2001. She is widely commended for her user friendly approach, attention to detail, responsiveness, and cross-examination skills, particularly in technical cases. Vasanti regularly sits as arbitrator and act as Counsel in commercial disputes under ICC, LCIA and LMAA rules as well as in salvage disputes under Lloyd's Open Form.



Karen Maxwell, Stone Chambers, London

On joining Stone Chambers Karen Maxwell said: "My aim is to build on the knowledge and expertise in international arbitration law that I developed during my time at Practical Law, while at the same time continuing to practise in shipping, international trade and general commercial law, which I've always enjoyed immensely. So from that point of view, Stone Chambers is a great fit for me. I am particularly excited by chambers' growing profile and presence in international arbitration, including the successful establishment of Stone Chambers Singapore. Generally, I feel the set is underpinned by a very positive, client-focused energy and vision, and I'm proud to be a part of that."



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Clara Brillembourg, Foley Hoag, Washington, D.C.

Clara Brillembourg is an attorney admitted to the District of Columbia and New York Bars. She is based in Washington D.C. and became a partner in Foley Hoag's international litigation and arbitration practice in January 2015. She specializes in advising sovereign States in international treaty disputes with other States and foreign investors. She represents sovereign States before the International Court of Justice (ICJ) in disputes involving territorial rights, human rights and environmental harm, and counsels States in maritime delimitation cases before the ICJ, arbitral tribunals and the International Tribunal on the Law of the Sea. Clara also has extensive experience representing sovereigns in investment arbitrations before the International Centre for the Settlement of Investment Disputes (ICSID) and other prominent arbitral fora. Her representation of foreign States also includes domestic litigation before U.S. federal courts. She is also Co-chair of ASIL's Women in International Law Interest Group and the Meridian International Center's Rising Leaders Council, as well as a Term Member of the Council on Foreign Relations.



Clara Brillembourg, Foley Hoag, Washington, D.C

Clara is proud to join the talented group of partners, and particularly women partners, at Foley Hoag. She joins fellow ArbitralWomen member, Mélida Hodgson, who has been a partner in Foley Hoag's international litigation and arbitration practice since 2012. "Foley Hoag has always focused on cultivating its lawyers as professionals dedicated to their clients, but also as people contributing to the community inside and outside the firm. An important part of that commitment means providing support for diversity, in all of its forms," Clara says.

"The international litigation and arbitration practice, in particular, resembles a mini-U.N., bringing together attorneys from across the globe, with different ethnicities, languages, and legal backgrounds, who each bring a unique perspective to our work." In recognition of Foley Hoag's focus on diversity, the Human Rights Campaign Foundation awarded Foley Hoag a perfect score in its 2015 Corporate Equality Index. Foley Hoag was also recently named the third-best law firm to work for in the U.S. in the research firm Vault's 2015 "Top 10 Best Firms to Work For" list. The firm placed first nationally in firm culture and was ranked the number one law firm for LGBT individuals. The Vault also placed Foley Hoag in the top 20 rankings for the Best Law Firms for Diversity and Diversity for Women categories.

Ruth Byrne and Elodie Dulac, King & Spalding, London and Singapore

Ruth Byrne is a solicitor advocate based in the London office of King & Spalding and Elodie Dulac, based in the firm's Singapore office, is a solicitor (England and Wales), a member of the Paris Bar and is admitted as a Foreign Lawyer in Cambodia.

Ruth Byrne said:

"I had the honour of being promoted to the partnership of King & Spalding on 1 January, alongside six of my female colleagues, including fellow international arbitration practitioner Elodie Dulac in our Singapore office.

However, as is seen with the recent King & Spalding promotions, times are changing. In the case of our firm, developing female lawyers has been a critical priority in recent years. Almost half of all the new associates to join the firm in 2014 were women, with 45 per cent of the total associate ranks being female. Crucially, the partnership ranks are starting to reflect the changing dynamics. Now, almost a quarter of King & Spalding's total partnership is women. That figure rises to almost a third in our London office partnership.

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Ruth Byrne, King & Spalding, London

Even so, law firms – and the profession as a whole – should not be complacent but, instead, continue to make strides and undertake new initiatives to offer the support and direction needed. At King & Spalding, we established a Women’s Initiative Committee to encourage career progression. The group looks at training programmes, mentorships and retreats to help develop, support and prepare female associates for senior roles. Clients too are playing a vital part, with requests for proposals now including extensive questions about a firm’s diversity performance.



Elodie Dulac, King & Spalding, Singapore

There is, of course, still much work to be done. The mismatch between female associate intake and female partnership figures needs to be narrowed, while there is also a worrying lack of women selected for arbitration panels. Even so, organisations such as ArbitralWomen are helping to change the culture and improve the reputation of women within arbitration. Indeed, a TDM special issue due to be published in July, entitled “Dealing with Diversity in International Arbitration”, will delve into the topic.

My promotion comes with a sense of recognition and achievement but also a great sense of potential going forward. Like many of you, I see a strong group of young female lawyers coming through, offering amazing insight and intelligence and enjoying a sense of freedom and ambition for their career. They should look to the future with anticipation and excitement.”

Yasmine Lahlou, Chaffetz Lindsey, New York

Yasmine Lahlou is an attorney admitted to the New York Bar and is also a member of the Paris Bar. New York dispute resolution boutique Chaffetz Lindsey promoted her to the partnership, effective January 1, 2015. Yasmine, who was an early supporter and member of Arbitral Women, started her career in Paris at Castaldi Mourre & Partners before joining Clifford Chance in New York in 2005 and Chaffetz Lindsey shortly after it was established in 2009. With her training and experience in both civil and common law systems, Yasmine has spent her career focused on advising clients on their disputes arising from international commerce and investment.

