



First conference day on diversity and unconscious bias, on 16 March 2016, in Paris, France

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2023: a Year of Milestones and Memories – Celebrating Three Decades of ArbitralWomen

We look at ArbitralWomen's evolution over the years with gratitude to all Board members, members, and supporters who have contributed to its success!

Women Leaders in Arbitration
Dr Nagla Nassar

Arbitration in Germany

Uncitral Working Group III, 46th session

President's Column

In this first issue of 2024, we cover both our London and Paris 30th anniversary celebrations, which took place in May and November 2023, respectively. We share some photos of these fantastic celebratory and networking events. At the Paris evening event, we had the privilege to listen to some of our most prominent members speak about their own experience as women practising in ADR, from their diverse perspectives, and on their views on the future of ADR (see the report on the panel, on pages 7-9 of this issue).

This issue also includes a historic timeline of the most important milestones in ArbitralWomen's existence, since its inception, as a relatively small group of women practitioners in dispute resolution, in November 1993, through three decades of growth, up to the present day. The timeline also features a gallery of Arbitral Women's Presidents, starting from 2005, the year it was registered as an association, and pictures of some special moments over the years, together with a timeline of our members' initiatives and activities throughout three decades of development. The timeline ends with a list of Board members, who have generously given their time, across the years, to the various initiatives and activities of ArbitralWomen.

We also feature an interesting interview with Dr **Nagla Nassar**, a preeminent Egyptian arbitration practitioner, and learn more about arbitration in Germany through the lens of the Secretary and a senior counsel of the Deutsche Institution

für Schiedsgerichtsbarkeit e.V. ('DIS') and about the institution's record year in 2023, both in terms of case-load and diversity.

Also included in this edition is a report on the 46th session of the UNCITRAL Working Group III, on ISDS reform, during which the group discussed the possibility to set up an Advisory Centre on international investment law, together with other proposed topics, such as assessment of compensation and damages and amicable dispute resolution, among others. ArbitralWomen's Educational Funding Committee further follows up on the committee's award initiative to provide funding for arbitration and ADR-related courses, by shining a light on the programme that received the award, i.e., the Arbitration Fund for African Student ('AFAS')'s 'ADR Student Connect Network'. AFAS aims to promote arbitration in Africa through inspiring conversations among students and seasoned arbitration practitioners who will share their career journey and progression with them, and tracking the studies and careers of these students in connection with ADR/arbitration.

Finally, we take a closer look at the profiles of the members of YAWP's Steering Committee for the 2024-2025 term.

We hope you enjoy reading our Newsletter and that you have an excellent year 2024!

*Louise Woods, Vinson & Elkins
ArbitralWomen President*



ArbitralWomen 30th Anniversary Celebrations

London, 15 May 2023

Quotes from the speech given by Louise Barrington & Mirèze Philippe

'Looking back at the 30 years of AW, it is rewarding to see that things have changed and that doors are now open to women, although not yet wide open, and certainly not in all countries. There remains much to be done.'



Victoria Pernt (l) and Amanda Lee(r)



Left to Right: Barry Leon, Louise Barrington, Mirèze Philippe & Paul-André Gélinas



Nadja Al Kanawati(l) and Katherine Bell(r)



Left to right: Gillian Carmichael Lemaire, Mirèze Philippe & Rabab Yasseer

'We have made the difference by walking the talk, together with each of the Directors who served on the Board over these decades, and also thanks to our members.'



Attendees on the terrace



Left to right: (sitting) Louise Barrington, Louise Woods, Mirèze Philippe, Gisèle Stephens-Chu & Maria Beatriz Burghetto; (standing) Mary Thomson, Alina Leoveanu, Rekha Rhangachari, Marion Lespiau, Sara Koleilat-Aranjo, Elizabeth Chan, Gaëlle Filhol, Katherine Bell & Nesreen Osman

ArbitralWomen 30th Anniversary Celebrations

Welcome cocktail, Paris, 21 November 2023

Quotes from the speech given by Louise Barrington & Mirèze Philippe

'When I started out at the ICC Institute, there were two or maybe three female members out of 40 or 50 total. One woman member of the ICC Court. No female counsel at the Court. That was accepted as normal.'



Pak Suen (l) & Christopher Chinn (r)



Alina Leoveanu (l) and Angelina Petti (r)



Left to right: Jana Lefranc, Lisa Dubot, Patrizia Netal; (in the background) Nata Ghibradze, Mahnaz Malik, Lucia Bazzucchi



Affef Ben Mansour (l) & Alya Ladjimi (r)

'ArbitralWomen is proud to have contributed to bring to light the many talents of women practicing dispute resolution. We are happy to have been able to mentor, to train mooties and younger generations, to give the floor to women who may not have had the chance otherwise to speak or to publish, to have gathered a network of members who support and promote each other, and have achieved many projects and initiatives...'

photos by: <https://www.linkedin.com/in/stephanie-de-fortis/>

ArbitralWomen 30th Anniversary Celebrations

Paris Dinner



Left to right: Céline Fortoul, Pascale Accaoui-Lorfin & Munia El Harti Alonso



Left to right: Margaux Méry, Nagla Nassar & Larisa Babiy



Left to right: Djurdja Lazic, Ramilka Taveras-Urzhumova & Sarah Monnerville Smith



Left to right: Lisa Baker Morgan, Mehleen Gehler-Rahman, Fiona Wilkie, Eliza Seran, Aleksandra Fedosova & Anastasia Bondarenko



Left to right: Ileana Smeureanu, Maria Kostytska, Céline Fortoul, Pascale Accaoui-Lorfin, Munia El Harti Alonso, Alexandra Wintrebert, Flore Poloni, Merlin Papadhopulli & Mary Thomson



Left to right: Affef Ben Mansour, Vanessa Thieffry, Claire Pauly, Lisa Dubot, Anneliese Day, Louise Woods, Djurdja Lazic, Ramilka Taveras-Urzhumova, Sarah Monnerville Smith & Mihaela Tarnovschi

ArbitralWomen 30th Anniversary Celebrations

Paris Dinner



Left to right: Mirèze Philippe, Louise Barrington (standing), Claudia Cavicchioli, Marlena Harutyunyan, Marine de Bailleul, Nata Ghibradze, Anna Guillard Sazhko, Kimberley Bazalais & Khadija Leuenberger



Left to right: Emily Fox, Patricia Peterson, Christopher Chinn, Pak Suen, Marwan Sakr, Hanh Huynh, Maria Mitaeva & Sarah Schröder



Left to right: Eloise Villaz, Sally El Sawah, Tiffany Lam, Carine Doganis, Margaux Méry, Nagla Nassar, Lucia Bazzucchi & Larisa Babiy



Left to right: Allison Torline, Amany Chamieh, Gillian Carmichael Lemaire, Maria Beatriz Burghetto, Angelina Petti, Alina Leoveanu, Alya Ladjimi, Melissa Ordonez & Mahnaz Malik



Left to right: Patrizia Neta, Gisèle Stephens-Chu and Anne-Fleur Dory (foreground)



Left to right: Anastasia Bondarenko, Laurence Franc-Menget & Alina Leoveanu

Past Present and Future

Celebrating ArbitralWomen's 30th Anniversary in Paris



Louise Woods' (ArbitralWomen's President) opening remarks



Speech by ArbitralWomen's co-founders Mirèze Philippe (l) & Louise Barrington (r)

Welcoming remarks on the history of ArbitralWomen

On 21 November 2023, ArbitralWomen celebrated its 30th anniversary [in Paris](#), gathering members and leading practitioners to reflect on 'learning from the past, looking to the future — women in international dispute resolution'. Following welcoming remarks by **Louise Woods** (ArbitralWomen's President), ArbitralWomen's Co-Founders **Louise Barrington & Mirèze Philippe**, gave

an inspiring speech on the inception and subsequent stages of the history of the [association](#).

Louise and Mirèze identified three phases that ArbitralWomen has experienced since its creation in 1993. During the first phase, it was considered a 'ridiculous' initiative, or 'a silly women thing' that was not necessary in the 'boys' club' that was the international arbitration community. In a second phase, once ArbitralWomen was established, it was seen as 'dangerous', probably because

it encouraged greater competition on the playing field. And in its third phase, it was accepted as 'obvious', and that the creation of an association such as ArbitralWomen was indeed necessary to open the doors for women in international arbitration. However, this does not mean the playing field has been made even: there is still much work to be done, and ArbitralWomen will continue to persevere with its initiatives. The story of women in arbitration continues.

The Past, Present and Future of Dispute Resolution

Maria Beatriz Burghetto & Gisèle Stephens-Chu (both ArbitralWomen Board members) then moderated a lively and thought-provoking round table reflecting on the past, present and future of dispute resolution, with a focus on gender diversity, by a panel wholly constituted of ArbitralWomen members: **Anneliese Day** KC (Barrister,

Fountain Court), **Mahnaz Malik** (Barrister, Twenty Essex), **Nagla Nassar** (Partner, NassarLaw) and **Patrizia Netal** (Partner, Knoetzl, Vice President VIAC).

1. The Past

In answer to a question on particular significant changes in ADR, Mahnaz

Malik identified the expansive nature of international arbitration outside of traditional hubs and 'boys' clubs'. The underlying paradigm shift has extended to clients that value and reflect diversity. Patrizia Netal pointed out that arbitration being taught in universities and the success of the [Vis international Moot](#) have had a significant impact on the



Panel: Left to right: Maria Beatriz Burghetto (moderator), Nagla Nassar, Anneliese Day, Mahnaz Malik, Patrizia Netal & Gisèle Stephens-Chu (moderator)

‘If you wanted to enter, you had to break in’

popularisation of arbitration as an educational tool beyond Europe and the US.

On the topic of self-branding and identity, Anneliese Day KC commented that the best advice she received was to be herself. Additionally, she raised a timely point on the value, for women in the profession, of allyship and mentoring relationships with men. Nagla Nassar reflected on the evolution in diversity in the field, whereby initially, ‘if you wanted to enter, you had to break in’, emphasising the importance of resilience and perseverance in finding success.

2. Present: the Vast Cultural Spectrum that IA brings in the Theatre of Disputes – the New World?

Mahnaz Malik called for arbitration to live up to its promise to be inherently international, moving away from cultural bias. New jurisdictions (the ‘new world’) have emerged as hot seats, to which those that remain in silos will lose competitiveness. Patrizia Netal added that cultural sensitivity should extend to all stakeholders, including witnesses and experts. Gisèle Stephens-Chu mentioned the [Equal Representation](#)

[in Arbitration](#) Pledge (“ERA Pledge”) and the recent iteration of the Pledge for Experts, the [Equal Representation for Expert Witnesses](#) (ERE) Pledge.

The [Nigeria v. P&ID judgment](#) handed down by the English High Court of Justice of 23 of October 2023, setting aside an US\$11 billion award against Nigeria, on the grounds that it was procured through false evidence, corrupt payments and improper retention of leaked documents, was discussed as

a paradigm case on the role of arbitrators in the context of corruption. Nagla Nassar emphasised that the integrity of the arbitral process depends on all stakeholders, particularly on counsel’s submissions to the tribunal to lay the foundations of the case. The differences between the civil law and common law approaches to the roles of judges have been transposed to the arbitration realm. Patrizia Netal stressed the tribunal’s duty to preserve the legitimacy of proceed-



Left to right: Maria Beatriz Burghetto (moderator), Nagla Nassar, Anneliese Day, Patrizia Netal, Mahnaz Malik & Gisèle Stephens-Chu (moderator)

ings and avoid an abuse of process if there is an indication of visible illegal conduct. This extends to considering issues around the admissibility of evidence. As a prelude to the third segment, Mahnaz Malik followed up on the broader debate of the mandate of future arbitrators. There is a greater discussion to be had as to what practitioners want to see in arbitrators — for example, greater sensitivity to corruption, greater diversity, greater accountability.

