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Promoting the work of women in the arbitration community

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Arbitration analysis: Anniversary celebrations are taking place this year to mark 20 years of the ArbitralWomen network. Newly elected president Rashda Rana, barrister at Thirty Nine Essex Street, discusses the challenges faced by women in the profession as well as ways to overcome them.

How did you become involved in arbitration?

I have been involved in arbitration since coming to the Bar in 1990. At that time, construction arbitration was very common both on domestic and international levels. When I moved to Australia, I continued to appear as counsel in domestic and international arbitration focusing my practice in the Asia Pacific region. Then, about 14 years ago, I started sitting as an arbitrator as well.

I have taught international arbitration courses at a variety of levels including undergraduate university level as well as Diploma level for experienced practitioners. I have also written a textbook on international commercial arbitration and am currently writing two books for LexisNexis in Singapore.

Are women in arbitration facing any particular challenges?

The position of women in arbitration is no different from women in other spheres of endeavour or professions. The same prejudices and misconceptions about ability and skill exist. Since most practitioners are lawyers, the same difficulties are faced by women in arbitration as in the legal profession generally. We still see the gradual decline in numbers of women in the professions as they reach more senior levels. The now universal figure of more than 50% law graduates at university level continues to dwindle as they progress upwards on the professional ladder. This applies equally to senior practitioners and arbitrators. Of course, things are getting better but very slowly.

In my experience, support and encouragement are key to helping anyone achieve success in their chosen field. This is particularly the case with women who:

- o are often overlooked or passed over
- o sometimes feel the need to stop work for family reasons when the same is not expected to the same degree of men

The support I am talking about needs to come from all sides such as family, husbands, partners, colleagues, supervisors and, of course, other practitioners whether male or female. This is not to be misconstrued as 'merely a feminist agenda'. For instance, my career has been supported by many male colleagues because they were the ones who were in the right positions to be able to help. I like to think of it more as a question of equality. There is no justification for women to be seen as second class citizens. But, sadly, at times people lapse inexplicably into that way of thinking. At ArbitralWomen, we aim to remind everyone of this simple truth.

What do you see as the key aim of the ArbitralWomen network?

Our main objective is the promotion of women in dispute resolution around the world. We aim to achieve this through:

Mentoring schemes

These help to put women together so a junior member can learn from an experienced practitioner in the relevant field.

Financial assistance

Female mooted teams from developing and emerging nations have little help from their tertiary educational institution. These women simply would not have the chance to participate in the moots at all if it were not for our assistance.

Ensuring equality of representation at conferences

Some of our work involves cajoling conference organisers to ensure equality of representation on speaking panels. The under-representation is often not intentional and, from experience, most organisers have rectified it when we have pointed this out by ensuring there are women speakers too. We are not pressing or looking for token representation. We recommend or nominate names to them who are every bit as experienced and reputable practitioners as the men participating on the panel.

Forms of sponsorship

Events most importantly promote networking among women so that they get to know each other and become more active in helping and supporting each other. We will be having a rolling series of events to mark our 20 years beginning with a Gala Dinner on 9 September 2014 at London's Imperial War Museum followed by events around the world. We also have our now traditional breakfast on the first morning of the International Bar Association, this time in Tokyo, at which we warmly welcome men too! Events such as the breakfast help us to showcase our members among their peers (men and women). These breakfasts are usually very topical and therefore very well attended. This year we are looking at 'Asian Perspectives on Party Representation'.

ArbitralWomen is celebrating 20 years since its informal beginning--what have been the biggest achievements?

Still being here is a big achievement, as well as remaining relevant and thriving with more and more members each year. Remaining relevant is in one sense sad since it shows there is still a need for ArbitralWomen to continue its work. But remaining relevant is also significant in a positive sense, as we are helping more and more women find a voice and make their presence felt on the world stage. The biggest achievement is our ability to promote and celebrate the significant contribution and greatness of women in dispute resolution.

What tasks have you set yourself in your new role as president of ArbitralWomen?

Continued growth is one of my main tasks and reaching out to a more diverse group of women in dispute resolution both geographically and professionally. Alternative dispute resolution is enjoying a golden age and I want as many women as possible globally to benefit from it. We hope to find different ways to help support those who need it, such as for women in developing nations to help them grow to their full potential.

The challenges will still be there and we will need to devise ways to overcome them and employing new strategies. Together with my brilliant new board, I am exploring the different ways to achieve our aims--keeping women connected to other women and finding other ways of doing what we do and doing it well. We have successfully introduced a blog jointly with Kluwer and we are looking at sponsoring worthwhile causes and raising more funds to help us carry out our work.

How do you see the future of arbitration?

The future of arbitration is rosy! Arbitration, especially international arbitration, continues to grow at a healthy pace around the world. Increased global commercial activity and the ensuing growth in cross border transactions bring with them the increased likelihood of disputes. On an international plane, international arbitration remains the preferred means of resolving those disputes.

At ArbitralWomen, we are focused on dispute resolution as a whole and not on arbitration alone:

- o mediation is fast catching on, as it gives parties greater control over the process and over the outcome of their dispute
- o other forms of dispute resolution both contractual and statutory, such as adjudication, are beginning to give arbitration a run for its money

Women are involved in all these processes so we hope to see the involvement of women grow with the growth of each form of dispute resolution.

Rashda Rana is a barrister, arbitrator and mediator with experience as in-house counsel. She became the president of ArbitralWomen in July 2014 and is the past president of the Australian Branch of the Chartered Institute of Arbitrators.

Interviewed by Rachel Moloney.

The views expressed by our Legal Analysis interviewees are not necessarily those of the proprietor.