Yasmine is the third female partner of eleven partners at Chaffetz Lindsey, including founding partner Cecilia “Cia” Moss and Jennifer Permesly, who was promoted in 2014. In Chaffetz Lindsey’s first five years, they have grown from five partners and three associates to 11 partners and 13 associates. Of this 13, eight are women, as are the Executive Director and Managing Director for Human Resources.



Yasmine Lahlou, Chaffetz Lindsey, New York



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Yasmine and Jennifer's promotions are a sign of the growing leadership role of women in the field of international arbitration, both in terms of the opportunities available to women to contribute and a community of talented women looking to support and mentor talent. For instance, Yasmine is a member of ICC's Young Arbitrator Forum's Regional Coordinating Committee, Jennifer is Treasurer of the New York International Arbitration Center, and Shearman & Sterling alumni, Alexandra Dosman, is the Executive Director of this institution. Another example was the women's brunch that Jennifer and Yasmine hosted on the weekend of the ICCA 2014 Conference in Miami which was attended by a diverse and distinguished group of 20 arbitrators and counsel from Latin America, Europe, the Middle East and the United States.

Wendy J. Miles QC
Boies, Schiller & Flexner LLP, London



Wendy J. Miles QC
Boies, Schiller & Flexner LLP, London

Wendy Miles is a partner in the London office of Boies, Schiller & Flexner (UK) LLP and an experienced barrister and solicitor qualified in England and New Zealand, focusing on international dispute resolution dealing with both private and public international law issues. She concentrates on international arbitration, including International Chamber of Commerce Court of Arbitration, London Court of International Arbitration, Permanent Court of Arbitration, Hong Kong International Arbitration Court, Singapore International Arbitration Court, Stockholm Chamber of Commerce, ICSID and UNCITRAL, and ad hoc arbitration and public international law.

Wendy was one of 93 new QCs announced in January 2015. 42 women applied and 25 were appointed (compared with 18 appointments the previous year, which represents an increase in female appointments of 39%). Although the number of women awarded silk is growing steadily, the Queen's Counsel Selection Panel has nevertheless commented that the number of female applicants "remains stubbornly low."

Dorothee Schramm, Sidley Austin, Geneva

Dorothee Schramm, a Swiss lawyer and a member of ArbitralWomen since its official foundation in 2005, has been promoted to the partnership of Sidley Austin LLP effective as of January 2015. She is part of Sidley's international arbitration team in Geneva and has been with the firm for 3.5 years, after having worked as an associate for Schellenberg Wittmer in Zurich and Geneva. During her time at Sidley, Dorothee has worked on a number of high-profile arbitrations, and has consistently been impressed by the team: "A great strength of Sidley's arbitration team lies not only in its skills and dedication, but also in its diversity," Dorothee says. "For example, it is not unusual that in a team of seven lawyers working intensively together on a case, we get a mix of six different nationalities and native languages, and five different bar admissions from common law and civil law countries. Often times, the majority of lawyers working on a case are female."



Dorothee Schramm, Sidley Austin, Geneva

After the promotion of Dorothee this year and Tanya Landon last year, half of Sidley's four arbitration partners in Geneva are female. Nearly half (47 percent) of Sidley's 32 new partner complement comprises women, and two of the four partners promoted in Europe are women.



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"I feel that U.S. law firms are more serious about the promotion of women than most European law firms I have seen, and Sidley is particularly committed to this goal," Dorothee says. For example, in 2014 Sidley received Gold Standard Certification from the Women in Law Empowerment Forum (WILEF), and was named a 2014 Best Law Firm for Women by *Working Mother and Flex-Time Lawyers*. Sidley's long tradition and efforts of advancing women in the legal profession has continually been recognized also by other notable organizations including Catalyst, Chambers, and Euromoney. These recognitions honour the firm's dedication to family-friendly benefits and flexibility policies, its track record of integrating women into the firm's partnership and top leadership positions, and its support of numerous projects and programmes that promote women and minorities. Dorothee appreciates this atmosphere: "I truly enjoy being part of a team that combines everyone's unique skills and strengths to achieve our common goals, and in which it simply does not matter what gender you are or where you are from."

Ana Vermal, Proskauer, Paris



Ana Vermal, Proskauer, Paris

Ana Vermal, an Argentine and Spanish national, and a member of the New York and Paris bars, has been promoted to Partner effective November 1, 2014. Ana, who started her career at Proskauer in New York in 2001, helped launch the firm's international arbitration practice in the Paris office in 2007. Ana had been promoted to Counsel in 2010.

Ana acts as counsel and arbitrator in complex international arbitration proceedings involving, among others, joint ventures, shareholders' agreements, mergers and acquisitions, distribution agreements and

construction projects. Fluent in four languages, Ana handles proceedings held in English, French and Spanish, as well as arbitration-related litigation in both France and the United States.

Ana commented: "I believe that there is a sincere and concerted effort at Proskauer to enable women to stay at the firm despite what are often competing demands on their time, in particular through part-time arrangements, and to promote women. While of course that is not representative of the firm in its entirety, in the Paris office the partnership is actually 100% female!"

Jane Wessel and Claire Stockford, Shepherd & Wedderburn, London

Jane Wessel and Claire Stockford, former members of Crowell & Moring's international arbitration team, where they were both counsel, have joined the London office of Shepherd and Wedderburn, which has its headquarters in Edinburgh, as partners.

Jane qualified in Chicago and then requalified in London. Claire is a barrister and a member of Gray's Inn.

Jane and Claire talked to ArbitralWomen about their new firm and new roles.