3. The Future: What needs to change?

Anneliese Day KC pointed out the continuing lack of gender diversity at more senior levels of the profession, despite the similar numbers of male and female practitioners entering the field at a junior level. There also remains a significant gender pay gap: a recent [Bar Council report](#) revealed that even within the same barristers' chambers, from the first day, women earn less than men. Burford Capital also recently published a [report](#) revealing the lack of female-led legal teams. Anneliese Day KC considered that the ratio at the top should reflect the 50/50 ratio of men and women entering the industry, with Nagla Nassar adding that perhaps there should be an even higher percentage of women arbitrators, given the increasing numbers of women entering arbitration.

On the question of the regionalisation of arbitration, Mahnaz Malik noted that that most disputes are divided between 'domestic' or 'international' arbitrations, and that 'regional' arbitrations refer specifically to regional parties in dispute. However, it was important to recognise that just because a dispute was arbitrated outside of one of the traditional centres of arbitration (for example, in Singapore rather than in Paris) did not make it any less international. In fact, as Nagla Nassar pointed out, the expansion of these so-called 'regional centres' in fact made international arbitration more international.

Finally the panel looked at the potential impact of artificial intelligence (AI) on international arbitration. Mahnaz Malik shared her concern as to the effect of the widespread use of ChatGPT to draft cor-



Closing remarks by Board member Alina Leoveanu



Left to right: Maria Beatriz Burghetto, Mary Thomson, Nagla Nassar, Anneliese Day, Mahnaz Malik, Patrizia Netal, Gisèle Stephens-Chu, Alina Leoveanu, Sally El Sawah, (sitting) Mirèze Philippe & Louise Barrington

respondence, and how this would result in challenges for counsel and arbitrators tasked with interpreting such documents in future disputes. She also touched on the issue of 'AI hallucinations', where AI generated non-existent legal authorities practising that could accidentally be relied upon if not checked thoroughly.

Anneliese Day KC drew attention to the advantages of AI, noting that using AI for more mundane tasks would free up practitioners to spend more time on the more interesting aspects of their jobs. She noted the importance of being aware of the advances in AI so that appropriate checks can be made where such AI has been used. She also cautioned that access would become a real issue, as not everyone will be able to afford the latest in AI.

Patrizia Netal agreed on the importance of being aware of the risks associ-

ated with AI, and flagged that in future, more time would likely need to be spent identifying sources of evidence and considering the validity of such sources.

Concluding Remarks

After this engaging exchange, Alina Leoveanu (ArbitralWomen Board member) wrapped up the discussion with some closing remarks, noting that the good work of Arbitralwomen did not take place in silos and that we will only be able to achieve gender parity if men and women work together to do so.

Submitted by Munia El Harti Alonso (Counsel, [Concepcion Global PLLC](#), Tiffany Lam (MBA Candidate, HEC Paris) & Marie Devereux (Senior Associate, [Vinson & Elkins](#))

ArbitralWomen Historic Timeline

By Mirèze Philippe, ArbitralWomen Co-founder and Board member

ArbitralWomen enjoys a rich 30-year history of achievements reported in the newsletters available on its website. The following timeline presents very briefly the main milestones of ArbitralWomen's history. The historical initiatives

show how ongoing activities motivated the creation of the various committees in charge of developing such activities. Finally, we present the Presidents and the Directors who have led the organisation and contributed to developing it since 2005.



NOVEMBER 1993



Dinner at Le Thoumieux in Paris on 22.11.1993

Returning from an ICCA congress where Louise Barrington saw a handful of women, she invited women practicing dispute resolution to dinner. 60 gathered from around the world.

JANUARY 2000



Yahoo Community Group

Individual contacts continued until Mirèze Philippe created a Yahoo Group to enable all members of the group remain in contact and exchange information.



JUNE 2005



Incorporation of the Organisation & Website

The group grew. It became necessary to be more visible and enable women practising dispute resolution to find us and join us. Louise and Mirèze co-founded ArbitralWomen with the support of 80 highly reputed women practitioners.

JUNE 2006



Presentation of AW at ICCA Montreal

First AGM and conference organised at the occasion of ICCA Montreal. Donald Donovan invited Louise to present ArbitralWomen.



JUNE 2008



First Gala Anniversary Celebration in Dublin

ArbitralWomen Day: AGM, conference and first gala diner organised at the occasion of ICCA Dublin by Catherine Kessedjian with the help of Klaus Reichert.



NOVEMBER 2010



Second Gala Anniversary Celebration in Paris

On the occasion of this celebration launch of the Honourable Man Award.



SEPTEMBER 2014



Third Gala Anniversary Celebration in London

2 ArbitralWomen Days: AGM, conference, first SpeedNet, gala diner and dance evening.



NOVEMBER 2015



First Panel on Unconscious Bias

First panel organised to address unconscious biases and diversity in arbitration during ICC Miami. It was the first of dozens organised around the world.

MARCH 2016



Conference Day on Diversity in Arbitration

First conference day on diversity and unconscious bias organised at Unesco (Paris). Signature by ArbitralWomen of the Equal Representation in Arbitration Pledge.



OCTOBER 2016



First Arbitral Women Board Working Weekend

At the President's initiative, first AW Board working weekend organised in Chantilly (France).



SEPTEMBER 2017



Second Arbitral Women Board Working Weekend

Second Arbitral Women Board working weekend organised in Milan (Italy).



NOVEMBER 2018



3 Days - Special 25th Anniversary Events

Third working weekend (in NY, USA). Launch of Diversity Toolkit & Women Pioneers book. Conference day on Diversity Dividend. Fourth gala dinner to celebrate the jubilee.

FEBRUARY 2021



First Virtual AGM

The travel restrictions due to the worldwide lock-down led to holding the AGM for the first time remotely. It was attended by many members from around the world.



MAY & NOVEMBER 2023

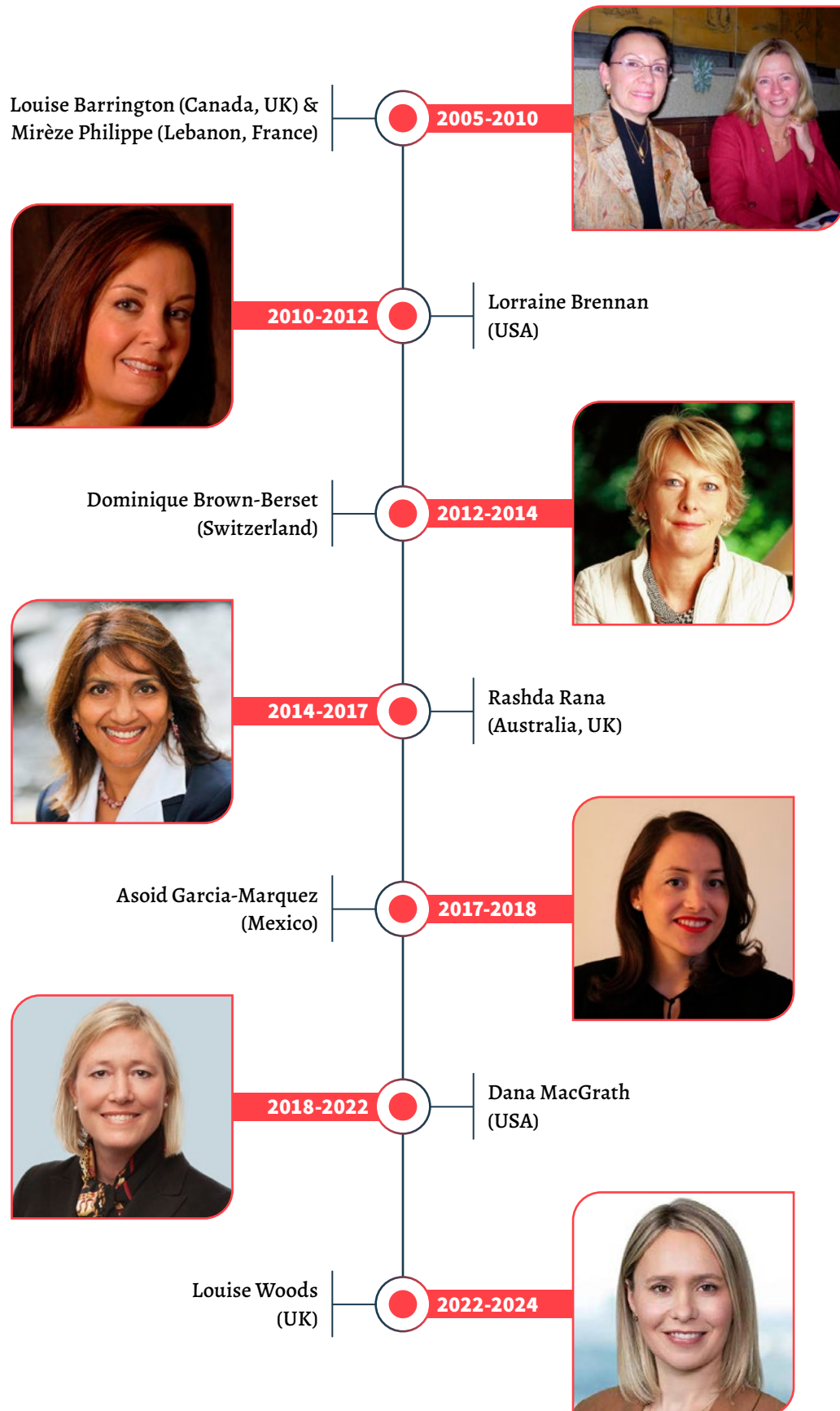


Fourth Working Weekend - 30th Anniversary Celebrations

Fourth Arbitral Women Board working weekend organised in Luton (UK). 30th Anniversary Celebration in London, May. A second celebration was organised in Paris, November, together with a conference.