"In many respects," says Claire Stockford, newly appointed international disputes partner, "Shepherd and Wedderburn is gender blind when it comes to recruitment and promotions. Certainly looking around the firm, what I am seeing is a wealth of talented individuals, many of whom are women, who are committed to their clients."



*Claire Stockford,
Shepherd & Wedderburn, London*



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"I really believe that the firm is a great place to work whether you are a woman or a man," says Stockford. "In the last round of associate promotions in September 2014, 75% of the successful candidates were women. In our London office, almost half the partners are women, and a number of highly respected women occupy senior roles within Shepherd and Wedderburn. The firm definitely encourages women to develop successful careers in the law."



Jane Wessel, Shepherd & Wedderburn, London

Fellow partner, Jane Wessel adds, "Our clients' needs are complex, cutting across international boundaries and involving many disciplines, so our work in cross sector practices allows us to see at close quarters some of the tremendous work being done elsewhere in the firm. In my short time with Shepherd and Wedderburn, some very innovative client projects have had women at the helm. I can already see that this is going to be a great place for Claire and I to continue to develop our international disputes practice."

Gillian Carmichael Lemaire

KUDOS AND WOMEN PRACTITIONERS IN KEY POSITIONS



Olufunke Adekoya, Aelix

Olufunke Adekoya

ArbitralWomen member Olufunke Adekoya, a Senior Advocate of Nigeria who practises at the Aelix law firm in Lagos, has been elected to the governing board of the International Council for Commercial Arbitration (ICCA) for a four year term commencing in April 2015. The board will oversee ICCA's renewed organisational structure. Although the board includes five members from Africa, Olufunke will be the only representative of her country. Ten board members are now women (compared with three in 2012). Olufunke is a Barrister and Solicitor (Nigeria) and a Solicitor (England & Wales).



*Nudrat Ejaz Piracha,
Samdani Qureshi, Pakistan*

Nudrat Piracha

ArbitralWomen member Nudrat Piracha, a partner with Islamabad firm Samdani & Qureshi, has been re-elected to the 12-member Chartered Institute of Arbitrators' young members group steering committee for 2015. Nudrat is an Advocate of the High Court, a Solicitor (England & Wales) and a Fellow of the Chartered Institute of Arbitrators.



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ARBITRALWOMEN AROUND THE WORLD

ArbitralWomen members continue to be active in organising and participating in dispute resolution events around the world. Here are some of their reports. Sydney comes first, with our apologies for not publishing this report in our October 2014 edition.

ARBITRALWOMEN DINNER IN SYDNEY



From right to left: Back row – Julie Soars, Deborah Tomkinson, Natalie Puchalka, Bridie Nolan, Nicola Nygh, Louise Dargan, Mili Djurdevic, Rashda Rana, Anne Hoffman and Eriko Kadota; Front row – Deborah Lockhart, Georgia Quick, Erika Williams and Jo Delany.

On **19 August 2014**, ArbitralWomen in **Sydney** gathered for a dinner to celebrate the appointment of Rashda Rana as the President of ArbitralWomen. The members of ArbitralWomen in Sydney are delighted to have a representative from the Asia Pacific region in this prestigious position.

After congratulating Rashda on her appointment, we heard from each of the attendees regarding both their work life and life outside the law. It is only when one hears other women's stories that one realises how talented a pool of women in arbitration we have here in Sydney. Each woman had an inspirational story of how she first got into arbitration and how she has fared over the years. In addition, it was wonderful to hear the various ways in which women are able to balance work and family or leisure.

It is surprising how little you know about the personal lives of professional women even when you work alongside them. It is all too easy to forget that they have a whole other stream of 'living' at home to get on with, some of which is pleasurable and some not. This may involve children and/or (for many of us present) pets too! The juggling is incredible and yet, somehow, those present seem to be managing it and managing it well.

Over a sumptuous Japanese degustation dinner, we discussed the poor levels of representation of women in arbitration in the different layers of dispute resolution and the ways in which we could increase our presence and prominence in the field. When discussing how to balance work life with family, especially children, many women noted the importance of support at home and understanding in the work place. Certainly organisations like ArbitralWomen make it easier to draw likeminded women together and to give them the support and encouragement that is needed by all. It is always illuminating to hear how others in similar positions manage, to hear different ideas on work and family and to hear inspirational success stories.

At the end of the night, everyone was quite happy to have had the opportunity to have an open conversation about being a woman in arbitration in a forum that was warm and supportive. The celebration of the appointment of a proactive woman to the position of President of ArbitralWomen was a wonderful opportunity to gather together with a group of likeminded, inspiring women.

Erika Williams, Baker & McKenzie, Sydney

ARBITRALWOMEN BREAKFAST EVENT IN TOKYO

Konnichiwa! More than 40 men and women gathered in **Tokyo on 20 October 2014** for the annual ArbitralWomen Breakfast and Panel Discussion which took place on the occasion of the International Bar Association Conference 2014. Sponsored by the International Centre for Dispute Resolution (ICDR), the Bahrain Chamber for Dispute Resolution (BCDR-AAA), the Swiss law firm Homburger and Japanese law firm Nagashima Ohno & Tsunematsu,

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ArbitralWomen Breakfast and Panel Discussion

which also hosted the event in their office, the event attracted arbitration practitioners (both male and female) from around the world. It was refreshing to see so many willing to give up precious early slots at the IBA to attend the ArbitralWomen event!

The topic of discussion for the 2014 Breakfast was "Asian Perspectives on Party Representation in Arbitration". After a brief introduction by **Gabrielle Nater-Bass** (Vice President of ArbitralWomen and partner at Homburger, Switzerland) the discussion was led by ArbitralWomen President **Rashda Rana** (39 Essex Street Chambers, Singapore). The distinguished speakers were drawn from Asia and included **Yoshimi Ohara** (partner at Nagashima Ohne & Tsunematsu, Japan), **Liz (Kyo-Hwa) Chung** (partner at Kim & Chang, South Korea) and **Sally Harpole** (lawyer and arbitrator, San Francisco and Hong Kong).

The discussion was very lively and revealed some very interesting particularities of the Asian practice compared to the rest of the world. A number of different areas were explored with the speakers with excellent and thought provoking contributions from the floor.

One of the earliest matters of discussion, lead by Yoshimi and responded to by Liz, was the nature of parties' expectations of their counsel and the arbitration process in Asia. This raised discussion focusing on whether these expectations were seen as being similar or different within Asia itself, whether there are procedural differences between common law and civil law jurisdictions in Asia that affect expectations and whether

there are any particular or special considerations required to ensure the independence and impartiality of arbitrators in the Asia region. Cultural considerations that may need to be taken into account in relation to the independence and impartiality of arbitrators in Asia was also raised, with comments being pointedly made about the different views on the acceptability of ex-parte communications with judges/arbitrators, and the different approaches that need to be adopted when representing Asian and non-Asian clients. In particular, it was generally accepted by those present that awareness of the differences is critical to being able to represent clients effectively.

Sally then examined how these expectations compared to those in "the West" as well as comparing common law jurisdictions and civil law jurisdictions in Asia with those in the "West". Given the significant presence of multinational companies that operate in Asia, Sally compared, constructively, the expectations of Western and Asian clients within the Asia environment, rather than focusing only on how "Western" jurisdictions are different from "Asian" jurisdictions. Given the multinational character of her client experiences (having worked with Western – both from civil & common law jurisdictions, Japanese, Korean & Chinese clients in Asia), Sally stated that she found it interesting to note the variety of expectations, some of which may relate to the client's original home jurisdiction. One further "twist" related to how she perceived that expatriate ("Western") lawyers operated in Asian jurisdictions compared to their local counterparts.

Liz and Sally then highlighted the unique challenges for Counsel in Asia. They looked at the difference between civil law jurisdictions and common law jurisdictions in Asia with respect to the tension between the duty of candour and duty of confidentiality of counsel. This aspect was related back to Guidelines 9-11 of IBA Guidelines on Party Representation. They expressed, as did some members from the floor, that some arbitrators react differently to these cultural nuances depending on whether they are from a civil law or a common law jurisdiction. Cultural differences explain, to some extent, why it is that judges/arbitrators in Asia do not hesitate to facilitate settlement discussions in the course of litigation/arbitration.



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It became apparent during the discussion that there were diverging views about the conduct of Arb-Med-Arb by the same arbitrator/mediator; accepted to some extent in civil law Asian jurisdictions and yet not in common law jurisdictions. The closing remarks and vote of thanks were provided by Prof. Nassib Ziadé of the BCDR-AAA and Richard Naimark and Michael D Lee of the ICDR.



The panel of speakers at the ArbitralWomen Breakfast and Panel Discussion in Tokyo on 20 October 2014.

Left to right : Rashda Rana, Yoshimi Ohara, Sally Harpole, Liz Chung, Nassib Ziadé, Richard Naimark, Michael D. Lee.

We would like to thank the very kind generosity of the sponsors in the support they have given us. In particular, our thanks go to Yoshimi for making the fantastic facilities available to us for the event.

We also want to thank all those who attended. Your continuing support is turning this event into a traditional and highly anticipated event in an already packed IBA schedule!

ArbitralWomen looks forward to seeing many of its members and colleagues at the next Breakfast in Vienna this year! Save the Date: **October 5, 2015.**

Gabrielle Nater-Bass, Vice-President, ArbitralWomen and Partner, Homburger, Switzerland

Rashda Rana SC, President, ArbitralWomen and 39 Essex Street Chambers, Singapore.

DC WOMEN IN INTERNATIONAL ARBITRATION PANEL



Mallory Silberman, Arnold & Porter

Do you have a “brand?” How can a woman attorney “build a name for herself,” either within her organisation or in the arbitration community at large? These and other questions were the subject of a DC Women in International Arbitration panel held at Arnold & Porter in **Washington DC on 21 October 2014.** The panel, moderated by **Mallory Silberman** (Arnold & Porter) and featuring **Cathy Kettlewell** (ICSID) and **Jessica Vanto** (Freshfields), sparked a lively discussion with the audience of approximately 25 women in arbitration, about building a strong foundation, seizing opportunities to speak and publish, and finding (or being) a good mentor. The discussion continued over cocktails.



Jessica Vanto, Freshfields



Cathy Kettlewell, ICSID

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DC Women in International Arbitration was founded in early 2013 by Patricia Saiz (then of Weil, Gotshal & Manges), Méliida Hodgson (Foley Hoag), Claudia Frutos-Peterson (Curtis Mallet), and Jean Kalicki (Arnold & Porter). It has held two prior events, a kick-off event in 2013 featuring personal reflections by Jean Kalicki of the progress of women in the field, and another in 2014 featuring remarks by Meg Kinnear on mentoring. Further events are being planned for 2015.

Mallory Silberman, Arnold & Porter, Washington, D.C.

CONFERENCE & GATHERING IN BUCHAREST

An annual conference on international commercial arbitration was held in Bucharest (Romania) on 13 November 2014.

(<http://www.pnpartners.ro/news/n14005.asp>)

The panel featured a majority of women speakers, including ArbitralWomen member Crina Baltag, AmCham Brazil (São Paulo), Crenguța Leaua, Leaua & Associates (Bucharest), Alina Leoveanu, ICC (Paris), and Ileana Smeureanu, Jones Day (Paris).