ArbitralWomen Historic Timeline

ArbitralWomen Presidents



ArbitralWomen Historic Timeline

Special Moments



Dinner at Le Thoumieux in Paris on 22.11.1993 gathering 60 women practicing dispute resolution



Drafting the Bylaws in Paris in June 2005 for the incorporation of ArbitralWomen



First Gala Anniversary Celebration in Dublin in June 2008



Second Gala Anniversary Celebration in Paris in November 2010



Third Gala Anniversary Celebration in London in September 2014



First Panel on Unconscious Bias in Miami in November 2015



Conference Day on Diversity in Arbitration in Paris in March 2016



First ArbitralWomen Board Working Weekend in Chantilly (France) in October 2016

ArbitralWomen Historic Timeline

Special Moments



Second ArbitralWomen Board Working Weekend in Milan (Italy) in September 2017



Third ArbitralWomen Board Working Weekend in New York (USA) in November 2018



Fourth Gala Anniversary Celebration in New York in November 2018



30th Anniversary Celebration in London in May 2023



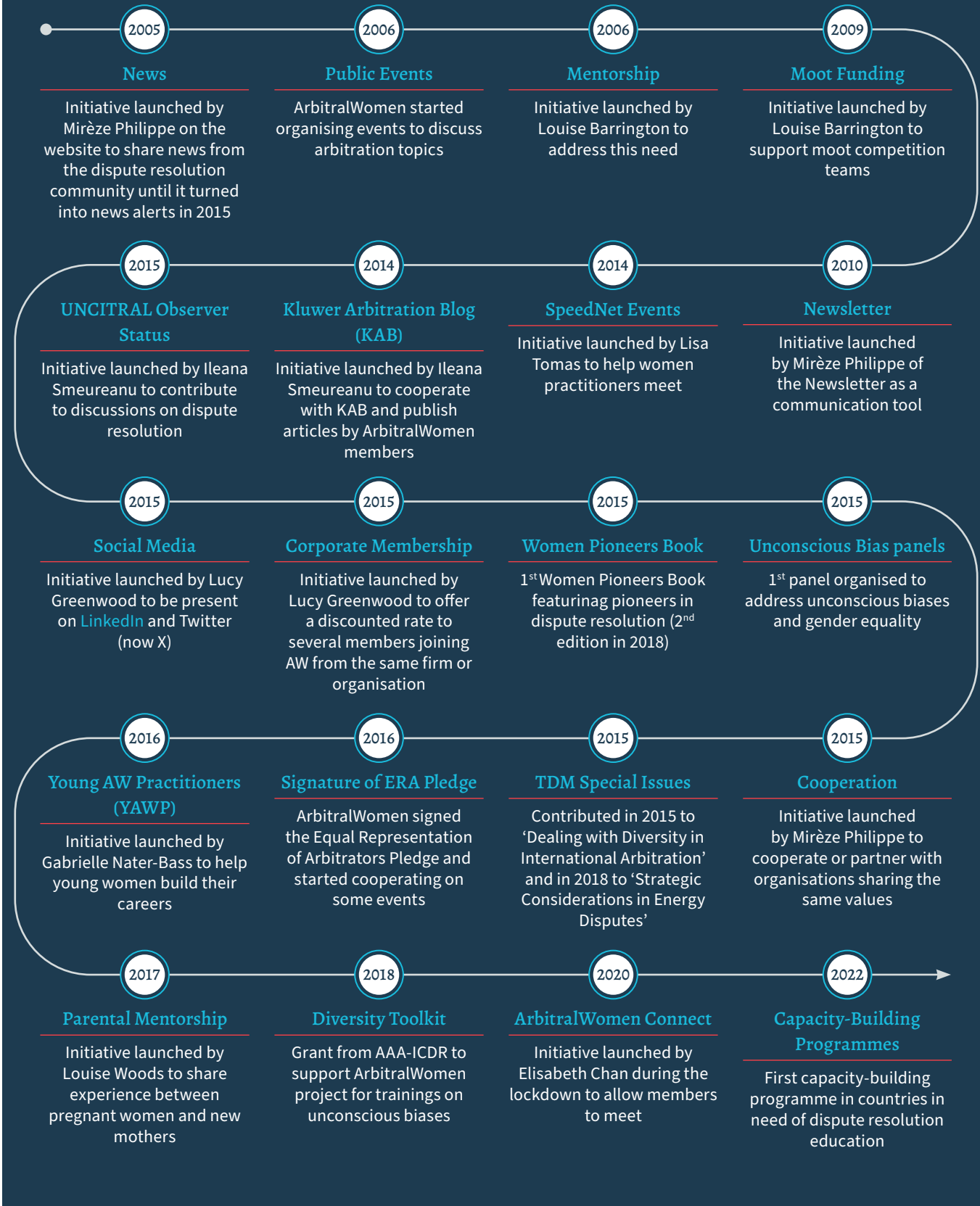
Fourth ArbitralWomen Board Working Weekend in Luton (UK) in May 2023



30th Anniversary Celebration in Paris in November 2023

ArbitralWomen Historic Timeline

ArbitralWomen Initiatives & Ongoing Activities



ArbitralWomen Historic Timeline

ArbitralWomen Boards

2005
2006

Founding Co-Presidents: Louise Barrington & Mirèze Philippe

Secretary: Florence Gladel

Treasurer: Amance Perrot

Directors: Lorraine Brennan • Catherine Kessedjian • Carla Kewley Potok • Loretta Malintoppi • Karen Mills • Salli Swartz • Nancy Turck • Carita Wallgren-Lindholm • Isabel Zivy

2006
2008

Founding Co-Presidents: Louise Barrington & Mirèze Philippe

Secretary: Amance Perrot

Treasurer: Barbara Steindl

Directors: Lorraine Brennan • Catherine Kessedjian • Carla Kewley Potok • Loretta Malintoppi • Karen Mills • Salli Swartz • Nancy Turck • Carita Wallgren-Lindholm • Isabel Zivy

2008
2010

Founding Co-Presidents: Louise Barrington & Mirèze Philippe

Vice-President: Lorraine Brennan

Secretary: Diana Droulers

Treasurer: Barbara Steindl

Directors: Yulia Andreeva • Bronwyn Lincoln • Karen Mills • Amance Perrot • Dorothy Ufot • Janet Walker • Rabab Yasseen

2010
2012

President: Lorraine Brennan

Vice-President: Yulia Andreeva

Secretary: Asoid Garcia-Marquez

Treasurer: Rashda Rana SC

Co-Founders: Louise Barrington & Mirèze Philippe

Directors: Beata Gessel • Bronwyn Lincoln • Debora Miller Slate • Karen Mills • Anna Pukszto • Ann Ryan Robertson • Rabab Yasseen

2012
2014

President: Dominique Brown-Berset

Vice-President: Bronwyn Lincoln

Secretary: Asoid Garcia-Marquez

Treasurer: Rashda Rana SC

Co-Founders: Louise Barrington & Mirèze Philippe

Directors: Lorraine Brennan • Lorraine de Germiny • Beata Gessel • Debora Miller Slate • Karen Mills • Gabrielle Nater-Bass • Vilija Vaitkute Pavan • Anna Pukszto • Rabab Yasseen

2014
2016

President: Rashda Rana
Vice-President: Gabrielle Nater-Bass
Secretary: Asoid Garcia-Marquez
Treasurer: Juliette Fortin, Karen Mills
Executive Editor: Karen Mills
Co-Founders: Louise Barrington & Mirèze Philippe
Directors: Gillian Carmichael Lemaire • Clare Connellan • Beata Gessel • Lucy Greenwood • Bronwyn Lincoln • Ileana Smeureanu • Ana Carolina Weber
Advisory Board (now Advisory Council): Lorraine Brennan • Dominique Brown-Berset

2016
2017

President: Rashda Rana
Vice-President: Gabrielle Nater-Bass
Secretary: Asoid Garcia-Marquez
Treasurer: Juliette Fortin
Executive Editor: Karen Mills
Co-Founders: Louise Barrington & Mirèze Philippe
Directors: Gillian Carmichael Lemaire • Valentine Chessa • Joachim Delaney • Lucy Greenwood • Elena Gutierrez • Bronwyn Lincoln • Dana MacGrath • Marily Paralika • Alison Pearsall • Ileana Smeureanu • Mary Thomson • Ana Carolina Weber • Louise Woods
Advisory Board (now Advisory Council): Lorraine Brennan • Dominique Brown-Berset

2017
2018

President: Asoid Garcia-Marquez
Vice-President: Gabrielle Nater-Bass
Secretary: Dana MacGrath
Treasurer: Juliette Fortin
Executive Editor: Karen Mills
Communications Director: Dana MacGrath
Co-Founders: Louise Barrington & Mirèze Philippe
Directors: Valentine Chessa • Joachim Delaney • Lucy Greenwood • Elena Gutierrez • Bronwyn Lincoln • Dana MacGrath • Marily Paralika • Alison Pearsall • Ileana Smeureanu • Mary Thomson • Louise Woods
Advisory Board (now Advisory Council): Lorraine Brennan • Dominique Brown-Berset • Gillian Carmichael Lemaire

2018
2020

President: Dana MacGrath
Vice-President: Asoid Garcia-Marquez
Secretary: Louise Woods
Treasurer: Juliette Fortin
Executive Editor: Karen Mills
Communications Director: Marily Paralika
Co-Founders: Louise Barrington & Mirèze Philippe
Directors: Affef Ben Mansour • Laurence Burger • Maria Beatriz Burghetto • Valentine Chessa • Diana Droulers • Gaëlle Filhol • Elena Gutierrez • Alexandra Johnson • Sara Koleilat Arango • Amanda Lee • Alison Pearsall • Ileana Smeureanu • Vanina Sucharitkul • Erika Williams
Advisory Board (now Advisory Council): Lorraine Brennan • Dominique Brown-Berset • Gillian Carmichael Lemaire • Gabrielle Nater-Bass

2020
2022

President: Dana MacGrath
Vice-President: Louise Woods
Secretary: Gaëlle Filhol
Treasurer: Juliette Fortin
Communications Director: Amanda Lee
Co-Founders: Louise Barrington & Mirèze Philippe
Directors: Affef Ben Mansour • Maria Beatriz Burghetto • Elizabeth Chan • Cherine Foty • Sara Koleilat Aranjo • Yasmine Lahlou • Rebeca Mosquera • Patricia Nacimiento • Alison Pearsall • Rose Rameau • Rekha Rangachari • Donna Ross • Gisele Stephens-Chu • Vanina Sucharitkul • Erika Williams
Advisory Board (now Advisory Council): Lorraine Brennan • Dominique Brown-Berset • Gillian Carmichael Lemaire • Karen Mills • Gabrielle Nater-Bass

2022
2024

President: Louise Woods
Vice-President: Gaëlle Filhol
Secretary: Gisele Stephens-Chu
Treasurer: Marion Lespiau
Communications Director: Maria Beatriz Burghetto
Co-Founders: Louise Barrington & Mirèze Philippe
Directors: Katherine Bell • Catherine Bratic • Elizabeth Chan • Cherine Foty • Nata Ghibradze • Sara Koleilat Aranjo • Floriane Lavaud • Alina Leoveanu • Rebeca Mosquera • Nesreen Osman • Rekha Rangachari • Sally El Sawah • Mary Thomson
Advisory Council: Lorraine Brennan • Dominique Brown-Berset • Gillian Carmichael Lemaire • Juliette Fortin • Yasmine Lahlou • Amanda Lee • Dana MacGrath • Karen Mills • Patricia Nacimiento • Gabrielle Nater-Bass • Rose Rameau • Donna Ross