After the conference women members and non-members of ArbitralWomen gathered to network.



Left to right: Gabriela Olteanu, Alina Leoveanu, Raluca Petrescu, Irina Pongracz, Catinca Turenici, Ileana Smeureanu, and Cristina Candea.

PROMOTING FEMALE ARBITRATION PRACTITIONERS IN THE WESTERN BALKANS



Speakers' panel at the GIZ conference on 'Gender oriented implementation of ADR instruments in Western Balkans' held in Tirana on 14 November 2014 with representatives of UNCITRAL, DIS and ArbitralWomen. Left to right: Antje Baumann, Adela Llatja, Beata Gessel-Kalinowska and Judith Knieper.

From a never ending working day to being a mom, a wife, a daughter and a friend, they still find time to share their opinions and discuss how to promote the work of female arbitrators and lawyers. On **14 November 2014**, female lawyers and researchers from the countries of the Western Balkans met in **Tirana** together with representatives from the United Nations Commission on International Trade Law (UNCITRAL) - **Judith Knieper**, German Arbitration Institution (DIS) - **Antje Baumann** and ArbitralWomen - **Beata Gessel-Kalinowska vel Kalisz**, in the framework of the project "Gender-oriented implementation of ADR instruments in Western Balkans," an initiative of Open Regional Fund for South East Europe – Legal Reform, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), represented by **Adela Liatja**.

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Delegates at work at the GIZ conference on 'Gender oriented implementation of ADR instruments in Western Balkans' held in Tirana on 14 November 2014 with representatives of UNCITRAL, DIS and ArbitralWomen.

In a one day workshop, researchers from the region reported on the new development of out-of-court dispute mechanisms. Albania and Bosnia and Herzegovina continue to have no law on international arbitration, other than regulation in both countries of international arbitration through the Civil Procedure Code. Kosovo, Serbia and Croatia have not made any changes to their legal frameworks. Macedonia has changed its law on mediation and is no longer an UNICTRAL model law jurisdiction. Montenegro is in the process of passing an international arbitration law through parliament and the Arbitration Court attached to the Chamber of Commerce has recently drafted arbitration rules which allow parties to choose the UNCITRAL Rules.



Drinks at the GIZ conference

In order for practitioners to have better access to cases and concrete practice, there are two exchange platforms, the UNCITRAL CLOUT system (http://www.uncitral.org/uncitral/en/case_law.html) and the New York Convention website (<http://www.newyorkconvention1958.org/>).

On the issue of women participating in round tables on this topic, it was noted that they are successful, but at some cost to their private lives: family, less time for the kids, less time for themselves. What pushes them forward is always motivation. There are also some women that, even if they are good, cannot achieve success. This happens due to lack of promotion, lack of financial resources, family duties, lack of lobbying, few role models, the existence of stereotypes and sometimes even nationality issues. Everyone agreed that women should be promoted, not because of their gender, but because of their values, which are different from one person to another. Some characteristics to be promoted are hard work, commitment and punctuality; passion for the profession; integrity; focus on detail; open mindedness; soft communication skills etc. The statistics of the Croatian Arbitration Court show that there are fewer cases of delay caused by women as compared with men. Even if in the last year the statistics show that numbers of women arbitrators are increasing, women are still under-represented in the profession.

At the end of the workshop it was stressed that in order to have more women in arbitration, self-marketing and more promotion is needed. This can be achieved by increasing men's (especially male leaders of arbitration institutions) awareness of the soft skills in which many women excel, so that more women are included on the lists of arbitrators. The number of female arbitrators appointed should be increased. Women need support to promote their professional achievements and contributions by participating in different conferences, preferably as speakers. More support should be given and efforts made for networking. What needs to be highlighted is networking, networking, networking and self-marketing.

Adela Liatja, Open Regional Fund for South East Europe – Legal Reform, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).



The International Network of Women in Dispute Resolution

EDUCATION PROGRAMMES SUPPORTED BY ARBITRALWOMEN

ARBITRATION COURSES PROVIDED FOR THE FIRST TIME IN CAMBODIA



*Mary Thomson delivering one of the CI Arb
Introduction to Arbitration classes in Cambodia*

Arbitralwomen in Phnom Penh With Vis East Moot Foundation Capacity Building Programme to Train Local Students and Coaches in International Arbitration

The first Vis East Moot Foundation's Capacity Building project took place from 29 September to 9 October 2014. 40 students from four Cambodian law schools and a visiting contingent from the Philippines took part in this exciting new initiative. The goal of the course was not only to provide the knowledge and skills necessary for students to participate successfully in the Moot competition, but also to create a sustainable framework and resource base in Cambodia for future training of international lawyers and business executives.

Most of the students who joined this programme did not have access to the books that are necessary for this type of training, nor were they familiar with the internet resources available to them. Students, coaches and trainers worked determinedly together to make this very worthwhile initiative a wonderful success. The 10-day programme included a two-day Introduction to Arbitration course, organised by the Chartered Institute of Arbitrators. ArbitralWomen Mary Thomson and Louise Barrington delivered the course, which was also open to lawyers and to others with legal training or substantial international business experience and an interest in international arbitration. As a result the CI Arb hopes soon to enroll its first Cambodian members.

Vis Moot coaches Tijmen Kleinbronsvoort and Susan Wintermuth then joined Louise Barrington and Canadian lawyers John Claydon and Chuck Gastle of CLEW (Cambodian Legal Education for Women) on the campuses of RULE and National University of Management. They worked tirelessly with students on the basics of international law: sources of law, legal reasoning, the Convention on International Sales of Goods, international arbitration law and practice and advocacy. Some CLEW graduates will work in international arbitration; as they enter graduate studies and legal practice, we hope they will join ArbitralWomen.