Board members – 22.11.2018



Conference in Vienna – 14.04.2019



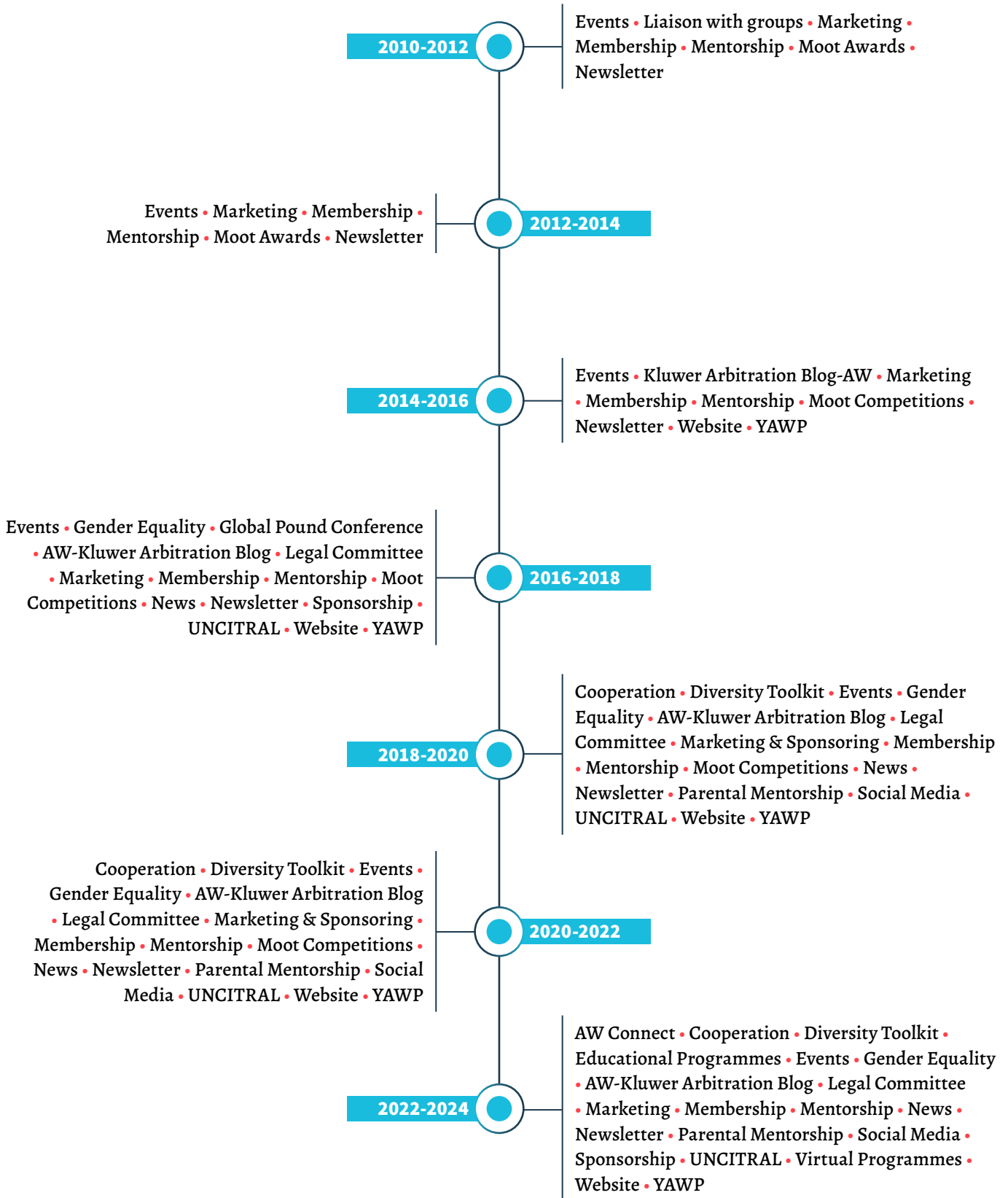
Summer dinner – 16.07.2019



Former-Current Board – 07.07.2022

ArbitralWomen Historic Timeline

ArbitralWomen Committees



Women Leaders in Arbitration

Dr Nagla Nassar

ArbitralWomen Board member, Dr Sally El Sawah, had the enjoyable and rewarding experience of interviewing Dr **Nagla Nassar**, Principal of Nassar Law, Egypt. Dr Nassar, an African who entered the arbitration arena in the '80s, when women were

few in the field, is a role model to many practitioners in the Middle East and Africa. She is an inspiring stellar arbitrator who has paved the way for many Arab and African female arbitration practitioners in a male-dominated environment.



Speaking at the 3rd African Arbitration Association (AfAA) annual conference (3-5 November 2022, Accra, Ghana)

What brought you to study law?

It was not planned that I would study law. When I obtained my high school certificate, I was still unsure about what I wanted to study in university. So, I audited first year courses in different disciplines among which were three law courses and instantly I found my calling. I felt that the courses would help me better understand society and the world I live in. I was not thinking of being a lawyer or a jurist but, rather, I thought that legal studies would provide me with the right background to pursue a number of different professions. Despite coming from a long line of legal practitioners (going back to 1885), surprisingly my decision to join the Faculty of Law was not welcomed by my parents (themselves law graduates). They thought that the profession was harsh and demanding and being protective parents, wanted to shield me from it. They nonetheless respected my choice and in fact were my cheerleaders and supportive backbone.

Did you begin your career in a law firm? And was it in arbitration?

Yes, but shortly after I also became an 'assistante' [NDLR قاضي عمر, instructor] at the Faculty of Law and for twenty years

or so I had a dual career. At times, practice took over and, at others, academia prevailed. It is hard to combine both, because each is demanding in a different way and, in the end, I elected to dedicate myself to practice.

When I started in the early '80s, arbitration practice was a much more 'exclusive' male-dominated club and getting a female newcomer was disappointing to say the least. I started practicing as a corporate and contract lawyer but few years down the road I decided to pursue a PhD. I picked commercial arbitration as a discipline and ever since then, doors started opening. You create your own opportunity; opportunity does not come to you. You have to be smart enough to create it.

What made you decide to go to arbitration? Did you have a mentor or a sponsor?

I originally wanted to be a judge but, at that time, Egypt did not allow women to become judges. I had the choice to sue the

You create your own opportunity; opportunity does not come to you. You have to be smart enough to create it.

Government but there were so many precedents where women lost to the State. I do not like to fight losing battles and there is always an alternative route that can get you there: being an arbitrator was the very appealing alternative. However, the road was quite bumpy, and, in many stages, there was no clear light at the end of the tunnel. During those times it was sheer determination that kept me going.

I did not have mentors. Mentors as a concept is relatively new and when I started it was all about self-reliance and pushing your way through. Men did move faster but it was never a concern for me and it never affected, or frustrated, me. I was always competing with myself and my standard was that every month and every year I have to be a better version (whether professionally or personally) of myself. So, really how quickly males were moving or what they were doing to get admitted to the exclusive boys' club neither concerned nor bothered me.

**How did you start your career as an arbitrator?
How did you get your first appointment?**

As I said, once I started a PhD in commercial arbitration, doors started opening. I worked as counsel and in the ICSID Secretariat. Thereafter, an old corporate client called and suggested me as a sole arbitrator in a retail concession dispute. The other party accepted because I had solid experience in corporate & contract law. It was a challenging experience; it was a multiparty dispute, with no agreed applicable law and a very slim contract without much detail. Thankfully, my previous experience as counsel in more than one area, as

The fact that I did not start my career in arbitration actually did me a lot of good because it gave me a depth lacked by those who only practiced dispute resolution...

well as my academic background proved very handy. It was an enjoyable and successful experience, and it encouraged me to pursue more appointments. However, I do not advise to start as a sole arbitrator. When you are a co-arbitrator, you have your fellow arbitrators to fall back on. Also, for the same reasons, never start as a chairperson.

Was it challenging for a young Arab/African female to build a career and a name in arbitration? Did the push for diversity help you in any way?

Of course, it was, and it still is, challenging for Africans and Middle Easterners (whether men or women). When I started, there were no arbitration centres in these regions and to be in arbitration, you had to go to international law firms. But how many would they take? So, opportunities were quite rare. The fact that I did not start my career in arbitration actually did me a lot of good because it gave me a depth lacked by those who only practiced dispute resolution; it was an advantage over my male colleagues. I understood how things worked before a dispute erupts, how business is conducted and how



Panel at ArbitralWomen's 30th-anniversary celebration (21 November 2023, Paris, France)
Left to right: Maria Beatriz Burghetto (moderator), Nagla Nassar, Anneliese Day, Patrizia Netal, Mahnaz Malik & Gisèle Stephens-Chu (moderator)

contracts are concluded. All this helped me view disputes from a multi-faceted perspective. I still believe that one needs to know how the whole transactional process works to be a good arbitrator or counsel.

Diversity was not the name of the game back then. If you were different in gender, colour, ethnicity, or culture, you were not welcomed. This did not mean that you were denied entry but you were allowed in so they could prove you wrong. Accordingly, you had to work harder and it was not enough to be as good as the others: you had to be much better to be given any meaningful chance. Once you pass the initial stage, you establish your name and have people vouch for you and opportunities start arising.

What do you think of diversity? And how do you as counsel/arbitrator apply it? And does it really help Africans/Middle Eastern candidates?

Diversity, in general, is good if taken seriously. But, if it becomes a matter of ticking boxes, it is more impeding than empowering. True inclusion requires convincing the end users (clients), and not only the legal profession, of the usefulness of diversity. At the end of the day, clients have the final say on selecting counsel and arbitrators. From my experience, I believe that good work stands for itself and ultimately clients want to realise their interest and they will get over their biases if it serves their interests.

I am no longer counsel. If I am asked for recommendations for counsel, arbitrators, or experts, I always prefer to give reference to women, bearing in mind that the nominated woman has to be the right person for the job. There are enough women out there with different qualifications and expertise to allow for proper recommendations or nominations. You do not put forward a name merely on gender basis because you will be doing more harm than good.

Regarding the impact of diversity and inclusion on practitioners from the Middle East and Africa, there is no data available on the numbers. Arbitration centres are best to answer this question.

What is the best and worst experience you had as an arbitrator?

No arbitration is hassle-free or without problems. However, if one has a balanced and harmonious Tribunal, many of the adversarial hostilities can be resolved. Guerrilla and delaying

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tactics are no longer a concern because they are so common in today's world. Sabotaging of the procedures is what raises my concern because it could end in denial of justice. When you see parties settle after they argued their cases, you feel that the process was productive and brought them back to earth.

At a hearing, a party, and the counsel of the opposing party had a fist fight. I was the presiding arbitrator. The hearing was adjourned, and the Tribunal made it clear that if the instance repeated itself, the offenders would simply have to join by television circuits. An apology was given, and from there the remaining hearing days went smoothly. Tribunals have to be firm.

What is the biggest misconception you have encountered about arbitration counsel?

No one told us as beginners that 'our biggest enemies are our clients' and that they misrepresent their case whether intentionally or unintentionally. I am glad that now they teach this at law schools and at the bar, but back then we had to discover, and deal with, it the hard way.

How did arbitration practice evolve since you started (achievements & regressions) and how could it be improved?

Arbitration practice is no longer a small, closed club but a big, closed club. Arbitration itself has become more structured and more developed. The rules are more rigorous; decisions and reasoning are much more professional and solid.

I do not see arbitration regressing; it is in continuous progression and expansion. May be the main drawback is that the playing field is not levelled among the different players. Tribunals have to level the playing field (as much as possible), so that the parties have equal opportunity to be heard and to see justice served. When I started, no one could become counsel without being affiliated to an established arbitration practice or having experience in the field.

How will Arbitration evolve in the future with the use of Artificial Intelligence?

A fun fact: back in the '80s, my father believed that shortly the profession would be replaced by robots (what we now call Artificial Intelligence). He thought that it would be far better because there were too many lawyers. My father was in a way wrong, because AI did not come as fast as he thought, and lawyers are still out there in numbers.

AI is very useful: it will ultimately cut costs but, for now, it is still an expensive tool in many parts of the world. Perhaps, in simple transactions or arbitrations, AI will replace counsel/arbitrators, but not in complex matters and arbitrations, where there is a need for human discretion. Discretion is what makes practitioners still relevant. AI is getting smarter and eventually it will have discretion and practitioners will have to adapt. There are many hypothetical future scenarios, and no one knows how it will really work out.

I do not think practitioners will run out of business, but the way law is practised will change. Attorneys will have to reinvent themselves and their profession. And this will undoubtedly happen because survival is the best motivation for reinventing oneself. But I expect that the use of AI in adjudicating disputes will strengthen institutional arbitration, because they will be the administering bodies entrusted with applying AI to resolve disputes.

In today's multilateral world where collaboration is a must, what advice would you give to junior counsel/arbitrators? Also, how can they establish themselves in the arbitration arena?

My advice to the young practitioners is 'have your hearts in it'. Arbitration is not a glamorous job. You have to have the determination, passion, and ability to work at least 15 hours a day; perseverance and resilience are a must. Also, listen more than you speak. When you converse, speak with each other, not at each other. Be flexible enough to understand the other's point of view or the different points of views to reach a satisfactory conclusion. If you are counsel, appreciate team-

My advice to the young practitioners is 'have your hearts in it'. ... You have to have the determination, passion, and ability to work at least 15 hours a day; perseverance and resilience are a must. Also, listen more than you speak.

work and if you are an arbitrator, listen to your co-arbitrators. Have an opinion, but do not be opinionated.

Nowadays it is different than it was in the old times. There are many channels for young practitioners and aspiring arbitrators to establish themselves and reach out to fellow practitioners and end users (clients or arbitration institutions). There are various means of building a profile and a name in the arbitration world and marketing techniques have reached the profession. Publishing is no longer restricted to a few academic journals. Conferences, competitions/moots, training sessions and workshops are all available to all for participating and building a profile and establishing a name. However, first and foremost, your work still is what stands for you the most.

What is your approach to your colleagues?

Take the time to reach out to fellow professionals and colleagues and, if asked for advice, listen and help, if possible. Finally, be involved *and* do not get blinded by over competitiveness. There are a lot of fish in the sea for everyone.



43rd ICC Institute of World Business Law Annual Conference (28 November 2023, Paris, France)
Left to right: Nagla Nassar, Nayla Comair Obeid, Ndanga Kamau, Jeffrey Waincymer & Maximin de Fontmichel

Arbitration in Germany

A Record Year at the German Arbitration Institute (DIS) in Terms of Caseload and Diversity

Who is the DIS?

The [Deutsche Institution für Schiedsgerichtsbarkeit e.V.](#) or German Arbitration Institute (DIS) is the leading institution for arbitration and alternative dispute resolution (ADR) in Germany, catering to companies of all sizes and sectors from across the globe.

A leading arbitral institution and a vibrant association

The DIS is an *eingetragener Verein* (German for ‘registered’ or ‘incorporated association’), abbreviated e.V., and operates independently of public or private organisations.

Operating both as an institution that administers arbitrations and other ADR proceedings and as an association that promotes arbitration among its members and beyond, the DIS encourages young talent and diversity in arbitration.

With a vibrant network of more than 1,500 members, the DIS is the largest arbitration institution in Germany and one of the largest in Europe. The DIS is also one of the oldest arbitration organisations in the world, with over a century of experience. It currently has offices in Bonn and Berlin and offers a range of tailor-made ADR tools, including arbitration, mediation, conciliation, expert determination and adjudication.

Its most popular ADR rules are the [DIS Arbitration Rules](#), the latest version of which dates from 2018 and is available in several languages, including Korean, Polish, and Russian, in addition to German and English. The DIS Arbitration Rules provide for the efficient and cost-effective conduct of arbitral proceedings and can be used for domestic and international disputes of any size, in any industry, by parties of any size from any part of the world.



Ramona Schardt

The DIS Arbitration Rules may be chosen irrespective of the place or language chosen for the arbitration, or of the law applicable to the merits.

Key features of DIS arbitrations are efficiency, a relatively short duration of proceedings (12 months on average, expedited proceedings, with an average duration of 9 months, are also available), predictable and reasonable fees (with a cost calculator available [here](#)), digitalised case management, and a large pool of experienced and internationally recognised arbitration practitioners.

A German institution with an international profile

While historically the DIS has certainly been the leading institution for German domestic arbitrations, over the years it has witnessed an increasing internationalisation of its arbitrations.

In 2023, the DIS administered 191 proceedings of which 175 were commercial arbitrations, which is an all-time record. Of these arbitrations, 60% were domestic, meaning that all parties to the proceedings were German entities or individuals. However, the DIS is increasingly handling international cases, with



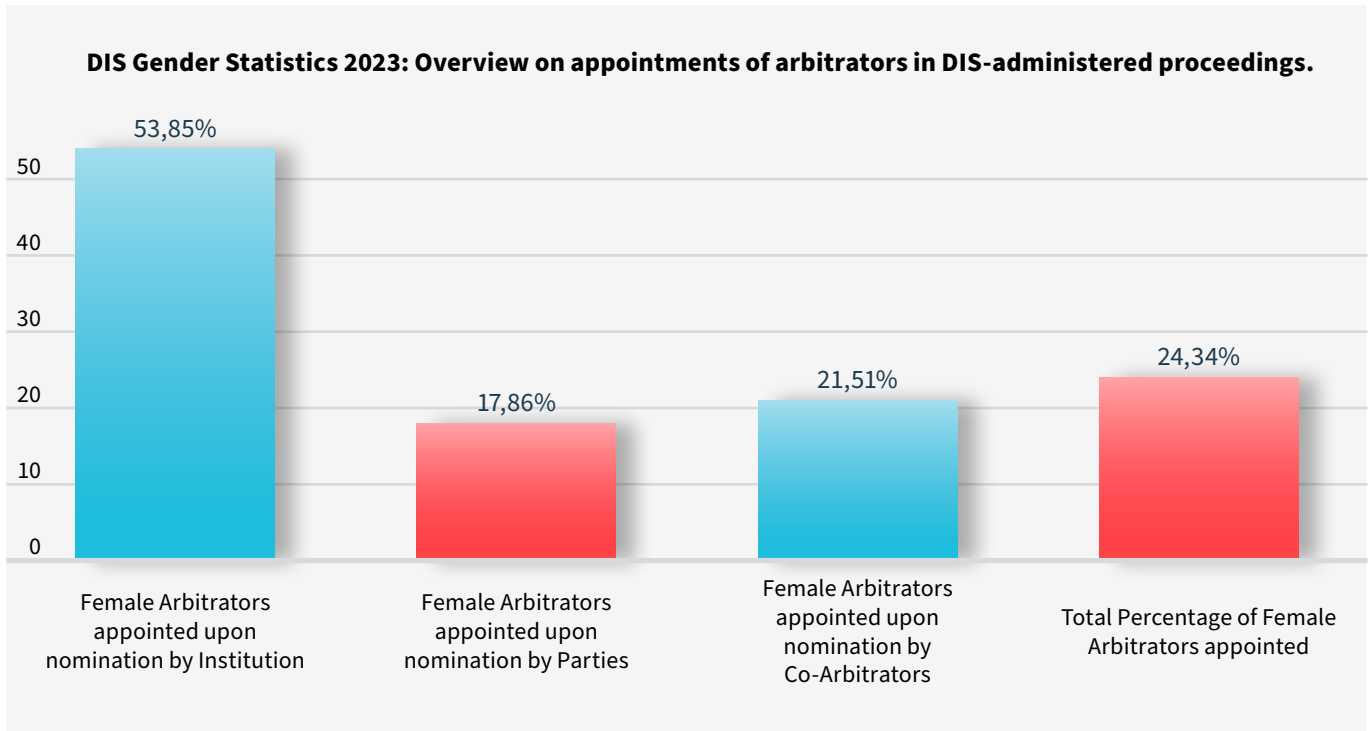
Carina Alcoberro

40% of the proceedings involving at least one non-German party. Of these cases, 5% involved non-German parties on both sides. Furthermore, more than 30% of the arbitrations administered by the DIS in 2023 were conducted in English (the 2023 statistics will be available [here](#) shortly).

In managing the increasingly international nature of DIS arbitration cases, the Case Management Team draws on the highly international background of its team members, with a total of five nationalities and 11 languages spoken.

Similarly, the Arbitration Council and the Appointing Committee of the DIS, which are responsible for, among other things, deciding on challenges to arbitrators and the institutional appointment of arbitrators, include numerous international practitioners, ensuring that DIS-administered cases are in line with international standards and best practice.

Recent events organised by the DIS also demonstrate the growing appeal of DIS arbitrations to international practitioners. The [DIS Autumn Conference 2023](#), held during the Berlin Dispute Resolution Days, attracted a record 381 delegates from 22 countries.



What matters to the DIS: Diversity and Sustainability

The DIS' century-long tradition does not mean that the DIS is stuck in the past. On the contrary, the DIS is receptive to new initiatives and developments aimed at making the arbitral community more inclusive and arbitration proceedings more sustainable.

DIS-ERA Pledge Gender Champion Initiative

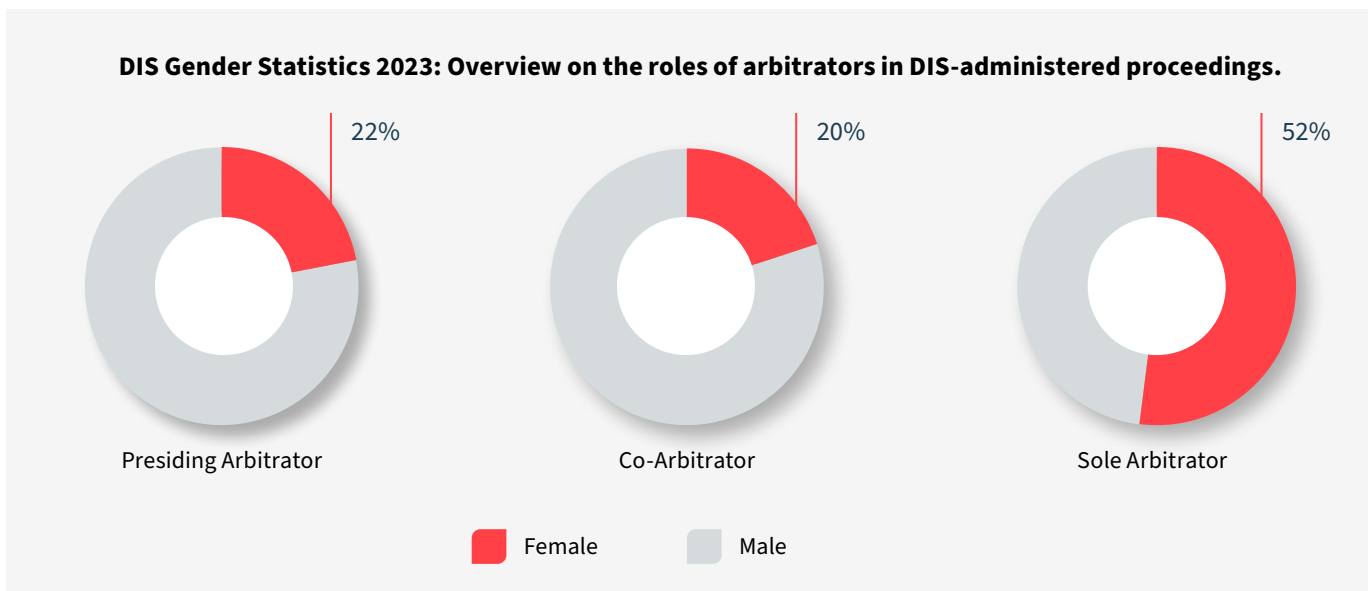
The DIS is signatory to the [Equal Representation in Arbitration Pledge \(ERA Pledge\)](#). The Pledge seeks to take action against the underrepresenta-

tion of women on international arbitral tribunals by increasing the number of women appointed as arbitrators. The goal is to achieve a fair representation of women and men in arbitral tribunals.