The "Survivors' Cake"



The International Network of Women in Dispute Resolution

IICL ONLINE CERTIFICATE PROGRAMME ON INTERNATIONAL COMMERCIAL LAW AND INTERNATIONAL ALTERNATIVE DISPUTE RESOLUTION



Vikki Rogers, Director Institute of International Commercial Law, Pace Law School

This programme was put in place by Professor **Vikki Rogers**, ArbitralWomen member. It is a cutting-edge online distance learning programme presented by the Institute of International Commercial Law at Pace Law School, New York. IICL brings the experts to the students, without the hassle, interruption and expense of additional travel. Advanced training on commercial law and ADR topics in an interactive online learning environment is available for law students, lawyers, contract management professionals and ADR professionals year-round.

The programme, which started in 2013, is supported by ArbitralWomen and some lectures are also given by ArbitralWomen members. In addition, last year ArbitralWomen supported three full scholarships for women from developing economies. One of them wrote to ArbitralWomen that:

"This Program was a great opportunity for me to get much more knowledge of ADR mechanisms that is very important for young student like me. I am a lawyer and I am working for a private company, but I do not have opportunity to finance this course. Your organization agreed to award me full scholarship and I want to thank you for supporting me getting knowledge. This scholarship makes me motivated to be the best one on this course. I do appreciate your help."

MASTER OF LAWS (LL.M) IN INTERNATIONAL COMMERCIAL ARBITRATION AT STOCKHOLM UNIVERSITY

Patricia Shaughnessy (ArbitralWomen member), professor at the globally highly-ranked Master of Laws (LL.M) in International Commercial Arbitration at Stockholm University is pleased to announce the opening of applications for admissions for the upcoming academic year 2015 – 2016. **The application period opens on March 2, 2015 and closes on April 15, 2015.**

The ICAL programme is especially delighted to announce its Scholarship Programmes. The Swedish Arbitration Association offers a full-tuition scholarship available for a student from any country or nationality.

There are three full-tuition scholarships available for Chinese students, thanks to the generous sponsoring by the law firms: Mannheimer Swartling, Gernandt & Danielsson, and Vinge.

For more information about the master programme and admissions, visit the master programme's website or contact master@juridicum.su.se

Professor Shaughnessy informed us that the last group of the Chinese scholarships went to three women. The Chinese women scholarship recipients are all enjoying exciting post-grad careers. They are at Debevoise HK, Jones Day Beijing, and pursuing doctoral studies in arbitration. It is wonderful that Chinese women are obtaining good positions and can contribute to developing, practising and researching arbitration law.



MOOC DROIT DE L'ARBITRAGE INTERNE ET INTERNATIONAL

Launch of First Online Teaching of a University Degree in Domestic & International Arbitration

Programme co-headed by Professor **Carine Jallamion** and **Caroline Duclercq** (ArbitralWomen member), in collaboration with the Centre du Droit de l'Entreprise and the Fédération Nationale des Entreprises.

This degree offers complementary training in domestic

[Click here for further information.](#)

ARBITRALWOMEN MENTORSHIP PROGRAMME 2014/2015

Each year ArbitralWomen matches young aspiring practitioners with more experienced women in an effort to encourage transfer of skills, best practices and wisdom gained from expertise to the younger generations.

The 2014 – 2015 programme saw 18 mentee applicants, more than ever before, but very few mentor volunteers. However, direct approach to a few seasoned members yielded a dozen willing mentors, more than any prior year, so that we were able to distribute two mentees to each of six mentors, and one each to the others. This is a 50% increase over last year.

The distribution follows, to the extent possible, geographical lines, or at least close time zones in order to facilitate contact. An exception was that Rashda Rana kindly took on two mentees located in London, but this should be no problem as Rashda frequently finds herself in that pivotal city.

Because of the nature of this programme, feedback is very important in order to assess its success and make improvements where necessary. Despite requests we had very little feedback in prior years, so little in fact that we had to reassess each year whether to continue the programme at all. However, as it is clearly sought after, we do continue, this year providing an actual feedback form with a request it be sent to me before the end of last year and again this coming June. Unfortunately I have received only one feedback form so far, but also a couple of reports by email, all of which certainly indicate that the programme is moving along smoothly and to the satisfaction of its participants. We indeed hope to have more feedback by mid-year and trust that all are finding the relationships helpful.

Next year's programme will commence in the third quarter of 2015. Applications, as well as the basic policy, are to be found on our website and all interested are encouraged to submit theirs by 15 September 2015, the intended cut-off date.

Karen Mills, ArbitralWomen Executive Committee and Founding Member, Karim Syah Law Firm, Jakarta



The International Network of Women in Dispute Resolution

ARBITRALWOMEN KLUWER ARBITRATION BLOG

Issue n°11 of the Newsletter reported about the first papers published between January and June 2014 by ArbitralWomen members under the [Kluwer Arbitration Blog](#) (also available under [ArbitralWomen dedicated page](#)), or also by clicking on the hyperlink of each of the blogs so far posted and summarized below. In this issue, we provide a brief summary of postings from July 2014 to 25 February 2015.