In addition to being signatory to the ERA Pledge and institutional supporter to the [Green Pledge](#) (see paragraph c) below), the DIS is also spearheading initiatives aimed to promote diversity in arbitration. One such initiative is the [DIS-ERA Pledge Gender Champion Initiative](#), launched in October 2019 in collaboration with the ERA Pledge. This project builds on the work of the ERA Pledge

and aims to promote gender equality in international arbitration. Participating law firms and commercial companies are requested to nominate an individual to act as a Gender Champion within their organisation. The Gender Champions are responsible for monitoring the appointment of female and male arbitrators nominated by their firms. The statistical data collected by the Gender Champions remains within their firms and is neither recorded nor published.

The Gender Champion Initiative aims to improve the effectiveness of statistical self-monitoring and to raise awareness for gender equality in international arbitration. Gender




Champions exchange data on arbitrator appointments and their experiences with appointing female arbitrators in regular conference calls with the DIS.

Currently 22 organisations are participating in the Gender Champion Initiative. A list of current Gender Champions is available [here](#) .

DIS Gender Statistics 2023: A record year for institutional appointments

The big question is always: Is there any data on how successful any of these measures, signing the ERA Pledge and spearheading the Gender Champion Initiative, have been in achieving a fair representation of women and men in arbitral tribunals in DIS arbitrations? Statistics on arbitrator appointments can at least offer some indications in this regard.

The DIS publishes its yearly statistics on arbitrator appointments by gender on its website, which can be accessed [here](#) .

The (yet to be published) statistics for the year 2023 show just how far the DIS has come in terms of gender diversity in arbitral appointments. In the year 2023, **24.34%** of all arbitrators in DIS-administered arbitration proceedings were women. That is almost a quarter of female arbitrators and an all-time record for the DIS. Although there still is a long way to go to achieve gender parity in appointments, the fact that female arbitrators in DIS-arbitrations increased from only 10.95% in 2013 is a testament to the tireless efforts made by the DIS, and its users, over the last decade.

The DIS, and especially the Appointing Committee of the DIS, have significantly increased the proportion of female arbitrators in DIS arbitrations. In 2023, **53.85%** of arbitrators appointed by the DIS were women, compared to only 13.33% a decade ago, again an all-time record.

Women made up a **17.86%** of party-appointed arbitrators in 2013 — as opposed to 12.12% in 2013 — and **21.51%** of arbitrators appointed by the co-arbitrators as opposed to 7.94% in 2013.

Of all three-member tribunals constituted in 2013, 47% were all male and 2% were all female. When it comes to the


...there is a positive trend in the advancement of gender diversity in DIS arbitration proceedings. This trend can be attributed to the DIS's own efforts to achieve gender parity in arbitrator appointments and to the efforts made by the parties...

composition of arbitral tribunals in 2023, 22% of presiding arbitrators, 52% of sole arbitrators and 20% of co-arbitrators were female.

Finally, looking at the average amount in dispute for male and female appointments for the year 2023, the DIS gender statistics show that male appointments are averaging at EUR 22.9 million and female appointments at EUR 19.5 million.

Overall, therefore, there is a positive trend in the advancement of gender diversity in DIS arbitration proceedings. This trend can be attributed to the DIS's own efforts to achieve gender parity in arbitrator appointments and to the efforts made by the parties (and co-arbitrators) to appoint more female arbitrators. It is difficult to assess whether these numbers are related to the Gender Champion Initiative in terms of causality, but there is certainly an increasing awareness with respect to female representation in arbitral tribunals in the arbitration community, to which the activities and efforts of the Gender Champions have contributed, without a doubt. The DIS sees this positive trend as a promising starting point to continue the mission to promote diversity in DIS arbitrations.


Campaign for Greener Arbitrations: The Green Pledge

In 2023, the DIS became an institutional supporter of the 'Campaign for Greener Arbitration: The Green Pledge' . The campaign is a global initiative to raise awareness of the carbon footprint of international arbitration and to minimise its environmental impact.

In recent years, the DIS has committed itself and taken a number of steps to minimising its impact on the environment as well as the carbon footprint of its activities.


By signing the Green Pledge, the DIS


reaffirmed its commitment to environmentally sustainable arbitration and its willingness to take action.


Among the steps taken in the year 2023, the DIS introduced a fully digitalised e-filing platform (DIS e-file ) for its case management. Furthermore, in addition to organising an increased number of virtual events, the DIS offers a discounted train event ticket for events within Germany in cooperation with the German national railway company Deutsche Bahn.

Outlook for 2024

So, what does the year 2024 hold for the DIS? The DIS will build on its achievements and continue its efforts to promote gender diversity (as well as diversity beyond gender) in arbitral appointments, always balancing such responsibility with its obligation towards the parties to ensure that the most qualified arbitrator is selected for a specific dispute.

Through its mentoring programmes and young arbitration group (DIS40 ) forum for young arbitration practitioners, it will continue to foster young talent and make sure that the next generation of female (and male) arbitrators gets the opportunities to start off their careers as arbitrators.

For more information about DIS membership, please [click here](#) .

For more information about DIS40 membership, please [click here](#) .

If you want to join, or are curious about, the Gender Champion Initiative, please contact us at:

genderchampions@disarb.org

Submitted by Dr Ramona Schardt ArbitralWomen member, Secretary General of the DIS, Bonn, Germany and Dr Carina Alcoberro, Senior Counsel & Compliance Officer, DIS, Bonn, Germany.

UNCITRAL WORKING GROUP III (ISDS Reform)

46th session, from 9 to 13 October 2023, in Vienna

The UNCITRAL Working Group III on ISDS Reform ('WG III') held its 46th session in Vienna (Austria) from 9 to 13 October 2023. The first three days were dedicated to discussing the potential creation of an advisory centre on international investment law, in response to the need of developing States to have assistance with investment disputes. A discussion on 'procedural and cross-cutting issues' took place in the last two days.

[Advisory Centre \(draft provisions in A/CN.9/WG.III/WP.230\)](#) and [A/CN.9/WG.III/WP.212/Add.1](#)

The discussion on establishing an Advisory Centre on international investment law ('AC') focused on the type of organisation the AC would be. Several delegates suggested setting up the AC as an intergovernmental body, which would require the drafting of a statute by the WG III. Others expressed the view that the AC can function as an independent organisation, separate from any existing institutions, or under the auspices of an already existing body (the UN, for instance). Other aspects of the AC were also discussed, such as independence, impartiality, avoiding external influence, conflicts of interests and geographical diversity.

The States' representatives agreed that the AC should be established as an intergovernmental body (draft provision 4 – *Membership*). This would require the creation of an international instrument with the possible participation of States and regional economic integration organisations ('REIOs'), possibly in the form of a protocol or an annex to a multilateral instrument on ISDS reform ('MIIR'), with the agreement on the independence of the creation of the AC from other ISDS reform initiatives.

The WG III subsequently discussed the draft provisions on the AC in more detail: It was agreed that the name of the AC has to be descriptive of its function and contain a reference to ISDS (draft provision 1 – *Establishment*). Regarding its objectives, one of the suggestions was to have an AC with a broad mandate that would evolve in line with developments on the ground and the needs of beneficiaries. Another suggestion was to establish the AC with an unlimited scope for its services and strengthen its capacities (representation ser-



Pascale Accaoui Lorfing



Yulia Levashova

vices) (paragraph 18, comments to draft provision 5 – *Structure*). The AC would provide services to REIOs and States (draft provision 3 – *General principles*), which may be extended to non-members in limited circumstances, under draft provisions 6 (*Technical assistance and capacity-building activities*, paragraph 3) and 7 (*Assistance with regard to ISDS proceedings*-, paragraph 3).

On the articulation of the different draft provisions, some delegates wondered if draft provision 2 – *Objective* – is still necessary, since draft provisions 6 and 7 mentioned above also recall the AC's functions. As such, the AC's objectives should be placed in the preamble. The AC's members may be the States and the REIOs that can benefit from its services (draft provision 4 – *Membership*-), which may be extended to non – members in limited circumstances. As to the extension of the AC's services to State-to-State dispute settlement ('SSDS'), as it may be derived from the suggestion that a reference to the resolution of an international investment dispute ('IID') should be used by the WG III, divergent views were expressed. They ranged from (a) the refusal to include such kind of disputes within the AC's purview, because of the tensions in the case of assistance to States that are AC members, and the increasing cost, to the (b) non-restrictive

drafting of the provision, as these disputes might develop in the future, based on the example of the Advisory Centre on WTO Law ('ACWL' [↗](#)) that assists with regard to SSDS. The legal bases of disputes in which connection the AC could provide assistance may be investment treaties, domestic legislation or investment contracts, with priority to be given to disputes arising from investment treaties.

As to the General Principles of the AC (draft provision 3), it was suggested that paragraph 1 should be amended

to emphasise that the AC should be affordable to the least developed countries, not only in an ‘effective and sustainable manner’. Also, it was suggested that the issue of independence from external influence, especially from potential donors, should be clarified, to avoid conflict of interests. Finally, it was proposed that confidentiality of information should be expressly included among the general principles, with some pointing out that said confidentiality is related more to the administrative operation of the AC.

Draft Provisions on Cross-Cutting Issues (A/CN.9/WG.III/WP.231 [📄](#))

The second part of the session was dedicated to discussing the document ‘Draft Provisions on Provisional and Cross-Cutting Issues’, which contains 25 draft provisions that the Secretariat has identified as additional issues requiring further work (see also the Secretariat’s [compilation](#) [📄](#) of related treaty provisions and arbitration rules).

Some delegates expressed concern that some of the draft provisions do not fall under the mandate of the WG III, as they go beyond the procedural issues of ISDS reform. In particular, concerns were expressed about draft provisions 4 (*State to State dispute settlement*), 9 (*Denial of benefits*) and 12 (*Right to regulate*). Further, the discussion arose as to the application of the draft provisions. The view was expressed that the draft provisions could be prepared as model provisions for States to include in their international investment agreements (‘IIAs’) or for dispute resolution institutions to incorporate in their procedural rules. Another proposal was to integrate the draft provisions in the context of the proposed MIIR.

It was then decided that this WG III session would focus on draft provision 23 (*Assessment of damages and compensation*).

i. Assessment of Damages and Compensation (draft provision 23)

Many delegates expressed their concern regarding the calculation of damages in ISDS cases. Specifically, it was noted that the high amount of damages awarded in some cases raises the issue of the legitimacy of the ISDS system. Further, excessive compensation can have a severe adverse impact on national economies, especially those of developing countries.

The key takeaways from this discussion are:

- The predominant view was to ensure that draft provision 23 reflects the general principle of customary international on ‘full reparation’.
- Arbitral tribunals have the authority to award monetary damages in combination with restitution of property, as provided in paragraph 1 of draft provision 23, although such an award should not result in double recovery.
- Many States’ representatives agreed that compound interest should be prohibited, and instead, the tribunal may award ‘reasonable interest’, which needs further clarification in the wording of the draft provision.
- The delegates voiced their support for the current wording

of paragraph 3 of draft provision 23 that lists the criteria that arbitrators “shall consider” when assessing or calculating monetary damages. As per this rule, monetary damages ‘shall only reflect loss or damage incurred by reason of, or arising out of, a breach of the [IIA]’. However, a number of delegates pointed out that compensation for damages must be only limited to damages caused by the breach, not by the measure in general. As a result, there was support for the adoption of a more explicit rule that includes a higher threshold of causation, such as that the compensable damages are those caused by the wrongful aspect of the State’s measure, rather than by the measure in its entirety.

- There was consensus on (a) limiting the awarding of inherently speculative damages and (b) excluding punitive damages.
- In assessing damages, several factors should be taken into account, including contributory fault, mitigation efforts and avoidance of double recovery.
- The delegates emphasised that the parties’ consent must be obtained by the arbitral tribunal before appointing experts or asking party-appointed experts to produce joint reports, joint statements explaining their different opinions or alternative calculations in case of disagreement (paragraph 6 of draft provision 23).

ii. Other Draft Provisions

Regarding draft provision 5 (*Period for amicable settlement*), the Secretariat received the request from the States’ representatives for a draft provision on a ‘cooling-off’ period that contains an option that would make an amicable settlement mandatory. The States’ representatives also discussed draft provision 6 (*Recourse to local remedies*), on which divergent views were expressed: Several delegates opined that claimants must rely on local courts to resolve their claims. This would allow States to resolve the disputes before they turn into ISDS. Other delegates thought that forcing claimants to resort to local remedies before arbitration would contradict the protection of investors in the instrument of consent to arbitrate. Instead, fork-in-the-road and U-turn provisions were considered more suitable options. Upon the WG III’s request, the Secretariat will elaborate on options that stimulate recourse to local remedies, avoiding mandatory formulations, but at the same time including other requirements for raising claims.


As observers from ArbitralWomen, we appreciated the high quality of the discussions of the WG III.

The Secretariat’s report on the 46th session is available here: [A/CN.9/1160](#) [📄](#).





Submitted by ArbitralWomen members Pascale Accaoui Lorling (Affiliate Professor at ESCP Business School; Associate Researcher at CREDIMI – University of Burgundy, France, Paris, France), and Yulia Levashova (Associate Professor, Nyenrode Business University/Utrecht University (the Netherlands); Independent Arbitrator)

ArbitralWomen's 30th Anniversary New Initiative Award to the Arbitration Fund for African Students ('AFAS')

ArbitralWomen's Newsletters No. 54 covered a call to its members to nominate further programmes deserving of support with nominations submitted to the ArbitralWomen Educational Funding Committee (formerly the Awards Committee), consisting of ArbitralWomen Board members Louise Barrington, Sally El Sawah & Mary Thomson.

After due consideration, ArbitralWomen's 30th anniversary New Initiative Award has been bestowed on AFAS's 'ADR Student Connect Network' (the 'Project'), which aims to build on the success of the 2021-2022 'AFAS Conversation Series'  with internationally recognised arbitration practitioners with connections to Africa, who share their career journey, progression and their activities on the promotion of arbitration (in Africa), by taking the conversation to Africa.

AFAS was launched on 12-14 February 2019 at the [School of Oriental](#)

and African Studies  ('SOAS')'s 'Best Practices in Arbitration and ADR in Africa' conference  in Arusha, Tanzania. AFAS is a registered Charitable Incorporated Organisation under the Laws of England and Wales (Charity Number: 1185823). The objective of AFAS, as set out in the [Charity Constitution](#)  is: 'To advance education in the knowledge, skills, techniques, use and methods of arbitration'. The charity's activities are set and administered by its [Board of Trustees](#) , as its main decision-making body, consisting of Professor Emilia Onyema (Founder), Dr Chrispas Nyombi (Chair), Ms Eunice-Shang Simpson (Secretary), Ms Yasmin Sebah (Vice-Chair), Professor Walid Ben Hamida and Tabitha Joy Raore. All the trustees are from an academic/ legal practice background and form a diverse board of two males and four females from different cultural and ethnic backgrounds.

Ensuring the future of African arbitrators and arbitration speaks to AFAS's core objective and those of ArbitralWomen, which includes advancing the interests of female practitioners and promoting women and diversity in international alternative dispute resolution ('ADR'); raising awareness about the role of women and diversity in alternative dispute resolution; assisting in the professional development of women in ADR; and providing mentoring for women to advance their careers in ADR. Women are at the core of the Project.

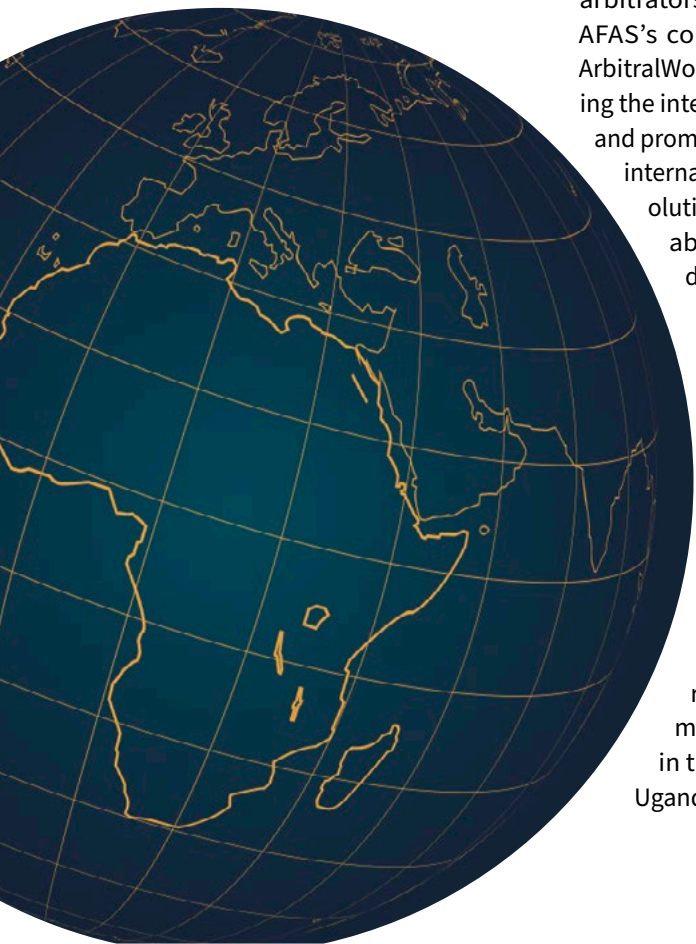
The funding under the New Initiative Award focuses on the Project's initial phase or pilot, which will run for one year (12 calendar months) and will be delivered in the anglophone countries of Uganda, Kenya, Rwanda, Tanzania,

South Sudan and Ghana, where AFAS trustees have contacts with secondary schools and universities along with local practitioners. Delivery and structure of the programme will include simulations and role plays with a case study at one secondary school and one university per country. A one-day seminar will be followed by a networking and cell building lunch (maximum of 100 people) and, on day two, the two student groups will introduce each other and broker relationships in the form of mini-mentoring. In this way, AFAS hope that the university students will 'adopt' the secondary school students and engage with them to provide guidance and learning.

AFAS will track the development of the participants of the Project from each country. The tracking will follow the secondary school pupils (through their school administrators) to what they study in university, and, for the university students, it will track their post-university progression through work, to know if they specialise in arbitration or other ADR. The success of the Project will be measured in two stages: Early stage: understanding of arbitration and alternative dispute resolution. Later stage: entering into practice in the form of a law firm that does arbitration, or a dispute resolution organisation or an arbitral institution.

Similar to ArbitralWomen's objective of impacting women in particular, AFAS expect that most of their participants will be women, as they target a mix of 70% female and 30% male participants, so that the Project translates into more African women taking up arbitration as a career pathway.

Submitted by Mary Thomson ArbitralWomen Board member, International Arbitrator & Mediator, Pacific Chambers Hong Kong, 36 Stone, London, UK & Singapore



YAWP Announces Leadership for the 2024-2025 Term

ArbitralWomen is pleased to announce the members of the Steering Committee (**SC**) of its young practitioners' group, Young ArbitralWomen Practitioners (YAWP [↗](#)) for the 2024-2025 term (see also the announcement in the ArbitralWomen News Alert [↗](#) of 7 November 2023)*.

Manini Brar

Is an independent arbitrator in New Delhi. Manini has been practicing in the areas of international law and arbitration since 2010, in both commercial and investor-state disputes. Until March 2021, Manini held the post of Consultant, Investment Division (DEA), Ministry of Finance, Government of India, and advised on the review / negotiation of international investment agreements and related investor-state arbitrations. Previously, she worked as a Deputy Counsel with the Secretariat of the ICC Court of Arbitration (Hong Kong), acted as Tribunal Secretary and counsel in international commercial arbitrations, and represented the Government of India in investor-state disputes.



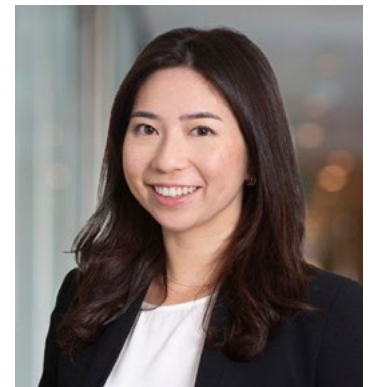
Magda Kofluk

Is a Managing Associate at Stephenson Harwood in Dubai. She specializes in construction arbitration and has over 13 years of experience. She has successfully represented clients in numerous complex arbitrations involving international construction projects across various industries, including energy, infrastructure, real estate, airports, mixed-used residential and commercial developments. Her expertise extends to arbitration proceedings conducted under the ICC, DIAC, and QICCA rules, as well as pre-arbitration negotiations and dispute board proceedings. In recognition of her achievements, Magda was nominated for 'Construction Lawyer of the Year' at the LexisNexis Middle East Women in Law Awards 2023.



Marie Devereux

Is a Senior Associate at Vinson & Elkins and is part of the International Dispute Resolution and Arbitration team in London. She helps clients to resolve complex cross-border disputes across a wide range of industries, with a particular focus on issues arising out of construction, energy and infrastructure projects. Marie is experienced in international commercial and construction arbitration and advises on all forms of dispute resolution, including litigation, adjudication, mediation and DAB proceedings. She is dual-qualified and is admitted to practice as a solicitor in England and Wales and in Hong Kong.