[Effective Management Of Arbitration; A Guide For In-House Counsel And Other Party Representatives](#)

*By Mirèze Philippe
Posting of 22 July 2014*

In this blog, the launch of the [Guide for In-House Counsel and Other Party Representatives on Effective Management of Arbitration Guide \('Guide'\)](#) is reported on. Time and costs in arbitration is a debate that started several years ago and remains a concern for business and dispute resolution practitioners. Several initiatives were taken to provide tools for controlling time and costs, namely by the ICC (see our blog on [Lists, Checklists, Guidelines, Principles, Techniques, Protocols, Best Practices: Are They Useful?](#)). This Guide now provides a checklist for the procedural decisions that need to be made at each principal phase of an arbitration. Useful in both large and small cases, it enables in-house counsel worldwide to participate effectively in the tailor-making process throughout the arbitration proceedings. A panel of renowned in-house counsel shared their experience about each of the stages defined in the Topic Sheets of the Guide and welcomed this Guide. The Guide was drafted by a Task Force of the [ICC Commission on Arbitration & ADR \("Commission"\)](#).

[Women In Arbitration In Brazil](#)

*By Ana Carolina Weber and Eleonora Coelho
Posting of 28 August 2014*

The authors analysed the present situation regarding women in arbitration in Brazil. Despite the encouraging developments in arbitration in Brazil, the authors found the current panorama not as promising as desired. Local statistics show that the percentage of female arbitrators listed with the most prominent Brazilian chambers is low. Lack of role models, unequal treatment between men and women, and a conservative attitude in the process of appointment are only some of the factors that perpetuate the imbalance. The authors call for solidarity between older and younger generations of female arbitrators, and invite the newcomers to reach out and use the institutional assistance on access of women to arbitration and to the legal field in general that many law firms and non-governmental organizations provide.

[Investment Protection – Swiss Style](#)

*By Kirstin Dodge, Simon Vorburger and
Gabrielle Nater-Bass
Posting of 25 September 2014*

The authors recall that historically Switzerland has been an attractive location for international corporate headquarters. Switzerland was the first State after Germany to enter into bilateral investment treaties ("BITs") beginning in 1961. To date, after having signed more than 130 BITs, Switzerland is clearly committed to the availability of investor-state dispute settlement mechanisms as a means of protecting international investments and depoliticising investment disputes. The country also appears to be committed to addressing head-on controversial issues that have arisen in investment treaty cases by taking a modern and flexible approach to the negotiation and drafting of BITs. A more extensive article by the authors on this topic has been published in *Getting the Deal Through -- Investment Treaty Arbitration 2014* (Nov. 2013, contributing eds. S. Jagusch & E. Triantafyllou, www.GettingTheDealThrough.com).



The Pemex Case: the Ghost of Chromalloy Past?

*By Lorraine Brennan
Posting of 15 October 2014*

The author recalls that the international arbitration community sat up and took notice when a recent decision issued by Judge Alvin K. Hellerstein from the Southern District of New York in the Pemex case ordered that an arbitration award that had been set aside by the Mexican courts could be enforced in the United States. The case was particularly noteworthy because there is only one other reported case in the United States - Chromalloy from 1996 - which ordered the same result, albeit for different legal reasons. While the court in Pemex did not rely on the specific reasoning in Chromalloy, it did remark that Chromalloy remains alive. The author concludes that it is unlikely that this case will open the floodgates in the United States to enforcement of awards that have been set aside abroad. The facts in this case distinguish it from many of its predecessors. Nevertheless, it would be difficult to fathom how the court could or should have reached a different result under these circumstances. And it also gives a nod to a case that many thought had been dismissed as an outlier, and reminds us that parties remain captive to the courts at the seat of arbitration when it comes to nullification of international arbitration awards.

International Commercial Arbitration In Romania: Can The New Changes Release The Tension Instilled In The Past

*By Cristina Elena Candea
Posting of 1 December 2014*

In August 2014, the Court of Arbitration attached to the Romanian Chamber of Commerce and Industry amended its arbitration rules and returned to the long-standing principle of party autonomy in the constitution of tribunals. Prior to that, for a period of roughly two years, the Court promoted an appointment mechanism whereby the President of the Chamber appointed all arbitrators (or the sole arbitrator) from pre-approved lists.

This appointment system generated great tensions both within the Court and among the parties, who saw themselves deprived of the ultimate reason for which they chose arbitration over court litigation. The amendment of the arbitration rules and a better organisation of the dispute administration structure within the Court seemed to have restored that trust. Despite these positive developments, the author concludes that there are many other areas to improve, notably the training of arbitrators.

Losing Entitlement to Claim and Resort to Dispute Resolution in Construction: Time Bar Provisions and the Turkish Approach

*By Yasemin Çetinel
Posting of 19 December 2014*

Characterised as a topic strongly connected to the dispute resolution arena, time bar provisions appear at the top of the list of priorities with regards to disputes in the construction field. Among many others, a recent decision rendered by the High Court of Justice, Queen's Bench Division (Obrascon Huarte Lain SA v Her Majesty's Attorney General for Gibraltar [2014] EWHC 1028 (TCC)) confirmed such position while demonstrating the importance of the structure of procedural provisions and the result of non-compliance thereof in construction contracts. Specifically, clauses related to notice of claim create contractual obligations with regard to the procedure that must be followed by the contractor to be entitled to exercise a right to claim under the contract. The interpretation of such clauses will differ as to whether or not the nature of these provisions constitutes a condition precedent. Vis-à-vis the major approaches on the nature of time-bar provisions, the Turkish courts' approach is consistent and established. It follows a strict view on the word-for-word compliance with the time bar provisions without leaving room for any prevention principle to become applicable. Consequently, this approach makes Turkey a jurisdiction where contractors must carefully consider compliance with notice clauses so as not to lose any right to claim or resort to dispute resolution.