Anamaria Marin

Is a Senior Associate in the international arbitration team at SLCG – Studio Legale Associato in Milan. Anamaria focuses on energy and construction disputes. She is admitted to practice in England and Wales with Higher Rights of Audience. Prior to joining SLCG, she practiced in London in a boutique firm specializing in ADR and commercial cross border transactions. Anamaria holds an LLM in International Commercial Arbitration from QMUL and volunteers her time as a coach for the University of Florence's team at the Willem C Vis Moot.



* This article builds on the news piece published on [ArbitralWomen's website](#) [↗](#)

Jae Hee Suh

Is Counsel at Allen & Overy in Singapore. She specializes in international commercial arbitration and investment treaty arbitration. Jae Hee has represented States and private clients in the energy, infrastructure, finance, private equity, pharmaceutical, automotive, and TMT



sectors for both commercial and investment treaty arbitrations under various rules, including the ICC, ICSID, LCIA, UNCITRAL, HKIAC and SIAC rules. She has also advised in relation to enforcing and challenging arbitral awards in different jurisdictions. Jae Hee was designated as ‘Up and Coming’ in Chambers Asia-Pacific 2024, as a ‘Future Leader’ by Who’s Who Legal 2024, and as a ‘Rising Star’ in Singapore by Asian Legal Business in 2023.

Allison Torline

Is Counsel at Busse Disputes in Frankfurt. A U.S.-trained lawyer who is fluent in German, Allison advises and represents clients in commercial and investment treaty arbitration. She has extensive experience with a variety of institutional rules, including the ICC, ICSID, DIS, Swiss



and HKIAC. She represents clients from the corporate, construction, energy, and pharmaceutical sectors. Allison also acts as arbitrator and as secretary to arbitral tribunals. In 2022, she was admitted to the Thailand Arbitration Center’s Panel of Arbitrators. For the past several years, she has been recognized as a ‘Future Leader’ by Who’s Who Legal, as a ‘Rising Star’ by Euromoney’s Expert Guides, and as ‘One to Watch’ by Best Lawyers.

The YAWP SC members will join ArbitralWomen Vice President **Gaëlle Filhol** (YAWP Chair and Partner at Pinsent Masons in Paris) and ArbitralWomen Board member **Elizabeth Chan** (YAWP Director and Registered Foreign Lawyer at Tanner De Witt in Hong Kong) in leading YAWP’s initiatives. The new SC has been appointed for a 2-year term, which started on 1 January 2024.

ArbitralWomen also thanks the outgoing YAWP SC members for their commitment and invaluable contributions over the past two years: **Sanaa Babaa** (Director at EY in London), **Krystle Baptista** (Independent Arbitrator in Madrid), **Dilber Devitre** (Associate at Homburger in Zurich), and **Olga Sendetska** (Associate at Freshfields Bruckhaus Deringer in Frankfurt).

YAWP Chair and ArbitralWomen Vice-President, Gaëlle Filhol, says: ‘What Dilber, Jae Hee, Krystle, Manini, Olga and Sanaa have achieved over the past term on the YAWP SC is truly impressive. They have worked incredibly hard to bring ambitious projects to life, creating real opportunities for young women practitioners and increasing their visibility, with enthusiasm, creativity, excellence and dedication. I look forward to working with the new members of the YAWP SC – Allison, Anamaria, Magda and Marie, with Manini and Jae Hee. They are amazingly talented

arbitration practitioners, and they already have excellent ideas for YAWP’.

YAWP Director, Elizabeth Chan, says, ‘It’s been a pleasure and a privilege working with the outgoing SC. Over the past two years, we’ve achieved so much for our members. A highlight for me was the YAWP Meet the Arbitral Institutions series, supporting aspiring arbitrators to get their first appointment. I thank Dilber and Olga for imagining and organising this series. Krystle has also done a fantastic job providing opportunities to members of our YAWP Speaker Panel Project, and Sanaa has ensured that YAWP’s initiatives are promoted in our Newsletter. I’m excited that Manini and Jae Hee will take the helm of the incoming SC. They have made outstanding contributions in the past two years, significantly growing YAWP’s presence in Asia – and online. I am also excited to welcome new members of the SC: Anamaria, Marie, Allison and Magda. They all bring incredible experience and networks, and we look forward to their contribution to YAWP’.

YAWP, the first networking group established solely for female practitioners under the age of 40, was launched in 2016 by Gabrielle Nater-Bass, the former Vice President of ArbitralWomen and Partner at Homburger in Zurich. It provides a platform for younger female practitioners from across the globe to

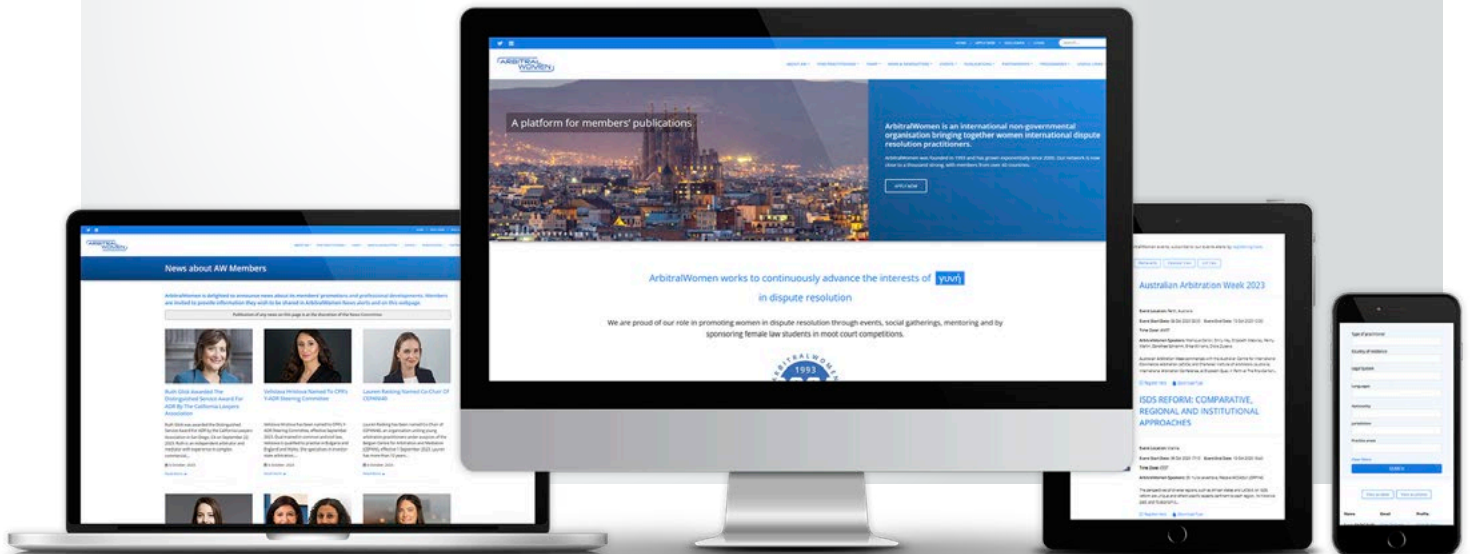
network, develop their careers in arbitration and ADR, and address challenges that typically arise in the early stages of practice.

Recent YAWP initiatives include the ‘YAWP Meet the Arbitral Institutions’ series, which enabled aspiring arbitrators to meet and ask questions to the representatives of 35 different arbitral institutions in a small-group setting; the ‘YAWP Speaker Panel’, which seeks to expand opportunities for YAWP members to participate as speakers or in other relevant roles in arbitration and ADR events; the ‘ArbitralWomen-YAWP Parental Mentorship Programme’, which provides a forum for members to share their concerns, experiences and tips on managing professional and parental commitments; the “YAWP Training Workshop Series on Expert Topics”, which provides interactive workshops in a small-group setting on topics such as business valuation, effectively managing and collaborating with experts, and third-party funding; and the ‘Meet the YAWP Members Campaign’, which showcases members’ professional achievements. YAWP also holds various networking events, trainings, and fireside chats with inspiring female practitioners in various cities around the world.

Please join us in congratulating the 2024-2025 YAWP SC Members.

Keep up with ArbitralWomen

Visit our website on your computer or mobile and stay up to date with what is going on. Read the latest [News](#) about ArbitralWomen and our [Members](#), check [Upcoming Events](#) and download the current and past issues of our [Newsletter](#).



ArbitralWomen & Kluwer Arbitration Blog

ArbitralWomen has a long-standing collaboration with Kluwer Arbitration Blog, the leading publication of its kind presenting a high-quality examination of hot topics and latest developments in international arbitration, with an impressive global readership of 120,000 views per post.

As part of this collaboration, ArbitralWomen liaises with Kluwer Arbitration Blog to ensure priority publication of articles submitted by its members. Published contributions

will also feature on the [AW website](#).

We strongly encourage our members to make use of this great opportunity! Please send your article or idea for a topic to the AW-Kluwer Arbitration Blog Committee, consisting of ArbitralWomen Board Members Katherine Bell and Alina Leoveanu, at kluwer@arbitralwomen.org.

We kindly ask you to take note of the Kluwer Arbitration Blog [editorial guidelines](#).

We look forward to receiving your ideas and submissions!

ArbitralWomen thanks all contributors for sharing their stories.

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AW Activities at a Glance: [click here](#)

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ArbitralWomen Individual & Corporate Membership

ArbitralWomen's website is the only hub offering a database of female practitioners in any dispute resolution role including arbitrators, mediators, experts, adjudicators, surveyors, facilitators, lawyers, neutrals, ombudswomen and forensic consultants. It is regularly visited by professionals searching for dispute resolution practitioners.



The many benefits of ArbitralWomen membership are namely:

- Searchability under [Member Directory](#) and [Find Practitioners](#)
- Visibility under your profile and under [Publications](#) once you add articles under My Account / My Articles
- Opportunity to contribute to ArbitralWomen's section under [Kluwer Arbitration Blog](#)
- Promotion of your dispute resolution speaking engagements on our [Events page](#)
- Opportunity to showcase your professional news in ArbitralWomen's periodic news alerts and [Newsletter](#)
- Visibility on the [News](#) page if you contribute to any dispute resolution related news and ArbitralWomen news
- Visibility on the [News about AW Members](#) to announce news about members' promotions and professional developments
- Ability to **obtain referrals** of dispute resolution practitioners
- **Networking** with other women practitioners
- Opportunity to participate in ArbitralWomen's various programmes such as our [Mentoring Programme](#)

We encourage female practitioners to join us either individually or through their firm. Joining is easy and takes a few minutes: go to '[Apply Now](#)' and complete the application form.

Individual Membership: 150 Euros.

Corporate Membership: ArbitralWomen Corporate Membership entitles firms to a **discount on the cost** of individual memberships. For 650 Euros annually (instead of 750), firms can designate up to five individuals based at any of the firms' offices worldwide, and for each additional member a membership at the rate of 135 Euros (instead of 150). Over **forty firms** have subscribed a Corporate

Membership: [click here](#) for the list.

ArbitralWomen is globally recognised as the leading professional organisation forum for advancement of women in dispute resolution. Your continued support will ensure that we can provide you with opportunities to grow your network and your visibility, with all the terrific work we have accomplished to date as reported in our Newsletters.

ArbitralWomen membership has grown to approximately one thousand, from over 40 countries. Forty firms have so far subscribed for corporate membership, sometimes for as many as 40 practitioners from their firms.



Do not hesitate to contact membership@arbitralwomen.org, we would be happy to answer any questions.