[New Arbitration Rules For The Victorian Supreme Court – Another Step In The State’s Commitment To International Commercial Arbitration](#)

*By Bronwyn Lincoln
Posting of 16 January 2015*

Following the 2010 amendment of the International Arbitration Act and parallel legislative reform in many of the States and Territories, Australia now has clear and distinct legislative regimes in most jurisdictions for both international commercial arbitration and domestic arbitration. The State of Victoria established itself as a leader in this field as early as 2010 with the creation of an arbitration list in its Supreme Court. The most recent initiative in Victoria is the introduction of new arbitration rules in the Supreme Court of Victoria, which came into force on 1 December 2014. The author looks into the most important features of the 2014 Rules and concludes that their introduction along with the publication of the Practice Note in the Supreme Court of Victoria are important steps in ensuring that practitioners (and their clients) have confidence in the Victorian courts’ commitment to international commercial arbitration. The 2014 Rules also make it easier for foreign lawyers to understand exactly how the Court can assist parties and provide clear information about what documents are required for each application and how to access the Arbitration List.

[The New Dutch Arbitration Act 2015](#)

*By Barbara Rumora-Scheltema and Bo Ra Hoebeke
Posting of 25 February 2015*

The New Act entered into force on 1 January 2015 in relation to arbitrations commenced on or after 1 January 2015. The New Act is an amendment to the former Dutch Arbitration Act, which dates back to 1986, many aspects of which remain unchanged in the New Act. Although the Act is not based on the UNCITRAL Model Law (2006), the Dutch legislator, in its preparation for the New Act, did look to the Model Law (2006). Overall, in the New Act, the legislator has granted the parties more autonomy to shape the arbitration as they deem fit. In fact, only a few provisions in the New Act, all relating to due process, are of a mandatory nature. A full unofficial English translation of the text of the New Act is available on the website of the Netherlands Arbitration Institute (<http://www.nai-nl.org/en/>).

CALL FOR CONTRIBUTIONS

ArbitralWomen members who wish to contribute to the Kluwer Arbitration Blog may contact Ileana Smeureanu and indicate the subject and the date on which they commit to send us their contributions.



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MARK YOUR AGENDAS

ARBITRALWOMEN SPEEDNET EVENTS

9 March 2015, Paris (France)

Hosted by August & Debouzy, Paris

[Click here for further information and to register](#)

27 May 2015, Warsaw (Poland)

Hosted by Modzelewska & Paśnik, Warsaw

(Further information soon available on the website)

1 July 2015, Sao Paulo (Brazil)

(Further information soon available on the website)

21 September 2015, Berlin (Germany)

Hosted by DIS, Germany

(Further information soon available on the website)

Several other venues are currently under organisation and will be communicated on the website.

ARBITRALWOMEN PARTNER EVENTS

16 April 2015, London (UK)

Impact of the oil price on global disputes

Hosted by King & Spalding

5 May 2015, Paris (France)

Les femmes dans l'arbitrage, est-ce si différent ?

ArbitralWomen speakers: Caroline Duclercq, Carole Malinvaud, Mirèze Philippe

28-29 May 2015, Warsaw (Poland)

Dispute Resolution in M&A/JV Transactions

ArbitralWomen speakers: Beata Gessel-Kalinowska vel Kalisz, Crenguta Leaua, Wendy Miles, Mirèze Philippe, Noradèle Radjai, Malgorzata Surdek

[Click here to register](#)

23-24 June 2015, London (UK)

Women in Dispute Resolution

(Further information soon available on the website)

5 October 2015, Vienna (Austria)

Breakfast & Round Table Discussion in conjunction with IBA

(Further information soon available on the website)

3 November 2015, Miami (USA)

Breakfast & Round Table Discussion in conjunction with ICC yearly event

Further information soon available on the website.

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The International Network of Women in Dispute Resolution



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2015 Dispute Resolution in M&A/JV Transactions

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GESSEL

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C/M/S

Law, Tax

TOPICS INCLUDE:

- Hot topics in M&A/JV arbitration from the perspective of ICC, AAA, DIS and SIAC
- Settlement in M&A/JV arbitration: voluntary, contractual, or induced by the arbitrators
- Evidence problems in M&A arbitration
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- Arbitrators
- Attorneys
- In-house counsels
- M&A legal and business advisors



More info: i.bukowinska@gessel.pl

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ArbitralWomen Activities & Services

Newsletter

The ArbitralWomen Newsletter is a quarterly publication presenting information about international dispute resolution and women practitioners in this field.

Editorial Committee: Gillian Carmichael Lemaire, Lucy Greenwood, Mirèze Philippe, Rashda Rana, Ileana Smeureanu

Find a Practitioner

Find appropriate and qualified dispute resolution practitioners through the [multi-search tool](#).

Become a Member

Women practitioners in dispute resolution who wish to join the group may submit an application with a CV and a photo directly on the website.

Events and Sponsorship

Firms and organisations who would like to co-organise events with ArbitralWomen or have their events supported by ArbitralWomen may post a message under "[Contact us](#)".

Cross-References and Cooperation

Firms and organisation who wish to cross-reference with ArbitralWomen on their website and cooperate with ArbitralWomen may post a message under "[Contact us](#)".

Mentorship Programme

[Click here](#) for the application form to be completed, to become a mentor or mentee.

Vis Moot Support

[Click here](#) for the application form to be completed by moot competition teams consisting of at least 50% women, to submit a request for financial assistance for the Vis Moot or Vis East.

Training and Competitions

ArbitralWomen publishes information about dispute resolution programmes, scholarships, training etc. To promote such programmes you may post a message under "[Contact us](#)".

Job offers

ArbitralWomen publishes job offers. You may communicate any offer in the dispute resolution field and legal field in general by posting a message under "[Contact us](#)".

Copyright and reference

If you use any information from our Newsletters including bibliographies communicated for information, we request that you refer to ArbitralWomen or the relevant Newsletter(s).

Questions?

For any question, information, proposal, you may post a message under "[Contact us](#)".